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UNITED STATES DEPARTMENT OF AGRICULTURE

IN RE:

NATIONAL ORGANIC STANDARDS BOARD MEETING

Hearing held on the 13th day of October, 2004
at 8:00 a.m.

The Marriot Washington Hotel
1221 22nd Street, NW, Salon E
Washington, D.C.

TRANSCRIPT OF PROCEEDINGS

10-13-04 NOSB Meeting Participants

Chair: Mark King

NOSB Members:

Owusu A. Bandele
Rosalie L. Koenig
George siemon
Kim M. Dietz
Kevin O'Rell
David Carter
Goldie Caughlan
Andrea Caroe
Rebecca J. Goldberg
Nancy Ostiguy
Michael P. Lacy
James R. Riddle

NOP Members:

Arthur Neal, Jr.
Barbara Robinson
Richard Mathews
Katherine E. Benham

Guest Speaker:

Tom Bewick, USDA/CSREES

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Other Appearances:

A.J. Yates
Brian Baker

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

2 October 13, 2004

3 CHAIRPERSON KING: Welcome to day two. Thank
4 you all for being here. Thanks for your patience and
5 input yesterday. We very greatly appreciate that.
6 Today is a mix of working drafts and action plans and
7 strategic plans. And so we'll start of with materials
8 discussion presentation of committee items. Rose is
9 going to head us off with the Materials Committee to
10 talk about a couple documents. Thank you.

11 MS. KOENIG: Okay. And then throughout the
12 day, there's various sections where we're going to be
13 talking about different types of issues and different
14 documents. So what we're starting with this morning is
15 the sunset and the National List of Aradin [ph]
16 prohibited substances. So it's the sunset procedural
17 document. And as far as the background or history on
18 this, while Kim was materials chair and I was a member
19 of the committee, we started talking about the process
20 of sunset, and had numerous conferences calls, just
21 trying to get our hands -- our arms, I guess, around the
22 whole concept of a sunset review. And, you know, people
23 came at it from different angles and had different
24 concepts as to what sunset review really entails. And

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1 me step back one moment. On all these documents that
2 I'm presenting today, I just want to let the public know
3 that, you know, I think myself as well as many other
4 members of the Board spend considerable time -- you
5 know, we have dreams at night. You know, we discuss it
6 with our families, who get very bored with these subject
7 matters, and all of our friends, so, you know, I tend to
8 be pretty obsessive-compulsive when it comes to some of
9 these things. So I just want to make the public aware,
10 and hopefully they feel confident in the fact that we do
11 review these things. You know, there's some members on
12 this Board that, you know, nitpick at a lot of things,
13 more so than I would. But I think all that input is
14 really good information and, you know, it's really
15 needed in this kind of process, although sometimes it
16 feels like it's -- drags the process down. So what I'd
17 like to say is, I went back into this document
18 yesterday, because I felt like maybe we didn't
19 communicate something right, or maybe it wasn't
20 presented right, or -- you know, so looking at what
21 seemed like the public didn't understand and what I
22 thought was fairly clear in the document. And, you
23 know, again, maybe it's because I've looked at so many
24 times and I feel like I fully understand it. I will
25 admit that there's probably a few errors in terms of

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1 ands and ors, but in terms of content and what the
2 ultimate outcome of the procedures are, I feel confident
3 in the fact that I think this does get us to where we
4 need to be, and it is a practical way of looking at the
5 task. And I think that for those who do have concerns,
6 if after this presentation you still have those
7 concerns, please feel free to come up and we can work it
8 out and try to see if there are other ways that we can
9 verbalize or communicate with the public so that it
10 really reflects, you know, the true intent of the
11 document.

12 Okay, so having said that, I'm not going to go
13 through the whole document, but I wanted to just point
14 out a few things. In the first page -- and I think
15 Katherine is going to have that document up, and it was
16 on the web, and we all have a copy. But on the first
17 page in the section of overview of the National List's
18 sunset process, I just wanted to note, in the second
19 paragraph there, it basically outlines the three steps
20 that we're proposing. And one is the process begins
21 with a notice to the public that sunset will occur, and
22 we felt that this was very important. Again, the public
23 needs to be able to have a transparent process where
24 they can provide input. So at the get go, there's a
25 public notice that sunset will occur. And at that point

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1 is when the public needs to say both whether they
2 support the material, or if they don't support the
3 material they have to say they don't support it and
4 provide information. So it's -- if nobody writes even
5 that they're going to support the material, then the
6 Board has to consider it -- removal on that. So, you
7 know, you have to provide input on all materials.

8 Second, it's followed by a review by the
9 National Organic Standards Board of the conditions
10 warranting the existing exemptions and prohibitions. So
11 some of the concerns, I know, yesterday were -- you
12 know, the NOSB isn't going to be looking at everything.
13 No, in fact, we are looking and we have to vote on every
14 material that is on that list. It's not that we're
15 exempting any. Everything will be voted on. Everything
16 will be reviewed. The difference is to the extent of
17 how in depth each review will be is where it's going
18 perhaps differ for different materials, okay? And then
19 the process concludes with the secretary using public
20 notice and comment rulemaking to renew the exemptions
21 and prohibitions that were reviewed and recommended for
22 continuation by the NOSB. So again, in that final
23 process is another transparent step where public can
24 provide input.

25 A lot of the other aspects of the document
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1 talks about kind of the process that went -- the
2 committees and the National Organic Program went through
3 in terms of the different kinds of models that could've
4 been proposed. And, you know, many which I'm sure, when
5 the individuals who wrote OFPA probably thought some of
6 these models -- and perhaps picked a different model
7 than what we're proposing now. But I think as we all
8 understand now as we're implementing the rule, that when
9 OFPA was written, some of the ideas and concepts I think
10 we're really great, and they really had some great
11 intentions for the community. But I'm not sure if
12 everybody was fully aware, nor -- sometimes I feel like
13 I'm not fully aware sitting on the Board -- of how
14 government functions in terms of processes. You know,
15 I'm a private businessperson. When I want to do
16 something, I go out and do it. I don't check. I don't
17 have to do public comment. I don't have to check with
18 the secretary of agriculture. I just grow my crops. So
19 even though I did do some research and I actually
20 checked with another USDA person yesterday, you know, in
21 a conversation just in terms of that -- you know,
22 talking about economic analysis and some of the things
23 that we were told yesterday, I'd like to confirm that
24 other people in other departments have confirmed what
25 the NOP has said in terms of the economic analysis that

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1 is required when you are trying to make something more
2 restrictive. So it is a truthful statement and it's
3 just the realities again of what we're dealing with when
4 we're dealing with federal rulemaking.

5 So basically the sunset that is proposed by
6 the committee, and hopefully that we're going to vote on
7 and accept as a Board, with perhaps some technical
8 corrections that Jim has and will provide, is within
9 this document. And again, I'm not going to spend all of
10 the time going through every single step. But
11 specifically we will engage in rulemaking process.
12 There will be a Federal Register notice on the materials
13 that will be up for sunset. Not all of them on the list
14 currently are going to come through this round, because
15 some of them were placed in effect after the -- will
16 come, I guess, subsequently in other sunsets. There is
17 a substantial -- and again, when I spoke with Michael
18 yesterday during comment, one of my concerns is really
19 going to be in the implementation of this, how the Board
20 is going to look at information, because there is a
21 substantial amount of information that people who want
22 to change something on the regulation has to provide. I
23 am in full agreement that it can't be an arbitrary
24 decision; I just don't like that material. You do have
25 to provide data and some economic analysis and an

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1 analysis of the alternatives. One of the things that --
2 I think that the Board has provided as, I think, a very
3 positive comment in this last draft of the document, is
4 that we encourage the NOP to show that alternatives are
5 not just other synthetic ingredients. Alternatives are
6 natural. They may be other things that are currently on
7 the list that are, you know, either environmentally safe
8 or maybe safe for human health, or they can be
9 management practices. So, you know, alternatives -- I
10 think we really broaden the concept and the
11 understanding of NOP in terms of what alternatives are,
12 and I think that that really is an important addition to
13 this document.

14 I guess what I'd like to do is move to Jim,
15 because he had some suggestions, or anybody on the
16 committee, if they have any suggestions in terms of
17 things that might -- they might want to consider or
18 change, or at this point, we can kind of debate, you
19 know, as a board, you know, some of the issues. You all
20 heard some public comment. If anybody wants to bring up
21 those issues, feel free to do so.

22 MR. RIDDLE: Yeah, thanks, Rose. And Rose
23 made a comment about some Board members being pickier
24 than her, and I won't take that as a personal attack,
25 and I have no idea who she could've been talking about,

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1 Mr. Chair. But I do have a few changes I'd like to
2 propose. And I guess I would propose them as friendly
3 amendments to the draft that's being presented here, so
4 we don't have to, you know, vote on each one, if Rose
5 would accept them. And the first is on page two at the
6 very top, the first sentence under "What does not occur
7 during sunset." And it says, "The sunset process is not
8 used to petition to add new substances to the National
9 List, nor is it used to change an existing annotation."
10 And our intent there is that the -- this process is not
11 used to expand the use by changing an annotation or to
12 remove annotations. But there's a small oversight in
13 that, if there are some technical errors in some
14 annotations, it would be a chance to clean those up. So
15 I would just add at the end of that sentence, just
16 accept to correct technical errors. And I don't have
17 any in mind right now, but I know, like, the last --
18 well, the first Final Rule, National List, had hydrated
19 lime. You know, substance must be used in a manner that
20 minimizes accumulation of copper in the soil. Well,
21 hydrated lime doesn't contain copper. That was a
22 technical error, and that was corrected in the current
23 version. And there may be some others that need to be
24 corrected. I don't know, but let's just keep that door
25 open. And then the next -- and maybe on each one if --

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1 Rose, if you could just say if you accept that.

2 MS. KOENIG: Yeah, I accept. But the only
3 thing is that we may -- and again, this may be too
4 nitpicky, but we probably need to define what a
5 technical correction is. Rather than just saying
6 technical correction, if you could just provide maybe --
7 could you say not to change an existing annotation?

8 MR. RIDDLE: Right.

9 MS. KOENIG: So, I think maybe if we explain
10 that you can't -- just like you had said, we can't add
11 additional uses nor take away -- and that's the
12 discussion, what constitutes a technical -- either that
13 or just define what technical correction is. If it's
14 something that is -- was wrong in terms of --

15 MR. RIDDLE: Well, the language that I'm
16 proposing is accept to correct technical errors.

17 CHAIRPERSON KING: Kim had a quick question,
18 too.

19 MS. DIETZ: When we went through the Final
20 Rule, the initial Final Rule that came out, there were
21 technical corrections on that Final Rule, because there
22 were some materials that were posted on the Preliminary
23 Rule, got published on the Final Rule, and they were
24 different. So that was a technical correction. That's
25 what we were told at the time. And all the committees

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1 went through the National List and made their technical
2 corrections and made recommendations. So we did -- we
3 have cleaned up the lists in the past, and we have made
4 recommendations on technical corrections, but they were
5 changes that had changed from one rule to the other and
6 somehow got missed. So they actually have to be rule
7 changes in some -- at least that's from a historical
8 standpoint.

9 CHAIRPERSON KING: Well, and I just want to
10 speak in support of Jim's amendment. I think if we look
11 at the sentence, it says that it's not used to petition
12 or add new substances, nor is it used to change an
13 existing annotation. That pretty well covers everything
14 else, except to correct a technical -- or to make a
15 technical correction, so -- George.

16 MR. SIEMON: I just -- I guess I got some
17 bigger questions here. So this whole sentence -- I
18 mean, and are you all done with that part?

19 CHAIRPERSON KING: We're waiting for Rose to
20 say, yes, it's a friendly amendment, basically.

21 MR. SIEMON: Yeah.

22 MS. KOENIG: As far as the technical
23 correction.

24 MR. SIEMON: Yeah. Is that a friendly
25 amendment? Do you just accept that?

1 MS. KOENIG: I would -- again, I accept the
2 concept. I just think that it would be important to
3 just explain what you mean. Because, again, I don't --
4 I mean, what I think we end -- what ends up occurring
5 when it comes to materials, if things aren't defined --
6 what we understand as this Board, you know, we're all
7 sitting here, but when we leave -- the idea of
8 technical, some people may say, well, technical could've
9 meant, you know --

10 CHAIRPERSON KING: Scientific.

11 MS. KOENIG: -- scientific, you know, that
12 kind of thing. So if it's the spelling -- you know, all
13 I can say is expand on that definition, and we don't
14 have to do it now, but if you could provide perhaps some
15 definition to the word technical, imbibing the spirit of
16 what we're saying here.

17 MR. RIDDLE: Sure. I think that's maybe
18 something that the Policy Committee working with the NOP
19 could provide some guidance. You know, what does NOP
20 see as the bare -- you know, fence post for technical
21 corrections?

22 MR. SIEMON: Yeah, I think that's the
23 department --

24 MR. RIDDLE: Yeah.

25 MR. SIEMON: -- definition.

1 MR. RIDDLE: I mean, but just so we know. But
2 -- so we get it maybe in the Board policy manual in a
3 long run, so that future boards know what a technical
4 correction is, as defined by the department. Is that
5 sufficient? Okay, then we are done with that, George.

6 MR. SIEMON: All right. I got a couple
7 questions here, and I'm just trying to catch up. So
8 this means -- this first sentence means that it's kind
9 of up or down, there's no changing anything, right,
10 that's what this is all about, no -- so, I mean, and
11 that's in the name of simplicity?

12 MS. KOENIG: It's in the name of what a review
13 -- if you want to actually change an annotation, then
14 you need to through the materials petition process,
15 okay? You're saying you either accept what's there or
16 you reject what's there, it's not that you can change
17 what's there, because you decided that you need a
18 different use or an extended use or a reduced use. If
19 you need to do that, then you would have to --

20 MR. SIEMON: But --

21 MS. KOENIG: -- repetition.

22 MR. SIEMON: But we can eliminate materials
23 without another TAP review.

24 MS. KOENIG: No. The -- if you --

25 MR. SIEMON: Yeah.

1 MS. KOENIG: -- read through the document --
2 and this is where I think there was a misunderstanding,
3 perhaps, in the communication. Although, again, I read
4 through it and maybe my eyes or the fact that I've been
5 so involved in the process, that I'm not understanding
6 that it's not communicated well. And what I suggest,
7 George, if you get to that section and you read through
8 it and it's not communicated properly, give me some
9 suggestions, okay. So I'm not --

10 MR. SIEMON: Okay.

11 MS. KOENIG: -- doubting that there could be
12 communication problems within the document, but the way
13 that -- I think it's written clear that everything will
14 be put on the Federal Register notice, and there will be
15 a review. If we want to -- if the public identifies
16 through public comment that there are materials that
17 they feel, you know, there's sufficient data out there,
18 and they've looked at the OFPA criteria and have
19 provided us with some foundation as -- and the
20 foundation is described into the -- in the document as
21 to what is legitimate foundation. We as a board have
22 the ability to set aside certain materials to do more
23 extensive review on. And, you know, can that review
24 process end up removing substances from the list? Yes.
25 Can that review process also hold up those few materials

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1 from going through the sunset? Yes, because the TAP
2 process is a lengthy one. So what's envisioned is that
3 -- at least what I see in my mind, that as we go through
4 sunset, a good majority of the materials will be fairly
5 easy to get through. We will not have to necessarily do
6 technical -- additional TAPs on, but I do hope that the
7 Board looks these over and discusses, at least within
8 the committee, each one of the substances, because
9 certainly within OFPA that is our obligation, to provide
10 a review. Those large lists of vastly uncontroversial
11 materials would then go through the federal rulemaking
12 process. There may be some that we want to perform TAPs
13 and that -- as I understand it, maybe Richard can
14 confirm or not confirm this, that there may be a
15 separate docket that would have to wait for things that
16 are going to require further technical review. Is that
17 correct?

18 MR. MATHEWS: We would try to work with you in
19 any way to make sure that materials that are already
20 approved by the Board get into the notice and comment
21 rulemaking process. The only problem or down side I see
22 with that is the confusion that could be raised by
23 virtue of the fact that some materials appear in the
24 docket and others don't. And so we would have to work
25 closely with you to make sure that the public understood

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1 that there were going to be two rulemaking actions. But
2 we'll work with you to try and make sure that what can
3 get done gets done in time.

4 MS. KOENIG: Does that clarify stuff, George?

5 MR. SIEMON: Let me ask a different question.
6 If I'm in the -- if I want to eliminate any material, I
7 have two options, wait for the sunset, and when you put
8 out the list, then I simply make a comment that I think
9 this one needs to be reviewed with good reasoning, and
10 then the Board decides to follow up on that?

11 MS. KOENIG: There may be -- you know, there
12 perhaps will be individuals or groups that will be able
13 to provide enough technical information, and we may be
14 able to go back to our archives of TAPs and just
15 supplement those TAPs with this additional information.
16 Plus, we all have the responsibility of going beyond
17 just the TAP. I mean, if we have information or growers
18 or, you know, all information, if it can be backed up
19 with data or substantial facts that are valid, whether
20 it's the TAP contract or a scientist at a university
21 that isn't the contractor, it's our idea to kind of find
22 that information out. So those are kind of the -- you
23 know, the mechanism is that some people may provide that
24 information and we may not have to go through the TAP,
25 but --

1 MR. SIEMON: Um-hum.

2 MS. KOENIG: So we rely on all of our
3 resources available.

4 MR. SIEMON: And the other way, of course, is
5 they can petition now to get a material off.

6 MS. KOENIG: Yeah. And that is -- you know,
7 and I always -- I think that that is sort of what
8 convinced me and what I had to get through my thick
9 skull during the last meeting, was that this is not the
10 only process by removing a material from the list, that
11 you can always petition to remove something.

12 MR. SIEMON: So would it be better if there
13 was some obvious things to get off the list, for people
14 do that sooner than waiting for the sunset process?

15 MS. KOENIG: Yeah. I mean -- you know, again,
16 I think what the NOP stated, and I think, you know --
17 you know, whether the public likes it or not, or whether
18 I personally like it as a farmer, the facts are we've
19 only had one petition to ever remove something. You
20 know, so you only can base -- you know, when you've got
21 that, that's the only case of evidence. So what we're
22 going on now is it seems like, at least in terms of the
23 petition, you know, the way -- the formal means for
24 doing that, that people haven't utilized that. Now,
25 again, I still acknowledge that perhaps it's because

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1 that that process is difficult for people to do and that
2 also could be a reasoning, but --

3 CHAIRPERSON KING: Yeah. Owusu, I think you
4 had a question --

5 MR. BANDELE: Yeah.

6 CHAIRPERSON KING: -- and then Rick and
7 Barbara and --

8 MR. BANDELE: I just had a question that was
9 in terms of the all or nothing approach. You know, like
10 a situation would come up where something is really
11 useful, but there's a minor problem that was noted
12 before. And I just wanted -- could you speak to the
13 legal basis for not being able to change the annotation?

14 MS. KOENIG: I'm not a lawyer, so the legal
15 basis, you know, I would defer to probably Barbara,
16 although she's not a lawyer, either, but she probably
17 talks to them more often than I do. So I'll probably
18 defer to that, but I think -- you know, and again, in my
19 feeble knowledge of some these things, that -- again,
20 that this not -- a sunset is a very different process
21 than -- you know, it's to take something that's there
22 and either concur with it or reject it, but not
23 necessarily change it, but --

24 MR. NEAL: Also, to comment on that particular
25 question, it's the same -- similar question as George

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1 raised about, I guess, people waiting until sunset
2 before they say we want to change this, we want to
3 change that. The intent of sunset was to review all of
4 the substances that have been on the National List for
5 five years, not just tinker with this -- the annotations
6 that may be linked to a substance. So we don't --
7 legally, you don't want to confuse processes. We've
8 already got a process that's set aside for amending
9 annotations, for amending the National List by adding a
10 new substance or removing substances. And they could've
11 done that five years ago -- well, two years ago.

12 MS. KOENIG: They can do it now.

13 MR. NEAL: Yeah. And they can still do it.
14 But the intent for sunset, we want to keep it focused on
15 the review of the materials and not just an opportunity
16 for people to come in and tinker with this and that,
17 because they have an opportunity to do so. It may be
18 easier for them in their opinion, but actually, it's set
19 up the same way in terms -- you have to show the same
20 evidence to get something off as you do to put it on.

21 MR. MATHEWS: Yeah. Let me address the
22 concern about whether or not TAP reviews will be able to
23 be done. As we mentioned yesterday, we just put a new
24 \$300,000 into TAP reviews. What --

25 MS. ROBINSON: Of last year's money.

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1 MR. MATHEWS: Of last year's money. If we get
2 our budget this year in a reasonable time, we should be
3 able to add some more money into it. We are looking for
4 that to be earmarked in large part to the sunset
5 process. We don't have that many petitions in now.
6 They're not coming in very fast. So really we've got a
7 good chunk of change for the first time that can be used
8 for materials, and we see that as -- in reality, what
9 the Board will do is identify what materials are of most
10 interest to the Board, based on feedback from the
11 organic community or whomever, and that you would then
12 let us know, and then we can go ahead and have some TAP
13 reviews done early on in the process, that could then be
14 provided to you to supplement the process of sunset
15 itself, as outlined in this document. So figure on
16 identifying some materials you want reviewed, we'll get
17 them to the TAP reviewers, and hopefully that will help
18 solve the problem on the ones that your nervous about at
19 this point.

20 MS. DIETZ: I just want to remind people that
21 we've looked at this draft a few times and we do need to
22 get it going and voted on. But, George, on -- I'm sure
23 Rosie will go through this. But there are certain steps
24 that someone would have to take to recommend to remove a
25 material. It's not just asking -- saying that you don't

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1 like it, but you have to actually provide data, and like
2 Rosie said, some economic information and alternatives.
3 So, I mean, the --

4 MR. SIEMON: And either process.

5 MS. DIETZ: Yeah, and the process.

6 MR. SIEMON: And either process. We've
7 already heard sunset's the same --

8 MS. DIETZ: Right.

9 MR. SIEMON: -- in the documentation.

10 MS. DIETZ: Right. And it's a very good
11 document. We spent a lot of time on it, and it'll work.
12 And -- but as long as people take that responsibility,
13 and that the industry goes out there and really -- it's
14 time for us to do our homework, and here we are again.
15 So I would also urge everybody to look at this
16 seriously, you know, go back to OTA, go back to our
17 committees and start working on the sunset.

18 MS. ROBINSON: Okay. Wait a minute, my
19 brain's kicking in slowly here. You know, there's no
20 reason -- if you already know of materials on this list
21 that you feel that you've got problems with, or that you
22 know from previous boards, you know that the
23 documentation that's supported there, being put on the
24 list, you know, you question it or you're not certain of
25 it. Don't wait. If there's something right now, I

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1 mean, that you can identify, something that you want a
2 closer look taken, you know, I urge you to communicate
3 that to us as soon as you can and we can -- and let's
4 get started on it. Whatever we can do to make this
5 process, you know, methodical and -- you know, and
6 really, we don't want to wait until the last minute. I
7 mean, that's why we're pushing you on it now. But by
8 all means, the more that we can do to make it a better
9 process, you know, we're willing to do that. So if you
10 already know of something, you know, let us know that.

11 CHAIRPERSON KING: Don't wait for the sun to
12 go down.

13 MS. ROBINSON: Correct. And Jim knows one
14 already.

15 CHAIRPERSON KING: Yes, he does.

16 MS. ROBINSON: He was putting his hand up.

17 MS. GOLDBERG: I wanted to move on to the next
18 section and ask a question about the alternatives.

19 MS. KOENIG: Okay.

20 MS. GOLDBERG: Is that appropriate at this
21 time?

22 MS. KOENIG: Yeah. And -- yeah. Rather than
23 -- again, since it's been on the web and you all have
24 seen -- this was one of the documents that you actually
25 had quite early, so that's why I haven't painstakingly

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1 gone through each item. So if there are specifics, I
2 think it's really appropriate.

3 CHAIRPERSON KING: Well, I think -- Becky, one
4 minute. We're not quite done yet.

5 MS. GOLDBERG: Okay.

6 CHAIRPERSON KING: You have a quick correction
7 on this section and then we'll vote.

8 MR. RIDDLE: I didn't say quick.

9 CHAIRPERSON KING: We're hoping, Jim.

10 MR. RIDDLE: Yeah, I hope it's accepted
11 quickly. But, yeah -- and this is based on our public
12 comments we received yesterday, and also other comments
13 from the campaign meeting, when we went through this
14 document. And it's in that -- it's also in that first
15 paragraph, what does not occur during sunset. The last
16 two sentences there. "NOSB has determined, based on
17 scientific evaluations, consideration of public comment,
18 that substances currently on the National List are
19 already compatible and consistent with OFPA and its
20 implementing regulations." I propose no changes. Leave
21 that sentence in tact. That really says it all. But
22 then I propose deleting the next sentence. "Since the
23 substances have already been found to be compatible and
24 consistent with OFPA and its implementing regulations,
25 through petition process, sunset review should focus on

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1 continued need of these substances in organic
2 agricultural production and handling." Well, first,
3 that is redundant, the bulk of the sentence, and I find
4 it misleading in that it focuses only on one of the
5 criteria under OFPA. And really, a substance needs to
6 continue to meet all of the criteria in 6517 and 6518,
7 and that's explained later in the document, and I just
8 think it's misleading to focus solely on that one
9 criteria in this paragraph.

10 MS. ROBINSON: Okay. How about if it -- if
11 what it says is, give your -- leave your sentence that
12 you wanted to leave alone --

13 MR. RIDDLE: Yeah.

14 MS. ROBINSON: -- alone. Then the last
15 sentence simply says, therefore the sunset review should
16 focus on the continued need for, and the rest of that
17 sentence. And that is what sunset is doing, is focusing
18 on the continued need for the substances in organic
19 production and handling, right?

20 MS. KOENIG: Whether it's positive or
21 negative.

22 MR. RIDDLE: Right.

23 MS. KOENIG: It doesn't --

24 CHAIRPERSON KING: Could you make reference at
25 all --

1 MR. RIDDLE: Yeah.

2 CHAIRPERSON KING: -- on this?

3 MR. RIDDLE: Yeah. It removes the redundancy.

4 In some way it's -- well --

5 MS. ROBINSON: And it eliminates the singular
6 focus that I heard you say was troubling, that it's all
7 -- the only focus is on whether it's compatible. So all
8 we're saying is, okay, so sunset focuses on the
9 continued need for the substance.

10 MR. RIDDLE: Uh-huh.

11 MS. ROBINSON: And the continued need, then,
12 is based on all of the criteria.

13 MR. RIDDLE: I have no problem with that. I
14 think that's fine.

15 MS. ROBINSON: Okay.

16 MR. RIDDLE: And -- yeah. Because it is
17 linked to all the --

18 MS. ROBINSON: Right.

19 MR. RIDDLE: -- criteria.

20 MS. ROBINSON: Right.

21 MR. RIDDLE: And it's not just the
22 availability of alternatives. There was, you know, a
23 strong emphasis on that in that earlier draft, and I
24 just didn't want it to lead just to that. I thought
25 that was -- so --

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1 MR. RIDDLE: Did you -- you caught that?

2 MS. KOENIG: Yes. Well, I kind of caught it.

3 MR. RIDDLE: Okay.

4 MS. KOENIG: Hopefully other people are taking
5 notes, too, but, yes.

6 MR. RIDDLE: Okay, then it's acceptable. All
7 right. Then I'll hold off on a couple other sections.

8 CHAIRPERSON KING: Okay, Becky, if you want to
9 go ahead.

10 MS. GOLDBERG: Okay, thank you, Mark. My
11 issue is on page four, under alternatives to allowed
12 substances must be available. And the first sentence
13 says that "All recommendations to discontinue the use of
14 allowed substances require the availability of viable
15 alternatives," and it explains what that means. And,
16 you know, I generally agree with this principle, but it
17 strikes me that it's a little bit too absolute, that
18 there are conceivably situations where really new
19 scientific information becomes available that a
20 substance is, say, toxic to wildlife or whatever, and
21 that we really wouldn't want it whether or not there are
22 alternatives. And so I would love it if this was
23 written in a way that was little less absolute. But so
24 -- you know, something like, in general, our
25 recommendations to discontinue the use of allowed

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1 substances require the availability of viable
2 alternatives, you know, and then maybe having some
3 allowance if there's unusually compelling evidence that
4 a substance is incompatible. You know, demonstrate an
5 alternative be available, something like that. It just
6 troubles me that we in organic agriculture don't always
7 insist that there be an alternative to everything,
8 because sometimes we just don't find the substance
9 acceptable.

10 CHAIRPERSON KING: Yeah. And I guess, do you
11 want to propose an amendment to this section? I think
12 Jim's got some notes, as well.

13 MR. RIDDLE: Right.

14 CHAIRPERSON KING: Maybe if we want to craft
15 that --

16 MS. GOLDBERG: Yeah.

17 CHAIRPERSON KING: -- together. But your
18 concern is that there could be other reasons to not have
19 a material on the list, other than just saying that you
20 want to discontinue the use of.

21 MS. GOLDBERG: Well, I'm arguing that
22 sometimes -- you know, in a five-year sunset process,
23 sometimes a new body of information really does become
24 available that something is toxic or whatever, it's
25 incompatible.

1 MS. DIETZ: And I agree, Becky, because,
2 generally, when we review a material, we're looking at
3 it globally. We're not just looking at -- specifically
4 at alternatives, we're looking at, you know, carcinogens
5 or what have you. So, I mean, I agree with that, and I
6 think that future boards aren't just going to look at
7 the alternatives and make a decision, they're going to
8 look at criteria, hopefully, that are established when
9 reviewing these materials, and we have a good process
10 for that. So, I mean, we'll see what Jim recommends.
11 But if we generalize that, I think it's important and we
12 have to have it from a legal standpoint, but it's also
13 part of the big picture.

14 MR. RIDDLE: Yeah. I think the earlier
15 sections do emphasize that it must continue to meet all
16 three of those criteria, you know, harmful to human
17 health, the environment, necessary and consistency. And
18 on this particular section, which is on page four,
19 two-thirds of the way down, "Alternatives to allowed
20 substances must be available." I guess the two changes
21 I would propose, one is just in the title, to strike the
22 words "must be available," because this section of the
23 recommendation is really a description of alternatives
24 being allowed. It's already stated that they must be
25 available, but I just would like that removed from the

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1 title. And then to change the first sentence, so that
2 by deleting "All," and then changing "require" to should
3 describe, so that it reads, Recommendations to
4 discontinue the use of allowed substances should
5 describe the availability of viable alternatives. And
6 then leave the rest of it the same, where it talks about
7 the evidence that must be provided to show that these
8 things are indeed available, et cetera. So just a
9 little modification there.

10 MS. KOENIG: Becky, do you think that that
11 is --

12 MS. GOLDBERG: I think that's acceptable.

13 MS. KOENIG: Okay. And so do I, so --

14 UNIDENTIFIED SPEAKER: How about --

15 MS. GOLDBERG: Yeah.

16 MS. KOENIG: Okay.

17 MR. RIDDLE: Okay. Now on the title, striking
18 the words "must be available." And then the first
19 sentence, strike the first word, "All," and strike
20 "require" and insert in it's place, should describe, so
21 that it reads, Recommendations to discontinue the use of
22 allowed substances should describe the availability of
23 viable alternatives.

24 MS. DIETZ: A question for NOP. When we had
25 originally drafted this document, we talked about the

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1 people, if they want to take something off the list,
2 they have to give alternatives. Is this going to weaken
3 that in any way if it says, if you should describe
4 something, does that mean, if somebody doesn't submit
5 something, what are we going to do?

6 MR. NEAL: We talked about this on a call.
7 The information, you know, what you guys have to digest
8 is for your benefit. Because if someone comments with a
9 single sentence and says we don't like X and they don't
10 provide any of the data, it doesn't give you much to
11 work with. Asking for this information up front gives
12 you as much information as you need in order to make
13 decisions with. I think the changes can work. Whether
14 or not people follow it, even it said must require or
15 should require, you're still -- you know, a 50-50 chance
16 of getting what you ask for.

