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**UNITED STATES DEPARTMENT OF AGRICULTURE**

**IN RE:**

**NATIONAL ORGANIC STANDARDS BOARD**

Meeting held on the 14th day of May, 2003

at 8:00 a.m.

Austin, Texas

TRANSCRIPT OF PROCEEDINGS

**BEFORE: DAVID CARTER, CHAIRMAN**

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

May 14, 2003

MR. CARTER: National Organic Standards Board.

I am circulating to the Board a summary of the discussion yesterday as per a conversation with the program on Monday. We're going to try to generate a daily discussion recap here. It won't serve as any kind of substitute for minutes, but look that over and see if we've captured what you provided with any accuracy yesterday, and then we'll make changes accordingly. Okay, we are going to go into the public comment portion. Again, the same rules apply from our Policy Manual, for those of you that may have not been here yesterday. Let me just recap those. Okay, then it was to be policy for public comment. All persons wishing to comment at NOSB meetings during public comment periods must sign up in advance. Again, we have the sign-up sheet circulating. Persons will be called upon to speak in the order that they signed up. Unless otherwise indicated by the Chair, each person will be given five minutes to speak. Persons must give their names and affiliations for the record. A person may submit a written proxy to the NOB or NOSB requesting that another person speak on his or her behalf. No person will be

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1 allowed to speak during public comment period for more  
2 than ten minutes. That includes with proxy. And as per  
3 our agreement yesterday, for those folks that agreed to  
4 defer their time from yesterday, we will lead off this  
5 morning with Jim Pearce. And if I have my book I'll find  
6 -- and Tom Hardy is second. Well, in fact, we'll lead  
7 off with Jim Pearce speaking for a proxy that was  
8 submitted by Tom Hardy. How's that?

9 MR. PEARCE: Well, no, I'm going to speak from  
10 my -- from yesterday...

11 MR. CARTER: Okay.

12 MR. PEARCE: ...but then if you could put that  
13 towards the end so I can finish my notes per...

14 MR. CARTER: You'll be our budget historian,  
15 okay.

16 MR. PEARCE: Budget historian.

17 MR. CARTER: Then Brian McElroy will be  
18 second.

19 UNIDENTIFIED SPEAKER: He's not here.

20 MR. CARTER: Okay, then Leona Hood will be  
21 second.

22 MR. PEARCE: All right, are we all set here on  
23 the sound?

24 MR. CARTER: Yeah.

1                   MR. PEARCE: Okay, welcome to the Austin,  
2 Texas NOB, NOSB, NOP staff, members of the press, peanut  
3 gallery. Welcome, especially, to you, Andrea Caroe,  
4 long-time peanut, now sitting at the big kids=table.  
5 Especially pleasing to address a full roster of the  
6 Board, a phenomenon that I cannot remember for several  
7 years. Ironically, my boss is missing from the Board.  
8 For the record, I am Jim Pearce, self-proclaimed  
9 certification czar in Organic Valley, the largest member  
10 owned organic farmer cooperative in the known universe.  
11 A group that I've come to think of as a bunch of  
12 collective wackos for reasons that I will make clear to  
13 you. I've titled this little sermon as, ~~A~~The Cow With  
14 Three Little Eyes.@ Here we are in the post-victory  
15 glow from winning the epic Martin Luther Kingesque ~~A~~We  
16 shall overcome@movement against the evil midnight rider  
17 of the backroom dealing Macon deal. Once again, there's  
18 a second proposed rule in the outdoor access for  
19 livestock issue. Response from the organized zealots  
20 was swift, accurate and overwhelming. So amongst the  
21 tickertape and confetti of the repeal of Senate ominous  
22 spending bill Section 771 party, I plucked a quote which  
23 I squirreled away in anticipation of this moment. Here's  
24 the quote. ~~A~~The message is clear. Don't mess with

1 organic standards.@ People are willing to fight for  
2 what is of value to them. Now, from the time I first  
3 read this, until a couple of nights ago, I thought this  
4 arrow of wit was launched by the esteemed Senator from  
5 Vermont and organic champion, Patrick Leahy. It was  
6 not. It should be credited, instead, to Brian Leahy,  
7 esteemed Executive Director of CCOF. But it's still a  
8 good quote, regardless of author. Listen to it again,  
9 but first get a mental picture of this recently released  
10 flow chart, the one that proclaims that if a farmer  
11 transitioned a dairy herd using 20562632I8020 feed  
12 exemption after October 21, 2002, they'd have to raise  
13 all replacement heifers from the last herd of  
14 distinction. But if they transition before October 21,  
15 or if they transition using 20523682, those can ignore  
16 those pesky requirements, the rules on preamble, NOSB  
17 recommendations of 1995, 2002, and the NOTA, and forever  
18 buy conventional animals of unknown origin and  
19 transition them to organic. The message is clear. Don't  
20 mess with organic standards. People are willing to  
21 fight for what is of value to them. Now, public comment  
22 is for NOSB, then stop the clock for a minute because I  
23 want to direct some comments to Mr. Mathews, Mr. Pooler,  
24 Ms. Robinson, and the rest of the NOP staff. This

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1 interpretation is wrong. It needs to be corrected.  
2 This horse or cow, the cow with three eyes, as the case  
3 may be, is not dead, will not die and, in fact, we're  
4 going to beat it until you change this rule to reflect  
5 its original, never-wavering intent. I started out by  
6 referring to my 400 dairy farmer employees as slightly  
7 nuts. And here's why. Hard as I try, I cannot think of  
8 another private sector group being regulated that  
9 continuously demands tougher regulations be inflicted  
10 upon themselves. If this is about clean water, land  
11 use, or wetland development, the goal from the private  
12 sector is always weaker standards. Think about it.  
13 Here you've created a loophole literally big enough for a  
14 herd of cattle. Organic dairy just got a whole lot  
15 easier. They should be thrilled. Instead, as  
16 ridiculous as it seems, these people, to the last man,  
17 along with almost every single certifier, are adamant  
18 that you make their life tougher. Fortunately, you've  
19 chosen to surround yourself with a very capable National  
20 Organic Standards Board. Listen to your chosen citizens=  
21 advisory panel. They've traveled from all walks of life  
22 to get here, to represent their constituents, and to  
23 offer you their collective wisdom, I hope. Now, back --  
24 why isn't -- well I don't intend to let it be. You

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1 probably don't need me to point out that your two-day  
2 agenda looks about as plausible as six-day creation,  
3 which means that it can be done with proper focus and  
4 cooperation. What concerns me is how many of these  
5 issues you plan to decide are the result of last-minute  
6 decisions based on last-minute information released to  
7 you. Of the 15 materials on this agenda, six are not on  
8 the web site. Decisions made in such haste are  
9 inherently unfair to the public and to the petitioners,  
10 who have not had time to even read, let alone comment to  
11 the TAPS. I will remind you that the only man to have  
12 all his work done by Friday was Robinson Crusoe. I very  
13 much appreciate your written presentations of written  
14 material dot recommendations. It's a smart idea, and one  
15 reason that if any analysts b-board deal with 15  
16 materials in a meeting, you can. God bless you. Thank  
17 you for the hard, often thankless, work and for hearing  
18 me through.

19 MR. CARTER: Questions? Questions?

20 MR. PEARCE: I didn't think so.

21 MR. CARTER: Okay. Yes, Leona Hood, followed  
22 by Toni Better.

23 MS. HOOD: I think we need to appoint him the  
24 official fool. I have to follow that? I'm not that much

1 of an educator then. And I -- you all have my detailed  
2 comments. I'm Leona Hood, with the National Campaign for  
3 Sustainable Agriculture. You have my detailed comments,  
4 and I am inspired to speak after yesterday. Once again,  
5 to thank you for all of your hard work, and to look at  
6 the deliberations in front of you, and just to say that  
7 what we out here in the public really rely on you to  
8 protect the integrity of organic in really, the most  
9 fundamental ways. Your audience is significantly more  
10 than those of us who can afford to be here and to come  
11 to these meetings, and who have, who, for some reason,  
12 we just love to hear all of this twice a year, or three  
13 times a year. But they're consumers, and farmers,  
14 environmentalists, and others, who have no idea of the  
15 myriad of chemicals, synthetics and otherwise, that are  
16 in their organic food. And whether or not this is  
17 right, that they know it, or that they don't know it,  
18 they have an idea what organic means. And I ask you to  
19 remember that, to remember that that standard is  
20 probably higher than what we can possibly have in  
21 organic. Consumers really want their food to be clean,  
22 for whatever that means. So also know that we hope that  
23 the pressure that you feel to approve materials from the  
24 industry is, for a lot of reasons, because they need

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1       them to get the food that we really want to have, and  
2       because it's an economic imperative that you feel that  
3       pressure because those are the folks who can come here  
4       and pressure you. But that your job is to consider  
5       materials and have all the information in front of you,  
6       and that we hope that you don't have it, and if it takes  
7       three meetings, and it takes two years before you get  
8       all the information in front of you, that is what you'll  
9       do, because the -- because the pressure from the  
10      consumers, environmentalists, and everyone who eats  
11      organic food is also out there. It's just not right here  
12      in this room. So I implore you to wait until you have  
13      all the information you need. And then I have complete  
14      faith that you'll do it because you are all a really  
15      great Board, and I appreciate all the hard work that you  
16      do. Thanks.

17               MR. CARTER: Thank you, Leona. Okay, Toni  
18      Better, and then -- okay, followed by Karen, it looks  
19      like Ballthrup [ph].

20               MS. BETTER: Good morning, and thanks for the  
21      opportunity to provide comments to the NOSB. My name is  
22      Toni Better. I live in Austin, and I'm speaking today on  
23      behalf of the 2,000 members of the Northwest Coalition  
24      for Alternatives to Pesticides. Many of NCAP's members

1 are enthusiastic consumers of organically grown food and  
2 would like to address the issue of so-called inert  
3 ingredients in pesticide products that are used by  
4 organic growers. I'll start by simply reminding everyone  
5 here about the definition of inert in pesticides. It  
6 does not mean chemically, biologically or  
7 toxicologically inert. Instead, it is defined by our  
8 Federal Pesticide Law. It includes everything in a  
9 pesticide which manufacturers and regulatory agencies  
10 have not classified as active. Inerts are used in  
11 pesticide products to make them more potent or easier to  
12 use. Many of the synthetic chemicals used as inert  
13 ingredients cause a variety of hazards to human and  
14 environmental health. The National Organic Standards  
15 recognize these hazards and chose to allow only a  
16 relatively small list of inert ingredients to be used in  
17 products acceptable for use in organic production  
18 without undergoing review by the NOSB. This list is  
19 those classified by the U. S. Environmental Protection  
20 Agency as inerts of a minimal concern. NCAP and our  
21 members believe that it is critically important for the  
22 NOSB to maintain the strength of the policies about  
23 inerts established in the National Standards. The  
24 organic industry is successful because of the trust that

1 exists between industry and consumers. Consumers are  
2 willing to pay a premium price for organic food and  
3 cosmetics in order to provide healthy food for  
4 themselves and their families and to support sustainable  
5 agricultural practices. In order to maintain this  
6 trust, consumers must feel confident that synthetic  
7 materials incompatible with organic farming are not  
8 being used by organic growers. Some pesticide products  
9 traditionally used by organic growers are not currently  
10 in compliance with the National Standards. These  
11 products should be dealt with on a case-by-case basis,  
12 and when necessary, pesticide manufacturers given  
13 additional time to bring their product into compliance  
14 with the standards. The standards in the National List,  
15 however, need to remain strong in order to maintain the  
16 consumer trust on which the organic industry is based.  
17 Thank you.

18 MR. CARTER: Okay, Karen, and then followed by  
19 John Lankford.

20 MS. BALLTHRUP: Hi! Good morning to everyone.  
21 I'm Karen Ballthrup, and I'm also speaking on behalf of  
22 the 2,000 members of the Northwest Coalition of  
23 Alternatives to Pesticides. We really appreciate this  
24 opportunity to provide comments to the NOSB about the

1 issue of inert ingredients in pesticides used by organic  
2 growers. Many synthetic, inert ingredients are  
3 chemicals that most consumers would be surprised, if not  
4 horrified, to be seen used in organic production. And  
5 I'll just give one example. Consider it naphthalene.  
6 This chemical caused lung tumors in laboratory tests  
7 conducted by the National Toxicology Program, and  
8 according to the National Library of Medicine,  
9 naphthalene exposure also caused headaches, lethargy,  
10 nausea and anemia. Children are particularly vulnerable  
11 to the anemia caused by naphthalene. And probably most  
12 important, from the perspective of maintaining the  
13 integrity of the organic industry, naphthalene is  
14 actually also used as the active ingredient in 14  
15 pesticides, including mothballs. NCAP thinks it is  
16 critically important to avoid giving national media the  
17 opportunity to indict the organic industry for using a  
18 chemical with hazards like naphthalene. Maintaining the  
19 strong policies about inert ingredients currently in the  
20 National Standards is extremely important. I'd also like  
21 to talk about what's coming up for the issue of inert  
22 ingredients. As you know, under the 1996 Food Quality  
23 Protection Act, the U. S. Environmental Protection  
24 Agency is reviewing pesticide chemicals as an ongoing

1 process, including inert ingredients. And according to  
2 this law, the review must be completed by August, 2006.

3 EPA has indicated that as part of that review, many  
4 more chemicals used as inert ingredients will be moved  
5 to the inerts of minimal concern that Toni was speaking  
6 of, which is the list of inerts that the National  
7 Standards currently identifies acceptable for use in  
8 organic production without NOSB review. It is likely  
9 that many chemicals that are truly incompatible with  
10 consumers=definition of organic will be moved to this  
11 minimal concern list. So NCAP believes that this means  
12 that NOSB will need to carefully review the inerts issue  
13 in coming years. Again, we thank you for your  
14 continuing dedication in maintaining the integrity of  
15 organic produce here. Thank you.

16 MR. CARTER: Question? Thank you.

17 MR. RIDDLE: Yeah.

18 MR. CARTER: Karen, if you'd stay there...

19 MS. BALLTHRUP: Okay.

20 MR. CARTER: ...I think we have a question  
21 from...

22 MR. RIDDLE: ...Jim. Yeah. Yeah, I, well,  
23 first, appreciate your comments, and making it clear  
24 that inert does not mean benign, or passive, or not

1 harmful. Two things. One is just to make it clear that  
2 if there are inerts on list four, they can be petitioned  
3 and specifically prohibited for use in organics. So if  
4 you review list four, you could submit a petition. You  
5 know, find some particularly objectionable materials.  
6 Those could be excluded. So that's one thing. And the  
7 other, you gave an example of naphthalene. What list is  
8 that on?

9 MS. BALLTHRUP: I do not...

10 MR. RIDDLE: Do you know?

11 MS. BALLTHRUP: ...I do not know, exactly...

12 MR. RIDDLE: Okay.

13 MS. BALLTHRUP: ...but I can get that info and  
14 get it to you. I can get to you later in the day.

15 MS. OSTIGUY: I believe list two.

16 MR. CARTER: Just a second. Nancy, go ahead.

17 MS. OSTIGUY: I believe it's on list two, but  
18 it certainly isn't approved.

19 MR. RIDDLE: Uh-huh. Thanks.

20 MS. BALLTHRUP: Okay.

21 MR. CARTER: Okay, John Wallingford, followed  
22 by Lisa Engleburt [ph].

23 MR. WALLINGFORD: Good morning. Thank you.  
24 My name is John Wallingford. I'm with Wyeth Nutrition

1 outside of Philadelphia. We manufacture infant formula.  
2 And I'm here to put forward to you to get a proposal  
3 that would revise some of the criteria for listing  
4 ingredients that might be used in organic products.  
5 Wyeth Nutrition has manufactured infant formula for  
6 about 80 years, and we've got a significant investment in  
7 research about the human nutrition requirements of  
8 infants. Personally, I've been involved in studying the  
9 pediatric nutrition requirements for about 25 years in  
10 graduate school, and then for 10 years as a reviewer  
11 with the Food and Drug Administration. And now  
12 recently, with Wyeth Nutrition. You know, there's a  
13 separate act that governs the composition and labeling  
14 of infant formula. The Infant Formula Act, that U. S.  
15 Congress passed in 1980, and it's been amended since  
16 then. It particularly lists the nutrients that must be  
17 required in infant formula, the levels that you must  
18 meet, and maximums you must not exceed. And that is  
19 subject to amendment here and there. FDA does entertain  
20 new infant formula submissions that have ingredients not  
21 previously used in formula, and they consider, on a  
22 case-by-case basis, whether or not they should be  
23 permitted. So there's, actually, a rather rigorous  
24 review that's undertaken before any substance could be

1 added to infant formula, both to determine that it's safe  
2 for use, and also that it has a benefit to the infant.  
3 Now, in my case, we're talking about nutrients, not inert  
4 substances, not synthetic chemicals for other processing  
5 uses. We're talking about nutrition of babies. And what  
6 we have now in front of us is an interest in developing  
7 an infant formula, but we have ingredients in our  
8 product that we use in the non-organic formula that  
9 would not be permitted because they're not listed. Some  
10 of the ingredients are not listed as allowed for use in  
11 infant formula or organic. They actually think it's a  
12 difficult choice that a mother might have to make.  
13 Mothers that would choose to breast feed are likely to  
14 be choosing organic products. They're actually intent to  
15 have their babies get the most wholesome food. We, in  
16 the nutrition science arena, have developed infant  
17 formulas to be as comprehensive and nutritional  
18 providing to the infants as possible. I, myself, have  
19 done some work to identify the protein composition of  
20 human milk that we can use as a guide to devise the  
21 protein composition of infant formula. And I could tell  
22 you there are 400 different proteins in human milk. It's  
23 not just whey and casing. Similarly, there's more than  
24 130 different carbohydrate varieties in human milk.

1 Now, for us to go and attempt to list each one of these  
2 components as science allows us, and manufacturing  
3 allows us to add them to formula, would bring me here to  
4 this meeting, well, every six months, with a long list  
5 of items. And so what I'm proposing that you consider  
6 today is that instead of making an item-by-item decision  
7 about whether a substance could be listed, that you  
8 defer that decision making, that technical decision  
9 making, to FDA, where the legislation and the rules are  
10 in place. 21 C.F.R. 106 and 107 govern the composition  
11 of infant formula and the technical review that's  
12 undertaken at Food and Drug. We believe it should be  
13 sufficient for you to decide whether or not a substance  
14 could be permitted for use in organic infant formula.  
15 Now I would point out that we're talking about micro  
16 nutrients here. More than 98 percent of the product that  
17 we could put together today we could put together from  
18 organic sources, so that 2 percent of the product, those  
19 little trace elements, are the ones that we're interested  
20 in you addressing here. There is actually a precedent  
21 in the organic rules for deferring to FDA on other  
22 technical issues. For example, in the food additives  
23 rule, there's a deference to what FDA has already  
24 determined to be appropriate additives. In the plant

1 augmentation, you can allow addition of micro nutrients  
2 for organic crop production. And, finally, in organic  
3 livestock, your provision for livestock healthcare  
4 practice standards allows for the addition of micro  
5 nutrients that would include vitamins, minerals,  
6 protein, amino acids, fatty acids, energy sources and  
7 fiber. So there's actually a good number of examples in  
8 the organic legislation where micro nutrients such as  
9 what we're talking about today could be added. And what  
10 we would like is for an amendment specific to the  
11 provision of 205.605(b)(19), that now reads that you can  
12 add nutrient, vitamins and minerals according -- in  
13 accordance with 21 C.F.R. 104.20, nutritional quality  
14 guidelines, and now amend that to say more nutrients  
15 permitted in accordance with 21 C.F.R. 106 and 107. Any  
16 questions?

17 MR. CARTER: Okay, thank you. Questions?

18 MS. BURTON: You want me to comment. She's  
19 trying to put stuff in my brain. Just a couple things.

20 One, you would need to petition if you want us to amend  
21 the National List in any way, so you can petition to  
22 have that annotation changed. So that's what I would  
23 recommend that you do. The other thing is that this  
24 rule, it is my understanding, that this rule does not

1 supercede any other FDA regulations, that if you're  
2 required to put something into a food by another law,  
3 that supercedes the NOP Rule. So...

4 MR. WALLINGFORD: Okay. Thanks.

5 MS. BURTON: ...perhaps, you would just need  
6 to get that clarification.

7 MR. WALLINGFORD: I think the distinction that  
8 I'm trying to raise today is that we're not dealing with  
9 the things that are necessarily required, but which have  
10 gone under review and are permitted.

11 MS. BURTON: Then you need to petition.

12 MR. WALLINGFORD: Point by point?

13 MS. BURTON: Yes. Well, petition. You can  
14 petition to amend that annotation, if that's what your  
15 recommendation was.

16 MR. WALLINGFORD: Right. Yeah, it could be a  
17 category.

18 MS. BURTON: Yeah, like whatever, the micro  
19 nutrients or whatever your amendment would -- amendment's  
20 for.

21 MR. WALLINGFORD: Thank you.

22 MS. BURTON: Does that cover it, Andrea?

23 MS. CAROE: Yeah, I just wanted to make sure.

24 MR. CARTER: Okay, thank you, John. Okay,

1 Lisa Engleburt.

2 UNIDENTIFIED SPEAKER: She's reading -- you  
3 were reading that, weren't we?

4 UNIDENTIFIED SPEAKER: Yeah, you read her  
5 comments yesterday. Did she submit more?

6 MR. CARTER: Well, she signed up. Her name is  
7 signed up today, so that's -- okay. All right, Carol  
8 King. Also read yesterday. Okay. John -- okay, and  
9 then it was followed up...

10 MR. AMAYU [ph]: Amayu.

11 MR. CARTER: Amayu? There we go. Followed by  
12 Tina Eller [ph].

13 MR. AMAYU: Good morning. Thank you for  
14 giving me this opportunity again. Last night we met  
15 with the Crops Committee, and it became quite clear that  
16 unless details of the active ingredient of the  
17 Tetrahydrofurfuryl alcohol petition were released, the  
18 inert ingredient petition would not be favorably  
19 considered. This is attributable to the fact that  
20 unless it was known that other products with the  
21 approved list for active ingredients were or were not  
22 available for a specific use for the number 6 of the  
23 criteria to be satisfied. To overcome this roadblock,  
24 I'm providing you copies of our product label to this

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1 Board. I've also, last night, provided copies of all the  
2 NEMAX-backed products that are on the current approved  
3 list and what their listed claims are. I hope the Crops  
4 Committee had a chance to review them and this is the  
5 summary of what I thought we felt it was from our  
6 perspective. The AMDAC lean carb ecosyn [ph] is much  
7 broader label than other currently lean products  
8 existing in the marketplace. We can offer an organic  
9 farmer a legal option to use on crops against insects  
10 not listed by the products. I have a letter here that  
11 is being circulated from the leading crop consultant in  
12 the Pacific Northwest, who is a crop advisor on apples,  
13 pears and other organic crops, attesting to the fact  
14 that ecosyn is the product of choice, and now he's forced  
15 to use other products, but not in his first choice,  
16 leading to an 80 percent decline in sales this year  
17 alone. AMDAC lean carb ecosyn is the only product, and  
18 I emphasize the word only, product that lists plant  
19 nematose [ph] such as root rot nematose, golden  
20 nematose, ring nematose and so forth. To my knowledge,  
21 there are very, very few numaticides [ph] available to  
22 the organic grower. And this product fulfills such a  
23 need. AMDAC's products for the mushroom industry, which  
24 is labeled as Amazon, is now or was the preferred

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1 product, mainly, as I mentioned before, because of the  
2 superior formulation and the excellent dispersion  
3 characteristics imparted by the THFA's inert  
4 ingredients. The product stays in suspension longer,  
5 does not fall into solutions, does not cream, is very  
6 compatible and very stable. Ms. Tina Eller of Billet  
7 Mushroom farms, was the technical advisor, will be  
8 providing information on this later. In a nutshell,  
9 Tetrahydrofurfuryl alcohol is a unique solvent, and the  
10 entire industry at large agrees it is a Agreen@solvent.

11 It is made from recycled corncobs, sugarcane gas and  
12 other peno-sandwich [ph] organic refuse. It fits the  
13 profile of a solvent, is compatible to sustainable  
14 agriculture. It is readily degraded in soil and has a  
15 half life of 13 hours. The EPA has exempted THFA from  
16 the requirement of food tolerance, and it's very likely  
17 that EPA will reclassify this current listing, list  
18 three inert ingredients, as a list four in the near  
19 future. Such a petition is pending at the agency, and  
20 one of the chances that -- and it's also, THFA is listed  
21 as a -- everything that can be added to the food list on  
22 the FDA list. And what are the chances of an APHIS-  
23 approved product to be put on the list too. So chances  
24 are it will be a list four in the near future. It is

1 also naturally occurring, that TAP never picked up on  
2 this. It is naturally present in mango oils, lavender  
3 oils and fermented soy products. There are  
4 pharmaceutical uses and potentially approval of this  
5 inert will allow organic pharmaceutical uses as well.  
6 THFA has gone through an extensive review by the FDA and  
7 identified no concerns with human health or the  
8 environment. THFA has been proposed to use in extremely  
9 low use rate prior to harvest, no post-harvest uses, at  
10 a rate of .0005...

11 MR. CARTER: All right.

12 MR. AMAYU: ...ounces per square foot. I'm  
13 done. I want the rest of the Board members to work  
14 with...

15 MR. CARTER: Your time is up.

16 MR. AMAYU: Oh, sorry. Thank you.

17 MR. CARTER: Questions. Any questions? Okay.  
18 Thank you. Okay, Tina Eller, followed by Lucina  
19 Lampella [ph].

20 MS. ELLER: Good morning. I'm Tina Eller from  
21 Billets Mushroom Farm, and I thank you for the  
22 opportunity to speak this morning, although I really  
23 didn't want to, but Dave convinced me, so that I can go  
24 on record here. Something I heard yesterday compelled

1 me to remind you, gently and respectfully, don't forget  
2 mushrooms.

3 MR. CARTER: Just, yeah, speak into the  
4 microphone, please. Thanks.

5 MS. ELLER: Okay, is that better?

6 MR. CARTER: Yeah.

7 MS. ELLER: Okay. Right. Got it. Unless you  
8 think I'm annoying you with trivia, in a state,  
9 Pennsylvania, where agriculture is still the number one  
10 industry, mushrooms are the number one crop. And the  
11 latest statistics I have with me, in 1999/2000, there  
12 were 11.8 million pounds of organic mushrooms grown in  
13 the U. S. What got me all in a twist yesterday was  
14 something I heard on a suggested hydroponics standard,  
15 that you don't certify anything not based on soil. And  
16 it did say compost would be okay, but there's lots of  
17 mushrooms, of course, that are grown on wood, and wood  
18 products, and other kinds of lignocellulosic [ph] waste,  
19 and that would, of course, exclude them being certified.  
20 And the other issue I wanted to bring up that, contrary  
21 to what some people think, there is no mushroom  
22 standard, and there is no guide stock in it for  
23 mushrooms. There is a recommendation. We are certified  
24 under the crop standard, and we're doing the best we can.

1 As a lot of certifiers can tell you, it's hard to apply  
2 those -- those standards consistently to mushrooms. And  
3 then there's a lot of inconsistencies. In an ideal  
4 world, we'd have a reasonable and applicable mushroom  
5 standard. But we don't. So what I'd like you to urge --  
6 what I'd like to urge you to do is every time you  
7 consider a crops issue, don't forget the mushrooms.  
8 Okay? The American Mushroom Institute, which is the  
9 trade organization for mushroom growers, has an organic  
10 working group made up of certified organic farmers. When  
11 you have questions about mushrooms, give them a call.  
12 You want to talk to Laura Phelps. And for the record,  
13 here's her phone number. It's 202-842-2345. Or I urge  
14 you to talk to Leslie Zook, Pennsylvania Certified  
15 Organic, because she's become an expert, whether she  
16 wanted to or not, on certifying mushrooms. And last but  
17 not least, I want to put in a word for Amazon, because  
18 John asked me to do that. I talked to my grower about  
19 this yesterday and, Amazon is a product that we were  
20 using. And once it came off the list, of course, we  
21 couldn't use it any more. And we were very disappointed  
22 about that because, of all the new products out there,  
23 and there are a lot, Amazon really worked the best for  
24 us. And Hearing John talk yesterday, I finally realized

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1       why. But we know that when we use Amazon, we know that  
2       what amount we use, we will get the expected results.  
3       Now, when we apply a new product, sometimes we do,  
4       sometimes we don't. Sometimes we have to apply more than  
5       one. So that's just a word I wanted to put in for Amazon  
6       and John's product. And thank you very much.

7               MR. CARTER: Okay. Thank you, Tina.

8               MR. BENDELE: Yes. We're soon...

9               MR. CARTER: Tina, if you'd say.

10              MR. BENDELE: Yeah, Tina, the reason why we  
11       didn't really discuss mushrooms yesterday under the  
12       hydroponics issue is because we did -- the Board did  
13       submit, some time ago, some recommendations regarding  
14       mushrooms, so because mushrooms were not mentioned in  
15       that does not mean that we didn't consider that...

16              MS. ELLER: Right.

17              MR. RIDDLE: ...or the certification.

18              MS. ELLER: Right. But I'd just like to say,  
19       we are certified under the crop standard, and although  
20       certifiers do the best they can, if there's language in  
21       there that would exclude you guys, you know, certifying  
22       non-soil-based things, then that would effect us. And I  
23       just wanted to point -- I just wanted to point that out.  
24       No offense, I hope.

1                   MR. CARTER: All right, thank you, Tina. We  
2 have is it Lucina?

3                   MS. LAMPELLA: Yes.

4                   MR. CARTER: Okay, and then Ervashi Regan  
5 [ph].

6                   MS. LAMPELLA: Good morning. My name is  
7 Lucina Lampella. I'm a food scientist. I work for  
8 Prayon [ph], Inc. Prayon is a member of the  
9 International Food Additives Council, the petitioner for  
10 sodium acid pyrophosphate as an approved leavening  
11 agent. And to discuss a little bit more why it is  
12 important to consider sodium acid pyrophosphate as a  
13 leavening agent. It is because it has some very unique  
14 properties, particularly to the dough rate of reaction.  
15 This is where we monitor the development of carbon  
16 dioxide, a leavening gas, which when heated, expands  
17 with moisture and produces the texture of baked  
18 products. What we do when we manufacture sodium acid  
19 pyrophosphate is that we adjust the rate of the product  
20 so that we have controlled leavening. By that, we have  
21 a very slow acting sodium acid pyrophosphate that we  
22 would use in refrigerated dough. That's something that  
23 we can't have. It has to be in the refrigerator case for  
24 a matter of weeks, and we can't have further expansion,

1 violating the integrity of the product. It is then  
2 activated under heat produced to rise. We have SAPP 28,  
3 which is slightly faster, and this has a value in wheat  
4 tortillas, for example, and home bakery powders. SAPP  
5 40, which is a faster. And 40 means the amount of  
6 leavening gas that is generated. This is faster, and  
7 this would be used in quick breads, muffins and certain  
8 cookies. And then we have a slightly faster rate that  
9 we would be used cake donuts. The current products in  
10 the marketplace that are approved, monocalcium  
11 phosphate, monohydrate, reacts far too quickly, so we  
12 couldn't use it in refrigerated biscuits. It would react  
13 too quickly for any sort of tortilla application, and  
14 far too quickly for a cake donut. Dicalcium phosphate  
15 dual hydrate is currently approved, but that is only  
16 used in mixed combinations where it is heat activated  
17 when the temperature of the good in the oven exceeds 140  
18 degrees Fahrenheit, so it's late-in-the-cycle reactivity  
19 that gives a rise or a crown to a product. And it can  
20 also be used in certain frozen doughs to augment the  
21 yeast activity. But these are products that are unique  
22 to the system, and to the industry, and to products  
23 where we do not currently have organic alternatives  
24 readily available. Sodium acid pyrophosphate is

1 generally recognized as safe by the Food and Drug  
2 Administration. In addition, attempts to use too much  
3 of this, more is better, just will not work because it  
4 can be self-limiting by off flavor and off color. With  
5 regard to health consequences, probably the most well-  
6 known report was the FAS Report in 1976; however, a  
7 number of reports have been issued since then, and we  
8 look at a study that was published in Food Chemical  
9 Toxicology in the Year 2002, Myra Weiner, which verified  
10 again and updated the literature review on the safety of  
11 phosphate consumption. The IFAC, International Food  
12 Additive Council, Phosphate Subcommittee, is also  
13 looking at the viability of phosphates and studying  
14 those. And there have been researches published as  
15 recently as 2002 on that topic. Also, the International  
16 Food Additives Council has looked at, through its member  
17 manufacturing companies, pound surveys and the  
18 disappearance of phosphates. And that was from 1990 to  
19 98, and the disappearance of the food phosphates has  
20 remained flat in population growth. Thank you very  
21 much.

22 MR. CARTER: Okay. Questions?

23 MR. O'RELL: Can I just?

24 MR. CARTER: Yes.

1                   MR. O'RELL: One of the things in the -- in our  
2 discussion yesterday, in the TAP review, that wasn't  
3 addressed was the nutritional quality of the food. Is  
4 it maintained with the addition of sodium acid  
5 pyrophosphate? What would be the nutritional effect on  
6 the food? Do you have that?

7                   MS. LAMPELLA: The nutritional impact on the  
8 food, would it be detrimental? no. Would it be  
9 enhanced by sodium acid pyrophosphate? Could you say  
10 nutritional value? That would be, you know, you'd have  
11 some contribution of sodium phosphorus. But are we  
12 really looking at it's more of a textural issue, where we  
13 have enhanced properties, and we have enhanced variety  
14 of product in the marketplace.

15                   MR. O'RELL: But, in your opinion, the  
16 nutritional quality would be maintained?

17                   MS. LAMPELLA: The nutritional...

18                   MR. O'RELL: It would be...

19                   MS. LAMPELLA: ...quality would be maintained.

20                   And much is similar where sodium acid pyrophosphate  
21 would be used in other products where the French fries,  
22 for example, where it's not permitted currently. It's  
23 technically a processing aid, and this has been  
24 determined by the World Court. Although it is still

1 used on the ingredient statement within the United  
2 States, because it's removed in subsequent processing,  
3 and has no further technical function.

4 MR. CARTER: Yeah, Jim?

5 MR. RIDDLE: Yeah, I have several questions,  
6 actually. One, the TAP really didn't give us any  
7 information about the status of this material for  
8 organic use in other countries, European Union, for  
9 instance. Do you happen to know if it's allowed?

10 MS. LAMPELLA: As we speak...

11 MR. RIDDLE: Or used?

12 MS. LAMPELLA: ...I have someone trying to  
13 track down people in Europe to get a status. I did have  
14 an update a few moments ago, and it's my understanding  
15 that it's being defined with CODEX right now. And  
16 whatever initiatives there are within Europe, it's pretty  
17 much being driven by the individual countries.

18 MR. RIDDLE: Okay. And yesterday, Kevin  
19 mentioned, I think it was hundreds or thousands of  
20 formulations of various sodium phosphates.

21 MR. O'RELL: Somebody else said thousands.  
22 There may be hundreds.

23 MR. RIDDLE: Okay. But...

24 MS. LAMPELLA: There are...

1 MR. O'RELL: I mean but quite a few.

2 MR. RIDDLE: There's quite a few. And there's  
3 just a very limited number so far that have been placed  
4 on the list?

5 MS. LAMPELLA: Yes.

6 MR. RIDDLE: And you gave a real good help  
7 already, addressed some of the issues as the  
8 alternatives that have already been approved, and how  
9 they function differently. How many -- I mean you  
10 represent the Food Additives Council, right? So this is  
11 the whole umbrella, or you're just -- or you're -- how  
12 many more are we going to be looking at? I mean I say  
13 that in all seriousness. You know, how many functions  
14 can the ones that now adding this one on, you know, are  
15 we covering most of the basic functions that are needed  
16 now if this is added?

17 MS. LAMPELLA: You would be covering many of  
18 the basic functions.

19 MR. RIDDLE: Uh-huh.

20 MS. LAMPELLA: As Kevin pointed out yesterday,  
21 you know, if we're looking at, it mentions in the  
22 petition that SAPP is permitted in processed cheese.  
23 Now, is it really used in a processed cheese  
24 application? To a limited extent. Orthophosphates are

1 used the most predominantly.

2 MR. RIDDLE: Uh-huh, because they're already  
3 being used.

4 MR. O'RELL: Yes.

5 MR. RIDDLE: Yeah.

6 MS. LAMPELLA: SAPP would be used. You know,  
7 orthophosphate, SAPP is a diamond. So what would happen  
8 is it would be used in extremely high temperature. Heat  
9 treatment. It would hydrolyze to the orthophosphate  
10 components. And also, what it would do, if it's -- there  
11 are actually limits on SAPP in orthophosphates used in  
12 processed cheese because it can cause defects. Like if  
13 one is making a sliced-cheese product, it could cause  
14 hardening from the exterior surface, moving inward. So  
15 Jim was perfectly right when -- or Kevin...

16 MR. RIDDLE: Yeah, don't say I was right.

17 MS. LAMPELLA: ...when he said phosphate. I'm  
18 sorry, Jim.

19 MR. RIDDLE: Then my last question, I believe  
20 the recommendation of the Committee is for use as a  
21 leavening agent, correct? But there are other allowed  
22 uses. You know, like you just mentioned, the processed  
23 cheese. What's your response to that draft language of  
24 an annotation for use as a leavening agent for this

1 material? You know, should -- well, the TAP really  
2 didn't get into these other uses. It just mentioned that  
3 they occur. You know, should we be looking at more, or  
4 is this sufficient, in your opinion?

5 MS. LAMPELLA: I hate when technical people  
6 ask me questions.

7 MR. RIDDLE: Don't accuse me of that either.

8 MS. LAMPELLA: Well, then I give the technical  
9 response.

10 MR. RIDDLE: Yeah, right.

11 MS. LAMPELLA: It depends.

12 MR. RIDDLE: That's...

13 MS. LAMPELLA: All right, would we be coming  
14 after SAPP for other applications? I would say probably  
15 -- probably the French fry people would, because it's the  
16 after the par fry. If there is not a flume in a dilute  
17 concentration of SAP, there will be an after-cook  
18 blackening of the surface of the potato. And that's a  
19 sensory defect. And people have an innate perception of  
20 what something should look like, and when it deviates  
21 from that, then there's automatically something wrong. I  
22 dealt with an issue. An auditor was asking a question  
23 at the plant, and someone was saying, well, what  
24 difference does that make? We know it's okay. And I

1 said, no, if you take that Coke in your hand, and you  
2 pour it into a glass, and it's clear, is it right, even  
3 though it tastes good? Oh, no, there's something wrong  
4 with it then. So it's, you know, perception...

5 MR. RIDDLE: Yeah.

6 MS. LAMPELLA: ...is a very big part.

7 MR. RIDDLE: And in that -- and in that  
8 specific application, that's the sequestering action of  
9 the SAP?

10 MS. LAMPELLA: It's the sequestration of iron  
11 to prevent...

12 MR. RIDDLE: To prevent.

13 MS. LAMPELLA: ...a blackened appearance in  
14 the cut surface, and you don't do that.

15 MR. RIDDLE: Yeah, and like I mentioned, our  
16 TAP didn't address that use. And I guess that would have  
17 to be petitioned to change the annotation.

18 MR. CARTER: Okay, you have a couple other  
19 questions. Ann did you -- okay.

20 MS. CAROE: Just a quick question. You  
21 indicated that you had three separate formulas for  
22 different action of this material. How are those  
23 formulations different? What coiffers them and slows  
24 down that gas release?

1 MS. LAMPELLA: I can give you a generic answer  
2 because it's pretty much a proprietary manufacturing  
3 among the different companies. But, typically, what  
4 you'll see is a finite coating of it. Sodium acid  
5 pyrophosphate is weakly soluble in water. And I say  
6 weakly because it's not like certain other phosphates  
7 that are infinitely soluble. So what we do is we'll coat  
8 it, put a fine coating on it, that will be slow to  
9 dissolve in an aqueous or water environment, to delay  
10 the reaction. And calcium would be one of the coating-  
11 type materials that could be used.

12 MS. CAROE: Thank you.

13 MS. LAMPELLA: You're welcome.

14 MR. CARTER: Other questions, comments? Okay,  
15 thank you very much.

16 MS. LAMPELLA: Thank you.

17 MR. CARTER: Okay, Ervashi and then Marva  
18 Holt.

19 MS. REGAN: Good morning again. My name's  
20 Ervashi Regan. I'm from Consumers=Union. I am the  
21 Director of the Eagle Labels Web Site Project there, and  
22 I'd like to talk a little bit about labels. I want to  
23 talk about how labels can mislead consumers. It's  
24 something that we've been doing in that project for the

1 last three years. And there are a number of very  
2 interesting ways that labels can mislead people. One of  
3 them is just to have a meaningless label. To have no  
4 definition behind it, to have no standards, to have no  
5 verification, and to be able to use that label.  
6 Hypoallergenic is a great example of that. Non-  
7 commutogenic, natural. These are labels that absolutely  
8 have no meaning or standards behind them. But there's  
9 another interesting class of new labeling that's coming  
10 out. And it's not so new, but it's a new concept to  
11 describe what they are, which are truthful but  
12 misleading labels. The U. S. Government issued a  
13 discussion paper at the CODEX meeting in May, 2002, on  
14 misleading food labels. And I just want to highlight  
15 the five different ways. And it's complicated, so I  
16 encourage you all to pull out that discussion paper. I  
17 can get that to you to read it. Here are the five  
18 different ways they state you can have a truthful but  
19 misleading label. You can have omission of a material  
20 fact, you can have confusion-based misleadingness, you  
21 can have same attribute misleadingness, which means that  
22 the label on one product area doesn't mean the same thing  
23 as a label on another product area, the same label. You  
24 can have different attribute misleadingness, and then

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1 source-based misleadingness. I won't go into all of  
2 those right now, but I just want to state those to you  
3 to understand that this is a very complex concept that  
4 can be exploited by folks to use misleading labels on  
5 products that are essentially truthful but are  
6 misleading. I want to give some examples of how you can  
7 do that. You can make a claim with a poor definition.  
8 As long as you meet the standards of that poor  
9 definition, you can use the claim. It's truthful, but  
10 it's misleading. Free range is a great example of that.  
11 You can label it free range, but it doesn't mean they  
12 really have the chickens have to go outside for any  
13 defined period in a day. That's truthful to what the  
14 definition is, but it's misleading to consumers.  
15 Similarly, you can create a miss -- truthful but  
16 misleading label by putting loopholes into standards.  
17 And then products certified based on particular  
18 loopholes either may be a certain class of materials are  
19 exempt from review. You can create a product that  
20 contains a label but is essentially misleading because  
21 consumers are expecting something from that product and  
22 not getting it. I'm going to give you some examples of  
23 those. USDA recently proposed a meat marketing labeling  
24 claims, and I've handed that to Nancy Ostiguy. And I

1 really encourage you all to read through those claims.  
2 No detectable antibiotic residue. To a consumer, that  
3 means that that animal was not treated with antibiotics.  
4 Well, that's not what the definition is. The definition  
5 is that in the testing that they used for the meat they  
6 couldn't detect any antibiotic residue. It doesn't go  
7 without saying that FDA also checks meat for antibiotic  
8 residue, but this is sort of an additional claim. Is it  
9 really value added over the conventional product? It  
10 isn't. Again, another example would be, no pesticide  
11 residues, biodegradable, no toxins, no growth  
12 promotants. In those meat marketing claims, USDA  
13 equates a hormone with a growth promotant. So you can  
14 label something no growth promotant, or at least the  
15 proposal is that you could label something as no growth  
16 promotant. It could still contain antibiotics used at  
17 some therapeutic levels to promote growth. How does  
18 this all relate to organic? Organic is a wonderful  
19 opportunity to impart true value to these products over  
20 conventional. There are a great set of standards behind  
21 this label. Consumers=Union urges you to please protect  
22 the integrity of these standards and to determine for  
23 consumers what is appropriate for organic. By  
24 defaulting to FDA, that isn't deciding what is

1 appropriate for organic. And by creating a loophole  
2 like all food contact substances are exempt from review  
3 is a loophole that is ultimately going to lead to a  
4 truthful but misleading label on products. Consumers  
5 need this Board to ask some very basic questions when  
6 you're caught up in the minutia of deciding on sodium  
7 pyrophosphate. Are there substances, ingredients in  
8 products that simply aren't appropriate for the organic  
9 label? The answer to that may be yes. And consumers  
10 are expecting this Board to make sure that they answer  
11 that question first, before they go on to figure out the  
12 details or the devil in the details with the  
13 ingredients. Should American cheese be labeled as  
14 organic? Should bubble gum? Should Twinkies be labeled  
15 as organic? It's a question that does need to be asked  
16 again as we're seeing a barrage of different types of  
17 products that really don't meet the organic standards,  
18 but are calling themselves organic out on the market to  
19 be addressed.