17 MS. ROBINSON: Yeah. Remember, too, that when
18 you're doing rulemaking, even though we can provide
19 structural guidance to people out there and say here's
20 what we'd like you to comment on, you cannot -- you
21 can't reject -- you can't tell people, here's how you
22 must comment. They can write whatever they want. So
23 the best you can do is to encourage through this
24 document what information is going to be the most
25 helpful to you in making a decision.

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1 CHAIRPERSON KING: Jim, then Rose.

2 MR. RIDDLE: And elsewhere -- I mean, the
3 whole rest of that paragraph remains the same, and it
4 uses the word should, evidence should be presented,
5 commenters should include literature, all of that. You
6 know, so these are instructions.

7 MS. KOENIG: I guess that's -- well, actually
8 that is very encouraging, because I know some of the
9 stuff that was less digestible for me, and I think for
10 others, was -- the first impression, I think, upon
11 reading the document when we got it last time was that I
12 just saw all these people trying to jump through all
13 these hoops, and unless they got through all the hoops,
14 they wouldn't be considered. But what I think I'm
15 hearing you saying is that the document is an attempt to
16 explain all the hoops that we love everybody to jump
17 through. But they may not jump through all those hoops,
18 but it's still our obligation to look at what they
19 provide, and then we determine, have enough of those
20 hoops been jumped through for our comfort level? And if
21 they have, even though not all of them have been jumped
22 through, then that is enough evidence -- they provide
23 enough evidence for us to non-arbitrarily start looking
24 at materials. Is that correct?

25 MS. ROBINSON: Correct.

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1 MS. KOENIG: Okay.

2 CHAIRPERSON KING: Nancy.

3 MS. OSTIGUY: Hopefully what people will
4 understand is that it's to their advantage to provide
5 this information, because they may see a material in a
6 particular way, and if we don't intuitively see it the
7 same way, without their evidence, we won't get there.
8 So it is to people's advantage to do as much of this as
9 they possibly can.

10 MR. MATHEWS: I also have a proposed change to
11 this paragraph. I've already talked with Arthur about
12 this. We've -- we're working on the docket, so as soon
13 as you guys finish up what you're doing, we're going to
14 finalize the docket and get it into the clearance
15 process. And what I have suggested is that the table be
16 removed and not a part of the docket. And the reason
17 for that is that I'm concerned that, if you look at the
18 sentence just before the table -- it's the last sentence
19 of that first paragraph -- the following chart
20 illustrates the types of alternatives that must be
21 recommended. I look at that chart and I start asking,
22 well, are there other options? And I think one jumps
23 out really quickly, unless I'm wrong, but you take the
24 second crop and livestock row, it says, "Synthetic inert
25 pesticide." Then a recommended alternative must be

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1 nonsynthetic. I would say that that's not true. Let's
2 look at ivermectin and moxidectin -- I guess that's the
3 way it is. You know, there's two synthetics, and the
4 Board has already debated previously whether or not one
5 synthetic is better than another synthetic. So I'm
6 concerned that putting a table like this, we miss
7 something, okay? It doesn't say including but not
8 limited to, it says you must do this. So take that for
9 what it's worth, but I -- if it was me, I'd remove it.

10 CHAIRPERSON KING: So you're proposing a less
11 prescriptive approach, which does have some
12 alternatives? And I think you're right.

13 MR. MATHEWS: That's exactly what I'm
14 proposing.

15 CHAIRPERSON KING: Rose?

16 MR. MATHEWS: So I would take out that last
17 sentence and the table.

18 CHAIRPERSON KING: Okay. Thank you, Rose -- I
19 mean, Rick.

20 MR. MATHEWS: Easily -- easy --

21 CHAIRPERSON KING: I'm just so --

22 MS. KOENIG: I had a sneaky suspicion that
23 that wasn't corrected. I can't imagine that we would've
24 missed that, because we discussed that. So I have a
25 funny feeling that we did have other alternative listed

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1 MS. KOENIG: Yes.

2 MR. RIDDLE: A technical error.

3 MS. KOENIG: That is exactly what a technical
4 error is.

5 MR. RIDDLE: Yeah. Because there are list
6 fours, and there's a few list threes we've approved,
7 so --

8 CHAIRPERSON KING: Okay, do we have other
9 comments? Yes, Nancy.

10 MS. OSTIGUY: That we still did not do a
11 correction of the sentence above. There's still the
12 must in there, at least I read that -- may.

13 CHAIRPERSON KING: Yeah. Well, I propose --
14 yeah.

15 MS. OSTIGUY: Okay, thank you.

16 CHAIRPERSON KING: To may.

17 MR. RIDDLE: Yeah. Then I have one more, and
18 it's in way the smallest, but probably the most
19 significant, and that is on that same page, in both the
20 first paragraph and the third paragraph, there is the
21 numbers one, two, and three, and they're connected by an
22 and.

23 MS. KOENIG: Right.

24 MR. RIDDLE: And that really should be changed
25 to an or. A substance must meet all three of those to

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1 get on the list, which means it must continue to meet
2 all three. So if it doesn't meet one of them, it could
3 be removed. So in this usage it should be an or there.
4 So changing and to or in front of the number three in
5 paragraph one and paragraph three on page four.

6 MS. KOENIG: Can you elaborate to the public?
7 You say it's the most significant. I understand what
8 you're saying, but just for the explanation to the
9 public so that they understand --

10 MR. RIDDLE: Sure.

11 MS. KOENIG: -- the difference between and,
12 and or.

13 MR. RIDDLE: Well, I don't know if I can do
14 that. The difference between and, and or in this use.
15 Well, yeah, I tried to do it using very few words. It
16 wasn't enough, I guess. Well, to repeat, under OFPA,
17 in order for a substance to get on the list, it has to
18 meet all three of these criteria, the harmful, or not be
19 harmful to human health, the environment, not -- well,
20 that it would be necessary and that it be consistent to
21 get on the list. So when something is being removed, it
22 still has to meet all three, but how we're using it in
23 this sentence is that any one of those could be a reason
24 to remove, so it should be or here on how the three are
25 connected. I think I made it more confusing.

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1 UNIDENTIFIED SPEAKER: No --

2 MR. RIDDLE: Oh, good.

3 MS. DIETZ: Can we look at that section in
4 OFPA, because I see and?

5 MR. RIDDLE: Yeah, yeah, yeah. And is used in
6 OFPA.

7 UNIDENTIFIED SPEAKER: Yeah, in OFPA -- get
8 when you review it. You have to make sure it meets all
9 those.

10 MS. KOENIG: So only one can keep it off.

11 UNIDENTIFIED SPEAKER: One keeps it off of the
12 sunset, because --

13 MR. RIDDLE: You're mike's not on. No, you
14 were going to do it, and I just wanted --

15 MS. KOENIG: Oh, gee thanks, Jim. What Jim is
16 saying -- and I'll just restate it in my voice. But
17 what he's saying is, in OFPA, in order to get something,
18 you have to jump through all those hoops, okay? So
19 there's an assumption that once it's on there that it
20 jumped through all those hoops. Okay, in order to pull
21 it off, you going to have to jump through the -- all of
22 the hoops, because you've done that already -- because
23 you're triggering one of those -- because now prove that
24 it doesn't no longer meet those -- jump through those
25 three hoops. All right. I think that -- got to get

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1 those hooping now.

2 MR. RIDDLE: Those are the only changes I
3 have.

4 CHAIRPERSON KING: Comments? Questions?

5 MS. KOENIG: Now, the Executive Committee had
6 voted on a draft of this document, with the assumption
7 that we were going to come back to the full Board,
8 because we weren't comfortable as an executive
9 committee, but we wanted to let the NOP know that, in
10 the spirit, there was -- you know, we assumed there'd be
11 some minor changes, but we thought that the general
12 intent of the document would fly, which it -- so -- but
13 we what want to do at this meeting is confirm with the
14 changes that have been made, that the Board is
15 comfortable with it. So I would appreciate a motion.

16 MR. RIDDLE: You may make a motion.

17 MS. KOENIG: I can make a motion?

18 MR. RIDDLE: Yeah, yeah, yeah.

19 MS. KOENIG: Okay. I would motion to approve
20 the document, with the stated changes that we've
21 discussed to that for acceptance as the sunset policy.

22 MS. DIETZ: Second.

23 CHAIRPERSON KING: It's been moved and
24 seconded that we accept the Materials Committee draft of
25 the sunset and National List of allowed and prohibited

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1 substances. Is there discussion?

2 ***

3 [No response]

4 ***

5 CHAIRPERSON KING: Seeing none, all those in
6 favor signify by saying aye.

7 BOARD MEMBERS: Aye.

8 CHAIRPERSON KING: Opposed, same sign.

9 ***

10 [No response]

11 ***

12 CHAIRPERSON KING: Motion carries. Rose,
13 you're still in the hot seat.

14 MS. KOENIG: I felt like I was -- people are
15 going to get very sick of me during this meeting. Okay,
16 now I'm going to move onto these other drafts. And I
17 think -- as I stated with the sunset draft, I think it
18 was pretty evident by the way that it was entitled and
19 how I explained the process, that it truly was a
20 committee document. Some of the documents that are --
21 that we're going to be viewing today have my name on it
22 as the materials chair, and it's on there as the chair,
23 because it reflects the fact that the committee really
24 did not discuss this at all. We ran out of time. We
25 had a lot of personal issues that we were dealing with,

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1 professional issues, and then hurricanes didn't help the
2 situation. So -- and the committee -- you know, I try
3 to communicate with the committee, and I think people
4 are comfortable with the decision I made to kind of just
5 put my name on it and that, you know, this meeting was
6 really a meeting of discussion, not necessarily final
7 decision making. So that's why the document has my name
8 on it.

9 However, you know, for the record, I do want
10 to state that through the minutes -- because I spent a
11 lot of time -- especially on this document that we're
12 discussing now -- that I felt like I had a lot of
13 individuals -- ghosts of individuals in the room as I
14 was writing, because I pulled a lot of the old '94 and
15 '95 minutes from previous National Organic Standards
16 Board. And then I took advantage of the fact that I
17 actually knew some of these individuals who had -- you
18 know, whose names appeared in those minutes, and had
19 conversations with individuals that were kind of
20 instrumental in -- you know, having input into this
21 concept of a national list. So I'd like to recognize
22 Brian Baker and Emily, and also Jim Riddle helped me,
23 because he just volunteered, you know, to get these
24 documents processed, to just kind of help with the
25 process in any way possible. So I thank those

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1 individuals, and I just wanted to put that forth to the
2 public so people realize that it just wasn't my
3 thoughts.

4 So with that, we have a draft now in front of
5 us. And I'll go a little bit more in detail with these
6 documents, because, again, they were ones that came
7 later on to the website, so I fully understand if people
8 didn't have enough time to really digest or go over
9 these documents. So the gist of -- and, Mark, how much
10 time do we have, because I don't want to --

11 CHAIRPERSON KING: We're going to go until
12 about ten o'clock and then --

13 MS. KOENIG: Okay.

14 CHAIRPERSON KING: -- take a break, so --

15 MS. KOENIG: Oh, good. Okay.

16 CHAIRPERSON KING: But it's okay if we take a
17 break a little bit early.

18 MS. KOENIG: Okay. But -- so the
19 justification -- and I think it's important. I think
20 this one is a really important document, so I'm going to
21 just read it, because there's no better way of kind of
22 going through than kind of going through the document.
23 It basically says that 6517 of OFPA outlines the
24 procedures that shall be followed for the development
25 and the implementation of the National List. It

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1 provides the guidelines for inclusion of substances on
2 the list, procedures and criteria that must be followed,
3 and outlines the authority of the secretary and NOSB.
4 The NOP had requested the NOSB Materials Committee to
5 review the petition substances within the context of
6 7 U.S.C. 6517.

7 The specific issues that need to be addressed
8 in this section in the National List are the guidelines
9 for prohibitions or exemptions -- places limits on the
10 types of substances that can be included on the list.
11 And I basically provide the historical background of
12 that section OFPA. And the real issue is number B, that
13 states what substances can be included on the list. And
14 if you look at that section, you know, here comes that
15 word that we're going around on, it states that there's
16 active synthetic ingredients in the following
17 categories. And again, this is for crops and livestock.
18 So those are the categories that OFPA had provided. And
19 then it also stated, you know, this section, synthetic
20 inerts reviewed by the EPA. That was bullet point two.
21 And then three is use and handling and is nonsynthetic,
22 but is not organically produced.

23 The production categories that are defined for
24 active synthetic ingredients were intentionally included
25 in OFPA to limit the scope of the National List, and the

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1 use of synthetic substances in organic production
2 systems. Now, I didn't come up with this idea. This is
3 not my opinion. Again, within the document you can
4 refer to some of the minutes. These things were stated
5 in the minutes. They were stated in the Senate
6 committee reports that came with OFPA. So really,
7 again, that was the philosophy of the National List.
8 Many of the materials decisions and procedures were
9 established by the early members of the NOSB through
10 consultation with the NOP, the organic industry, private
11 and state certification organizations, and through
12 public interest and input. The first proposed National
13 List decisions were made primarily during the NOSB
14 meetings between 1994 and 1996. Now having said that
15 and having the opportunity to have Michael Sligh in the
16 room, who was chair for some of those -- during that
17 time, you know, you can understand sort of what he was
18 explaining, even though it was written that way, you
19 know, it was controversial. You know, it was a
20 negotiation. It was an industry in its infancy and --
21 so maybe perhaps things are done to the type of
22 procedures we're doing today. But no matter what, the
23 situation is, there were things put on that list, and
24 now we have to figure out how to deal with them in our
25 policymaking, as we have evolved.

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1 The NOP is currently interpreting the National
2 List, and its existing annotations, with certifiers.
3 One certifier is need clarification on materials
4 described in the farm plan, and the petitioner submits
5 substances for review for inclusion on the National
6 List. In 2004, the NOP made two material
7 interpretation, and these were phosphoric acid to
8 stabilize aquatic plant extracts, and potassium lactate
9 and sodium lactate for meat processing, for which the
10 NOSB requested a formal clarification in an effort to
11 understand the manner in which the NOP interprets the
12 National List. Members of the NOSP -- NOSB have argued
13 that the combination of generic substances on the list
14 resulting in a synthetic reaction requires additional
15 review of the new substance. And again, that was, for
16 example, sodium lactate and potassium lactate. Such a
17 substance is prohibited unless it is reviewed by the
18 NOSB and recommended to be added to the National List.
19 To suggest otherwise removes a key decision from the
20 authority of the NOSB, as described in OFPA. But all
21 synthetic substances used in production and handling
22 must appear on the National List, which has been
23 recommended by the NOSB.

24 Based on conversations with NOP staff, their
25 current position is that once an active substance is

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1 listed, they're active, meaning that a synthetic
2 substance falling into one of the production categories
3 in 6517(c)(1)(B)(i), then all additives to the active
4 are allowed unless restricted in the annotation that may
5 accompany a substance. And -- you know, and I state
6 that -- and again, I hope I'm not -- I hope when I wrote
7 this that I wasn't misunderstanding what I've
8 understood. So if I have -- if I am and it's erroneous,
9 I would ask the NOP to explain -- you know, to explain
10 my misunderstanding of it. And again, you know, the
11 purpose of this document is to seek clarification, to
12 really put down in writing -- which is something that we
13 don't do very often, which I think is probably one our
14 biggest mistakes as a functioning board. We have a lot
15 of conversations, but we don't express our ideas in a
16 way that's backed up with the regulation. You know, but
17 -- so it's -- I think this document is important to
18 start the communication, and that's the purpose of it,
19 not necessarily to lay blame, although it probably
20 sounds like it is.

21 So anyway, this is inconsistent with both the
22 philosophy of what annotations were used for when they
23 accompanied a substance on the list, and with the
24 historical view of what needed to be petitioned to the
25 list. And I've referenced minutes from Orlando and

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1 Santa Fe, when these types of things were discussed.
2 The annotations that accompany many of the substances on
3 the list were utilized to narrow the use of a substance
4 within organic systems, and I gave some examples of
5 hydrated lime, which Jim just told me was not even a
6 proper annotation -- lignin sulfonate and lidocaine or
7 liedocaine [ph]. For substances extracted from plants,
8 animals, or mineral sources, they were added to
9 distinguish the synthetic forms from the nonsynthetic
10 forms. And Keith and I discussed this kind of
11 yesterday, and perhaps the way that they were added at
12 that point really was not consistent with the way a
13 regulatory agency looks at it, and he's not here today,
14 but if we need to discuss that -- he was talking to
15 Becky and I in terms of fish -- the fish meal. You
16 know, the way it's read is I know what the intent was
17 when it was placed on the list, but you don't -- his
18 argument is it's either a nonsynthetic or a synthetic.
19 And if something is a nonsynthetic, you don't add it to
20 the list because there's synthetic ingredients in it.
21 You add those synthetic -- the things that are synthetic
22 in it and annotate it, you know, not in hydrolyzed --
23 one example is, like, aquatic plants or the fish
24 emulsions, okay? So again, I thinks it's just probably
25 not an in-depth understanding of what was occurring.

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1 Not that anybody had any -- you know, anything other
2 than a misunderstanding that went on there.

3 For substances extracted from plants -- okay,
4 I'll go over that, probably. Extracted from plants,
5 animals, or mineral sources, they were added to
6 distinguish the synthetic forms from the nonsynthetic
7 forms. They were not used to place restrictions on
8 formulations of a substance when used in a brand name
9 product or other commercial formulations. In other
10 words, this is not a brand name list, it's a generic
11 list. In the preambles to the second proposed rule in
12 the Final Rule, the NOP concurred with members within
13 the organic industry in their recognition that the
14 National List would include all the ingredients in
15 agricultural inputs and formulated products, and detail
16 how the primary role of the NOSB would be to review --
17 the review of substances in the development of the
18 National List. So the potential solution to resolve the
19 issues that I came up with -- and I think that's what we
20 need to discuss today with the NOP, and perhaps then the
21 Materials Committee or the Crops Committee could come
22 back with a formal recommendation -- is that one
23 category identified in OFPA, 6517(c)(B)(i), stipulates
24 that the substance is used in production and contains an
25 active ingredient as a production aid, including

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1 netting, tree wraps, seals, insect traps, sticky
2 barriers, row covers, and equipment cleaners. The NOSB
3 should explore the production aid category as the
4 appropriate section to include substances such as
5 carriers, stabilizers, agivents, fillers, extractants,
6 excipients, and solvents, but do not have an active
7 function in the formulation of foreign production that
8 do -- sorry -- that do have an active function in the
9 formulations of foreign production aids such as
10 fertilizers, soil amendments, compost inoculants,
11 sanitizers, aquatic plant extracts, and fish emulsions.
12 Some of these substances are used in the formulation of
13 brand name products, while others may be used after a
14 substance is extracted to put it in the form that is
15 functional for on-farm utilization. The Materials
16 Committee should work with the NOP to explore this
17 possible solution, or determine other ways to resolve
18 this important issue. However, the NOP should recognize
19 that such substance are intentionally used for a
20 specific purpose, and therefore are active for the
21 purposes of the regulation.

22 And then I kind of explored the idea of making
23 the National List more consistent with OFPA, so it would
24 be clear when boards add something to the list, that
25 they are keeping those substances within the OFPA

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1 categories, okay? So as a kind of -- I'll read that
2 section now. "The following provides a brief analysis
3 of the current National List in relationship to the OFPA
4 categories. Section 205601, synthetic substances
5 allowed for the use of organic crop protection, and
6 Section 205603, synthetic substances allowed for the use
7 of livestock production, are not consistent with the
8 OFPA categories." These -- the categories that are
9 included in these sections are related to use
10 restrictions for the substances. For example,
11 205601(i), disease control, lists the synthetic
12 substances that may be used for disease control -- for
13 disease problems. To be more consistent with OFPA, the
14 category should read, copper and sulfur compound, and
15 list annotated uses, i.e. for disease control, followed
16 by the substances that contain copper and/or sulfur.
17 This would eliminate most of the categories on the list
18 such as rodenticides, herbicides, and compost feed
19 stocks. Appendix one provides a revised view of Section
20 205601, using an ordering system that utilizes the OFPA
21 categories as a first order in the hierarchy. It also
22 demonstrates in the production aid category how
23 substances such as stabilizers, fillers, and agivents
24 could be included. And I just say see category H in
25 that appendix. And then, Katherine, if you could bring

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1 up that appendix, I would appreciate it.

2 Most of the substances in Section 205601 fit
3 within the OFPA categories, which is the good -- I think
4 that's a great -- that was just really pleasing to me,
5 because I started worrying, thinking oh my goodness,
6 have we been adding things and not really doing our due
7 diligence, because we weren't using necessarily the same
8 recording mechanisms that we're using today? And I
9 think the ones that we have now clearly forces us to
10 look at OFPA. But prior to that, I don't think we were
11 as conscious of it.

12 So the good news is they do -- most of them do
13 fit in it. There are, however, a few substances that
14 don't appear to fall into the OFPA categories, and most
15 of them are used in disease control. The NOSB needs to
16 resolve how to include these substances or remove them
17 from the list. The livestock section of the rule should
18 also be revised to determine if the substances meet
19 OFPA. The handling section of the list is not limited
20 to the categories in OFPA, and the Handling Committee
21 has proposed alternations to better accommodate the OFPA
22 distinction between agricultural and nonagricultural
23 substances.

24 And then finally I just suggested in the last
25 section that there -- that the NOSB should consider

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1 serving farmers and certifiers on the resources that
2 they utilize to determine whether or not inputs used on
3 the farm are compliant with the National Organic
4 Standards. There is a notion on the part of NOP that
5 growers may lose their certification because of the use
6 of materials that are not listed on product label. The
7 NOP has identified the pesticide formulations as a major
8 concern because of -- that inerts are not specifically
9 listed on the label. However, many inputs utilized in
10 farming operations are not specifically labeled. The
11 operator must obtain information about their inputs by
12 contacting manufacturings directing -- directly working
13 with certifiers who obtain information, and utilizing
14 resources such as OMRI list and information provided
15 from the U.S. Land Grant, colleges, USDA, and ATRA [ph].
16 The NOP has issued directives -- and directed
17 specifically that we're in an attempt in part to solve
18 the perceived problem of a lack of grower information on
19 materials. The Materials Committee may want to develop
20 a survey tool to determine the growers' knowledge on
21 materials, and determine how and where growers obtain
22 information about the National Organic Standards.

23 So if we can pull up that appendix, Katherine,
24 and just so that -- again, you know, that was sort of
25 the -- and maybe I -- maybe it wasn't what I was out to

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1 do, but I thought it was what I was out to do, to kind
2 of go through that list and see where things fell. And,
3 you know, in that process I decided, well, let's just
4 maybe look at the list totally differently and use those
5 OFPA categories. You know, one consideration -- you
6 know, I asked Arthur this question the other day, was
7 that if we determine that, functionally for the Board --
8 and again, I say this is more of a functional correction
9 or a functional way for the Board -- and I think it'll
10 help the Board. You know, will it -- is it more clear
11 to growers this way? You know, I would argue, probably
12 not. I think that, you know, perhaps the way that it
13 exists in the regulation is more functional for growers,
14 because it neatly says you can use this for this
15 disease. And, you know, the big problem is that's what
16 -- even if it wasn't comfortable for growers or for
17 other individuals in the past, they've learned to
18 utilize it. So to change it now, there may be some
19 difficulties. However, I think, you know, our big
20 priority and I think the most important thing is, you
21 know, whatever -- if we decide not to change it, you
22 know, this may be a way to just maybe have two -- you
23 know, this is a functioning list for us so that we know
24 we're consistent with OFPA. I don't know. So those are
25 the kinds of things that I think we need to discuss.

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1 MR. MATHEWS: At the risk of sounding too warm
2 and fuzzy, I want to say that I think that Rose did a
3 great job on this. And one of the things that we heard
4 back during the second proposed rule was that people did
5 not like the way the National List was laid out, and
6 they wanted some changes, and we put into the preamble
7 that, you know, we're at a stage where that would
8 require additional rulemaking in order to make the kinds
9 of changes that people were suggesting. So we've always
10 wanted to see some kind of a change made. And so I
11 encourage you to keep moving forward on this, because
12 it's a giant step forward, I believe, for the people who
13 are trying to use our list.

14 CHAIRPERSON KING: I just want to thank Rose
15 and those individuals who helped Rose, because I think
16 Rick is exactly right. This is a tremendous start to
17 something that's been needed for a long, long time.
18 And, Rose, I know you were challenged by a lot of things
19 in the last few months, but this is a lot of work and I
20 really, really appreciate your effort on this.

21 MS. KOENIG: You know, to me the -- you know,
22 I -- again, you know, thank you. And the -- you know,
23 this I think fundamentally is the easy part of it. You
24 know, I think the most important -- you know, if we can,
25 I guess -- you know, somebody -- I said to myself, or I

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1 said to my husband, you know, to be honest, sometimes I
2 leave the farm and I come here and I get very
3 frustrated, you know, because the stuff doesn't get done
4 and I feel like I haven't been very productive and I'm a
5 very productive-oriented person. So, you know, I came
6 out with certain goals that I'd like to see that comes
7 out of these documents. And, you know, I think that,
8 you know, this consideration is -- was one of the goals,
9 but I think my primary goal was really to fix this
10 concept of interpretation of where these fillers,
11 carriers, agivents fit. So I would really like to hear
12 some discussion and maybe some input on the NOP, as far
13 as -- you know, and I don't want to say, do you buy into
14 it? But that really is the best words I can come up
15 with, is there kind of this institutional buy-in that
16 OFPA really didn't intend those agivents and fillers and
17 things like phosphoric acid, when it was petitioned, to
18 be placed on the list? Because I think that's really,
19 in a policy way, really what's causing the industry a
20 lot of heartache and just not an ability to understand
21 what the process is.

22 MR. NEAL: I want to commend Rose again.
23 We've worked pretty hard on it, me feeding Rose ideas
24 and Rose, really, she just digested it and putting it
25 all down on paper. Thank you, Rose, for the hard work.

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1 I got a question, because I do understand where you want
2 to go. You want to be able to review everything that's
3 used in the production of a material to be used in
4 organic agriculture. But the question I have for you
5 is, how far do you go back? How far in the production
6 of a production material do you go back in the
7 processing or the manufacture of that material in terms
8 of including substances on this list? I do not believe
9 that that was the intent of the act, because even in the
10 new category that you've got here, production aids, you
11 got vitamin -- D-3 I think is on there. What is in
12 vitamin D-3, and if there's a preservative in it, does
13 that preservative have to be on the National List --
14 those types of questions.

15 MS. KOENIG: Yeah. And I think, you know,
16 some of the conversation, I guess, as we go through some
17 of these other documents, they go hand in hand in this
18 decision making process, because I agree, there has to
19 be some kind of consensus as to, you know, when you're
20 doing the review, exactly what are you reviewing? What
21 is the substance, okay? And once you've identified that
22 substance, what makes these additional things not part
23 of that substance? So that's to me where the --
24 defining the nonsynthetic and the synthetic is really
25 important, and getting to understand -- an understanding

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1 of what the generic is, you know, what is consider a
2 generic. And once you have a generic, if it -- if
3 something -- you know, a good example -- and I think
4 it's on some of the more difficult things to grasp,
5 which is these extracted naturals, you know, like the
6 aquatic plants. I went back -- and again, we'll discuss
7 this, I think, when we go through the synthetic and
8 nonsynthetic paper. There is a point where -- when you
9 do the review of materials, and if you look at what the
10 definition of synthetic is, you're basically approving
11 the extracted product, okay? And that's what has to be
12 defined, I think, and pretty well understood by the
13 Board when they're doing that, and the TAP contractors,
14 specifically. Once you have that extracted product, you
15 know, it's there. If then you have to add a stabilizer,
16 or you have to add a preservative, you know, to make it
17 functional on the farm, or make it functional in way to
18 make it formulated into a brand name, all those agivents
19 and those fillers, those are the things that are not
20 part of that original substance. Those are additional
21 synthetics that are there for other functional reasons,
22 but they weren't -- they shouldn't be that extracted
23 generic.

24 And I don't know -- you know, and perhaps
25 maybe Emily or Brian can put it in better words if I'm

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1 not explaining it. And again, I only refer to them,
2 because I appreciate the fact -- and I think with a lot
3 of this material stuff, it's almost like you have to do
4 it 24/7 to really understand the complexities of really
5 what -- you know, and I think we all think we know and
6 we all -- and I -- you know, as I went through this
7 process, it was a very rude awakening, that perhaps I
8 assumed I knew a little bit too much.

9 MS. DIETZ: I agree with you, Rose, as the
10 materials chair, it's your life. From a historical
11 standpoint, when we've review materials, the reason we
12 ask for a manufacturing process is that there might be
13 something added to adjust the pH. There might be
14 something added in the extraction method. And I'm just
15 going based on my past five years on this Board, that if
16 something is used in that initial process of that
17 material, then you are approving that material all
18 inclusive. You don't have --

19 MS. KOENIG: Right.

20 MS. DIETZ: -- to go back and add that. If
21 that pH adjuster isn't on the National List, you're
22 actually reviewing that material in its entirety. So I
23 don't want to lose that concept, and I heard a little
24 bit of that --

25 MS. KOENIG: Well -- and I'm sorry if I --

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1 MS. DIETZ: Okay.

2 MS. KOENIG: -- misspoke. And I think, again,
3 some of the documents, as we're going to see later, the
4 improvement of the forms --

5 MS. DIETZ: Right.

6 MS. KOENIG: I think one of the things that's
7 misleading on these -- on that petition notice -- and
8 again, we'll get to it and speak to it in more depth in
9 a little while. You know, the petition notice asks the
10 petitioner to provide information on -- it almost sounds
11 like on their product, and I think what petitioners are
12 doing and what TAP contractors are doing is that they're
13 looking at substances as substances for that particular
14 brand or that particular use. But in reality, when you
15 do a technical review, it needs to be very broad. You
16 need to be encompassing all -- and that's kind of some
17 of the discussion on soy protein isolate. It doesn't
18 matter who petitions it, the job of the Board and the
19 job of the TAP contractor is to look at all the ways
20 that soy protein isolate -- because once it gets on the
21 list, you're buying into that manufacturing process,
22 okay? But once that generic gets on the list, that
23 doesn't mean that you're buying into all the
24 formulations of soy protein isolate as it appears in the
25 marketplace. You know, so if a manufacture, you know,

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1 feels that soy protein isolate needs to be looked at,
2 because they feel it's a synthetic, or they want to
3 determine whether the Board thinks it's synthetic,
4 that's one question. Okay, if they know, in their
5 formulation, that they're using a preservative or
6 something post-extraction, then it's their obligation to
7 put those substances on the list. That also is subject
8 to a petition process. But they're separate issues,
9 they're not the same. So I don't know if that explains
10 it.

11 MS. DIETZ: That does. Yeah. I just wanted
12 -- somehow we need to -- I mean, this question keeps
13 coming up. How far back do you go, and we need to, at
14 some point as a Board, you know, in all areas, whether
15 it's handling or livestock or crops, go back and define
16 that, because we keep getting asked that same question.
17 So -- and then I have more, so I'll wait.

18 MR. NEAL: I've got a --

19 CHAIRPERSON KING: Arthur and then --

20 MR. NEAL: I was lost on a statement. Once --
21 say for instance, let's use soy protein isolate as an
22 example. Once the process is approved, and I've
23 identified everything that I'm using in my process, and
24 it's placed on the list, the generic is okay for use,
25 but it doesn't mean that all -- what was the term,

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1 all --

2 MS. ROBINSON: All formulations.

3 MR. NEAL: -- all formulations of soy protein
4 isolate are allowed. But if my formulation meets the
5 generic process --

6 MS. KOENIG: You know, and there may be some
7 cases. If your generic is, in fact, your brand -- you
8 know, if you take that isolate and you don't -- you
9 know, you take the extracted product, whatever it is,
10 and you can make a brand name from that, by god, do it
11 and there is no problem with it, you know. But, you
12 know, if you take that soy protein isolate -- and again,
13 it's really important for the Board to be very clear as
14 to what -- and that's why we have to define synthetic or
15 nonsynthetic. But -- you know, so that extracted
16 product that we either -- you know, is a synthetic or a
17 natural, whatever we draw that line on, that's fine.
18 But post that, if a manufacturer uses anything post that
19 -- wherever you've drawn the line, then there may be
20 additional things that need to be added to the list.

21 MR. NEAL: This is the legal problem that
22 we've got. Soy protein isolate on the list -- let's use
23 a real example. Lignin sulfonates on the list,
24 different versions of lignin sulfonate. And I think the
25 proper term is lignin sulfonic acid. That's the term

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1 that should be used. But lignin sulfonate is on the
2 list. There's ammonium lignin sulfonate, I think
3 different -- about five or six types. And the issue is
4 that when a farmer looks a lignin sulfonate, they buy
5 something that says lignin sulfonate, and they assume
6 that I can use this, because there's nothing else
7 contextually associated with that term that tells them
8 they cannot. So legally we're having problems with
9 interpretation. I mean, we do understand the intent,
10 maybe, philosophically, but legally we cannot tell them,
11 no, you cannot. Because if you look at the historical
12 paperwork, all of these forms were listed in the TAP.

13 CHAIRPERSON KING: Jim and then Nancy.

14 MR. RIDDLE: Okay. Yeah. Sorry. Well, just
15 on that, Arthur, I think that points back to the
16 improvement that we're looking at in, you know, starting
17 with the petition process all the way through of
18 identifying synonyms and using the CAS or INS numbers,
19 being very precise as exactly what is on the National
20 List, what that means. So -- and I did also want to
21 compliment and thank Rose for the efforts. This was
22 kind of a last minute, late night-type push to get
23 something in here, and it is real good, a very
24 thoughtful document. But it is draft one, and it
25 doesn't, you know, do the analysis of how do the

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1 livestock substances add up to this kind of structure of
2 the list. And then, how does this apply to the handling
3 materials, which really are under a totally different
4 paradigm? I think this is focused on the production --
5 materials used in production. But we also have to look
6 at the other side of it down the road. So, you know, we
7 aren't going to vote on anything today. I think just
8 taking the comments and for the committee to continue
9 the work on this, but I think it's a great start. The
10 one thing -- the question I have, I guess, for Rick,
11 Barbara, Arthur, if there's no changes to the
12 substances, or changes to the annotations, but rather
13 just a change to the structure of the list so that it
14 rearranges it in these categories, could that be done as
15 part of the sunset, you know, republishing? Or how can
16 -- what's our target here to move this kind of structure
17 forward, if it has legs?

18 MR. MATHEWS: Are you saying that you just
19 want to do this at the sunset?

20 MR. RIDDLE: Well, I don't know. Should we be
21 thinking that it's possible, or is this really a very
22 different issue? And I just --

23 MR. MATHEWS: This would be possible to do at
24 any time, and once you get down to where you want to be
25 -- I mean, we could even do it section by section. I

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1 mean, you will note that, in last fall's rulemaking, we
2 did make some structural changes to the way the sections
3 were laid out. And so we could be working on that as we
4 go along. As you get a new substance for 601, then we
5 can go ahead and propose some changes at that time.

6 MR. RIDDLE: Okay.

7 MR. MATHEWS: So, I mean, this is something
8 you wouldn't have to wait for sunset for, we could do it
9 piecemeal and work our way through it. As you finish up
10 with one part, we can move to another part. I mean,
11 there's plenty of flexibility there, because we're going
12 to be doing rulemaking pretty continuously on the
13 National List. Every time we have a board meeting, we
14 add something new. We can work -- we can work other
15 magic with that section, as well.

16 MR. RIDDLE: Okay, great.

17 MS. ROBINSON: There is one downside to doing
18 it in sunset, Jim, and that is that sunset, itself, will
19 be -- you know, because it's all of the materials that
20 are on the list, it will be sort of a major event and
21 it's -- I could foresee that, you know, rearranging the
22 National List -- I could just see the opportunity for
23 people to say, well, so is it still there or not? I
24 mean, just public confusion. But it's a good idea to
25 change it. This is what we've wanted to do, but, you

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1 know, let's talk about it. Let's not make the decision
2 right here.

3 MR. NEAL: Also, I don't think you want to
4 lump it in with sunset, because if you get some people
5 in the industry who don't like the layout and start
6 commenting on the way that the list is structured. Then
7 you have to rewrite this docket to address the way that
8 the list has been structured, in addition to the sunset
9 materials. Right.

10 MR. RIDDLE: And that's something else. I did
11 just want to mention -- yeah, this just came to the
12 Board at the last minute. It's had no public comment,
13 no review, and I think we really need to solicit that,
14 you know, for the committees, you know, for their work.

15 MR. MATHEWS: The bottom line is, it's a good
16 step forward, and as you work through it section by
17 section, we can, at the time of updates of the National
18 List, go ahead and propose this section by section and
19 get our comment on that at that time.

20 MS. DIETZ: Just one comment on extraction
21 processes and then -- because I don't want to lose that.
22 We have put restrictions and annotations to specifically
23 identify a process or certain areas of a process that we
24 want to focus on. So we just need to keep light of
25 that. And then, Rose, just a comment on the document

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1 and I'm sure -- well, I know we'll go through it in the
2 Materials Committee. On the last page you talked about
3 providing decision making tools, and I question the
4 NOSB's role in seeking out, you know, what farmers are
5 using, or that -- you know, and advising farmers that
6 they shouldn't be using something. I think that's the
7 role of the certifier. So that's just a little -- I'm a
8 little uncomfortable with that section.

9 MS. KOENIG: Well, really this -- and maybe
10 it's not again written clearly, or maybe I didn't
11 explain it clearly. And I think what the text says is
12 that -- you know, I said the NOSB should consider
13 surveying, so --

14 MS. DIETZ: Okay.

15 MS. KOENIG: And I'm just saying the survey is
16 really to understand how people access information. And
17 to be honest, you know -- you know, I put that idea out
18 there, because I do think there's more appropriate
19 organizations. I mean, if you want to do a survey, you
20 know, I have enough of scientific background to know
21 that there's proper ways to do surveys and there's not
22 -- you know, so if we're going to engage in that, I
23 think that we actually --

24 MS. DIETZ: Right.

25 MS. KOENIG: -- want to do it and maybe

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1 contract out if possible. And I don't know if -- you
2 know, and that's something that Richard and Barbara
3 would know in terms of budgeting and funding. But, you
4 know, if this concept of a survey has a direct impact on
5 materials, although it's not a material per se, is that
6 something that -- in the TAP contracting money -- and
7 I'm not saying we want the TAP contractor to do the
8 survey, but could they take some of their funds and then
9 subcontract to somebody else to do this work? So is
10 there a mechanism, maybe indirect at best, to utilize
11 some of those funds to get at this question? And then
12 the second question is -- that's I think also very
13 important, is there ways of utilizing that TAP contract
14 money to address these issues, sort of like the
15 extraction process issues rather than particular
16 materials? So substantive research or data collecting
17 or review, similar to the synthetic or nonsynthetic
18 document that I attempted, could that be done through
19 also -- as an option by a TAP contractor?

20 MS. DIETZ: Well, we have in the past asked
21 for boiler [ph] chemicals, who asked for an additional
22 analysis. I think that's certainly within our purview.
23 They can answer that. But again, I just question a
24 survey to the farmers, when really it's the certifiers'
25 role to know what they're using and their inputs, and it

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1 just might not be areas that we can or should go to.
2 And then let me just finish with my comment and then
3 everybody can go. You also -- we also mention in here
4 utilizing resources such as OMRI, but I know there's
5 other people out there doing brand name, and I hate to
6 keep focusing on one company, and I think that's not
7 fair in the industry. So we should change that and say
8 utilizing resources such as other brand name material
9 lists, because it's just a little competitive advantage.
10 I think that that -- we need to be cognizant of that.

11 MR. CARTER: Well, mine was similar to Kim's,
12 because what struck me is going through there -- in
13 going through this whole process, and then the last
14 thing with the survey seemed to be a little bit -- I
15 understand, you know, encouraging, doing a survey, the
16 thing. I'm wondering, this task is fairly monumental as
17 it is. You know, the issue that comes up on a survey
18 is, in structuring it, if you go out there and survey
19 farmers about how they get their information and what
20 they're using, is there a potential, then, that they're
21 going to be concerned that's going to lead to some sort
22 of enforcement action against them? You know, I mean,
23 how do we do all of that? So that seems to be a
24 separate stand-alone task to try and surround.

25 UNIDENTIFIED SPEAKER: Somebody's locked in
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1 the bathroom.

2 CHAIRPERSON KING: He must be locked in the
3 bathroom, yeah. Someone wants in, Dave. Yeah, I think
4 the survey's a good idea, but maybe as a separate
5 project, it seems like. But we know that this is a
6 first draft, Rose, and we very much appreciate your
7 effort. And, Barbra --

8 MS. ROBINSON: Well, I just -- on the survey,
9 I mean, you want information. You want to know what
10 growers are using out there. But in the first place,
11 you don't want to do a survey. I don't -- and I hate to
12 be the -- you know, the wet blanket from the bureaucracy
13 here, but if you want to go out and do a survey, we're
14 going to have to go ask OMB for permission to do this
15 thing, and because -- what?

16 MR. CARTER: He said, I didn't even go down
17 that road.

18 MS. ROBINSON: Oh. There's ways to get
19 information. We have our ways. There are probably ways
20 that we could get information, and we could certainly
21 talk to certifying agents, who get this information --
22 they should be getting this information from the growers
23 that they certify, and there are probably ways to do a
24 cooperative agreement or some sort of a contract with an
25 organization out there who can talk to the certifying

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1 agents and gather this sort of information. But I don't
2 think you really want to go out and do a survey of
3 farmers.

4 MS. KOENIG: And that's fine. I mean,
5 somebody had told me you'd probably take that part out,
6 and they were right. See, I learned -- so anyway,
7 but --

8 CHAIRPERSON KING: But by that time it was --

9 MS. KOENIG: But I thought it was -- you know,
10 sometimes you just have to stick it in. So anyway --

11 CHAIRPERSON KING: But it was midnight at that
12 point, right?

13 MS. KOENIG: That's right. So it tells you
14 not to be stubborn. But I think the point is -- you
15 know, and I think -- and that was the reason why I kept
16 it in, was that the idea is out now to the public and
17 there -- you know, if -- you know, Organic Farming
18 Research Foundation or, you know, there's these grant
19 monies out there, I mean, it's -- you know, hopefully we
20 planted an idea into somebody's head and that -- it's
21 sufficient to me that -- you know, that it's been on the
22 website. Somebody can take that thing and run. But,
23 you know, we can drop that. That's -- you know, it's
24 not near and dear to my heart.

25 CHAIRPERSON KING: George.

1 MR. SIEMON: Well, this brings up a lot of
2 serious issues, and especially the restrictions that
3 OFPA gives us to the categories we can consider. So I
4 just wanted to ask about your use of production aids.
5 It seems that that is one category that has some room to
6 be broadly interpreted to allow different materials in.
7 So when I look at your appendix one and how you divided
8 these things out, you've put in -- put things into the
9 production aids such as ethylene gas and that kind of
10 thing, and so I'm following what you're doing. But then
11 when I get to the substances that do not fit into OFPA
12 categories, I wanted to ask you why minerals used for
13 disease control could not be also a production aid, and
14 why that didn't fit into that same broad thing, and I
15 don't follow the logic there?

16 MS. KOENIG: Well, yeah. And, you know,
17 again, and I wanted to say, my objective was to think
18 broadly, to not think narrowly, and try to justify
19 things as best I could. So, you know, again, this was
20 just a first attempt, you know, with some logic behind.
21 So I tried to broad that -- you know, I was trying to
22 fit as much things on as I could. The one issue -- and
23 I think it is something that the Board is going to have
24 to wrestle with. I still think if we're going to
25 broaden the production aids category, which I think is

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1 -- there's some good justification in doing so, I think
2 we have to -- it has to be a broadening that is
3 terminated, because, you know, again -- you know, the
4 production aid category should not be the loophole now
5 that exists so that everything can fit into a list, you
6 know, because that is definitely not within the spirit
7 of OFPA. But I think that we need to be conservatively
8 looking at the issues, which I think I've done, you
9 know, that are popping up, that have continually
10 persisted, you know, within the minutes and within the
11 evolution of this -- you know, this regulation, and
12 broaden to encompass those and then close it. So, you
13 know, why the disease didn't fit in --

14 MR. SIEMON: Yeah, yeah.

15 MS. KOENIG: -- because -- and that -- you
16 know, here I am a plant pathologist. Maybe again, it's
17 something that is too near and dear to my heart.

18 MR. SIEMON: And you got --

19 MS. KOENIG: You know, as a plant pathologist
20 the only thing -- you know, when you say coppers and
21 sulfurs, I mean, that to me -- you know, and I don't
22 think it was a smart idea, but the OFPA category for
23 coppers and sulfurs were -- to me specifically dealt
24 with the disease control, you know, category. And if
25 you -- a production aid, I don't consider -- these

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1 production aids I guess that were listed, you know,
2 ethylene and fillers and agivents, and really more
3 importantly, the ones that were specified such as -- you
4 know, they were physical structures like barriers and --
5 what were the original ones? You know, sticky -- sticky
6 --

7 MR. SIEMON: Tree wraps.

8 MS. KOENIG: Well, tree wraps. Most of them
9 really alluded to a physical purpose. You know, so I
10 guess --

11 MR. SIEMON: But your list goes beyond that.

12 MS. KOENIG: I know, because I was trying
13 to --

14 MR. SIEMON: So --

15 MS. KOENIG: -- get in things that were
16 listed, okay, like compost feedstock. But then when I
17 started thinking of disease control materials, that is
18 so broad, I just -- I couldn't personally do it, but
19 maybe somebody else can. I just -- in my mind, it just
20 didn't fit, so, you know, I just -- that was just more
21 of a personal decision.

22 MR. SIEMON: Okay.

23 CHAIRPERSON KING: Jim.

24 MR. SIEMON: I'm not finished.

25 MR. RIDDLE: Well, can I just -- can I comment

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1 on this and then you pick it back up? And that is, we
2 heard in public comment yesterday a proposed definition
3 for production aids, and I think, if the Materials
4 Committee would take that under consideration, because I
5 do think that should be a part of this document, if
6 we're kind of broadening the scope of production aids
7 beyond those ones that are just listed, and it's meaning
8 that includes but is not limited to, there still needs
9 to be, you know, some restrictions on what is a
10 production aid. There needs to be a definition. So I
11 would just ask the Materials Committee to consider that
12 definition that was proposed yesterday, and maybe that
13 can help George out.

14 MR. SIEMON: That does help. So I guess I
15 would just like to ask the NOP what they feel about this
16 concept of broadening the production aid, in a legal --
17 could you have dealt with this? You all talked about it
18 and it is a real issue.

19 MR. NEAL: I think we'll let the discussions
20 continue. No, seriously, though, for most of you, this
21 is the first time you had an opportunity to look at this
22 document. There are things that you need to digest. I
23 think broadening the scope of production aids is a
24 possibility. I do believe that it's going to pose some
25 challenges to you. So for right now, you know, we're

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1 going to assist you as you discuss this matter further,
2 and evaluate whether or not if what's on the table is
3 going to be the best options for you.

4 CHAIRPERSON KING: I'll just ask a quick
5 question. Do you see better options other than opening
6 that up?

7 MR. NEAL: No, not really. I mean, the issue
8 at hand -- I mean, you guys have got a monumental task
9 in front of you, and you're wrestling with two big
10 beasts. One, the OFPA criteria -- the categories. Two,
11 this whole synthetic versus nonsynthetic. Well, there's
12 three. How far do you go back in the production of --
13 production input -- in the manufacture of a production
14 input? Those are three big bears you've got to wrestle
15 with. So we're going to be here to assist you as you,
16 you know, consult with the public and the industry in
17 terms of what it is the desires of the organic industry
18 would be.

19 MS. KOENIG: I guess I had just one comment --

20 CHAIRPERSON KING: Okay.

21 MS. KOENIG: -- for George on the production
22 aid category, too. I will admit that the other idea
23 that I explored, but I shot down, was the inerts, that
24 little double i, you know, I thought, well, you know,
25 because -- you know, there's active and there's inert,

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1 and people like calling them inerts and, you know, you
2 went through OFPA and some people referred to them as
3 inerts and -- you know, because again, a lot of the
4 language was muddled in there, you know, in terms of
5 public comment and meetings and Board members. But I
6 looked and, you know, I examined OFPA and it was pretty
7 clear the way that it was, you know, written, because it
8 really specified FIFRA [ph] and pesticides, that inerts,
9 in their view, meant pesticides, and also the Board
10 discussed that in, you know, '94 and '95, and that was
11 really what inerts -- that little section was. So
12 that's why I went back to the production aid category
13 and didn't explore too much further the idea of
14 broadening the concept of inerts. But I think that is
15 just going to cause confusion if we go there. I think
16 production aids is a little bit cleaner.

17 CHAIRPERSON KING: Well, thanks --

18 MR. SIEMON: Okay, just for processing. So we
19 are going to be developing this production aid as a
20 definition and coming back to the Board sometime in the
21 future.

22 MS. KOENIG: Well, I think that the committee
23 is going to take this document, at least the materials,
24 and then, you know, giving -- listening to the input,
25 you know, and come up with a more -- you know, start a

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1 formal process. Whether it's in three phases or one
2 phase or two phases, you know, we'll just get to work on
3 it.

4 CHAIRPERSON KING: Well, and as we discussed
5 earlier, George, and I think your concern is well up
6 wind, how do we shape the bullet list going into the
7 future? This is a first draft. It's a really good
8 start, and thank you again, Rose, for all your effort.
9 But, yeah, ongoing, these are a lot of the questions,
10 and certainly Arthur, I think, summed it up pretty well.
11 I had a quick announcement concerning a couple people on
12 the Board, actually several Board members who approached
13 me last night concerning draft documents from yesterday,
14 our responses, Board input, if you will, to the
15 initially and then retracted directives, and their
16 concern is that we just vote on our drafts as they are
17 as a board to recognize them. And so at break -- we're
18 actually ahead of schedule a few minutes. So we're
19 going to take about 20 minutes, come back at 10:15, but
20 I'll leave at the discretion of the committee chairs at
21 this time, if you would so like to bring those documents
22 forward, and your committee concurs, then all it will be
23 is just to vote to recognize those documents. So I
24 think it's a good idea, and we could do that later this
25 afternoon, first thing after break. If there is any

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1 discussion over lunch, that sort of thing, it'll give
2 you time. So we'll look to vote on that mid-afternoon
3 today.

4 MR. SIEMON: Yeah, I missed something. What
5 are we going to do when we come back? You said --

6 CHAIRPERSON KING: You can do it during the
7 break, okay? I just want to know from the committee
8 chairs who drafted the documents concerning the
9 directives, do you want to bring those forward for a
10 formal vote? That's all, okay? Yeah, that's all.

11 MR. RIDDLE: Yeah.

12 CHAIRPERSON KING: Just --

13 MR. RIDDLE: So we can have it on the record.

14 CHAIRPERSON KING: On the record, that's all.
15 Okay, so let's be back at 10:15.

16 ***

17 [Off the Record]

18 [On the Record]

19 ***

20 CHAIRPERSON KING: Again, thank you all for
21 your participation and hard work. And at this time we'd
22 like to move to the Handling Committee and Kevin O'Rell,
23 who has some issues to discuss.

24 MR. O'RELL: The first thing that's on the
25 agenda for the Handling Committee is the materials

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1 approved as food contact substances, an update. In the
2 last April meeting, the Board voted to accept the
3 Handling Committee report, which was an update on the
4 materials that are used as food contact substances. In
5 that report there was a recommendation that six
6 materials that were previously voted on and approved by
7 this Board be added to the National List. These were
8 materials that were also considered to be food contact
9 substances. Seeing that there was some confusion in the
10 industry, it was the committee's recommendation that
11 this update report be formally accepted by the Board,
12 and it was voted on, accepted, and it was published on
13 the website. It was our hope to have these materials
14 published in the next docket, and as we heard in the NOP
15 update yesterday, that there is a docket that's in
16 process for rulemaking with all processing materials,
17 including these six materials, which were five boiler
18 water additives and -- or four boiler water additives,
19 activated charcoal, and parasitic acid [ph].

20 Also in that April report, it recognized that
21 the December 12 NOP policy statement clarifying
22 synthetic substances used as ingredients are subject to
23 review by the NOSB, and that these synthetic substances
24 would either be classified as an ingredient, which then
25 would have to be on the National List, or as a food

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1 contact substance, which then would require the proper
2 documentation for supporting that it is a food contact
3 substance. I don't know if the Board has any comments
4 or questions.

5 MS. DIETZ: I guess I have one comment. On
6 the boiler water additives, we had sunset on those
7 materials, and it looks they'll be put on and then taken
8 off fairly quickly again. But we just wanted to follow
9 through with that process, and at least have the public
10 know that there is a sunset, and if anybody's got
11 issues, they need to bring those forward.

12 MR. RIDDLE: Well, as I recall, there were
13 some specific annotations in addition to that, as far as
14 the type of use for packaging, I forget the exact
15 language, but it'll contain those annotations, correct
16 -- yeah, as well?

17 MR. MATHEWS: It'll contain exactly what you
18 would propose, the -- what is -- as Kim says, they'll go
19 on, but then they'll come off October 21 of 2005. I
20 believe that. Yeah, October 21, 2005. So they'll only
21 be on there for very few months.

22 MR. O'RELL: Okay. The next issue for the
23 Handling Committee was organic yeast agriculture versus
24 nonagricultural substances. And it was our purpose here
25 to report and update on an action plan. The Handling

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1 Committee, recognizing that is a concern, particular --
2 in the organic community, there are some particular
3 materials that have been flagged for concern with this
4 issue, yeast particularly, and we will be forming from
5 the Handling Committee a task force to look into this
6 issue and make recommendations to the full Board. This
7 task force will include NOSB members and qualified
8 individuals from the organic community, which we will be
9 actively soliciting very soon. It was decided to look
10 at this as an issue of agriculture versus
11 nonagricultural, as opposed to just taking the yeast in
12 question, because there are number of substances that
13 are on the National List under 205605(a) that will --
14 could also be affected by a decision that would be made
15 for yeast. So there's definitely a determination into
16 looking at the criteria that was used in placing these
17 substances on 205605. Some other examples are dairy
18 cultures. There are colors that could be derived from
19 vegetable sources. So I think what this task force will
20 need to do is to have a full review of the materials on
21 205605(a), and classify them -- look at reclassifying
22 them and, from criteria, of further defining the
23 definition of agriculture and nonagricultural. This
24 task force would have interaction with the task force
25 that's involved with synthetic-nonsynthetic, as well,

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1 since I think there will be some areas that will cross
2 over or relate to that subject. And the Board
3 previously made recommendations for change in 205606.
4 Maybe, Kim, if you want to comment further on those at
5 this time,
6 but --

7 MS. DIETZ: At the meeting, we made a
8 recommendation on commercial availability and really had
9 asked to restructure 205606 and take some of those
10 materials off. And I see this new task force doing the
11 same type of a thing, where we'll go through and make
12 recommendations on materials that are currently on the
13 National List, and we might even -- well, take the
14 opportunity to do similarly to what Rose just did with
15 the crops National List and just do it all at once, and
16 try to come up with some more user-friendly structure of
17 the National List, so --

18 MR. O'RELL: Thank you, Kim. So it would
19 be --

20 MS. KOENIG: I didn't realize it was on all
21 the time. There's no more light there. The -- because
22 I notice that -- I mean, I guess I want to just make a
23 -- I guess state a question. The concern I have with
24 the concept of task force is, do we really want a task
25 force? I mean, do want to bring outdoor -- you know,

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1 outside individuals in an a formal way, or do we want to
2 work through committees and get the job done by
3 consulting with individuals as we meet them? Because,
4 you know, one of the issues I have on the task force is
5 that -- you know, just to try to get conference calls
6 with Board members is difficult at best, and then when
7 you try to bring a lot of other individuals in that
8 formal process -- and if we do go the route of task
9 force. And I think it's really important for us to set
10 goals as to when we want to get this stuff accomplished
11 and -- you know, instead of just -- we discussed that at
12 length, too, and I -- because I'm going off the Board,
13 I'd assume, at some point -- within the next year,
14 maybe. You can't never know. We need to have
15 historical input at the same time, and so we decided to
16 form a task force. We also talked in length about
17 confidentiality and how, you know, there's also a risk
18 with forming a task force, that you bring public in. So
19 although we're not, you know, set on a task force, we do
20 need to make sure we have people like Steven Harper
21 [ph], who've had recommendations on the ag versus nonag
22 and synthetic versus nonsynthetic, so that we can get
23 this done right this time, and not just put the demand
24 on the task force -- or on the Board. If there's ways
25 to bring past Board members in without calling it a task

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1 force, I think that's also something that we could look
2 at.

3 MR. CARTER: I think the task force -- I guess
4 my interpretation when I saw this task force is really
5 trying to pull together, you know, a group among the
6 Handling Committee and the Materials Committee, and if
7 you look at our Board policy manual, task forces don't
8 require outside people to be -- they can be included.
9 But I think this was an endeavor to try and coordinate
10 some efforts between those to committees, have a single
11 assignment, and then you dismiss that group when that
12 particular assignment is done.

13 MR. O'RELL: Well, I think -- you know,
14 officially, whether it's the word of a task force, what
15 we do want to do is what Kim said. We talked about
16 bringing in some historical perspective on how some of
17 these materials were classified, we go back in time.
18 Some of the criteria that we're using today is detailed,
19 and we don't have that from some of the past materials
20 that were voted in. So if it's a matter of consulting
21 with them, I think it's going to be a limited group.
22 We're going to try to get this done and expedite it.
23 It's going to be on a fast track, it's not something
24 that we're going to try to get such a working group that
25 it's -- it gets stuck in the mud. We recognize that

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1 this -- there's some high interest with this particular
2 issue in the industry and we want to get resolution
3 quickly. Our hope would be to be able to make a
4 recommendation to the full Board at the next Board
5 meeting. I told you that we'd get you back on time,
6 Mark.

7 The last issue is pet food standards. We had
8 a lot of public comment and input yesterday and I'm sure
9 we may have some more tomorrow. This is a case where
10 the Handling Committee recognizes that there has been a
11 lot of work that has been done in the industry, and what
12 we are challenged to do is to look at this work, assess
13 what has been done, and bring it into the committee,
14 digest this, then make a recommendation again to the
15 full Board at the next meeting. This -- we discussed
16 this. This would not be a task force, this would be a
17 work plan involved with the Handling Committee to go
18 over and review, assess what is currently out there with
19 OTA, with AAFCO, and then try to come to a [sic]
20 agreement and get a draft recommendation to this full
21 Board for the next Board meeting.

22 MR. RIDDLE: Yeah. In the scope draft that we
23 talked about yesterday, there was a section on pet food
24 in there, the policy. The Development Committee was
25 asking the Handling Committee to form a task force, and

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1 I don't have, you know, any problem if you choose to do
2 it within committee instead of a task force. But a
3 couple of things that I would like to, you know, just
4 bring back up, and that is the need for outside input,
5 expertise of, you know, both kind of pet food industry,
6 but also pet food control officials, to solicit
7 information from them. And then the -- that scope
8 document had a few questions, issues, and I just ask the
9 Handling Committee to kind of take that on, even if
10 you're not forming a task force.

11 MR. O'RELL: Yes, Jim, that's -- our intent is
12 to certainly look outside and consult with all those
13 individuals and information that's available out there.

14 CHAIRPERSON KING: Yeah, I just -- I had a
15 quick question, and this may be for NOP or you, Kevin.
16 On the agenda we listed action plan for pet food
17 standards, and as part of that we put materials labeling
18 feed provisions and the like. Perhaps just as initial
19 guidance, that was my understanding, for a task force or
20 the -- to start to look at those areas, and I guess I'm
21 perhaps looking for some input from NOP. Is that the
22 direction we should go in? Do you feel that's
23 sufficient? How would you approach it?

24 MR. MATHEWS: For starters, that's right, it's
25 just the starting point, that, you know, one of the

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1 things that has to be addressed, are there materials
2 unique to pet food that aren't addressed elsewhere for
3 in -- say, in the food 605? The labeling issue needs to
4 be addressed. Is it going to be to label just like
5 food, or is it going to have a uniqueness of its own?
6 The feed provisions, obviously you've got to revisit
7 those, because there is a prohibition about feeding back
8 animal byproducts, and obviously dogs eat animal
9 byproducts. So you need to address those kinds of
10 areas. Those are the things that jump out to me, that
11 the livestock feed provisions, they need to be addressed
12 from the angle of pet food, the labeling needs to
13 addressed from the angle of pet food, the materials need
14 to be addressed from the angle of pet food. The -- to
15 me -- I mean, the growing of the crops is already taken
16 care of. The handling of the product is already taken
17 care of. You're just looking for what is unique for pet
18 food, and then including the pet food industry in the
19 rulemaking process.

20 MR. O'RELL: And we took that as some
21 guidelines. Certainly on the labeling issues, I think
22 that, you know, we're in agreement there. I'm not so
23 sure on the feed provisions. It's something we'd have
24 to discuss, because we're not certifying the pet, it's
25 -- so I'm not sure where that is, but that certainly is

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1 something that we can discuss.

2 MS. ROBINSON: I think if it was me, what I
3 would start off with is, sort of get square in your
4 minds, do you consider pet food essentially a food?
5 Then that would -- I mean, Rick's talking about the
6 livestock feed provisions, and that's fine if you want
7 to go down that road. A better road maybe to go down is
8 it's, you know, people buy pet food, not animals, and it
9 is considered a food product. That gets you out of the
10 mammalian byproduct provision. But the biggest -- and
11 it seems to me the biggest issue that you are going to
12 grapple with is the labeling, and that is because, as
13 you've probably already found out, that AAFCO has a
14 different labeling scheme for pet foods than you have.
15 And as I think we've told you before, they came to us
16 before we implemented the standards, and they asked us
17 to accommodate their labeling scheme within the NOP.
18 And we said, no, that we wouldn't change the NOP
19 labeling to accommodate their labeling scheme, because
20 it is different. And then they have apparently a
21 restriction on the use of the word organic, as they do
22 with other quality labels, and that's the way they view
23 it. For example, they don't allow -- it's my
24 understanding they don't allow a pet food manufacturer
25 to use AMS's standards for meat such as choice or prime,

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1 to refer, you know, to the grade of the meat that's in
2 the product. So that was also a problem they had, was
3 they wouldn't allow organic to go in the ingredient
4 listing as a qualifier. So I think that's where you're
5 going to have your big issues, is just on determining --
6 you know, getting the labeling in sync without
7 compromising these labeling standards, getting it in
8 sync with the pet food industry folks and what they will
9 allow.

10 MR. CARTER: Well, I just was going to say, I
11 know that AAFCO, though, last year, at their meeting in
12 Denver, has under consideration some proposed -- and,
13 Jim, help me out -- amendment to the model regs to bring
14 the organic definition for pet food into compliance or
15 consistent with the USDA rules. So I think bringing
16 them -- you know, working with some of the feed control
17 officers -- officials in this process will be helpful.

18 MS. DIETZ: I guess I would ask that we have
19 somebody assigned to the Handling Committee with us on
20 this task force from the NOP office and who's going to
21 specifically work on this with us so that we know what
22 you know, about the pet food.

23 MS. ROBINSON: That would be your executive
24 director.

25 MS. DIETZ: Then I guess we won't have a

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1 proposal for the next meeting.

2 MS. ROBINSON: No, Keith will work with you.

3 MS. KOENIG: And that -- it's just kind of a
4 housekeeping concept here. You know, we were having a
5 -- you know, a number of people are moving off this year
6 and next year, so, you know, I don't know how long this
7 process is going to take, but I think we need to --
8 before we start these projects, we need to kind of map
9 out and strategically plan so that we have some memory,
10 or things are written down, you know, in various forms,
11 so whoever ends up taking over -- and, you know, this
12 could be a -- it doesn't sound like all this stuff is
13 going to get down in the next meeting, and half -- a
14 number of people are gone, unless they're somehow
15 incorporated in the task force. So just thinking about,
16 you know, how do we continue this process? I mean, the
17 chair -- I think the chair, whoever that will be, should
18 -- I just think needs to consider kind of those types
19 of --

20 MR. O'RELL: Well, I think on the onset of the
21 project from the Handling Committee chair position, that
22 we'll make sure that we have clear guidelines set forth,
23 and clear objectives as to what we need to accomplish,
24 so that if there is a change in that chair position,
25 that at least they have the road map to where somebody

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1 at one time intended to get to.