20 MR. RIDDLE: Time.

21 MS. REGAN: Thank you.

22 MR. CARTER: Evarshi, two things. Number one,  
23 first of all, can you go down the list to find what you  
24 had there? I...

1 MS. REGAN: My truthful but misleading?

2 MR. CARTER: Yes.

3 MR. RIDDLE: Yes.

4 MS. REGAN: Sure. No detectable -- the  
5 proposed claims in those meat marketing claims were no  
6 detectable...

7 MR. CARTER: No, no, no. I mean truthful but  
8 misleading omission of material facts. You had a list  
9 of items.

10 MS. REGAN: Yes, you have...

11 MR. RIDDLE: Confusing data.

12 MS. REGAN: Omission of a material fact,  
13 confusion-based misleadingness, same attribute  
14 misleadingness, different attribute misleadingness, and  
15 source-based misleadingness. And I'd be happy to give  
16 you this copy.

17 MR. CARTER: Okay, that's great.

18 MR. RIDDLE: Oh, we're going into advertising?

19 MR. CARTER: Yeah. Yeah, I need to know that  
20 for some advertising. No, the -- the other thing you  
21 brought up on the other issue, just as a point of  
22 information, the -- the comment period, which expired at  
23 the end of March, because of the level of comments that  
24 were received on things like grass-fed and free-range,

1 they've withdrawn that and are going out for some more  
2 comments. So that is something.

3 MS. REGAN: We were also part of this...

4 MR. CARTER: Yes.

5 MS. REGAN: ...and encouraged them to expand  
6 this process and get some more information, including  
7 reading this document that they endorsed on misleading.

8 MR. CARTER: You have it.

9 MS. REGAN: Thank you.

10 MR. CARTER: Thank you very much. Okay, Marva  
11 Holt and then Harriet Beeler.

12 MR. RIDDLE: Behar [ph].

13 MR. CARTER: Behar.

14 MS. HOLT: Thank you. My name's Marva Holt.  
15 This is my first NOSB meeting, so I was kind of  
16 unfamiliar with the process, so I'm not going to take up  
17 the full five minutes. I want to thank you guys on the  
18 Board for your time and your dedication to what I hope  
19 is preserving organics and what organic stands for. As  
20 an organic farmer, I would -- I just want to say that I  
21 encourage the Board to vote no on some of these  
22 materials that are up for vote today. I feel that if we  
23 keep allowing these materials, we're going to lose what  
24 organic stands for. And what the previous lady just

1 spoke on is we need to maintain organic for what organic  
2 stands for. The -- I can't remember. The myodextin [sic  
3 - Moxidectin], I'm terrible at names, I think is one that  
4 I really encourage you to vote down, or to defer it or  
5 something. But if we keep allowing these materials,  
6 we're going to lose what organic stands for. And from a  
7 farmer's point of view, if you just manage your herd  
8 right, I don't think you need to use all of these other  
9 materials. Each time another material is allowed, I  
10 think you're taking one more block out of what organic  
11 stands for. And if we keep going, pretty soon there's  
12 not going to be any difference between organic and  
13 conventional. Yesterday you reported that you'd reviewed  
14 53, I believe, different crop, livestock, and handling  
15 materials. I don't remember how many of those you  
16 approved or deferred or anything. But to me, 53 is too  
17 many of them. Every time you allow one, you're hurting  
18 the organic industry. That's all I really wanted to say,  
19 is I just hope that you'll look at it from a different  
20 point of view as maybe that to maintain organics for  
21 what organics started for back many, many years ago.  
22 Thank you.

23 MR. CARTER: Thank you. Discussion.

24 MR. RIDDLE: Yeah, Marla. Thanks for coming.

1           What kind of operation do you have?

2                   MS. HOLT: We're a small grains operation and  
3 small cattle back in Western Nebraska.

4                   MR. RIDDLE: Okay, so you have beef?

5                   MS. HOLT: Yes, we do have beef.

6                   MR. RIDDLE: Organic?

7                   MS. HOLT: We've not certified organic because  
8 there's no place to market it.

9                   MR. RIDDLE: Okay.

10                  MS. HOLT: So we've never -- we've filled out  
11 the application every year, but...

12                  MR. RIDDLE: So you certify the crops?

13                  MS. HOLT: ...doesn't go anywhere. We've  
14 certified crops, yes, small grain crops.

15                  MR. RIDDLE: Do you use any parasiticides in  
16 your beef herd?

17                  MS. HOLT: No. No, we don't.

18                  MR. RIDDLE: How do you avoid that, would you  
19 say? What are the successful management strategies in a  
20 nutshell?

21                  MS. HOLT: We do -- I guess to take -- I don't  
22 know. We don't have a lot of cows, so, you know, we're  
23 not a large operator or anything. We only have about 30  
24 head. So -- but we just never had any trouble with

1       them.  You know, you just -- you bed them down  
2       correctly, you give them good feed.  We try to give them  
3       as much organic feed as we can.  You feed them good  
4       feed.  You watch your herd.  If you see one getting  
5       sick, you kind of take it off to the side, give it a  
6       little extra TLC, and he seems to bounce back.  And we  
7       just never had any trouble with anything.  Maybe we've  
8       been lucky, I guess.

9                   MR. RIDDLE:  Well, good management.  Thanks.

10                  MS. HOLT:  I think that's what it is, is good  
11       management.

12                  MR. CARTER:  Owusu.

13                  MR. BANDELE:  Yes, besides the Moxidectin that  
14       you mentioned, did you have any concerns for any of the  
15       other materials that were spoken about yesterday, or  
16       anything approved?

17                  MS. HOLT:  Overall, I have a concern on every  
18       material that you allow.  I just think that every time  
19       another material is allowed, pretty soon your list of  
20       materials that's allowed is going to be as long as your  
21       materials that's allowed for your commercial products, or  
22       your conventional products.  And as the lady spoke on  
23       the labeling, what's going to differentiate between  
24       organics and conventional?  And you're going to be using

1 the same thing. So I guess I stand as I'd like to see  
2 you not approve so many of them, and I think organic  
3 farming needs to go back to what organic farming was.  
4 And that's farming with nothing. Just good management.  
5 Farming the land and maintaining the animals.

6 MR. CARTER: Okay, Mark.

7 MR. KING: Yeah. You may have said this. I  
8 may have missed it. Are your -- is your dairy herd  
9 pasture based or...

10 MS. HOLT: It's not a dairy herd.

11 MR. KING: ...beef?

12 MS. HOLT: It's just a beef...

13 MR. KING: Okay.

14 MS. HOLT: ...beef herd.

15 MR. KING: Okay, is it pasture based?

16 MS. HOLT: Is it...

17 MR. KING: Pasture based?

18 MS. HOLT: Yes. Yes.

19 MR. KING: Okay.

20 MR. CARTER: Okay. Thank you very much.

21 Harriet Behar and then Margaret Skoals.

22 MS. BEHAR: Good morning. Hello. My name is  
23 Harriet Behar, and I, like Jim Riddle, have the  
24 privilege of being a Past-Chair of the Independent

1 Organic Inspectors=Association. I am not here  
2 representing any organization, but I'd like to share my  
3 opinions about materials and processes approved for  
4 organic production. I have been an organic inspector  
5 since 1991, visiting more than 1300 organic farms and  
6 processors around the world. I've been an organic  
7 vegetable farmer for over 30 years, and a conscious  
8 organic consumer for longer than that. It's this  
9 experience that is the basis of my comments to you. As  
10 an inspector, I encourage you to consider the challenges  
11 inherent in verifying annotations to the materials on  
12 the National List. Those annotations, based on product  
13 composition, are easy and fairly straight forward to  
14 verify. Those annotations based on production use, or  
15 statements such as emergency use only are much more  
16 difficult. Speaking to your upcoming decision on  
17 Furosemide, I've seen other annotated items that  
18 producers have found ways to justify routine use beyond  
19 the intention of the NOSB. Verifying double the  
20 withdrawal time is difficult. And, in addition, I  
21 question why a synthetic should be added to the National  
22 List when there are so many natural alternatives. Get  
23 myself moved here. In my experience, most long-time  
24 organic farmers prefer simplicity, as we heard from

1 Marla, in the materials that are allowed, and it is the  
2 newcomers, still struggling with their organic system,  
3 that rely on synthetic materials to overcome their  
4 management deficiencies. The organic label should be  
5 applied only to products produced in a functional  
6 organic system. Speaking to SAPP, we do not need to  
7 have an organic counterpart for every processed food  
8 found in the organic marketplace. And, therefore, there  
9 may be some foods that may never be able to carry the  
10 100 percent or organic label. The made with organic  
11 label could be assigned to a product or the conventional  
12 market exists for products that do not meet organic  
13 standards. I ask you to review products for their true  
14 necessity in an organic system, limit the use of  
15 synthetics in organic products. Speaking to Moxidectin.  
16 Just because one product is on the approved synthetic  
17 list, it doesn't mean that every other item that may be  
18 more benign should be allowed as well. I'm referring to  
19 Ivamactin [ph]. I understand the commitment those have  
20 put forward the petitions have made, and the need to  
21 listen closely to their concerns. But I also ask you to  
22 listen to the voices of those organic consumers who are  
23 not present here, who purchase organic products with  
24 significant monetary premiums because they are looking

1 to lessen their personal intake of synthetic compounds,  
2 as well as reduced use of synthetic items in our  
3 environment. I am not a hard-hearted individual. I can  
4 sympathize with those farmers and processors, listening  
5 to their perceived need for certain materials to aid  
6 them in their production challenges. However, I have  
7 also returned to these operations a few years later for  
8 a subsequent organic inspection, and these producers  
9 have found management solutions. They are proud of the  
10 deeper understanding they learned by exploring the  
11 solutions in a system-based process rather than by use  
12 of synthetic materials. I applaud your recommendation  
13 on the dairy animal replacements in a converted organic  
14 herd and your recommendation on measuring chlorinated  
15 water that is in contact with organic foods, and I urge  
16 the NOP to quickly adopt these recommendations with no  
17 changes. I am also gratified to see the list of  
18 synthetics being petitioned for inclusion in the  
19 National List contains many fewer materials than in the  
20 past. And I hope this represents the organic community  
21 is moving towards a whole system approach to organic  
22 production, both farm and processing. I also thank the  
23 progress the NOP has made on the Peer Review Panel and  
24 the process to develop guidance documents that include

1 public comments. It is important that the third organic  
2 community member of the Peer Review Panel be someone  
3 well respected and deeply intimate with the organic  
4 rule, ISO and accreditation systems. Public input on  
5 this third member is essential. The organic marketplace  
6 has experienced rapid growth due to the integrity and  
7 transparency that it offers. Open dialogue and  
8 adherence to the OFPA [ph] strengthen trust in the  
9 organic label. Thank you.

10 MR. CARTER: Thank you. Questions, comments?  
11 Okay, Margaret Skoals, and then Craig Bowman.

12 MS. SKOALS: Good morning. I'm Margaret  
13 Skoals, Organic Inspector and Executive Director of the  
14 Independent Organic Inspectors=Association. Thank you  
15 for your work and for the opportunity to speak. We  
16 realize that one of your primary roles is to review and  
17 make recommendations on materials. However, we urge you  
18 to protect the spirit of OFPA and the NOP rules by  
19 exercising extreme caution and reluctance to add  
20 materials to the list. Please don't let the onslaught of  
21 material issues that you have to deal with derail your  
22 other work. We don't want organics to be defined by a  
23 list of materials. Please resist all efforts toward  
24 adding any synthetic substances to process organic foods

1 or more synthetic materials to what is allowed for crops  
2 and livestock. Every substance you add makes it more  
3 difficult to keep the next one off. We were pleased to  
4 see that the proposed NOP amendments that were released  
5 last month were extremely modest in what materials were  
6 allowed. Please keep the focus of our organic program  
7 on organic process and management-based systems, not a  
8 product list. Speaking from 15 years of experience and  
9 over 1,000 inspections, most certified operations there's  
10 no or few added inputs. And if they have to use  
11 something, they're happy to segregate that as non-  
12 organic. They, and the consumers of their products, are  
13 not served by a longer list. Keep it simple. And on  
14 behalf of IOIA, I would like to say ditto to what  
15 Harriet just read.

16 MR. CARTER: Questions, comments? Okay, thank  
17 you. And I found out, Sissy, you have blunt  
18 handwriting. I had Craig Bowman, but it's Sissy Bowman,  
19 followed by Leslie Zook.

20 MS. BOWMAN: Hello. I am Sissy Bowman, not  
21 Craig Bowman. I'm the President of Indiana Certified  
22 Organic. I'm the Chairman of the Indiana Organic Peer  
23 Review Panel, and I'm a new member of the Board of Non-  
24 Pesticides National Coalition Against the Misuse of

1 Pesticides. I want to start out by addressing  
2 hydroponics. I heard yesterday that CCOF, OTCO and QAI  
3 -- well, I heard QAI asked, but no one asked us. We've  
4 been certifying actually a couple of hydroponics  
5 operations for some time now. As more people wish to  
6 support local and organic food systems, taking  
7 hydroponics out of organic certification will make  
8 people dependent distant and sometimes international  
9 products, which is not appropriate to organic systems,  
10 and adds to environmental contamination as well as lack  
11 of nutrients in the food. Some other implications.  
12 What about sprouts? Sprouts are not soil-based. What  
13 about bees? There are a whole lot of things I think  
14 you're going to find. If you move away from soil-based  
15 systems, they might be appropriate to organics, but you  
16 might wipe out an entire group of foods. This is the  
17 Organic Foods Production Act. It looks like we may have  
18 an organic Twinkie or organic lipstick or organic any  
19 number of things before we can have off-season, locally-  
20 grown organic veggies, just because a policy decision  
21 was made in the past in violation of 2118 of OFPA to  
22 allow synthetics to be placed in processed foods. Isn't  
23 it more appropriate to the organic philosophy to bring  
24 us fresh, locally-grown, wholesome, nutritious food

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1 without synthetic fertilizers and pesticides under an  
2 organic system plan that minimizes soil, air and water  
3 contamination? I beg you to reconsider any thoughts of  
4 discounting hydroponics from organics. Beyond that, I  
5 get aggravated every time I come here, and I hear people  
6 telling you guys to hurry up, put a bunch of things on  
7 the list. You need a good process. This is really what  
8 I said a year ago in Austin. You need a good process  
9 for determining -- a preliminary review for determining  
10 whether or not these TAP reviews have gone through the  
11 seven criteria and are complete. If they aren't, what we  
12 do, as certifiers, when we get an application in, if it's  
13 not complete, application fee isn't there, it sits down  
14 on the desk. We contact them and say, when you get it  
15 all together, we'll work with you. You need to do the  
16 same thing. It's absolutely a waste of your time, and  
17 you're not being paid, and I'm sure you all have much  
18 better things to do, and taxpayers' money, to work on  
19 things that aren't complete for you. It's the  
20 responsibility of the petitioners and the TAP reviewers  
21 to do their job. Scope. The minute I read that scope  
22 statement, I knew that we were in trouble. I've had some  
23 serious problems with this as a certifier. We have  
24 people that want us to certify everything. Salt blocks,

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1 compost. I've even seen the USDA label on a bag of mined  
2 humates. And, Ken, you were talking about some -- I'd  
3 love to see some of the labels that you've seen. I have  
4 had manufacturers and dealers call me up and yell at me.

5 There will be one sentence on C.F.R. 205, and say, it  
6 says right here in black and white. I'm tired of being  
7 hollered at by people because they're saying, you can do  
8 this, you can't turn us down, it's right there in black  
9 and white, when the fact of the matter is, I don't have a  
10 clear definition of what an agricultural product is.

11 Can we certify compost? Is manure an agricultural  
12 product? It's revent conventional livestock. Is it,  
13 therefore, beef and, therefore, an agricultural product?

14 I don't know. But I'm really kind of upset when I go  
15 somewhere. There's a store in Bloomington, Indiana  
16 called Rumsway [ph], and I saw there a pile of organic  
17 compost, \$325 for a small pickup truckload. Okay.  
18 Somebody's going to the bank with this. Okay? But it's  
19 not going to be a service to us, and it's not going to be  
20 a service to our farmers, if they're going to be ripped  
21 off by products that carry bogus labels. I'm concerned  
22 about -- I will basically say ditto on everything that  
23 Ervashi said. Running the scope without some clear  
24 guidance is going to make a mess of things. And I thank

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1 you for your time.

2 MR. CARTER: Thank you. Thank you, Sissy.  
3 Are there...

4 MR. BANDELE: Yeah.

5 MR. CARTER: Owusu?

6 MR. BANDELE: Sissy, thanks for your comments.  
7 Several other things such as sprouts and bees, and  
8 someone mentioned the mushrooms. They're not really --  
9 they're not really considering them under hydroponics, so  
10 as not to exclude those things. As far as the  
11 information that was presented yesterday, that was  
12 strictly a very preliminary draft, and before anything,  
13 as you know, is finalized, then you and everyone else  
14 will have plenty of time to input and to recommend  
15 changes.

16 MS. BOWMAN: I understand that and appreciate  
17 that. I just want to give you a heads up that -- and  
18 the other question is what do we do with currently  
19 certified hydroponic operations if that does change? I  
20 have to guide my people, and that's my problem, is what  
21 do I say to them. Thank you.

22 MR. CARTER: Oh, wait a second. Nancy has  
23 a...

24 MS. OSTIGUY: Yes. Sissy, you are the second

1 person that made mention of bees in relation to  
2 hydroponics. And I am curious what the relationship is,  
3 since I do research on honeybees, and I don't see the  
4 relationship.

5 MS. BOWMAN: It's because it's not -- it could  
6 be interpreted as non-soil-based.

7 MS. OSTIGUY: Yeah, though mostly we've been  
8 interpreting bees as livestock.

9 MS. BOWMAN: That's how I would do it too. I'm  
10 just afraid if you open the door for non-soil-based, as  
11 is Tina, with the mushroom issue. But when you open the  
12 door to say that you're going to exclude any non-soil-  
13 based things, that you might end up broadening it down  
14 the line. I mean you all might not be here when that  
15 happens, and I might not be either, but...

16 MS. OSTIGUY: Yeah. I was just trying to  
17 figure out what people's connections were with honeybees.  
18 Thanks.

19 MR. CARTER: Okay. All right. Oh, Rose?

20 MS. KOENIG: I just wanted to make a comment  
21 on some of these documents. The hydroponics, the  
22 mushrooms and such. I think, as a Board, we have been  
23 struggling with just confusing messages as far as what  
24 is expected. You know, can we -- you know,

1 recommendations, guidance documents, what the NOP is  
2 really going to utilize as far as what we've produced.  
3 You know, part of the hydroponics documents was really  
4 Owusu's first crack at doing something after a couple of  
5 years ago we were told that they would like some kind of  
6 recommendation. Now, it's very -- the communication, I  
7 think, is broken down in terms of what our, I guess,  
8 role is in some of these documents as far as what is  
9 really going to be utilized. And I think the Board,  
10 doing our just kind of pre-meeting was discussing,  
11 perhaps, better ways of making our time more efficient  
12 by, perhaps, looking at our committee structure and  
13 addressing, you know, better communication ties, figure  
14 out how we best can serve both the NOP and the industry.  
15 So, you know, hopefully, in the future, with better  
16 planning and a better idea of where we're all going. I  
17 mean we all don't want to be going down the road and not  
18 utilize our efforts in an efficient way. So we hear  
19 you.

20 MS. BOWMAN: I appreciate that. It was about  
21 ten years ago that the NOSB talked about hydroponics  
22 originally. I was at the meeting. And, back then, they  
23 said that you couldn't do hydroponics because it wasn't  
24 soil based, and that there were no naturally occurring

1 hydroponic plants. This is before aquaculture and  
2 aquatic plants and animals were brought into the  
3 picture. And at that time it was when someone said,  
4 what about watercress, and at that point, NOSB reversed  
5 their attitude on hydroponics because of that one plant.

6 So, you know, it's -- I'm going back from historical  
7 prospective, too, where I saw a decision made because of  
8 something, and now this whole aquatic plants and fish  
9 issue have kind of changed it a little bit. So I just  
10 also wanted to mention. Thank you.

11 MR. CARTER: Yes, Owusu.

12 MR. BANDELE: Just one final comment. I think  
13 a George from ATRA pointed out to me yesterday that they  
14 get quite a few calls in terms of the hydroponics, so it  
15 may be more of a prerogative than some of us think.

16 MR. CARTER: Okay. Okay, thank you, Sissy.

17 MS. BOWMAN: Thank you.

18 MR. CARTER: Just as a reality check here,  
19 folks, we've got ten folks left to give comment this  
20 morning, so Leslie Zook, followed by Marty Mesh.

21 MS. ZOOK: Hi. I'm Leslie Zook of PCO,  
22 Pennsylvania Certified Organic, and I'm also Ned McArthur  
23 of National Dairy Products Corporation by proxy, have to  
24 note the proxy there. And I have a few things to talk

1 about today, including parasiticides, mineral oil and  
2 origin of livestock, of course. The only thing I have  
3 to say about the Moxidectin issue is that I just ask, do  
4 we really need another parasiticide? I wanted to point  
5 out also that it is not approved for sheep or goats, and  
6 there are sheep and goat areas that are out there being  
7 certified. And I'm really not a fan of Ivomectin either,  
8 but dairy farmers are only supposed to use it as a last  
9 resort, and the 90-day withholding period pretty much  
10 assures that that is the case. They don't use them  
11 unless they absolutely have to. So if you're going to  
12 add another controversial synthetic material, I'd just  
13 like to make sure we really need it. Mineral oil, I  
14 talked to the organic mills in Pennsylvania, and they  
15 asked me to share their thoughts with you. They have  
16 taken the mineral oil out of their pre-mixes and, as a  
17 result, they are known for having very dusty mixes. The  
18 -- they have not replaced it, essentially because the  
19 manufacturer of the pre-mixes, which they contract other  
20 companies to do the pre-mix for them, are really only  
21 set up to do the mineral oil. They have a huge tank out  
22 back for mineral oil, and there's this computerized  
23 dosing machine, and a mister, and all that sort of  
24 thing. And to do just for the organic mills, this

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1 particular pre-mix, they'd have to put in another  
2 building, extreme amount of expense, and a lot of time  
3 would be involved in say using a different oil instead  
4 of the mineral oil. You couldn't just put it through the  
5 same tank or anything. They're huge. So that's why they  
6 haven't replaced it with anything. And the problem that  
7 they have with not using the oil, which is, he told me  
8 20 pounds per ton of material. So they use 20 pounds of  
9 mineral oil per ton of stuff, which is a real minute  
10 amount. But they'd like to use it because -- well, the  
11 reason -- the problem with not using it is that the  
12 minerals and the vitamins, which are different weights,  
13 separate out in the pre-mix. So they don't have anything  
14 to stick them together. There's nothing, when they mix  
15 it up together to stick. They've got like the minerals  
16 here on the bottom and the vitamins float up to the top  
17 in the bag, and then when they mix it in the final  
18 product, it really compromises the quality of the final  
19 product because it doesn't really get mixed thoroughly  
20 through. So they're not using it, and they -- they, you  
21 know, won't use it if they're -- if it's prohibited for  
22 that use. But what they would -- what they think the  
23 Board should consider is giving a time period for  
24 mineral oil to be allowed so that they can try out

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1 alternatives and report their efficacy over a period of  
2 time. And, let's see, on materials in general, the  
3 comment is to please, if you still have any significant  
4 questions about the material after reading the TAPS,  
5 please, please don't make a decision until you get the  
6 answers to your questions, all of you. All of you.  
7 Every one. Even if only one of you has questions, I  
8 think you really need -- you deserve to have the answers  
9 to your questions before you can make a decision on  
10 these, on adding materials to the list. Okay. Just a  
11 few thoughts on origin of dairy livestock. Origin of  
12 livestock. They have been sent to me, actually, to  
13 relay to you. These are comments from other people who  
14 can't afford to be here today, and they asked me to speak  
15 on their behalf. The certifiers in the Northeast  
16 support the idea of one standard for all. We agree that  
17 a rule change is in order, but we ask you to be very  
18 careful with the language this time around. The  
19 question is about the recommendations removed, Roman  
20 Numeral III, and make it Paragraph III, is what happens  
21 when a person buys an organic herd or starts from  
22 scratch or buys organic heifers to start an organic  
23 dairy, with the paragraph 3 actually applied to that  
24 operation, since it talks about converting an entire

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1 distinct herd, now that paragraph is going to be under  
2 the general livestock requirement section, not under the  
3 dairy livestock section. But yet it still has the word  
4 dairy animal in it. So, perhaps, it should read, once a  
5 livestock operation is certified, all animals shall be  
6 under organic management from the last cert~~d~~ gestation.

7 And that would take out the entire distinct herd  
8 conversion language. And this would cover situations  
9 where an entire distinct herd was not actually  
10 converted, such as starting from scratch or buying  
11 organic calves or heifers, and, you know, or perhaps  
12 buying some and converting some. So, you know, there~~s~~ a  
13 lot of ways to get into the dairy industry. And we have  
14 people who have bought parts of herds, and then bought  
15 calves and heifers from different farmers and put them  
16 all together, and they have organic -- they only started  
17 with organic animals, and now they have an organic herd.

18 They didn~~t~~ convert anything. We don~~t~~ want to close  
19 one loophole just to open another loophole. So just be  
20 careful about it. I received this letter from an  
21 organic -- a large organic cheese processor regarding  
22 the origin of livestock flow chart. ~~As~~ an organic  
23 dairy farmer, you~~d~~ think that I would welcome an  
24 exception like this. But I assure you the exact

1 opposite is true. Exemption or not, I will only source  
2 organic heifers as replacements when they are needed.  
3 The sad truth is, on many operations, conventional  
4 heifers will be brought in, and the integrity of organic  
5 products as a whole will suffer. It is becoming evident  
6 that there are two camps within the organic industry.  
7 The big players and the rest of us small fries. I  
8 mistakenly thought the organic rule would level the  
9 playing field, but rather, it seems that the large  
10 operations were waiting for just this situation to  
11 develop. When I first read the preamble to the rule, I  
12 had a good feeling that finally a lot of the monkey  
13 business and double standards in the industry would be  
14 eliminated. With our unique operation here, we have the  
15 perspective of seeing all aspects of organic production,  
16 from the soil to the cows=milk production, and then  
17 through processing, distribution and marketing, all the  
18 way to the retail end. I think, as a whole, the NOP has  
19 and will benefit the industry, but only if its  
20 credibility is maintained. I think one of these  
21 exemption crisis -- exemption crises erupt and gets  
22 national attention. I believe more damage is done to  
23 the industry as a whole. I wonder how many of these  
24 hiccups can we tolerate before consumer confidence in

1 organic products begins to erode.@ I received this  
2 letter in response to the question, are you raising  
3 organic heifers, or would you like to? AYes, I am  
4 considering scaling back my organic dairy operation, but  
5 would like to continue raising heifers organically.  
6 This would be a good way to utilize the organic  
7 grassland pastures I have worked to develop. On the  
8 other hand, if I do decide to stay in the dairy business  
9 more intensely, I would be looking to purchase dairy  
10 heifers that have been raised organically, and this  
11 policy limits both of those options.@ Here is an  
12 example from an actual situation that was related to me.

13 A farmer sends his organic dairy cows to another  
14 certified organic farmer to raise for him. One of the  
15 calves ends up having to be treated with a prohibited  
16 material. The farmer who owns this calf, therefore,  
17 cannot use that calf in his organic dairy operation, and  
18 he wants to sell her. According to the NOP, he cannot  
19 sell her to another organic dairy farmer because she,  
20 Aused to be organic.@ And that would violate  
21 205.236(b)(1). But either farmer could legally buy  
22 conventional calves depending on how when they  
23 originally converted their herds, of course, or even  
24 year-old conventional heifers. So it's just kind of a

1 difficult situation for me to explain to a farmer, yeah,  
2 that's the way it is, guys. This is a letter from an  
3 inspector. As an organic inspector for over 13 years,  
4 who inspects many livestock operations for several  
5 accredited certifying agents, it appears that I am, for  
6 the first time in memory, getting a memorandum to  
7 inspect contrary to the standards. This creates a very  
8 difficult situation. Do I inspect and report according  
9 to the law, or do I inspect according to the memorandum,  
10 which contradicts the law? By not inspecting and  
11 reporting according to the law, I am violating the law.

12 But as this appears to be a publication of the agency  
13 entrusted with upholding the law, if I inspect according  
14 to the law, I am violating that agency's policies. I  
15 hope this situation can be cleared up soon.@ This is a  
16 letter from an organic milk processor. ANatural Dairy  
17 Products Corporation markets organic milk and dairy  
18 products under the brand name Natural By Nature.  
19 Natural By Nature has always been dedicated to the  
20 preservation and sustainability of small, family-owned  
21 and operated farms. We see organic dairy as a niche  
22 market which has and should continue to be a means by  
23 which dairy -- small dairy farms can make a decent  
24 profit while managing land and resources in a healthy

1 and earth-friendly manner. Now we see that a poorly  
2 written rule about young stock in an organic dairy  
3 operation is potentially going to be used solely to  
4 benefit large and influential dairy interests. The flow  
5 chart from the NOP, which is meant to explain the rules,  
6 confounds anyone who is looking for logic therein. Now  
7 natural dairy products and the farmers from who Natural  
8 Dairy purchases its organic milk believe strongly that  
9 the rules should be interpreted and enforced such that  
10 all dairy -- organic dairy replacement be under  
11 continuous organic management from the last cert-  
12 gestation. We respectfully submit that any other  
13 interpretation and enforcement would be an overt attempt  
14 to weaken standards for the benefit of the few at the  
15 expense of an overwhelmingly majority of farmers and  
16 consumers. Please act responsibly and protect the  
17 integrity of organic standards.@ From a consumer.  
18 APlease pass on my sentiments that we need to protect  
19 and strengthen the laws that allow people to produce  
20 organic products from organic animals. It does matter  
21 and the public is just gaining acceptance of the idea of  
22 paying more for truly organic products. I wouldn't think  
23 of drinking milk that wasn't produced organically.@

24 MR. RIDDLE: Time.

1 MS. ZOOK: Thanks.

2 MR. CARTER: Jim.

3 MR. RIDDLE: Yeah, just comment, no questions.

4 But thanks for presenting all that on behalf of those  
5 other people. You asked about -- you presented some,  
6 you know, situation of when someone qualifies if they've  
7 converted. And I just want to say that one of the  
8 things the Livestock Committee is going to be posting  
9 soon is a list of various scenarios...

10 MS. ZOOK: Great.

11 MR. RIDDLE: ...NOP had wanted to the  
12 committee to put some up. And these would be for a  
13 conversion of existing herd and...

14 MS. ZOOK: Send some.

15 MR. RIDDLE: Yeah. So those will be up and  
16 you'll have a chance to comment...

17 MS. ZOOK: Great.

18 MR. RIDDLE: ...and we'd look for more examples  
19 and scenarios.

20 MS. ZOOK: Probably have a few.

21 MR. RIDDLE: And then the other is, you know,  
22 the Board voted yesterday on the rule-change  
23 recommendation, but, you know, if this moves forward, it  
24 would have to be published in the Federal Register

1 proposed rule, and if you feel that there's some  
2 technical ways it could be better, or if they haven't  
3 already found the best technical way, there's going to be  
4 a chance to...

5 MS. ZOOK: Great.

6 MR. RIDDLE: ...comment then.

7 MS. ZOOK: I think it's a good step in the  
8 right direction.

9 MR. RIDDLE: Thanks.

10 MR. CARTER: Okay. George.

11 MR. SIEMAN: Just to clarify what you said,  
12 the mineral oil 20 pounds per ton, that was just for the  
13 mineral pre-mix phase?

14 MS. ZOOK: Right, for the pre-mix.

15 MR. SIEMAN: Then goes into a feed ration...

16 MS. ZOOK: Right with...

17 MR. SIEMAN: ...at 3 percent, 2 percent, so...

18 MS. ZOOK: ...yeah, much, much less. Yeah,  
19 once...

20 MR. SIEMAN: ...I just...

21 MS. ZOOK: ...it's actually -- yeah, that's a  
22 good point, and I didn't make that. You know, that the  
23 amount of the pre-mix and the feed is also really minor,  
24 so yeah.

1           MR. CARTER: What? I'm sorry. No, I'm sorry.  
2           You need to ask her to the back of the room. Okay, any  
3           comments from the Board? Okay, Marty Mesh followed by  
4           Joe Hall.

5           MR. MESH: My name is Marty Mesh. I'm the  
6           Executive Director of Florida Certified Organic Growers  
7           and Consumers, and served in other capacities in the  
8           organic community, but these are personal comments and  
9           should not be reflective upon any council, organization  
10          or Board that I serve on. I wanted to clear up any  
11          misconception from my comments yesterday, and offer a  
12          correction and clarification on what I was trying to say  
13          as I quite possibly pull one foot out of my mouth and  
14          insert the other. Yesterday I immediately apologized to  
15          Andrea if my comments were taken wrong or sounded  
16          unintentionally harsh or personal. I helped form  
17          Florida Certified Organic Growers and Consumers with a  
18          couple premises in 1987. We wanted to link growers and  
19          consumers together and felt direct marketing would be  
20          essential for the survival of smaller scale organic and  
21          family farmers in the future. We wanted to represent  
22          consumers because consumers were paying the price  
23          premium for our produce, and we wanted to make sure that  
24          they had a voice representation and continued to

1 understand the challenges in organic production. Simply  
2 put, without the support of consumers and  
3 environmentalists and their willingness to pay a fair  
4 price in the marketplace, we would be organic gardeners,  
5 but not organic farmers in a viable, agricultural  
6 system. So it was easy -- so it was an easy decision  
7 for me, yesterday, to give my time to Consumers=Union so  
8 Ervashi could finish her presentation. I believe this  
9 Board and our industry needs to listen and hear what our  
10 strongest allies and customers have to say and find  
11 common ground and workable solutions to issues. Our  
12 relationships with consumers and environmentalists has  
13 been wonderful and beneficial, but should be valued and  
14 respected. The other thing that bubbled up in me  
15 yesterday is something that no one else has seemed  
16 willing to comment on. This is in no way a personal  
17 comment on Dr. Lacy or Andrea. I have found both to be  
18 courteous, intelligent and thoughtful. I call Andrea  
19 personally when I have technical questions, can always  
20 get professional, well thought-out responses. It is  
21 more a comment on the future of this Board and its  
22 makeup. I believe the strength of this process is what  
23 is mandated in the law. A Board with representation  
24 from organic farmers, handlers, consumers,

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1 environmentalists, science and public interest, as well  
2 as industry. I give presentations constantly to farmers  
3 and consumers, and hold up the composition of this Board  
4 as a model for why they should be participating in the  
5 program, and that it's a very transparent effort.  
6 Without the faith that this Board is comprised of, who  
7 is supposed to be on the Board, and do what they're  
8 supposed to be doing, the results could well be  
9 questioned. I was surprised when a scientist was picked  
10 who seemingly had very little experience in organic  
11 food, fiber or livestock production. I believe time on  
12 the National Organic Standards Board is not the time to  
13 learn more about the industry or become familiar. And I  
14 think Dr. Lacy potentially was put at an unfair  
15 position. I wonder how colleagues I've known and worked  
16 with on projects from environmental organizations such  
17 as Friends of the Earth, Union of Concerned Scientists,  
18 the Sierra Club, Green Peace, the Humane Society, Nature  
19 Conservancy, and you have the Environmental Defense Fund  
20 represented on the Board, and other national, state or  
21 local environmental consumer or public interest would  
22 feel about the Vice President of the world's largest  
23 certification program, who certifies more large-scale  
24 companies than any other in the world, and is structured

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1 as a for-profit business, representing  
2 environmentalists, and votes on materials that will have  
3 an effect on the economic wellbeing of the companies  
4 that choose to pay thousands of dollars each year to the  
5 Certification Program. I have a tremendous respect for  
6 Andrea, but I think she has been placed in a very  
7 difficult situation to be true to the constituency she  
8 was on the Board to represent. I, again, raise this  
9 with the future makeup of this Board. All the certified  
10 farmers had to get off the Boards of farmer-based  
11 organizations because of the appearance of conflict of  
12 interest or the appearance of undue influence. This has  
13 negatively affected the health of nonprofit, farmer-  
14 based organizations. Again, I've raised the issue  
15 because it is part -- if the Board is viewed to be as  
16 loaded -- as loaded, unqualified or disinterested, it  
17 will not bode well for this industry or the minds in  
18 those who have paid premiums to support it.

19 MR. CARTER: Okay. Marty, if I could have you  
20 stay. I'd like to just make a comment. The -- first of  
21 all, you know, the Board is what it is. And I think  
22 that, in my experience, in serving not only as Chair,  
23 but on this Board, I mean we have a very -- a very  
24 diverse group of folks here. Large and small crops,

1 markets, livestock, consumers, certifiers. And even  
2 though this Board becomes added with our own personal  
3 experience and our own frame of reference, I would have  
4 to say, bar none, on this Board, that all of the  
5 individuals have done their very best to take a broader  
6 view, and we, as a Board, have looked at ways to try and  
7 bring in a larger representation of how we go out and  
8 get the information from our constituencies. You know,  
9 it is very difficult because we are a Board that is, by  
10 design, made up of conflicts of interest because some of  
11 the folks come in with very vested interest from a  
12 particular company, or a particular aspect. Others come  
13 in from a broader base. So I would say that, you know,  
14 on balance, that this Board does an extremely good job  
15 of trying to weigh that. We're continuing to look for  
16 ways that we can improve it.

17 MR. MESH: This Board doesn't select its own  
18 Board members. They're selected by the USDA, and my  
19 comments are made for the future composition of this  
20 Board and its appearance to consumers and those that  
21 support it.

22 MR. CARTER: Okay. Kim.

23 MS. BURTON: A comment, Marty, on this Board  
24 doesn't pick the constituents. The application process,

1 and I'm sure you've seen the application process to get  
2 on this Board, one, you have to be nominated and two,  
3 you put together very extensive background on yourself,  
4 along with letters of recommendation, et cetera, et  
5 cetera. They're what it takes for you to be on this  
6 Board. Those packets are looked at, so we have input,  
7 as well as the public has input in the process, as well  
8 as Congressmen, and it's a pretty extensive thing. So I  
9 -- yesterday I took your comment personally also. It  
10 hurts us when you say stuff like that. And I'm just  
11 telling you from a personal standpoint. We work very,  
12 very hard at what we do. We put in lots and lots of  
13 hours onto this Board, and we are appointed to this  
14 Board to represent everybody. We do everything we can.  
15 So just think about -- think about that. The  
16 appointments on this Board, there's many people who  
17 apply, and they pick the best person for the overall  
18 composition.

19 MR. MESH: And I'm -- I need to respond. I am  
20 totally, totally appreciative of all the time and energy  
21 this -- the Board members put in. I know what a  
22 sacrifice it is. I see the effectings [sic] on Mike's  
23 farm in a daily basis. I have tremendous respect. I'm  
24 talking about the future. That's why farmers were off

1 the Boards of their own organizations. And it's just a  
2 word of caution or appearance.

3 MR. CARTER: Okay. All right, other comments?

4 Oh, Rose?

5 MS. KOENIG: I just -- I mean I think that  
6 Marty has a good point. I don't think it is -- you know,  
7 maybe in appearance, yesterday, it got personal. But I  
8 think what Marty's saying is very true to -- you know,  
9 there's positions on that Board that are specifically set  
10 out for different categories. And I think it's great  
11 that different people want to apply and participate.  
12 Gosh, there's so many industries where people don't want  
13 to volunteer and do the kind of work. And I don't think  
14 Marty is saying that -- that -- I think your only  
15 argument, and it shouldn't be whether people have  
16 experience. Ideally, the best person would have  
17 experience in the organic industry. But sometimes  
18 there's issues such as, you know, chickens, or other  
19 areas that we don't have that much -- that, you know,  
20 expertise. So I don't have as much of an argument as,  
21 you know, a scientist filling in that might not have,  
22 necessarily, organic expertise. I think the bigger  
23 question is making sure that the people fit the  
24 categories. And, you know, I think how things happen,

1 and if somebody's applications fit those categories, even  
2 if in their present position it may not, you know, I  
3 didn't -- I don't see people's applications, I don't know  
4 what their past experiences are. So I think before we  
5 certainly make judgment, we need to evaluate their whole  
6 life experience, not necessarily their present position.

7 But I think it certainly is in the spirit of what was  
8 said before in terms of the composition of the Board,  
9 that we just should ask the USDA to have that fair  
10 representation, because that's just the way it was  
11 supposed to be. And I, you know, I think...

12 MR. CARTER: Jim?

13 MR. RIDDLE: Yeah, just a very quick comment.

14 The community, the stakeholders, have a responsibility  
15 as well, and when this last position was open, I believe  
16 that there were a total of six nominees, and three of  
17 those were not complete. So there were only actually  
18 three people that stepped forward with complete  
19 applications. You know, the community stakeholders need  
20 to do our part to make sure there's a pool of qualified  
21 people every time there's an opening as well. So...

22 MR. CARTER: Okay. All right. Joe Hall,  
23 followed by Bob Bursch.

24 MR. HALL: Good morning. I'm Joe Hall, from

1 California National Products. We're a co-packer of low  
2 acid aseptic liquid products for the consumer market,  
3 and we manufacture ingredients, both organic and  
4 conventional. I also serve on the OMR Board of  
5 Directors. I'm the Co-Chair of the OTA's Materials,  
6 Processing, Packaging and Labeling Sub-Committee, and I  
7 also serve as an alternate on the California Organic  
8 Foods Advisory Committee. However, I only am speaking  
9 as a processor today. I want to thank the Board for  
10 their participation. The amount of effort you folks put  
11 into this particular part of your life is amazing, and  
12 my hat's off to all of you for doing that. The Board  
13 could really help, I think, in clarifying the NOP's  
14 policy on synthetic substances that was published in  
15 December. Clarification in general about how it's going  
16 to work for the industry, but in particular, how can one  
17 determine that a substance a food -- allowed food  
18 contact substance. The last line of the policy reads,  
19 Any substance identified as a contact substance must be  
20 accompanied by documentation that substantiates the  
21 claim.@ While that might be easy for a new material  
22 that's been freshly petitioned and placed on the FDA's  
23 web site within the last six months, since they changed  
24 their policy, it's very much more difficult for older

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1 materials that have been around for 20 years, or 10  
2 years, in the food industry. Whether that's a grease  
3 that's used on a pump, or a filter cloth, or any other  
4 kind of material that is a synthetic material that has  
5 been allowed. One of the instances that we ran into  
6 trying to chase down this sort of documentation was an  
7 older Gar A@membrane for making reverse osmosis water  
8 to feed our boiler, where the people said, we're not  
9 going to petition that to the FDA now because we've got  
10 new materials that are coming out, and those will be  
11 placed on the web site in a few years, but it will only  
12 cost you \$60,000 to change your membrane out. And so  
13 it's going to be, I think, interesting to see what sort  
14 of Adocumentation@we are even able to assemble for some  
15 of those materials. If -- for those in the audience who  
16 haven't read through it, there's a nice summary of the  
17 issue on the -- that OMRY has put together for folks to  
18 help walk you through the area.