2 MR. RIDDLE: Yeah. And also on -- in response
3 to Rose, historically, at least since I've been on the
4 Board, when there has been a rotation, people going off,
5 those individual Board members have been invited back,
6 and, I think, expenses paid for that next Board meeting.
7 So there is some continuity and, yeah, they don't sit at
8 the table, but they are invited specifically to be in
9 the audience, and when there are issues that they've
10 been working on, we've been very happy to recognize them
11 and have their input. So hopefully that tradition can
12 continue.

13 MS. KOENIG: You know, that was an issue that
14 came up with the Compost Task Force and that's why I
15 bring it up, you know, because -- you know, Eric was on
16 that and he was the chair and, you know, because of
17 funding they couldn't -- he couldn't come to that
18 meeting. So don't assume that, and make sure that the
19 chair is somebody that consistently is going to be
20 present, because even though that -- and I remember
21 during the Aquatic Task Force, that was the situation.
22 And maybe funding is different now, but that's what we
23 need to be clear, because as you make these assignments,
24 it's really critical to have that, you know,
25 representative there, because I felt at a loss when I

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1 had to take over Eric's position, because I was
2 involved, but not really as involved as I would have if
3 I'd known I was going to become the chair at the last
4 moment, so --

5 MR. O'RELL: Well, one of the things -- I hope
6 that when we're assigning committee chairs and we're
7 looking for people who are going to be on the Board for
8 at least the next two years to have some continuity, and
9 this is something that I wouldn't envision being done
10 before that two-year period of time, so --

11 MS. DIETZ: Just to --

12 MR. O'RELL: Kim.

13 MS. DIETZ: -- comment while we're on that
14 discussion, I know we have, in the policy manual,
15 procedures for elections and that sort of thing, and I'd
16 like to see that somewhere in the policy manual, that
17 the current chair is at least on a board for the
18 following year, so that we can transition and training.
19 We have a lot of movement on this Board in the next few
20 years, and like we did last year, I stepped down from
21 materials so Rosie could be on it for another year. And
22 next year's going to be the biggest challenge, because
23 you only got really five Board members -- four, I think,
24 that are going to be on here.

25 MS. KOENIG: No, if that's --

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1 MS. DIETZ: So we need to think about that --

2 MS. KOENIG: Yeah.

3 MS. DIETZ: -- for future Board members, if we
4 could put that in the policy manual.

5 MS. KOENIG: But, you know, if that was the
6 case, then I'd have to step off as chair now, because I
7 am off next year.

8 MS. DIETZ: Yeah. And I think we got to
9 discuss what's the best for the Board as we -- you know,
10 but in reality, yeah, that's true, is that the best
11 thing for the Board? I'm not so sure. But to train the
12 next person in materials, you know it takes a lot of
13 work, or whether it's handling or whether it's
14 livestock. So it's just something that we need to think
15 about.

16 MR. O'RELL: Well, I think that concludes the
17 Handling Committee report.

18 CHAIRPERSON KING: Thank you, Kevin. At this
19 time I'll defer to Jim Riddle, who will introduce our
20 presenter.

21 MR. RIDDLE: Yeah, well, it's really a
22 privilege to have the opportunity to introduce Tom
23 Bewick. I had asked to have a guest speaker here at
24 this meeting, and we've followed our procedures that we
25 have in the Board policy manual, and the Executive

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1 Committee approved in advance, and Tom is the program
2 director of Plant and Animal Systems at USDA's
3 Cooperative State Research, Education, and Extension
4 Service. Yeah, yeah, the stakes have raised. Yeah,
5 anyway, as I was saying, Tom is director at the USDA
6 Cooperative State Research, Education, and Extension
7 Service, and CSREES, as I shorten it, has been empowered
8 under legislation to implement two different organic
9 research grant programs, and they're pooled together in
10 what's called the Integrated Organic Program. And so
11 Tom is going to give us a report on the recent round of
12 grants and the future for that program. So welcome,
13 Tom. Thanks for coming.

14 MR. BEWICK: Thanks, Jim. It's a privilege to
15 be here. It's a privilege to think that you're
16 privileged to introduce me. But I really do appreciate
17 the opportunity to come and talk with the Board and also
18 with the audience. We're trying to heighten the
19 awareness of this program, and once we get it up and
20 going, I can't talk without my pictures to remind me of
21 what I'm supposed to be saying. Hopefully it's plugged
22 in, because otherwise the power goes down and then -- as
23 Jim said, I work for the USDA. I'm with the Cooperative
24 State Research, Education, and Extension Service. I'm a
25 national program leader, specifically with

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1 responsibilities involving horticulture, but I do a lot
2 of other things, as well.

3 And the Integrated Organic Program is what we
4 call in integrated research and extension grants
5 program, and this is what we mean at USDA, or at least
6 within our agency, by integrated; they're
7 multifunctional projects. And one of the things I
8 should say is, our agency is the federal partner in the
9 Land-Grant University System. So we have a number of
10 funding conduits which we give money to the universities
11 around the country to do research, education, and
12 extension. And so multifunctional to us means just
13 that, we want projects that emphasize research and
14 extension and education -- higher education, so formal
15 classroom instruction, graduate training, and also post-
16 doctoral training.

17 Multi-disciplinary is another component of our
18 integrated program, so we don't want single disciplinary
19 -- we want to have interdisciplinary teams. And then we
20 also like multi-state or multi-institutional projects.
21 Within the Land-Grant University System, we have a 116
22 partners. Some of those partners are what we call the
23 1890 schools, that are traditional black colleges and
24 universities. Some are 1994s, which are American-Indian
25 universities. And so we like to see teams put together

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1 that cut across all of the partnership, so that we get,
2 you know, really robust projects.

3 In the past we had a grant program called the
4 Initiative for Future Ag and Food Systems, and that --
5 IFAFS is the moniker we put on that. That was -- and it
6 still is authorized in the Farm Bill, but it's not being
7 appropriated, and so we don't offer it anymore. But we
8 try to take the concepts that we developed in that grant
9 program and we're trying to apply them in the Integrated
10 Organic Program. And one of those that's really
11 important to us is the stakeholder advisory group that's
12 formed before the project goals are outlined. So we
13 don't want a researcher to go, well, I know what these
14 folks need, and then he comes up with a -- he or she
15 comes up with a project, and then goes and gets somebody
16 to put their stamp of approval on it. We want these
17 stakeholder groups to have input into what are the
18 program objectives going to be, what's the methodology
19 we're going to use. We want to see a measurable
20 outcome-oriented plan for disseminating the information.
21 So it has to have the extension component built right
22 into it. And we like to see the stakeholders at either
23 -- stakeholders that are part of the advisory board, or
24 other stakeholders be involved in evaluating the
25 project, not only the research end of it, but also the

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1 outreach. Is it being meaningful, is being delivered in
2 appropriate ways? And then we expect progress reports
3 back that demonstrate the impacts of the programs that
4 we're funding. And this -- again, this helps us when we
5 get inquiries from Congress or if we get inquiries from
6 the secretary's office, you know, how good is this
7 program, and we can -- we have data that helps indicate
8 that.

9 As Jim mentioned, the Integrated Organic
10 Program is actually two congressional authorizations.
11 One is the Organic Transitions Program, which was
12 authorized in the 1998 Arera Act [ph]. And the second
13 is the Organic Research and Extension Initiative, which
14 was authorized in the 2002 Farm Bill. I'll go through a
15 little bit of how these programs differ and are the
16 same. How they differ, you can read it yourself. One
17 is mandatory, \$3 million for five years, 15 million
18 total, the other is appropriated annually, so it's --
19 you know, it depends on how our friends in Congress, how
20 successfully they are. The Organic Research and
21 Extension Initiative has a very broad eligibility that
22 includes basically anybody that can get the work done,
23 whereas the Organic Transitions Program is limited to
24 degree institutions. The higher ed function is not
25 specifically mentioned in the newer legislation, and the

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1 program goals are much broader. They include economic
2 and consumer issues, whereas the Organic Transition
3 Program focuses primarily on production issues.

4 If we -- at CSREES, we have teamed with other
5 agencies -- go to the next one -- and so we have sort of
6 a long history of collaborating to offer grant programs
7 with other agencies that are larger than either agency
8 could offer alone. And a couple of examples our
9 microbial genetics program, which we offer with NSF, and
10 also our precision ag and geospatial technology program,
11 which we offered with NASA. NASA put up 5 million and
12 we put of 3 million, so we had an \$8 million program
13 rather than a 5 million and a 3 million. So it works
14 out really well. Since both of these authorizations are
15 within the same agency, I just made the assumption it
16 would be easy to combine them into a single program, and
17 that didn't turn out to be the case, but we got it done
18 anyway. What it does for us is it provides us with
19 flexibility in funding a single project from multiple
20 sources. It also -- it allows us to compete both
21 programs at the same time using a single panel, which
22 cuts down on the panel costs, and that allows us to put
23 more money into projects rather than spending money on
24 travel and food and that sort of thing. And then also
25 it makes it easier for the applicants, because they

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1 don't have to decide, well, am I eligible, or should I
2 apply to this program or another program? We do all
3 that internally. We decide where -- you know, who gets
4 funded out of what pot of money, and it makes it easier
5 for the applicants.

6 In 2004, this was the first year that we
7 offered this combined program. We had a total of \$4.7
8 million available for awards. We actually had 111
9 proposals submitted, 105 of those were considered to be
10 eligible for consideration. Those 105 proposals
11 requested over \$47 million. So you can see that, even
12 those 4.7 is a lot of money for USDA to spend on organic
13 agriculture, it's not -- it's the tip of the iceberg.
14 Eighty-six proposals were deemed by our peer review
15 panel to be fundable, and those 86 proposals requested
16 just over \$42 million. So again, we only have about 10
17 percent of the money we need to get the job done. The
18 panel recommended 11 proposals for funding. That
19 represents 10 percent of all those that we received, and
20 13 percent of those were that were considered to be
21 fundable.

22 We did a little analysis of the program based
23 on priority and region of the country. These are not
24 specific priorities, they're just sort of broad-based
25 categories. So we have the priorities on the left,

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1 crops, animals, economics, improvements, and organic
2 standards, and then the other category, which takes into
3 account a lot of things. And you could see there in the
4 columns the amount request, the amount funded, and that
5 the number indicates there are 73 proposals that dealt
6 with crops. Of those 73 proposals, seven were funded.
7 That equals about 10 percent of all the proposals that
8 were submitted for crops were funded. And so you can
9 see the percentages.

10 On the next slide we broke it down, and I saw
11 some statistics a couple years ago, where 85 percent of
12 all organic products sold were fresh fruits and
13 vegetables. So we sort of made the assumption that we
14 would get a lot of proposals for horticultural products,
15 and that we would fund a lot of those, and what you can
16 see is that we actually go more proposals for agronomic
17 crops, and a lot of that had to do with animal feed
18 issues and things like that, and we actually funded a
19 higher percentage of those that dealt with agronomic
20 issues. And so it was a little bit unexpected, but I
21 think it points to the need, you know, there's a demand
22 out there for information on those sorts of systems. We
23 looked at it also by region of the country, and you can
24 see that the northeast region and the western region
25 were particular successful. They got nine -- those two

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1 regions accounted for nine of the eleven proposals.
2 They also got a higher percentage of the proposals, and
3 there are some reasons for that, which I'll go into in a
4 little detail in the next slide, and I'll go back to
5 this IFAFS model.

6 In the northeast, a lot to the teams that were
7 awarded grants had stakeholder groups that were already
8 in place. In fact, one of the proposals that we funded
9 in the northeast was a former IFAFS program that was
10 running out of funds and wanted to continue its work.
11 And so they had this measurable outcome-oriented plan.
12 The other things, if you look at -- say, if you look at
13 the sustainable ag research and extension website in the
14 northeast, they have a lot of training in organic
15 agriculture, both for producers and for extension
16 specialists. And so they've made a commitment of
17 resources to promoting organic -- service to the organic
18 industry, and I think it was represented in that. And
19 in the west, three of the awards -- three of the four
20 awards went to the University of California, so two to
21 UC Davis, one to UC Santa Cruz, and again, they have
22 this long history -- a 20-year history of service to the
23 organic industry. And so that as -- what this analysis
24 will allow us to do is we'll say, okay, well, in the
25 southern region, maybe there's a huge need to get some

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1 research and extension out there. We're not getting the
2 kind of proposals we want, so let's do a workshop.
3 Let's go down there to, say, you know, the University of
4 Georgia or someplace like that, and hold a two or three-
5 day workshop to help these folks get up to speed and be
6 more successful.

7 And the next slide, just to talk about the
8 programs for 2005 a little bit. In both the House and
9 Senate markup of our appropriations, which may or may
10 not come, we don't know, but it was marked at 1.88
11 million, which is the same level that was marked in
12 2004. We plan to get the 2005 RFA published at the
13 beginning of December. I've been told that this will
14 not be a problem. Last year, because it was a new
15 program, we had to submit the RFA to -- that was the
16 request for applications -- to the Office of the General
17 Counsel. By law they have 90 days to respond. If they
18 don't respond, you can go ahead and publish it anyway,
19 but if you do and they want to make changes, you get
20 into a lot of trouble. So we waited and waited and
21 waited, and by the time we were able to publish the RFA,
22 we only had 60 days to allow the community -- the
23 research and extension community to respond to the RFA.
24 Having said that, working with our friends at the
25 Organic Farming Research Foundation, we did get 111

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1 proposals. Some of them could've been better written.
2 I think people had to hurry up a little bit. So what
3 we're going to try to do this year -- and I'm still
4 working with some of our leadership in the awards
5 management branch -- we're going to publish the RFA in
6 December, and we're going to give people until May. So
7 that's, I forget, 120 days or something like that. So
8 they have more time, take their proposals, rework them
9 and put them into better shape so they'll be more
10 competitive.

11 Again, the panel will meet in July. One of
12 the things that we like to do with our panel is we like
13 to have some producers on the panel, so people that are
14 actually farming. So we picked July because, in most
15 areas of the country, you know, the crops are at lay-by,
16 and we can get farmers out of their fields at that time
17 of year a lot more easily than we can in the spring or
18 early summer. What we plan to do for 2006 is we're
19 going to publish the RFA in October -- that will be
20 announced in the 2005 RFA -- and then we'll hold the
21 panel in February. Now anybody who's tried to travel
22 into Washington, D.C. in February knows that can be
23 pretty dicey. And I remember we were supposed to have a
24 meeting last -- not last Presidents' Day, but the one
25 before, we got what, 20 inches of snow that day? These

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1 meetings can get canceled kind of easily in February,
2 but at least that way we can again attract some
3 producers and handlers to the panel so that we have that
4 expertise to help guide us.

5 The last thing I wanted to say is we are
6 currently recruiting an IPA to help provide leadership
7 for the Integrated Organic Program. And what we're
8 hoping is that we will be able to attract someone from a
9 university. We'll provide 50 percent of their salary
10 for a 12-month assignment. We provide them with a
11 housing stipend and a per diem, and they also -- because
12 they are temporary federal employee, they would be
13 eligible for a transit subsidy. So it would be ideal
14 for someone who's looking to do a sabbatical and get
15 involved in policy leadership. There's my e-mail
16 address. If you know someone that fits those
17 descriptions, please have them contact me and we'll get
18 them a letter describing the position and what we hope
19 to accomplish with it. So that's all I have formally to
20 present. I'll be glad to answer any questions. Yes,
21 sir.

22 MR. SIEMON: For starters, what's an IPA?

23 MR. BEWICK: It's an interagency personnel
24 agreement.

25 MR. SIEMON: Okay.

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1 MR. BEWICK: You see, I knew that wouldn't
2 mean anything to you, either, so I didn't spell it out.

3 MR. SIEMON: All right. For seconds, you
4 know, this sounds great and we're real excited to see
5 this come in, but of course, it's obvious we need a lot
6 more money.

7 MR. BEWICK: Yeah.

8 MR. SIEMON: So obviously that comes from
9 Congress relatively, but how about inside your
10 department? You've got quite a few grant processes is
11 what I'm gathering. Is there a chance to gather some of
12 those resources, too?

13 MR. BEWICK: We have two other grant programs
14 that fund research in organic agriculture, but they're
15 not specifically targeted to organic agriculture. The
16 SARE program, the Sustainable Ag Research and Extension
17 Program, funds a lot of projects on organics. And also
18 our Managed Ecosystems Programs within the National
19 Research Initiative funds -- research that deals with
20 organic. And a lot of their research is comparing
21 organic and traditionally managed systems, or
22 conventionally managed systems, since organic is really
23 the traditional system. But again, they're not specific
24 for the needs of the organic community.

25 MR. SIEMON: And when you all made your

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1 decisions -- I know this hard -- are you aware of other
2 grants being given out, either through those programs or
3 outside to avoid duplicity? Because I saw a little --
4 some of the reports I saw, I saw a little duplicity with
5 some other grants. I just wondered -- because there's
6 so little money here --

7 MR. BEWICK: Yeah.

8 MR. SIEMON: -- and so much work to be done.

9 MR. BEWICK: What -- in our application
10 material, you're supposed to list all the grants that
11 you currently have and all the grants that you've
12 applied for. And we fund -- we don't -- we fund
13 objectives. And so if you have a grant that has already
14 been funded and it's covering the same material, we
15 can't -- even though you might have the best proposal,
16 we cannot fund you twice. It's actually against the
17 law. And I know some people do it. If they get caught,
18 you know, they'd be in a lot of trouble, one would
19 assume.

20 MS. KOENIG: A couple of things. I have a
21 couple of things. I mean, have you considered -- I'm
22 coming back to the multi-regional aspect of it, you
23 know, the fact that some regions didn't have
24 representation. And since I'm from the south I was a
25 little concerned. And I think that is similar to other,

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1 you know, kind of projects where the same concerns
2 arise. And I would suggest looking at the -- again,
3 they have those national initiatives which are quite
4 different, and I'm not proposing a national initiative,
5 but the spirit of them is that certain projects function
6 better and have a much more, you know, overlap -- it's a
7 national problem rather than a specific regional
8 problem. So they acknowledge that it's important to get
9 by and cooperation from different regions. But you
10 might want to consider a special category for multi-
11 regional -- just like you have multi-institutional --
12 the multi, multi, multi.

13 MR. BEWICK: Um-hum.

14 MS. KOENIG: Is that another multi?

15 MR. BEWICK: Um-hum.

16 MS. KOENIG: And be multi-regional and then
17 have that separate pool so that they are considered in
18 some way, if that is a goal of your project.

19 MR. BEWICK: Yeah.

20 MS. KOENIG: But I think that's more effective
21 than -- I think the training is good, but I think that's
22 a much more effective way, because even if people, say,
23 in the southern region or the central region don't
24 themselves initiate the project, there are individuals
25 in those regions that might say, hey, this puts me in a

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1 different category area. My project does have multi-
2 regional components, and I want to be looked at
3 specially, and I'm willing to work or identify those
4 institutions and kind of bring them with me --

5 MR. BEWICK: Um-hum.

6 MS. KOENIG: -- rather than having them
7 initiate their own proposals. So --

8 MR. BEWICK: Yeah.

9 MS. KOENIG: -- a suggestion. And then -- and
10 I don't know how, again, the -- I mean, I read it, but
11 it was -- you know, it was quite detailed. But the one
12 thing in the -- that I think is really important in the
13 call is to somehow -- and maybe you already have it --
14 is linking the project to the regulation. Because I
15 think one thing that researchers don't -- well, in my
16 experience, they're not necessarily aware of is -- you
17 know, they're functioning and they're doing their
18 research and they think everything is applicable. But
19 because organic is unique in the fact that they have to
20 operate in a very different kind of system, I think it's
21 really important for them to understand the regulation,
22 understand what they're proposing, to make sure that,
23 yes, this is a valid question. It also would encourage
24 them to kind of understand really what issues are
25 important on a research level here, because we discuss

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1 -- you know, we actually had presenters, and I was happy
2 to find out that you had funded one of the projects on
3 methionine, because that was something that we
4 identified, you know, through our process that there was
5 an issue there. But I'm not sure if that was because
6 some people just happened to have known that. It would
7 be nice to have a way to really direct all researchers
8 to that information.

9 MR. BEWICK: Well, we -- certainly, if you
10 have a website where those things are listed, we can
11 include URLs in a request for application and that --
12 you know, it's kind of interesting. You know, we have
13 -- there are national lists of priorities for research
14 and extension, and we had some researchers that used
15 those national lists. And what the -- the peer review
16 panel actually criticized them because they didn't tie
17 it back to their stakeholders. They said, yeah, this
18 issue is really important nationally. And they said,
19 well, yeah, but is it an issue for your folks? So, yeah
20 -- you know, you think globally and act locally, right?
21 I mean, it's that kind of an approach. We do some of
22 those things like -- which you suggested, in the
23 National Research Initiative. But they got a \$180
24 million. We have 4.7. And so it's kind of hard. You
25 know, we have some projects proposed that were multi-

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1 regional, but you get a lot of investigators involved
2 and they all have grad students and they all have post-
3 docs, and all of a sudden, the budget's like 1.2, \$1.4
4 million, and we'll fund those, but they have to be
5 really, really good. And if they're not real tight, you
6 can't justify the budget.

7 MS. KOENIG: Right.

8 MR. BEWICK: So we would do it. But to set
9 aside a chunk -- you know, we'd have to set aside 25
10 percent of our budget and say, okay, we're going to fund
11 one multi-regional project. And then if we don't get
12 real good one --

13 MS. KOENIG: Yeah. But you guys did that in
14 some ways with your systems projects. I mean, you
15 identify those as ones that you would consider kind of
16 -- you had the special category, if I remember, the
17 call, that kind of distinguished systems --

18 MR. BEWICK: Oh, yeah, long-term research.

19 MS. KOENIG: Yeah.

20 MR. BEWICK: Yeah.

21 MS. KOENIG: Yeah. So, I mean, you --

22 MR. BEWICK: But we didn't fund any
23 long-term --

24 MS. KOENIG: Yeah. And that's fine. I mean,
25 what I'm saying is, if that's really your priority area

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1 -- you know, there may not be people who can meet your
2 expectations, but --

3 MR. BEWICK: Right.

4 MS. KOENIG: I mean, as an agency, if that's
5 your priority, I just think that that might be a model
6 to explore rather than just doing presentations in
7 southern regions --

8 MR. BEWICK: Oh.

9 MS. KOENIG: -- with administrators or
10 researchers. Because, you know, building that capacity
11 is difficult at best.

12 MR. BEWICK: I agree. And we've tried to do
13 that. You know, we encourage people to collaborate with
14 1890s, as an example. You know, you can encourage all
15 you want. If they don't it, you know, you can't require
16 it. So -- but I agree with you. I think that's a
17 worthwhile goal, and that would be one of our strategies
18 to help increase the capacity in some of these
19 underrepresented regions. Yes, sir.

20 MR. BANDELE: I'm from the south, also, and I
21 think, in a sense, it's a built-in bias in terms of the
22 selection project, and by that I mean, naturally, in
23 areas like the northeast and California, which have a
24 longer history in organic production, they would have
25 more organic farmer stakeholders than the south, where

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1 it hasn't taken as great a hold. And I don't know how
2 that could be corrected, but there's a great need there,
3 because the growing seasons are there, you know, the
4 farmers are there, but the organic thing has not caught
5 onto the extent. But if the criteria is established
6 stakeholder groups, then that's always going to be a
7 problem.

8 MR. BEWICK: Um-hum. Yeah. We recognize that
9 because of the way the program is set up, it tends to
10 favor certain types of proposals. And we're trying to
11 think of ways -- one way we could do it is we could have
12 a new investigator award. We could take a moderate
13 amount of money, set it aside and say -- and put it in
14 the request for applications that, you know, we'll give
15 money to an investigator who's interested in starting a
16 program in organic agriculture. It's be, like, maybe
17 \$100,000 to allow them to put together an advisory
18 committee, to get some preliminary data that would make
19 them, you know, ultra-competitive in the overall
20 process. And we've done that in other grant programs,
21 and we're considering doing some of that with the
22 Integrated Organic Program. Yeah.

23 MR. RIDDLE: Yeah, Tom, a comment and then a
24 couple questions. I wanted to thank you for your
25 presentation and coming over here today, but also to

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1 just thank you for your leadership on this and your
2 vision. I had served on that review panel, and it was
3 26 members on it, and four solid days. And you talk
4 about NOSB meetings being intense and exhausting, that
5 was really intense, especially when, you know, about 20
6 out of the 26 are academics. But I do have -- I wrote
7 an article on it that's supposed to -- that Rodale's
8 newfarm.org website, that mirrors some of the
9 information that Tom gave. I wanted to ask about this
10 upcoming cycle for 2005. You mentioned that, you know,
11 you still don't have the ORG funds that's -- it's part
12 of the budget, or the appropriate request.

13 MR. BEWICK: Right.

14 MR. RIDDLE: So what happens if that --

15 MR. BEWICK: Well, we have a continuing
16 resolution, so it's funded at the same level as last
17 year.

18 MR. RIDDLE: Oh, okay. So that already is
19 secured --

20 MR. BEWICK: Well --

21 MR. RIDDLE: -- for this round?

22 MR. BEWICK: They're probably not going to
23 change it. I mean, it's always -- it might fluctuate.
24 The program will be there, but it --

25 MR. RIDDLE: Yeah.

1 MR. BEWICK: -- might -- the total dollar
2 amount might fluctuate slightly.

3 MR. RIDDLE: Okay.

4 MR. BEWICK: Hopefully it'll go up.

5 MR. RIDDLE: Uh-huh. And then I did want to
6 point out, in response to this last discussion, that all
7 of the projects which are not funded received very
8 extensive evaluations, and they're welcome to rewrite
9 based on those comments and resubmit.

10 MR. BEWICK: That's correct, yeah.

11 MR. RIDDLE: And it's quite common that -- so
12 that's another mechanism for improving the quality of
13 those and the likelihood of getting funded. Then my
14 other question is about kind of the opportunity for
15 input from this Board or Board members, as far as, you
16 know, priorities that we identify and the work that we
17 do, either -- you know, there was a category for
18 standards development, but also some of the production
19 issues like the methionine or Chilean nitrate use and
20 impacts, just some of the, you know, bigger issues that
21 we run into. How can they be communicated and reflected
22 in future RFAs?

23 MR. BEWICK: Well, you have my -- I'll give
24 you a card. You know, if the Board wants to communicate
25 with me -- right now I'm the program director for the

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1 Integrated Organic Program. If you communicate with me
2 directly, then I write the RFAs, so I will see that
3 those things are included. And I can -- like I said, I
4 can include websites where people can go and get
5 additional information. So I want to work closely with
6 the National Organic Program, with the Board, and so I
7 welcome that input. I mean, it is an open process. And
8 in fact, in the RFA, there's a e-mail address. Anybody
9 can send comments on the content of the RFA, on the --
10 you know, the process that we're using. And we take all
11 those comments very seriously. So I would welcome it.

12 MS. ROBINSON: Tom, don't go away. In Tom's
13 mission area, the mission area that includes CSREES,
14 also includes ARS, the Agricultural Research Service.
15 And, Jim, the reason I mention this is your comment
16 about methionine. You know, ARS's job -- it's certainly
17 part of their job -- they do the basic research for U.S.
18 agriculture, the types of public research that private
19 companies, you know, have no -- really, they don't have
20 the incentive to undertake. And so -- and ARS -- I
21 don't know what their exact mechanism is. I know that
22 in the past, for example, agencies have been asked to
23 communicate their research -- any kind of research
24 priorities that they might have -- to ARS, and then ARS
25 can take a look at it. But there's probably ways that

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1 we can get those messages to the REE mission area -- and
2 that stands for research, education, and economics -- so
3 that it's not only CSREES, but the other agencies in
4 USDA could take a look at it.

5 MS. OSTIGUY: Barbara, I have a follow-up
6 question, except it just disappeared.

7 MR. BEWICK: I have those moments, too.

8 MS. OSTIGUY: It's a senior moment.

9 MS. KOENIG: Well, you know, I was going to
10 state that I think that, you know, the organic community
11 through the Organic Farming and Research Foundation,
12 when they publish, they're searching for the O word. I
13 mean, I think that really helped, because it really
14 looked a the USDA's database. So I think that, in part,
15 that was kind of a proactive way of addressing those
16 issues. You know, I just -- I mean, I just have more
17 hope in these specialized programs. I think there are
18 individuals in the Land-Grant institutions, and in ARS,
19 that can kind of craft a good argument that -- and a
20 good proposal, but it's these types of things that are
21 very specific to the industry that are unique. And so,
22 you know, I see what you're saying, in that you
23 shouldn't disregard other avenues. But certainly, you
24 know, in terms of -- you know, and this is more for the
25 citizens out there. You know, as far as putting our

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1 energy into advocating for programs -- and that's a bad
2 word, I know, when you're talking in a government forum,
3 but those to me are the programs you really need to --
4 because they really center on our industry.

5 MR. BEWICK: I know the methionine issue was
6 important because -- I mean, that exemption is going to
7 lapse very shortly. And in a lot of cases, ARS is a lot
8 more effective in solving problems short-term than our
9 process is. I mean, because it takes, you know, us
10 months and months and months to get the money out the
11 door, and then the research has to get geared up, and it
12 might be years before you get an answer. So, you know,
13 I would encourage the Board to investigate how they
14 might dialogue with ARS. I know they have -- ARS puts
15 on listing workshops, stakeholder workshops. You can
16 find out who's the -- would be associate deputy
17 administrator for animal systems. They have one for
18 plant systems. Call them up and talk to them. And
19 they're like us, you know, we work for the people. So
20 we take input from anybody that wants to give it to us,
21 and I would encourage you to do that. And also in our
22 mission area is the economic research service. And so
23 if there are specific things that need to be done on
24 economics, we could put out calls for proposals and we
25 may not get any -- you know, any applications that fit

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1 that. So if you have something very specific that needs
2 to be done, you know, immediately, deal with -- you
3 know, Susan Ofitts [ph], the administrator, she'd send
4 you down the line to talk to somebody else. But -- and
5 I'm sure you know Kathy Green [ph] works a lot with
6 organic systems. And so we take that input very
7 seriously.

8 MR. BANDELE: The methionine research was
9 mentioned yesterday. Could you give us a few samples on
10 the plant-side of couple of the projects that were
11 funded?

12 MR. BEWICK: Well, actually, I have a press
13 release in my bag and I'll leave it out on the tail and
14 provide it. It lists all the projects that were funded.
15 That was one of the things that the mission area
16 advisory board suggested we do to publicize the program
17 was put out a press release. So that was -- that came
18 out last week, I think.

19 MS. ROBINSON: Right. That's also available
20 on the USDA --

21 MR. BEWICK: Yeah. I have copies, so --

22 MS. ROBINSON: Right, right. Just go to the
23 recent news releases and you'll see it. I would also
24 remind you that, one other program that I manage, it's
25 called the FSMIP program, the Federal-State Marketing

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1 Improvement Program. It's a very small grant program.
2 The total amount of the grants -- the total amount for
3 funding grants is about \$1.35 million. And the grant
4 proposals must come through your state departments of
5 agriculture. Now -- and the idea is to conduct research
6 on marketing challenges faced by producers, and the
7 emphasis is generally on small producers. And we have
8 funded very, very many organic projects in the past
9 couple of years. But that's just something to -- you
10 know, the state department of agriculture usually
11 doesn't do the research, because as you know -- you
12 know, sometimes there's maybe two or three people in the
13 state department of agriculture, and there's certainly
14 not a lot of people that are specializing in, you know,
15 doing research. But then they'll work with a cooperator
16 and the cooperator may be a Land-Grant university in the
17 state. It can also be a non-for-profit -- it can
18 sometimes be just, you know, individuals with particular
19 expertise. It's a matching program, so that means that
20 the state has to match dollar for dollar what we fund.
21 The sizes of the grants are -- you know, they're small.
22 They're typically around 30, \$40,000, although we have
23 funded projects as much as \$100,000 on occasion. We'll
24 be putting out a call for proposals this fall, and
25 generally speaking, those are due into the department by

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1 February sometime, and then the grants are released --
2 we try to do it in July. So that's just another thing
3 to put out there.

4 Also I will tell you this, although it's very
5 much in its infancy stage. And Tom, A.J. Dyer [ph] was
6 at this meeting. The department is trying to take a
7 look, forming kind of a working group, an interagency
8 group, to take a look at its programs throughout the
9 department, to ensure that there are not inconsistencies
10 within or across agencies in the programs that they do
11 have that are related to organic. For example, you
12 don't want -- RMA now offers -- that's the Risk
13 Management Agency -- offers crop insurance for crops --
14 for organic crops. You don't want the way that RMA
15 delivers its programs to be at cross-purposes, for
16 example, from the Farm Services Agency, which may have a
17 disaster payments program. So there was a meeting held
18 about a week or so ago which A.J. and I attended. You
19 know, there was this sort of inclination to say, well --
20 okay, well, we have the NOP and you guys ought to take
21 the lead on it, and quite frankly we said, thanks, but
22 no thanks. We don't need another thing on our plate.
23 But we did sort of kibbutz at this meeting and talk
24 about -- you know, first let's take inventory of all the
25 things that USDA does do related to organic, whether

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1 formally or informally, and let's, you know, just take
2 the inventory and see -- make sure that we don't have
3 some inconsistencies. But it would also provide kind of
4 a gap analysis, too. It would be a way for us to find
5 out within the department, you know, what isn't being
6 done or, you know, is there something that kind of
7 glaringly jumps out at us.

8 So I didn't mention it in the NOP update,
9 because like I said, it just -- we just had a meeting
10 and it's very, very much at the infancy-type stage, you
11 know, just trying to get some folks together in a room.
12 But I also will be giving my feedback, which is that out
13 of the REE mission area, only ERS and A.J. from CSREES
14 were there. I thought, you know, we should have someone
15 from ARS. We didn't have anybody from APHIS, the Animal
16 and Plant Health Inspection Service, at that meeting.
17 So that will be one of my recommendations. But at this
18 point all we're being asked to do is try to put together
19 -- to contribute to a white paper on what kinds of
20 programs do we have and what do we do within our
21 respective agencies about anything that deals with
22 organic agriculture.

23 MR. BEWICK: I do know that Carolee Bull [ph]
24 from ARS, she's a scientist out in Salinas, she did a
25 detailed -- she spent six months searching ARS -- all

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1 the ARS and CSREES, and she put together a list of all
2 the researchers that are involved, you know, doing
3 research along organic issues and what portions of their
4 CSREES -- and it's a detailed report that she has
5 available, so --

6 MS. ROBINSON: Is the report available?

7 MR. BEWICK: I'm not sure. I can give you
8 Carolee's e-mail address.

9 MS. ROBINSON: Okay.

10 MR. BEWICK: I'm sure she'd make it available
11 to you.

12 MS. ROBINSON: Oh, that would probably be
13 really helpful to a lot of people. Okay, great.

14 MR. BEWICK: I guess that's it. Thank you
15 very much.

16 CHAIRPERSON KING: Thank you very much, Tom.
17 It was very informative, and we appreciate your time.
18 We know you're very busy. It looks like we're actually
19 on schedule. I think, George, I believe you're up next.

20 MR. SIEMON: Yeah. The next agenda item is
21 about the formation of the task force for on the
22 standards for aquatic animals. This is a longstanding
23 issue, and the recent -- two recent developments, the
24 scope directive, which brought up the labeling of
25 seafood products, and then the Stevens [ph] writer about

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1 wild seafood, and it brought us to the fact that we've
2 got to work on these standards. So we're proposing to
3 -- livestock is going to be the center of this, and that
4 we form a task force to go ahead with this. So, you
5 know, we are not -- I guess the idea is to get approval
6 of that task force and then come back with the
7 recommendation of who would be on that task force -- I
8 guess the Executive Committee for approval of that task
9 force. I think that's the process. So it's -- I don't
10 know if we need to go through the document. It's pretty
11 straightforward to me, so --

12 CHAIRPERSON KING: Do you have a time line in
13 mind about how long it might take to form the task
14 force? Do you expect -- you know, perhaps the next
15 Executive Committee meeting we would talk about this --
16 two meetings? I mean, I'm just trying to get a general
17 sense.

18 MR. SIEMON: I'm willing to work
19 straightforward on it, so I don't know when the next
20 meeting is. If it's next week, no, but if it's a few
21 weeks away, yeah. I would like to make it a priority,
22 so -- and then certainly I appreciate the public input
23 we've had today -- I mean, yesterday, about the fish.
24 And I guess -- I think since a lot of those people here,
25 my own personal opinion is that I just like how our

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1 interaction with OTA, that we certainly wouldn't endorse
2 some other group be in that task force, because we
3 haven't done that, as far as I'm aware of, with any
4 other groups. But we certainly will look to their
5 leadership and what they've done, and certainly would
6 like to see those people involved, as well. That's just
7 my own opinion, so we haven't met as a Livestock Task
8 Force on that yet. And -- yeah. And then in our
9 document we've got written down the responsibilities and
10 the conduct of the task force, which is on our policy
11 that we've written here. This is all -- and I certainly
12 would -- well, the 2001 -- we've already got a Board
13 motion that says that's to be guidance. I certainly, in
14 my proceeding, would want it to be just a guidance and
15 not a rigid thing, and it's certainly going to be open
16 to all the public input we can get on the subject. So I
17 don't -- yeah.

18 MS. GOLDBERG: Just to add two words to that,
19 I think it's really important as we go forward with this
20 task force, and other task forces, too, that we
21 implement the new provisions of the Board policy manual
22 -- really to task force you'd send it. We get task
23 force members to become really acquainted with the
24 policy manual.

25 MR. SIEMON: That's right there, now.

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1 MS. GOLDBERG: Right.

2 MR. SIEMON: So do I need to make a motion --

3 MS. ROBINSON: I have a question, because I
4 guess I was confused or maybe I went brain-dead or
5 something yesterday afternoon. But during the public
6 comment the members of the working group, the national
7 working group, spoke and I was unclear, were you -- was
8 the Board saying that you don't want to work with that
9 group? I mean, I just was really confused about -- you
10 know, they've done all this work to try and develop
11 standards. How are you going to work with them or are
12 you or what?

13 MR. SIEMON: Well, this is my opinion only. I
14 just related it to how we worked with OTA. You know,
15 we've never -- we take their recommendations, some of
16 those people in our committee, but we certainly never
17 turned over a task force to an outside group before that
18 I'm aware of. So just using that as a -- it's no
19 disrespect and we certainly want their input, but to
20 turn it over entirely didn't seem -- I personally liked
21 the proposal about 50 percent, but I haven't even talked
22 to my committee yet.

23 MS. ROBINSON: Well, I'm not suggesting that
24 you would turn over, you know, the work, I'm just -- I
25 wanted to understand. You know, was there going to be

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1 some communication and some work with these folks?

2 MS. GOLDBERG: Yeah. I think it's essential
3 that we have input from the task force and some
4 overlapping membership and so on. I think the main
5 distinction, as George said, is that we really haven't
6 turned over a standard-setting process before to another
7 group, and that we need a process that's perhaps more
8 public.

9 MS. ROBINSON: I mean, I just -- I once had a
10 professor who said never throw away information. So I
11 just would hate to see the Board not take advantage of
12 the work that that working group has done. And, I mean
13 -- you know, you may decide that you disagree with the
14 results of that working group, but they have spent a lot
15 of time, it seems to me, at least from what I've heard.

16 MR. RIDDLE: Yeah. If I could comment on
17 that, too? I may have been -- you know, I was at least
18 involved in the discussion, and may have been a source
19 of any confusion on it. But I am excited to have their
20 work feed into our process. I think that it could
21 really help jumpstart that. So their formal documents,
22 we definitely want to look at and to have crossover in
23 people, the human resources, too. So I think we do have
24 to figure out a mechanism for kind of a call for task
25 force members. Who do you call if you want to be on

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1 this? How can you submit your name and credentials?
2 But, yeah, I would say we're very open. And I have been
3 on a couple of conference calls with them and, you know,
4 in conversations. So I'm familiar with some of the work
5 that they're doing, so I totally value it. But we
6 aren't going to limit it to that, and I think that's the
7 issue. It's not going to be limited, it's going to be
8 open to a broader and fully transparent, you know,
9 stakeholder group.

10 So the one other thing that's not reflected in
11 this draft, and that is -- and we didn't -- because the
12 time was so short yesterday in the comment periods, one
13 issue that I think needs to be resolved right up front
14 is what makes a particular type of aquaculture or wild
15 system organic versus one that's not. You know, and to
16 -- it's going to be the standards at the end of the day
17 that define that, but I think another short-term target
18 should be, what are the principles? So looking at the
19 current NOSB principle -- organic -- you know,
20 principles for organic production and handling, a focal
21 point could be what amendment to those principles is
22 needed that's consistent with everything else there,
23 that then can provide some guidance for the standards
24 writing. You know, what makes this system of
25 aquaculture organic? So that's just one thing I'd like

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1 to add kind of -- you know, not in a formal way, but
2 just in my opinion.

3 MS. ROBINSON: Okay. And one other thing is
4 the suggestion that -- you know, we realize that the
5 Board historically -- the industry historically, and
6 many people at least, have not supported the idea of
7 wild caught standards. But given that we have the
8 legislative language and you are going to explore it, I
9 throw out one suggestion, and that is to talk with the
10 folks in Alaska, who have spent a lot of time developing
11 a set of standards and may -- this is my sort of off-
12 the-cuff opinion and it's not worth very much, I'll tell
13 you that right up front. But from what I've heard, they
14 may well have, as far as wild caught seafood, the
15 toughest standards. And so if you want to be consistent
16 with, you know, your standards, you know, or the
17 highest, you are creating the gold standard. You know,
18 you may want to get in touch with those folks, because
19 they do have, from what we understand, extremely strict
20 procedures and standards for, you know, their -- for
21 their Alaska program of wild caught seafood, particular
22 for salmon. So it's just another suggestion of folks
23 that you could get in touch with.

24 MR. SIEMON: Just the one thing that wasn't
25 said that's in the document is that we aren't talking

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1 about one task force of two working groups and dividing
2 these subjects up very differently, because they are
3 very different subjects. So -- and that's part of what
4 we're going to talk about in our recommendation, as
5 well. And I certainly --

6 CHAIRPERSON KING: Excuse me, George. If we
7 could just welcome A.J. We appreciate you attending.
8 We know you're very busy, and if you have some comments,
9 we'd certainly entertain that.

10 MR. YATES: Well, thank you very much. It's a
11 pleasure to be here. And I just wanted you all to know
12 how much we appreciate all of the hard work you're
13 doing, and we know that your work goes beyond the days
14 that you meet with us, because the issues that you deal
15 with on a daily basis, and looking at the regulations to
16 make this industry successful, takes a tremendous amount
17 of your time. And I want you to know how much I
18 appreciate that, and how much I want you to know that I
19 support your industry, and I want you to know that and I
20 want you to believe it. And I want to see this industry
21 continue to grow and be profitable, because that's what
22 -- I'm a farmer myself, so I know how important it is
23 that we only can stay in business if we can have a
24 profitable venture. I want to thank you again for all
25 of your hard work. And so I just wanted to stop by and

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1 be able to tell you how much I appreciate the work you
2 do.

3 MR. SIEMON: Just a last comment of
4 acknowledging the -- getting the Alaska, and also this
5 is a very political issue, obviously, you know. So I
6 think we need to really be careful and include all the
7 stakeholders so we do a good job here.

8 MS. CAUGHLAN: Well, I just also wanted to say
9 again for the record that we need to remember that we
10 also have, as a starting point, the original task force
11 reports, not to lose sight of that, not to in any sense
12 lose sight of that. And I had some sense yesterday that
13 there was a dismissive tone to some of the testimony
14 that we were hearing from the audience. Whether that
15 was intentional, probably not, but I do think that we
16 did have two excellent working-group task force reports,
17 and just to keep that clear that we start with that as
18 we attempt to include historical perspective on all that
19 we do.

20 CHAIRPERSON KING: George, and I just want to
21 make clear I understand what you're saying here, that
22 you will create two task forces, one for aquaculture
23 standards and one for wild caught standards, or you're
24 going to deal with those two issues separately within
25 the same task force?

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1 MR. SIEMON: That's what the proposal is, it's
2 one task force of two working groups. And I have to
3 admit, I talked to my group to get the real difference
4 between those two programs, but that's what's been
5 proposed and -- but it's still two distinct subjects,
6 but we'll put them together. And it doesn't mean to me,
7 again, that one will be held back by the other. If one
8 comes forward and is ready for movement, we should move
9 forward with that and not in any way hold back the
10 other. So to me they are separate, but we are calling
11 them one task force of two working groups.

12 MR. RIDDLE: Yeah, and I wanted to just
13 respond to Goldie's comment, that that is reflected in
14 the charge for this task force as well as to take into
15 consideration -- yeah. But then I want to talk nuts and
16 bolts a little bit, and that is how to kind of put out
17 the call, and how and where the people submit, and then
18 who makes the decision of who's appointed or selected,
19 who serves on this task force. We really don't have all
20 those nuts and bolts in place or figured out, so we need
21 to. And, you know, I would hope that -- you know, that
22 that can happen like in the next week, and the
23 description of the task force be posted on the NOP
24 website, and then how do you submit the instructions for
25 submitting your, you know, CV or whatever. And then

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1 within a month or so have -- within a month have the
2 Executive Committee make a final selection. And say
3 within six weeks, that task force can be seated and
4 begin work.

5 MS. ROBINSON: Well, there's no problem
6 posting that on the website, Jim.

7 MR. RIDDLE: Yeah.

8 MS. ROBINSON: Now, I think that when people
9 want to say I'd like to be a member of the task force,
10 we -- you know, it's your board and you're going to
11 create the task force, so we're going to direct them to
12 contact the Board if they want to be a member of the
13 task force, not to contact us, okay?

14 MR. RIDDLE: The board is kind of vague.

15 MS. ROBINSON: Well, why don't we just -- you
16 know, if you don't have any objections, we can put down,
17 you know, the e-mail addresses of the chair and the vice
18 chair or the Executive Committee or the Board members,
19 and say contact a Board member if you'd like to be a
20 member of this task force.

21 MS. GOLDBERG: Why don't we work this out in
22 the Livestock Committee and -- okay.

23 CHAIRPERSON KING: Fine, that's sounds good.

24 MR. SIEMON: So we're going to make a
25 recommendation to the Executive Committee for the task

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1 force people.

2 CHAIRPERSON KING: Correct. That's our
3 action --

4 MR. BANDELE: I had one point, though, Mark.
5 You know, many times, for example, with the Compost Tea
6 Task Force, there are certain areas that were recognized
7 as being important and -- et cetera. So my question --
8 to make sure that those niches were filled, so in
9 addition to people who are formally applying, will there
10 be another attempt to pull in other expertise beyond
11 just what you receive?

12 MR. SIEMON: And of course, my answer is, yes.
13 And one of the concerns I have right away is to make
14 sure there's consumer interest represented. You know,
15 and the group that came yesterday very clearly said it's
16 about science-based facts, but we have also another
17 element to contend with and that's the consumer. So I'd
18 certainly -- that'd be right away an identification.

19 CHAIRPERSON KING: All right, thanks a lot.
20 It's 10 until 12:00, so, Rose, I guess we can break for
21 lunch a few minutes early if that's okay with everyone,
22 or if you think you can go through this in 10 or 15
23 minutes, we'll do that.

24 MS. KOENIG: Well, maybe if we can get started
25 and then I'll see how far we get.

1 CHAIRPERSON KING: Okay. All right. So we'll
2 give it 10 minutes --

3 MS. KOENIG: Okay.

4 CHAIRPERSON KING: -- and break at 12:00 for
5 lunch. Thank you.

6 MS. KOENIG: I want to direct people's
7 attention -- I guess, at least on the Board, to the
8 book, and then maybe, Katherine, you can put it up on
9 the overhead -- to the document that says, "NOSB
10 Materials Committee recommendation for revision of the
11 FR petition notification draft one for discussion." So
12 this is the actual -- kind of the text -- the text --

13 CHAIRPERSON KING: Tab eight, is that correct?

14 MS. KOENIG: Yeah, under tab eight. But
15 there's a number of documents in tab eight. So there's
16 two that we're going to be discussing, you know, on this
17 agenda. Item one is kind of a text view of what's on --
18 you know, what was in the notice and adding to that
19 text. And then we also kind of took a stab at revising
20 the actual notice and updating some of the -- you know,
21 the names and the dates and stuff like that, but also
22 taking out sections that are no longer appropriate,
23 because again, the original notice came in 2000 and, you
24 know, now it's 2004, almost 2005, so you could expect
25 that there are some changes, just because the process

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1 has gone forward.

2 So I just have an introduction that we were --
3 we were basically asked by the National Organic Program
4 to review the notice and the -- in order to modify it to
5 improve the materials review process. And again, this
6 is a working draft and it's presented to begin the
7 discussion to revise and finalize the petition notice
8 posting. And the background for discussion is that the
9 NOSB and the NOP need to modify the petition
10 notification instructions to petitioners and the
11 petition process. This will improve the ability of the
12 technical advisory panel, the TAP contractor, to
13 evaluate and provide consistent information on each
14 petition substance. It will also assist the TAP
15 analysis of whether or not a substance is synthetic or
16 nonsynthetic based on NOP definitions and NOSB
17 clarification of the definitions. In addition, the
18 information provided in the petition needs to clearly
19 address all applicable OFPA criteria.

20 So basically we took the notice and did an
21 preliminary analysis and recommendation. So I'd like to
22 go forth on those points. And the ideas that are
23 suggested and forms the recommendations for specific
24 changes are in bold, and the original notification is
25 not in bold. So hopefully that aids in understanding

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1 what is being recommended. So starting from the section
2 that says, "Analysis and Recommendations," the first
3 item is a petition seeking evaluation of a substance
4 must indicate within which of the following categories
5 the substance is being petitioned for inclusion or
6 removal in the National List. And in the original
7 petition notice, one through five was listed and we
8 recommended that we add six nonorganically produced
9 agriculture products allowed in or on process product's
10 label as organic or made with organic specified
11 ingredients.

12 MR. SIEMON: I'm lost. Sorry.

13 MS. KOENIG: It's a draft one.

14 MR. SIEMON: I must have the --

15 MS. KOENIG: It's past that, George.

16 MR. SIEMON: I got it in front of me.

17 MS. KOENIG: It's the next document, to the
18 next standard.

19 MR. SIEMON: It's on the next standard. Oh,
20 no wonder I couldn't find it.

21 MS. KOENIG: But those two documents are in
22 the same --

23 CHAIRPERSON KING: Rose, could we just provide
24 an overview of what you're trying to accomplish here,
25 and then not necessarily read all the specific points?

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1 I know it's an initial draft. And then, you know, we
2 can take action and committee at a later date if --

3 MS. KOENIG: Okay.

4 CHAIRPERSON KING: -- we need to go over it.

5 MS. KOENIG: So basically -- which I thought I
6 read, we're trying to update these two forms, because
7 the NOP has asked us to provide input on those. Because
8 originally the notice was placed on the web, as I
9 understand it -- Arthur, you can correct me -- in 2000
10 and -- as a proposed rule, but never -- I don't know
11 what happened at that point when those two notices came
12 on. And then it was my understanding that you wanted us
13 to update that documentation or take it so that it could
14 be put on again in an updated version to reflect the
15 current petition process, is that correct?

16 MR. NEAL: This is the issue. The issue is
17 that the materials review process has matured, and the
18 request for information for a petitioned substance needs
19 to catch up with the process. Petitioners need to
20 supply the Board with information that the Board can use
21 to help them make more informed decisions, and to help
22 the TAP contractor have access to additional information
23 that they didn't have before because we didn't ask for
24 it up front. The request for information does not take
25 into consideration 606, for example. This is a national

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1 list, but it's not reflected here. So what we're trying
2 to do is modernize our request for information to
3 petitioners who want to petition the National Organic
4 Standards Board for the review or evaluation of a
5 substance, and that's the issue.

6 MS. KOENIG: Thanks, Arthur.

7 CHAIRPERSON KING: Okay, thank you. And I
8 recommend -- Rose, thank you for this. I know you've
9 put a ton of work into it. It's really just for
10 discussion purposes, and I think it's a great foundation
11 to begin a discussion, and I think probably best be
12 discussed in committee at this point and interaction
13 with NOP, and I'm going to recommend, unless some people
14 object, that we break for lunch now and come back at
15 1:15, so --

16 ***

17 [Off the Record]

18 [On the Record]

19 ***

20 CHAIRPERSON KING: -- and try to be as
21 entertaining as possible to keep everyone awake in case
22 you had a heavy lunch. And, Rose, thank you very much
23 for your input earlier, and I want to make sure you know
24 I wasn't trying to cut you off, I was just trying to
25 keep us on track. But you are up now, again, looking at

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1 materials review and refining the process. It really is
2 Rose's meeting.

3 MS. KOENIG: Yeah, that's what you're saying.
4 That's right. You have to pick -- you know, and I don't
5 know. I mean, it's really up to the Board at this
6 point. I mean, we can go through the documents provided
7 -- you know, I don't know if NOP had a chance to look at
8 that. Maybe we could do the conversation by just doing
9 that conversation with NOP, because that's not something
10 that the committee sometimes has an opportunity to do.
11 But -- so I don't know. You know, Mark, how would you
12 like me to handle this? Because it seemed like you were
13 bored stiff with it.

14 CHAIRPERSON KING: No, absolutely, no.

15 MS. KOENIG: I wasn't trying to offend
16 anybody. You know, I don't really want to painstakingly
17 put you through something you're --

18 CHAIRPERSON KING: No, no.

19 MS. KOENIG: -- not equipped to deal with,
20 so --

21 CHAIRPERSON KING: No, it was really more of a
22 hunger issue, Rose. But, Kim, you had a comment.

23 MS. DIETZ: Rose, the Materials Committee
24 hasn't even met on these, so I would suggest you just
25 summarize them. We have to still go through them and

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1 edit them, so just because they're new documents, I
2 think in light of that fact that the Materials Committee
3 hasn't even discussed them yet, they should probably
4 just be summarized and then we can bring them back for
5 the next meeting.

6 MS. KOENIG: And that's fine. I just didn't
7 know if -- Arthur, if you had chance, if you wanted to
8 include some input at this point? We're going back to
9 the boring ones that I had to -- the petition notice,
10 the Federal Register notice, and the -- you know, and
11 then the document kind of describing the recommendation
12 for revision of the FR notice -- I mean, the --

13 MR. NEAL: In terms of --

14 MS. KOENIG: -- notification.

15 MR. NEAL: In terms of that document, I have
16 not had an opportunity --

17 MS. KOENIG: Okay.

18 MR. NEAL: -- to read it in its entirety.
19 I've skimmed through it, but that's a lot -- it's a lot
20 of material, and I do think I would need time to kind of
21 read that and analyze it to see whether or not -- if it
22 covers some areas that we've identified that need to be
23 covered if something's left out.

24 MS. KOENIG: Okay, so maybe the best use of
25 the time and it would be just to come to a consensus as

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1 far as when, you know, the process so that we know -- I
2 mean, I'm sure you want it finished as soon as possible.
3 But would this be -- you know, how do you see this
4 document being utilized? Does it have to go again
5 through another -- you know, are you going to put in a
6 Federal Register notice? I mean, what do you want to do
7 with this product?

8 MR. NEAL: This product would replace the
9 Federal Register notice that is currently on our website
10 and in the Federal Register, so it would have to go back
11 through the process.

12 MS. KOENIG: Okay. And then --

13 CHAIRPERSON KING: Jim had a quick comment.

14 MS. KOENIG: Okay.

15 MR. RIDDLE: Yeah. I guess one problem here
16 is the version that's in the meeting book and posted on
17 the website was really still a discussion draft.

18 MS. KOENIG: Right.

19 MR. RIDDLE: The final -- you know, they were
20 flying back and forth so fast I can understand how it
21 happened. But I think, right now, given what's been
22 said and what Kim just said, it'd be good to --

23 MS. KOENIG: Yeah.

24 MR. RIDDLE: -- run it through the Materials
25 Committee and just make sure that they have one clean

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1 copy of the correct draft before they waste any of their
2 time worrying over it.

3 MS. KOENIG: I agree. And the only suggestion
4 that I think we might want to consider -- and I don't
5 know if it's legally allowed -- would be, since we've
6 got new contractors -- we're going to train new
7 contractors, hopefully -- I mean, it would be nice to
8 orient them to at least the proposed new system. So
9 that's the question, how does the Board feel -- I mean,
10 can the Executive Committee vote on that if we get to
11 another draft stage, but maybe say prior to a -- maybe a
12 full Board meeting or a full vote on it, can this be
13 viewed as a working document in a sense of training
14 petitioners or -- because I'm not sure how, you know,
15 the time process for orientation of --

16 MS. DIETZ: Well, the last book that we
17 drafted, the orientation book, it wasn't approved by the
18 Board, it went through the Materials Committee, and I
19 think the Executive Committee looked at it, but it was
20 never formally adopted by the Board. So I guess that's
21 just from a past history. I think we could put stuff in
22 there like our Board policy manual. We put documents in
23 it for training purposes, but we never had to wait for a
24 Board meeting to approve it.

25 MS. KOENIG: Um-hum.

1 MR. NEAL: And in terms of the petitioner
2 having a draft document to work from, it would have to
3 be a document that has gone through the formal clearance
4 process for them to use and submit that information to
5 us. We can't operate off a draft. Now, if there's
6 additional information that we feel we need, we probably
7 need to go to them and ask them for it, if we deem that
8 that's going to help them provide the information that's
9 needed by the Board to make a decision --

10 MS. KOENIG: Right.

11 MR. NEAL: -- on their substance. We just
12 kind of want to be consistent with that type of thing.

13 MS. KOENIG: Yeah, I guess that was the
14 question, because some of this stuff pinpoints
15 deficiencies that result in deficient TAPs. So as long
16 as there an informal way of seeking that information,
17 then I think that that's fine.

18 CHAIRPERSON KING: Well, and if you're
19 concerned about the time line, then the Executive
20 Committee, of course, is empowered to act on behalf of
21 the Board if necessary. So if you think that's going to
22 be an issue and you wanted to put that as part of the
23 action plan, that's perfectly acceptable.

24 MS. KOENIG: Okay. Okay, any other
25 discussion, because we can move on to the next -- I'm

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1 still up, right?

2 UNIDENTIFIED SPEAKER: Yeah.

3 MS. KOENIG: Okay. All right, so let's take
4 -- I just want to do the -- I want to say the Kim Show,
5 because it's a modification of her old PowerPoint
6 slides. That's -- well, yeah. But I did a really -- a
7 very abbreviated form of it. What I want to do is, just
8 for the sake of some individuals that might be in the
9 room, just really quickly go through the materials
10 process, just -- you know, because I know yesterday
11 there was an individual who we recommended, you know,
12 petition, so this is in effort to try to provide some
13 clarity on the process as we -- you know, that we do at
14 each meeting. So, Katherine, you can go to the next --
15 so basically the -- you know, this update -- this is
16 just kind of a general outline, and some of which that
17 we've already gotten the update from NOP as far as where
18 things stand in terms of the process, and I would just
19 -- if anybody has any questions, we can go back to
20 Arthur and ask specifically about some petitions -- I
21 mean, some substances.

22 You can go to the next slide, Katherine. The
23 next -- so just -- I wanted to point out that these are
24 the sections -- they've come up in a lot of these
25 discussions. There are certain sections within the

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1 regulation that we add during the materials review
2 process to -- but we may not add to, but materials get
3 petitioned for inclusion on various lists, the National
4 List, within the regulation. So for crops it's either
5 Section 60 -- 205601, that allows additional synthetics,
6 and Section 205602 prohibits nonsynthetics. Okay, the
7 next. And that's similar in livestock.

8 Next. And then in processing, there's these
9 two sections that again you can see that through some of
10 our discussions, but we're still trying to grasp with in
11 terms of the -- you know, the understanding, I guess, of
12 materials on these sections. We just acknowledge that
13 is what exists currently. Next. We heard this update,
14 and this slide just was from the national -- the Final
15 Rule on -- and it has to be updated, because obviously
16 there's been other materials that we've been updated on
17 that have gone through the -- further through the
18 Federal Register process. And probably the livestock
19 I'll have to update, but we got those updates yesterday.

20 Next. Okay, well, there was one substance
21 that the Crops Committee was to -- it was deferred from
22 the last meeting, but it's on the agenda for this
23 meeting. The Crops Committee has recommended to defer
24 soy protein isolate, not an ideal situation, but based
25 on the fact that as we started to write the -- what we

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1 thought was going to be an extraction paper, which
2 became the synthetic versus nonsynthetic paper, I used
3 that soy protein isolate sort as the model to understand
4 the system. So it was actually a pretty efficient use
5 of time, and I think we pinpointed the questions that
6 had to be asked, we've asked those questions to both the
7 petitioner -- we've had Virginia Tech provide their
8 opinion on the questions that we asked, and we also have
9 gotten additional information from a scientist, who's a
10 feed specialist, who's provided his opinion on whether
11 this is synthetic or nonsynthetic. So I feel the
12 committee has enough information. Unfortunately, we
13 didn't have enough information at the right time to make
14 that decision. So I am confident that we are going to
15 be able to come back as a Crops Committee and make a
16 decision on this whenever the next meeting comes about.
17 Next.

18 MR. RIDDLE: And also the Livestock Committee
19 has a preferred substance, too.

20 MS. KOENIG: Okay. Do you want to -- okay.

21 MR. RIDDLE: And the question is, if it starts
22 as a favorable -- transcript, the Livestock Committee
23 has the substances deferred with proteinated chelates,
24 and the main question was if there are sources available
25 from nonanimal origin, the source of the protein. So

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1 that's still waiting, you know, for further information.

2 MS. KOENIG: Okay. And petition materials and
3 progress, Arthur's probably a little bit, you know,
4 better equipped to answer questions. I know with the
5 ferric phosphate and ammonium, the committee -- the
6 Crops Committee has just received the TAP on those two
7 substances, and based on kind of the new concept that
8 the NOP has described, where the committee would then
9 look at the TAPs and kind of do a quality control step
10 at this point to see if it really is ready for decision
11 making, we are at that step. We've just received those
12 two TAPs and we've got -- I forget what the deadline is,
13 but we're going -- we have a deadline set by the NOP to
14 kind of meet to make a decision on whether they're
15 complete enough to continue, and if they are, we'll be
16 voting -- we'll provide a recommendation on those at the
17 next meeting. And if not, we'll send them back to the
18 contractor to clarify things that would potentially
19 cause a deferral.

20 Some of these other substances -- you know, I
21 know some of them are -- have been sent to the
22 contractors, but maybe, Arthur, you could just briefly
23 explain if you'd like, if you think there needs to be
24 some explanation on some of them?

25 MR. NEAL: I'll try to speak to them as best I

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1 can. I don't think I'll be able to speak to all of them
2 accurately. With sulfurous acid, sulfurous acid was
3 petitioned to be used as a processing aid in a plant
4 extract. This gets all the way back down to what can be
5 approved on a national list. So we've been working the
6 petitioner, and we've made them aware of where we are
7 in the process, and right now how we cannot move forward
8 on that petition due to the fact that we are clarifying
9 the types of materials that can be petitioned through
10 the act. Lime mud -- lime mud, we -- and by the way, we
11 have not moved any of these petitions forward. This is
12 what we were speaking about yesterday in terms of
13 sending petitions to our new three TAP contractors.
14 Lime mud, we'll move forward for a petition. Sodium
15 laurel sulfate, there are issues with sodium laurel
16 sulfate. We've been working with EPA. Sodium laurel
17 sulfate is a EPA -- what is it -- exempt active
18 ingredient on the list, 25B?