19 MR. CARTER: All right, Mark?

20 MR. KING: Yeah, just a question concerning, I  
21 think you were talking about prior sanctioned materials,  
22 perhaps, older materials, so on and so forth. And can  
23 you just speak a little bit more about those materials  
24 versus newly listed, and some of the challenges you

1 found, or maybe questions you have?

2 MR. HALL: Well, I'm having trouble just  
3 finding where things are listed. The -- I don't have the  
4 reference, but on the web there's a listing of things  
5 that have been put on by the FDA since their policy  
6 changed last year. There's only 300 or so names on that  
7 list. And they're not necessarily things that are used  
8 in the processing of -- I mean in organic foods. So  
9 there are very few permitted materials on that list.  
10 Lots of things like filter aids, and filter cloth, and  
11 things that have been used for years, are GRAS,  
12 grandfathered, and don't appear on, you know, a list  
13 anywhere that I'm aware of. Okay?

14 MS. BURTON: Hi, Joe! We follow each other  
15 around on our committees. Thanks for being in the  
16 industry, since Joe has a wealth of information when it  
17 comes to guidance on processing.

18 MR. HALL: Don't accuse me of being technical  
19 either.

20 MS. BURTON: Joe, we talked about this  
21 yesterday, and as a processing committee, we deferred  
22 our recommendation on food contact substances just  
23 because we are, just as you are unclear on how it all  
24 works and meshes. And I would ask that, within your

1 role of OMRY and NPPL, that it might behoove us to form  
2 some type of a task force so we all work together on  
3 getting some of these questions answered where there are  
4 loopholes or things like that. Because I know NPPL, it's  
5 on your discussion for Saturday, and it's on our work  
6 plan agenda. Just to keep that in mind, that we keep  
7 that communication open so we can all try to get those,  
8 get those answers together.

9 MR. HALL: Putting on my NPPL hat for a  
10 second.

11 MS. BURTON: Okay.

12 MR. HALL: We will have a discussion Saturday  
13 morning at our committee meeting on that subject, with  
14 Mr. Mathews there, and Mr. Siegel and get some more  
15 input on where we're at.

16 MR. KING: And can I just confirm that's at  
17 8:30 Saturday, because I was planning...

18 MR. HALL: 8:30 is when the committee starts.  
19 The actual session, when we'll have that discussion, is  
20 from nine to ten.

21 MR. KING: Okay. All right.

22 MR RIDDLE: And, Joe, yeah, thanks for your  
23 comments. I have a question about the, you know all the  
24 things that are listed, not the invisible list, but the

1 visible list. That contains quite a few materials that  
2 are pesticides, or fungicides or preservatives used in  
3 packaging. And that's clearly prohibited by OPFA and the  
4 rule. How confusing is that? To have a policy saying  
5 that these things don't have to be reviewed, but yet a  
6 number of them are prohibited for use.

7 MR. HALL: So confusing I forgot to mention  
8 that it's confusing. The other area, or some of the  
9 volatile boiler additives that were just reviewed and  
10 approved, are also on the good context list. So -- I'm  
11 sorry. Some of them were approved, some of them were  
12 disapproved. And yet all of them are on the context  
13 list, so are they approved?

14 MS. BURTON: They're not on that list, as least  
15 as I know.

16 MR. RIDDLE: I might add, as a specific  
17 formulation for specific years.

18 MS. BURTON: Yeah, right.

19 MR. RIDDLE: So that's the other thing. That  
20 list is so prescriptive.

21 MS. BURTON: Right.

22 MR. RIDDLE: We talk about our annotations  
23 being prescriptive. Those are prescriptive annotations.

24 MR. HALL: It is. It's confusing to me, at any

1 rate.

2 MR. CARTER: All right, thank you very much.

3 MR. HALL: Thank you.

4 MR. CARTER: And, Joe, even though you were  
5 accused of being technical, these mistakes got made,  
6 because last night, Jim Riddle was accused by George  
7 Sieman as being a really smart guy.

8 MR. SIEMAN: You're still upset over that.

9 MR. CARTER: Okay, Bob Burcsh and then Max  
10 [sic - Tex] Conway.

11 MR. BURCSH: Thank you. My name is Bob  
12 Bursch. I'm the Director of Nutrition and Research for  
13 Tyson Foods, and also Nature's Farm, which is our  
14 organic, certified organic poultry line. I just wanted  
15 to make a few comments in response to some of the  
16 comments that were made yesterday with regard to the  
17 alternative to Methionine in poultry diets. First, we,  
18 as producers, have no vested interest, specifically, as  
19 to whether we use Methionene compounds in our diets.  
20 The primary concern we have in growing chickens is  
21 growing a bird that meets the requirements of our  
22 consumers. We want a healthy chicken. We want the  
23 product that consumers are looking for. And, of course,  
24 doing it within the standards that this Board has

1 developed. The Methionine supplements we're using are a  
2 very minor portion of the diets that we're using at the  
3 time, both in conventional and in organic birds. We're  
4 talking about an ingredient that's included at less than  
5 a quarter of a percent of the finished feed. But even  
6 at these low levels, it still meets a known requirement  
7 for the animal. In the nutrition world, we know more  
8 about the nutrition of the chicken than, virtually, any  
9 other livestock animal and, I think, more than a human.  
10 We've got 50 years of historical research of feeding  
11 experience, of research trials, to develop the  
12 nutritional requirements of the chicken, including the  
13 Methionine requirements. And I think it's completely  
14 unnecessary to all of a sudden embark on all of these  
15 additional feeding trials and studies to prove that  
16 certain ingredients can't supply the supplemental  
17 Methionine in the diet. What we're looking at is we can  
18 take the known ingredients and new ingredients, put them  
19 in a formulation package. We know what the requirements  
20 of the bird are. We know the nutrient content of the  
21 ingredients. And you can put the two together and find  
22 out whether your requirements are going to be met by the  
23 feed. We don't need these additional trials. We, as  
24 nutritionists in the industry are constantly or actively

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1 searching for all these alternative ingredients for both  
2 Methionine sources and all other nutrients. That's our  
3 job, as nutritionists, just to always be out there  
4 looking for what ingredients can I be looking for, what  
5 can I find to meet the nutritional requirements of the  
6 poultry. The obstacles we're finding in looking for  
7 these ingredients, we've got several of them. One is  
8 that many of these, or few of these ingredients, meet  
9 all of the organic standards. We're running into that  
10 hurdle. We look at a lot of alternative ingredients. A  
11 lot of them, most of them, don't meet most of our organic  
12 standards that we're looking for. The digestibility of  
13 Methionine and some of the other amino acids in the  
14 diets, and some of these ingredients, is often very  
15 limited. It's just the availability of that actual  
16 nutrient to the bird is not enough to supply the needs  
17 of the bird. Many ingredients, like fish meal, we  
18 talked about fish meal yesterday as one of these things,  
19 these new ideas we're going to all of a sudden jump on  
20 and say, let's look at fish meal. Fish meal is one of  
21 those we can only use at very limited levels in the  
22 diet. You know, we know that fish meal can be used in  
23 the diet of poultry. In fact, in some of my  
24 conventional birds, I've got fish meal in them right now,

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1 and it's very successful. But we know that we get over a  
2 few percent fish meal, and we get fish-tasting chicken.  
3 And that's not good for the consumer. And then you've  
4 got the question of stabilizing the fish meal and the  
5 other parameters involved with fish meal. And I just  
6 don't think fish meal can be the sole answer. And I  
7 don't think a TAP review just to review fish meal is  
8 justified to evaluate it as an alternative source of  
9 Methionine. I believe that most of the producers would  
10 support a task force to evaluate the alternatives to  
11 supplemental Methionine in the diets of poultry. And I  
12 believe that many of the producers would actually  
13 participate in this task force, and they should be  
14 included in the task force. But I just caution the  
15 Board that we can't ignore so many years of sound  
16 research and feeding experience in conducting this  
17 evaluation. As a Board, I thank you for your time and  
18 your efforts.

19 MR. CARTER: Thank you, Bob. Questions?  
20 Okay, thank you.

21 MS. GOLDBURG: I just want to make a comment  
22 on the fish meal issue, and that is the point of  
23 potentially doing a TAP sort of review on fish meal is  
24 not to evaluate it as a source of Methionine, but rather

1 to evaluate different sources of fish meal and whether  
2 any of them could conceivably meet the requirements of  
3 an organic feed ingredient.

4 MR. BURCSH: Well...

5 MS. GOLDBURG: Or an ingredient used in  
6 organic livestock production.

7 MR. BURCSH: I mean I think there -- I mean  
8 there's only the sources of organic -- or fish meal out  
9 there now are known and given. I mean it's -- there's --  
10 there's -- we're using them in conventional poultry, and  
11 it's just a matter of saying, okay, we've got ten  
12 different varieties of fish meal processed ten different  
13 ways, where they're solvent extracted or mechanically  
14 extracted, and all these different processes. And then  
15 you can just start crossing off the ones that don't meet  
16 our requirements. And what's left? I mean it's -- it  
17 comes down to are we talking about inventing new  
18 ingredients, or are we talking about evaluating what's  
19 currently out there?

20 MS. GOLDBURG: What about the need for  
21 research? Yeah, well...

22 MR. CARTER: All right, go ahead.

23 MS. GOLDBURG: Yeah, I think it's actually a  
24 mixture of both. And I would say that there are a lot

1 of sources of fish meal other than the conventional, you  
2 know, menhaden source, that are now used for, say,  
3 aquaculture production, where there may be producers  
4 that -- my intern talked to one yesterday who's real  
5 interested in this poultry problem because he sees it as  
6 a potential market for his small fish meal business in  
7 the Pacific Northwest that uses fish processing scraps.

8 So I think the issue is actually not so simple as just  
9 looking at current sources.

10 MR. CARTER: Okay, Rose?

11 MS. KOENIG: I just want to put on my  
12 scientist hat and just suggest because this comes out it  
13 could be fish meal, and it could be, you know, a plant,  
14 a disease mechanism problem that...

15 MR. BURCSH: Correct. Right.

16 MS. KOENIG: And I think part of the problem  
17 of, you know, finding alternatives is the approach you  
18 take. And if it's simply just looking at a substitution  
19 of an in put solely, it makes it very difficult  
20 sometimes to solve problems. I mean you really have to  
21 examine the system, you know, the rate. You know, how  
22 many birds do you have and, you know, just -- it's -- to  
23 me, it's not simply an issue of just what you can feed.  
24 I mean part of it is, but I think if you maybe look at

1 it in a more broader sense. And I'm not saying that the  
2 answer's always going to be in that broad sense, but I  
3 think part of the challenge of, you know, companies or  
4 scientists that delve into kind of the organic...

5 MR. BURCSH: Right.

6 MS. KOENIG: ...agriculture...

7 MR. BURCSH: Well, I think the only immediate  
8 response I have, real short, is just the fact that we  
9 know that regardless of how fast the bird grows, whether  
10 it be in a very dense situation or in a very -- or a  
11 less dense placement situation, you've got a -- a unit of  
12 meat that you're producing, and a unit of meat takes so  
13 many nutrients to produce it. Whether it takes a week  
14 or whether it takes three weeks...

15 MS. KOENIG: Right.

16 MR. BURCSH: ...you've still got to have -- and  
17 all of these -- yeah, all the parameters of density,  
18 environment, you know, all that would have a role in it.  
19 But you've still got some basic nutritional principles  
20 that have to be met...

21 MS. KOENIG: Right.

22 MR. BURCSH: ...or the meat's not going to be  
23 formed.

24 MS. KOENIG: Well, I mean...

1 MR. BURCSH: And you're not going to...

2 MS. KOENIG: ...it's very similar.

3 MR. BURCSH: Right.

4 MS. KOENIG: I'm just saying for plant  
5 production.

6 MR. BURCSH: Right.

7 MS. KOENIG: But, and one tool is to add, you  
8 know, an input. But there's a lot of things that you can  
9 do before you have to, you know, add an input. Some  
10 farmers don't ever even add the input. They do it  
11 through cover cropping. And I'm not saying one way is  
12 the best way. I'm just saying that you really need to  
13 look at the whole system and, perhaps, maybe get out of  
14 that paradigm of just...

15 MR. BURCSH: Well, maybe that's where this task  
16 force...

17 MS. KOENIG: So that -- you know, it is.

18 MR. RIDDLE: Just quickly, Bob. Thanks.

19 Yeah, I want to make sure I'm clear on what you're  
20 suggesting. And that is a task force to look at the  
21 alternatives to D. L. -- to synthetic Methionine  
22 sources, and your willingness to participate and provide  
23 some other suggestions for a task force?

24 MR. BURCSH: I think that's exactly. We could

1 have a task force and...

2 MR. RIDDLE: Okay. I think it's...

3 MR. BURCSH: ...I think it's -- and that could  
4 also investigate some of the things Rose is looking at  
5 as far as...

6 MR. CARTER: Thank you for that suggestion. I  
7 think it's certainly a valuable suggestion. Okay, thank  
8 you, Bob. Next Conway and...

9 MR. CONWAY: Right.

10 MR. CARTER: Okay. And then we have Laura  
11 Kennedy, who has by proxy here, so...

12 MR. CONWAY: Good morning. My name is Dex  
13 Conway. I'm the Communications Director for Indiana  
14 Certified Organic, as well as a consumer of organic  
15 products. Most of the comments earlier today and  
16 yesterday mentioned a lot of already what I wanted to  
17 say. However, I wanted to concur with two individuals  
18 in particular. That is the representative from NCAP.

19 I'm sorry, I don't remember your name. ...regarding the  
20 inerts and toxicological concern in organic production.

21 I also concur with Ervashi of the Consumers=Union  
22 regarding the blatant incorrect labeling of cosmetics  
23 and other body-care products as organic, instead of  
24 correct labeling of made with organic ingredients, which

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1       should be on the label instead of the 60 percent, or  
2       however they are labeling it. But more importantly, I  
3       want to add that public access to information is very  
4       important, specifically regarding the opportunity to get  
5       informed public comment on materials for placement on a  
6       national list. A lot of people at this time, a lot of  
7       producers and handlers that we certify, don't always have  
8       access to the Internet, so how are they to know when,  
9       you know, these materials are to be posted? And how  
10      would they know that, you know, the time period that's  
11      allotted, you know, to give public comment on those  
12      materials. I think -- I don't know what USDA is doing  
13      now, or NOSB is doing now, currently, to remedy the  
14      situation, but I might ask a few of the Board members  
15      here if you can comment on what you plan to do in the  
16      future to remedy this.

17                   MR. KING: Can you be more specific?

18                   MR. CONWAY: Well, I mean as far as public  
19      access to -- I mean their ability to give informed  
20      public comment.

21                   MR. RIDDLE: Yeah. Well, one thing that we're  
22      looking at, and Kim had mentioned to this, is any policy  
23      recommendations would have to be submitted to the NOP 60  
24      days prior to meeting, and any materials or TAP reviews

1 would have to be completed at least 30 days, and we may  
2 be looking at longer on that. But still, to answer your  
3 question about electronic versus, you know, regular  
4 mail, and notifying people, we're really not doing  
5 anything. As I see it, things are becoming more  
6 electronic dependent, not less.

7 MR. CONWAY: Right. We certify several Amish  
8 operations. I know they don't normally give informed  
9 public comment towards the government, if they did, in  
10 the future, how would they do so?

11 MR. RIDDLE: Yeah. Right.

12 MS. BURTON: And, Leslie, maybe you can  
13 comment on this because this has been something that you  
14 -- we've been talking about, and it keeps coming up, and  
15 how we can -- how we can get information out to the  
16 farmers. And there has been a lot of discussion from  
17 our standpoint, but we have just not found a way to  
18 communicate other than going out to the industry and  
19 saying, you know, putting people on your mailing list,  
20 or do that. But from a Board, nothing.

21 MR. CARTER: Well, let me just say, too, that's  
22 one of the things where there's a number of publications.  
23 You know, the media that's focused in on organic. I  
24 mean that's part of the thing where we kind of rely.

1 They're, you know, for folks that aren't tuned into the  
2 web, for them to be able to convey that information on  
3 how people can respond, you know, as well. So sometimes  
4 it's trying to develop a better way of getting that  
5 information out to them.

6 MR. KING: And I just wanted to add that I  
7 realize that ACA's or accredited certifiers, are burdened  
8 with a lot of things right now. So I don't, you know,  
9 with full implementation still new to many  
10 organizations, so on and so forth. But wanted to just  
11 say that that's probably one of their responsibilities,  
12 or at least trying to do that. And, hopefully, as Dave  
13 said, that in the future, organizations will start to  
14 look at this, both governmental and non-governmental, to  
15 try to disseminate some sort of information, not just  
16 electronically. Because I concur with Jim. I think we  
17 are moving more towards technology, automation,  
18 electronic in terms of the flow of information. And  
19 that does concern me in some ways.

20 MR. RIDDLE: And, as Board members, we're all  
21 hooked up, and we have trouble keeping up ourselves. I  
22 mean it's just not fast moving. But I would just say  
23 that if you have suggestions of how to better outreach  
24 to some of the people who aren't on line, please get them

1 to us.

2 MS. KOENIG: I have just one comment.

3 MR. CARTER: Okay, Rose.

4 MS. KOENIG: I just -- you know, we've, in the  
5 past, dealt with kind of communication issues with  
6 farmers and such. But when -- what, basically, it's  
7 really an industry decision. You know, we've got a  
8 limited amount of resources at the NOP. I mean do we  
9 want them to spend it on outreach, or do we want them to  
10 get their priority job done, and then rely on the people  
11 who are really supposed to be doing the outreach, who  
12 are getting paid, are really extension going through  
13 your -- I mean I think there's enough groups, such as  
14 ATRA, and they've come up with this check-sheet tool,  
15 which I think is a great tool for farmers in terms of  
16 making them understand certification. You know, in  
17 terms of notices and such, I mean there are so many -- I  
18 mean that's the great benefit of an organic industry.  
19 There are so many for profit -- you know, not-for-profit  
20 organizations, NGOs that are doing that. I think that  
21 it really is the job. You know, you start thinking of  
22 where do we want to put our priorities, whose job is it?  
23 Well, I think most every NGO or, you know, certifier,  
24 has access to the web. Certainly, some of their growers

1 don't. And I would suggest that, you know, you best put  
2 your -- and we're best putting our efforts in ensuring  
3 that they know that it's their job to get that  
4 information to the farmers, that the government is  
5 basically going to put it on the web. I don't see them  
6 making publications. I'm not going to tell you that I  
7 foresee that. I don't think that that's the reality. I  
8 think the reality is it's going to be web based. And but  
9 I do think, from the grass roots level, you can come up  
10 with ways of getting your growers information.

11 MR. CARTER: Okay. Thank you. All right.  
12 Laura Kennedy, who has given her proxy to Marty Mesh,  
13 and then...

14 MR. RIDDLE: I thought he was leaving.

15 MR. CARTER: I thought he had to come on early  
16 because he had to leave. Julie Russo, I guess is next.  
17 Excuse me -- go ahead.

18 MR. MESH: My name's Laura -- I mean Marty  
19 Mesh, filling in for Laura Kennedy, unless you don't like  
20 what I say, and then it's Brian Layton with CCOF. I know  
21 that we're typically quick to say what's wrong, and it's  
22 typically we don't get to say what's right or say it's  
23 because of Jim's timekeeping. So I want to start to  
24 again thank the Board for -- and the USDA staff for all

1 their work. It's a very over-worked staff, and as a  
2 certifier, we're grateful for the responses that we get  
3 out of USDA and, of course, the work of the Board. I  
4 wanted to also thank USDA for the movement on the peer  
5 review panel. It's something that we have been  
6 commenting on publicly for a long time, and so they  
7 certainly deserve our thanks to move it forward. Most  
8 of the issues from quality certification services=point  
9 of view have been raised far more eloquently and often  
10 times humorously than commented on than I could ever do  
11 it. But just to reiterate a couple that, for our  
12 certification program, we wanted to vote again, and that  
13 is the issues of replacement animals and the origin of  
14 dairy livestock needs fixing. It creates an uneven  
15 playing field. The same practices implemented before,  
16 after October 21, by two different people, results in  
17 substantial economic effect for the producers. A  
18 comment on the water or hydroponics system. We  
19 currently certify watercress, which is a water-based  
20 crop. Another comment. When it takes years to move  
21 things through the government process, and often times  
22 it's frustrating for the community and industry, prior to  
23 publication in the Federal Register, a ten-day comment  
24 period seems a little extreme again when I hear

1 consumers or the public ask for better ways to have  
2 input into the process. I would reiterate the National  
3 Campaign's request for an extended or a standard 30-day,  
4 at least, comment period. And annotations, from a  
5 certification point of view, as a certifier, very hard  
6 to verify. And so I -- if you look at materials, I  
7 caution you about the use of annotations because we  
8 certifiers out in the land, out in the countryside, have  
9 to really verify that something is used in compliance  
10 with the annotation should you so dictate that. And I  
11 think the last thing, as a former inspector, I just want  
12 to know why Jim Little's organic herbicide bottle was  
13 empty, and exactly where did your substance abuse come  
14 from?

15 MR. LITTLE: I don't know.

16 MR. CARTER: Okay, Owusu?

17 MR. BANDELE: I just want to ask, Marty, have  
18 any other folks with some of the traditional vegetable  
19 crops applied for hydroponics, and what's your position  
20 on that, or your organization's position?

21 MR. MESH: We've actually developed our  
22 position based upon the NOSB recommendation that Sissy,  
23 I think, referred to. Years ago, the Board discussed  
24 it, saying no, conceivably, we -- we recognize that it's

1 possible. I really identify with the local organically  
2 produced crops, and hydroponics does help the extended  
3 growing season. I don't know where I stand personally on  
4 it. I'm a dirt farmer. I, you know, we're farmlands out  
5 in the sand hills for 25 years. But I think the local  
6 organic hydroponic operation may be more sustainable  
7 using fish waste or, you know, other improved nutrients  
8 than flying stuff in from across the world.

9 MR. BANDELE: Have any applied with...

10 MR. MESH: We've had a considerable amount of  
11 interest, and I've given presentations. I would caution  
12 the Board, I've given presentations based on your  
13 recommendations and the regulations in effect to -- one  
14 of them was to the North Carolina Vegetable Growers=  
15 Association in the Greenhouse Section, and their  
16 interest was hydroponics. I mean people are gearing up,  
17 applying, or considering doing operations based upon  
18 what they've read now and, obviously, you're not going to  
19 change something tomorrow. But there has been  
20 considerable interest. There has been hydroponic  
21 operations certified, but they've used some media. So  
22 it's not a true hydroponic operation.

23 MR. CARTER: All right, Rose?

24 MS. KOENIG: So then would you concur with --

1 I mean I shouldn't say this is NOP policy, but what we've  
2 heard is that the rules fit those operations, and  
3 really, it's up to the producers to prove that, and the  
4 certifiers to certify to them, and our job is done. I  
5 mean do you think it's at that point, or do you think --  
6 I mean where does -- if you're certifying those  
7 operations, are you saying that it's possible you found  
8 it, the rule fits, move onto another?

9 MR. MESH: No, I would think that it's a good  
10 topic for public input and Board discussions, you know,  
11 to consciously consider whether hydroponic operations  
12 are appropriate. We haven't certified a true hydroponic  
13 operation, even though there's considerable interest in  
14 doing so. And the issue of rock wool, I would caution  
15 you to take into advisement.

16 MR. CARTER: Okay, thank you. Julie and then  
17 Tom Hutchison.

18 MS. BRUSSELDAVE: Good morning, my name is  
19 Julie Brusseldave [ph].

20 MR. CARTER: Brussel -- okay.

21 MS. BRUSSELDAVE: I want to thank the NOSB  
22 very much for allowing me to address my comments. I am  
23 a member of the Board of Directors for the Organic  
24 Farming Research Foundation. I serve on the Illinois

1 Small Farm Task Force. I'm Program Director for the  
2 Community Food and Farming Systems Program at the  
3 Illinois Stewardship Alliance. But I would like to  
4 address my comments to you today as an organic farmer  
5 and as an organic consumer. We farm about 500 acres of  
6 primarily row crops and forages in Southeastern  
7 Illinois. What I would like to specifically address my  
8 comments to, I would like to thank the NOSB and all its  
9 members for the countless hours of work that you put in  
10 as you safeguard and sort of shepherd the standards that  
11 preserve the integrity of our organic food and products  
12 in this country. I specifically would like to address  
13 comments to the NOP regarding their practice of posting  
14 policy statements on the NOP web site as a replacement  
15 for rule changes and interpretations especially with a  
16 very shortened comment period. The latest data that we  
17 have from the fourth annual survey from the Organic  
18 Farming Research Foundation's survey that goes out to all  
19 organic farmers in the country, the 2002 survey,  
20 indicates that at least 22 percent of all of the farmers  
21 who responded to that survey have no access to the  
22 Internet whatsoever. The remainder, and that's at least  
23 22 percent, and this went out to respondents, this went  
24 out to all the organic farmers in the country, and the

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1 respondents that sent back, it was almost 1,000 farmers  
2 who responded, and 22 percent of them have no access off  
3 the farm or on the farm. So I want to indicate to you  
4 that this is a serious issue in terms of communication  
5 for those farmers. By using the NOP web site to list  
6 rule changes or recommendations, USDA is effectively  
7 denying participation in the public process to many of  
8 those who are responsible for the primary production of  
9 organic food and products in this country. A ten-day  
10 comment period is simply inadequate for farmers. Of the  
11 80 percent, or almost 80 percent, who may have access to  
12 the Internet, chances are there will be times of the  
13 year when you're just too darn busy to be checking your  
14 email or looking on the web to find out if there are  
15 conceptual issues that deal with your farming systems.  
16 You're out there, and you're either doing lambing season,  
17 or you've got a crop to get in, and if rain is coming,  
18 trust me, there are priorities that have to take  
19 precedent. And even though this many farmers have  
20 indicated they have access to the Internet, that doesn't  
21 mean they're the ones in their family using it. Very  
22 often, it's the kids. And, trust me, it's hard to get on  
23 lines sometimes if you've got several teenagers, and  
24 you're trying to get on the Internet. It is another

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1 difficulty. So I just wanted to remember to keep that  
2 in mind. I support the use of the NOP's web site as a  
3 communication tool. I think it's very important and many  
4 of us tend to get, you know, get a lot of our  
5 information from it, but we have to bear in mind the  
6 constraints that are on the primary producers of organic  
7 food, and particularly those in rural, under-served  
8 areas. I work out of a home office. I do not have DSO.  
9 And, let me tell you, it can take a really long time to  
10 download government documents in an Adobe PDF format.  
11 It can take hours. So even though we've got Internet  
12 access in the rural areas, that doesn't mean that it's  
13 easy, and it doesn't mean that it's fast. And it is  
14 certainly no substitute for the Accepted Administrative  
15 Act, which does require posting of these rule changes on  
16 the Federal Register. And we really do need more than a  
17 ten-day comment period. I want to also address the  
18 issue of clarification of -- and I know you're all going  
19 to wince when you hear this, access to outdoors for  
20 poultry, okay? As a consumer and someone who works with  
21 a lot of consumers and works with a lot of farmers,  
22 folks, we need clarification of this. We need it to be  
23 done in a way that is consistent with consumer  
24 expectations. It goes back to the labeling issue. And

1 if we begin to degrade the integrity of the relationship  
2 that we have with our consumers of our products, we will  
3 ultimately end up with a meaningless label. And that  
4 will serve no one any good. Technically, you all have  
5 the dubious honor of shaping our new food system  
6 relative to organics. It looks very much, from this  
7 perspective, like the old food system. It looks just  
8 like an industrial food system. And I'm not going to  
9 reiterate the issue about do we really need an organic  
10 Twinkie. But I think that we have to recognize that if  
11 we move into this industrial food for organics,  
12 ultimately, it's going to lose its meaning. We have  
13 moved away from locally produced, locally consumed food,  
14 and as we degrade the meaning to mean the same old kind  
15 of industrial food with a few organic ingredients, we  
16 will lose our consumer base. We will lose their  
17 respect, and we will lose their trust. Thank you.

18 MR. CARTER: Okay, comments for Julie?  
19 Questions? Okay, thank you, Julie. Okay, Tom Hutchison,  
20 followed by Grace Meriken [ph].

21 MR. HUTCHISON: Hi! I'm Tom Hutchison from the  
22 Organic Trade Association. I'd just like to notify the  
23 Board, particularly the Livestock Committee, that OPA's  
24 Quality Assurance Committee's Livestock Sub-Committee

1 will be flushing out the recommendation or the statement  
2 that we made last October to the Board on production  
3 animals as a more comprehensive category than just dairy  
4 animals. There are more fiber-bearing animals now too,  
5 and these aren't specifically treated in the rule, and  
6 we're going to be working on a recommendation to -- that  
7 would flush out the production animal approach. So it's  
8 not just dairy animals, but fiber-bearing animals too.  
9 And the distinctions between production animals and  
10 slaughter animals would then, presumably, apply equally.

11 Just to let you know that we're going to be working on  
12 that, and we'll look forward to sharing that information  
13 with you as we develop it in our own committees and sub-  
14 committees.

15 MR. RIDDLE: Okay. Just a technical question  
16 about your process. You already have in the AOS,  
17 language about fiber-bearing animals, so you'd be looking  
18 at changes to that, or would that be the guidance point  
19 that you're working from?

20 MR. HUTCHISON: Well, we're working to resolve  
21 any differences between the AOS and the rule on  
22 production animals and I'm not sure how that's going to  
23 turn out. That's a...

24 MR. RIDDLE: Yeah.

1 MR. HUTCHISON: ...content question.

2 MR. RIDDLE: Uh-huh.

3 MR. HUTCHISON: But, yes, we would, obviously,  
4 take our own previous policies into account when working  
5 in...

6 MR. RIDDLE: I just didn't know if you were  
7 looking to change your own standing policies, or you  
8 don't know, really.

9 MR. HUTCHISON: We'll be reviewing that as part  
10 of it...

11 MR. RIDDLE: Yeah. Uh-huh.

12 MR. HUTCHISON: ...but we do feel that there's  
13 a need to work with a broader category of production  
14 animals at this point. So we'll let you know.

15 MR. CARTER: Okay. Thank you.

16 MS. BURTON: Tom, I had a question for you.  
17 Yesterday, when we were going through the livestock  
18 recommendation, and it was dairy herd replacement, I had  
19 in my notes that Zia had made a comment regarding OCC in  
20 their supporting the NOSB document. That was correct.  
21 And, yet again, there's the Livestock Committee's  
22 recommendation. And, from what I remember, they've had  
23 some issues with the recommendation that we had placed.  
24 Could you just clarify for me what is -- what is OTA's

1 position, or are they two separate distinct committees  
2 that are both commenting to us on this, on the livestock  
3 recommendation?

4 MR. HUTCHISON: We are in favor of the  
5 livestock recommendation.

6 MS. BURTON: Okay.

7 MR. HUTCHISON: We would like to work beyond  
8 what this recommendation does regarding dairy and  
9 production animals as well.

10 MS. BURTON: Um-hum.

11 MR. HUTCHISON: And that's what this other  
12 work...

13 MS. BURTON: Okay.

14 MR. HUTCHISON: ...will be.

15 MS. BURTON: And you would comment on this  
16 recommendation? I mean I assume it would...

17 MR. HUTCHISON: Yes. Yesterday we...

18 MS. BURTON: Okay.

19 MR. HUTCHISON: ...supported it. Yes.

20 MS. BURTON: Great. Thanks.

21 MR. HUTCHISON: Thank you.

22 MR. CARTER: Okay, Grace Meriken, then Tom  
23 Harding, who's given his proxy to Jim Pearce.

24 MS. MERIKEN: Hello, everyone. Thank you for

1 all your hard work and consideration. I'm here today to  
2 speak about a topic I brought up at the last NOSB  
3 meeting in D.C. in October, which was organic yeast.  
4 before I get to one point, that I just want to draw  
5 again the comparison between organic yeast and non-  
6 organic yeast production. Conventional yeast,  
7 presently, the production is molasses is -- it's made on  
8 molasses, a cheap byproduct of sugar production, which  
9 has been used in yeast production since grain shortages  
10 of World War I. Conventional yeast production utilizes  
11 chemical nitrogen sources such as ammonia, ammonia salts  
12 and lyes, plus a variety of acids, including sulfuric  
13 acid, synthetic vitamins and growth substances.  
14 Conventional use requires several rinsing stages after  
15 fermentation to remove unpleasant tastes and odors. The  
16 resulting waste water is heavily contaminated and  
17 requires complex purification processes -- processing.  
18 Organic yeast, on the other hand, which has been  
19 commercially available since 1995, in Europe, we've been  
20 bringing this product into the U. S. for the last almost  
21 three years. Organic yeast, they use selected yeast  
22 strains and lactic acid bacteria cultures, which are  
23 bred in a wholly organic nutrient solution made from  
24 organic grain, generally wheat, pure spring water and

1 enzymes. All microorganisms or raw materials are  
2 guaranteed GMO free. The fermentation process uses no  
3 chemicals, and organic sunflower oil is used as the  
4 anti-foaming agent. The yeast requires no rinsing  
5 because of the way it's processed, and since all plant  
6 equipment is steam cleaned and disinfectants are  
7 unnecessary as a result of that, even the waste water  
8 from the full plant cleaning is free from contamination.  
9 The fermentation medium also forms a basis for further  
10 organic products such as drinks, whereas with the  
11 present yeast production, the way it's made, the waste  
12 water is a big issue as to what to do with it and how  
13 it's handled. Last year -- or not last year. Yeah, last  
14 year, in October, the -- we talked about this organic  
15 yeast question. And, at that point, I'm referring to  
16 C.F.R. 205.605(a)(20). You had clearly told me then,  
17 which made me jump up for glee, which was that if  
18 organic yeast is commercially available, people have to  
19 use it. And you felt very strongly about it and said,  
20 Grace, it's clear. There it is. If it's commercially  
21 available, you need to use it. In the interim, there was  
22 a communication, and I think what came about is it's just  
23 a technicality of words. And I'm here today requesting  
24 that the Board just consider making a correction and

1 have yeast removed as being allowed as non-organic yeast  
2 being allowed because it's considered a non-agricultural  
3 product. So I want to go back to you a little bit about  
4 that, or to the Board. To the Board, okay. And as to  
5 what we can do. That's one thing. And then I just want  
6 to make a side comment as well, which is these are very  
7 complex and confusing times. There's no doubt about it.

8 And you keep hearing a recurring message in almost all  
9 the dialogues, as we're confused, it's complex, and  
10 communication. It's all being communicated, but it needs  
11 to be done even in a more clear manner. There has to be  
12 more checks and balances, I think. And the reason I  
13 bring this up is I received a fax from our yeast  
14 suppliers in Germany, where it was a NOP posting on  
15 12/09/02 regarding labels, labeling and market  
16 information. The question was we are a company that  
17 makes bread using certified organic flour and other  
18 ingredients. The yeast we use is grown and cultured  
19 using certified organic substrates, and the yeast  
20 producers follow the NOP regulations for production and  
21 processing. Using this yeast, can we label our bread  
22 100 percent? Here is the answer. You do not say  
23 whether or not the yeast has been certified organic by  
24 USDA accredited certifying agent. If the yeast is

1 certified organic and all the rest of the ingredients in  
2 your bread have been certified organic, you may label  
3 your bread as 100 percent organic. If the yeast has not  
4 been certified, then your bread does not contain 100  
5 percent organic ingredients; therefore, you may not  
6 label your bread as 100 percent organic. Now, my first  
7 issue here isn't the obvious one, which is about  
8 availability of yeast or not. My real issue here is  
9 this 100 percent business. I find myself, in our  
10 business, probably just about twice a day, explaining to  
11 someone 100 percent in that this yeast, if you use this  
12 certified organic yeast, you wouldn't have 100 percent  
13 product. And hardly anything processed is 100 percent.

14 But, as Americans, we're very competitive, and everybody  
15 wants 100 percent. 100 percent is pretty much what you  
16 pull out of the ground, or dry. You're not adding  
17 anything else to it. So if this information is going  
18 out there, and someone is making their decisions based  
19 on these answers, I think there just needs to be a  
20 little bit more checks and balances put in place so that  
21 someone doesn't incur costly expenses based on the  
22 information they're getting.

23 MR. RIDDLE: Time.

24 MS. MERIKEN: Thank you.

1 MR. CARTER: Okay, thanks. Kevin?

2 MR. O'RELL: Grace, a question regarding the EU  
3 certified organic yeast. Does it comply with the  
4 National Organic Program Standard? And has it...

5 MS. MERIKEN It's...

6 MR. O'RELL: ...been certified to the NOP?

7 MS. MERIKEN: ...it's certified by Lacon [ph],  
8 which is an NOP accredited certifier.

9 MR. O'RELL: But to the NOP standards?

10 MS. MERIKEN: I believe it is. And I'm going  
11 to double check that. I know that they submitted to  
12 Beth Hayden, Lacon gave to her a -- the yeast standards  
13 the EU have, and...

14 MR. O'RELL: Okay, because we have run into a  
15 number of products from...

16 MS. MERIKEN: Yes.

17 MR. O'RELL: ...Europe that are certified by  
18 accredited...

19 MS. MERIKEN: Sure.

20 MR. O'RELL: ...NOP certifiers, but they're not  
21 certifying to the NOP standards.

22 MS. MERIKEN: Right. Correct.

23 MR. O'RELL: Therefore, they're not complying  
24 to compete with the U. S.

1 MS. MERIKEN: I've had that experience.

2 MR. O'RELL: So that -- that would be one thing  
3 I think you'd want to check out.

4 MS. MERIKEN: Right.

5 MR. O'RELL: If that's the case, that there is  
6 an available source of NOP compliant yeast, then you can  
7 petition for the removal of an item from the National  
8 List...

9 MS. MERIKEN: Um-hum.

10 MR. O'RELL: ...based on the fact that there is  
11 an organic alternative available.

12 MS. MERIKEN: Well, how long would that take,  
13 because with the starch, it took years, you know, and it  
14 was available since 1994 or 3, so...

15 MR. CARTER: As you've heard this morning,  
16 several folks admonish us not to be hasty with them,  
17 so...

18 MS. MERIKEN: Right.

19 MR. CARTER: ...the good decisions are better  
20 than quick decisions, so Kim?

21 MS. MERIKEN: Isn't it just an error?

22 MS. BURTON: Grace -- Grace, when you came to  
23 our last meeting, we told you you had to petition to  
24 remove yeast from the list. It has to be petitioned.

1 MS. MERIKEN: It has to be petitioned.

2 MS. BURTON: This Board cannot recommend that  
3 it be taken off. There's a process for removing  
4 materials from the National List. So that's what you  
5 need to do.

6 MS. MERIKEN: Okay.

7 MS. BURTON: Or anybody else who wants to take  
8 a material off the list. As for the 100 percent  
9 organic, it's my understanding that any processing aid,  
10 or anything used in the manufacturing of products,  
11 unless it is 100 percent organic, you would not be able  
12 to label that. Example is organic rice hulls as a  
13 processing aid in making apple juice.

14 MS. MERIKEN: Sure.

15 MS. BURTON: The rice hulls are organic, it's a  
16 processing aid, the apple juice could be organic.

17 MS. MERIKEN: That's my...

18 MS. BURTON: There's nothing else left in it.

19 MS. MERIKEN: ...that's my understanding as  
20 well, but you can't believe. I mean if this is being  
21 published, and I've even had someone say, thank God I  
22 found you. Our certifier recommended that we contact  
23 you because you have this yeast, and now we can be 100  
24 percent. And so there's just a lot of confusion. And

1 there's good reason, because there's just so many changes  
2 going on right now everywhere. And not only just with  
3 us and the organic industry, but the world. And it's  
4 just all mixed up in this big soup. So it's hard to keep  
5 everything clear. But I'm just pointing out that there's  
6 issues. Another issue.

7 MR. RIDDLE: Yeah, and then just one more  
8 issue. If you do submit a petition, one thing I think  
9 it would be helpful for you to address in your opinion,  
10 whether yeast is an agricultural product, and fits the  
11 definition in the rule, or a non-agricultural substance  
12 when it falls under that definition. So please read  
13 those carefully because it -- under non-agricultural  
14 substance, it includes bacterial cultures, the  
15 agricultural products. I can't tell where yeast falls.  
16 So...

17 MS. MERIKEN: Okay.

18 MR. RIDDLE: ...I'd like some input on that.

19 MS. MERIKEN: Okay. Thank you.

20 MS. BURTON: A flowchart of the manufacturing  
21 guidelines would be okay.

22 MS. MERIKEN: Okay. But it is grown on  
23 organic wheat.

24 MR. RIDDLE: Okay. And, certainly, the follow

1 up is to whether it complies to the NOP standards,  
2 would...

3 MS. MERIKEN: Right. I think...

4 MR. RIDDLE: ...be important.

5 MS. MERIKEN: ...I'm pretty sure it does.

6 MR. CARTER: Okay. We have Tom Harding, who  
7 has given his proxy to Jim Pearce, then what I have,  
8 just to see if we've got everybody covered, I've got Mac  
9 Devin, I have one to be read into the record from Cindy  
10 Salter, and then Barbara Robinson. So ...

11 MR. PEARCE: The end is in sight after 2-1/2  
12 straight hours of public comment. Good job so far. I  
13 have a few thoughts on materials. I want to thank Tom  
14 Harding for proxying time to me. We share some common -  
15 - well, I better introduce myself for the record. I'm  
16 Jim Pearce, and these comments are not necessarily  
17 anybody's comments but Jim Pearce. Any trade  
18 organization, political affiliation, or spiritual  
19 organization. I'm not being responsible here, just me.  
20 So, thank you, Tom, for proxying time to me. We share  
21 common organo-political [sic] views. We're both  
22 standards conservatives, and yet we're both materials  
23 liberals. I honestly believe that if a material,  
24 through the tight scrutiny that you give it, all the

1 criteria, all the checks and balances, all the technical  
2 review, fits a -- fits in an organic system, then by all  
3 means, you should put it on the list. Of course, these  
4 materials then become tools. And let the industry  
5 decide just exactly how to use those tools. Let people  
6 like Joe Hall figure out how to use the materials. And,  
7 if all works well, then what that results in is more  
8 organic acreage, more organic farms in the industry as a  
9 whole. The consumer, by the way, can decide if they  
10 want to eat an organic Twinkie, or something with N-F-H-  
11 A on the label. The second point I'd warn you is to  
12 beware of what I call butt-biting annotations.  
13 Phosphoric acid had been allowed as a PH adjuster in  
14 fish. I think if that annotation had been more  
15 carefully crafted in the first place, we wouldn't be  
16 talking about a PH adjuster in kelp. Mineral oil has a  
17 very lengthy annotation, and now here we are talking  
18 about it again. Phosphates are another excellent  
19 example of butt-biting annotations that are just going  
20 to come around again and again. Calcium Propionate is  
21 now a useful tool. I'm sorry, my brain just farted on  
22 that. I don't know what I was going to say about calcium  
23 propionate. Sodium acid phosphate has at least -- has  
24 ten uses listed on the petition and in the TAP. At

1 least two or three of these uses, one of which was  
2 pointed about again today, which is the iron  
3 sequesterization [sic] in potato products may be  
4 suitable for organic. And I think you're going to give  
5 it a very limiting annotation. And in a few years, we  
6 might be looking at that again. I want you to look at  
7 the big picture. Glycerine oleate, we learned  
8 yesterday, is used at 5/100 in a wettable sulfur powder  
9 that goes on fruit trees. And yet that keeps people  
10 from being up to their knees in -- deep in foam. 5/100.  
11 Mineral oil, I did the math a little bit, and mineral  
12 oil, as a dust suppressant is used. Now, my figure says  
13 ten pounds per ton, which is 1/2 of 1 percent. And  
14 that's, in turn, fed 1/2 a pound per 50 pounds of dry  
15 matter per cow per day. You know, the mineral  
16 supplement is added on top of -- top dressed to the dry  
17 matter, which I come out to .0025 percent. Mineral oil  
18 is allowed as a direct -- allowed for direct animal  
19 consumption right now. We've gone through the science.  
20 It doesn't seem to be a threat to the finished products  
21 milk or meat. When you go -- we also talked to Nancy  
22 about additional OPFA screening question. Ask one more  
23 question. Ask who dies. What's going to be eliminated  
24 if this petition goes down? And that's a very legitimate

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1 question. If you can legitimize in your minds, and in  
2 the minds of the -- you know, the greater industry that  
3 you represent, who dies, then it needs to be prohibited.  
4 Again, a word to NOP. Meant -- and this truly is meant  
5 as an awakening or constructive criticism. It's not at  
6 all meant in an insulting manner. And that goes for you  
7 as well. I know, maybe like Marty, my comments  
8 sometimes bite a little hard. There was on the table  
9 yesterday, handling recommendations from the Handling  
10 Committee, as to further define the material review  
11 process. And it quotes a Senate Report 101.357. It  
12 says, ~~A~~The National List represents the universe of  
13 synthetic materials.@ There's a black hole in that  
14 universe. This last proposed rule doesn't include  
15 livestock materials or processing materials, some of  
16 these are which -- or technical corrections, some of  
17 which are eight -- eight years in limbo, like  
18 Carrageenan as a thickener. And as a result, then  
19 certifiers who are trying to certify two C.F.R. 205 are  
20 put in a very tight spot. Do they allow Methionine in  
21 chicken feed? It's imminent that it's going to allow --  
22 it's going to appear in that rule. And this, it just  
23 causes a lot of confusion. Now, the picture tells a  
24 thousand words. I'm wondering if someone would turn on

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1 the overhead projector for me, please, and uncover that.  
2 There's one slide up there.