19 MS. KOENIG: Um-hum.

20 MR. O'RELL: Arthur, what was the petition
21 used for, the sodium laurel sulfate? Because it's also
22 used in handling.

23 MR. NEAL: I'll get there.

24 MR. O'RELL: Okay.

25 MR. NEAL: In production -- the petition used

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1 was for use as a pesticide -- an herbicide in crop
2 production. Under 25B, the only EPA approved use for
3 that substance was for use as a pet food shampoo -- I
4 mean, a pet shampoo, and it was not approved for use as
5 a crop production material, other than the fact that it
6 could be used in noncrops such as in roadways, ditches,
7 and sidewalks and things of that nature. So we've been
8 working with EPA and the petitioner on that issue. So
9 the petitioner is reevaluating that petition, and at
10 this moment, we'll not move forward for a TAP.

11 Sucrose octanoate esters was petitioned for
12 use in honey production. It was also amended. The
13 petition was amended to be used, I think, in crop
14 production, as well. And that we'll move forward for a
15 TAP. Kydacin [ph] I think was petitioned for use an
16 agivent, and I cannot recall the status of kydacin.

17 MS. KOENIG: We -- as a committee we looked at
18 kydacin and sodium laurel sulfate and lime mud. I think
19 we recommended that it go for a TAP. I don't know, can
20 you correct me if I'm -- we can go -- when we get to the
21 Crops Committee report we'll clarify that.

22 MR. NEAL: Pulanin [ph] -- prulalin [ph] was
23 petitioned for use in dietary supplements. Due to the
24 position -- the nature of controversy that we're in
25 right now concerning that, that area of production,

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1 we've been working the petitioner and we have not moved
2 forward with that TAP. Potassium carbonate -- potassium
3 carbonate, I cannot -- okay, this was an older petition.
4 Potassium carbonate was an older petition. We will have
5 to move that one forward for a TAP, as well.

6 MS. KOENIG: That one on the web I know says
7 in -- I think it says TAP, already. You know, on the
8 web it indicates that the TAP is in progress, so -- and
9 I know people have questioned, you know, where the
10 progress on that one is. So it would be good to clarify
11 that at some point on the web, whether it's in progress
12 or not. It was something that the committee had looked
13 at probably six months to a year ago and had recommended
14 that it be looked at. So handling's also -- we looked
15 at the pulanin and our recommendation I believe was to
16 not forward that for a TAP, because it was a dietary
17 supplement. So the handling did review it and put a
18 stop on it.

19 Okay, next. These two are on other status,
20 and a lot of these are on the web in these categories.
21 Potassium silicate is -- I don't know what the -- the
22 Crops Committee looked at it. It was a potential -- for
23 the potential use in disease control, and sent it back
24 to the petitioner in terms of providing information on
25 that use and whether there were any EPA labels of that

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1 -- that material for that use. So I don't know.
2 Arthur, if you had any additional information. We
3 discussed, I think, at the last meeting, and if I
4 remember correctly, there -- I don't think there was any
5 kind of brand name with that active ingredient at that
6 time, at least from that manufacturer.

7 MR. NEAL: And those two substances I cannot
8 speak specifically to, Rose.

9 MS. KOENIG: Okay. Cryolite, I think I
10 remember, it was a petition, it was one that was looked
11 at before. There was no additional information, if I
12 recall, on that petition. I hope I'm speaking of the
13 right one. And I think that was just not -- the
14 committee did not decide to go forward with that,
15 because there was no additional information.

16 Next. Okay, so the material review process
17 and -- you know, I really think we're just going to
18 bypass this, because as you can see, you know, the
19 minimum time frame is 145 days. We're not living up to
20 the process that has -- you know, that we've been using
21 to kind of explain what goes on in terms of petitioning.
22 So ideally it would take a minimum of 145 days.

23 Next. And, you know, originally, you know,
24 day 1 through 14, it goes to NOP staff and they review
25 the petition to see if it meets all the requirements or

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1 are not complete, and then it's handed off to the
2 materials chairperson. Next. And then day 14 through
3 30, the chairperson sends a copy to the vice chair of
4 the Materials Committee, and the vice chair of the
5 designated NOSB committee and -- you know, there's
6 basically a committee decision at that point as to
7 whether or not goes on for a TAP. Next. And then 60
8 days prior to NOSB meeting, we get copies of the
9 completed TAP review, and the NOSB committees will use
10 this time frame to review the TAPs. Next. And then 30
11 days prior, the reviews are posted on the NOP website
12 for review and public comment, and then copies of the
13 TAP reports are sent to the petitioner at that point,
14 too. Next. And then, you know, anyone who wants to get
15 the petition, they'll find that the -- kind of that
16 sheet that we're reviewing and hoping to update over
17 time, that's the one that they would be utilizing now,
18 this 2000 -- you know, 2000 version of the Federal
19 Register notice, as a petitioner.

20 So I guess the bottom line on the presentation
21 is that materials I think is in a state of change, you
22 know, I think change for the better. We're kind of
23 reevaluating how we have to proceed in the process and
24 how to utilize, you know, the TAP contractors, the most
25 effective way to how to use committees' expertise in the

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1 most effective way. And, you know, hopefully, you know,
2 it's my goal before I'm off of this Board, which is
3 within a year, that this process will be established.
4 So that's my goal, you know, as kind of my last action.
5 So hopefully from a year from now, we'll have this --
6 the date's right, the process right, and in the meantime
7 I would like to, you know, just state that I think there
8 has been progress made since the last presentation.
9 There is a lot more committee interaction again,
10 included into the process, and I think it's going to be
11 a much better process as a result of kind of the changes
12 that we're proposing.

13 So with that, I have one final document. And
14 again, it's a document that is called synthetic -- it's
15 a clarification of the definition of synthetic that I
16 prepared. And again I was trying to take a stab at this
17 -- you know, at the first issue at hand, which is really
18 the clarification of that definition. Originally -- and
19 what's in the -- it's under the crops, and we're
20 probably going to bypass that agenda item, as far as I
21 know. And Nancy and I have really talked, but I think
22 that's what we're hoping. Originally, after the last
23 meeting when we were reviewing soy protein isolate, we
24 got into a lot of discussion as far as whether it was a
25 synthetic or a nonsynthetic. And, you know, we were

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1 under the impression that we needed to look at the
2 extraction process to make that determination, and that
3 is why, on the agenda, there was to be a discussion on
4 extraction processes.

5 However, when I started researching extraction
6 and really going back to that definition, as Arthur kind
7 of tried to drill into my head, I realized that, really,
8 extraction wasn't -- I mean, it's part of the issue, but
9 the larger issue is really defining synthetic and
10 understanding where extraction, you know, occurs, you
11 know, and when does extraction end, and then kind of
12 post-extraction processes begin. And the concept here
13 is that -- and if you look at the definition of
14 synthetic, for a lot of materials, it's really not that
15 difficult. It doesn't -- again, not rocket science to
16 figure out there's a chemical process involved, you
17 know. And in this document I outlined kind of a basic
18 chemistry lesson, and I think it again could be improved
19 [ph] as a water chemical process, is just some examples.
20 So many of the substances, it's really pretty
21 straightforward, and those are the TAPs that we get
22 back, and everybody's agreed that it's synthetic and,
23 you know, the TAP contractor has written a nice thing to
24 say. This is surely a synthetic process, and even the
25 petitioner has acknowledged that it's synthetic. So

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1 those are the easy ones.

2 The ones that are difficult seems -- most
3 regularly occur in the substances that are extracted
4 from naturally occurring plants, animals, or mineral
5 sources. And basically the definition of extraction
6 says that the substance can be extracted in any manner
7 -- I should say that that's the way I interpreted it.
8 We better go back to the definition. If anybody can
9 pull that, I think it's in this document somewhere.

10 MR. SIEMON: Yeah, just so I'm clear about
11 where we're at, this is a document that you've written
12 up, not the committee?

13 MS. KOENIG: Yeah.

14 MR. SIEMON: Is this the start of a process
15 that's --

16 MS. KOENIG: It's the start of a process, yes.

17 MR. SIEMON: Okay, that's all I need to know.

18 MS. KOENIG: Yeah, yeah. Okay. So it says,
19 "The NOSB defines a synthetic substance as one that is
20 formulated or manufactured by a chemical process, or by
21 a process that chemically changes the substance
22 extracted from a naturally occurring plant, animal, or
23 mineral sources, except that such term shall not apply
24 to substances created by naturally occurring biological
25 processes." So again, you know, in my mind -- and I

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1 think there also -- there's debate here. The NOP has
2 stressed and it's kind of suggested, and I think there's
3 argument for that, that it doesn't matter what you
4 extracted with, okay, as long as there's not a chemical
5 change in that product. And I think the way
6 historically people have viewed materials where they've
7 drawn that line is that it actually means that if you're
8 extracting with something and it ends up being part of
9 the material that you end up with, well, that probably
10 is going to constitute a chemical change.

11 So I went through this document again and, you
12 know, talked about extraction and talked about
13 formulation, you know, and the differences between
14 extracting and then formulating, and then generic and
15 brand name. And again, I don't think I want to go
16 through at length some of the chemistry and what a
17 substance is and what a compound is, but I tried to kind
18 of illustrate with things that are on the list, and used
19 really visual examples of chemistry, where you kind of
20 see what a difference between a mixture and a compound
21 and a substance would be, okay? So it's really --
22 hopefully provides a foundation. I actually see a
23 vision for this document in the policy manual or some
24 kind of orientation process, so that everyone has kind
25 of an understanding and then general background, as they

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1 come onto a board, as to what, you know, these reactions
2 that they're looking at are, because not everybody has
3 that background.

4 CHAIRPERSON KING: So, Rose, it's my
5 understanding -- and again, thank you for your work,
6 because I know you put in a number of hours into this,
7 and I think, in particular, this document is very
8 helpful for those who do not have a science background.
9 It provides a foundation and does make really positive
10 references to, you know, the considerations that we make
11 as Board members. And so it's my understanding that
12 you'll be taking this back to committee, they'll talk
13 about it, and then you're goal is to --

14 MS. KOENIG: Well, I think --

15 CHAIRPERSON KING: That's where it gets -- you
16 want as part --

17 MS. KOENIG: Well --

18 CHAIRPERSON KING: -- of Board policy or
19 just --

20 MS. KOENIG: No. I mean, I think that it's
21 the same issue as agriculture versus nonagricultural.
22 You know, there's no difference in my mind between
23 synthetic and nonsynthetic. In both cases, there is a
24 generally vague definition that needs to be clarified in
25 a working document, and I don't think it's something

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1 that has to go in the regulation. I don't see it where
2 -- I mean, I see it as our working understanding of what
3 these definitions mean. Now maybe we would have to go
4 through some other process, but I understood these as
5 kind of the foundation papers that do have to be, I
6 think, agreed upon, certainly, and do have to go out to
7 public comment, so that we all clearly understand what
8 we mean when we say synthetic and nonsynthetic, and when
9 we say agriculture and nonagricultural. And that will
10 also serve as the tool to the petitioner and the TAP
11 contractor so that they understand -- and the reviewers
12 -- when they say synthetic, we need to -- you know,
13 we're going to be able to say prove to us, you know,
14 where in the chemistry process does it make it
15 synthetic, and how does that relate to our clarification
16 of synthetic? So there's no gray, it should be black
17 and white.

18 CHAIRPERSON KING: And I guess this is
19 probably a question for someone on NOP to make sure that
20 our work here is what it needs to be ongoing, in that
21 what Rose is describing to me as guidance language or a
22 guidance recommendation, if you will, and is that
23 something that's going to put us on the same page as we
24 go through this materials review process?

25 MR. NEAL: What is guidance language? For

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1 whom?

2 CHAIRPERSON KING: This group, as we go
3 through the materials review process. In this case,
4 when we're considering something synthetic versus
5 nonsynthetic. And so is that -- I want to know where
6 you're at with that. Is that helpful? Will it suffice?

7 MR. NEAL: This is exactly where we want to
8 go, but it's even beyond guidance for you. This helps
9 people who petition to understand what it is or how
10 their substance compares against what the Board is
11 thinking. And there's a slight difference, too, between
12 the nonag and the ag, because you've got nine substances
13 in there that are not agricultural that you have to take
14 into consideration. But we have to -- we have to begin
15 to do what Rose has done, and that's begin addressing
16 the hard issues, because, you know, as you look at the
17 National List, you can see some inconsistencies with
18 things that are considered natural now and not on this
19 list if you go through this process, depending on how
20 the Board comes out in terms of what we agree upon on
21 what is synthetic and what is natural. That's why this
22 document really needs to be vetted by the whole Board --
23 the full Board, so that when a decision is made, this is
24 what the NOSB believes to be synthetic, according to the
25 definition in the act. You know, because what you're

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1 really doing is that you're putting feet to that
2 definition. Does heat treatment constitute a chemical
3 change? You know, these are the types of things that
4 have not been wrestled with specifically. They've been
5 addressed, but when it really comes down to the
6 technical aspects of it, Rose has begun to turn over
7 those types of things to make sure that all sides have
8 been viewed objectively.

9 CHAIRPERSON KING: And basically what I'm
10 attempting to do here is to put a handle on what's been
11 done to make sure that we make the best use of this
12 information, and the time that Rose has put into this,
13 and so we'll, as I understand it, take this back to
14 committee, bring this back, and then at that point the
15 Board will look at it. This will become part of this
16 ongoing materials review process that we're refining,
17 and at that point will be information provided to
18 petitioners, others involved in the process.

19 MR. NEAL: That's correct.

20 CHAIRPERSON KING: Okay.

21 MR. MATHEWS: Yeah. This is exactly where we
22 perceive the Board needing to go in order to bring
23 clarity to the petition and review and approval process
24 for all materials.

25 MS. KOENIG: So, you know, I think as you

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1 review the document, the way it's written is it really
2 provides that chemistry lesson, and it points out,
3 again, some examples, you know, that are on the list and
4 some that are just, you know, simply better visualized
5 by somebody else's chemistry book, because I'm not a
6 chemist. But -- and it brings out what I think the key
7 issues, you know, on some of the naturals, you know, and
8 there needs to be a lot more work. I mean, I dealt with
9 proteins because again I was using soy protein isolate
10 as an example. But after speaking with some of the
11 public, you know, there's other naturals on there that
12 are mixtures of products. So we have to not only kind
13 of give the chemistry lesson, but we have to look at the
14 list and kind of understand the decisions that were
15 made, understand, you know, some of these -- again, you
16 know, I was just speaking with -- on aquatic plants,
17 hydrolyzed. What does hydrolyzed mean? Well, there was
18 definition, although in the annotation, it's probably
19 not clear and it may not be clear to everybody what that
20 means. So we need to build on this document. But
21 ultimately, you know, the service -- the ultimate output
22 is there needs to be a policy and it needs to be clear
23 as to -- you know, in -- you know, what's allowed,
24 what's not allowed. You know, if in the extraction
25 process, again, there's materials that are left, does

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1 that make something synthetic? After something's
2 extracted, if there's changes that occur after, does
3 that not trigger the synthetic? And it has to be very
4 well defined so that it serves as that guidance. The
5 same with agriculture versus nonagricultural. Take that
6 definition and first dissect the definition and then
7 look at all the substances that are there and figure out
8 can a policy be -- a consistent policy be generated from
9 the thoughts that were in the minutes from those
10 meetings that placed them there. And, you know, so I
11 also implore again, you know, these documents, again,
12 were not written in isolation, you know, using the
13 ghosts of everyone out there that were in the minutes,
14 you know, in those conversations. You know, I didn't
15 invent this stuff. These things have been discussed,
16 it's just they weren't well documented and they weren't
17 in documents that the Board could utilize, you know, in
18 one place.

19 CHAIRPERSON KING: Well, thank you very much
20 again, Rose. This is a good start. George, you --

21 MR. SIEMON: Yeah. Rose, this looks really
22 good, and I'll probably do poorly reading your basic
23 chemistry as I did the first time I took the class. But
24 I'll try hard to read through it. But -- and I just
25 read through it trying to see if this answer the

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1 question about when a natural becomes synthetic by the
2 addition of the a synthetic, and I'm not so sure I saw
3 it. So that was the issue we dealt with fish meal. So
4 is this -- maybe I missed it. Is that covered there?

5 MS. KOENIG: Well, like I said, I mean, I
6 think there's assumptions, and I don't think it's bad,
7 necessarily. You know, a lot of people say, don't go
8 there, don't go back, you know, don't go back to the
9 things we're assuming are natural, and I don't
10 necessarily share that view. I think that you examine
11 and you understand the basics by which people have come
12 to that conclusion, and I think, you know, for -- and I
13 did that for soy protein isolate. You know, why is
14 soybean meal okay, but perhaps the isolate may be
15 thought of as synthetic? You know, a lot has to do with
16 the chemical processes that occur, but you have to be
17 able to justify.

18 MR. SIEMON: Yeah.

19 MS. KOENIG: So you have to develop, you know,
20 kind of a policy looking at that. But, you know, back
21 to the fish meal, you know, and again, I'm not going to
22 -- if it was -- I think what Keith said was the take-
23 home message on that, that perhaps that document didn't
24 reflect -- and Becky and I have talked to Keith about
25 that. The document should say, fish meal is -- you

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1 know, if you consider it a nonsynthetic, it's a
2 nonsynthetic, it always is going to be a nonsynthetic.
3 Again, if you add something post-extraction, the fish
4 meal still is nonsynthetic, it's the -- whatever you've
5 added after you've determined it's nonsynthetic that has
6 to go on the list.

7 MR. SIEMON: But that's the clarity we're
8 needed is, if you add a synthetic to a natural, that
9 synthetic must be on the list.

10 MS. KOENIG: If you --

11 MR. SIEMON: Somehow that was unclear --

12 MS. KOENIG: But --

13 MR. SIEMON: -- with fish meal.

14 MS. KOENIG: -- if you buy -- that's what I'm
15 saying, a lot of these documents -- because I wrote
16 them, they're married together. This document, if
17 you'll go back to the OFPA proposal, there is a
18 marriage, because that says, yeah, there's an OFPA
19 category for these, and this is the document that kind
20 of brings the proof that these needed to be added, this
21 is where they're added, this is why they're added, and
22 here's the category for those additions.

23 MR. BANDELE: Rose, I had a question. I was
24 looking at the definition of extraction, via NOSB 1995,
25 saying you can use anything. And then in the rule it

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1 says you can only use certain extractants in the plant
2 extracts, in 205601.

3 MS. KOENIG: Those are annotations. Remember
4 again -- you know, on -- you know, and again, Brian may
5 be the best person to answer this. I'll try and if I'm
6 wrong, Brian, or anyone else that's out there, Emily --
7 on some of the -- like aquatic plant extracts, where you
8 have kind of a -- the extraction materials specified in
9 the annotation, that was essentially what -- the Board
10 decided that the nonhydrolyzed -- or how is it? It says
11 hydrolyzed, I guess, in the reg. That meant to say that
12 is the natural. Okay, other than hydrolyzed meant that.
13 The hydrolyser acknowledging was the nonsynthetic form.
14 And again, this is why it probably shouldn't have been
15 on there in that formation. So they stuck it on under
16 that and then put what the actual synthetic part was,
17 and that was -- they deemed that the extraction method
18 was the synthetic section, and that's what made it the
19 -- aquatic plants now synthetic, and that's why it was
20 annotated in that fashion. So that's why in that case
21 the extraction materials were added. In other cases, it
22 was different. There might've been pH adjustment, like
23 with fish emulsions, that was specified that now made it
24 synthetic. Does that -- Brian, do you think that -- or
25 Emily or someone out there that -- who was in those

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1 minutes and maybe -- he's shaking his head. Okay.

2 MR. BAKER: Yeah, and it's a tough one, if
3 it's appropriate. Does the Board recognize me?

4 MS. KOENIG: Is that okay?

5 MR. BAKER: Okay.

6 MS. KOENIG: Okay.

7 MR. BAKER: All right. Yes, I was -- I'm
8 Brian Baker and I am the research director of the
9 Organic Materials Review Institute, and was the
10 certifier representative of the National Organic
11 Standards Board at the April 1995 meeting in Orlando,
12 Florida when this was first discussed. And it was a
13 different time for TAP reviews. The TAP reviews were
14 not as thorough or as detailed then as they have been in
15 the past several years, so the bar has been raised. The
16 discussion specific to aquatic plant extracts at the
17 Orlando April of 1995 meeting, the determination was
18 made that the substance was nonsynthetic and did not
19 need to be added to the National List. This led to a
20 great deal of confusion on the part of those who
21 considered it synthetic and were concerned that it would
22 limit the market and access to the market only to those
23 products that were not hydrolyzed using an alkali
24 substance, a potassium hydroxide or a sodium hydroxide.

25 In the transcriptions that followed in the
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1 Austin November 1995 meeting, there was again some
2 confusion, and I acknowledge, the minutes are not
3 terribly clear, but the -- something got negated. It
4 was actually a hydrolysis process using an alkali, such
5 as potassium hydroxide or sodium hydroxide, that was
6 being considered for addition to that National List as a
7 synthetic. And for whatever reason, it was transcribed
8 as other than hydrolyzed. So there has been a technical
9 error that's been carried through from the Austin '95
10 minutes that really has been extremely difficult to
11 interpret and implement. And I think we all can
12 acknowledge that there's considerable confusion out
13 there in the -- on the part of industry as to what
14 exactly is allowed and at what limits, at what
15 thresholds, and is it pH driven, is it driven by
16 unreacted potassium or reacted potassium and what's
17 available. And so again, this is an area where I have
18 to appreciate Rose's efforts, and that we all need to go
19 in with an open mind and be willing to reconsider
20 decisions that were made almost 10 years ago.

21 CHAIRPERSON KING: Thank you, Brian.

22 MS. KOENIG: And by the way, if you look into
23 that first document under that OFPA kind of draft, that
24 we discussed interpretation of OFPA and National List,
25 those minutes are in the document, because I

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1 acknowledged them. Again, you know, there was again a
2 marriage of these documents. So those were kind of the
3 minutes. The minutes are there in those excerpts -- it
4 was to answer your questions -- are provided from those
5 minutes, as Brian described. I think, Becky, you have a
6 question?

7 MS. GOLDBERG: Yeah. I'll try and be brief.
8 I was just going to sort of ask again what George asked.
9 I think what George was asking is, is we understand that
10 if you take a natural substance and add a synthetic to
11 it, the synthetic is a separate substance. And clearly
12 in the first document you presented, you talked about
13 using a category, production aids, to deal with some of
14 the issues of added synthetics. I think what George was
15 asking is -- we discussed earlier a bit about following
16 through with that. But well be -- will the committee
17 spend some more time thinking about instances where we
18 may not want to separate added incipients -- synthetic
19 incipients from naturals? It's a tricky issue and I
20 don't know the right answer.

21 MS. KOENIG: My feeling again -- and I was --
22 you know, I try to look at it in unbiased fashion. I
23 don't -- I am not one to worry so much about how many
24 tools are gained or lost. And so you establish the
25 policy, and then once the policy -- as long as the

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1 policy's fair and allows things to be placed on and goes
2 through the same criteria, I think it's more -- you
3 know, don't make -- don't create a policy so that things
4 can get in that you might want in, because it causes
5 confusion, and I think the list in a way is the result
6 of sort of the stuff that Michael was -- there was a lot
7 of compromises that were dealt with to accommodate a
8 list. So now we've got a lot of inconsistencies that
9 we've got to deal with. So I say establish a clear
10 policy. I say look at materials and see how they fall
11 into those policies. I'm not saying disregard it, I'm
12 saying come to your comfort level and develop a policy
13 that's consistent with that -- that you think is in the
14 best interest of the industry, that's what I'm saying.
15 But not that's in the best interest of one particular
16 product.

17 MS. GOLDBERG: Right.

18 MS. KOENIG: Because it will fall into this --

19 MS. GOLDBERG: And I don't think any of us are
20 advocating that.

21 MS. KOENIG: Okay.

22 MS. GOLDBERG: But there still may be some
23 tricky issues in the future where we simply --

24 MS. KOENIG: Yeah, I know.

25 MS. GOLDBERG: -- can't know the incipients

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1 and medications and all that.

2 MS. KOENIG: Right.

3 MR. NEAL: To comment, too, about the addition
4 of a synthetic to a natural, just that type -- that line
5 of thought kind of raises a question, and that's the use
6 of an approved inert with a natural substance. Does the
7 addition of an approved inert with a natural substance
8 then render the product synthetic? If I add a natural
9 -- if I add a synthetic to a natural, it automatically
10 becomes a synthetic. Those are the types of questions
11 that you have to wrestle with.

12 MS. KOENIG: You mean in the sense of
13 pesticides?

14 MR. NEAL: I mean in the sense of just the
15 addition of a synthetic to a natural. If I add a
16 synthetic to a natural, does it automatically make the
17 natural a synthetic?

18 CHAIRPERSON KING: Well, and I think, if I
19 understand your question here --

20 MS. KOENIG: No. I mean --

21 CHAIRPERSON KING: -- what you're saying is
22 it's already on -- either on the National List or
23 approved and therefore it's -- but yet it's gone from a
24 natural to a synthetic, and does it then need to be --

25 MS. KOENIG: No. Yeah. No, I don't. I think

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1 what Arthur -- and then I think it's -- you know, and I
2 totally understand. It takes a lot of thought to try to
3 get an understanding of this stuff. And again, I'm not
4 one to say that I have full understanding of it. But
5 those are two separate -- and a natural -- if something
6 you decide is nonsynthetic -- a natural that's
7 nonsynthetic should never be on that list as that
8 product. What makes it -- you know, that's what I'm
9 saying. You draw the line as -- you know, be it -- you
10 know, I think, by the way it's written in the OFPA or
11 whatever that definition is -- I guess it's in the rule
12 -- that if you take extraction as the final point, once
13 it's extracted, then anything that's -- you know, and I
14 explained earlier, that's post-extraction, whether it's
15 to help preserve it, whether it's to help spread it,
16 whether it's to fill in and add filler to something,
17 those are all synthetics, post-extraction. That
18 material is still, you know, a nonsynthetic up to that
19 point. And if you can take that nonsynthetic and apply
20 it directly, that's fine. But once it gets post, you
21 know, either formulated or, you know, put into a form,
22 then those additional things have to be on the list, and
23 that's where really the brand names in some ways kicks
24 in, because -- then you have formulated products, and
25 that's why it's really important to understand the

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1 difference between mixtures and compounds and
2 substances. That's why you've got that basic chemistry
3 lesson. If you understand those things, then it gives
4 you the foundation as to what things are on -- you know,
5 what are we dealing with? Are we dealing with a
6 compound, are we dealing with a mixture, or are we
7 dealing with --

8 MS. OSTIGUY: Arthur, am I understanding your
9 question correctly, that you're asking, does the natural
10 change after you've added the synthetic such that we
11 should be looking at it to put it on the National List?

12 MR. NEAL: I'll say, yes, and the reason why
13 I'm asking the question is because the statement was
14 made, when a synthetic is added to a natural, the
15 natural becomes a synthetic. And so all I'm saying is
16 that, as we're thinking through this process, we have to
17 be aware that there are certain situations that we've
18 got set up on the list, like the use of an inert --
19 approved inert with a natural. Does it now mean the use
20 of an inert with a -- yeah, an inert with a natural
21 makes that natural a synthetic. And since all
22 synthetics have to be on a national list type of deal.
23 So we just need to think clearly through the process,
24 and we're all in this together. You're not standing
25 alone and we're not letting you walk alone, because we

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1 want to make sure that everybody reaches the same
2 destination. You know, we have to enforce, we have to
3 ensure that this is applied, you know, across the board
4 at the same level, there's no disadvantage to anyone,
5 and we want these questions answered -- we want these
6 questions answered just as bad as you do, honestly, we
7 really do. And I can't express how glad I am that Rose
8 has already started the process, and how important it's
9 going to be for the Board to now take these documents --
10 and that's a lot of reading and again studying, and
11 you'll go back to school.

12 MS. CAROE: Can I -- the way I'm looking at
13 this, Rose -- and please see if I'm following you. But
14 you're looking at it as, if you're mixing a natural with
15 another component, both components have to be
16 acceptable. The natural is accepted because it's
17 natural, the other one would have to be acceptable
18 because it's either listed or a natural, as well. Is
19 that correct?

20 MS. KOENIG: No, I'm saying that -- and again
21 -- and part of it is, I think, the confusion of the way
22 it's listed on the list, you know? I would like to --
23 you know, I think ultimately -- and let's take aquatic
24 plant extracts as an example, okay, because again, in
25 that annotation it says other than hydrolyzed. Well, it

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1 really -- the way in my opinion, if you use these OFPA
2 criteria as outlined in that other appendix document,
3 okay, if you utilize that category as crop production
4 aids, and you had underneath it -- let me see. I'm
5 trying to, you know, maybe -- see, again, it has to be
6 better well thought out, and maybe I shouldn't be
7 speaking without thinking a little bit here. But --

8 CHAIRPERSON KING: Well, can I suggest, Rose,
9 for the sake of the agenda -- and I'm not bored, by the
10 way.

11 MS. KOENIG: Okay.

12 CHAIRPERSON KING: So don't --

13 MS. KOENIG: But I -- I think you can tell me.

14 CHAIRPERSON KING: I know. But I think
15 this --

16 MS. KOENIG: What I'm just saying is that, you
17 know, the -- you know, the reasons why something that
18 would be natural, which you would consider nonsynthetic,
19 the reasons why it would become synthetic was because
20 there's usually an addition of something in there. Rick
21 and then Kevin.

22 MR. MATHEWS: Let me take a stab at clarifying
23 it based on what I think I hear.

24 CHAIRPERSON KING: And can we summarize,
25 please? And then we know this is going back to

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1 committee, they're going to discuss it, it's ongoing
2 work, so we can't answer everything today.

3 MR. MATHEWS: Let's step back and consider two
4 examples. And at the risk of bringing up old wounds,
5 I'll move forward, anyways. We've got fish meal.
6 Everybody recognizes fish meal as a natural. You've
7 said that the synthetic that would be used as a
8 preservative to meet the Coast Guard requirements to
9 prevent spontaneous combustion would have to be on the
10 National List in order for fish meal to contain that
11 substance. You wouldn't be putting the fish meal on the
12 synthetic list in company with the ethoxiquin. You
13 would be putting ethoxiquin on the list. So what I
14 believe Rose is trying to say is that the aquatic plant
15 extracts were a natural, and that the materials used for
16 the extraction process were considered, and in reality
17 what should've been on the list is just the extractant
18 materials rather than the aquatic plant extracts
19 extracted in this way. So that's where the confusion I
20 believe lies.

21 MS. KOENIG: Yeah.

22 MR. MATHEWS: Am I right, Rose?

23 MS. KOENIG: You're right, but, I mean, more
24 particular -- you know, like we'll say with ethoxiquin.
25 Go back to that example. You probably would, under that

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1 one, annotate it for use of fish meal, because, you
2 know, you still may want to annotate things and keep
3 annotations, but it's almost the opposite of what
4 appears. It's not fish meal with that annotation, it's
5 the synthetic with the fish meal -- specify that that's
6 where it can be used. So it's kind of counter, and I
7 think that would provide clarity. And I think -- again,
8 I think that those who put things on the list understood
9 that it wasn't that they were not clear, it's just they
10 didn't understand how it was going to be interpreted.
11 And I think now that we understand how it's being
12 interpreted, this is what we're trying to mesh, is how
13 we can do it, that it's clear in the regulatory language
14 and the interpretation, so that when we have, you know,
15 products such as I talked about and letters go out and
16 we're not happy with the decision, it's because -- you
17 know, I think some of it's just because of this not
18 understanding of how things are interpreting and how
19 things are appearing.

20 CHAIRPERSON KING: Okay, thank you. We're
21 going to move on. Sorry. Dave, you're up. I didn't
22 want to see you yawn.

23 MR. CARTER: That's okay. Rose was doing such
24 a good job, I was going to have her handle my work, too.
25 Okay, we have a couple of things on the agenda here.