3 UNIDENTIFIED SPEAKER: Can I look at it and  
4 see if it's legal?

5 MR. PEARCE: You can. It's legal.

6 MR. RIDDLE: Yeah, it's time.

7 MR. CARTER: What would you like to show us?

8 MR. PEARCE: This is another one that I  
9 clipped a while back. I think this really pertains to  
10 the NOP. The caption says, <sup>A</sup>You know, sometimes I sort  
11 of enjoy this herd mentality.<sup>@</sup> And there you have  
12 crowded around what I'm thinking could be bag balm, could  
13 be calcium hydroxide, could be Moxidectin today. But  
14 there's somebody in the back there waving their trunk,  
15 trying to save that.

16 MR. RIDDLE: It could be a Twinkie.

17 MR. PEARCE: Could be the Twinkie. Thank you  
18 very much.

19 MR. CARTER: Okay. Thank you. Comments for  
20 Jim? Yes, Kim?

21 MS. BURTON: I had it in my notes that -- to  
22 talk about the organic Twinkie, so I certainly  
23 appreciate your outlook on it. This has been a  
24 discussion among this Board before many of us even knew

1 what the National Organic Standards was, and the organic  
2 Twinkie has been the idea of, you know, let's not have an  
3 organic Twinkie. Well, it's not this Board's  
4 jurisdiction to determine whether or not an organic  
5 Twinkie is allowed or disallowed. It's a consumer  
6 choice, and it's the consumers will demand or deny that  
7 organic Twinkie. And every Board has had to make that  
8 decision. We have materials reviewed based on OFPA  
9 criteria. That's our charge. We can't bring in what a  
10 consumer might want or might not want, or the scale of  
11 an operation, or anything like that. We have a specific  
12 charge. And we have to look at those things. Take the  
13 outside peripheral stuff, but really look at what we're  
14 charged to do.

15 MS. PEARCE: And yet I'm standing here  
16 declaring myself as a materials liberal. The materials  
17 conservatives made a very good point. Here it makes a  
18 very good point that as things get added to that list,  
19 that list begins to look like a lot of synthetics, and  
20 it does have the potential to erode consumer confidence.  
21 So it's a balance.

22 MR. CARTER: Okay. Thank you, Jim.

23 MR. PEARCE: Thank you.

24 MR. CARTER: Okay, Mac Devin, and then I'll

1 read in a comment, and then we'll have Barbara Robinson  
2 will be our last public commenter.

3 MR. DEVIN: Good morning. Mac Devin. I'm a  
4 Technical Services Veterinarian for Fort Dodge Animal  
5 Health. I'm also a farmer. I'm also a rancher. And  
6 last, and certainly not least, a man who has tremendous  
7 heart for livestock. That's my thing. It has been all  
8 my life. But, nevertheless, I'm here to represent today,  
9 the product Moxidectin. I went back last night, after  
10 listening to the Livestock Committee, to be sure that I  
11 had all my facts straight about the environmental  
12 assessment for Moxidectin. I read that document at the  
13 FDA web site. I'm not going to quote it entirely for you  
14 because of the absence of time, but, basically, the  
15 environmental assessment was that there was no  
16 environmental effect with the use of this prolonged  
17 product in cattle. Secondly, I would also want to  
18 reiterate, as the Livestock Committee pointed out to me,  
19 that the use of this product would be for situations  
20 where there was existing disease in the animal that  
21 needed to be treated for that animal's wellbeing. And  
22 also to point that out to the audience here in the ring  
23 today. Thirdly, this is not a macrolite [ph]  
24 antibiotic. It is a macrolite by structure, but it is a

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1 macrolyte antiparasiticide. And the two are  
2 distinguished. A macrolyte is basically a chemical  
3 structure issue. There are no negative effects,  
4 specifically, on dun-dwelling insects with this product.

5 With the product that is currently approved, there are  
6 significant adverse effects to those dun-dwelling  
7 beneficial parasites -- dun-dwelling beneficial insects.

8 And, finally, this product is approved by National  
9 Trust Lands in the U.K., and in Australia. It's also  
10 approved by Bio Land in Germany. And in one of those  
11 cases, with the exclusion of the product that's currently  
12 approved under NOSB. I would urge the Board to consider  
13 offering to the farmers, a product that is certainly  
14 more friendly both to the environment and to the animal  
15 as well. Thank you.

16 MR. CARTER: Questions for...

17 [Comments and noise from next door]

18 MR. CARTER: Okay, thank you very much.

19 MR. DEVIN: Thank you.

20 MR. CARTER: Okay, I'm going to read this next  
21 one into the record at the request of the presenter. It  
22 is from Sidney Salter, Executive Director of the Compost  
23 Tea Industry Association. A Dear Members of the NOSB.  
24 On behalf of the Compost Tea Industry Association, I'd

1 like to introduce you to our association, as well as to  
2 express our strong desire to serve as a source of  
3 information feedback to your ongoing discussions on the  
4 potential role of compost tea in organic agriculture.  
5 CTIA is a non-profit membership organization created to  
6 provide the unified voice and forum for information  
7 exchange and marketing opportunities for products and  
8 services that support the rapidly-evolving compost tea  
9 industry. CTIA members include manufacturers of compost  
10 tea systems, producers of compost to ferment post -- or  
11 excuse me, ferment compost in related laboratories,  
12 researchers, consultants, growers, venders and students.

13 CTIA also directs the Compost Tea Education Research  
14 Foundation, formed to focus on research, public  
15 education and outreach. CTERF is a non-profit  
16 charitable foundation funded through research,  
17 educational grants and tax-deductible donations.

18 Although newly formed as an association, CTIA members  
19 have been actively involved in the development of the  
20 arts and science of practice of compost tea in both  
21 organic and conventional agriculture. We've also been at  
22 the forefront of current debate regarding compost tea  
23 issues. Our philosophy is one of openness and learning,  
24 and stresses the importance of strong, science-based

1 foundation for supporting the development of our  
2 industry. We strongly support the current efforts of  
3 the NOSB in providing a diverse, thoughtful, and  
4 rational voice to the process of developing regulations  
5 for organic agriculture. We also fully appreciate the  
6 political challenges associated with this support role.

7 If we can be of any service in any way whatsoever,  
8 please do not hesitate to contact me or any of our Board  
9 members directly. In turn, we will continue to closely  
10 follow the progress of the NOSB regarding compost tea  
11 issues, and we offer input and feedback to your process  
12 as appropriate. We look forward to meaningful  
13 participation in the development of the recommendations  
14 regarding the place of compost tea in organic  
15 agriculture. Sincerely, Cindy Salter.@

16 MR. RIDDLE: I just have a question. Owusu,  
17 do you know, or Dennis, I guess, do you know if anyone  
18 from this association is on that Compost Tea Task Force?  
19 Are they represented at this point?

20 MR. HOLBROOK: I do know that the couple of  
21 people that they recommended are on that.

22 MR. RIDDLE: Okay, so there's been...

23 MR. HOLBROOK: Yes.

24 MR. RIDDLE: Okay, thanks.

1 MR. CARTER: Okay. Barbara Robinson.

2 MR. SIEMAN: This is the clean up?

3 MS. ROBINSON: That's what this is. This is  
4 clean up. Barbara Robinson, Deputy Administrator for  
5 Transportation of Marketing Programs in the Agricultural  
6 Marketing Service. I direct my remarks to the earlier  
7 remarks that I have heard this morning regarding USDA  
8 nomination and appointment process. Appointment to any  
9 Board by the Secretary of Agriculture is a complex and  
10 thoughtful process. Individuals are considered on a  
11 multi-dimensional perspective for the contributions they  
12 will bring and the community they represent. The very  
13 fact that this Board holds such debates and the outcomes  
14 are so uncertain is testament to the success of the  
15 appointment process in constructing a diverse Board of  
16 all the years and expertise. Yet expertise in an area  
17 which I consider to be poorly described by a single word  
18 such as processor, consumer, environmentalist,  
19 scientist, certifying rep, producer, is but one  
20 criteria. And these labels, by no means, convey any  
21 level of capability with respect to that expertise. And,  
22 therefore, individuals must be considered well beyond  
23 the single word criteria. Every member of this Board is  
24 a representative of the Secretary of Agriculture in the

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1 public. And, therefore, on behalf of the Secretary,  
2 USDA's Agricultural Marketing Service, the National  
3 Organic Program, and myself, I publicly state that this  
4 Board has our full confidence, and that this public  
5 meeting is an inappropriate venue to discuss  
6 qualifications of Board members, even when such remarks  
7 are thinly disguised as advice to USDA for future  
8 reference. And, Mr. Chairman, I respectfully request  
9 that such public comments not be allowed in the future,  
10 when this Board has other far more meaningful and  
11 appropriate business to attend to. Thank you.

12 MR. CARTER: Thank you. Okay, other comments,  
13 questions? Okay, with that we will close the public  
14 comment period. The -- I will declare a 15-minute  
15 recess, so at five after -- now, we have had a request  
16 though. Rick Mathews has requested to meet with the  
17 Board in a brief executive session just for  
18 instructional purposes here.

19 MR. RIDDLE: Right now?

20 MR. CARTER: Yeah. Well, he said at the  
21 break, but yeah.

22 \*\*\*

23 [Recess]

24 \*\*\*

1           MR. CARTER: Okay, we're called back to order,  
2 and now that we're fully 2-1/2 hours behind, it's nine  
3 o'clock somewhere in the world, 9:30 anyway, we'll move  
4 to the Inerts Task Force Report with Nancy Ostiguy and  
5 Rose Koenig. So...

6           MS. OSTIGUY: Rose is going to take a nap for  
7 a little bit, and then she's going to tell you some of  
8 the history. What we're going to do is I'm going to give  
9 you a little bit of the background that got us where we  
10 are. Rose is going to just briefly discuss some of the  
11 overall Board history. And then the recommendations are  
12 we are not asking for a vote today. What we'd like to do  
13 is have this posted for public comment, Board input.  
14 Probably, the first step would be Board input,  
15 modifications made, at that point, then posted for  
16 public comment, and we can proceed from there. So this  
17 is more informational, at least today. Dealing with  
18 inerts, what we're facing is that, currently, by the  
19 national standards, it lists four inerts are acceptable  
20 unless they have been petitioned and removed. The  
21 question was, list three inerts. And the difficulty is  
22 that there are pesticides that farmers are using, or  
23 were using, prior to the implementation of the rule last  
24 October that have those three inerts in them. The idea

1 was an inerts task force to try and come up with a way  
2 to deal with the, in essence, conflict between current  
3 yet historical practices now that the rule is in force,  
4 and trying to get to actually using only list for inerts  
5 or whatever. Rose, do you want to talk them about the  
6 history that led us to this point, and then I'll talk a  
7 bit about the recommendations?

8 MS. KOENIG: Well, in the sake of saving time,  
9 I'm not going to go through the entire history attached,  
10 and since this has already gone -- somebody had  
11 requested a copy of this so, you know, as far as your  
12 procedure, I'm sorry, but as I was passing these out,  
13 somebody had asked for a copy. So I don't know, in terms  
14 of procedure, what -- was I not supposed to that and --  
15 okay, so it's out there. Just let the public know.  
16 During -- the history just shows that this has been --  
17 is not a new issue. The NOSB has been struggling with  
18 determining an inerts policy for quite a while. And I  
19 went back into the green book, which is kind of the  
20 archive put forth by, I guess, Michael Flag was the one  
21 who I received it from. I think he was the author of  
22 the book. But he, basically, took many of the minutes  
23 and put them into kind of a history so that Board  
24 members and public would know kind of where the NOSB has

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1       been in some of the actions, or I guess all of the  
2       actions that have been taken. So I pulled just things  
3       out of the green book in terms of motions, and you can  
4       kind of see that those words were as confused, I guess,  
5       as we are today on these issues. There were motions  
6       that were made and rescinded. And, actually, I think we  
7       do a better job at voting things down and moving onto a  
8       new motion. So our parliamentary procedure has gotten  
9       better. But the general gist of it, there were many  
10      promises made as how this issue is going to be resolved.

11      And the last motion was in 1999. Yeah, some of those,  
12      some of the recommendations ended up reflective in the  
13      final rules, which is what we have. List 4~~s~~ are allowed  
14      only, and that, we can see through the history, through  
15      the motions. But, separately, in 1999, there was this  
16      effort that was started by Eric Sideman [ph], who was on  
17      that Board, and who was also part of our task force, to  
18      kind of start looking and reviewing all List 3~~s~~ and  
19      reclassifying them, some lofty goals that were set by  
20      the Board as to -- you know, and January 1, 2002, you  
21      know, we were supposed to have been finished with this  
22      issue. But, obviously, we~~re~~ not. You know, we~~re~~ still  
23      -- we~~re~~ still working at it. There~~s~~ a lot -- I think  
24      the Board has become smarter, that it~~s~~ not so easy, as

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1 we're seeing, going through materials and figuring out  
2 information, especially on substances that the EPA does  
3 deem that there's not enough information. So I really  
4 leave the history for you and for the public to kind of  
5 look over. Additionally, after kind of the stuff that  
6 comes out of the final rule in the green book, we have a  
7 chronological history of inerts policy of the NOSB/NOP.

8 And there's actually some EPA and some OMRI actions that  
9 are in that history at -- because I thought it was  
10 important because it really dealt with scores and  
11 specific issues that we deal with -- that we've dealt  
12 with, I guess, on the task force. OMRI also has --  
13 actually, OMRI provided this history. They had compiled  
14 it. And since we had some of those members of the  
15 Board, they had agreed to share it with the task force.

16 And I thought it was useful information so that, you  
17 know, that we all can understand that this is not a  
18 process that has occurred just overnight. It's been a  
19 long struggle for the NOSB and past NOSB's. But just to  
20 let you know that there are other things such as the  
21 California -- there were things that happened in  
22 California before the National Program had gotten  
23 initiated, and OMRI does have a fuller, more complete  
24 history than anyone would want, and I'm sure that that

1 would be available upon request.

2 MS. OSTIGUY: Okay. And in terms of the  
3 public having or getting copies of what we have, I  
4 personally don't perceive that as an issue. The thing to  
5 keep in mind is that what will get posted on the web may  
6 be different than what you're seeing today because if  
7 Board members give me comments, then I will modify it,  
8 and it will be that modified version that will go on the  
9 web. So that's the only thing to keep in mind, that  
10 there may be a difference between what you see today and  
11 what shows up for public comment. So, other than that,  
12 there's no reason to keep anything hidden. That  
13 wouldn't be useful in the least bit. What the committee  
14 then did, after discussing the history, trying to figure  
15 out assorted solutions, I gave you the background, some  
16 of the sequence of events of us trying to come up with  
17 different solutions. We finally came down to a  
18 recommendation. And again, this is part of what we want  
19 public comment on, is that List 4 inerts remain the  
20 approved -- inerts remain the approved inert allowed in  
21 pesticides used in organic systems, but that, in the  
22 meantime, as part of the guidance document that the  
23 Materials Committee, or the Materials and Processing is  
24 putting together and the guidance document marked is

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1 where it's...

2 MS. KOENIG: No, the...

3 MR. RIDDLE: On which, the minor  
4 noncompliances?

5 MS. OSTIGUY: Yeah...

6 MR. RIDDLE: That would be accreditation.

7 MS. OSTIGUY: Accreditation. Okay.

8 MR. RIDDLE: Accreditation.

9 MS. OSTIGUY: Whichever committee that was.  
10 The minor noncompliance document. We were thinking that  
11 this would be a piece of that so, obviously, would need  
12 to fit in, and so any comments that would make that work  
13 are, obviously, more than appropriate. But the idea was  
14 minor noncompliance for materials List 3 inerts that  
15 have historically been approved. And, historically, we  
16 did define as use in 2001. So we did not want to, and  
17 we talked extensively about what that historical use  
18 would mean. We didn't want to go back ten years. We --  
19 there were things that were used ten years ago that  
20 people might say are not okay today. But to, basically,  
21 use or perceive any use of List 3 inerts until 2006 as  
22 minor noncompliance. And there are a few other things  
23 that would need to be a part of that minor  
24 noncompliance. The full disclosure. The need for that

1 List 3 to be considered exempt from the requirements of  
2 a tolerance for food crops, because that's the -- those  
3 are the materials that EPA is going to be evaluating  
4 prior to 2006. So there would be some requirements in  
5 order for something to be considered a minor  
6 noncompliance. And that's where things stand at this  
7 point.

8 MS. KOENIG: But the one I just wanted...

9 MR. CARTER: Oh -- okay, go ahead.

10 MS. KOENIG: ...to comment with that, and it's  
11 in the text, but just for the benefit of the audience,  
12 when the task force met on a number of occasions  
13 between, you know, December and January, and we went  
14 through many different proposals, trying to figure out  
15 ways of, perhaps, accommodating farmers. You know, the  
16 input that we have gotten in the past, that we need  
17 certain List 3's. Some of it was sunseting certain  
18 ones, identifying certain ones, but when we went back to  
19 NOP, they checked with the lawyers and, you know, they  
20 were saying that would not -- you know, that's not a  
21 legal solution unless you -- if you want to kind of  
22 restrict things, you really have to go through the  
23 process of petition, rather -- or open everything up to  
24 List 3's.

1 MR. CARTER: Okay. Goldie, you had a  
2 question?

3 MS. CAUGHLAN: Yeah. Well, on the  
4 recommendation, given the fact that the task force vote,  
5 itself, was a 50/50, I mean -- but, pardon, not 50/50.  
6 There were nine members listed. Six voted in favor of  
7 the recommendation, but three have voted against it. Are  
8 we going to see the minority rationale, and has that  
9 been prepared, and will that be circulated?

10 MR. KING: Sure, I'll talk about mine.

11 MS. BURTON: Wait. I have -- maybe we can  
12 talk about the minority opinion.

13 MR. CARTER: Yeah. Yeah, okay. I guess we  
14 will hear from you in due time, okay?

15 MS. BURTON: Are you ready?

16 MR. CARTER: Yes, go ahead, Kim.

17 MS. CAUGHLAN: Well, but my question is...

18 MS. BURTON: Yes. Yes.

19 MS. CAUGHLAN: ...are you going to present  
20 something...

21 MS. BURTON: Right now.

22 MS. CAUGHLAN: ...well, in writing, that we  
23 can have to -- because it seems to be...

24 MS. BURTON: Let me talk about it first, and

1 see if you need it in writing.

2 MS. CAUGHLAN: All right.

3 MS. BURTON: I was one of the minority  
4 opinions on this recommendation, and I'll tell you  
5 specifically why. From a material standpoint, my  
6 understanding is that unless a material is on the  
7 National List, you have to start the de-certification  
8 process. There is no mechanism for recommending a minor  
9 noncompliance. That's my understanding. There's nobody  
10 from NOP in here to clarify that. So I -- I could not  
11 support this primarily for that reason, because, again,  
12 it's my understanding that unless something's on the  
13 National List, you have to start the de-certification  
14 process because it's a major noncompliance portion of the  
15 rule. The other reason that I didn't support it was that  
16 with -- I was intricately involved with the Glycerine  
17 Oleate fiasco on these lists of inerts, and there's 43  
18 materials that have historical use in this industry that  
19 are not allowed, 17 of which have been either re-  
20 formulated, I guess re-formulated. And this is -- I'm  
21 going off of your, you know...

22 MS. KOENIG: Forty-three?

23 MS. BURTON: Well, that's what I just counted,  
24 43, and I just put down...

1 MS. KOENIG: So, too, if you look at the  
2 chronology of the history...

3 MS. BURTON: Yes.

4 MS. KOENIG: ...2003, May 7, is the latest  
5 update.

6 MS. BURTON: So there is some historical use.  
7 And the other reason that I voted it down is it seems  
8 that there's inconsistencies in how the certifiers are  
9 handling this. So I cannot support a recommendation  
10 unless it has a clear, clear guidance to certifiers on  
11 what to do. So that's the primary reason. They need to  
12 decertify. If so, then that's clear. But this  
13 recommendation was not, to my understanding, going to be  
14 allowed by the NOP.

15 MR. CARTER: Okay, Mark?

16 MR. KING: Well, my -- I'm a minority opinion  
17 here too. Essentially, where I'm at with this, if you  
18 look at, and I'll just reference, and you can correct me  
19 if I'm wrong, the proposed accreditation  
20 compliance/noncompliance document essentially deals with  
21 things that are currently in the rule, and then places  
22 and gives examples of how certifiers could handle  
23 certain scenarios based on the regulation. And I  
24 understand this is a task force, and I understand we

1 have to admit the best sense out of a certain topic. In  
2 this case, List 3 inerts, as we possibly can. And I'm  
3 not sure that we need to step into the compliance realm  
4 yet for a couple reasons. One is there probably, and  
5 I've heard that there could be inconsistencies in the way  
6 it's interpreted at the certifier level. Two is, as an  
7 accredited certifier, they're charged to, essentially,  
8 certify to the regulation. So this may or may not help.

9 In other words, we may be overstepping our bounds as a  
10 Board. And I do support it in a sense that, as Rose  
11 described it earlier, the challenge we've been given is  
12 it's either List 4 only, or it's List 4 and it's List 3.  
13 And so we've heard from the industry and stakeholders  
14 that, gosh, there's got to be something in between, how  
15 do we deal with this. And so, the unfortunate reality  
16 is, I'm somewhat limited, and I can't offer you an  
17 alternative right now. But I just want -- I think we  
18 might be moving, I don't want to say too quickly, because  
19 it's been a decade now. But I'm not sure this is the way  
20 to approach it just yet.

21 MS. CAUGHLAN: I'd like to call on Zia, since  
22 she was the third minority opinion.

23 MS. SONNEBAN: Zia Sonneban, California  
24 Certified Organic Farmers and Materials girl. And I

1 have been doing this inert stuff for more than ten  
2 years. I'm familiar, from before the beginning of when  
3 this time line started with the issue. And I do want to  
4 point out that as even as late in the time line, at the  
5 time that Eric Sideman had the NOSB write the letter to  
6 manufacturers, that letter identified 100 products that  
7 were in historical use that were -- might still have  
8 undisclosed inerts. Now, four years later, or five  
9 years later, were down to -- I think Kim's numbers were  
10 a little out of whack...

11 MS. BURTON: No.

12 MS. SONNEBAN ...but we estimate roughly  
13 between 25 and 30 products that are still in that  
14 undisclosed, unknown products category. The rest of  
15 them are gradually being reformulated, not used because  
16 a there are alternatives, or petitioned to you. So the  
17 process that we set up started in that ten-years ago  
18 period, is gradually working toward our desired aim,  
19 which is to have no more List 3's that are identified on  
20 the National List. So, with that in mind, I did not, at  
21 the -- representing a certifier on the task force, we  
22 need language that can be enforced and consistently,  
23 with proper notification to our certified parties, of  
24 what the policy is going to be. That is not what we've

1       been getting from the NOP. There was no clear  
2       distinction what was a minor noncompliance versus a full  
3       noncompliance, what our choices were in issuing a minor  
4       noncompliance, and what the corrective actions could be,  
5       what the possible choices of corrective actions should  
6       be. And so if we go to a thing right away from the  
7       October 21 last year, no List 3~~s~~, boom, then we have no  
8       -- we don~~t~~ know how to enforce that because there are  
9       going to be mistakes. Because, as you heard today, 22  
10      percent of the farmers don~~t~~ have email, net access. It  
11      takes us, we estimate, to do proper notification, a  
12      full-year cycle. So we train the inspectors what to say  
13      on the farm. The inspector goes to the farm, tells the  
14      grower oh, this year this is changed you can~~t~~ do that,  
15      because the growers aren~~t~~ reading their newsletters,  
16      they~~r~~e not watching their renewal documents for the rule  
17      change sheet we send out, or, you know, all the other  
18      ways we have of notifying them. And so it takes kind of  
19      a year cycle. So we need -- I just can~~t~~ vote for no  
20      List 4~~s~~ right now when we~~r~~e making steady progress. I  
21      mean no List 3~~s~~ right now, when we~~r~~e making steady  
22      progress, and what we need is some future phase-out  
23      period. That~~s~~ why I insisted that if we were going to  
24      go with this policy at all, we had to try for some

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1 compliance language that we're not getting from NOP, with  
2 more specifics. The document that Jim's committee put  
3 out was a good start in the notification procedures and  
4 minor noncompliance, quotes from the preamble that says,  
5 ~~A~~The certifier has discretion to determine what is a  
6 minor noncompliance.@ And so I figured we could write  
7 some language that could dovetail it to it. And if that  
8 language could be in place, then I can support this in  
9 the realm of a continuous improvement point towards  
10 getting to where we're going. And so last night, and I  
11 know, Kim and Mark, you weren't there, but some of the  
12 rest of us stayed up last night and we wrote some  
13 compliance language to fit in this. And I will say that  
14 I am reasonably comfortable with this. And I think if  
15 this language is posted and it's out there for  
16 certifiers, you'll see less discrepancy among certifiers.  
17 I haven't asked all the other certifiers if they could  
18 live with this, but I suspect many of them can live with  
19 this because it says, first you issue -- first you try  
20 and find out what's in it. Then you take what's in it,  
21 and you do this and this with it. And it's systematic,  
22 makes it a minor noncompliance if everything doesn't work  
23 correct the first year, and it keeps us moving forward  
24 in the direction that we've been heading with inerts for

1 all this time. So I do support this. Now, I don't -- I  
2 still would rather push on the Department and push on  
3 the EPA to keep reclassifying List 3 inerts. I mean I  
4 think there are some of them that you look at should be  
5 reclassified. And I saw the original motion. I'm just  
6 saying back to the original recommendation as stopping  
7 that progress. But I think we can still do that and  
8 support this compliance language.

9 MR. CARTER: Okay.

10 MS. BURTON: I had a comment question. And  
11 see, I could support that also if I -- if I knew that  
12 that would work for the farmers. I am not confident  
13 again. And now they're in the opposite end of the room.

14 It's my understanding that unless something's  
15 specifically listed on the National List, you can't use  
16 it. And -- and if we say, only List 4's, and someone's  
17 using a List 3, this minor noncompliance means nothing.

18 You have to start the decertification process.

19 MS. SONNEBAN: We don't know. This isn't  
20 something that we know what it is. These are things  
21 that we, by and large, don't know what they are, so it's  
22 not a noncompliance when we don't know.

23 MS. BURTON: Is it your duty as a certifier to  
24 find out what's in there?

1 MS. SONNEBAN: Right. And this is prescribing  
2 steps to try and find out.

3 MR. CARTER: Okay, George...

4 MS. OSTIGUY: And I'd like to eventually get...

5 MR. RIDDLE: Yeah, basically, when Goldie  
6 asked for minority opinion or reports, I heard three  
7 different minority views on why they didn't vote for it.  
8 So -- and I really appreciate what Zia said. It's a  
9 dose of reality here. These are not black-and-white  
10 issues, you're in, you're out. And I did, you know, take  
11 a look at some of the language last night because it  
12 does interface with the accreditation, a minor  
13 noncompliance. And I've -- I will have some comments on  
14 it just on that item number 2. And the one in  
15 particular is to, instead of say in 2001, to change that  
16 to say, between December 21, 2000, and October 21, 2002.

17 So we set a very finite time, which is the  
18 implementation period. If those were still being used  
19 in that window, they can be treated as minor  
20 noncompliance following these procedures. But -- and I  
21 would like to compare these very closely to the  
22 noncompliance procedures in the draft. I don't know if  
23 they were cut and pasted.

24 MS. SONNEBAN: No, it's not a final.

1 MR. RIDDLE: No, right. Right. And, ideally,  
2 they need to merge here.

3 MS. SONNEBAN: I wanted to...

4 MR. CARTER: Just -- well now let me -- okay.  
5 Nancy. Oh, no, let's see who was up?

6 MS. OSTIGUY: Somebody else was going to...

7 MR. CARTER: George. Yeah, George...

8 MR. RIDDLE: Yeah, George was first.

9 MR. SIEMAN: I can always ask them questions.  
10 This recommendation has a little formatting issue. The  
11 recommendation is the entire rest of the page?

12 MS. OSTIGUY: The entire rest of the second  
13 page, yes.

14 MR. SIEMAN: Now, just for the voting.

15 MS. OSTIGUY: No.

16 MR. RIDDLE: But, yeah, they voted on number  
17 one, then number two has been added since that time.

18 MR. SIEMAN: With a vote or without a vote?

19 MR. RIDDLE: There's been no vote. It's just  
20 being presented for discussion, right?

21 MR. SIEMAN: So the vote was just about number  
22 one, itself. Thank you.

23 MS. OSTIGUY: No, there actually was a vote  
24 for number two, but it was so changed that I was not

1 going to put a vote.

2 MR. SIEMAN: Okay, and then just so I follow,  
3 there's one, there's two, and there's corrective actions  
4 needed, and that's another section so to speak?

5 MS. SONNEBAN: No, it's all in the piece. It's  
6 all two.

7 MR. SIEMAN: It's all two. Thank you.

8 MS. SONNEBAN: It's all there.

9 MR. CARTER: So it should be 2A and AB?@

10 MS. SONNEBAN: Well, Nancy said it was  
11 changed.

12 MR. CARTER: Yeah, okay.

13 MR. SIEMAN: It's okay. I'm fine now.

14 MR. CARTER: All right.

15 MS. OSTIGUY: Okay. We've had several people  
16 allude to whether or not what has been written as a  
17 minor noncompliance set of criteria would even fit with  
18 the rule. Can Richard or somebody speak to that,  
19 please, now that I've put you on the carpet, Richard?  
20 What I'd like to know is whether or not, you know, the  
21 proposal was to consider use of historically approved  
22 materials that were, you know, permitted before  
23 implementation last October, be considered minor  
24 noncompliance if they met particular criteria. Is that

1 even -- not speaking to the criteria because, obviously,  
2 I have not had a chance to look at it, is that even  
3 vaguely possible, or do we have a situation, as Kim  
4 mentioned, where it's very clear cut. If it's a material  
5 and it's not on the list, then it cannot ever, ever  
6 happen?

7 MS. SONNEBAN: While they're whispering, I will  
8 say my two more sentences. Okay, one is we're not -- you  
9 know, I hear you talking a lot about the organic Twinkie  
10 and the organic donut concept here. We're talking now  
11 about whether it's worth it to have an organic apple or  
12 an organic kiwi because some of these materials are so  
13 widespread that they affect entire crops in regions.  
14 And two is that of those 25 materials left, some of them  
15 are substitutes for each other. Like there's five or six  
16 oil products. And even if two or three of them got  
17 through, then the others wouldn't be needed.

18 MR. CARTER: Okay, call on Mark and then Rick  
19 and Barbara.

20 MR. KING: I just wanted to sort of add to  
21 some of what Nancy said, and it's more of a question,  
22 because the focus of this task force has been List 3  
23 inerts. And I'm thinking out loud, literally, right now,  
24 in that any time an industry goes from self-regulation

1 to full implementation of a regulation, any regulations,  
2 I'm not talking about -- or industry, agriculture here,  
3 but I guess, can you, while you're up here, address  
4 Nancy's stuff, and then also address parallels? In other  
5 words, this issue, not this specific List 3, has had to  
6 have come up from a regulatory perspective before. How  
7 was it dealt with? Where could we go, as a task force,  
8 to seek that information as guidance, so on and so  
9 forth?

10 MS. OSTIGUY: Okay, it's probably going to take  
11 both of us to answer this, but let me start off by  
12 saying, first of all, I think you -- Nancy's question is  
13 two issues. It's, first of all, what do you -- you know,  
14 how we deal with unknown territory of List 3's when  
15 they're not listed, so you don't know if you're committing  
16 the crime while you're actually doing it. And the  
17 second part of that is a very precedent setting  
18 question, as far as I'm concerned, that we would want to  
19 really sit down and think about. And that is you are  
20 listing the List 3 issue to drift into question of how  
21 are we going to handle -- what are we going to call  
22 minor noncompliance. The implication of that is what  
23 are you going to do about it? Now, here's what we know.  
24 There are violations because people either deliberately

1 or inadvertently do the wrong thing. What you do, as  
2 the certifying agent or the producer, in discovering  
3 that something wrong has been done, you can put this  
4 label on it that it's a noncompliance. But then the  
5 question is, what are you going to do about it? I don't  
6 think of us have addressed that, except in the cases of,  
7 you know, where it is specifically spelled out in the  
8 rule those egregious violations that would generate  
9 decertification or some sort of enforcement action  
10 either by the certifying agent or the Department. Have  
11 I got you all confused yet?

12 MS. BURTON: No.

13 MS. OSTIGUY: Oh, I should keep talking. So  
14 let's try to separate those because on the second  
15 question of what to do about whether a compliance is big  
16 or little, minor or major, and then what you're going to  
17 do about it, I don't think we've all sorted through that,  
18 including you. I mean you've just now put out something  
19 for consideration. You know, we want to take that under  
20 advisement and figure out how to go through that maze  
21 and, you know, what's the most reasonable thing. I am  
22 loathe personally and professionally, from my  
23 experience, to get into too many prescriptive recipes  
24 because you can never fully describe that waterfront. I

1 think you're always better off putting sort of boundaries  
2 and some reasonable guidelines, principles, thresholds,  
3 whatever you want to call them, so that all reasonable  
4 people applying those would get to the same place 95  
5 percent of the time. Much like what happens in any kind  
6 of civil or criminal court case. Now, to go back to the  
7 List 3 thing, now this is -- I first want to preface  
8 that by saying, this is why, last fall, we proposed what  
9 we proposed on List 3 because here you are, and you're  
10 back into the problem of now knowing whether or not  
11 you've done something wrong, and finding it out after the  
12 fact.

13 MR. MATHEWS: The only thing I really want to  
14 say is that we have to keep in mind that sections of the  
15 regulations never stand alone. The fact that the  
16 material is not on the National List isn't where it  
17 stops. What you have to remember is that the materials  
18 that you're talking about are being used on crops which  
19 come in contact with the soil. And the land  
20 requirements say that before you can harvest an organic  
21 crop, it has to be on land to which no prohibited  
22 substance was added for at least three years. And that's  
23 really all I've got to add.

24 MS. BURTON: Richard...

1 MR. MATHEWS: Yes?

2 MS. BURTON: ...I'm still confused then  
3 because, as a -- say as a processor, I am not allowed to  
4 use something in my facility or in my product unless it's  
5 on the National List.

6 MR. MATHEWS: That's correct.

7 MS. BURTON: And if I do, then I'm prohibiting  
8 -- I'm breaking the rule?

9 MR. MATHEWS: At that point, your product is  
10 not organic.

11 MS. BURTON: Okay. So do I just pretend I  
12 don't know what a material is, and then I use it, and  
13 then I get issued a minor noncompliance? I don't see the  
14 difference here, and that's what I'm trying to  
15 understand. If farmers are using something and they  
16 don't know what it is, and the certifiers don't know what  
17 it is, they shouldn't be using it.

18 MR. MATHEWS: That's...

19 MS. BURTON: And we have a problem because  
20 they've been allowed to use them.

21 MR. MATHEWS: That's why I have consistently  
22 said, in all the producer meetings that I've been to,  
23 including the Silamat [ph], when in doubt, go without.  
24 Until this Board comes up with something that we can

1 work with that we can ruminate over for a while, take to  
2 the attorneys and see how that recommendation would fit  
3 into the standards, we have to apply the standards as  
4 they are. They're not allowed.

5 MS. BURTON: And what's happening is some  
6 certifiers are saying no, and some certifiers are saying  
7 yes, and the farmers are confused. And they're getting -  
8 - the farmers in Washington are not allowed, and the  
9 farmers in this state are allowed, and that state aren't,  
10 and they're going, well this doesn't make any sense to  
11 me.

12 MR. MATHEWS: Yeah, but the regulations say,  
13 in a number of places, 105 is one example, you can't use  
14 any prohibited substances that aren't on the National  
15 List. Then you go to the National List, and the only  
16 inerts allowed are List 4. The section, I think it's  
17 202, about land, says that you don't add any prohibited  
18 substance to your land for at least three years before.  
19 I'm only telling you what the regulations say.

20 MR. CARTER: Okay. Mark?

21 MR. KING: Yeah, this is really to the entire  
22 NOP staff or, Rick, if you want to answer, it doesn't  
23 really matter. It -- you know, it's not uncommon for us  
24 to hear that USDA is, you know, has this history of

1 compliance enforcement, regulatory experience, so on and  
2 so forth. And in many sections in the rule, I look at  
3 it, and the way it's been enforced and applied, and I  
4 think you've done a marvelous job, so I commend you for  
5 that. However, with that experience, I want to address  
6 my earlier comment. It parallels to other industries  
7 that have gone from self-regulation to full  
8 implementation of a regulation, and there is a gray  
9 area, which is what we're dealing with in a general sense  
10 here. Can you draw parallels? Would you please draw  
11 parallels? Would you provide guidance, something? Do  
12 you see what I mean? A place to go where we could seek  
13 additional information.

14 MR. MATHEWS: Well, I think that it's probably  
15 been over 60 years, Barbara? Over 60 years since the  
16 Department's ever created a training program?

17 MS. ROBINSON: Let's see, 1963...

18 MR. MATHEWS: Okay. So it's been 40 years.  
19 And this type of situation, we don't know if it's ever  
20 come up. Really, I guess what you're -- I'm not sure  
21 where the gray area is.

22 MR. KING: We're thinking outside of the issue  
23 because I'm looking at this as a model, and then saying,  
24 well, is there an example of another model or process

1 like this.

2 MR. MATHEWS: Well, I think that what you have  
3 to look at is I'm not really sure what you're calling the  
4 gray area, for one thing. So could you...

5 MR. KING: Sure.

6 MR. MATHEWS: ...define what you mean by the  
7 gray area?

8 MR. KING: Yeah, use of something that's an  
9 unknown use of something that's not on the National List.

10 MR. MATHEWS: Okay, it...

11 MR. KING: Not talking with behavior.

12 MR. MATHEWS: Okay.

13 MR. KING: We're talking about undisclosed.

14 MR. MATHEWS: You're unaware of whether it's  
15 allowed or not. Well, then I take you back to the  
16 requirements for the organic systems claim. The organic  
17 systems claim, you're supposed to notify your certifying  
18 agent what all the materials are that you're going to  
19 use. The certifying agent should be working with you to  
20 identify whether those are allowed or prohibited.

21 MR. KING: But it's unknown.

22 MR. MATHEWS? At that point, if they're  
23 unsure...

24 MR. KING: Let's say it's unknown. I mean it's

1 -- let's acknowledge. You need to acknowledge that, I  
2 think.

3 MR. MATHEWS: Yeah. Oh, I acknowledge that  
4 it's an unknown. That's why we were so adamant that  
5 something needed to be done with this last fall.

6 MS. OSTIGUY: Maybe this will clarify it.

7 MR. KING: Okay.

8 MS. OSTIGUY: We're -- don't think about  
9 inerts, because we know that inerts exist.

10 MR. KING: Right.

11 MS. OSTIGUY: And so, you know, I can see how  
12 very easily you could say, you know, farmer, you know an  
13 inert exists. It is your responsibility to find out  
14 what that inert is, and is it a List 3 or is it a List  
15 4. You know, let's back up a little more. You don't  
16 even know that that exists, you know. So at this point,  
17 you know, the Europeans are just beginning to discover  
18 that inerts exist. Mentally, it just doesn't occur to  
19 them. There are, I'm sure, situations identical for us,  
20 where it just hasn't occurred to us that we're doing  
21 this. That, oh, there's something in here that I'm  
22 supposed to know about. That something doesn't exist in  
23 our mind.

24 MR. MATHEWS: That's -- but that still gets

1 back to the certifying agent. The certifying agent is  
2 supposed to be working with their clients in the  
3 development of this organic systems plan. The client is  
4 supposed to tell them what they're going to use. The  
5 client is supposed to be reading the label...

6 MS. OSTIGUY: Right.

7 MR. MATHEWS: ...and will know whether or not  
8 the product has inerts in with the active. They have to  
9 know whether the active is even on the list.

10 MS. OSTIGUY: But don't think about inerts.  
11 I'm trying to -- the situation we don't have a clue.

12 MR. CARTER: Okay, that -- all right.

13 MS. ROBINSON: You're confusing an ex ante with  
14 an expo situation, okay? That's a before and after.  
15 Sorry. And you're both exactly right. Kim and Nancy.  
16 Now, Kim is right in the sense that, you know, if it's  
17 not allowed, it's not allowed and, you know, you  
18 shouldn't use it. But that still presumes some level of  
19 understanding that it -- that you know what is allowed.

20 And this is not on the list. Follow what I'm saying?  
21 So, yes, there are going to be instances where, you  
22 know, you look at it, and you ask the question, the  
23 conscious question, can I use this? I don't know. Well,  
24 the safe thing to do is not be sorry, and don't use it.

1 Or find out. But will -- but that's -- you know, that's  
2 trying to cover the entire world. It's just not going to  
3 happen. There's going to be instances where people  
4 inadvertently, or for some other reason, don't know, use  
5 it, and then have a problem.

6 MR. CARTER: Okay, Rose, then Jim, then I'm  
7 going to turn back to Nancy and Rose to bring us toward  
8 some...

9 MS. KOENIG: Okay, basically, we followed the  
10 model. If you remember -- you know, basically, we  
11 followed the model that you recommended similar to the  
12 Compost Task Force. We had a regulation that there was  
13 indication that no, you know, that we couldn't change,  
14 didn't want to change, it was going to take too long to  
15 change, blah, blah, blah, okay? So we had an analogous,  
16 in my mind, situation. For the Compost Task Force, you  
17 said, leave the regs alone, we can produce -- there's  
18 other ways we can acknowledge them, we'll provide  
19 guidance. Okay. So we took that same approach. We  
20 have a reg. We've gotten public comment, and we've got  
21 some today, indicating that the industry in general --  
22 the NOP may think it's -- there might be an easier way,  
23 but from what I gather from the public comment that I  
24 hear when I hear a lot is that the industry and the

1 consumers don't want all List 3. Okay? So what -- the  
2 way that we approached it was then let's try to figure  
3 out this guideline, this guidance document, or what have  
4 you? Let's figure out a way that we can accomplish what  
5 we need to do to get growers to, you know, eventually  
6 come into compliance in the best-case scenario, without  
7 having the train wreck, without -- and that, to me, was  
8 what this document represents. It's not a perfect  
9 document, but I think it shows that not the majority of  
10 the committee, but there's a strong feeling that we don't  
11 want all List 3's. And if that was -- if the choice is,  
12 and that's what it boils down to, if the choice is for  
13 the Board again to decide all List 3's or no List 3's,  
14 then I think that you need to be very -- maybe you have  
15 been very clear to us, but at least as a task force.  
16 But I think that that needs to be restated. And in that  
17 light, you know, the Board then can just decide that.  
18 But we are saying that we believe that, perhaps, we can  
19 address this like you had advised us to address the  
20 compost issue. One other thing -- well, I don't even  
21 want to get into it because there are -- I will just  
22 say, because I don't want to alarm people, there are many  
23 things that people apply to the field, some of which are  
24 very common, because they are getting things from

1 conventional sources, that contain prohibited substances  
2 that are clearly listed in the rule, okay? And it's very  
3 obvious to most people that there are issues there that  
4 need to eventually be addressed in the long term. So  
5 things are -- it's just not black and white. And if we  
6 approach the industry in black and white, I would be  
7 decertified today.