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1 The first one, which you will find back under policy tab
2 11, and it's a misnomer to say that this is a committee
3 draft for a vote, because the committee has not formally
4 acted on this, so this is just for preliminary
5 discussion. But Andrea particularly has requested that
6 we establish a little more formalized procedure for
7 scheduling meetings for the Board and the various
8 committees, and so has drafted this proposal on meeting
9 protocols. And the key points of it are that, for
10 conference calls -- the full Board conference calls be
11 scheduled with at least weeks notification, that
12 standing -- or the committee calls be scheduled with two
13 weeks notification, and that in-person meetings be
14 scheduled with at least three months notification. And
15 she also drafted up some language here to talk about
16 them in -- that in requesting for e-mails, if e-mails
17 are circulated to schedule a meeting, that 48 hours be
18 given for a response time for any e-mails, and that
19 there is a provision for scheduling meetings with less
20 notice than stated, but that you have to circulate the
21 e-mail with 48 hours in response for the e-mail, and
22 then follow up with phone calls to the folks that didn't
23 get back to you. So that's really the summary. Andrea,
24 any other -- did I hit the highlights or --

25 MS. CAROE: Yes, you did a good job at

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1 summarizing. I do want to say that I did create this
2 draft, but I also consulted with a couple other members
3 on the Board. And the reason that this was drafted is
4 that I feel it's imperative as a stakeholders' Board
5 that when we meet we get as many of the stakeholders at
6 the table as possible. And we come to this Board from
7 various different positions and different places, and
8 it's sometimes difficult to understand the perspective
9 of each of our specific roles and how we are able to
10 schedule our time. So I wanted to put on the table a
11 discussion and then something that we can come to
12 agreement on in respect for each other and our positions
13 and our ability to accommodate this volunteer position
14 and our lives. So again, not everything in that
15 document is generated from me, but from people that I've
16 spoken with. We have people that travel a lot on this
17 Board, we have people that have business commitments
18 that are not very flexible, unfortunately, and this was
19 put there with a couple different ways to accommodate a
20 quicker schedule for those times that are just
21 impossible to give the long notice. So that's the
22 history behind it, and it's on the table. It is a
23 working document for consideration, and hopefully to be
24 put into the policy manual, again, to establish that
25 respect for each other as members of the volunteer

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1 Board.

2 MR. CARTER: Now my one comment that I would
3 have on this particular draft, too, is that the area in
4 talking about scheduling meetings with less notice than,
5 for example, the two weeks for committee, that -- and I
6 appreciate the procedure for the e-mail distribution and
7 then following up with a phone call. I would think that
8 perhaps we might want to give a little bit of some
9 breathing space there on the phone calls, that a
10 reasonable effort be made to call. Because, for
11 example, we've got one member of the Board right now
12 that's somewhere in Nepal or Mexico or, you know,
13 somewhere, so that there -- something there -- if
14 something comes up, there may be somebody that is just
15 absolutely out-of-pocket, but that a reasonable and
16 determined effort be made to make that contact. Anyway,
17 that's my comment. Other comments on this? Kim?

18 MS. DIETZ: A question. There's italics? Is
19 that somebody else's comments on this document? It
20 looks like there was --

21 MS. CAROE: Actually, those were Mark's
22 comments. They were your comments, Mark. So this is a
23 working draft and I left them -- I left them that way so
24 that we can discuss them.

25 MR. CARTER: And just for information, this

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1 draft was posted just as a part of the meeting, but
2 there -- so really it has not had notice. George?

3 MR. SIEMON: Yeah.

4 MS. DIETZ: Oh, wait, I wasn't finished.

5 MR. CARTER: Kim.

6 MS. DIETZ: I was one that supported this
7 document and I know that oftentimes, again, when we're
8 all traveling and all that, at least if we have to
9 schedule emergency meetings, which we've had to in the
10 last year, we have to get calls within a few days. A
11 lot of us are able to meet those calls and deadlines.
12 The other thing is that I know that there's some
13 guidelines by NOP on setting conference calls, and
14 there's a two-week minimum notice. So this document
15 really is a line-list. Seven? It's two weeks, isn't
16 it, before they can set up a conference call?

17 UNIDENTIFIED SPEAKER: Seven days.

18 MR. SIEMON: Seven days.

19 MS. DIETZ: Okay. Well, whatever it is, we
20 should probably try to follow that same guideline in
21 there. If they require seven days to set a call, then
22 we can require a seven-day notice. So let's just try to
23 be consistent with that.

24 MR. CARTER: Okay, George and then Rose.

25 MR. SIEMON: I just might have misunderstood

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1 you, because I don't see it here. To set up a committee
2 call, you can do that entirely through e-mail. I heard
3 you say follow-up calls, Dave, so --

4 MR. CARTER: Yeah.

5 MR. SIEMON: -- I don't see that and I'd be
6 concerned if you add that. It says e-mail and 48 hours
7 to respond.

8 MR. CARTER: Well, okay. If you look at the
9 second page at the top of it, George, it says,
10 "Emergency Calls."

11 MR. SIEMON: Well, yeah.

12 MR. CARTER: They'd be scheduled with less
13 notice only after each member is contacted to reach
14 consensus on time and date. If members do not respond
15 to e-mail request, the chair, their designee, must
16 contact the member by phone.

17 MR. SIEMON: Yeah. And I have no problem with
18 that for an emergency call, but on a regular call --

19 MR. CARTER: Yeah.

20 MR. SIEMON: -- e-mail with the 48 hours is
21 adequate --

22 MR. CARTER: Yeah.

23 MR. SIEMON: -- with the two-week -- you know,
24 what we have written down there.

25 MR. CARTER: Yeah.

1 MR. SIEMON: So it's -- I didn't know if I
2 heard that.

3 MS. DIETZ: And then just out of respect for
4 people, that if you get something from your chair, then
5 you should respond, because otherwise that's going to
6 cause more work for them, so --

7 MR. CARTER: Yeah. Rose?

8 MS. KOENIG: I mean, I like the spirit of the
9 document. I just -- I guess I'm concerned, just kind of
10 knowing the way things have evolved. You know, maybe
11 it's just the past few months have just been peculiar,
12 but, you know, as they say, the four letter word
13 happens. And, you know, a lot of times you're in your
14 predicament, you know, and you got to get your work
15 done. So, you know, if we can -- I don't know if we can
16 solve the language to say this is ideally the policy,
17 you know, without even the emergency clause, you know,
18 that this is our hopes, these are our aspirations. But,
19 you know, what happens if we violate it? I mean, are we
20 going -- is there sanctions? I mean, so that's -- you
21 know, it's great to have a policy, but what happens if
22 you don't meet it, you know? Do you kick off or, you
23 know --

24 MR. CARTER: So you would recommend --

25 MS. KOENIG: So, Mark -- does Mark insult you

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1 at the next meeting?

2 MR. CARTER: You recommend this be a guidance
3 and not a directive. Okay.

4 CHAIRPERSON KING: Now that I recall actually
5 commenting on this document, I'd like to argue in
6 support of the italics text here. But seriously, I did
7 -- Andrea and I talked about this, and it is very
8 difficult for boards like this to be both, you know,
9 timely and effective and efficient and accommodate
10 everyone's schedule, and so I'm in full support of, you
11 know, anything that helps the Board operate in a more
12 effective fashion. Having said that, what I would
13 really hope to avoid is boxing us in and, you know,
14 policyming and proceduring us to death. So if we can set
15 some, you know, realistic guidelines to ensure something
16 happens in a timely fashion, then that's great. But
17 let's keep it somewhat of an open and flexible process.

18 MR. CARTER: Okay. Andrea? Yes.

19 MS. CAROE: Again, this was meant in the
20 spirit of ultimate respect for each other. It is a
21 guidelines. It wasn't meant to kick anybody off the
22 Board. I mean, if stuff does happen, Rosie, I mean,
23 I've had to leave this meeting a couple of times. It
24 was unfortunate, but it's out of my control. That
25 happens. I understand that. But what I really don't

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1 think that everybody has the perspective of is when
2 something hot comes in, and they have a very flexible
3 schedule, they expect everybody else to be moving on it,
4 too, and that's not reasonable all the time. And when
5 it's a really hot issue, that's especially the time that
6 we need all the stakes at the table that we can get
7 there, and I think we lose that when we try to react
8 quickly, just -- and not out of anybody trying to keep
9 people out of the situation, but it's just a matter of
10 not understanding each other's lives and how we work.

11 MR. CARTER: Jim and then Nancy.

12 MR. RIDDLE: Go to Nancy first.

13 MR. CARTER: Oh, was she first? Oh, okay.

14 Nancy and then Jim.

15 MS. OSTIGUY: I support -- fully support the
16 idea of making sure everybody has sufficient notice, and
17 I also would prefer not to give any kind of sanctions if
18 you can't get a hold of somebody. I've been the
19 ultimate of not being able to find, and sometimes it's
20 purely because I've not looked at my e-mail, and that
21 should not be anybody's responsibility but mine. What I
22 would appreciate is that the comments that are made in
23 the proposal repeatedly mention industry as if industry
24 is the only folks that have the tight schedules that
25 sometimes don't allow flexibility, at least that's how

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1 it's interpreted by me. So I would prefer that be
2 extracted.

3 MS. KOENIG: Should we put academia and
4 industry --

5 MS. OSTIGUY: Well, no, no.

6 MS. KOENIG: -- and leave out the farmers?
7 No, I'm --

8 MS. OSTIGUY: No.

9 MS. KOENIG: I know.

10 MS. OSTIGUY: I just think that, you know, all
11 of us have really heavy time constraints sometimes.

12 MR. CARTER: Okay.

13 MS. OSTIGUY: And if we just accept that as a
14 generalization, wonderful.

15 MR. CARTER: Okay.

16 MR. RIDDLE: Yeah. I really appreciate this
17 discussion and having the draft in hand. I think,
18 though, now that the committee should take it back and
19 pare it down to the bare necessity, the basics. You
20 know, we've heard a lot of the reasoning for it, we've
21 had discussion of that, we accept that, but that's not
22 the format of the Board policy manual. What we need to
23 get to down to is just the nuts and bolts of kind of the
24 policy, the procedures we follow as guidance, so --

25 MR. CARTER: Okay. All right, it seems like a

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1 go wrap-up of the discussion, then. Okay. Then,
2 Mr. Chair, what I'll move onto is the Board policy
3 manual. I know it says Jim, but I don't think he's had
4 time to look through anything, and I've been sitting
5 here perusing it. So the -- specifically after our June
6 9 discussion with the Policy Development Committee, or
7 members of the Policy Development Committee came in and
8 met with members of the program, and talked about the
9 framework for collaboration and other ways to really
10 improve the working relationship between the NOP and
11 NOSB. Barbara offered to go through the Board policy
12 manual and really provide us with some advice and some
13 guidance to make sure that everything that we have in
14 the Board policy manual then is -- conforms, not only
15 with OFPA and the Final Rule, but with FACA and the
16 illustrious Paperwork Reduction Act and other things
17 that we fall under. And so Barbara has done an
18 exceptional job. I want to commend her for really going
19 through and providing us with some things. Yesterday
20 morning she came in and circulated the copies of her
21 comments, it's this document that says, "Policy and
22 Procedure," and I do just want to walk very quickly
23 through some of these things, and then we will put this
24 out for discussion. We aren't in any way in a position
25 to take any action on this, but I just want to highlight

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1 a few things.

2 UNIDENTIFIED SPEAKER: Page eight.

3 MR. CARTER: Yeah.

4 UNIDENTIFIED SPEAKER: Can we take this down?
5 Take this one down?

6 MR. CARTER: Yeah, you can take that one down,
7 because I'm just going to verbally summarize. And I
8 visited with her in the hall just a few minutes, because
9 she was so thorough in this, she even offered to edit
10 our mission statement a little bit. But in looking
11 through it, I actually think these are some very
12 constructive changes, but obviously things like that,
13 the mission statement and things that we've adopted
14 previously, we'll have to go back and revisit. So --

15 MR. SIEMON: Dave?

16 MR. CARTER: Yeah.

17 MR. SIEMON: Just so I'm clear, so these
18 corrections, they're not listed -- they're not -- I
19 can't find what was changed in this document.

20 MR. CARTER: Well, most of them are listed.
21 As we go through -- she footnoted the things. So,
22 Barbara, if you want to --

23 MR. SIEMON: Okay.

24 MR. CARTER: -- yeah, you know, add in as we
25 go along here. The -- if, for example, you go down

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1 under the mission statement where it says, "Duties of
2 the Board and officers," and it goes down. There's a
3 footnote, two, and her suggestion is that we just draw
4 the language directly from OFPA, you know, to include in
5 there. I mean, that's what we're getting at with the
6 language there. Her suggestion is just to do that
7 directly.

8 MR. RIDDLE: I have a question.

9 MR. CARTER: Yeah.

10 MR. RIDDLE: I've got a question about that,
11 then. Would that be in place of this -- those sections,
12 duty of care, duty of loyalty, obedience, or this --

13 MR. CARTER: No.

14 MR. RIDDLE: Okay.

15 MR. CARTER: No. I think as -- as we went
16 through, you know, the duty of care, duty of loyalty,
17 and --

18 MR. RIDDLE: Uh-huh.

19 MR. CARTER: -- duty of obedience, which are
20 pretty traditional for a board -- you know, in board
21 policy manuals -- remain in there. There is some
22 discussion that I think that we will look as we go
23 forward, in how we address the conflict of interest
24 provisions and the verbiage there. A lot of the things
25 that are in the Board policy manual right now are just

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1 drawn from typical -- and my background was in nonprofit
2 management, so it was drawn from a lot of the nonprofit
3 statutes --

4 MR. RIDDLE: Yeah.

5 MR. CARTER: -- and traditional board policy
6 manuals, so --

7 MR. RIDDLE: Yeah. So back to my question,
8 and then -- and maybe this is for Barbara. That comment
9 is about that first paragraph, which, as I recall
10 writing it, it was paraphrasing of some language of
11 OFPA, trying to just summarize it. But your comment
12 there is to actually just cut and paste the text or lift
13 the text verbatim, correct?

14 MS. ROBINSON: Right.

15 MR. RIDDLE: Yeah, okay.

16 MS. ROBINSON: That's all I was saying.

17 MR. RIDDLE: Okay, I just wanted to make sure
18 I understood your comment.

19 MR. CARTER: If you go back to page four, this
20 is one of the areas. For example, footnote six. It
21 talked in our Board policy manual about NOSB members,
22 including committee and task force members and
23 contractors, and some explanation there about, you know,
24 the contractors and agents of the Board, because by law
25 the Board does not contract directly with private

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1 entities, USDA. So, you know, some areas do address
2 that. But under footnote nine -- and I think this is
3 something that we need to take back to committee and
4 talk about, because it talks about the confidentiality
5 requirements. And the question she asked is, what are
6 the consequences for members who fail to maintain
7 confidentiality? The consequences are limited, because
8 we certainly can't cut our pay.

9 MR. SIEMON: That'll double the turnover.

10 MR. CARTER: Yeah, double the -- you know,
11 those are some things we need to -- yeah?

12 CHAIRPERSON KING: I just want to note that
13 several us don't have a page four, so for -- when you
14 forward an e-mail copy or something, and then we --

15 MR. CARTER: Yeah.

16 CHAIRPERSON KING: -- we know what the -- no.
17 Only Jim has page four.

18 MR. CARTER: Page five. I was kind of proud
19 that it took us a full five pages to get her a little
20 bit confused. But under footnote 14, she notes that
21 you've lost me here, because it's talking about, again,
22 the conflict of interest provisions, and specifically --
23 let's see where that's referenced. The Board advocating
24 the value of -- in private discussions. It's talking
25 about private discussions and the like. I think what we

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1 were referencing there, Barbara, was the fact that it's
2 been reported in the past that sometimes members of the
3 NOSB get together at a bar after the meeting and have a
4 beer or something like that. I've not been
5 particularly, you know, a participant in any of those
6 sessions. But anyway, it's time to talk about -- you
7 know, in our informal conversations, that we're lobbying
8 each other for a position where there's a conflict of
9 interest.

10 MR. SIEMON: Where there's a conflict of
11 interest.

12 MR. CARTER: Yeah, where there's a conflict of
13 interest. Yeah. But otherwise we can buy beer until
14 the -- yeah. The -- going back again, page six under
15 conducting business. Again I think some very good
16 suggestions is just to take some of the language and
17 make sure that we have in the Board policy manual is
18 just verbatim with what it is in OFPA to avoid any
19 confusion. On page eight, the -- I guess the one thing
20 where I was a little confused on, Barbara, is under
21 footnote 22. You should make clear that your committees
22 do not act on their own. They are directed by the
23 Board, based on the requirements for work, either by the
24 Board or the secretary. I guess -- I think that's
25 covered. And maybe you're thinking of something else,

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1 but where it says, "Other than the Executive Committee,
2 no committee is authorized to act in the absence of the
3 Board." So it's really talking about the committee.
4 The standing committees have specific areas of work,
5 which are described later on in that section. So we can
6 visit a little bit off-line about -- if there's some
7 confusion -- confusion there.

8 The -- back on page 10, then, there are some
9 miscellaneous polices that again were inserted in the
10 Board policy manual directly as they were adopted by the
11 Board. We do have some things under there. For
12 example, there's several footnotes under policy for
13 presenters invited by committees. You -- I notice that
14 you say that, you know, perhaps we ought to ask for a
15 copy of their presentation prior to them coming to the
16 meeting. If most presenters are like me, you're usually
17 making up your presentation on the way to the meeting,
18 even though you've accepted, you know. But anyway, we
19 can address that.

20 The one thing that -- if you go back to page
21 11, there is the issue of the policy for surveys
22 conducted on behalf of the NOSB committees. This is
23 obviously one the things that was a point of contention
24 in the past of what we had in our policy manual and what
25 federal regulations require. So Barbara has suggested

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1 some language that brings us more into conformance with
2 federal policy. But again, we have to go back and look,
3 because what was in the Board policy is what was
4 adopted, so we'll have to -- okay, that is -- number one
5 in there, and it's not footnoted, but number one is new
6 -- is -- yeah, under policy for surveys conducted on
7 behalf of NOSB committees, that is different from what
8 was in, and it just wasn't footnoted. Yeah. Okay?
9 Yeah, Jim?

10 MR. RIDDLE: I'm just wondering, Barbara, if
11 you have this in revision mode or somewhere where these
12 kind of changes that you've inserted are easily
13 identified, or if we really have to go through this side
14 by side to find them all? I just --

15 MS. ROBINSON: I don't want to make this easy
16 on you, Jim. Well, you know, it seems like if I sent it
17 to you -- if I just send you the document -- probably --
18 I'll check, but it seems like we could go up and just
19 say, click on final -- retract the changes.

20 MR. RIDDLE: Yeah.

21 MS. ROBINSON: The final will show in markup
22 and it would show you --

23 MR. RIDDLE: It would show -- uh-huh -- yeah.

24 MS. ROBINSON: It should show you what I did.

25 MR. RIDDLE: If we can get that copy, it would

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1 really help us with our next step on this.

2 MR. CARTER: So anyway, yeah, that -- because
3 I think most of the changes that she had in there, at
4 least as I was going through on the cursory review of
5 this, were footnoted except for the mission statement
6 and that other one, but that would be helpful. So
7 anyway, those are the major things that I noted as I
8 briefly scanned this. We will take this back now to the
9 committee and work on bringing forward a draft. Yeah,
10 Rose?

11 MS. KOENIG: I had a suggestion that I
12 remember from a couple years ago now, and it's under for
13 the confidential information statement, and we have it
14 -- we have -- I guess in two places now. You had it --
15 you know, in the materials section it talks about what
16 -- how it looks like in a petition, and then you again
17 in that -- in your document, have a section on CBI,
18 right? But the problem is and the issue that came up --
19 and I -- you know, and we got reprimanded for it, which
20 was understandable. But at that point, I mean, I didn't
21 discuss it, but one of my frustrations is I don't really
22 know how you're supposed to act with this kind of
23 information. You know, what are -- what can we and --
24 you know, the materials shows where it's deleted, but
25 where -- what are we allowed to discuss? We're not

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1 supposed to know about it, but, you know, how do we act
2 when we have CBI information? What's our code of
3 conduct? Because there was -- you know, and I was at
4 fault, I remember. You know, we crossed the line on
5 certain issues and I don't -- and I truly say, I mean, I
6 didn't realize that I was crossing the line or the
7 committee was crossing the line, but we were told we
8 were, but there was nothing in the policy manual, and I
9 had gone back to see, you know, maybe in that first
10 document that they gave me. I didn't read through it
11 all and there was something in there and I should've
12 known it. But so -- I mean, it was an issue that came
13 up and I think -- I don't know if you all have that kind
14 of information in a text form, but -- or the government
15 has it. I mean --

16 MS. ROBINSON: I'm actually trying to think,
17 Rose, and when I go back to the office, I'll make a note
18 to check with our ethics officer to find out if there is
19 something that's actually written down someplace about,
20 you know, what does it mean when we say hold
21 confidential business information confidential? I mean,
22 there's a lot of commonsense stuff, obviously, that
23 comes to mind. But I'd just be amazed if the government
24 hadn't written something down about those that we could
25 -- that we could share with you. But it's a fair

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1 question, so I'll see what we can find.

2 MR. CARTER: George?

3 MR. SIEMON: Well, I wondered the same thing,
4 just about confidentiality between the things NOP tells
5 NOSB. And in fact, it has rules like that or, you know,
6 things that they want to share with us, but they want to
7 have some sense of confidentiality. I haven't seen that
8 in here so far, so I just wondered if FACA has something
9 like that already. I'd like to see us to build trust in
10 that kind of thing, if there's something put in here
11 about that, because I don't know.

12 MS. OSTIGUY: Barbara, it's possible -- one
13 thing that might help with the Board, in general, is
14 while for a number of us potentially CBI or any other
15 confidential information is intuitive, but that's not
16 always the case. My husband's on a NASA FACA board, and
17 they actually had a workshop that covered
18 confidentiality, and that would probably be a very good
19 idea for it to happen every once in awhile to remind old
20 Board members and to train new Board members.

21 MS. ROBINSON: Actually that's a good idea,
22 considering that, you know, we'll have to have some sort
23 of orientation for new Board members next year, so I'll
24 look into that, too, and see if there isn't someone that
25 could come and talk to the Board and explain.

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1 MS. OSTIGUY: I could find out who it was.

2 MS. ROBINSON: Okay, that'd be great.

3 MR. CARTER: Okay, Jim?

4 MR. RIDDLE: You can find out, but you can't
5 tell. Yeah, that section under professional conduct,
6 which is -- on page four of Barbara's revisions here,
7 has language on nonpublic information, was the title --
8 or the words given, not confidential information. But
9 that was just provided by Keith to us a couple meetings
10 ago to take it directly out of USDA text. So that's a
11 fairly new addition to bring it in line with the USDA
12 requirements.

13 MS. ROBINSON: Right. But don't -- now,
14 nonpublic information is not always confidential,
15 because --

16 MR. RIDDLE: Yeah, yeah, yeah. I understand
17 that, but --

18 MR. SIEMON: Then that answers it. I was
19 looking for the word confidential --

20 MR. RIDDLE: Yeah, that was in response to
21 George's question, which was broader than CBI.

22 MS. ROBINSON: Okay.

23 MR. CARTER: Okay, other questions or
24 discussion?

25

1 [No response]

2 ***

3 MR. CARTER: Okay, this is another one that we
4 will take back and working out of revision mode. But
5 again, Barbara, I want to thank you for going through
6 this, because I know that we put a lot of work into to
7 developing this Board policy manual, and to know that
8 this is the baseline for how we continue to go forward
9 is very important.

10 Mr. Chair, I do have one other thing, as per
11 our discussion yesterday on the scope document, I'd like
12 to pass around, in order to try and move things forward
13 as judiciously and properly as possible, I did
14 incorporate some of the technical corrections and
15 changes in this document. Really, those are three
16 changes that -- I'll wait until everybody gets their
17 copy.

18 UNIDENTIFIED SPEAKER: Dave, do you want this
19 document or it this obsolete?

20 MR. CARTER: That's obsolete, also, yeah.
21 This is what reflects the comments from the discussion
22 yesterday.

23 MR. SIEMON: And the underlined are the
24 improvements?

25 MR. CARTER: Yes. Well, some of the

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1 underlined. I should've used something other than
2 underlined, because, yeah -- here, you can -- okay,
3 because I've got the original here. The -- there are
4 really only three changes in that -- first of all, a
5 technical correction on page one, it includes pet food
6 as one of the areas of the scope that was
7 unintentionally left off. When you go back to page
8 four, it reflects, as Tom Hutchinson [ph] said during
9 his public comments yesterday, that what was gleaned
10 from OTA was -- and there was an error in that, so we
11 included the underlined portions there, so that the
12 paragraph now is amended, it reads, "The absence of
13 specific standards for such products should not become a
14 reason for allowing organic claim to be made for such
15 products, if they do not meet the standard. Until
16 standards are developed, USDA should not allow the
17 organic claim to be made regarding these products, if
18 they do not meet the standards." So I inserted that
19 language there.

20 And then down below that is the issue that
21 came up then under personal care products, cosmetics,
22 and that is that, "If the words organic or made with
23 organic are used on the principal display panel, such
24 usage shall comply with the product content requirements
25 of 205300, 301, 308, and 309 of the Final Rule."

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1 So, Mr. Chair, I would -- if it's allowable, I
2 would make a motion that we -- the Board move this
3 document forward for posting.

4 CHAIRPERSON KING: Is there a second? I mean,
5 we don't necessarily have to vote unless someone
6 objects.

7 MR. SIEMON: -- or do you want to vote on
8 these?

9 CHAIRPERSON KING: And I think that's good,
10 we'll recognize him.

11 MR. CARTER: Yeah.

12 CHAIRPERSON KING: It's been moved and
13 seconded that we move the scope document forward for
14 posting and official recognition. Is there discussion?
15 George?

16 MR. SIEMON: What's posting mean?

17 CHAIRPERSON KING: Posting on the web, I'm
18 assuming --

19 MR. CARTER: Yeah.

20 CHAIRPERSON KING: -- Dave --

21 MR. CARTER: Yeah.

22 CHAIRPERSON KING: -- is what you mean. Okay.

23 MR. SIEMON: So just for the public record --

24 MR. CARTER: Right.

25 MR. SIEMON: -- not more than that? Okay.

1 UNIDENTIFIED SPEAKER: And for comments.

2 MR. CARTER: For comments. For public
3 comments.

4 CHAIRPERSON KING: Yeah. Jim.

5 MR. RIDDLE: I just have a question about the
6 OTA statement, because I'm the one that typed it in, and
7 I want to know if I made the mistake and omitted that or
8 was -- okay, that was not in the OTA report, or the
9 organic report, you're newsletter. Is that -- pardon?

10 UNIDENTIFIED SPEAKER: Our --

11 MR. RIDDLE: Okay. Because I wanted to
12 apologize if I was the one, but now I don't need to, so
13 I'll save that for another time. Okay, I just wasn't
14 clear.

15 MR. CARTER: Okay.

16 CHAIRPERSON KING: Rose.

17 MS. KOENIG: I have a question on
18 clarification. All right. So if we post -- we're
19 voting to post all these documents. Will there be kind
20 of a generalized statement included in front of them
21 with some kind of explanation? I guess what's -- I
22 don't want to cause you more confusion, because they are
23 response to directives, so do we need a statement or how
24 are they going to appear?

25 CHAIRPERSON KING: I think -- yeah, in this
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1 particular case -- and, Dave, if you feel differently,
2 please speak up. But if you read the background
3 section, it provides a pretty good foundation for why
4 this document's been generated, so --

5 MR. CARTER: Yeah, I concur.

6 MS. KOENIG: I guess -- I mean, we should
7 probably look at all of them and just make sure that
8 there's enough language and -- okay.

9 CHAIRPERSON KING: We're only voting on this
10 one --

11 MS. KOENIG: Okay. But -- okay.

12 CHAIRPERSON KING: -- at this time. So
13 further discussion?

14 MS. DIETZ: This is going to be posted at the
15 website?

16 MR. CARTER: If we approve it.

17 CHAIRPERSON KING: If we approve it.

18 MS. DIETZ: I'll just -- let me just say
19 something, because everybody's looking at me. I'm
20 usually the stickler for dates and things getting to us
21 in advance, and I appreciate you bringing us back. I
22 fully support posting it for public comment, and I know
23 the urgency in getting all these documents out. So I do
24 support it. Just for future reference, again, we need
25 to try as a committee to make sure we get stuff out on a

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1 Hold on, we have question from the audience. Yes, sir.

2 Hold on, hold on. Yes, please go ahead.

3 UNIDENTIFIED SPEAKER: The departments from
4 yesterday, will they be first?

5 CHAIRPERSON KING: It is my understanding that
6 the order you had signed up in on the initial day, that
7 you had been transferred to the following public input
8 session. Now, it may not be exact, but we've done our
9 best to do so. And, Katherine, can you confirm that
10 they are all transferred? I believe -- I had made notes
11 for everyone who had wanted to sign up. So you may wish
12 to double-check just to make sure. Thank you. Well,
13 we'll make every effort to get five. That's been our
14 standard policy, and yesterday, of course, was just due
15 to time constraints. There were probably four or five
16 and I noted all of them, so --

17 MS. BENHAM: Four. Four.

18 CHAIRPERSON KING: Okay, that sounds about
19 right. Okay. On the agenda next we have listed the
20 Accreditation, Certification, and Compliant Committee.
21 And if you'll recall, I believe it was yesterday we
22 talked a bit about noncompliances in general, and that's
23 been a large part of that committee's work over the last
24 year or so. And Andrea has indicated that the committee
25 doesn't wish to bring anything forward at this time. Do

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1 request from the audience that Rose be more involved at
2 this meeting, so I think it's only appropriate.

3 MS. KOENIG: Okay. Yeah, more hits on --

4 MR. CARTER: I'm just honored to be sitting
5 next to you.

6 MS. KOENIG: Okay. So the first one was that
7 came on was the -- on the agenda was the presentation on
8 extraction or extraction procedures, if I have the
9 agenda in front of me. And as I explained before,
10 originally, when we came up with that agenda item, we
11 were thinking of this paper on extraction, which became
12 the synthetic versus nonsynthetic documents. So in
13 terms of that report, there is nothing to report.
14 However, Arthur would like to just explain kind of a
15 recent correspondence that he's received regarding
16 extractants and sort of just update the Board as to how
17 he sees us proceeding on the response to that request
18 from the public.

19 MR. NEAL: Thanks, Rose. About a month, a
20 month and a half ago -- it actually starts back further
21 than that -- there is a particular participant in the
22 industry who manufactures aquatic plant extracts. In
23 this manufacturing process he uses potassium carbonate
24 to extract the aquatic plant extract. And his question
25 was, this hydrolysis that is included in the National

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1 List, other than hydrolysis, does hydrolysis embody the
2 use of potassium carbonate as an extractant? The NOP
3 did not provide him with an answer directly. What we
4 did is we referred that question to the Crops Committee
5 for additional insight in terms of hydrolysis based on
6 that recommendation that was made by the Board at that
7 time. Rose has started doing some work and she's
8 provided the definition of hydrolysis. And what we went
9 looking for is for some insight and comment to the NOP
10 on that particular process, hydrolysis, and whether or
11 not if it allows the use of potassium carbonate, so that
12 we can provide a response to this inquirer. So that's
13 why that particular agenda item was listed, potassium
14 carbonate, as an extractant.

15 MS. KOENIG: So I guess just to be clear on
16 the process, that the committee will discuss it and kind
17 of hopefully craft a response that you guys would
18 consider, or does that have to be -- the committee would
19 vote on it and how are we going to proceed just as you
20 see procedural-wise on the -- what do you want from us
21 and how do we have to do it? Is that direct enough,
22 Mark?