8 MR. CARTER: Okay, Jim, George, and then Nancy  
9 to wrap up.

10 MR. RIDDLE: I think it would be really  
11 helpful to put this in the context of the stream of  
12 commerce policy under which NOP has said that products  
13 produced and labeled as organic prior to October 21,  
14 2002, that use materials that had been allowed by the  
15 certifier prior to that date can remain labeled organic  
16 until used up. The operation does not have to go back  
17 under transition if that, the status of that material  
18 changed.

19 MS. ROBINSON: So Commerce would cover that,  
20 Jim.

21 MR. RIDDLE: Right. And so these are  
22 undisclosed or possibly List 3 inerts that were in  
23 formulations during that window prior to October 21,  
24 2002.

1 MR. MATHEWS: Are you asking for a string of  
2 commerce for prohibited...

3 MS. ROBINSON: No.

4 MR. MATHEWS: ...substances after October,  
5 2002?

6 MR. RIDDLE: No.

7 MR. MATHEWS: Okay.

8 MR. RIDDLE: No.

9 MS. ROBINSON: No. And stream of commerce  
10 does cover exactly what you just described.

11 MR. RIDDLE: Right. And so I think this  
12 falls...

13 MS. ROBINSON: Yeah, labeled as certified to  
14 the NOP. That's all.

15 MR. RIDDLE: Right, but the land doesn't have  
16 to go back under transition. It just needs to change  
17 it. It was a minor noncompliance. You have to correct  
18 it now, from now forward.

19 MR. MATHEWS: At that time, prior to October  
20 21, it wouldn't have even been a...

21 MR. RIDDLE: Yeah.

22 MR. MATHEWS: ...minor noncompliance.

23 MR. RIDDLE: Yeah. Yeah. Right.

24 MR. MATHEWS: Because...

1                   MR. RIDDLE: But they need to be notified that  
2 you need to stop using it, you're out of compliance now.

3                   MR. MATHEWS: Well, anybody -- anybody who  
4 applies one of those materials today would be in  
5 noncompliance.

6                   MR. RIDDLE: Yeah, I agree, and...

7                   MR. MATHEWS: Somebody who applied them a year  
8 ago...

9                   MR. RIDDLE: Yeah.

10                  MR. MATHEWS: ...would not have been in  
11 noncompliance because they are brought under the  
12 grandfather clause...

13                  MR. RIDDLE: Right.

14                  MR. MATHEWS: ...because their certifying  
15 agent was previously allowing it.

16                  MR. RIDDLE: Yeah, and we're not...

17                  MR. MATHEWS: Now...

18                  MR. RIDDLE: Go ahead.

19                  MR. MATHEWS: ...just let me ask one little  
20 mind-stimulating comment, and then I think we ought to  
21 probably just wrap it up because you guys are already  
22 way behind. And George is...

23                  MR. CARTER: George's comment, and then Nancy  
24 will wrap it up, so...

1 MR. MATHEWS: Okay. Well let...

2 MR. CARTER: ...or a question.

3 MR. MATHEWS: ...me toss this out to you.

4 You've got an immigrant worker on your farm and he  
5 goes...

6 UNIDENTIFIED SPEAKER: Illegal?

7 MR. MATHEWS: Legal. Legal. A legal farm  
8 worker on your farm. They use, I don't know, Roundup.  
9 Is that going to take your land out of organic? And if  
10 it does, what makes it different from the other product  
11 that you said inerts are as bad, if not worse, than the  
12 active? Just for a little thought. What, bottom line,  
13 we will entertain anything you send to us, okay?

14 MR. CARTER: Okay, George?

15 MR. SIEMAN: Well, we're glad to entertain you.

16 I have a question though. I have a question though.

17 NOP. Rick, please, please.

18 MR. CARTER: Oh, you're not off the hook yet.

19 MR. SIEMAN: Okay, in the task force, it says  
20 that you put forward a list of criteria, four points,  
21 that was told by NOP that they would not resolve the  
22 problem or there'd be direct conflict with OFPA, the  
23 report says. But number four says that we could exempt  
24 -- we could allow Class 3's that are exempt, that have

1 the tolerance for food crops. That's number 4 on the  
2 same. I have to add that there is no reason why we can't  
3 put forth that as a proposal and can be a solution to  
4 this problem.

5 MS. ROBINSON: Help.

6 MR. SIEMAN: Which, by the way, is the motion  
7 I made last fall for this problem.

8 MS. ROBINSON: George is raising the motion  
9 that he brought up last fall.

10 MR. SIEMAN: I don't know if this requirement,  
11 it says, to be exempt from the requirement of the  
12 tolerance of food crop, I don't know if that's right,  
13 quite, in wording, but, you know, there's EPA 3's that  
14 are food tolerance.

15 MS. ROBINSON: Right.

16 MR. SIEMAN: And it says here that NOP would  
17 not solve the problem because the criteria. I've not --  
18 maybe the other 3 points, but this number 4, as far as I  
19 know, is something we could do and would solve a bulk of  
20 this problem.

21 MS. ROBINSON: Can we ask for time to take  
22 that under advisement...

23 MR. SIEMAN: All right.

24 MS. ROBINSON: ...read that over again?

1 MR. SIEMAN: The next?

2 MS. ROBINSON: Yeah.

3 MR. CARTER: Okay.

4 MR. SIEMAN: Okay, the next point is -- Nancy,  
5 I really, if you're going to do this, and this is very  
6 nice, I'd like to see last fall's history in here as  
7 well. We had a discussion, but we made a motion last  
8 fall on this. And you have everything from '95, '96. I  
9 think we ought to have exactly what happened last fall,  
10 including the failed motion last fall, to really get  
11 this history done, like she's done such a good job.

12 MR. KING: It would just be a cut and paste of  
13 the minutes.

14 MS. OSTIGUY: Yeah.

15 MR. SIEMAN: That's fine. Just -- we've got  
16 them right in our book here.

17 MR. CARTER: Okay. Nancy?

18 MS. OSTIGUY: Yeah. And, actually, I think I  
19 could probably answer the first question at least  
20 somewhat. What the NOP responded to was all four  
21 together, not any one separate.

22 MR. SIEMAN: Now, I'm asking...

23 MS. OSTIGUY: So it's possible and, you know,  
24 they've indicated they'd have to look at that. But that

1 could solve the -- well, but the original question, and  
2 what was written here, was all four all together.

3 MR. SIEMAN: Okay. So now I'm asking just  
4 about number 4, itself...

5 MS. OSTIGUY: Right.

6 MR. SIEMAN: ...which was the motion of last  
7 fall.

8 MS. OSTIGUY: Right. So where we stand is  
9 requesting Board comment. After receiving that I will -  
10 - I and Rose will do revisions, and then we will send it  
11 to NOP to be posted on the web site for public comment.

12 MR. CARTER: Okay. Okay, appreciate it. Let's  
13 move on then to the Compost Tea Task Force Report.

14 MR. BANDELE: Yeah, we'll try to be...

15 MR. CARTER: Owusu.

16 MR. BANDELE: ...brief with this. Just as a  
17 background for some people, I'm sure most of us are  
18 aware, but we originally had a Compost Task Force to try  
19 to find ways to more or less re-interpret or add some  
20 guidance to the compost provisions in the Act. And as a  
21 part of that, because they were deemed to be  
22 restrictive, and as a part of that, the issue of compost  
23 tea came in. And what the Board -- that task force  
24 recommended was not to eliminate that, the use of

1 compost tea, but to not allow the addition of sweeteners  
2 like molasses. And there was a report there that stated  
3 that this possibly could lead to human pathogens, the  
4 buildup of human pathogens. There was a lot of  
5 discussion about whether or not this was true, whether  
6 or not it was science based. But be that as it may,  
7 that was the -- that was the recommendation. So that  
8 task force, that original task force, then did not state  
9 that composted tea could not be used, but only the  
10 sweetener issue. As it was posted, there was some  
11 controversy about whether or not, in fact, was science  
12 based. So, long story short, the compost tea provision  
13 of that task force did not appear on the web site.  
14 There was a lot of response about that. So, as it  
15 stands now, according to NOP interpretation, that if  
16 compost tea is treated as raw manure, then it could be  
17 used. And that means, you know, it could be a 90 to a  
18 120-day waiting period, which really would make it  
19 impossible to use for a lot of the uses. The Crops  
20 Committee had serious problems with that and recommended  
21 the formation of a Compost Tea Task Force, of which Eric  
22 Sideman graciously -- who was the Compost Task Force  
23 Chair, accepted the co-chair along with Dennis. So I'm  
24 going to turn it over to Dennis to update on that.

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1                   MR. HOLBROOK: Thank you. I just sent around  
2 a listing of the Compost Task Force members. I have a  
3 few extra copies here that if anyone in the audience is  
4 interested in finding out who~~s~~ on that, they~~r~~e  
5 available here. And as Owusu said, this all came about  
6 as a result of the original Compost Task Force and the  
7 ultimate interpretation by NOP as far as compost tea  
8 being classified as raw manure. The group has been --  
9 we had our first conference call last week. As a result  
10 of that, we had many discussions, topics concerning  
11 compost tea, the actual different methods of making or  
12 brewing compost tea. The pathogens studies issue was  
13 also brought up and discussed. Food safety. And also  
14 all the specific uses that are currently being used for  
15 -- or compost tea is currently being used for. So we  
16 felt, in order to obtain enough information to begin our  
17 dialogues and to begin to look at setting up some type  
18 of beneficial guidelines, we needed to get as much  
19 information that we could glean out there. So we have,  
20 at this point, we have developed some sub-committees.  
21 And the sub-committees are, basically, looking at the  
22 different methods of making and brewing of the tea, as I  
23 had talked about, and the pathogen issue as well, along  
24 with the uses in tea. In our conversations, for

1 example, with the brewing of tea, we have methods being  
2 used anywhere from compost being shoved into pantyhose  
3 and sucked down into buckets of water and utilizing it  
4 that way, all the way to manufactured tea brewing. So  
5 we realize that there's a great vast area here that we  
6 have to cover. And we realize that there are certain  
7 areas within the compost tea that the manufacturing,  
8 that we're going to have to regulate. We're going to  
9 have to substantiate some standards that everybody can  
10 adhere to. So that is the process which we are -- have  
11 begun. We will meet by conference call monthly, for the  
12 next several months, and hope that we can have something  
13 to present by our fall meeting. One of the concerns  
14 that I personally have is whether there is adequate  
15 research information available that's going to be able to  
16 give us all the answers that we feel like we need. One  
17 of the things that we hope to be able to come out of  
18 this, these meetings, are to be able to determine and  
19 recognize potential research projects in this area that,  
20 perhaps, USDA grants can be a source of funding for. So  
21 that's where it stands at this point, and that concludes  
22 my report.

23 MR. CARTER: Okay. Comments, questions for  
24 Dennis? Okay, that gets us through, then, the various

1 task force reports, so now that it is 12:30, I'm going to  
2 ask the Board if we can be back in 45 minutes to start  
3 in then on the Material Recommendations. So the -- we  
4 will go through with the same order that we did  
5 yesterday in presenting the report, so be back here --  
6 and, please, be back by 1:30 -- or 1:15, ready to go.

7 \*\*\*

8 [Lunch recess]

9 \*\*\*

10 MR. CARTER: Okay, we will reconvene the  
11 meeting, now that Katherine is here. We had to go drag  
12 her out of the restaurant. Okay, we will move into  
13 Consideration of the Materials, in the same order which  
14 they were brought up yesterday at the discussion. The  
15 procedure that we use as a Board, and have for the last  
16 few meetings, is that yesterday's discussion was intended  
17 to go through and analyze the materials. What they're  
18 really being brought up for at this point is for action.  
19 Under our -- under the law and under our regulations,  
20 materials require a two-thirds vote for approval. And  
21 we are charged, as a Board, with determining not only  
22 approval or prohibition, but their designation as  
23 natural or synthetic. Our procedure is that the  
24 committees bring forward the recommendation as a single

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1 motion. So they would make a motion, for example, that  
2 something be a synthetic allowed, and it would be  
3 handled as one motion. So that is how we will handle  
4 the process. With that, I will turn it over to Owusu  
5 Bandele, Chairman of the Crops Committee.

6 MR. BANDELE: Okay, the first material is the  
7 Tetrahydrofurfuryl alcohol. I make a motion that it be  
8 considered a synthetic substance allowed.

9 MS. OSTIGUY: Are we doing one at a time?

10 MR. BANDELE: Or a synthetic substance.

11 MR. CARTER: No, we...

12 MS. OSTIGUY: Or two separate?

13 MR. CARTER: ...No, we have been doing them as  
14 a single.

15 MS. OSTIGUY: Okay.

16 MR. CARTER: If the committee brings it  
17 forward as a synthetic allowed, that's the motion that's  
18 on the table.

19 MS. OSTIGUY: Second.

20 MR. BANDELE: That's my motion.

21 MR. CARTER: Okay.

22 UNIDENTIFIED SPEAKER: Who seconds?

23 MS. OSTIGUY: I did.

24 MR. CARTER: Okay, it's been seconded by Nancy.

1 Any discussion on the motion?

2 MR. BANDELE: We did have an annotation on  
3 that so...

4 MS. OSTIGUY: Oh.

5 MR. CARTER: Okay, would you please explain  
6 the annotation?

7 MR. BANDELE: Okay. Okay, I'm reading  
8 Tetrahydrofurfuryl alcohol be added to Section  
9 205.601(m) with the annotation until 2006.

10 MR. CARTER: Okay, and that is part of the  
11 motion?

12 MS. OSTIGUY: Yes.

13 MR. BANDELE: Yes.

14 MR. CARTER: Okay, and it's part of the second?

15 MS. OSTIGUY: Yes.

16 MR. CARTER: Okay, discussion on the motion?

17 UNIDENTIFIED SPEAKER: What was the committee  
18 vote? You gave us yesterday deferred.

19 MR. BANDELE: Yeah, the committee vote was  
20 five to zero.

21 MR. CARTER: Okay, five to zero to approve.  
22 Okay, further discussion on the motion?

23 MR. BANDELE: Just that we did have some  
24 concerns about criteria 1 and 6. We talked to the

1 petitioner and received additional information and,  
2 therefore, we're moving forward with it.

3 MR. CARTER: Okay. Jim?

4 MR. RIDDLE: Well, we're supposed to be  
5 capturing these, and I'm behind.

6 MR. CARTER: Okay.

7 MR. RIDDLE: So if you could just repeat it  
8 slowly. I mean let's just slow down the pace here a  
9 little bit.

10 MR. CARTER: Okay.

11 MR. RIDDLE: Our lives.

12 MR. CARTER: Okay.

13 MR. RIDDLE: Put the -- keep a lid on your  
14 coke.

15 MR. CARTER: I've got caffeine in my system.  
16 Okay.

17 MR. BANDELE: Tetrahydrofurfuryl alcohol be  
18 allowed as -- be approved or added as allowed synthetic  
19 with the annotation. Well, it's going to be in Section  
20 205.601(m).

21 MR. RIDDLE: 205.601(m), okay.

22 MR. BANDELE: Okay, with the annotation until  
23 2006.

24 MR. RIDDLE: Okay, thank you. Until -- is

1 there a date in 2006?

2 MS. OSTIGUY: No, I think it would be December  
3 31.

4 MR. RIDDLE: December 31, 2006. Okay.

5 MR. CARTER: Are you caught up?

6 MR. RIDDLE: I am.

7 MR. CARTER: Discussion?

8 MS. BURTON: Is that annotation consistent  
9 with how we've done sunset on the other materials?  
10 George, should I look that up?

11 MR. SIEMAN: Yes.

12 MS. KOENIG: The annotation corresponds with  
13 one EPA rule.

14 MS. BURTON: Well, I do think how we worded it  
15 like we've done on the boiler compounds or anything else.  
16 I just want to make sure we all...

17 MR. SIEMAN: Would you read the annotational  
18 return to...

19 MR. CARTER: Until 2006.

20 MR. RIDDLE: I think it would just be  
21 technically until December 31, 2006 because, otherwise,  
22 you could say January 1. It's now 2006, so it's no  
23 longer allowed.

24 MS. KOENIG: We understood that it was -- I

1 don't remember who advised us, but we were under the  
2 understanding, when you put a year, that that means the  
3 end of that year, legally. But I don't know. That  
4 should be a point of clarification, maybe, from NOP.  
5 That we don't have to put that, but...

6 MR. RIDDLE: Our previous annotations have a  
7 date and it's been October 21, whatever year.

8 MR. CARTER: Okay. Let's go ahead, Kim.

9 MS. BURTON: For use only until, and then  
10 there's a date, specific date.

11 MS. KOENIG: Okay.

12 MR. CARTER: Okay, so the motion on the table  
13 is to allow Tetrahydrofurfuryl alcohol as a synthetic  
14 allowed until December 31, 2006. Are you prepared to  
15 vote? Vote? No?

16 MR. RIDDLE: No, because we discussed this  
17 yesterday. I don't recall hearing anything about this  
18 annotation as part of the committee recommendation, and  
19 so I don't understand why the annotation is recommended.

20 MR. BANDELE: Well, yesterday we were not  
21 recommending it to be approved. Yesterday's  
22 recommendation would be to defer it. But since we had  
23 additional information, that's why the annotation at this  
24 time.

1 MR. RIDDLE: Okay, so why is the...

2 MS. OSTIGUY: And the reason for 2006 is  
3 because of the review by EPA. It is considered to be --  
4 it is one of the items that EPA will be reviewing by  
5 2006. So we will have a decision. It will either be a  
6 List 4 or a List 2.

7 MR. CARTER: Okay, Kim?

8 MS. BURTON: No, that's what I was going to  
9 ask.

10 MR. CARTER: Okay, further discussion? Okay,  
11 seeing no one raising a hand, we will proceed to vote.  
12 Bandele?

13 MR. BANDELE: Aye.

14 MR. CARTER: Burton?

15 MS. BURTON: Yes.

16 MR. CARTER: Caroe?

17 MS. CAROE: Yes.

18 MR. CARTER: Caughlan?

19 MS. CAUGHLAN: Yes.

20 MR. CARTER: Cooper?

21 MS. COOPER: Yes.

22 MR. CARTER: Goldberg?

23 MS. GOLDBURG: Yes.

24 MR. CARTER: Holbrook?

1 MR. HOOLBROOK: Yes.

2 MR. CARTER: King?

3 MR. KING: Yes.

4 MR. CARTER: Koenig?

5 MS. KOENIG? Yes.

6 MR. CARTER: Lacy?

7 MR. LACY: Yes.

8 MR. CARTER: O'Rell?

9 MR. O'RELL: Yes.

10 MR. CARTER: Ostiguy?

11 MS. OSTIGUY: Yes.

12 MR. CARTER: Riddle?

13 MR. RIDDLE: Abstain.

14 MR. CARTER: Sieman?

15 MR. SIEMAN: Yes.

16 MR. CARTER: Chair votes yes. Okay, so it

17 passes on a motion of 14 ayes. Oh, and do you know

18 what, the thing I forgot to ask, I will do this

19 retroactively, and you can do this. Is there anybody

20 has a conflict of interest on this?

21 MS. KOENIG: No, I just have a point of

22 clarification.

23 MR. CARTER: Okay. Then it passes on a motion

24 of 14 ayes, zero noes, one abstention, no recusals.

1       Okay, Rose.

2                   MS. KOENIG: It's a procedural question. Are  
3 we supposed to be filling out the sheets?

4                   MR. CARTER: No, the secretary -- Materials  
5 Chair, Katherine, is capturing it. I'm keeping a running  
6 log. So...

7                   MS. KOENIG: Thank you.

8                   MR. CARTER: ...there will be no test at the  
9 end of the session today. Okay.

10                  MR. RIDDLE: I have a question about the  
11 process of filling out these sheets, and the information  
12 on the back, you know, asks the questions why synthetic,  
13 why approved, why the annotation. And that information  
14 is all captured in the Committee's report, or do we need  
15 to state that for the record and record it on this  
16 sheet?

17                  MR. CARTER: I would recommend that the  
18 Committee, when it gives its report, state those facts  
19 on why it's making its recommendation that it be a  
20 synthetic and, you know, what is the criteria, so that  
21 we have that as a part of the record. Okay?

22                  MR. RIDDLE: Okay. I -- thanks.

23                  MR. CARTER: Okay. Go ahead, Owusu.

24                  MR. BANDELE: Well, the process for the being

1 synthetic, it was deemed so by the chart review, and  
2 also in reviewing its manufacturing process, it was  
3 deemed to be synthetic because it did involve some  
4 products that were not natural, or materials that were  
5 not natural. The reason for the annotation was already  
6 stated in terms of this would allow EPA to either -- so  
7 the products be either deemed List 4 or List 2, in which  
8 case that would be resolved.

9 MS. KOENIG: Well, a point of clarification...

10 MR. BANDELE: Yes.

11 MS. KOENIG: ...that the -- in 206, where they  
12 reclassify it, if it goes to List 4, then it's taken off  
13 the list because it's a list for inert.

14 MR. BANDELE: Right.

15 MS. KOENIG: If it goes to List 2, then the  
16 Petitioner would have to repetition it.

17 MR. CARTER: Right.

18 MS. KOENIG: Under -- you know, with that, in  
19 light of that.

20 MR. CARTER: Okay, let's proceed to Potassium  
21 silicate.

22 MR. BANDELE: Potassium silicate, the  
23 Committee is recommending that decisions regarding  
24 Potassium silicate be deferred until additional

1 clarification regarding the manufacturing process is  
2 obtained and an EPA label is secured.

3 MR. CARTER: Okay, is that a motion?

4 MR. BANDELE: Yes.

5 MR. KING: I second it.

6 MR. CARTER: Okay. There's a motion to defer  
7 Potassium silicate until which time?

8 MR. BANDELE: Until additional clarification  
9 regarding the manufacturing process is obtained and an  
10 EPA label is secured.

11 MR. CARTER: Okay. I'm letting the Secretary  
12 catch up here. Yes, Kim?

13 MS. BURTON: Was that a unanimous decision of  
14 your Committee?

15 MR. BANDELE: Yes, it was. It was four to  
16 zero with one absent, no recusals and no one abstained.

17 MS. BURTON: A point of clarification also.

18 MR. CARTER: Yes, Kim.

19 MS. BURTON: In the past, when a committee has  
20 recommended a material be deferred, that's the end of the  
21 discussion. Is that how we're handling...

22 MR. RIDDLE: We don't get to vote.

23 MR. CARTER: We don't have to vote? Okay.

24 MS. BURTON: Right. Because I just wanted...

1 MR. CARTER: Yeah, you're right. I'm sorry. I  
2 just like to vote on stuff.

3 MS. BURTON: It's just how we've done it in the  
4 past. It's not whether it's right or wrong.

5 MR. CARTER: No, I think that's correct. We're  
6 not ready to make a decision.

7 MR. RIDDLE: Right. But the form, now that  
8 we're trying to fit the form, deferred until blank. And,  
9 no, no, no, I got the reasons, but deferred until  
10 October, 2003, is that correct?

11 MR. BANDELE: Yes.

12 MR. CARTER: Okay.

13 MS. GOLDBURG: No, until there's an EPA label.

14 MS. KOENIG: Yeah.

15 MR. CARTER: Mr. Chair? Now, Owusu?

16 MR. BANDELE: Well, I was just thinking that,  
17 you know, that six-month period, you know, we don't know  
18 when the label's coming in, so it's possible that we  
19 would defer it again, but...

20 MR. RIDDLE: Yeah, right now we're deferring it  
21 until the next meeting...

22 MR. BANDELE: Right.

23 MR. RIDDLE: ...then we'll reconsider based on  
24 the new information that's needed.

1 MR. BANDELE: Right. But just a point of  
2 clarification, they -- I mean could there not be some  
3 cases whereby the Committee would recommend deferring  
4 and the whole Board would want to move forward?

5 MR. CARTER: Well, anybody could make a motion  
6 to override the Committee. I mean the committee report  
7 is just that. It takes the whole Board to act on  
8 anything. But in the absence of a motion to move  
9 forward with a vote, okay? Okay, moving ahead with  
10 Phosphoric acid.

11 MR. BANDELE: Phosphoric acid, the Committee  
12 recommends that the decision involving Phosphoric acid  
13 be determined pending a TAP review for the intended use.  
14 That review should also reassess its use in liquid fish  
15 products.

16 MR. CARTER: Okay.

17 UNIDENTIFIED SPEAKER: And what did you say?  
18 I'm sorry.

19 MR. BANDELE: That review should also reassess  
20 its use in liquid fish products.

21 MR. SIEMAN: That's in that crop handout.

22 MR. O'RELL: Owusu, what was the Committee vote  
23 on that?

24 MR. BANDELE: Committee vote was four to zero.

1           There was one absent.

2                   THE SECRETARY: This is also being deferred?

3                   MR. CARTER: Correct. Yes. Okay, Kim?

4                   MS. BURTON: Just so I'm clear on what the  
5 direction is on this material, we have -- we have  
6 existing TAP reviews that, obviously, didn't answer the  
7 questions for you, so are you wanting a full TAP on this  
8 or a supplemental TAP for crops?

9                   MS. KOENIG: Supplemental.

10                   MR. BANDELE: Well, I would say a full TAP  
11 because it also -- well, I don't know, Kim. The point is  
12 if that -- if the reviewers could get the original TAP  
13 on the fish emulsion, then it may not -- we may -- could  
14 possibly deal with a supplemental on that, in that  
15 regard.

16                   MS. BURTON: Well, we can discuss it off line,  
17 I guess, just so you guys need to give me directions...

18                   MR. BANDELE: Okay.

19                   MS. BURTON: ...or NOP, however it's going to  
20 work.

21                   MR. BANDELE: Okay.

22                   MS. BURTON: And you -- can -- so the specific  
23 reason is that, and I might have missed that, but that  
24 you want a TAP, but what is missing? What information

1 is missing?

2 MR. BANDELE: Oh, there -- well, the use was  
3 different. We could not assess the action in the soil,  
4 which was a crucial point, because of the fact that  
5 there were some concerns about the -- an intent of  
6 boosting the crops with fertility.

7 MR. CARTER: Okay, further discussion? I'm  
8 looking at Rose.

9 MS. KOENIG: Well, the other thing that, based  
10 on the public comments when we discussed it with -- and  
11 when we were discussing the material, the Petitioner  
12 indicated that the person who wrote there's been a change  
13 of employment in their office and the person who wrote  
14 the TAP -- the application, didn't have complete  
15 information, and that's why there were some  
16 indiscrepancies [sic] when were asking them some  
17 questions as far as, you know, the stabilization effect  
18 and such, so in order to fairly review the product, do  
19 we need additional information.

20 MR. CARTER: Okay.

21 MS. OSTIGUY: None of the seven OFPA criteria  
22 are addressed in the existing TAP. Their processing  
23 criteria were addressed. That's the problem.

24 MS. BURTON: So, in that case, if you want the

1 criteria, it would probably be a full TAP.

2 MS. OSTIGUY: Full, yes.

3 MS. BURTON: Okay.

4 MR. CARTER: Okay. Let's move on to Glycerine  
5 oleate.

6 MR. BANDELE: The final recommendation is that  
7 the Glycerine oleate be added as an allowed synthetic  
8 under 205.601(m), with the annotation until December 31,  
9 2006.

10 MR. CARTER: Okay, motion. Is there a second?

11 MR. HOLBROOK: I'll second the motion.

12 MR. CARTER: Okay, it's seconded by Dennis.

13 And explain, again, just for the record, the annotation  
14 and the reason for the annotation.

15 MR. BANDELE: Well, the process was clearly  
16 synthetic because it did involve materials that were not  
17 natural. The annotation is in because it, by that date,  
18 EPA would have made a determination in terms of whether  
19 it would remain in list -- I mean whether it move to  
20 List 4 or List 2.

21 MR. CARTER: Discussion.

22 MR. RIDDLE: He's reading this way too...

23 MR. CARTER: Is it way too quick?

24 MR. RIDDLE: Yeah, and when it's not in

1 writing, it's just frustrating.

2 MR. CARTER: Okay.

3 MR. RIDDLE: And the motion, again, allowed  
4 synthetic...

5 MR. CARTER: The motion is to approve it as an  
6 allowed synthetic until December 31, 2006.

7 MR. RIDDLE: Okay.

8 MR. SIEMAN: And that's in this document we had  
9 yesterday.

10 MS. KOENIG: Right.

11 MR. RIDDLE: Yeah.

12 MR. CARTER: Okay.

13 MR. RIDDLE: And why is it synthetic?

14 MR. CARTER: Okay, Owusu, explain for the sub-  
15 committee again.

16 MR. RIDDLE: The process? The manufacturing  
17 process?

18 MR. BANDELE: The process of its manufacturing  
19 involved synthetic materials.

20 MR. RIDDLE: And the annotation is the same as  
21 the previous -- well, the...

22 MR. BANDELE: 15(h)(a), yes.

23 MR. CARTER: Yeah.

24 MS. KOENIG: Dave...

1 MR. CARTER Yes.

2 MS. KOENIG: ...I had a point of  
3 clarification. Because this is a slightly different  
4 process, I guess, than how we've made the motions in  
5 terms of justification, I'm sensing from Jim that,  
6 perhaps, it's not detailed enough as far as synthetic, or  
7 is it just you can't write that fast? Do you know what I  
8 mean? If there's a...

9 MR. RIDDLE: I'm not even actually thinking  
10 about content.

11 MS. KOENIG: Okay.

12 MR. RIDDLE: I'm just trying to capture the  
13 words so it's...

14 MS. KOENIG: Okay, but can we discuss that for  
15 one moment, because we're starting on this process, and I  
16 don't want to go down a road that we're not happy with.

17 MR. CARTER: Right.

18 MS. KOENIG: Is that the expectation? We have  
19 the TAP report, as far as what -- do you want us to say  
20 all the reviewers found it synthetic? Do you want us to  
21 go into the process or...

22 MR. CARTER: What we should say, okay, and  
23 part of this is -- I mean part of it needs to be  
24 captured here, but part of it's going on the public --

1 the transcript. The motion should just simply say the  
2 synthetic allowed, with the annotation, period. Motion  
3 gets seconded, and then had some discussion as to why  
4 the committee arose -- you know, came to that. Whoever  
5 presents that motion is entitled to give the background  
6 as to why that motion was developed. Jim has got a form  
7 here that we're using for the first time, and then, you  
8 know, in accordance with the NOP's wishes that we provide  
9 this background, I think he's trying to capture all that.  
10 So...

11 MS. KOENIG: Because then we're adding the  
12 section of the rule like, for example, the 205.601(m) is  
13 the disease control part of the rule, so that's why that  
14 has been given.

15 MR. CARTER: Yes.

16 MS. KOENIG: As just a point of clarification.

17 MR. CARTER: That's correct.

18 MS. KOENIG: And that's how you want us to do  
19 that besides that. Okay.

20 MR. CARTER. Yes. Okay, then Nancy, and then  
21 Dennis.

22 MS. OSTIGUY: This, again, is a procedural  
23 question. In the future, would it be helpful if we all  
24 printed out that particular form? The committee then

1 fills in the justification. All that then has to happen  
2 is then that front page with the roll call is done.  
3 That way, Jim's hand doesn't fall off by the end of the  
4 week.

5 MR. RIDDLE: Well, yeah, exactly. I mean this  
6 is thrown at us here when we arrived. The committee  
7 recommendations aren't coming in in the same format so,  
8 yeah, we need to match up the recommendation format so  
9 that it feeds right into this.

10 MS. OSTIGUY: Right. This is not -- this isn't  
11 you.

12 MR. RIDDLE: Yeah.

13 MS. BURTON: We could provide a template, and  
14 then each committee would be responsible to do the back  
15 part...

16 MR. RIDDLE: Yes.

17 MS. BURTON: ...at the voting time and process  
18 this.

19 MS. OSTIGUY: It would just make it easier.

20 MR. CARTER: Okay? Okay, do you have the  
21 information captured at this point?

22 MR. RIDDLE: Well, yeah, I think so, except  
23 why it should be approved, and I think that is in the  
24 committee report, so I'll just reference the report

1       there.

2                   MR. CARTER:   Okay.   Okay, any further  
3       discussion?   Yeah, Jim.

4                   MR. RIDDLE:   Well, the other thing, I mean,  
5       this form is set up to vote separately on synthetic, and  
6       then vote on approved or not.   And last time we had a  
7       vote, we just created, you know, put the same thing in  
8       both boxes, and we really should do them separate.   I  
9       hate to, but that's the way it is.

10                  MR. CARTER:   Okay.   Would you prefer it be  
11       done as two votes to capture it?

12                  MR. RIDDLE:   Yeah, it would be clear.

13                  MR. CARTER:   It was the Board...

14                  MR. RIDDLE:   Because I'm -- you know, someone  
15       might vote as something synthetic, and then they vote  
16       against it.

17                  MS. OSTIGUY:   Right.

18                  MR. CARTER:   So the only reason, just for  
19       clarification, the reason I'm doing this is because at  
20       our planning session one year ago, as a Board, we made a  
21       policy to do it all as one motion, okay?

22                  MR. SIEMAN:   Why do we have to go away from  
23       that?

24                  MS. KOENIG:   Because we have forms now.

1 MR. CARTER: Because we have the forms, so  
2 we're...

3 MS. OSTIGUY: And it's not just the form,  
4 because there are two decisions that we have to make.

5 MR. CARTER: Right.

6 MR. RIDDLE: Yeah.

7 MS. OSTIGUY: So, technically, they do need to  
8 be separate votes, so I like the efficiency idea too.

9 MR. CARTER: Well...

10 MS. BURTON: Since we've got these in front of  
11 us...

12 MR. RIDDLE: Yeah, let's just...

13 MS. BURTON: ...let's move forward...

14 MR. RIDDLE: ...let's play this game today.

15 MR. CARTER: Okay, let's move forward with this  
16 and then I want to explain why you would do it as one  
17 vote, but anyway. Okay, Owusu, what this will require  
18 is that you withdraw your motion, and then we'll stay an  
19 amended motion. So if you would withdraw your motion.

20 MR. BANDELE: So done.

21 MR. CARTER: And second?

22 MR. HOLBROOK: Second.

23 MR. CARTER: Okay. Then the appropriate  
24 motion would be to designate this as a synthetic

1 material.

2 MR. BANDELE: Okay, I make the motion that  
3 tetra...

4 MR. CARTER: No, we're back to -- we're back  
5 Glycerine oleate.

6 MR. BANDELE: Oh, I thought we were going all  
7 the way back to the start. Oh, okay.

8 MR. RIDDLE: No, we captured that, but we were  
9 creative in doing so.

10 MR. BANDELE: Okay, I make a motion that  
11 Glycerine oleate be considered synthetic.

12 MR. HOLBROOK: I second it.

13 MR. CARTER: Okay, seconded. Discussion?  
14 Okay, if you're ready to vote, we'll call the roll.  
15 Burton?

16 MS. BURTON: Yes.

17 MR. CARTER: Caroe?

18 MS. CAROE: Yes.

19 MR. CARTER: Caughlan?

20 MS. CAUGHLAN: Yes.

21 MR. CARTER: Cooper?

22 MS. COOPER: Yes.

23 MR. CARTER: Goldberg?

24 MS. GOLDBURG: Yes.

1 MR. CARTER: Holbrook?  
2 MR. HOLBROOK: Yes.  
3 MR. CARTER: King?  
4 MR. KING: Yes.  
5 MR. CARTER: Koenig?  
6 MS. KOENIG: Yes.  
7 MR. CARTER: Lacy?  
8 MR. LACY: Yes.  
9 MR. CARTER: O'Rell?  
10 MR. O'RELL: Yes.  
11 MR. CARTER: Ostiguy?  
12 MS. OSTIGUY: Yes.  
13 MR. CARTER: Riddle?  
14 MR. RIDDLE: Yes.  
15 MR. CARTER: Sieman?  
16 MR. SIEMAN: Yes.  
17 MR. CARTER: Bandele?  
18 MR. BANDELE: Yes.  
19 MR. CARTER: Chair votes yes. Okay, proceed  
20 with the second motion.  
21 MR. BANDELE: The second motion is that  
22 Glycerine oleate be added to 205.601(m) with the  
23 annotation until December 31, 2006.  
24 MS. OSTIGUY: Second.

1 MR. CARTER: Okay, been moved by Owusu,  
2 seconded by Nancy. Okay, discussion? Hearing none, I'll  
3 proceed to the vote. Caroe?

4 MS. CAROE: Yes.

5 MR. CARTER: Caughlan?

6 MS. CAUGHLAN: Yes.

7 MR. CARTER: Cooper?

8 MS. COOPER: Yes.

9 MR. CARTER: Goldberg?

10 MS. GOLDBURG: Yes.

11 MR. CARTER: Holbrook?

12 MR. HOOLBROOK: Yes.

13 MR. CARTER: King?

14 MR. KING: Yes.

15 MR. CARTER: Koenig?

16 MS. KOENIG: Yes.

17 MR. CARTER: Lacy?

18 MR. LACY: Yes.

19 MR. CARTER: O'Rell?

20 MR. O'RELL: Yes.

21 MR. CARTER: Ostiguy?

22 MS. OSTIGUY: Yes.

23 MR. CARTER: Riddle?

24 MR. RIDDLE: Yes.

1 MR. CARTER: Sieman?

2 MR. SIEMAN: Yes.

3 MR. CARTER: Bandele?

4 MR. BANDELE: Yes.

5 MR. CARTER: Burton?

6 MS. BURTON: Yes.

7 MR. CARTER: And Chair votes yes. Okay, that  
8 also passes 15/0/0. Okay. Now, that should complete  
9 then the Crops Materials. I'm going to make a suggestion  
10 at this point then, that we declare a 20-minute recess  
11 for the Livestock Committee and the Processing Committee  
12 to convene and fill out the backs of these forms with  
13 the rationale so that then when we bring them forward,  
14 we're not scrambling to fill that out.

15 MR. SIEMAN: Just to fill that out?

16 MR. CARTER: That's right, we'll just meet as  
17 committees, we'll fill out the back, so that when we  
18 bring it forward, then the Secretary can be a part of  
19 the decision making, rather than just the record  
20 keeping.

21 MS. BURTON: Do we have enough copies of these  
22 or shall we give them our copies without the...

23 MS. OSTIGUY: I have copies for livestock.

24 MR. CARTER: Okay.

1 MS. CAUGHLAN: Each voting member of the  
2 committee must do so then?

3 MR. CARTER: Yeah, just the committee members  
4 get together and, as committees...

5 MS. CAUGHLAN: But we create one list?

6 MR. CARTER: ...make one list, okay? So you've  
7 got 20 minutes. We'll get back together at quarter  
8 after.

9 \*\*\*

10 [Recess]

11 \*\*\*

12 MR. CARTER: Okay, here's the mike, you're up  
13 next.

14 MR. SIEMAN: Okay, here's the updated handout.  
15 You'll have to help me say what some of our reasons so  
16 were real clear, everybody hears those.

17 MR. RIDDLE: Sure.

18 MR. SIEMAN: I didn't write those down.

19 MR. CARTER: Okay, go ahead. Again, we'll take  
20 them in the order.

21 MR. SIEMAN: Okay, the first one is  
22 Proteinated chelates, which is why we defer, since we  
23 never got the TAP, so that's off the list.

24 MR. CARTER: Okay.

1                   MR. SIEMAN: The next one is Calcium  
2 propionate. You now have a new recommendation that~~s~~  
3 just being handed out right now. All right. And this  
4 is a material that was previously defined as synthetic  
5 when we passed it through our milk fever treatment, and  
6 now it is being recommended to be added to 603(a) as a  
7 mold inhibitor and dry formulated herbal remedy, and the  
8 committee vote that is on the sheet of paper is wrong.  
9 I apologize for that. The approved was 4, the  
10 disapproved 1, and 1 abstained. And then the minority  
11 statement needs to be restated to so we just didn~~t~~  
12 change that part. So I make the motion for the addition  
13 to this, the 603(a) as a mold inhibitor and dry  
14 formulated herbal remedy.

15                   MR. RIDDLE: You~~ve~~ got the right process.

16                   MR. SIEMAN: Yeah.

17                   MR. CARTER: Okay, the motion~~s~~ been made. Is  
18 there a second?

19                   MR. LACY: Second.

20                   MR. CARTER: Okay.

21                   MS. CAROE: Can you restate the motion?

22                   MR. CARTER: Yeah. Okay, restate the motion,  
23 George.

24                   MR. SIEMAN: To add Calcium propionate to

1 205.603(a) with the annotation as a mold inhibitor and  
2 dry formulated herbal remedy.

3 MR. CARTER: Okay.

4 MR. RIDDLE: And there's no motion for it as a  
5 synthetic because that's already been voted on by the  
6 Board at a previous meeting.

7 MR. SIEMAN: Okay, any of the minority people  
8 want to...

9 MR. CARTER: Okay.

10 MR. SIEMAN: There was one.

11 MR. CARTER: Okay, Kim?

12 MS. BURTON: I still didn't get my answer to  
13 the alternative that's available that we already voted  
14 on.

15 MR. SIEMAN: I can give a report on that.

16 MS. BURTON: Okay.

17 MR. SIEMAN: The company has since gone off  
18 and used Potassium sorbate, and it does -- they got a  
19 mixed message. They're really concerned it won't work in  
20 the heat and humidity, and they haven't been able to use  
21 it in commercial production in those conditions. So  
22 there is some hope. So I don't know. It's not proven  
23 though. So they're working with it, so...

24 MS. BURTON: So they're not sure if the Calcium

1 propionate works or...

2 MR. SIEMAN: No, you asked about...

3 MS. BURTON: ...the one we've already approved?

4 MR. SIEMAN: ...Potassium sorbate.

5 MR. CARTER: Potassium sorbate.

6 MR. SIEMAN: They have gone ahead and  
7 formulated with that, but they're concerned that it won't  
8 work in humidity and heat conditions, but they are  
9 working with that. So it's kind of a mixed signal.

10 MS. BURTON: So we could...

11 MR. SIEMAN: And that was just from calling  
12 them last night.

13 MR. CARTER: Okay, Jim?

14 MR. RIDDLE: No, nothing really...

15 MR. CARTER: Oh, okay.

16 MR. RIDDLE: ...on that.

17 MR. SIEMAN: And the other thing is that I had  
18 misspoke yesterday that this material was used as an  
19 ongoing preventive basis and it's used as a therapeutic  
20 basis in feeding to animals for a week or two period of  
21 time in -- as a treatment, not as an ongoing constant  
22 feeding preventive tool. It's just a treatment tool in  
23 the feed.

24 MR. CARTER: Okay. Okay, next?

1 MS. GOLDBURG: I was the abstention, so I'll  
2 give a -- sort of a minority report. I abstained  
3 because the TAP really didn't do an adequate job of  
4 covering how the material is used, and we just learned  
5 about its usage from George's call last night. And so I  
6 feel like we don't, perhaps, have adequate information,  
7 even though it's not a particular troubling substance.

8 MR. CARTER: Okay.

9 MR. SIEMAN: And it's already approved for  
10 other uses...

11 MS. GOLDBURG: Yeah.

12 MR. SIEMAN: ...in livestock health.

13 MR. RIDDLE: And the reason for the  
14 annotation...

15 MR. SIEMAN: Yeah, is that there was a concern  
16 that if we didn't annotate it it would be used for feed  
17 purposes because it's all -- it's a general feed  
18 preservative, it says on the bottom, and we want to make  
19 sure it's only used as a therapeutic tool and not as a  
20 regular feed preservative.

21 MR. CARTER: Okay. Okay, any other questions,  
22 discussion? No? We'll proceed to vote. Caughlan?

23 MS. CAUGHLAN: Yes.

24 MR. CARTER: Okay, Cooper?

1 MS. COOPER: Yes.  
2 MR. CARTER: Goldberg?  
3 MS. GOLDBURG: Abstain.  
4 MR. CARTER: Holbrook?  
5 MR. HOLBROOK: Yes.  
6 MR. CARTER: King?  
7 MR. KING: Yes.  
8 MR. CARTER: Koenig?  
9 MS. KOENIG: Yes.  
10 MR. CARTER: Lacy?  
11 MR. LACY: Yes.  
12 MR. CARTER: O'Rell?  
13 MR. O'RELL: Abstain.  
14 MR. CARTER: Ostiguy?  
15 MS. OSTIGUY: No.  
16 MR. CARTER: Little?  
17 MR. LITTLE: Yes.  
18 MR. CARTER: Sieman?  
19 MR. SIEMAN: Yes.  
20 MR. CARTER: Bandele?  
21 MR. BANDELE: Yes.  
22 MR. CARTER: Burton?  
23 MS. BURTON: No.  
24 MR. CARTER: Caroe?

1 MS. CAROE: Yes.

2 MR. CARTER: Chair votes yes.

3 MR. SIEMAN: Okay, the next one would...

4 MR. CARTER: Just let me -- we have 11 yeses, 1  
5 no, 2 abstentions.

6 UNIDENTIFIED SPEAKER: I have 2 nos, sir, Mr.  
7 Chair.

8 MR. CARTER: Two nos, you're right.

9 MR. RIDDLE: Nancy and Kim.

10 MR. CARTER: Yeah, excuse me. I'm sorry.

11 SECRETARY: So that was two nos and two...

12 MR. CARTER: Yeah, two abstentions. Sorry.  
13 My math didn't add up.

14 MR. RIDDLE: What's the take?

15 MR. CARTER: The takes, yeah, to extend. So  
16 we -- all right.

17 MR. SIEMAN: All right, the next one is  
18 Furosemide. As I said yesterday, this is something used  
19 in the treatment of udder edema. It was synthetic by  
20 the synthetic manufacturing.

21 MR. RIDDLE: Manufacturing process.

22 MR. SIEMAN: Manufacturing process. We  
23 elected to recommend double withholding due to the last  
24 to sentences in the background, that there was 10

1 percent residue after the 48 hours, and while we didn't  
2 have the science about doubling it to 96 hours, it is  
3 not a burden on the producer for the use of this to do  
4 that, so it was just a safety when we have evidence that  
5 there's still 10 percent left in the 48 hours. So we  
6 elected to have that annotation. So -- and the  
7 approval, thus far, is correct, that five approved it  
8 and one abstained. And I make the motion that we add  
9 Furosemide...

10 MR. CARTER: Excuse me, George. You need to -  
11 - this one does require a motion as far as synthetic  
12 or...

13 MR. SIEMAN: I make the motion that we  
14 determine this material to be synthetic...

15 MS. OSTIGUY: Second.

16 MR. SIEMAN: ...Furosemide.

17 MR. CARTER: Okay, it's been moved. Nancy  
18 seconded it. Discussion on the motion?

19 MR. SIEMAN: We can't do voice vote on this?

20 MR. CARTER: No.

21 MR. SIEMAN: Read them off?

22 MR. CARTER: No. Okay, proceed to vote.

23 Cooper?

24 MS. COOPER: Yes.

1 MR. CARTER: Goldberg?  
2 MS. GOLDBURG: Yes.  
3 MR. CARTER: Holbrook?  
4 MR. HOLBROOK: Yes.  
5 MR. CARTER: King?  
6 MR. KING: Yes.  
7 MR. CARTER: Koenig?  
8 MS. KOENIG: Yes.  
9 MR. CARTER: Lacy?  
10 MR. LACY: Yes.  
11 MR. CARTER: O'Rell?  
12 MR. O'RELL: Yes.  
13 MR. CARTER: Ostiguy?  
14 MS. OSTIGUY: Yes.  
15 MR. CARTER: Riddle?  
16 MR. RIDDLE: Yes.  
17 MR. CARTER: Sieman?  
18 MR. SIEMAN: Yes.  
19 MR. CARTER: Bandele?  
20 MR. BANDELE: Yes.  
21 MR. CARTER: Burton?  
22 MS. BURTON: Yes.  
23 MR. CARTER: Caroe?  
24 MS. CAROE: Yes.

1 MR. CARTER: Caughlan?

2 MS. CAUGHLAN: Yes.

3 MR. CARTER: Chair votes yes. Fifteen/zero  
4 synthetic.

5 MR. SIEMAN: Okay, I make the motion that we  
6 add this material to 205.603(a) with the annotation  
7 withhold time shall be double the FDA requirement.

8 MR. LACY: Second.

9 MR. CARTER: Okay, it's been moved by George,  
10 seconded by Mike. Discussion on the motion?

11 MR. SIEMAN: I just also, I think I misspoke  
12 yesterday as well about Oxytocin being something that  
13 could be an alternative to this. Oxytocin is for milk  
14 let down and not for udder edema, so I believe I  
15 misspoke yesterday.

16 MR. CARTER: Okay, verification accepted.  
17 We'll proceed to vote, starting with Goldberg.

18 MS. GOLDBURG: Yes.

19 MR. CARTER: Holbrook?

20 MR. HOLBROOK: Yes.

21 MR. CARTER: King?

22 MR. KING: Yes.

23 MR. CARTER: Koenig?

24 MS. KOENIG: Yes.

1 MR. CARTER: Lacy?  
2 MR. LACY: Yes.  
3 MR. CARTER: O'Rell?  
4 MR. O'RELL: Yes.  
5 MR. CARTER: Ostiguy?  
6 MS. OSTIGUY: Yes.  
7 MR. CARTER: Riddle?  
8 MR. RIDDLE: Yeah.  
9 MR. CARTER: Sieman?  
10 MR. SIEMAN: Yes.  
11 MR. CARTER: Bandele?  
12 MR. BANDELE: Yes.  
13 MR. CARTER: Burton?  
14 MS. BURTON: Yes.  
15 MR. CARTER: Caroe?  
16 MS. CAROE: Yes.  
17 MR. CARTER: Caughlan?  
18 MS. CAUGHLAN: Yes.  
19 MR. CARTER: Cooper?  
20 MS. COOPER: Yes.  
21 MR. CARTER: Chair votes yes.  
22 MS. CAUGHLAN: Dave, at this point, you didn't  
23 ask for conflict.  
24 MR. CARTER: Oh, I'm sorry. You're right. And

1 I am...

2 MR. RIDDLE: You're getting too fast here.

3 MR. CARATER: Too fast. I don't have that  
4 written up here, I mean. Okay. That one does carry 15  
5 to zero, no abstentions. In retrospect, does anyone  
6 have a conflict of interest on this one? And you do  
7 not. Okay.

8 MR. SIEMAN: Mineral oil was the next one.  
9 First, it's already been determined to be synthetic by  
10 previous Board action. The Committee did not recommend  
11 that this not be allowed to be used as a dust  
12 suppressant in the formulation of livestock vitamin and  
13 mineral supplements. We've had a lot of discussion about  
14 it, and it's -- about its use also in the disbursement of  
15 minerals, but that is the Committee's recommendation, so  
16 I don't think there's any other background, so I make the  
17 motion that mineral oil not be allowed.

18 MR. CARTER: Again, we need it as a synthetic  
19 or...

20 MR. SIEMAN: No, it's already been  
21 determined...

22 MR. CARTER: That's right. I'm sorry.

23 MR. SIEMAN: I make the motion that mineral  
24 oil not be added. I don't have the number here, so

1 someone's going to have to help me out there.

2 MR. RIDDLE: Well, you don't have to say the  
3 number.

4 MR. CARTER: You don't have to say it if  
5 it's...

6 MR. SIEMAN: Okay.

7 MR. CARTER: Okay? Okay, a motion has been  
8 made. Is there a second?

9 MS. GOLDBURG: I'll second.

10 MR. CARTER: Okay, it's been seconded.

11 MR. RIDDLE: Discussion?

12 MR. CARTER: Yeah, discussion?

13 MS. CAROE: May I just get clarification again  
14 on which of the criteria points it doesn't meet in order  
15 to be disallowed?

16 MS. SIEMAN: Well, since I voted for it, I'll  
17 be glad to let someone else discuss that.

18 MR. CARTER: Nancy?

19 MS. OSTIGUY: The primary area, or actually,  
20 somebody else is going to have to answer. I was not  
21 there for the original discussions. I don't want to  
22 represent what everybody else said in that original  
23 discussion. I can give my reasons.

24 MR. CARTER: Okay.

1 MS. OSTIGUY: So the Committee ought to...

2 MR. CARTER: The primary area or the reason it  
3 did not comply with concerns of human health concerns.

4 MR. SIEMAN: And the handling.

5 MR. CARTER: And the handling, yes.

6 MR. LACY: And they felt that there might be  
7 other alternatives.

8 MS. GOLDBURG: Right.

9 MR. SIEMAN: Yes.

10 MS. GOLDBURG: And the synthetic use in feed.

11 MR. RIDDLE: Yeah, and I was one of those who  
12 voiced some concerns and have gone round and round just  
13 on my own position on this one, and hearing more  
14 testimony, you know, from the feed mills, and knowing  
15 that there is a good chance there may be feed mills  
16 using this currently, and the difficulty in developing  
17 effective alternatives, I would like to offer an  
18 alternative motion.

19 MR. CARTER: Substitute?

20 MR. RIDDLE: Substitute motion. Yeah,  
21 substitute motion that mineral oil be allowed as a --  
22 for dust control and dispersal until October 21, 2006,  
23 right?

24 MR. CARTER: Yes.

1                   MR. RIDDLE: Yeah, we'd be looking three years,  
2 not from the original date, but, yeah, a three-year  
3 phase out instead of a five, basically, to send -- well,  
4 I should stop and let you get the second.

5                   MR. CARTER: Okay. Yes.

6                   MS. OSTIGUY: I'll second the motion.

7                   MR. CARTER: Okay, so the substitute motion  
8 has been offered and seconded. Now just for procedure,  
9 if the substitute motion passes, this is different than  
10 amendment. Substitute motion passes, that's the end of  
11 it, okay?

12                  MR. SIEMAN: The end of the first motion.

13                  MR. CARTER: The end of the first. It's the  
14 end of the action. You don't go back and vote on that  
15 first motion. The substitute motion replaces the  
16 previous motion, okay? So if we vote on this motion,  
17 and this is approved, we move on to the next material,  
18 okay? Everybody understand? Floor's open for  
19 discussion.

20                  MR. SIEMAN: Okay. Rosie?

21                  MS. KOENIG: Jim, I know you -- do we have any  
22 public testimony or paperwork indicating that this is  
23 necessary form those feed mills?

24                  MR. SIEMAN: Yeah, we've got, in our book,

1 there's at least one comment, if not...

2 MR. RIDDLE: Yeah, there was contradictory  
3 information in the TAP report, and from the reviewers,  
4 showing that it is certainly effective in suppressing  
5 dust, but at the same time, it may be a hazard in and of  
6 itself in the dust. So...

7 MS. KOENIG: Yeah, then we heard yesterday...

8 MR. RIDDLE: ...then we heard -- we heard...

9 MS. KOENIG: ...you specifically said that  
10 there were vegetable oils that were fine substitutes. I  
11 mean people said that with confidence.

12 MR. SIEMAN: We did hear testimony about -- in  
13 favor of this for feed as well, yes.

14 MR. RIDDLE: Yeah, we've heard it both ways,  
15 and I would like to see, you know, demonstration of non-  
16 rancid and effective vegetable oils, and that I believe  
17 they exist, but it's not -- there's not evidence of that  
18 really sufficient to convince me. And I've tried to be  
19 convinced that we don't need it. Believe me. And I  
20 wouldn't offer this substitute motion if I didn't think  
21 that there needs to be more time to phase it out.

22 MR. CARTER: Andrea?

23 MS. CAROE: Could you tell me the rationale  
24 behind the December 31 date, 2006, for this material?

1 Are you -- is it also coordinated with the EPA  
2 request...

3 MS. SIEMAN: No.

4 MR. RIDDLE: Yeah, the rationale is to  
5 stimulate the development of more compatible  
6 alternatives.

7 MS. CAROE: And so the date though is...

8 MS. CAUGHLAN: Arbitrary.

9 MS. CAROE: ...October?

10 MS. CAUGHLAN: The date is arbitrary?

11 MR. RIDDLE: Well, the date is three years  
12 instead of five, to send a message to stimulate  
13 development of alternatives. That's -- that's my intent.  
14 To put something on five years, and everybody thinks,  
15 oh well, it will just stay on, it will come up and be  
16 re-reviewed. But if they know there's a cutoff, that's  
17 going to stimulate a lot more development of  
18 alternatives because it's questionable. It is a  
19 synthetic material being added to feed on a routine  
20 basis that does have concerns, but not adding it has  
21 concerns as well.

22 MS. CAROE: I just wanted to make sure on the  
23 date, the annotation.

24 MR. RIDDLE: Yeah, is that -- does that answer

1 your question?

2 MS. CAROE: Yes, sir.

3 MR. CARTER: Okay. Rose?

4 MR. SIEMAN: But then...

5 MR. CARTER: And then George.

6 MS. KOENIG: When we -- just as a comment,  
7 when we, as a Materials Committee, started looking at,  
8 you know, the re-review process, we recognized that  
9 there were a number of materials that had these sort of  
10 sunsets. I would suggest that either on the NOP web  
11 site or the NOSB web site, that we pull those out and  
12 just make it more clear other than the National List,  
13 that there are things that are sunset, because I wasn't  
14 100 percent clear when we had the materials call, that  
15 even the Board members were sure that that was the  
16 process that happened...

17 MR. CARTER: Okay.

18 MS. KOENIG: ...so maybe we can just have that  
19 proposed next time so that we can -- so the industry  
20 becomes real clear on...

21 MR. CARTER: If this motion passes, that's a  
22 germane suggestion, okay?

23 MR. SIEMAN: I think Kim's going to say  
24 something.

1 MS. BURTON: I was going to talk about that,  
2 but we'll talk about it...

3 MR. CARTER: Okay, let's -- let's keep the  
4 discussion to the motion on the table, which is the  
5 substitute motion to approve with a sunset, okay?

6 MR. RIDDLE: Yeah, and I haven't figured out  
7 which letter and number of the -- of 205.603 that it  
8 fits, so that probably should become part of the motion.

9 MR. SIEMAN: That should be 603(d).

10 MR. RIDDLE: As feed additive?

11 MR. SIEMAN: Yeah.

12 UNIDENTIFIED SPEAKER: (d)(4) annotation.

13 MR. SIEMAN: AD@what?

14 MR. RIDDLE: Could be a (d)(4) annotation. So  
15 to add to the...

16 MR. SIEMAN: It would be (d)(3).

17 MR. RIDDLE: Yeah, or just to add to AD.@ We  
18 don't have...

19 MR. SIEMAN: It goes to (d)(3).

20 MR. RIDDLE: Says to (3)(d).

21 MR. CARTER: Okay. Okay, so we have that  
22 inserted? It's not a material thing that's subject to  
23 debate. Okay, any further discussion? Okay, seeing  
24 none, we will proceed to vote on the substitute motion,

1 starting with Holbrook.  
2 MR. HOLBROOK: No.  
3 MR. CARTER: King?  
4 MR. KING: Yes.  
5 MR. CARTER: Koenig?  
6 MS. KOENIG: No.  
7 MR. CARTER: Lacy?  
8 MR. LACY: Yes.  
9 MR. CARTER: O'Rell?  
10 MR. O'RELL: Yes.  
11 MR. CARTER: Ostiguy?  
12 MS. OSTIGUY: No.  
13 MR. CARTER: Riddle?  
14 MR. RIDDLE: Yes.  
15 MR. CARTER: Sieman?  
16 MR. SIEMAN: Yes.  
17 MR. CARTER: Bandele?  
18 MR. BANDELE: No.  
19 MR. CARTER: Burton?  
20 MS. BURTON: Yes.  
21 MR. CARTER: Caroe?  
22 MS. CAROE: Yes.  
23 MR. CARTER: Caughlan?  
24 MS. CAUGHLAN: No.

1 MR. CARTER: Cooper?

2 MS. COOPER: No.

3 MR. CARTER: Goldberg?

4 MS. GOLDBURG: Yes.

5 MR. CARTER: Chair votes no. Okay, it fails  
6 on a vote of 8 yes~~s~~, 7 no~~s~~, so okay, now we need  
7 another motion.

8 MS. OSTIGUY: Can we go back...

9 MR. CARTER: No, it~~s~~ a substitute. I~~m~~ sorry.  
10 If the substitute motion fails, we are backed into the  
11 original motion. Yes. So the original motion is on the  
12 table then to disallow. Okay, discussion? Okay,  
13 starting off, we~~l~~ proceed to vote. Again, I don~~t~~ know  
14 if I asked if anybody has a conflict of interest on this  
15 one. I would at this time.

16 MS. OSTIGUY: So we are voting to prohibit?

17 MR. CARTER: Voting to prohibit, that is the  
18 motion that~~s~~ on the table.

19 MS. OSTIGUY: I want to make sure.

20 MR. CARTER: Nobody has declared a conflict?  
21 Is the secretary caught up, ready to roll?

22 MR. RIDDLE: Yeah.

23 MR. CARTER: Okay. Starting with King.

24 MR. KING: No.

1 MR. CARTER: Koenig?

2 MS. KOENIG: Yes.

3 MR. RIDDLE: I'm confused. No vote is to  
4 prohibit or to allow?

5 MR. CARTER: A yes vote is a vote to prohibit.  
6 The motion on the table is a motion to prohibit. A yes  
7 vote signifies you are in favor of the motion to  
8 prohibit.

9 MR. RIDDLE: Okay.

10 MR. CARTER: Okay?

11 MR. RIDDLE: My vote still stands.

12 MR. KING: Start it for the record.

13 MR. CARTER: Yes, okay.

14 MR. RIDDLE: So that was a...

15 MR. CARTER: Okay, King is a no, Koenig was a  
16 yes. Lacy?

17 MR. LACY: No.

18 MR. CARTER: O'Rell?

19 MR. O'RELL: No.

20 MR. CARTER: Ostiguy?

21 MS. OSTIGUY: Yes.

22 MR. CARTER: Riddle?

23 MR. RIDDLE: No.

24 MR. CARTER: Sieman?

1 MR. SIEMAN: No.

2 MR. CARTER: Okay, Bandele?

3 MR. BANDELE: Yes.

4 MR. CARTER: Burton?

5 MS. BURTON: No.

6 MR. CARTER: Caroe?

7 MS. CAROE: No.

8 MR. CARTER: Caughlan?

9 MS. CAUGHLAN: Yes.

10 MR. CARTER: Cooper?

11 MS. COOPER: Yes.

12 MR. CARTER: Goldberg?

13 MS. GOLDBURG: Yes.

14 MR. CARTER: Holbrook?

15 MR. HOLBROOK: Yes.

16 MR. CARTER: Chair votes yes. So it does not

17 fail? I mean it does not pass by 8 yes, 7 no, so we're

18 still in limbo at this material.

19 MR. RIDDLE: No, it's not added.

20 MR. CARTER: It's not added. You're right.

21 MR. SIEMAN: Do we need to have that vote just

22 for future reference?

23 MR. CARTER: Yes. Yes.

24 MR. SIEMAN: Okay.

1 MR. CARTER: Okay?

2 MR. SIEMAN: Okay.

3 MR. CARTER: Okay.

4 MS. OSTIGUY: What is it again, Dave?

5 MR. CARTER: Okay, it was 8 -- 8 yes, 7 no~~s~~.

6 SECRETARY: Eight prohibit?

7 MR. CARTER: Yes.

8 SECRETARY: And seven no~~s~~?

9 MR. CARTER: Yes.

10 MR. SIEMAN: Atropine is the next material.

11 This one was -- I'll just go through. It was determined  
12 synthetic by the manufacturing process. The Committee  
13 was recommended that it be added to 603(a) as a  
14 livestock medication. The Committee vote was 5 approved  
15 and 1 absent, it says here. And so I make a motion that  
16 it be determined as a synthetic material.

17 MS. OSTIGUY: Second.

18 MR. SIEMAN: I made a motion and it~~s~~ been  
19 second by Nancy about synthetic.

20 MR. CARTER: Okay. Sorry. A motion is on the  
21 table that this is a synthetic material. Before I go  
22 any further, let me just ask, before we do any votes on  
23 this, whether anybody has a conflict of interest? I've  
24 got the sequence down here pretty good. Okay, seeing

1 none, okay.

2 MR. RIDDLE: And who seconded it, Nancy?

3 MR. CARTER: Nancy seconded it.

4 MS. OSTIGUY: Right.

5 MR. CARTER: Okay, discussion on the motion?

6 Yes?

7 MR. BANDELE: I just have one question,  
8 George. It said that it was being reviewed as a  
9 anecdote before the -- there's no annotation. Could you  
10 just maybe...

11 MR. CARTER: The only discussion at this point  
12 is whether or not it's synthetic. We'll get to the...

13 MR. BANDELE: Oh, okay.

14 MR. CARTER: ...actual later. Okay,  
15 discussion whether or not it's synthetic? Okay.

16 MR. RIDDLE: Well, just the secretary's notes  
17 will reflect that it's the manufacturing process, it's  
18 that the heat and pressure break molecular bonds as the  
19 reasoning why synthetic.

20 MR. CARTER: Okay.

21 MR. MATHEWS: Mr. Chairman...

22 MR. CARTER: Yes.

23 MR. MATHEWS: ...point of clarification on the  
24 vote on mineral oil.

1 MR. CARTER: Um-hum.

2 MR. MATHEWS: Could you read back the motion?

3 MR. SIEMAN: Yeah, well the motion was that  
4 mineral oil not be allowed to be used as a dust  
5 suppressant in the formulation of livestock vitamin and  
6 mineral supplements.

7 MR. MATHEWS: And the vote was?

8 MS. OSTIGUY: Eight/seven.

9 MR. CARTER: Eight/seven, yes.

10 MR. MATHEWS: Eight yes? Eight yes to not  
11 add.

12 MR. CARTER: Right.

13 MS. OSTIGUY: Correct.

14 MR. SIEMAN: It would have taken a majority  
15 vote against it...

16 MR. MATHEWS: Not to add.

17 MR. SIEMAN: No. To -- to...

18 MS. OSTIGUY: To -- you're...

19 MR. SIEMAN: No, it's automatically prohibited.  
20 It's already prohibited.

21 MR. CARTER: Yeah, I think -- I tend to agree  
22 with Richard.

23 MS. OSTIGUY: No, I know what he's doing.  
24 That's fine.

1 MR. CARTER: Go ahead.

2 MR. MATHEWS: But the motion was not to add.

3 MR. CARTER: Right, the motion fails.

4 MS. OSTIGUY: So you can...

5 MR. MATHEWS: You voted only -- the motion --  
6 the motion failed to not add.

7 MR. CARTER: Right.

8 MR. MATHEWS: So what you need to know is you  
9 just added.

10 MS. OSTIGUY: That's right.

11 MR. CARTER: Yes, that is -- because that's  
12 what I said again. It was in limbo because the previous  
13 -- the substitute motion, which was to add, also failed.

14 MR. SIEMAN: It's not -- as it stood before we  
15 voted and started the day, it wasn't on the list.

16 MS. OSTIGUY: Right.

17 MR. SIEMAN: So both of them failed.

18 MR. CARTER: Yeah.

19 MS. GOLDBURG: They can't be added on.

20 MS. KOENIG: No votes, period.

21 MS. OSTIGUY: Yeah, it still doesn't have the  
22 2/3 majority.

23 MR. O'RELL: Yeah, it doesn't just  
24 automatically...

1 MR. SIEMAN: So the right way to do this is to  
2 have every motion, if we don't allow it, to have the  
3 motion be to allow it, and to vote it down? That would  
4 be the correct way to...

5 MS. OSTIGUY: Yeah, Dave -- Dave, we can put  
6 something in our OPFA that says that you have to have a  
7 two-thirds majority.

8 MR. SIEMAN: Well now we're going my way.

9 MR. RIDDLE: Well, you're going to lose again,  
10 George.

11 MR. CARTER: Yeah, let's go ahead, Kevin.

12 MR. O'RELL: There wasn't a two-thirds majority  
13 on that vote.

14 MS. OSTIGUY: Right, exactly.

15 MR. LACY: But it only has to be two thirds if  
16 we're going to add it.

17 MS. OSTIGUY: Right.

18 MR. LACY: It does not have to be two thirds  
19 to keep it off the list.

20 MR. O'RELL: Right.

21 MR. CARTER: Kim?

22 MS. BURTON: But the office says you have to  
23 have two-thirds in order to put it on the list.

24 MR. CARTER: Right.

1 MR. RIDDLE: AS a synthetic.

2 MS. BURTON: And if this is going on the list,  
3 then it has to have a two-thirds to go on the list.

4 MR. RIDDLE: That's right.

5 MR. SIEMAN: So it wasn't a gotcha.

6 MS. OSTIGUY: I hope not.

7 MR. CARTER: Well, this -- but we don't want to  
8 -- Rick?

9 MS. CAUGHLAN: So should we have one more  
10 vote?

11 MS. GOLDBURG: Rick.

12 MR. RIDDLE: It's always a problem to vote on a  
13 negative.

14 MR. CARTER: Yes, that's true. Okay.

15 MR. SIEMAN: Should we redo it?

16 MS. OSTIGUY: No, we don't -- why do we need  
17 to?

18 MR. CARTER: I don't think so. I think we're  
19 okay. I think this will not be added to the list  
20 because it's not had the two-thirds.

21 MS. OSTIGUY: But the two-thirds is to put it  
22 on the list.

23 MR. CARTER: Correct.

24 MR. RIDDLE: Okay.

1 MS. OSTIGUY: A simple majority can keep it  
2 off the list, correct?

3 MS. GOLDBURG: Rick.

4 MS. OSTIGUY: Now the lawyers are going to  
5 have to answer the question, I think, ultimately.

6 MR. CARTER: I think -- I think you're right,  
7 that every motion that comes up should be an affirmative  
8 motion, and then...

9 MR. SIEMAN: Right.

10 MR. CARTER: ...we vote it down.

11 MR. SIEMAN: Who's a lawyer?

12 MR. CARTER: Yes. Okay.

13 MS. GOLDBURG: I think you ought to check back  
14 in with Rick, since he brought it out.

15 UNIDENTIFIED SPEAKER: Roughly, folks, just a  
16 suggestion. If you vote to approve the Committee's  
17 recommendation, it may solve your problem. So the  
18 Committee recommends either to add it or to not add it,  
19 and then the Board votes on the Committee's  
20 recommendation. We accept it or we don't accept it.  
21 That may solve your problems and not have these back-  
22 door votes.

23 MR. CARTER: Yeah, but the Committee's  
24 recommendation is to not include it, so that still puts

1 us that yes is a no.

2 MS. KOENIG: Well, we have precedent for this.

3 Excuse me. We have precedent for this.

4 MR. CARTER: Okay.

5 MS. KOENIG: At the last meeting we voted  
6 against Chilean nitrate, and then the Committee came  
7 back and we proposed a motion. And we had a change of  
8 vote during that meeting. And that went through. There  
9 was never a problem. It didn't seem like we had any  
10 problem coming back and making a motion to rescind that,  
11 and then restate it if we found that we were in error.  
12 So let's move on.

13 MS. OSTIGUY: We -- yeah.

14 MR. CARTER: Okay.

15 MS. OSTIGUY: It was, as Rose said, we didn't  
16 vote to not put Chilean nitrate on initially last  
17 meeting, which is what we just -- oh, no, I guess we  
18 didn't have a quorum.

19 MS. KOENIG: What we did is there was a motion  
20 made, there was a vote. Then the Committee came back  
21 and voted to rescind that vote, and then made a new  
22 motion. Okay, so if it was done that time, I assume  
23 that that was perfectly legal. I mean these kinds of  
24 things, mistakes happen all the time. As a Board, you're

1 not locked into your mistakes. I mean we're all human.  
2 Let's not forget that, okay? Let's not punish ourselves.  
3 Let's just correct our mistake and move on. It's  
4 parliamentary procedure as long as we recognize we've  
5 made a mistake, follow the procedure. If that was the  
6 case, nothing would ever be changed once it's law.

7 MR. CARTER: Right. No, I understand. So  
8 what do you recommend?

9 MR. SIEMAN: Do you recommend we do it a third  
10 time?

11 MR. CARTER: Is there a motion?

12 MR. RIDDLE: Well, you can't -- we're in the  
13 middle of a motion on atropine.

14 MR. CARTER: Yeah. That's what I'm saying. We  
15 had something...

16 MS. OSTIGUY: Yeah, we have to do that first.

17 MR. CARTER: Yes, the Chair has gotten  
18 befuddled here.

19 MR. RIDDLE: I think we need some anecdote.

20 MR. CARTER: That's why I was asking you if we  
21 had some -- I thought we had a motion on the table...

22 MR. RIDDLE: We do.

23 MR. CARTER: ...to declare this as synthetic.  
24 Okay, then all other discussion at this point is not

1       germane, okay, until we get done with this.

2                   MR. SIEMAN:  You should have gaveled him down  
3 then.

4                   MR. CARTER:  Yeah, I should have.  That was  
5 absolutely -- he was out of order.

6                   MR. SIEMAN:  That was your chance.

7                   MR. CARTER:  Okay.  Then the motion that's on  
8 the table on atropine as a synthetic, okay?  Okay,  
9 starting with King.

10                   MR. KING:  Oh, we're voting?

11                   MR. CARTER:  Yes.

12                   MR. KING:  Are we or not?

13                   MR. CARTER:  Yes.

14                   MS. KOENIG:  Yes.

15                   MR. KING:  Yes.

16                   MR. CARTER:  Koenig?

17                   MS. KOENIG:  Sorry.  Synthetic.  Synthetic,  
18 yes.

19                   MR. CARTER:  Lacy?

20                   MR. LACY:  Yes.

21                   MR. CARTER:  O'Rell?

22                   MR. O'RELL:  Yes.

23                   MR. CARTER:  Ostiguy?

24                   MS. OSTIGUY:  Yes.

1 MR. CARTER: Riddle?  
2 MR. RIDDLE: Yes.  
3 MR. CARTER: Sieman?  
4 MR. SIEMAN: Yes.  
5 MR. CARTER: Bandele?  
6 MR. BANDELE: Yes.  
7 MR. CARTER: Burton?  
8 MS. BURTON: Yes.  
9 MR. CARTER: Caroe?  
10 MS. CAROE: Yes.  
11 MR. CARTER: Caughlan?  
12 MS. CAUGHLAN: Yes.  
13 MR. CARTER: Cooper?  
14 MS. COOPER: Yes.  
15 MR. CARTER: Goldberg?  
16 MS. GOLDBURG: Yes.  
17 MR. CARTER: Holbrook?  
18 MR. HOLBROOK: Yes.  
19 MR. CARTER: Chair votes yes. Okay. Proceed,  
20 George.  
21 MR. SIEMAN: Okay. Now, the motion is to -- I  
22 make the motion that we add atropine to 205.603.  
23 MS. OSTIGUY: Second.  
24 MR. CARTER: Okay, motion has been made by

1 George, seconded by Nancy, to add it to 205.603.

2 MR. RIDDLE: AA.@

3 MR. CARTER: AA.@

4 MS. OSTIGUY: AA.@

5 MR. CARTER: Excuse me? Okay, discussion?

6 MR. SIEMAN: I just want to answer Rose's  
7 question. Since the TAP was not perfectly clear on what  
8 was FDA approved and not, we did not want to annotate  
9 it, and so we left it with just as a livestock  
10 medication. There were several reasons. One of them  
11 was, as I mentioned yesterday, use of it as a pink eye,  
12 which is really more attractive than for the lack of fly  
13 control in organics as one of the more attractive uses  
14 of this. But again, without the real knowledge of FDA  
15 and trying to avoid annotations.

16 MR. CARTER: Okay. Further discussion? Okay.

17 MS. KOENIG: I have just a question.

18 MR. CARTER: Yes.

19 MS. KOENIG: I mean did the Committee kind of  
20 debate that, whether it made sense to -- I mean I hate  
21 to say defer something again but is it -- did the -- did  
22 they discuss the pros and cons of that in terms of, I  
23 mean, did you really specifically want it for just that,  
24 and are you just settling because you don't have enough

1 information for being it just in all general uses? I  
2 mean did you discuss it first?

3 MS. OSTIGUY: Yes. It is not going to be used  
4 -- it can't be used for one. Atropine is, in and of  
5 itself, a rather dangerous compound. You don't -- you  
6 don't use it unless you need it. You know, it -- it  
7 reverses...

8 MS. KOENIG: I know that.

9 MS. OSTIGUY: acetyl alcohol estrates  
10 inhibitions, so you don't use it unless it's, in essence,  
11 an emergency. You might -- and I'm assuming, I don't  
12 know much about it for pink eye. I know about it as...

13 MS. KOENIG: Right. But I'm just saying, in  
14 terms of the pink eye, did you discuss that? I  
15 understand emergency uses. I mean...

16 MS. OSTIGUY: Part of it is, in my view, I was  
17 approving it as a use -- as -- to be used in cases of  
18 poisoning. Pink eye was not high on my list. That was  
19 George's thing.

20 MS. KOENIG: Well, that's what I don't -- I  
21 don't quite understand. Is it for -- because even if you  
22 don't know if it's labeled for -- as an antidote, say, to  
23 organic phosphates or larkspur, if you put for emergency  
24 uses, then it's, I think any vet realizes that usually

1 pink eye is an emergency. And most -- and this is just  
2 based on what I know about human health. I mean it can  
3 be a problem, but it's usually not what I would say an  
4 emergency.

5 MS. OSTIGUY: It's not.

6 MS. KOENIG: So I don't know, maybe no  
7 annotation. I'm just asking, did the Committee  
8 thoroughly discuss it. That's...

9 MS. OSTIGUY: The reason for no annotation  
10 partly goes back to some of the testimony that we have  
11 received and the difficulty for certifiers in dealing  
12 with annotations. How do you determine when it was used  
13 for an emergency after the fact? And so we're -- we are,  
14 no matter what, even with an annotation, working on  
15 trust that it is used when it is appropriate to use.

16 MS. BURTON: Proper question.

17 MR. CARTER: Okay. Have other questions been  
18 called? Okay, unless there's an objection, I mean, you  
19 can insist on making something, unless somebody moves  
20 the previous question, but if we're done with discussion,  
21 we'll proceed to vote. Starting with Lacy.

22 MR. LACY: Yes.

23 MR. CARTER: O'Rell?

24 MR. O'RELL: Yes.

1 MR. CARTER: Ostiguy?  
2 MS. OSTIGUY: Yes.  
3 MR. CARTER: Riddle?  
4 MR. RIDDLE: Yes.  
5 MR. CARTER: Sieman?  
6 MR. SIEMAN: Yes.  
7 MR. CARTER: Bandele?  
8 MR. BANDELE: Abstain.  
9 MR. CARTER: Burton?  
10 MS. BURTON: Yes.  
11 MR. CARTER: Caroe?  
12 MS. CAROE: Abstain.  
13 MR. CARTER: Caughlan?  
14 MS. CAUGHLAN: Yes.  
15 MR. CARTER: Cooper?  
16 MS. COOPER: Yes.  
17 MR. CARTER: Goldberg?  
18 MS. GOLDBURG: Yes.  
19 MR. CARTER: Holbrook?  
20 MR. HOLBROOK: Yes.  
21 MR. CARTER: King?  
22 MR. KING: Yes.  
23 MR. CARTER: Koenig?  
24 MS. KOENIG: Yes.

1 MR. CARTER: Chair votes yes. Motion carries  
2 by a vote of 13 yes, 0 no, 2 abstentions.

3 MR. SIEMAN: Okay, the last material,  
4 Moxidectin, you see we've put a new -- a different  
5 recommendation in here and we are now recommending to  
6 defer it, so no action is necessary.

7 MR. CARTER: No action.

8 MR. SIEMAN: Not synthetic or anything, right?

9 MR. CARTER: That's right.

10 MS. CAUGHLAN: Dave, no conflict, conflict of  
11 interest on Atropine?

12 MR. CARTER: I did. I already asked for that.

13 MR. SIEMAN: No, Moxidectin? On Moxidectin?

14 MR. CARTER: Yeah. Oh, yeah.

15 MS. CAUGHLAN: All right.

16 MR. CARTER: Yes, I asked for it on the  
17 Atropine as Richard was coming up to the mike.

18 MS. CAUGHLAN: Oh, it was just before Richard.

19 MR. SIEMAN: Okay, now I'd like to deal with  
20 the mineral oils as well.

21 MS. BURTON: Can you just tell us why you're  
22 deferring it, please?

23 MR. RIDDLE: Yeah. Right. That's just...

24 MR. SIEMAN: Oh, well, it listed -- I'm sorry.

1 Right in there, it says, we want to confirm. We didn't  
2 feel comfortable just changing our vote based on verbal  
3 information from the Petitioner, so we wanted to confirm  
4 these three issues in the recommendation. Whether it  
5 behaves as this macrolytic antibiotic, about the residue  
6 properties in milk and fat, the impact on non-target  
7 species in the environment. We got good, positive  
8 answers to these questions. We just didn't feel good  
9 taking them from the Petitioner verbally, without  
10 confirming them.

11 MS. BURTON: And how are you going to confirm  
12 those?

13 MR. SIEMAN: I guess by going back to the TAP.

14 MS. OSTIGUY: Well, not just the TAP. We'll  
15 actually...

16 MR. SIEMAN: The environmental...

17 MS. OSTIGUY: ...look into it, make phone  
18 calls...

19 MS. BURTON: Okay.

20 MS. OSTIGUY: ...and such.

21 MR. SIEMAN: ...the environmental statement  
22 that was given when the drug was approved.

23 MR. CARTER: Okay. Further discussion? Okay.  
24 Now, George?

1                   MR. SIEMAN: I just want to make sure that we  
2 did our job on mineral oil. So, Rosie, I was unclear  
3 whether you -- what action were you recommending? I  
4 just didn't -- were you recommending we revote it or that  
5 we've taken care of it?

6                   MS. KOENIG: Well, no, I recommend that we  
7 rescind our -- I guess -- I don't know if we have to  
8 actually make a motion to rescind the motion, but we --  
9 I think we have to make a motion to rescind that motion,  
10 knowing that we basically did not do it in the spirit of  
11 how we voted. And...

12                   MR. CARTER: I -- okay, basically, what we --  
13 what we needed to do, if anything, is the substitute  
14 motion was the appropriate motion. That motion failed.  
15 If we -- if we designate something as synthetic, then  
16 we're done dealing with it unless somebody makes a motion  
17 to approve it. Okay? Because it does take an  
18 affirmative action to add something as a list. But it's a  
19 synthetic. So the absence of any other action on a  
20 synthetic, it is not added to the list. So, really, the  
21 only thing is is if the -- if a committee is going to  
22 report something as synthetic and they want it  
23 disallowed, they make the motion that it's a synthetic,  
24 and then you're done with that topic unless somebody

1 wants to offer a motion that it be added to the list,  
2 and then you act on that motion. Is that...

3 MR. RIDDLE: Yeah, and that's what I tried,  
4 that's what I did, and it failed.

5 MR. CARTER: Yeah.

6 MS. BURTON: We just should stop there.

7 MR. CARTER: So we should have stopped there?

8 MS. KOENIG: That's what I thought. Yes.

9 MR. CARTER: Yes. Okay.

10 MS. CAUGHLAN: Is there any need to do  
11 something with this for housekeeping purposes to clarify  
12 that for the record other than this?

13 MR. CARTER: I don't think so. I think...

14 MS. CAUGHLAN: Correct.

15 MR. CARTER: Yeah. Okay.

16 MS. KOENIG: I mean...

17 MR. CARTER: Yes?

18 MS. KOENIG: ...just point of order, that's a  
19 little bit different than how we've been, I thought,  
20 operating in the past. We say synthetic, and then  
21 usually prohibit. And maybe that was wrong.

22 MR. CARTER: Well, in the past we had, and  
23 what the Board had adopted to do, was to deal with that  
24 both in one motion, to adopt...

1 MS. KOENIG: Right.

2 MR. CARTER: ...the committee recommendation  
3 that it was a synthetic...

4 MS. KOENIG: Okay. All right.

5 MR. CARTER: ...so now it is synthetic  
6 prohibited, and because of the new procedure that was,  
7 you know, outlined here, and to try to get some more  
8 clarification to that, we're back to dealing this as two  
9 motions. But, again, if it's a synthetic, if it's voted  
10 as a synthetic, it's automatically prohibited unless  
11 somebody makes a separate motion to allow it. If it's  
12 deemed a natural, it's automatically allowed unless  
13 somebody makes a separate motion to prohibit it. Okay?

14 MS. KOENIG: So where do we stand?

15 MR. CARTER: We did not have passage of a  
16 sufficient motion on that to add it to the list.

17 MS. KOENIG: Okay, period.

18 MR. CARTER: Period, okay?

19 MS. KOENIG: Thank you.

20 MR. CARTER: Okay. All right. We are done  
21 with Livestock Materials. One more chance to get our  
22 process right here. We'll move on to the Processing  
23 Handling Committee.

24 MR. KING: And here are some handouts of the

1 recommendations for non-processing committee members.

2 MS. BURTON: Non-handling.

3 MR. KING: Oh, non-handling. Excuse me.

4 MR. CARTER: Waste later on?

5 MR. KING: Yeah, I do have them dealing with  
6 waste. And through the recess and all sorts of stuff,  
7 these are very definitely not in order, so I'll apologize  
8 for that, but all the information is there. So the  
9 first one I'm going to start with is nitrous oxide.

10 MS. BURTON: Well, if you could go in order  
11 that they're in the book. You need to get...

12 MR. KING: The order. Okay, hold on then.

13 SECRETARY: The first one is egg white.

14 MR. KING: I've got these in it, so I'll just  
15 shuffle through. Okay. Egg white lysozyme. First I'll  
16 simply start with two things. The synthetic, non-  
17 synthetic and the recommendation, and give a brief  
18 background. The recommendation, as voted from the  
19 committee, was unanimous that it's non-synthetic. The  
20 recommendation also supported unanimously to add to  
21 205.605(a), and the rule currently reads, ~~A~~Animal  
22 derived granite catalysts, animal basis. This is all in  
23 the rule. So we wouldn't to repeat this, necessarily, in  
24 the recommendation. Pancreatin, pepsin, tripsin. And

1 then to add egg white lysozyme. Background is that  
2 they're currently included on the National List in  
3 605(a). Then also in November of 2000, the NOSB  
4 recommended to add enzymes, okay? That was the  
5 recommendation I just read. Without addition of egg  
6 white lysozyme. They've been used in processing. They  
7 act as catalysts. The consensus among the reviewers is  
8 that they're non-synthetic. Also the committee level, we  
9 agreed with that. And the reviewers also agreed that  
10 enzymes were compatible with organic principles, but  
11 that they should be considered on a case-by-case basis.  
12 So that's why we're simply just adding this to the list.

13 MR. CARTER: Okay, a motion?

14 MR. KING: Oh, I move that we accept the  
15 Committee's recommendation concerning...

16 MR. CARTER: Well, we've got to do synthetic or  
17 non-synthetic.

18 MR. KING: I move to consider this a non-  
19 synthetic material, egg white lysozyme.

20 MR. RIDDLE: Second.

21 MR. CARTER: Okay, it's been moved and seconded  
22 that this is a non-synthetic material, okay?  
23 Discussion. Kevin.

24 MR. SIEMAN: Well, my only thing is that it's

1 not in 605(b), so is it something that we passed  
2 previously in limbo right now?

3 MR. RIDDLE: Exactly. And that's what I wanted  
4 to clarify, that it's actually been recommended by the  
5 Board, but it's awaiting posting in the Federal Register.

6 MR. KING: Yeah.

7 MR. RIDDLE: It's not on the list.

8 MR. KING: Right. I said historically it was  
9 on a list, and then -- yeah, I'm sorry. So now it's  
10 recommended for placement on the list, and now we're  
11 adding to that annotation of that recommendation, not in  
12 that section but ~~A~~,@it's in there, so that's why.

13 MS. BURTON: Yes, call the question.

14 MR. CARTER: Yes. Okay, question's been  
15 called. I will ask, does anybody have a conflict of  
16 interest on this one? Okay, seeing none, okay, proceed  
17 to vote. O'Rell?

18 MR. O'RELL: Yes.

19 MR. CARTER: Ostiguy?

20 MS. OSTIGUY: Yes.

21 MR. CARTER: Riddle?

22 MR. RIDDLE: Yes.

23 MR. CARTER: Sieman?

24 MR. SIEMAN: Yes.

1 MR. CARTER: Bandele?  
2 MR. BANDELE: Yes.  
3 MR. CARTER: Burton?  
4 MS. BURTON: Yes.  
5 MR. CARTER: Caroe?  
6 MS. CAROE: Yes.  
7 MR. CARTER: Caughlan?  
8 MS. CAUGHLAN: Yes.  
9 MR. CARTER: Cooper?  
10 MS. COOPER: Yes.  
11 MR. CARTER: Goldberg?  
12 MS. GOLDBURG: Yes.  
13 MR. CARTER: Holbrook?  
14 MR. HOLBROOK: Yes.  
15 MR. CARTER: King?  
16 MR. KING: Yes.  
17 MR. CARTER: Koenig?  
18 MS. KOENIG: Yes.  
19 MR. CARTER: Lacy?  
20 MR. LACY: Yes.  
21 MR. CARTER: Okay. Carries 15 to 0.  
22 MR. RIDDLE: Chair votes?  
23 MR. CARTER: Oh, Chair votes yes. Sorry. 15  
24 to 0, no abstentions. Okay.

1 MR. KING: And that was for the...

2 MR. CARTER: Non-synthetic.

3 MR. KING: All right. So I move that we vote  
4 on the following recommendation, as read, to add to  
5 205.605(a), non-synthetics allowed, egg white lysozyme.

6 MR. CARTER: Again though, I would get back to  
7 my previous statement. It's a non-synthetic.

8 MR. KING: That's right.

9 MR. RIDDLE: No, this is a processing.

10 MR. CARTER: Processing, okay. Motion is on  
11 the table. Is there a second.

12 MS. BURTON: I'll second.

13 MR. SIEMAN: Is the motion properly stated for  
14 this negative stuff?

15 MS. BURTON: It's fine.

16 MR. CARTER: Yes, it's fine because it's moved  
17 and -- yeah, okay.

18 MR. RIDDLE: And who seconded it? I'm sorry.

19 MS. BURTON: I did.

20 MR. RIDDLE: Kim. Okay.

21 MR. CARTER: Okay, starting with Ostiguy.

22 MS. OSTIGUY: Yes.

23 MR. CARTER: Well, I'm sorry. I didn't...

24 MS. CAROE: Just wanted to -- just wanted to

1 ask. Is this being added to the previous recommendation  
2 or being added to the list, because the motion is to add  
3 it to the list? It's to amend the...

4 MR. KING: Well...

5 MS. CAROE: ...previous recommendation?

6 MR. KING: Right. The original recommendation  
7 was to add it to the list...

8 MS. CAROE: Right.

9 MR. KING: ...but on a technicality, you would  
10 be correct. This is to add to that recommendation. The  
11 original recommendation was to add it to 205.605(a),  
12 so...

13 MR. CARTER: Okay.

14 MR. KING: ...is everybody clear on that?

15 MR. CARTER: Okay, sorry. I didn't mean to cut  
16 off discussion prematurely. Okay, see no one arising to  
17 speak. Ostiguy?

18 MS. OSTIGUY: Yes.

19 MR. CARTER: Riddle?

20 MR. RIDDLE: Yes.

21 MR. CARTER: Sieman?

22 MR. SIEMAN: yes.

23 MR. CARTER: Bandele?

24 MR. BANDELE: Yes.

1 MR. CARTER: Burton?  
2 MS. BURTON: Yes.  
3 MR. CARTER: Caroe?  
4 MS. CAROE: Yes.  
5 MR. CARTER: Caughlan?  
6 MS. CAUGHLAN: Yes.  
7 MR. CARTER: Cooper?  
8 MS. COOPER: Yes.  
9 MR. CARTER: Goldberg?  
10 MS. GOLDBURG: Yes.  
11 MR. CARTER: Holbrook?  
12 MR. HOLBROOK: Yes.  
13 MR. CARTER: King?  
14 MR. KING: Yes.  
15 MR. CARTER: Koenig?  
16 MS. KOENIG: Yes.  
17 MR. CARTER: Lacy?  
18 MR. LACY: Yes.  
19 MR. CARTER: O'Rell?  
20 MR. O'RELL: Yes.  
21 MR. CARTER: Chair votes yes. Okay?  
22 MR. KING: All right, next material is nitrous  
23 oxide, which was petitioned for use as a whipping  
24 propellant. The information was received significantly

1 late by the Committee; consequently, we didn't have  
2 adequate time to form a sound recommendation to the  
3 industry, so the recommendation is to defer this  
4 material until we can get sufficient time and pending  
5 information to make a sound decision.

6 MR. CARTER: Okay.

7 MR. KING: Next is malic acid. The Committee  
8 unanimously voted that malic acid is non-synthetic. I  
9 move we consider this non-synthetic.

10 MR. O'RELL: AL@malic acid?

11 MR. KING: Yes, AL@malic acid.

12 MR. CARTER: AL@malic acid is a non-synthetic  
13 is a motion on the table. Is there a second?

14 MR. O'RELL: Second.

15 MR. CARTER: It's been seconded by Kevin.  
16 Discussion? Yes, Becky?

17 MS. GOLDBURG: Do we have to say that  
18 something like AL@malic acid, from natural sources, is  
19 it possible to take the version that it's both an  
20 antimerge [ph] and somehow pick out one?

21 MR. KING: I mean I would not...

22 MR. O'RELL: From the information that we know  
23 at this time, the synthetic process...

24 MR. KING: ...want to discuss that.

1 MR. O'RELL: ...produces both AD@ and AL@ forms.

2 MS. GOLDBURG: Right.

3 MR. O'RELL: But to answer that question, we  
4 don't know.

5 MS. GOLDBURG: Does it hurt to say that it's  
6 from natural sources?

7 MR. O'RELL: If you -- it would be a synthetic  
8 process if you took AL@ from...

9 MS. GOLDBURG: Right, rather than simply  
10 putting...

11 MR. O'RELL: Then it wouldn't fit non-  
12 synthetic.

13 MS. GOLDBURG: Yes.

14 MR. O'RELL: I would think we would be all  
15 right.

16 MS. GOLDBURG: Yes.

17 MR. KING: Are you suggesting that we state  
18 that because of its...

19 MR. O'RELL: Because of where it's listed...

20 MR. KING: Yes.

21 MS. GOLDBURG: Right.

22 MR. O'RELL: ...in the recommendation, it is  
23 non-synthetic.

24 MS. GOLDBURG: It is non-synthetic. Okay.

1       Yeah, it's a little confusing. I don't know. That's not  
2       to mean I feel that's wrong either.

3               MR. CARTER: Okay, other discussion? Vote.

4               MS. KOENIG: Conflict?

5               MR. RIDDLE: Yeah, when we come back to the  
6       next level of recommendation, I may have.

7               MR. CARTER: Okay. Okay, as we proceed to  
8       vote, does anybody have a conflict of interest?

9               MR. RIDDLE: Move to second it as a non-  
10       synthetic by...

11              MR. CARTER: It was moved by the Chair of the  
12       Committee and was seconded by Kevin.

13              MR. RIDDLE: Kevin, okay.

14              MR. CARTER: Okay, Riddle?

15              MR. RIDDLE: Yes.

16              MR. CARTER: Sieman?

17              MR. SIEMAN: No.

18              MR. CARTER: Bandele?

19              MR. BANDELE: Yes.

20              MR. CARTER: Burton?

21              MS. BURTON: Yes.

22              MR. CARTER: Caroe?

23              MS. CAROE: Yes.

24              MR. CARTER: Caughlan?

1 MS. CAUGHLAN: Yes.

2 MR. CARTER: Cooper?

3 MS. COOPER: Yes.

4 MR. CARTER: Goldberg?

5 MS. GOLDBURG: Yes.

6 MR. CARTER: Holbrook?

7 MR. HOLBROOK: Yes.

8 MR. CARTER: King?

9 MR. KING: Yes.

10 MR. CARTER: Koenig?

11 MS. KOENIG: Yes.

12 MR. CARTER: Lacy?

13 MR. LACY: Yes.

14 MR. CARTER: O'Rell?

15 MR. O'RELL: Yes.

16 MR. CARTER: Ostiguy?

17 MS. OSTIGUY: Yes.

18 MR. CARTER: Chair votes yes. Carries by 14  
19 to 1, no abstentions, no recusals. Okay?

20 MR. KING: Yes. Just some information that I'd  
21 like to share with everyone prior to stating the actual  
22 recommendation, is that the synthetic source was  
23 petitioned; however, through review of the information,  
24 discussions with the Petitioner, it was discovered that

1       there was a natural alternative. That natural  
2       alternative, obviously, is what we just deemed to be  
3       non-synthetic, which is ~~AL~~malic acid. So that's why  
4       the Petition be archived and we're recommending this,  
5       this natural source. And the recommendation was  
6       supported unanimously by the Committee to add the  
7       natural source ~~AL~~malic acid to 205.605(a). We move  
8       that we consider the stated recommendation.

9               MR. CARTER: Okay, move approval or addition  
10       to the list. Is there a second?

11              MR. O'RELL: Second.

12              MR. CARTER: Okay, it's been seconded by Kevin.  
13       Discussion on the motion? James?

14              MR. RIDDLE: Yeah, I'm just looking something  
15       up. Just, I guess, you know, in listening to the point  
16       that Becky brought up, you know, I would like it to be  
17       very clear that we're talking about ~~AL~~malic acid from  
18       natural sources, and I don't know that just placing it on  
19       the non-synthetic's ~~AA~~list alone makes that clear, that  
20       that is the limitation on this material.

21              MR. CARTER: Okay.

22              MR. RIDDLE: So I guess I would offer an  
23       amendment to the motion to, you know, from fermentation  
24       of carbohydrates substances.

1 MR. CARTER: Okay. You've heard the amendment.  
2 Is there a second to the amendment?

3 MS. CAUGHLAN: Second. I'll second.

4 MR. CARTER: Okay. Discussion on the  
5 amendment? Andrea.

6 MS. CAROE: These are the exact types of  
7 annotations that are problematic. These are the types  
8 of things that make it difficult. It's clearly stated on  
9 the list in the section that it's non-synthetic allowed.  
10 I don't see that this is appropriate. I think it's just  
11 extra, making it extra complex.

12 MR. CARTER: Okay. Jim?

13 MR. RIDDLE: Yeah, and since there are  
14 products AL@malic acid from synthetic substrates, and  
15 from natural, and what we are supporting are the ones  
16 from natural, I think it is a relevant annotation and it  
17 is something verifiable. What I heard comments this  
18 morning about are kind of operational annotations being  
19 more problematic than source verification annotations.  
20 It either is or it isn't from this source.

21 MR. SIEMAN: Did you say that there's AL@ that  
22 can be made from synthetic as well?

23 MR. RIDDLE: No.

24 MR. SIEMAN: Did you say that...

1 MR. RIDDLE: I thought that's what I heard  
2 Kevin.

3 MS. GOLDBURG? But we don't know.

4 MR. O'RELL: No, we -- what I said was, that  
5 the Petition that TAP was talking about a DL form of  
6 malic acid, which is what is the result of the synthetic  
7 process. It did not go into whether there's a capability  
8 of taking the DL and separating out the AL.®

9 MS. GOLDBURG: But this, essentially, creates  
10 an incentive that it's not difficult to do.

11 MR. RIDDLE: And I thought it did, myself.  
12 With my memory, I'd have to look it up, and it's not  
13 worth the time.

14 MS. GOLDBURG: Then it would be a synthetic  
15 process.

16 MR. RIDDLE: Then that would be a synthetic...

17 MR. O'RELL: Right.

18 MR. RIDDLE: ...and not an AL.®

19 MR. O'RELL: I know.

20 MR. RIDDLE: It's for clarity. It may be redundant,  
21 it may be unnecessary, but it certainly makes it clear that  
22 this is the type that's allowed in organic use. Okay?  
23 Proceed.

24 MR. CARTER: Okay, further discussion on the

1 amendment?

2 MR. SIEMAN: What's the addition, please?  
3 What's the new one?

4 MR. RIDDLE: Yeah, it would be to add an  
5 annotation that from the fermentation of carbohydrate  
6 substrates.

7 MR. O'RELL: Similar to what's in citric acid?

8 MR. RIDDLE: Right. Exactly. And that's what  
9 I was looking for. Are there precedent for something  
10 similar to this, and then you look at...

11 MS. GOLDBURG: Under...

12 MR. RIDDLE: Yeah, it's under 605(a), non-  
13 synthetics, citric acid produced by microbial  
14 fermentation of carbohydrate substances. Substances.  
15 So change it to substances.

16 MS. SIEMAN: Same annotation?

17 MR. RIDDLE: Yeah.

18 MS. GOLDBURG: Same for both.

19 MR. CARTER: Okay, other discussion? We're  
20 voting only on the amendment now, and the amendment is  
21 to -- to add the words that were just mentioned, okay?

22 MR. RIDDLE: I'm not able to capture notes when  
23 I'm engaged. Just hopefully Katherine is.

24 MR. CARTER: Well, you just had the wording

1 down though.

2 MR. RIDDLE: Yeah.

3 MR. CARTER: What you offered.

4 MR. RIDDLE: Right.

5 MR. CARTER: Okay, moving to vote on the  
6 amendment. Beginning with Sieman.

7 MR. SIEMAN: Yes.

8 MR. CARTER: Bandele?

9 MR. BANDELE: Yes.

10 MR. CARTER: Burton?

11 MS. BURTON: Yes.

12 MR. CARTER: Caroe?

13 MS. CAROE: No.

14 MR. CARTER: Caughlan?

15 MS. CAUGHLAN: Yes.

16 MR. CARTER: Cooper?

17 MS. COOPER: Yes.

18 MR. CARTER: Goldberg?

19 MS. GOLDBURG: Yes.

20 MR. CARTER: Holbrook?

21 MR. HOLBROOK: Yes.

22 MR. CARTER: King?

23 MR. KING: Yes.

24 MR. CARTER: Koenig?

1 MS. KOENIG: Yes.

2 MR. CARTER: Lacy?

3 MR. LACY: Yes.

4 MR. CARTER: O'Rell?

5 MR. O'RELL: Yes.

6 MR. CARTER: Ostiguy?

7 MS. OSTIGUY: Yes.

8 MR. CARTER: Riddle?

9 MR. RIDDLE: Yes.

10 MR. CARTER: Chair votes yes. Carries by a  
11 vote of 14 yes, 1 no, no abstentions, no recusals.  
12 Okay, we're back to now the motion as amended, which is  
13 addition to the list with the annotation. Any  
14 discussion on the motion as amended? Okay, seeing none,  
15 we will proceed to vote. Bandele?

16 MR. BANDELE: Yes.

17 MR. CARTER: Burton?

18 MS. BURTON: Yes.

19 MR. CARTER: Caroe?

20 MS. CAROE: Yes.

21 MR. CARTER: Caughlan?

22 MS. CAUGHLAN: Yes.

23 MR. CARTER: Cooper?

24 MS. COOPER: Yes.

1 MR. CARTER: Goldberg?  
2 MS. GOLDBURG: Yes.  
3 MR. CARTER: Holbrook?  
4 MR. HOLBROOK: Yes.  
5 MR. CARTER: King?  
6 MR. KING: Yes.  
7 MR. CARTER: Koenig?  
8 MS. KOENIG: Yes.  
9 MR. CARTER: Lacy?  
10 MR. LACY: Yes.  
11 MR. CARTER: O'Rell?  
12 MR. O'RELL: Yes.  
13 MR. CARTER: Ostiguy?  
14 MS. OSTIGUY: Yes.  
15 MR. CARTER: Riddle?  
16 MR. RIDDLE: Yes.  
17 MR. CARTER: Sieman?  
18 MR. SIEMAN: Yes.  
19 MR. CARTER: Chair votes yes. Carries. 15  
20 ayes, 0 noes, no abstentions, no recusals. Okay, next.  
21 MR. KING: Okay, next, sodium acid  
22 pyrophosphate. It was petitioned as a leavening agent  
23 in baked goods. The Committee unanimously voted that it  
24 was synthetic, and that I move we consider this material

1 synthetic.

2 MR. CARTER: Okay, it~~s~~ been moved that the  
3 material is a synthetic. Discussion?

4 MS. KOENIG: Second.

5 MS. BURTON: Second.

6 MR. CARTER: Oh, I~~m~~ sorry. Second. Any  
7 discussion? Okay, seeing none, does anybody have a  
8 conflict of interest on this? Seeing none, we will  
9 proceed to vote. The motion is to declare this a  
10 synthetic. Beginning with Burton.

11 MS. BURTON: Yes.

12 MR. CARTER: Caroe?

13 MS. CAROE: Yes.

14 MR. CARTER: Caughlan?

15 MS. CAUGHLAN: Yes.

16 MR. CARTER: Cooper?

17 MS. COOPER: Yes.

18 MR. CARTER: Goldberg?

19 MS. GOLDBURG: Yes.

20 MR. CARTER: Holbrook?

21 MR. HOLBROOK: Yes.

22 MR. CARTER: King?

23 MR. CARTER: Koenig?

24 MS. KOENIG: Yes.

1 MR. CARTER: Lacy?

2 MR. LACY: Yes.

3 MR. CARTER: O'Rell?

4 MR. O'RELL: Yes.

5 MR. CARTER: Ostiguy?

6 MS. OSTIGUY: Yes.

7 MR. CARTER: Riddle?

8 MR. RIDDLE: Yes.

9 MR. CARTER: Sieman?

10 MR. SIEMAN: Yes.

11 MR. CARTER: Bandele?

12 MR. BANDELE: Yes.

13 MR. CARTER: Chair votes yes. Vote is 15 yes,  
14 0 no, no abstentions, no recusals.

15 MR. KING: The recommendation from the  
16 Committee which was supported with five yes votes, one  
17 no and one abstention, is as follows: To add sodium  
18 acid pyrophosphate to 205.605(b) synthetics allowed,  
19 with the following annotation. For use only as a  
20 leavening agent. Two things. One, the Committee did  
21 feel there could be additional uses in the future.  
22 However, those additional uses were not thoroughly  
23 covered in the TAP. Thus the reason for the annotation.  
24 And then, secondly, the minority opinion, which I=1

1 state in brief, and if anyone else wants to join in,  
2 feel free to do so. It's not really so much based on  
3 material as the review, itself. And the review, in some  
4 cases, didn't necessarily address specifically some of  
5 the criteria as stated. However, some of the reviewers  
6 took it upon themselves, as professionals, to address  
7 those. And so, therefore, there were some people who  
8 objected, really, to the quality of the TAP, as I  
9 understand it, I guess, as a message, really, to the  
10 contracted entity to say, look, we really need this sort  
11 of stuff.

12 MR. CARTER: Okay, Kevin?

13 MR. O'RELL: Mark, just to add, so that there  
14 is no question about the TAP, itself, it was a  
15 supplemental TAP because we had previous TAPs that were  
16 done on orthophosphates, and tetra sodium pyrophosphate,  
17 I believe. And that's where the reviewers extracted  
18 information from.

19 MR. CARTER: Okay, further discussion? Rose?

20 MS. KOENIG: I just wanted to -- who wrote the  
21 minority opinion, and can they elaborate a little bit  
22 more?

23 MR. RIDDLE: You don't want me to elaborate too  
24 much on this. I already gave it yesterday. But the

1 TAP, even though it was a supplemental, still should  
2 have been done to the criteria for processing materials.

3 They admitted in the TAP that they did not review it to  
4 those criteria and, actually, included the criteria in  
5 the TAP, but with no answers to the criteria. But the  
6 rest of the Committee felt that a combination of the  
7 crops criteria, and then some of the reviewers=comments  
8 was sufficient. And I objected to just accepting a TAP  
9 and accepting a material based on insufficient review.  
10 And I'll continue to oppose it, not on the basis of the  
11 material so much as the quality of the TAP.

12 MR. CARTER: Okay. Further discussion? Okay,  
13 seeing no one likes to speak, we will go ahead and...

14 MS. BURTON: I want...

15 MR. CARTER: Oh.

16 MS. BURTON: ...to just do one discussion.  
17 But as a Committee, Mark said that we had discussed the  
18 annotation and the other uses. The one use that we  
19 discussed particularly was this French fry issue with  
20 potatoes. And, again, we just -- we didn't even know how  
21 the potatoes would be manufactured or how the material  
22 would be used. But we're probably certain that this will  
23 come up at a later date to be reviewed for that use.  
24 But, right now, the other mention of that, and the only

1 description was that it was, in the C.F.R., there was a  
2 potential use. So we just didn't feel confident allowing  
3 no annotation on this material.

4 MR. CARTER: Kevin?

5 MR. O'RELL: Just to add on what Kim's saying,  
6 and another concern about that was the fact that we  
7 didn't explore alternatives to this for that application,  
8 so we'd want specific information regarding any possible  
9 alternatives to that.

10 MR. CARTER: Okay, further discussion? Jim?

11 MR. RIDDLE: Well, was it moved and seconded?

12 MR. CARTER: Yes.

13 MR. RIDDLE: Or did Mark just present the  
14 report?

15 MR. CARTER: Mark moved it.

16 MS. KOENIG: Mark moved it.

17 MR. CARTER: Seconded...

18 MS. KOENIG: And it was seconded by Kimberly.

19 MS. BURTON: Yeah, I...

20 MR. RIDDLE: By Kim. Okay.

21 MR. CARTER: Okay. Okay, further discussion?

22 Now seeing nobody rising to speak, we will proceed to  
23 vote. Sorry, I forgot where I started last time. We're  
24 going to start with Caroe.

1 MS. CAUGHLAN: Excuse me. We voted on the  
2 synthetic aspect?

3 MR. CARTER: Yes, we voted on the synthetic.

4 MR. RIDDLE: We did that.

5 MS. CAUGHLAN: I didn't note it. Sorry.

6 MR. CARTER: We're now voting to add, okay?

7 Caroe?

8 MS. CAROE: Still yes.

9 MR. CARTER: Caughlan?

10 MS. CAUGHLAN: Yes.

11 MR. CARTER: Cooper?

12 MS. COOPER: Yes.

13 MR. CARTER: Goldberg?

14 MS. GOLDBURG: Yes.

15 MR. CARTER: Holbrook?

16 MR. HOLBROOK: Yes.

17 MR. CARTER: King?

18 MR. KING: Yes.

19 MR. CARTER: Koenig?

20 MS. KOENIG: Abstain.

21 MR. CARTER: Lacy?

22 MR. LACY: Yes.

23 MR. CARTER: O'Rell?

24 MR. O'RELL: Yes.

1 MR. CARTER: Ostiguy?

2 MS. OSTIGUY: No.

3 MR. CARTER: Riddle?

4 MR. RIDDLE: No.

5 MR. CARTER: Sieman?

6 MR. SIEMAN: Abstain.

7 MR. CARTER: Bandele?

8 MR. BANDELE: Abstain.

9 MR. CARTER: Burton?

10 MS. BURTON: Yes.

11 MR. CARTER? And Chair votes yes. Carries by  
12 a motion of ten ayes, two no~~s~~, three abstentions, no  
13 recusals.

14 MR. KING: Next and last is microorganisms,  
15 which were petitioned, including spore powder, for  
16 inclusion on the National List. The Committee  
17 unanimously supported that it~~s~~ non-synthetic, and I  
18 would move that we consider that motion.

19 MR. CARTER: Okay, it~~s~~ been moved as a non-  
20 synthetic material.

21 MR. O~~R~~ELL: Second.

22 MR. CARTER: Seconded by Kevin. Discussion?

23 MR. RIDDLE: Clarification of the title of the  
24 material. You said spore powder, but is it

1 microorganisms?

2 MR. KING: It's microorganisms. I'm sorry.

3 MR. RIDDLE: Okay.

4 MR. KING: I said including spore powder.

5 MR. RIDDLE: Okay.

6 MR. KING: I'm sorry.

7 MR. RIDDLE: So it's really microorganisms.

8 Okay.

9 MR. CARTER: Okay. Okay, just on the -- just  
10 germane to synthetic/non-synthetic. Do you have  
11 something, Rose, on that?

12 MS. KOENIG: Just was wondering whether if  
13 yeast are a fungi, would yeast come under microorganisms  
14 then? I'm sorry if it's irrelevant.

15 MS. CAUGHLAN: Because cultured yeast are the  
16 only ones currently appear.

17 MR. CARTER: Okay, motion on the table.

18 MS. GOLDBURG: Yeah, I just -- the point I  
19 raised yesterday, that I still remain a little concerned  
20 that microbial preparations can contain, potentially,  
21 substantial quantities of synthetics from media and what  
22 not.

23 MR. CARTER: Okay. Okay, prepare to vote.  
24 Okay, starting with Caughlan?

1 MS. CAUGHLAN: Yes.  
2 MR. CARTER: Cooper?  
3 MS. COOPER: Yes.  
4 MR. CARTER: Goldberg?  
5 MS. GOLDBURG: No.  
6 MS. CARTER: Holbrook?  
7 MR. HOLBROOK: Yes.  
8 MR. CARTER: KING?  
9 MR. KING: Yes.  
10 MR. CARTER: Koenig?  
11 MS. KOENIG: No.  
12 MR. CARTER: Lacy?  
13 MR. LACY: Yes.  
14 MR. CARTER: O'Rell?  
15 MR. O'RELL: Yes.  
16 MR. CARTER: Ostiguy?  
17 MS. OSTIGUY: No.  
18 MR. CARTER: Riddle?  
19 MR. RIDDLE: Yes.  
20 MR. CARTER: Sieman?  
21 MR. SIEMAN: Yes.  
22 MR. CARTER: Bandele?  
23 MR. BANDELE: Yes.  
24 MR. CARTER: Burton?

1 MS. BURTON: Yes.

2 MR. CARTER: Caroe?

3 MS. CAROE: Yes.

4 MR. CARTER: Chair votes yes. Carries by a  
5 motion of 12 yes, 3 no~~s~~, no abstentions. I think I  
6 forgot to ask if anybody had a conflict of interest on  
7 this one. We'll do it in retrospect. Seeing none, okay.

8 MR. KING: Okay, next the recommendation from  
9 the Committee was to add microorganisms to 205.605(a)  
10 with the following: Would simply state any food grade  
11 bacteria, fungi and other microorganisms.

12 MR. CARTER: Okay, repeat the motion.

13 MR. KING: The motion is to add microorganisms  
14 to 205.605(a) with the following language: Any food  
15 grade bacteria, fungi and other microorganisms.

16 MS. BURTON: Second.

17 MR. O~~R~~ELL: I would second.

18 MR. CARTER: Okay, it~~s~~ been seconded.

19 SECRETARY: It was by Kevin.

20 MR. CARTER: By Kevin Burton.

21 MS. BURTON: I~~m~~ a lucky gal.

22 MR. CARTER: Take your pick. Okay,  
23 discussion?

24 MS. KOENIG: I just -- I~~m~~ a little confused.

1 Sorry. I think it's because we have so many materials,  
2 and I'm lost. So we added it as a category? Okay. All  
3 right. Synthetic or natural. And now we're adding it as  
4 a category under 205.605, and then so the question again  
5 is then does yeast now fall under those if yeast is a  
6 fungi?

7 MS. OSTIGUY: Yeast is listed.

8 MS. KOENIG: But I mean, would it be under  
9 that, and they wouldn't have to be separately listed?

10 MS. GOLDBURG: Yeah. I mean there are some  
11 restrictions on yeast, and would those appear?

12 MS. BURTON: Our intention was to add this  
13 separately, and that if yeast needed to be removed, then  
14 we needed to remove it either by a petition or another  
15 process. We did not, as a committee, look at that at  
16 all, to be quite honest with you.

17 MS. CAROE: Can I offer then the amendment?

18 MS. BURTON: Sure.

19 MR. CARTER: Okay.

20 MS. CAROE: Can we say, any food grade  
21 bacteria, fungi or other microorganisms other than  
22 yeast, to keep separate?

23 MS. BURTON: When would you do that, because,  
24 as we're heard from public comment today, there's

1 interest in removing yeast at some point in the future,  
2 and it might be easier if it's separate.

3 MS. CAUGHLAN: Well, future is future.

4 MR. CARTER: Well, you might make that as the  
5 actual amendment.

6 MS. CAROE: Well, I offered it as a friendly  
7 amendment.

8 MR. CARTER: Yeah, the friendly amendment  
9 means we all just shake our head and add it to that.

10 MS. CAROE: So you want me to make an  
11 amendment?

12 MR. CARTER: Because an amendment, we'd  
13 actually put that up...

14 MS. CAROE: Okay, I will make that as an  
15 amendment.

16 MR. CARTER: Okay. Okay. Explain the  
17 amendment again.

18 MS. CAROE: Change the annotations.

19 MR. CARTER: Okay, it's been seconded.

20 MS. BURTON: Somebody has to second it.

21 MR. CARTER: No, I did. She can explain it.  
22 If she makes her motion.

23 MR. RIDDLE: She can...

24 MR. CARTER: Somebody wants clarification on

1 the...

2 MR. RIDDLE: Clarification on the motion,  
3 please.

4 MR. CARTER: ...motion to know whether or not  
5 they will second it, so she has the right to make that.  
6 Okay, so go ahead, make your amendment.

7 MS. CAROE: The -- to change the annotation to  
8 any food grade bacteria, fungi or other microorganism  
9 other than yeast.

10 MR. CARTER: Okay, is there a second? Is  
11 there a second?

12 SECRETARY: What was it again?

13 MR. CAROE: Don't worry about it.

14 MR. CARTER: Don't worry about it. It may die  
15 for lack of a second. Is there a second? Okay, it dies  
16 for lack of a second. So we're back to the original.

17 MS. KOENIG: Point of enlightenment or  
18 clarification.

19 MR. CARTER: Yes.

20 MS. KOENIG: The commercial availability, you  
21 know, like being obligated to buy organic sources over  
22 that, it doesn't exist in processing, but it does like  
23 for seed and such.

24 MS. BURTON: I think you have to -- if there's

1 an organic source available, you are supposed to use it.

2 MS. KOENIG: So why would we have to take it  
3 off then?

4 MS. BURTON: Because, from the testimony, we  
5 heard that there was confusion in the industry on the  
6 actual regulation.

7 MS. KOENIG: That's true.

8 MS. BURTON: Andrea's got her hand raised.

9 MR. CARTER: Oh, okay. I'm sorry.

10 MS. CAROE: Can I address it?

11 MR. CARTER: Yeah, Andrea, first.

12 MS. CAROE: Since it's listed as a non-  
13 agricultural material on the 605 list, 605 does not have  
14 requirements for sourcing organic first. If it was  
15 listed as a 606 material, an agricultural material with  
16 restrictions, it will -- would have to be list -- it  
17 would have to be sourced organic first. There is no  
18 requirement for commercial availability for any listed  
19 non-agricultural item.

20 MS. BURTON: Okay.

21 MS. CAROE: Which is the reason why the  
22 petition -- the comment is to remove it, because there's  
23 no commercial availability requirement.

24 MR. CARTER: Okay.

1 MS. CAUGHLAN: Well, my concern would be that  
2 we, as yet, there's been one person that has spoken to us  
3 about this. I don't believe that we have information  
4 sufficient to make that deleted.

5 MS. CAROE: Well, the yeast is already on  
6 there. I'm not taking yeast off. It's already on the  
7 list. It's just keeping it separate.

8 MR. CARTER: Okay, Rose and...

9 MS. KOENIG: I mean I don't -- I don't think it's a  
10 separate issue because, certainly, if we can find  
11 organic yeast, you can find organic lysozyme, you can  
12 find organic a lot of things, so no matter whether it's  
13 yeast or not, if you're going to put it in a general  
14 category, and then there's going to be certain of those  
15 organisms that could be sourced organically, you're going  
16 to have a problem.

17 MR. CARTER: Andrea?

18 MS. CAROE: Okay, then the answer to this is  
19 to have this addition to 606 and call it agricultural.

20 MR. CARTER: Okay.

21 MS. CAROE: These microorganisms, have them  
22 listed as a 606 agricultural material.

23 MR. SIEMAN: That's the real solution.

24 MS. CAROE: Because then you do have that

1 commercial availability requirement.

2 MR. CARTER: Okay.

3 MS. KOENIG: But how is agricultural defined?

4 MS. CAROE: Call the question.

5 SECRETARY: The secretary is confused.

6 MR. CARTER: She called the -- anybody can  
7 call the question, but that's an informal thing. The  
8 motion that has to be moved on is if somebody moves the  
9 previous question. Calling the question is just sort of  
10 an informal plea for somebody to say I'm -- I think we're  
11 meddling around, let's get busy and vote.

12 MS. GOLDBURG: We're meddling around because we  
13 don't understand it fully. So it may not be productive  
14 though until we...

15 MR. CARTER: Okay.

16 MS. KOENIG: Yes, but if mushrooms are going  
17 to be considered an agricultural -- all right. I'm not  
18 going to make that -- mushrooms are fungi.

19 MR. CARTER: Okay. Well, please address, you  
20 know, members of the committee, I know it's a long day,  
21 and we're at the end, you know, and all of that, but if  
22 you have comments, make them into the microphone...

23 MS. KOENIG: All right, I'll just make it.

24 MR. CARTER: ...so...

1                   MS. KOENIG: I'm just saying that there may be  
2 reasons, I think, that it should take some thought  
3 because you don't want to -- we don't want to put  
4 confusion, any more confusion, on something that is  
5 already confusing. And I'm just saying that let's be  
6 consistent. I mean -- I mean, one, if mushrooms are  
7 fungi and yeast are fungi, then you can have the  
8 argument that a mushroom is an agricultural product.  
9 Then, perhaps -- I'm not saying. I mean these are just  
10 off of my -- off -- you know, I haven't really thought  
11 that much about it. But that's -- if you're looking in  
12 terms of consistency, although I don't think farmers are  
13 raising yeast, but who knows? Who's making the organic  
14 yeast? There's nothing that stops. You know, you don't  
15 have to be a large company to make yeast.

16                   MR. CARTER: Now, Kim first, and then, Andrea,  
17 I'll take you.

18                   MS. BURTON: Let me try at this. This has --  
19 this has, obviously, been a confusion in the industry  
20 for a long time. We've had comments from OMRI to help  
21 us, help clarify this issue. We've had comments from  
22 past Board members. We discussed this in length with  
23 Steven Harper on our processing call. We were all very  
24 confident that this needed to go into 205.605(a). There

1 is a processing chart in this, in the packet of  
2 materials that you got. And as we were told, even  
3 though the process is non-synthetic, in order to feed  
4 these things, you have to add materials. And so that is  
5 why we recommended it be put onto to 205.605(a) so that  
6 we clarify that to the industry that it is an allowed  
7 material based on the annotation. We're just trying to  
8 assist the industry in getting this cleared up. Does it  
9 go on 606 or 605(a)? I think this is our best shot at  
10 cleaning up this issue. I'm not confident putting it  
11 under 606 as the right way.

12 MR. CARTER: Okay, Andrea?

13 MS. CAROE: Oh, pass.

14 MR. CARTER: Okay, Kevin.

15 MR. O'RELL: I guess there is somewhat of a  
16 precedent for dairy cultures, and where they are listed,  
17 and I think there might be more confusing -- confusion  
18 putting it under 606. I'm not sure that would clarify  
19 it.

20 MR. CARTER: Okay, there is no formal motion  
21 to do that, so...

22 MR. O'RELL: No, we do have a motion.

23 MR. CARTER: We do have a motion. We're  
24 talking about this. This is the motion. Okay, any

1 further discussion?

2 MS. CAUGHLAN: Restate the motion.

3 MR. CARTER: And we'll do that before we vote.

4 I just want to see if we have any more discussion.

5 Okay.

6 MR. KING: The motion is as follows, to add  
7 microorganisms to 205.605(a). The following language.  
8 Any food grade bacteria, fungi and other microorganisms.

9 MR. CARTER: Okay, that's the motion on the  
10 table. We will now proceed to vote. Cooper?

11 MS. COOPER: Yes.

12 MR. CARTER: Goldberg?

13 MS. GOLDBURG: Abstain.

14 MR. CARTER: Holbrook?

15 MR. HOLBROOK: Yes.

16 MR. CARTER: King?

17 MR. KING: Yes.

18 MR. CARTER: Koenig?

19 MS. KOENIG: Ah, abstain.

20 MR. CARTER: Lacy?

21 MR. LACY: Yes.

22 MR. CARTER: O'Rell?

23 O'RELL: Yes.

24 MR. CARTER: Ostiguy?

1 MS. OSTIGUY: No.

2 MR. CARTER: Riddle?

3 MR. RIDDLE: Yes.

4 MR. CARTER: Sieman?

5 MR. SIEMAN: Yes.

6 MR. CARTER: Bandele?

7 MR. BANDELE: Abstain.

8 MR. CARTER: Burton?

9 MS. BURTON: Yes.

10 MR. CARTER: Caroe?

11 MS. CAROE: Yes.

12 MR. CARTER: Caughlan?

13 MS. CAUGHLAN: Yes.

14 MR. CARTER: The Chair votes yes. Passes with

15 11 yes, 1 no, 3 abstentions, no recusals. And I believe

16 that that takes us to the end of our materials. And you

17 will note that it is now 3:45. Our agenda -- but we

18 have Committee Work Plans. For those of you that are a

19 little puzzled, there was an event involving alcoholic

20 beverages over what time we might be done today. Okay,

21 then let me get back to my agenda. Okay, then before we

22 go into this, are the Committee Chairs ready to present

23 your work plans?

24 MR. BANDELE: Perhaps we could have a short

1 conference.

2 MR. CARTER: Okay, then we will take a ten-  
3 minute break. Be back here in ten minutes.

4 \*\*\*

5 [Recess]

6 \*\*\*

7 MR. CARTER: Okay, we will reconvene and  
8 begin with Committee Work Plans, and I will call on  
9 Accreditation Committee.

10 MR. RIDDLE: Okay, three items on the work  
11 plan. One is a continuation of the minor non-compliance  
12 guidance document that's going to be posted shortly after  
13 this meeting for another round of public comments, so  
14 then there will be a further draft, hopefully, presented  
15 for final action at the October meeting. Second is to  
16 begin the analysis of information on certificates, and  
17 what are the deficiencies, inconsistencies, problems  
18 with the way certificates are being -- well, the  
19 information on certificates. Currently, don't know where  
20 it's going to lead. It could lead to, you know, a  
21 template for a model certificate. Could lead for a  
22 recommendation for a rule change to expand the  
23 information on certificates. And it go beyond that.  
24 And then the third item is to review the name and --

1 name and description of the committee in the context of,  
2 you know, certification, compliance and other issues.  
3 So that's -- those are it.

4 MR. CARTER: Okay. Okay, then we will move to  
5 Processing/Handling.

6 MR. KING: Yes, Process/Handling. A few  
7 things. One, which is no surprise to anyone here,  
8 continue to work on food contact, substance,  
9 recommendation and guidance. Two, we did defer nitrous  
10 oxide at this meeting, so we'll, hopefully, get enough  
11 time and certainly information to make a recommendation  
12 at the next meeting on that material. Then also, due to  
13 the sunset provision in the regulation, to start  
14 reviewing materials that are currently on the National  
15 List. And then third, continue work on post-harvest  
16 handling versus processing for production operations.  
17 Some work has been done in the crop area at this point.  
18 We'll continue with that work.

19 MR. CARTER: Okay, any discussion?

20 UNIDENTIFIED SPEAKER: Where was that, some  
21 post-harvest handling versus -- okay.

22 MR. CARTER: Okay, then we'll move to  
23 Livestock.

24 MR. SIEMAN: We have a -- we want to work on

1 clarifying the non-edible production stock standards,  
2 which has been on our work plan from before. We now are  
3 working on -- I'll pass this out right now. Jim Riddle  
4 has written -- we're trying to clarify the dairy new  
5 entry herd clause. There's quite a few twists scenarios  
6 that we want to try to see what we can do to help bring  
7 clarification, help NOP. NOP had mentioned that. We  
8 want to try to stimulate task force with OT and others  
9 on calf-hood drugs that need to be petitioned, and the  
10 research and alternatives to Methionine, as was  
11 suggested earlier. Then we have our material work,  
12 which is the materials we have on our list right now are  
13 Moxidectin, chelated minerals, and Flunixin. And then  
14 we had some issues we wanted to research on fish meal,  
15 and that was our work plan.

16 MR. CARTER: I had suggested that we look at  
17 wild cod fish as something to talk about.

18 MR. SIEMAN: We had that down, but that was a  
19 humorous case. We thought we'd let NOP take that one.

20 MR. CARTER: Okay, Crops.

21 MS. BANDELE: The main area of emphasis would  
22 be the Compost Tea Task Force. Three of the five Crop  
23 Committee members on that task force. Of course, we  
24 will continue to deal with the materials including those

1 that were deferred. We're going to finalize something on  
2 the sodium nitrate use, whether or not folks are dealing  
3 with the crop needs or the actual amount implied, and  
4 we're going to do that through contacting the certifying  
5 agents to get a clarification on that point. Rose is  
6 going to continue to work on the List 3 inerts, and  
7 Nancy. And we also will contact NOP concerning the  
8 greenhouse and mushroom recommendation just to get a  
9 feel on what's happening there. And as far as the  
10 hydroponic, I'm not sure. That may depend on the  
11 Strategic Committee and NOP discussions around that  
12 matter.

13 MR. CARTER: Okay. Okay, Materials Committee.

14 MS. BURTON: Okay, I'll pass out to you our  
15 work plan update. We've got a number of things that have  
16 been added to our list since this meeting has started.  
17 Primarily, updates on material review process that we  
18 want to work with NOP in an ongoing process of  
19 clarifying current -- the current material review  
20 process. Shall I wait until everybody gets this  
21 together?

22 MR. CARTER: Yes.

23 MS. BURTON: Okay, Number one, just go over  
24 again the NOP review process of a petition prior to

1 forwarding to Materials Committee. Make sure that we're  
2 involved in that process of reviewing petitions, or at  
3 least giving our guidance on that. Number two is the  
4 cutoff date for TAP reviews prior to an NOSB meeting.  
5 We've been discussing that, and haven't actually come up  
6 with an official cutoff date, although we all agree that  
7 one is needed. Number three would be CDI information  
8 and just, you know, clarification on that process, and  
9 that the communication gets back to this Board in an  
10 appropriate fashion. Draft policy on National List  
11 Sunset Provision process. And I'll pass out a document  
12 in just a second to go over that in a little bit of  
13 detail. And then also to look at, because of the --  
14 some of the confusion at this meeting, when recommending  
15 material review, using existing TAP reviews, then just  
16 committees must review the supplied information, and if  
17 they need additional TAP or additional supplements, that  
18 we move that forward timely so that we have that  
19 information prior to an NOSB meeting. Status on List 3  
20 inerts and EPA. Rose and Nancy. That's going to be an  
21 ongoing dialogue, I'm sure, with NOP. National List  
22 updates. Just keep pushing the NOP to keep forwarding  
23 those Federal Register dockets on the National List and  
24 material recommendations that we have made. Discussion

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1 with NOP on restructuring the National List.  
2 Specifically, handling 205, 605 and 606. This keeps  
3 coming up, that there's still clarification that needs to  
4 be made, the handling portion of the National List. But  
5 that we do need to do that in conjunction with NOP's  
6 guidance. As an ongoing practice, just keep up with the  
7 issues, with TAP reports, contractor issues, deferred  
8 TAP for inadequate information. That's going to be  
9 something that we're going to have to keep going on and  
10 keep educating the contractors, and giving them more  
11 specific information that we need on -- on material  
12 review. And then come up with this guidance document.  
13 And this really was derived out of that, that livestock,  
14 that additional criteria for livestock, and discuss,  
15 from a Materials Committee, now what do we do with that  
16 document once you've forwarded that to us. Comments or  
17 questions from the Committee?

18 MR. CARTER: Okay. All right.

19 MS. BURTON: I'm going to pass out to you the  
20 policy that was actually a third revision from the  
21 Materials Committee on how we go about starting the re-  
22 view process of materials under the National List  
23 Sunset Provision. As you are aware, or not aware of,  
24 we're mandating by a Board to re-review the materials

1 within five years of the publication of the final rule.

2 And so by October, 2007, all the materials that are on  
3 the current National List need to be re-reviewed by this  
4 Board. We thought we~~ve~~ had fun so far.

5 MS. CAUGHLAN; Excuse me. Yes, is somebody  
6 sitting on copies of...

7 MR. SIEMAN: Yes, we have a bunch over here.  
8 How many do you need?

9 MS. CAUGHLAN: This is the Revision three, and  
10 the other stuff never did -- never did get around here.

11 SECRETARY: I~~ve~~ got some extra ones too.

12 MS. BURTON: So just a little bit of history  
13 on this from the Committee~~s~~ standpoint. Originally, I  
14 had written a -- I had written a policy on trying to  
15 make recommendations based on prioritizing the National  
16 List, or the re-review of the National List, somewhat to  
17 the similar criteria that we drafted when we were --  
18 when we thought we~~d~~ have just an onslaught of materials  
19 that we would somehow have to prioritize review. So I  
20 had drafted that. That was our first draft. And we  
21 discussed it with the committee, and we -- by the time  
22 the call ended, we were all pretty much unanimously in  
23 support that -- that that recommendation wasn~~t~~  
24 necessarily the best, that we felt that we should go

1 through and do a random selection of the materials under  
2 each section, in other words, Crops, Livestock or  
3 Processing, in proportion to the number of materials on  
4 the list. And the primary reason for that is that none  
5 of us felt like, even prioritizing, that we would ever  
6 have enough information to make it a sound, non-biased  
7 opinion on what materials need to be forwarded first and  
8 second and third. And so by a random process, it cuts  
9 all that out, and you just go through. If there's 20  
10 materials, you know, and you just divide that up into we  
11 now have four years left to do this, divide it up into  
12 four, and you publish that list, and we get that --  
13 those materials out there. We publish it so the public  
14 knows what materials are up for review. And we start  
15 this process rolling. I think by prioritizing and  
16 trying to put too much thought and effort into it, it  
17 would really bog us down and frustrate us even more than  
18 -- than we are. So this recommendation was made. And  
19 I'll read you the guidelines. The NOSB Materials  
20 Committee shall be responsible for recommending reviews  
21 of materials. Annually, the NOSB Material Committee  
22 shall choose for review approximately one fifth of the  
23 National List to accommodate evaluation of all materials  
24 over a five-year period. The materials will be randomly

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1 selected, and shall be proportionate to Materials  
2 Inspection 205.601 through Section 205.606 of the  
3 National List. Materials that have expiration dates on  
4 the National List, for example, DL Methionine, sodium  
5 nitrate, scerlina [ph] products, shall not be included  
6 in the selection process as the original NOSB  
7 recommendation was to only allow for use during a  
8 specific phase-out period. This is an ongoing annual  
9 process, and as such, any National List amendments or  
10 additions shall be included in the review process. The  
11 NOSB shall utilize existing TAP reports or request  
12 additional technical information to review substances.  
13 The National Organic Standards Board shall post a  
14 Federal -- actually, that should be NOP. ...shall post  
15 a Federal Register notice for the purpose of giving  
16 interested persons an opportunity to comment on the  
17 materials prior to final recommendation. A minimum of a  
18 60-day comment period shall be allowed for public  
19 comment. And again, we -- we didn't have an action on  
20 this policy and the Committee felt that we need to just  
21 pretty much start this process very quickly so we can  
22 get these materials on for the next meeting, and that we  
23 felt pretty strongly also that OFPA mandates us to do  
24 it. So, at this point, you know, we can -- we have

1 discussion, but we also felt strongly we needed to start  
2 this random process now so that we can get the materials  
3 moving along.

4 MR. SIEMAN: We're not going to take action on  
5 this at this time.

6 MS. BURTON: No, we can't.

7 MR. SIEMAN: And can I just ask, on those with  
8 sunset clauses, people will want to ask that they will  
9 be able -- that they can just reapply?

10 MS. BURTON: Yes, if they have new  
11 information, certainly, with petition process.

12 MR. CARTER: Okay, Jim?

13 MR. RIDDLE: Yeah. Well, I see this as, you  
14 know, a committee draft similar to any other committee  
15 draft. And I would like -- I don't know if you're  
16 wanting comments to the Board first, before it gets  
17 posted for a round of public comments. But that's, you  
18 know, that's what I would encourage, because, you know, I  
19 saw this. I haven't had a chance to give it a lot of  
20 thought, and I would like to be able to. You know, I  
21 have some problems with the random selection. I think  
22 that there are some problematic materials that should be  
23 prioritized, and I think that we have the expertise with  
24 the committees and stakeholders represented that we

1       could prioritize, and then the balance of them that don't  
2       kind of rise to the top, easily can fall under a random  
3       process then. But I think there are some. So, I mean,  
4       that's just one of my initial reactions, and -- and then,  
5       on that very last point, yeah, that would be NOP doing  
6       the Federal Register notice, but I think the concept  
7       that you've got of the Board doing a round before it goes  
8       to Federal Register, I mean, we want both. And that  
9       would happen anyway because there would be a new TAP or  
10      some kind of a recommendation from a committee posted,  
11      leading up to a meeting, so there would be a round of  
12      public comment to us, and then a round of Federal  
13      Register comment as well. So...

14                   MS. BURTON: Nancy?

15                   MS. OSTIGUY: I'd like to actually speak in  
16      strong support of the random choosing because it  
17      eliminates any arguing that may happen either among the  
18      Board or elsewhere. It is -- it's not something that  
19      somebody will not feel singled out. We are not -- in  
20      some ways there's an advantage to not holding up stuff  
21      because we think it's bad, because somebody's going to  
22      object. And probably the people that are using it are  
23      going to be the ones, at minimum, that will object to  
24      being labeled as bad. It eliminates that. It's -- it

1 just says, well, you know, the luck of the draw  
2 happened. It's much harder to argue against.

3 MS. BURTON: And one comment that we -- we've  
4 not really been sure how this is going to work in the  
5 long run. We're going to go through these  
6 recommendations, and our questions, you know, at the end  
7 of five years, then do they all go on one docket whether  
8 we approve them or not, and so we still have some  
9 clarification. But, really, regardless of when we look  
10 at them, it's our envision that what's going to happen is  
11 that they're all going to -- you know, it's November --  
12 or October, 2007, there will be another Federal Register  
13 list published of all the materials that we've reviewed  
14 over the several years.

15 MR. CARTER: Yeah, and just as a  
16 clarification, I mean just the fact that some get  
17 reviewed quicker doesn't mean that they're going to come  
18 off the docket.

19 MS. BURTON: No.

20 MR. CARTER: Which, you know, I can understand  
21 what you're saying, Nancy, about trying to, you know, not  
22 get any prejudice here. On the other hand, I tend to  
23 agree a little bit with Jim. If we identify some that  
24 we think are problematic, it's nice to get those under

1 consideration first, because then you have more time  
2 before they actually come off the list to start looking  
3 at some, you know, alternatives. At the end of the day,  
4 they all -- they all get addressed at the same time. I  
5 just think if you address the more -- identify the more  
6 problematic ones, it gives you more time then to look at  
7 solutions or like, so -- okay, I see that's a non-  
8 controversial comment. Andrea first, then Nancy, then  
9 Owusu, and then Rose. No, George. I'm sorry.

10 MS. CAROE: I guess I don't understand what --  
11 if you choose problematic materials, or those that you  
12 consider problematic, and through the review process you  
13 find out that they are not problematic, what do you plan  
14 on taking for action? Because once they're petitioned to  
15 be removed, there's no change. I don't know what you  
16 expect to get out of it. We were just trying to  
17 accommodate the workload over the five-year period and  
18 get to all of them.

19 MR. CARTER: And then -- yeah, okay. Let me  
20 go down -- let's see again, Andrea, then I think Nancy.  
21 I forgot my sequence I went through. Okay, Nancy, Rose,  
22 Owusu, George. Okay.

23 MR. RIDDLE: Nancy, Owusu, Rose, George.

24 MR. CARTER: Oh, Nancy, Owusu, Rose, George,

1       okay.

2                   MR. BANDELE: I'm in favor of this one of the  
3       randomization. The question I had, I know the time is  
4       running short. Is this going to be, the final decision,  
5       is the Materials Committee going to do that, or --  
6       because if it's the Board, then we'll have to wait -- all  
7       wait until October. So when -- this can be, what's your  
8       input on that?

9                   MS. BURTON: Well, the recommendation was the  
10      Materials Committee would start the random process and  
11      pick those proportionate materials pretty quickly...

12                  MR. BANDELE: Right.

13                  MS. BURTON: ...so that we can have materials  
14      for our next meeting because we've already got a year  
15      behind our belts, really, by the time our next meeting  
16      comes around.

17                  MR. CARTER: Okay, Owusu. Rose, go ahead.

18                  MS. KOENIG: You know, as far as Jim's comment,  
19      I actually -- I mean I was probably the stronger  
20      proponent of the randomization. And it's not that I  
21      wouldn't consider like a -- like a hybrid proposal well  
22      we group them, and then randomize within a group. But  
23      what we didn't want to do is have to go systematically  
24      through every single thing, and then judge them on those

1 criteria. Because originally, the criteria was  
2 versatility, which -- which was actually very like, is  
3 important to all aspects of the industry. It really, to  
4 really judge it fairly, we felt like we almost had to go  
5 out and collect data to determine an order, okay? So  
6 the thing is, we didn't want to spend, because we all  
7 have precious resource of time, you know. Time is our  
8 precious resource. We don't want to spend the time  
9 developing this elaborate system of selection. I mean  
10 the most important thing is to get the job done. So I  
11 think that, you know, in a hybrid situation, if Board  
12 members feel like there is 10 or 12 that need to be in a  
13 special group and that, you know, we could do a fourth  
14 group. I mean one that we could have a crops group, a  
15 processing group, and a livestock group, and then a  
16 group of immediate concern, and then take a proportion  
17 out of that. But the idea is that we're not spending,  
18 you know, that we all can come to an agreement that we  
19 don't want to spend the time analyzing the importance of  
20 every single one.

21 MR. CARTER: Okay.

22 MS. OSTIGUY: Which is really my point, is  
23 that I'm not sure we want to spend our time that way.

24 MR. CARTER: Okay. All right, George?

1 MR. SIEMAN: Well, I guess I'm going to go back  
2 first to Kim, your presentation. I didn't quite  
3 understand when the timing of this would start. I don't  
4 see it on here.

5 MS. BURTON: No. Last October, 2002. I'd like  
6 to just...

7 MR. SIEMAN: No. These materials have five  
8 years on the regs. I need to understand. We can't do  
9 them all at once at the last minute...

10 MS. BURTON: We -- we...

11 MR. SIEMAN: ...so if we did them ahead of  
12 time, we would say these still are on for the balance of  
13 the five years, but we now, three years ahead of time,  
14 have determined that it's not going to be on...

15 MS. BURTON: We're not ahead of time.

16 MR. SIEMAN: ...that, so that's really what  
17 you're asking.

18 MR. CARTER: Okay.

19 MS. BURTON: Yeah, I was going to direct...

20 MR. SIEMAN: Okay, and then what?

21 MR. CARTER: Okay, if a committee member wants  
22 to call Zia for -- okay.

23 MS. SONNEBAN: These are the NCCOF [ph].  
24 Entering into your decision of how to pick them has to

1 be that clause that you mentioned that you want to use  
2 previous TAP reviews where possible.

3 MS. BURTON: Yes.

4 MS. SONNEBAN: Please keep in mind that the  
5 original TAP review varies widely in what you would  
6 consider to be completeness for a TAP review today. And  
7 you may have to prioritize on which ones have enough  
8 complete information to do sooner versus which ones have  
9 to get referred to someone else to collect more  
10 information. And going along with that, I think I  
11 probably have the only complete set of the original TAP  
12 review document, since I have to send copies of certain  
13 ones to the Department from time to time, since they've  
14 lost many of the supporting documents. And as such, you  
15 need to attach some budget to this in order to compile  
16 them and get them to you and all that.

17 MS. BURTON: We discussed that in length also.  
18 I already warned the Committee that the existing  
19 material is probably very...

20 MS. SONNEBAN: There are -- the more  
21 controversial ones originally have the most complete set  
22 of documents. So botanicals have really quite a bit of  
23 information, for instance, because that was reviewed  
24 first. There was very, very, you know, extensive

1 reviews. But some of the others are just like really  
2 kind of rushed right through and have much less  
3 supporting documentation.

4 MR. RIDDLE: And that would be one criteria  
5 for prioritizing ones that have had an incomplete review  
6 previously. And...

7 MS. SONNEBAN: Certainly, to get started. I  
8 mean you...

9 MR. RIDDLE: Right.

10 MS. SONNEBAN: ...know you have to prioritize,  
11 like bring it to the top of the file first, then send it  
12 out for six months.

13 MR. RIDDLE: Yeah, so I'm -- and I'm saying  
14 that, Nancy, that by prioritizing is not casting  
15 judgment on the material, but possibly on the evidence  
16 that the recommendation was made on, that there is --  
17 that we prioritize on several different grounds.

18 MS. OSTIGUY: But they're allotted times, so...

19 MR. RIDDLE: But a lot of that knowledge does  
20 exist. And as leaders charged with the responsibility,  
21 I -- I think it's something we should take on, myself, to  
22 look at this. Are there materials which are causing  
23 trade dispute problems? Maybe we should look at those.  
24 I mean there's a number of different factors. It

1 doesn't mean that any material is bad, but that's one  
2 point. But then I wanted to respond to what Andrea was  
3 saying because I think it's a really valid point. And  
4 that is what happens when you review a material, and you  
5 find something bad, and it should no longer be on the  
6 list? It's already been placed on the list for five  
7 years. What happens when you decide that it should be  
8 added, or continue on the list, and we're still four  
9 years out, so now we're adding it for a total of nine  
10 years? I mean this is what I don't understand about...

11 MS. BURTON: We don't...

12 MR. RIDDLE: ...starting this right away. It  
13 seems like, yeah, we should be planning and, you know,  
14 come up with a flow chart, and have a plan, but not  
15 actually doing the reviews.

16 MR. SIEMAN: The three-week meeting right at  
17 the last minute.

18 MS. BURTON: Yeah. Well, we won't be on the  
19 Board, or I won't anyway.

20 MR. CARTER: Kim wanted to say something  
21 first, and then Rose.

22 MS. BURTON: Well, I just, again, want to  
23 caution this Board of our legal -- just to be careful  
24 that we're not perceived to be picking materials that we

1 perceive as being controversial or bad. We could get  
2 ourselves into some trouble. And that, again, was one  
3 of the reasons we chose the random process. There's no  
4 question at all over the process. And, therefore, I  
5 still support it.

6 MR. CARTER: We'll take Rose then Andrea.  
7 Andrea, you had your hand up, okay?

8 MS. KOENIG: Okay, Jim, it actually may have  
9 been helpful for you to have been on that call. But  
10 okay, let me -- if you look at page 28 of the Board  
11 Policy Manual that you have nicely compiled and have  
12 changed, on page 28 were the three things that we had  
13 down that how we were going to follow the process, okay?  
14 And the first one that I had the largest argument with,  
15 and this is why we went to randomization, was  
16 versatility. And it says, *As the substance used in a*  
17 *wide range of products and/or by a number of users?@*  
18 And I said, I didn't want to spend the time to look at  
19 that substance and figure out every single product it  
20 was used in and how many producers. You know, were we  
21 going to do surveys? I mean how much time? So that's we  
22 said, we don't want to follow these criteria. We decided  
23 that randomization was the best alternative. I mean I'm  
24 hearing other comments. Put those comments in. But I

1 hope you can agree that we don't want to follow  
2 versatility as our major. And that was the thing. We  
3 want to get out of versatility. We want to get out of  
4 research. If there are things that are obvious and don't  
5 take research, then I think that we're willing to look at  
6 that. This is a set policy, but we knew we didn't want  
7 to get into surveying how many products contained it and  
8 how many producers were using it.

9 MR. CARTER: Okay, Ann?

10 MS. COOPER: Well, yeah, I guess for me the  
11 thing was randomization, and I guess what you guys were  
12 just talking about is when you announce this information  
13 is -- I mean if something -- if we start announcing  
14 stuff in October, say, and we're starting to say, in  
15 October, stuff's going to come off the list, we're going  
16 to start...

17 MS. BURTON: No.

18 MS. COOPER: We wouldn't announce what we  
19 decide?

20 MS. BURTON: Well, it wouldn't come off of the  
21 list.

22 MS. COOPER: No. But then if we're saying in  
23 October that in four years it's coming off, then, you  
24 know, where -- you know, what happens if other

1 information comes up in that timeframe, and what happens  
2 to those products, and are we becoming -- I think it's  
3 pretty complicated that -- and about what's going to  
4 happen.

5 MS. BURTON: Well, yeah...

6 MS. COOPER: I mean I'll if we got it at once,  
7 if it was sort of -- but...

8 MS. BURTON: I can tell you that we're getting  
9 pressure from the NOP to start reviewing materials based  
10 on the sunset provision, so, you know, we can debate  
11 this all night long, if we want to. But it is the  
12 proposal. We do want your comments. Obviously, we need  
13 NOP dialogue. Okay. I'll call on Emily, and then Arthur  
14 wanted to...

15 MR. SIEMAN: I think we're out of order here.  
16 We're on Work Plans, not discussing individual  
17 components=work plans at this point in time. Yeah, we  
18 did talk about my dairy herd scenario and, I mean, what  
19 are we doing here? Work for this. Work -- if you want  
20 to talk about this, let's go to other business next, and  
21 we can talk about it.

22 MR. CARTER: Okay. Okay.

23 MS. BURTON: One minor point?

24 MR. CARTER: Yes, minor point.

1           EMILY: Okay, some of the committees had  
2 recommended re-review of materials as a priority, like  
3 the chlorine, like the phosphoric acid for fish. I  
4 would think that committees can recommend -- you know,  
5 you might want to consider that as bumping those up to  
6 the top of your list because there's problems in  
7 continuing review. And also that those criteria were  
8 developed for new materials. I think it would be a  
9 different kind of criteria for re-review.

10           MR. CARTER: George, just to your point  
11 though, when the -- because we have the work plans, but  
12 we also had an extra document that was passed around as  
13 part of that work plan, and I think that's what  
14 stimulated this discussion so...

15           MR. SIEMAN: So did I.

16           MR. CARTER: Okay. All right.

17           MS. BURTON: Was Arthur...

18           MR. CARTER: Yes, Arthur, do you...

19           ARTHUR: I think no way.

20           MR. CARTER: Okay. Did you say go away or...

21           ARTHUR: No way.

22           MR. CARTER: Oh, no way. I thought you said,  
23 go away. Okay. Okay, any other discussion on this?  
24 Okay. International. I will not call on International

1 for Work Plan, seeing as how part of our work plan is to  
2 re-evaluate where International~~s~~ going. So -- all  
3 right, other business we have at this point is to --  
4 everybody pull out your calendars. Okay, we will not  
5 have our next meeting until the new federal fiscal year,  
6 which means October 1, and so -- when is Expo East? Is  
7 that in September?

8 MR. SIEMAN: Expo East is early in September.

9 MR. CARTER: It~~s~~ in September. So we know...

10 MR. SIEMAN: It~~s~~ the 4th, 5th and 6th of  
11 September.

12 MR. CARTER: Okay.

13 MR. SIEMAN: I would really like to see us do  
14 this in the week of 6, 7, 8, 9, if possible.

15 MR. CARTER: Okay.

16 MR. SIEMAN: I~~m~~ basically not available any  
17 other week.

18 UNIDENTIFIED SPEAKER: Of what month?

19 MR. CARTER: Of October.

20 MR. SIEMAN: So it is my birthday, which is  
21 torturous, but...

22 MR. CARTER: Which day?

23 MR. SIEMAN: The eighth.

24 MR. CARTER: Oh, no better way to spend a

1 birthday.

2 UNIDENTIFIED SPEAKER: Can you just give us a  
3 day, 6?

4 MR. CARTER: The 6th is a Monday. It's the  
5 week of the 6th.

6 MR. RIDDLE: Yeah, I have a prior commitment  
7 6th, 7th and...

8 SECRETARY: Are we having them look at  
9 October? I think from a material standpoint, the longer  
10 we have, even November, if possible.

11 UNIDENTIFIED SPEAKER: October's bad because  
12 it's the fiscal year, and trying to get everything...

13 UNIDENTIFIED SPEAKER: Better than November?

14 MR. RIDDLE: But it could be later.

15 MS. CAUGHLAN: She's suggesting November.

16 UNIDENTIFIED SPEAKER: November, okay.

17 MR. SIEMAN: How about the 13th, 14th, 15th of  
18 October?

19 MS. GOLDBURG: Thirteenth is Columbus Day.

20 MR. CARTER: Okay, 13.

21 MS. CAUGHLAN: Which month are we on though?  
22 I'm hearing October.

23 MR. CARTER: Okay, October. Right now we've  
24 got October, the week of the 13th.

1 MR. SIEMAN: Oh, the 13th is a holiday?

2 MS. GOLDBURG: If we don't start on Tuesday.  
3 Columbus.

4 MR. RIDDLE: Columbus.

5 MR. SIEMAN: Fourteen, 15, Tuesday, Wednesday?

6 UNIDENTIFIED SPEAKER: October later?  
7 November's better. That's all I'm saying.

8 MR. CARTER: All right, November. Do you want  
9 to wait until November? Okay.

10 MR. SIEMAN: Seventeenth, 18th, 19th?

11 MR. CARTER: The week of the tenth of  
12 November. The week of the tenth of November. Somebody  
13 said Wednesday's no good?

14 UNIDENTIFIED SPEAKER: Wednesday's no good.

15 MR. SIEMAN: The 13th, 14th?

16 MR. CARTER: Okay, how about the week of the  
17 third of November?

18 MR. SIEMAN: How about the 13th, 14th, does  
19 that work?

20 MR. CARTER: Okay, let me just...

21 UNIDENTIFIED SPEAKER: You know, we're never  
22 going to get everybody.

23 MR. CARTER: Well, the week of the third of  
24 November?

1           MS. KOENIG: Can I just say one thing as far  
2 as -- excuse me. Excuse me. There's a few farmers on  
3 this Board that it always hits us in our season, and I  
4 always rely on the fall, at least, to not have to have  
5 my husband take off of work to run the farm. So,  
6 usually, when there's Boards that have farmers on them,  
7 they do, we consult the farmers because I thought it's  
8 all about agriculture, to see about our schedules.

9           MR. CARTER: Well, that's not...

10          MS. KOENIG: And I mean and so October is, I  
11 think, in both -- I don't know about your case, Denny.

12          MR. HOLBROOK: Yeah, October would be better  
13 for me because, I mean, we're already starting harvest by  
14 the first of November so...

15          MR. CARTER: Okay.

16          MR. HOLBROOK: ...but I mean if it works first  
17 of November...

18          MR. CARTER: No, to Rose's point, it's not only  
19 we have farmers. We have farmers all the way from the  
20 north to the south.

21          MS. KOENIG: Right. Yeah.

22          MR. CARTER: In Colorado, if you want to have  
23 a farm meeting, you do it in November, okay? So, you  
24 know. So October works better for you?

1 MR. HOLBROOK: October's better for me.

2 MS. CAUGHLAN: October's better for us.

3 MR. CARTER: Okay. Okay, so October. Okay.

4 Okay, the week -- let me just throw out weeks here so we  
5 don't get too many conversations. This shouldn't be --

6 this isn't the Paris Peace Negotiations here, guys. The

7 27th, the week of the 27th. It's thumbs up, thumbs down?

8 Prior commitments. Okay. The week of the 20th?

9 MR. SIEMAN: The very first of it.

10 MS. BURTON: Where's the camera when you need  
11 it?

12 MR. CARTER: Okay.

13 MR. SIEMAN: Well, I mean, it's not the best  
14 for me, but...

15 MR. CARTER: The whole week is out for you,  
16 Nancy?

17 MS. KOENIG: No, just the beginning.

18 MR. CARTER: So if we were to look then  
19 something that would start the 21st, 22nd, or the 23rd  
20 and 24th?

21 MS. OSTIGUY: Well, the problem is is I always  
22 have to come in the day before.

23 MR. CARTER: Right. Well, and I think we  
24 ought to consider -- I like 2-1/2-day Board meetings if

1 we can afford it.

2 MS. BURTON: Where is the location though?

3 MR. CARTER: It will be at D.C.

4 UNIDENTIFIED SPEAKER: D. C. is a little  
5 easier.

6 MR. CARTER: Okay.

7 UNIDENTIFIED SPEAKER: Whatever. Are we  
8 building in the strategic planning time?

9 MR. SIEMAN: We'll have to.

10 UNIDENTIFIED SPEAKER: We'll have to.

11 MR. CARTER: It would be good. Yeah, it would  
12 be good. I mean I'd like -- you know, ideally, what I  
13 would like to do, and if we reconfigure these Boards --  
14 or Boards, or committees, but is to have a day where we  
15 come in and do committee work for a half a day. Okay,  
16 so that the committees are prepared. Then we come in  
17 and the first full day is when we bring out some of the  
18 policy issues, but we also talk about the materials, and  
19 the second full day we act on materials. Okay? Is that  
20 -- it just seems like a logical workload. So 2-1/2 days  
21 with the first half-day being devoted to committee work,  
22 but then I would say we would start on the afternoon of  
23 the 22nd and go the 23rd and 24th.

24 UNIDENTIFIED SPEAKER: That's tough for us on

1 the West Coast because it takes us travel...

2 MR. CARTER: It takes a day. You'll have to  
3 take it out.

4 UNIDENTIFIED SPEAKER: So if we could start  
5 half-day on the 21st, at least with the planning, and  
6 have full Boards 21, 23...

7 MR. CARTER: Okay.

8 UNIDENTIFIED SPEAKER: ...that would be more  
9 ideal.

10 UNIDENTIFIED SPEAKER: But then could you make  
11 that, Nancy, or would...

12 MS. OSTIGUY: It doesn't matter. Go ahead.

13 MR. CARTER: Okay.

14 MS. OSTIGUY: I won't be able to...

15 MR. CARTER: You won't be able to what?

16 UNIDENTIFIED SPEAKERS: Twenty-first is a --  
17 you can make the meeting.

18 MS. OSTIGUY: I can't -- I can make the  
19 meeting, but I can't make the planning, so...

20 MR. CARTER: On the 21st?

21 MS. OSTIGUY: Correct.

22 UNIDENTIFIED SPEAKER: But if we do 22, 23,  
23 24?

24 MR. CARTER: Yeah, because if you came in

1 on...

2 MS. OSTIGUY: Oh, no matter what because I have  
3 a Tuesday, Thursday teaching schedule planned. I'll be  
4 there if I can.

5 MR. CARTER: Well, the 22nd, 23rd, 24th, if we  
6 start at noon, and I realize we may have to come in on  
7 the evening of the 21st, if we're on the West Coast, or  
8 the Rocky Mountains. But then on the 24th, if we get  
9 done at a decent time, you could fly back home Friday  
10 night. Get you home. You just get -- go to sleep. You  
11 can sleep on planes. So I would recommend that we do a  
12 half day the 22nd, and full day the 23rd, 24th. That  
13 seems to put the most people in pocket.

14 MS. GOLDBURG: And we would end at a  
15 reasonable hour on the 24th?

16 MR. CARTER: We'll end at a reasonable hour on  
17 the 24th.

18 MR. RIDDLE: Yes.

19 MR. CARTER: Okay, fine.

20 MR. RIDDLE: About now.

21 MR. CARTER: About now. This is a reasonable  
22 hour. Okay? All right, that will be. Katherine, we  
23 are looking then at the afternoon of the 22nd, full days  
24 23rd, 24th.

1                   SECRETARY: Right.

2                   MR. CARTER: Okay? Okay. Other business to  
3 come before the Board?

4                   MR. SIEMAN: I do.

5                   MR. CARTER: Yes, George.

6                   MR. SIEMAN: I don't want to lose my popularity  
7 further. I'm not satisfied where we're at in the inerts  
8 so I'd like to -- I heard the report earlier. But are we  
9 satisfied that these just go with no action where we're  
10 at right now?

11                  MR. CARTER: Well, it's still in the work plan.

12                  MR. SIEMAN: Yeah, but that means until next  
13 October, through this growing season, we've offered  
14 nothing up to the growers. I'm a farmer rep. I have  
15 nothing to do with the fruit sprays, anything like that.  
16 But it seems to me that we're just not doing our job by  
17 leaving this go again.

18                  MS. OSTIGUY: We did approve two inerts.

19                  MS. KOENIG: The -- at least as far as public  
20 comment that has come in between now and, you know, our  
21 last meeting and now, was dealing with that sulfur  
22 product that contained the Tetrahydrofurfuryl alcohol.  
23 That was the inert that was in that pesticidal product  
24 that farmers said they needed as a tool. So as far as

1 the -- you know, if letters that come in to NOP are an  
2 indication. Now, I'm not saying that's...

3 MR. SIEMAN: So you all on the Crop Committee  
4 feel like we've wrestled with the immediate issues of  
5 crops?

6 MS. KOENIG: Well, I think in terms of the  
7 ones that at least have been placed on -- that we've been  
8 made aware of from either public comment or stuff that's  
9 come in to the NOP, I mean, if other people -- if you  
10 know of other products...

11 MR. SIEMAN: No, I...

12 MS. KOENIG: No. But we did put two List 3  
13 inerts on through the petition process.

14 MS. OSTIGUY: Yeah, and two that were  
15 considered very important.

16 MR. SIEMAN: Okay.

17 MR. CARTER: Okay, other business?

18 MS. CAUGHLAN: We did...

19 MR. CARTER: Okay. Yes, go ahead, Goldie.

20 MS. CAUGHLAN: ...we did discuss, in the  
21 planning session, trying to set two meetings, or three  
22 meetings again, even if it's just...

23 MR. CARTER: Well, good point.

24 MS. CAUGHLAN: ...impossible to lock it in.

1 And does anybody know May's schedule for, you know, for  
2 OTA?

3 MR. CARTER: Okay, OTA, next year, is going to  
4 be combined with MMI.

5 MR. O'RELL: It's in Chicago May 2.

6 MS. CAUGHLAN: I understand that, but the date  
7 is what?

8 MR. O'RELL: It's May 2 to May 4, I believe.

9 MS. SIEMAN: It's a Sunday, Monday, Tuesday.

10 MR. O'RELL: It's starting on May 2, Tuesday,  
11 so it's the 2nd, 3rd and 4th. Well, to the 5th. The 2nd  
12 to the 5th, in Chicago.

13 MR. SIEMAN: Well, I think, specifically, the  
14 4th is the last day because I have Sunday, Monday,  
15 Tuesday.

16 MR. O'RELL: Sunday, Monday, Tuesday.

17 MS. CAUGHLAN: From the previous...

18 MR. CARTER: We're trying to set another  
19 meeting ahead.

20 MS. CAUGHLAN: ...so the previous three days?

21 MR. SIEMAN: I would -- previous three days.

22 MS. OSTIGUY: The end of April? But that  
23 would take us over the weekend.

24 MS. CAUGHLAN: Saturday, Sunday, Monday?

1 MS. OSTIGUY: Those of you that would staying,  
2 do you want to stay over the weekend, or do you want to  
3 do it so that it's the end of OTA?

4 MS. CAUGHLAN: Oh, then you're always...

5 MS. COOPER: I can't do it at the end of OTA.  
6 I have a Board of Trustees meeting.

7 MR. CARTER: Okay, so we are...

8 MS. CAUGHLAN: I think energywise, for a lot  
9 of people, it's better to do it ahead of time.

10 MR. CARTER: Yeah, it's better to do it ahead  
11 of time. I feel it is.

12 MR. O'RELL: Don't we need to consider the  
13 scheduling of when OTA meetings are going to be held as  
14 well because, otherwise, we'll have a conflict with other  
15 like MPPL and other meetings that are going on?

16 MR. CARTER: Right.

17 MS. BURTON: Can we talk about it in executive  
18 meeting and...

19 MR. CARTER: Okay, what are the dates of OTA  
20 next year? Let me just...

21 SECRETARY: Second, third and fourth.

22 MR. CARTER: Second, third and fourth. Okay.

23 MR. SIEMAN: Let me look at this year.

24 MS. BURTON: So we're here, so we can certainly

1 find out what dates are.

2 MR. CARTER: Okay, well we'll discuss that, but  
3 then we will -- I mean if it's a consensus of the Board  
4 that we try and combine this, you know, but it in  
5 conjunction with OTA, just be advised that we will be in  
6 Chicago next year, rather than Austin. So -- okay. Kim  
7 and then Jim.

8 MS. BURTON: And then on -- what I would like  
9 to happen is that these co-chairs be assigned pretty  
10 quickly to the Materials Committee so that we can get  
11 the proper procedures down and get our materials review  
12 process going efficiently, or more efficiently.

13 MR. CARTER: Part of mine. Yeah.

14 MR. RIDDLE: And, hopefully, each committee  
15 will recommend someone, put someone forward.

16 MR. SIEMAN: Did I hear we're going to do the  
17 meeting prior to OTA next year, is what I just heard?

18 MR. CARTER: That's -- we're discussing it,  
19 okay? So next year, I would get to spend my meeting --  
20 my anniversary at an NOSB meeting rather than a USDA  
21 meeting on selling dead buffalo to school lunch  
22 programs, so -- which I did last year. Okay. Go ahead,  
23 Jim.

24 MR. RIDDLE: Yeah, a totally different

1 subject. There's going to be Federal Register notice on  
2 processing materials soon.

3 MR. CARTER: Okay.

4 MR. RIDDLE: Livestock materials sometime  
5 between the next meeting. And then also, this Federal  
6 Register notice on the good guidance practices,  
7 whatever.

8 MR. CARTER: Okay.

9 MR. RIDDLE: And, yeah, the new section. And  
10 so the Board should have a plan to respond, and this  
11 last time, you know, we were scrambling to do so, and  
12 that's certainly the nature of a ten-day comment. Thirty  
13 day would be a lot more comfortable. I think there were  
14 a lot of commenters that said that. But, anyway, I  
15 just, kind of to bookmark that, you know, we need to be  
16 ready to act, and so depending on the, you know,  
17 calendar of when those happen, hopefully, people can  
18 submit and, you know, we can follow a similar process to  
19 last time.

20 MR. CARTER: Right.

21 MR. RIDDLE: And if that works -- I don't have  
22 anything really flushed out. I'm just, you know, wanting  
23 us to keep that in our consciousness.

24 MR. CARTER: Okay. All right, anything else

1 from the -- yes, Becky.

2 MS. GOLDBURG: I want to ask how we, as a  
3 Board, plan to move forward with our new committees,  
4 since I don't have a work plan to, I've assumed. Maybe  
5 that's something for the Executive Committee to take on.

6 MR. CARTER: Yes, here's -- you know, let me,  
7 because I wanted to kind of wrap up with that. My  
8 thought on this, I mean, as came forward, we do have the  
9 Task Force that was -- that came forward with a  
10 proposal, and I'm developing this, and I'd like to work  
11 with them. And that Task Force consisted of Kim, Mark,  
12 Andrea and who else? I'm missing one. And Rose. And so  
13 I would like us to kind of flush that out. What I  
14 intend to do on the idea of the committee co-chairs is  
15 to work with the committee chairs to get that assigned  
16 shortly so we get that process in the works. But then  
17 the Task Force will bring the recommendations on how we  
18 proceed with this. Policies, strategic planning,  
19 quality control, one-for-one and all-for all committee,  
20 whatever we're going to call it, through the executive  
21 committee. Okay? So does that make sense?

22 MS. GOLDBURG: That's fine.

23 MR. CARTER: Okay. Other comments? George?

24 MR. SIEMAN: I want to go back to the calendar

1 soon.

2 MR. CARTER: Okay.

3 MR. SIEMAN: Can I do that now?

4 MR. CARTER: We can go back to calendars,  
5 yeah.

6 MR. SIEMAN: Could we try to do next October  
7 now? We're not all together until next May, and then  
8 we've got a full schedule. I would rather put a date  
9 down that we could change, you know, than not.

10 MR. CARTER: For next...

11 MS. GOLDBURG: April, you mean?

12 MR. RIDDLE: 2004.

13 MR. SIEMAN: A year. No, a year and a half  
14 from now.

15 MS. CAUGHLAN: We talked about...

16 MR. SIEMAN: 2004.

17 MR. CARTER: Oh, okay.

18 MS. CAUGHLAN: ...at least having a...

19 MR. SIEMAN: And change it.

20 MS. CAUGHLAN: ...global concept of it,  
21 whether or not it changes.

22 MR. CARTER: Okay. Okay, 2004.

23 MR. SIEMAN: And I heard that we'd rather do  
24 the weekdays, 12, 13, 14 of October. That's Tuesday,

1 Wednesday. That starts with Columbus.

2 MR. CARTER: Yeah.

3 MR. SIEMAN: Do you want to wait and do that  
4 next October?

5 MR. CARTER: No, that's fine. If we want to  
6 tentatively put the 12th, 13th and 14th on the...

7 MS. COOPER: That's fine.

8 MR. CARTER: Okay.

9 MS. COOPER: This is '94 now?

10 MR. SIEMAN: Yeah.

11 MR. CARTER: This is '04.

12 MR. SIEMAN: A year and a half.

13 MS. CAUGHLAN: And the dates would be what?

14 MR. CARTER: Are Tuesday, Wednesday, Thursday.

15 MR. SIEMAN: Okay, thank you.

16 MR. CARTER: Okay, anything else? Okay, let  
17 me just say I really appreciate all of the work that the  
18 Board has done. I think this has been a productive  
19 meeting. I think we're getting the sequence. I  
20 apologize. The materials voting thing was kind of a  
21 curve ball that we had to get through today. And I think  
22 as we get the sequence down, I think it will work good,  
23 and I think it will give better direction to the NOP.  
24 Andrea, I want to welcome you to the Board, and I know

1 you've kind of had baptism by fire at this Board meeting.

2 But I appreciate coming on and working. You know,  
3 guys, we've got a lot of work to do, and we're always  
4 going to be subject to some kind of criticism as the  
5 like. But the important thing is that, I think, you  
6 know, my sense is that every member of this Board that  
7 comes to these meetings has demonstrated the ability to  
8 put aside their personal commitments or personal, you  
9 know, biases, whatever, and try to work for the best  
10 interest of the industry. And I think that's what makes  
11 this Board work, and so we've got to continue to work to  
12 that end. And so let's -- we've got a lot of work to do  
13 between now and October. We have some direction from  
14 the NOP that to get our policy stuff done early so that  
15 then the last 60 days we can focus on materials and come  
16 in as prepared as possible. So if there's no other  
17 business to come before the Board -- yes?

18 MR. RIDDLE: Yeah, you didn't call on Board  
19 Policy Manual Task Force...

20 MR. CARTER: Yes. Oh, I see.

21 MR. RIDDLE: ...and it does exist.

22 MR. CARTER: Okay. You're right.

23 MR. RIDDLE: And when you set the time line  
24 for submitting committee recommendations and TAP

1 reports, that's item number one...

2 MR. CARTER: Okay.

3 MR. RIDDLE: ...for the next revision of the  
4 Board Policy Manual. Also, the committee names and  
5 descriptions that links into that whole committee Board  
6 structure. And then updating the voting forms. And,  
7 actually, they'll be removing the Peer Review Panel  
8 recommendation language that is in there now. And then  
9 other amendments as needed.

10 MR. CARTER: Okay. It's a good thing we call  
11 the Board Policy Manual a living document.

12 MR. RIDDLE: Well, otherwise you forget about  
13 it.

14 MR. CARTER: Yeah.

15 MR. RIDDLE: And nobody reads them...

16 MR. CARTER: Okay.

17 MR. RIDDLE: ...and I hate for that to happen.  
18 I love it for someone to quote it.

19 MS. BURTON: What are the first couple?

20 MR. RIDDLE: The first couple? Well, the time  
21 line for submitting committee recommendations and TAP  
22 reports, and then the committee names, descriptions, the  
23 whole Board structure, updating the voting forms, peer  
24 review.

1 MR. CARTER: Okay. Rose?

2 MS. KOENIG: If we try for the goal of having  
3 the -- like the policy recommendations and such by 60  
4 days, I guess this is a question for Barbara and Rick,  
5 if Rick~~s~~ here, I mean, can we get some feedback then  
6 from NOP if we have it on the web, or we give it to them  
7 two months in advance, so at the meeting, not only do we  
8 have, you know, input from the public, that we would  
9 have NOP input so that when we come to the meeting,  
10 because we~~ve~~ had that advance kind of people to really  
11 think about things, that, perhaps, some of the questions  
12 that we have might get some answers, and we can have  
13 some finalization more on these policy decisions?

14 MR. CARTER: And I think that~~s~~ the intent.  
15 That was the discussion we had on Monday, is if we get  
16 it in 60 days in advance, then we have at least the  
17 directive, or at least the commitment from NOP that they  
18 will try to get it up, posted so that we get public  
19 feedback by the time we come into the meeting. I see  
20 Barbara~~s~~ head going up and down, so I think we~~re~~ on the  
21 same page.

22 MS. KOENIG: I~~m~~ not talking about public  
23 feedback. I mean part of it, too, is also NOP feedback.

24 MR. CARTER: Yeah. Yeah.

1 MS. KOENIG: Just so that we know.

2 MR. CARTER: No, just as we need greater time  
3 on having TAP reviews to consider before we vote on  
4 materials, I think they're telling us they want greater  
5 time to look at the policies. So, yes?

6 SECRETARY: Closing summary?

7 MR. CARTER: Summary...

8 MR. RIDDLE: That's what I was just going to...

9 MR. CARTER: Yeah. No, we will -- we'll  
10 admonish the Committee Chairs to stay here afterwards  
11 and clean up my typing. I've been trying to type up the  
12 work plans here, but I'm going to let each of you sit  
13 down and take your turn at the keyboard. There is the  
14 summary of yesterday's meeting as well. So if there any  
15 other business to come before the Board?

16 SECRETARY: Well, let's make sure that you have  
17 your work plans emailed to me. I'd like them emailed,  
18 and any other documents.

19 MR. CARTER: Okay. And what I'm hoping, that  
20 the Committee Chairs will sit down and put their work  
21 plans in as a part of the meeting summary here so that  
22 it's all part of one, okay?

23 SECRETARY: Good.

24 MR. CARTER: Yeah. And I've already folded

1       Kim~~s~~ into it, but -- okay.  Yes?

2                   MR. RIDDLE:  Motion to adjourn.

3                   MR. CARTER:  Oh, I love that motion.  Is there  
4       a second?

5                   UNIDENTIFIED SPEAKER:  Second.

6                   MR. CARTER:  All in favor say aye.

1 CERTIFICATE OF REPORTER, TRANSCRIBER AND PROOFREADER

2

3

4 IN RE: NATIONAL ORGANIC STANDARDS BOARD MEETING

5

6 HELD AT: AUSTIN, TEXAS

7

8 DATE: MAY 14, 2003

9

10 We, the undersigned, do hereby certify that the  
11 foregoing pages, numbered 1 through 308, inclusive, are  
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13 the reporting by the reporter in attendance at the above  
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16 verified the accuracy of the transcript by (1) comparing  
17 the typewritten transcript against the reporting or  
18 recording accomplished at the hearings, and (2)  
19 comparing the final proofed typewritten transcript  
20 against the reporting or recording accomplished at the  
21 hearing.

22

23 Date:

24

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