23 MR. NEAL: A valid question.

24 CHAIRPERSON KING: Thank you, Rose. We've
25 come a long way, truly.

1 MR. NEAL: The -- I think the best -- the best
2 steps to take forward right now is to speak with the
3 petitioner based on our conversations at this meeting,
4 because we did not have or we're not sure whether or not
5 if hydrolysis allows the use of potassium carbonate.
6 Based on our knowledge we believe hydrolysis to be
7 really the breaking of the bonds by water. But he was
8 referring to some process that he says has been used in
9 the organic industry for years. But I was not aware of
10 it and we did not want to make any false moves without
11 making sure that, you know, all of the different avenues
12 and aspects concerning this procedure had been reviewed.
13 We will get with the petitioner -- I mean, with the
14 inquirer, and let him know the discussions that took
15 place at this meeting. But in terms of a formal
16 response, I think we would like for the committee to
17 agree on that particular process and vote on whether or
18 not that process does allow the use of potassium
19 carbonate and send that to us as a committee response.
20 And what we can do at the next meeting, that response
21 can be recognized and be kept in the archives of
22 decisions that was made by the Board for future
23 reference, if anybody else has any questions about the
24 use of hydrolysis and it's allowance of synthetics.

25 MS. OSTIGUY: Just so I'm understanding what

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1 the committee met, we again reviewed the information,
2 and we voted to defer the substance. And I'll read what
3 I sent to Arthur, because he asked for kind of a
4 response, and he said he was going to -- he asked for
5 this last week and I got it to him on Thursday, and he's
6 going to take it and probably place it on the website.
7 He's got something on there which is kind of a Reader's
8 Digest version. So anyway, here -- this is what the
9 committee -- the Crops Committee voted to defer the
10 substance and seek additional information on the
11 extraction process to determine, one, whether or not the
12 substance is chemically changed during the extraction
13 process; two, whether the substance is chemically
14 changed after it is extracted it make it more functional
15 for its intended use or uses; and three, what happens
16 (chemical reactions) during the neutralization step in
17 the extraction process; four, whether there is a
18 presence of additional substances after extraction of
19 the petitioned substance. The Crops Committee also
20 thought it important -- it was important for the NOSB to
21 clarify the definition of synthetic and nonsynthetic so
22 that this substance could be evaluated and be consistent
23 with the intent of OFPA for inclusion on the National
24 List. The Crops Committee has submitted a draft
25 document to begin the discussion on the further

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1 clarification of the definition of synthetic for the
2 October 24 meeting, and that's the one we discussed
3 earlier.

4 The committee has also used three sources to
5 obtain further information regarding the issues stated
6 above. The petitioner, the TAP contractor, and an
7 expert on soy bean manufacturing from Kansas State
8 University has provided additional information to the
9 Board that will be considered in addition to the
10 petition and the original TAP report on this substance.
11 The Crops Committee will also consider public comments
12 on this substance when making the recommendation. And
13 basically we have -- again, as I stated before, I
14 believe we have all of that information now at hand, and
15 I foresee that we'll be able to make a decision on the
16 substance.

17 MR. NEAL: What the NOP will ask is that that
18 particular recommendation that Rose just read come to
19 the program in the decision -- really in the committee
20 recommendations form that's provided to the Board so
21 that we can officially post that on the website as a
22 current update to the deferral.

23 MS. KOENIG: So you want another version of
24 the soy protein isolate? Not a problem.

25 CHAIRPERSON KING: Kim.

1 MS. DIETZ: Rosie, is the rest of the Board
2 going to get all those other documents, also, for the
3 review?

4 MS. KOENIG: Go ahead.

5 MR. NEAL: The documents are posted on the
6 website. The only one that's not posted on the website
7 is the one from Kansas State --

8 MS. KOENIG: Um-hum, um-hum.

9 MR. NEAL: -- because we have not -- I didn't
10 -- we didn't know whether or not -- just because he
11 supplied that information to Rose, whether or not we
12 could just post up our --

13 MS. KOENIG: Yeah.

14 MR. NEAL: -- website.

15 MS. KOENIG: I just -- yeah.

16 MR. NEAL: What we're doing is we're going to
17 ask him first before we just post it on the website.

18 MS. KOENIG: Because I had told him and I
19 asked him for his opinion and I said it would be used by
20 the Board to evaluate it. But then, you know, upon
21 thinking about it, I thought it was only fair to let him
22 realize that it was a public document, and we just -- we
23 couldn't get a hold of him. So -- but as soon as we get
24 that okay -- because, I think, potentially he could be a
25 good resource for the Board, and I didn't want to, you

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1 know, create a atmosphere that -- you know, that he
2 didn't understand the process.

3 Okay, the last thing is the Compost Tea Task
4 Force report recommendation. There was some public
5 comment that came to the committee regarding -- there
6 was -- I should mention, on the soy protein isolate,
7 there was one public comment that has already come in on
8 that substance, and that will be reviewed with -- as we
9 do the review and any other additional public comments
10 that may come in once we post our decision before the
11 next meeting. But on the Compost Tea Task Force, there
12 was a few comments that came in on that product. Two of
13 them concerned kind of the -- question the testing
14 protocol that was suggested within the document, and
15 they felt that it was pretty extensive. It could be --
16 extensive and could be pretty expensive, and weren't
17 comfortable with that and felt that it just was not
18 necessarily doable for the farmer, and these were farmer
19 comments. And then the second comment had to do with
20 the recommendation in the document that allowed for food
21 contact disinfectant, like all materials on that list,
22 and they suggested -- and I think it's a very good
23 suggestion -- that we do have on our list disinfectants
24 that are part of that larger list, and it really -- we
25 probably should just allow the ones that are on our

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1 list. We don't want to say that we're opening it up to
2 all materials.

3 So I think that although the first two
4 comments I think are clearly -- they were clearly
5 concerned for a lot the members on the task force. The
6 way that we got buy-in from all members was specifically
7 because we outlined a detailed protocol as far as
8 testing of the machinery. So, you know, it's my
9 opinion, and I think this should be discussed, as to
10 whether we -- you know, we want to think more about
11 those testing protocols, and an alternate or come up
12 with another proposal on that aspect of the document.
13 But again realizing that those who endorse the document
14 probably would not endorse it if we made significant
15 changes to that area.

16 And then second one I think is easier to
17 handle. I think that it's a good suggestion and I think
18 there's good justification. I think it probably
19 would've been supported by members of the committee,
20 because, you know, it was an oversight. We need to make
21 sure that any materials that we're recommending for
22 cleaning out the equipment should be consistent with our
23 list. So I think that that comment certainly should be
24 incorporated and considered when we vote on it.

25 CHAIRPERSON KING: Owusu.

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1 MR. BANDELE: Yeah, this is a further
2 clarification. And I think the sanitation issue came
3 about because the task force recommended, I think, the
4 sanitizing agents in 21 C.F.R., and some of those
5 probably would not be on our list. And as far as the
6 extensive testing, most of that involved compost that --
7 which use additives, and there was a lot of discussion
8 in the Compost Tea Task Force about that element and
9 whether or not adding molasses would increase human
10 pathogens. So most of that -- of the real strict
11 protocol was aimed at that aspect, and I think we
12 probably would not have had buy-in from some of the
13 members of the Compost Task Force without those rigid
14 restrictions. But in general, as you recall, if the
15 compost used meets the specifications of the rule, then
16 there are no restrictions. There was quite a bit of
17 controversy also on the fact that compost tea made
18 without -- and manures, and that has to follow the same
19 patterns in terms of the additives, as compost tea made
20 with the manure-based compost.

21 CHAIRPERSON KING: Is there more?

22 MS. KOENIG: The only other thing that I had
23 to state was that Eric Sideman had spoken with me about
24 kind of the -- you know, how to -- originally, if you
25 remember, you know, there was a Compost Task Force and

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1 tea was supposed to be considered within that task
2 force, and then it was kind of broken off and
3 additionally studied. So we have two documents,
4 basically, on very similar kind of issues. And he
5 recommended that we eventually marry the documents in
6 some way, at least in terms of the recommendations, that
7 the recommendations kind of get put together in some
8 format so that they're accessible to people who need to
9 look at them.

10 CHAIRPERSON KING: And do you foresee doing
11 this at the committee level and then bringing this back
12 at some point in the future?

13 MS. KOENIG: Yeah, I think it's really up to
14 the Board and how they see the -- you know, really --
15 you know, the bigger question is, what is the
16 utilization of these documents? I mean, we've got two
17 of them. They're forms of committee recommendations.
18 It's still not clear how they're going to be utilized by
19 the program. So that's probably the bigger issue. So,
20 I mean, before -- I mean, we can always pull things out
21 and create different ways that a document could look,
22 but I'm just not sure ultimately what the use of the
23 documents are, so --

24 CHAIRPERSON KING: Jim.

25 MR. RIDDLE: Yeah. I mean, I think this

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1 report has a lot of valuable information and I just --
2 yeah -- am confused as to how it is to used or what
3 we're to do with it even as a Board right now. Now I
4 have no problem accepting it as a committee report or a
5 task force report, but I do have some problems thinking
6 about it being a final recommendation of the Board at
7 this point.

8 MS. KOENIG: Um-hum.

9 MR. RIDDLE: And we received some comments
10 that raised some valid concerns, and I'm just looking at
11 the recommendation section and just item number one, that
12 potable water must be used to make compost tea. Well,
13 OFPA doesn't say that. The rule doesn't require potable
14 water for irrigation. You know, so how can we require,
15 you know, a higher standard when it's, you know, passing
16 through or being mixed with compost for that water, when
17 you can draw irrigation water out of a creek or a river,
18 a catch-pond? And so I have, you know, some problems
19 with that. So I don't know. I certainly can support
20 accepting it as a task force report. It provides very
21 valuable information.

22 MS. KOENIG: Yeah. And I think at this point
23 -- I mean, that -- I mean, I think it's two different
24 processes. It's sort of like with the aquatic -- the
25 aquatic -- the original Aquatic Task Force. That report

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1 was voted on and either accepted and then -- you know,
2 how that's utilized by the program or the Board in the
3 future is a separate issue. So I think upon voting on
4 it is that you -- you know, that it's to acknowledge
5 that there was consensus, though not a hundred percent.
6 I think there was one person that opposed. So -- but
7 accepting their report. Posting it, we've got public
8 comments. And I think determining what happens with the
9 document is a separate issue, but --

10 MS. GOLDBERG: Can I make a comment?

11 MS. KOENIG: Yeah.

12 CHAIRPERSON KING: Yeah.

13 MS. GOLDBERG: It seems to me that with this
14 task force report, certainly accepting it is a great
15 thing and it's valuable information and so on, but I
16 think it's much more useful if, actually out of it, the
17 Crops Committee comes up with some recommendations that
18 get put forward. Certainly with the Aquatic Species
19 Task Force report, we accepted the report, but then we
20 actually made concrete recommendations that the Board
21 voted on. And I think that makes a better process and
22 gives more direction to what we'd like to happen.

23 MS. OSTIGUY: Can I make a motion?

24 MR. BANDELE: Yeah. Well, the recommendations
25 were made, and I think as far as the purpose is

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1 concerned, the main -- this whole thing came about
2 because compost tea was interpreted to be treated as
3 manure, as far as the NOP is concerned. So the purpose
4 was to see whether or not that was, you know, realistic
5 and to make recommendations, otherwise. And I think, to
6 me, I recognize the point that Jim raised in terms of
7 item one, but the main thing as I saw it was -- the main
8 recommendation coming out of it, as I see it, was the
9 third recommendation, saying that if the compost tea was
10 made in compliance with the standards for compost, then
11 that would be allowed without restrictions. So the
12 recommendations are there and it wasn't just an
13 intellectual exercise.

14 MS. OSTIGUY: I move that the Board accept the
15 Compost Tea Task Force report, and that I guess direct
16 the Crops Committee to take the recommendations from
17 this report and the Compost Task Force and put them
18 forward as recommendations, which may or may not include
19 all the recommendations from each of the reports.

20 MR. BANDELE: I'll second it.

21 CHAIRPERSON KING: Is there a second?
22 Discussion?

23 ***

24 [No response]

25 ***

1 CHAIRPERSON KING: Okay, it's been moved and
2 seconded that the National Organic Standards Board
3 accept the Compost Tea Task Force report and forward it
4 onto the Crops Committee for further action. All those
5 in favor signify by saying aye.

6 BOARD MEMBERS: Aye.

7 CHAIRPERSON KING: Opposed same sign.

8 ***

9 [No response]

10 ***

11 CHAIRPERSON KING: Motion carries.

12 MS. KOENIG: The final
13 request would be to go back to the inerts directive
14 document. It's similar to what we did with the scope.
15 There was really no proposed changes that were noted
16 from that original document. Back on five, I think, or
17 -- and I guess for a similar process, the scope had that
18 posted on the web.

19 CHAIRPERSON KING: What do we do? Is there a
20 motion?

21 MS. KOENIG: Well, I was under --

22 MR. SIEMON: Yeah.

23 MS. KOENIG: -- yeah. Well, I was trying to
24 -- if I got an understanding --

25 CHAIRPERSON KING: So moved.

1 MS. KOENIG: -- of what you wanted to do with
2 these drafts was have them all posted, correct? And you
3 wanted that in the form of a motion?

4 UNIDENTIFIED SPEAKER: And did you make one?

5 MR. SIEMON: I made it.

6 UNIDENTIFIED SPEAKER: I'll second it.

7 MS. DIETZ: Well, the Materials Committee
8 hasn't even seen these documents. We haven't -- and it
9 says from the Materials Committee, so I don't have a
10 problem posting them, but if we're going to go through
11 each one and post them, then this is really -- I don't
12 think that's necessary to make motions to post them on
13 the web. And we did discuss taking them back and
14 looking at them and then bringing drafts forward.

15 CHAIRPERSON KING: Let me -- just a quick
16 question. Then, Jim, it's my understanding you're
17 talking about the inerts document, correct?

18 MS. KOENIG: Yeah, the inerts.

19 CHAIRPERSON KING: Okay.

20 MS. KOENIG: Yeah. And that's what I thought
21 I was supposed to do, so --

22 CHAIRPERSON KING: Yeah. And that's fine.

23 MS. KOENIG: And I guess I don't understand --

24 CHAIRPERSON KING: And you're essentially
25 moving that we post it for comment, correct?

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1 MS. DIETZ: Right, like with Dave.

2 MS. KOENIG: Yeah, similar to what Dave -- the
3 same --

4 CHAIRPERSON KING: Okay.

5 MS. KOENIG: -- the same section.

6 CHAIRPERSON KING: And is there a -- go ahead.

7 MR. MATHEWS: The difference from what I
8 understood is that with Dave's, you recognize the scope
9 and then voted to post. But Kim raises issues that
10 there wasn't enough time to review it. So are you
11 recognizing it and voting or just -- recognizing and
12 voting to post or are you just posting? Just
13 clarification for the record.

14 CHAIRPERSON KING: Would you like to make a
15 motion -- an official motion?

16 MS. KOENIG: The motion is just to -- I don't
17 think we're recognizing it, because I agree with Kim, it
18 was never voted on.

19 CHAIRPERSON KING: Okay.

20 MS. KOENIG: So it's just to post.

21 CHAIRPERSON KING: Okay. And is there a
22 second on that motion to post the inerts document on the
23 NOP website for comment, is that correct?

24 MS. ROBINSON: Second.

25 CHAIRPERSON KING: Okay, it's been moved and

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1 seconded that we post the inerts document on the NOP
2 website for comment. Is there discussion?

3 MS. ROBINSON: Yes.

4 MR. RIDDLE: Yeah. Well, you know, given the
5 seriousness of these issues and, you know, the level of
6 discussion that we had yesterday, and the fact that they
7 were submitted in the meeting book, you know, per
8 deadline, you know, I wanted all four of them to be
9 recognized at the same status. You know, I think that,
10 you know, there were some very valid reasons why the
11 committee couldn't complete action, but that doesn't
12 mean that we haven't given it thorough consideration and
13 discussion. So I don't -- we can maybe look back at the
14 language on the one of scope, but I'd like it to -- the
15 motion to mirror that same language, that same status.
16 I think it's very important because of these issues and,
17 you know, the confusion and just all of the related
18 gravity here, that we go on record on these, the full
19 Board.

20 MS. DIETZ: And I guess I don't have a problem
21 with going on record. My problem is that it says it's
22 from Materials and Crops Committees and it's not. And
23 if we're going follow protocol and these things are
24 going to come to us in a timely fashion and we're going
25 to vote on them in committees, then we should do that.

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1 So -- and the other thing is I hate to waste our time to
2 post something, get comment, and then the committees are
3 going to have changes and then post it again, so -- and
4 I also understand the urgency and the severity of this,
5 that we get the public to understand. So I'm kind of in
6 quarry [ph] on this one.

7 CHAIRPERSON KING: George, then Rose.

8 MR. SIEMON: But if we vote on this as a
9 Board, it will no longer be a material. We'll take that
10 title off and it will now be an NOSB Board
11 recommendation for public comment.

12 CHAIRPERSON KING: That's correct.

13 MR. SIEMON: We're going move it out of the
14 material, and it is bypassing a proper step, I agree,
15 but we're not taking responsibility for that. Well --
16 I' m sorry. Somebody else?

17 CHAIRPERSON KING: Rose and Nancy.

18 MS. KOENIG: I mean, I was going to suggest
19 one other option, although we can't vote on it now. It
20 would be for the committee, if people felt like they
21 could make a decision and go through it, I mean, we
22 could, as a committee, meet, you know, before -- you
23 know, and report back tomorrow and then vote on it
24 tomorrow, if that would make people feel comfortable.
25 But that was -- I mean, I'm fine with George's decision.

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1 And again, I mean, I thought I had published that e-mail
2 prior and, you know, the justification of keeping this
3 as materials and crops, you know, versus the other
4 document is that, number one, most of the information or
5 a good chunk of it came from the 2003 Inerts Task Force
6 recommendation. So it's not -- not all of it's foreign,
7 a lot of it was incorporated out of that document. And
8 secondly, we discussed it in an Executive Committee
9 call, and we ran out of time, really, on the Crops
10 Committee call. And then at that point the chairperson
11 had gone out of town. I mean, it wasn't out of the fact
12 that we didn't attempt to make a vote, it was because we
13 couldn't get a hold of anybody. We got absolutely no --
14 you know, I got no feedback, so -- okay.

15 CHAIRPERSON KING: Motion's been called. All
16 those in favor of recognizing the inerts document and
17 forward for posting on the NOP website signify by saying
18 aye.

19 BOARD MEMBERS: Aye.

20 CHAIRPERSON KING: Opposed same sign.

21 MS. DIETZ: One abstention.

22 UNIDENTIFIED SPEAKER: I'm going to abstain,
23 too.

24 CHAIRPERSON KING: Note three --

25 MR. SIEMON: Four.

1 CHAIRPERSON KING: Four abstentions,
2 Katherine, and two absent. Thank you. So that's --

3 MR. RIDDLE: Yeah, the abstentions are
4 counted --

5 CHAIRPERSON KING: Yeah.

6 MR. RIDDLE: -- with the affirmative.

7 CHAIRPERSON KING: Yeah. So that's easy.

8 MR. RIDDLE: With the majority.

9 MR. MATHEWS: So what did you do?

10 MS. ROBINSON: They voted to --

11 MR. MATHEWS: Recognize and post?

12 CHAIRPERSON KING: We recognized and post the
13 document. So it's now a Board document for posting.

14 MS. DIETZ: That's an NOSB document --

15 CHAIRPERSON KING: Correct.

16 MS. DIETZ: -- not a materials or --

17 MR. RIDDLE: Yeah.

18 MS. DIETZ: -- Inerts Committee document?

19 CHAIRPERSON KING: Correct.

20 MS. ROBINSON: Yeah. I was going to wait and
21 I guess bring this up tomorrow when we talked about --
22 when you talk about work plans. But let me make the
23 following suggestion, which might address Kim's
24 concerns, but also -- I hear what you're saying. You
25 really -- you want people to know that you drafted this

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1 feedback, you drafted these statements, and here's what
2 you said. And while there's been, you know, public
3 sitting here in the meeting, you know, and you really
4 want to let the world know. But at the same time, we
5 committed yesterday to drafting guidance statements that
6 would reflect our concurrence with these statements. So
7 here's a proposal, that what we do is we would publish
8 both -- both this, your statements, and the department
9 guidance statements. And my hope is that we can get
10 these up on the website. I'm hoping for the first week
11 in November, only because next week Rick is in training
12 all week. I'm at home because of my husband's surgery.
13 So I can draft the guidance statements. I believe that
14 we'll have to run them back through the lawyers, but I
15 would also send them to you so you know what we've
16 drafted. Then -- and really lean on OGC to, you know,
17 bless these things. And then what we would publish on
18 the website would be, okay, here's -- and everybody
19 knows that we had -- you know, we publish statements and
20 cause a lot consternation. We ask the Board for
21 feedback. This is the Board's feedback, this is our
22 response to the Board. Here it is, here's the whole
23 thing.

24 CHAIRPERSON KING: And a quick comment, and
25 then Jim. And I think if I understand what we're

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1 attempting to do here, Barbara, which has apparently
2 caused some confusion, is just to recognize that the
3 Board has created some feedback, and that we are
4 forwarding that to you. And so I think that's really
5 the only intent here on that point. Jim.

6 MR. RIDDLE: Yeah, I think that's a great
7 plan, Barbara. I really like it. And just like Mark
8 said, you know, for me it's a procedural issue,
9 yesterday when they were brought up, and then we
10 discussed them all and we didn't take any action, you
11 know? But as a Board we're all here together now and
12 this gets it on the record, that we support these. So
13 -- but I think that's a fine plan, as far as when
14 they're posted, to be set right up with kind of what
15 you're next step is, your response, your guidance. And
16 having our ability to input on that is wonderful, too.

17 MS. ROBINSON: Well, yeah. And then the
18 public, of course, free to send in any type of comment
19 that they want, which actually has the advantage, if
20 there -- you know, substantive comments that come in by
21 -- I don't mean to dismiss any comments, but, you know,
22 you may just get comments saying, you know, that-a-boy
23 or good job or, you know -- yeah, let's hope so.

24 UNIDENTIFIED SPEAKER: Way to go.

25 MS. ROBINSON: Yeah. But if you get -- if

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1 there are substantive comments of a negative nature, you
2 definitely want to know that and put it on an agenda to
3 deal with at the next Board meeting, so that, you know,
4 so we don't perpetuate this type of thing and we go back
5 through this all over again.

6 CHAIRPERSON KING: Well, I think it sounds
7 like a great plan, and I guess my question at this point
8 is, does the Board wish -- we saw two documents that we
9 have not officially voted on or recognized for posting
10 and things of that nature, and do you wish to do the
11 same format -- use the same format for those?

12 MR. SIEMON: Yeah. Be consistent.

13 CHAIRPERSON KING: Okay.

14 MR. RIDDLE: Yeah.

15 MR. SIEMON: All right.

16 CHAIRPERSON KING: Is there a motion?

17 MR. SIEMON: Let's do the directive for the
18 origin of daily livestock first. And I just want to
19 note the two changes that were made yesterday in our
20 discussion. I didn't kill as many trees as Dave did,
21 and on your recommendations, where it says
22 "antibiotics," and this is not in -- she can't change it
23 up there. I had hoped she would. So we want to add
24 antibiotics and other prohibited substances there.
25 That's one change.

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1 MS. KOENIG: What --

2 MR. SIEMON: We're on tab six, the origin of
3 livestock -- dairy livestock, under recommendations.
4 There's no page number, but --

5 MS. KOENIG: What circle?

6 MR. NEAL: That page.

7 CHAIRPERSON KING: The first --

8 MR. SIEMON: The first bullet in the
9 recommendations of the origin of livestock document.
10 And it says, the clarification statement that
11 antibiotics and other prohibited substances are not
12 allowed. So the addition is and other prohibited
13 substances. Everybody with me? The next bullet
14 underneath, this will unify and clarify the standard for
15 dairy herd conversion. We want to replace dairy herd
16 conversion with organic dairy replacement. And that's
17 all the changes we made to this document. The only
18 other thing I'd say, both these documents, we have both
19 things that relate directly to these clarification
20 statements, and other things related to work plans, and
21 they're not really separated, but I think that's okay.
22 So I make the motion to accept those two additions or
23 changes.

24 MR. MATHEWS: I'll second.

25 CHAIRPERSON KING: So moved and seconded that

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1 we accept the Livestock Committee document, a directive
2 for origin of dairy livestock. Is there discussion?

3 ***

4 [No response]

5 ***

6 CHAIRPERSON KING: Hearing none, a call to
7 vote. All those in favor signify by saying aye.

8 BOARD MEMBERS: Aye.

9 CHAIRPERSON KING: Opposed same sign. One
10 opposed. Abstentions?

11 ***

12 [No response]

13 ***

14 CHAIRPERSON KING: Two absent, one opposed,
15 Katherine.

16 MR. SIEMON: Okay, the next one is the fish
17 meal document, which we have no changes to. But again,
18 I'll note in our recommendation, there is
19 recommendations related directly to the directive, and
20 some other was related to our future work plan. So I'll
21 make the motion to accept this as --

22 MR. LACY: Second.

23 MR. SIEMON: Mike Lacy second.

24 CHAIRPERSON KING: It's been moved and
25 seconded, and George moves, Mike Lacy seconded, that the

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1 Board consider the NOSB Livestock Committee directive
2 for fish meal. Is there discussion? Rose.

3 MS. KOENIG: Yeah. As I kind of mentioned,
4 and Becky and I discussed, I think the wording on number
5 one would be more consistent if he says that the
6 committee feels that fish meal as a generic is
7 nonsynthetic rather it say fish meal itself. And then
8 the second, NOSB Livestock Committee believes fish meals
9 with synthetic substances to be synthetic. That's --
10 that needs to be reworded, and I'm not sure I'm prepared
11 to reword that, or propose something at this moment, but
12 -- because I thought it was going to be looked at again.

13 CHAIRPERSON KING: Nancy.

14 MS. OSTIGUY: I'm wondering if we can just
15 delete that. We'll have to come back and address more
16 specifically, as Arthur has discussed adding a synthetic
17 to a nonsynthetic, whether or not it becomes synthetic.
18 But I think we probably can answer the question with
19 fish meal is nonsynthetic, the first statement. And if
20 what's added as a preservative is a nonsynthetic -- is a
21 synthetic on the list, that it's still okay. If it's a
22 synthetic that's not on the list, then it's not okay.
23 So we can separate them.

24 MS. KOENIG: One suggestion might be to take
25 your point one, two, three, four, five, the sixth one

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1 down, and move it up to number two, because I think
2 that's what you want to say, and then just take out
3 number two.

4 MS. OSTIGUY: Um-hum.

5 MR. SIEMON: I accept taking out number two,
6 because number six covers it. Mike, a friendly
7 amendment or whatever you want to call it.

8 CHAIRPERSON KING: Okay. Other discussion?
9 Andrea.

10 MR. SIEMON: I was confused about as a
11 generic. Fish meal itself as a generic what?

12 MS. KOENIG: Well, we'll take out itself,
13 because I just think --

14 MR. SIEMON: Just say fish meal is --

15 MS. KOENIG: Is a generic substance.

16 MR. SIEMON: Okay, I accept that, too.

17 MS. KOENIG: Well, as a generic substance.

18 MR. SIEMON: All right, we both accept that.

19 CHAIRPERSON KING: So let's get that straight.

20 How is it going to read? The NOSB Livestock Committee
21 believes that fish meal --

22 MS. OSTIGUY: Is nonsynthetic.

23 MR. SIEMON: Is nonsynthetic.

24 MR. MATHEWS: Or has a generic substance to
25 it.

1 MR. SIEMON: No, just is nonsynthetic. And
2 then you go down to number six, it says, "Any synthetic
3 preservatives used must be petitioned."

4 MR. MATHEWS: Right.

5 MR. SIEMON: I don't see much room for --

6 MS. KOENIG: Well, okay, that's fine.

7 CHAIRPERSON KING: Is that okay?

8 MR. SIEMON: -- confusion, Rick.

9 MS. KOENIG: Yeah, I mean, that's fine to -- I
10 just think itself was -- that's fine.

11 CHAIRPERSON KING: So it will read, the NOSB
12 Livestock Committee believes that fish meal is
13 nonsynthetic, is that correct?

14 MR. SIEMON: I liked itself on it.

15 MS. CAROE: I still have issue with the eighth
16 bullet that puts a statement of commercial
17 nonavailability in there, which would turn this into
18 feed instead of a feed supplement.

19 MR. SIEMON: Well, that was why I was
20 referring to those work plan issues in here instead of
21 recommendations on the directives. So to me the first
22 six bullets, now five bullets, were a direct
23 recommendation on the directive, and things after that
24 were work plan input. So they were -- I don't know how
25 to --

1 MS. CAROE: I don't think that's distinguished
2 in the document. I mean --

3 MR. SIEMON: That's why I brought it up.

4 CHAIRPERSON KING: Do you want to propose to
5 distinguish it?

6 MS. KOENIG: We can accept this.

7 MR. SIEMON: We'll just have -- under that
8 first five have recommendation on directive, and work
9 plan recommendations for the rest of them.

10 CHAIRPERSON KING: So for the record,
11 beginning with which statement will it be --

12 MR. SIEMON: Under recommendation would be
13 recommendations for directive, and then after now the
14 number five bullet that used to be number six bullet, we
15 would have recommendations for work plan or -- work plan
16 items.

17 CHAIRPERSON KING: And that begins --

18 MR. SIEMON: With the status of fish meal.

19 CHAIRPERSON KING: Thank you.

20 MR. SIEMON: Because you're absolutely right,
21 that one right there in the middle that's not even
22 related to -- it's its own little subject. Okay.

23 MS. ROBINSON: How about related issues for
24 future work?

25 MR. SIEMON: How's that? That's --

1 MS. ROBINSON: As a title.

2 MR. SIEMON: It's the same thing, so I accept
3 that, too.

4 CHAIRPERSON KING: Related issues for future
5 work. Is that acceptable?

6 MR. SIEMON: Yes. Mike, I'm really agreeable.

7 CHAIRPERSON KING: All right. Further
8 discussion?

9 ***

10 [No response]

11 ***

12 CHAIRPERSON KING: All right, it's been moved
13 and seconded that we consider the NOSB Livestock
14 Committee directive for fish meal and forward for
15 posting as amended. All those in favor signify by
16 saying aye.

17 BOARD MEMBERS: Aye.

18 CHAIRPERSON KING: Opposed same sign.

19 ***

20 [No response]

21 ***

22 CHAIRPERSON KING: Abstentions? One
23 abstentions, two absent, Katherine. Motion carries.
24 All right. Yes, we are now ready for, and it appears to
25 be our last agenda item of the day -- maybe not. Here's

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1 Rick.

2 MR. MATHEWS: There's only one absent.

3 MR. SIEMON: You've been saying two absent.

4 CHAIRPERSON KING: Yeah, because somebody
5 stepped in the hallway and I can't add or subtract very
6 well. So did you get that, Katherine? Okay, thank you,
7 Rick.

8 MR. SIEMON: She wasn't confused.

9 CHAIRPERSON KING: Well, sometimes it's good
10 to stand alone, George. The next item is election of
11 officers. And as you well know, in our Board policy
12 manual, we elect officers each fall, and are there
13 nominees for the position of chair? Dave.

14 MR. CARTER: Yes, Mr. Chair. It's my honor to
15 nominate somebody who has paid their dues to this Board
16 and has been a tremendous worker. I'd like to place the
17 name of Jim Riddle into nomination as chair.

18 CHAIRPERSON KING: Dave's nominated Jim for
19 chair. Is there a second?

20 MS. OSTIGUY: Second.

21 CHAIRPERSON KING: It's been moved by Dave and
22 seconded by Nancy that we nominate Jim Riddle as chair
23 of the NOSB. Is there discussion?

24 UNIDENTIFIED SPEAKER: You didn't call for
25 other nominations.

1 MR. RIDDLE: Yeah.

2 CHAIRPERSON KING: Oh, sorry, thank you. Are
3 there other nominations? Are there --

4 MR. RIDDLE: On the record, yeah, I'm willing
5 to accept.

6 CHAIRPERSON KING: Are there other
7 nominations?

8 ***

9 [No response]

10 ***

11 CHAIRPERSON KING: Hearing none, call to vote.
12 All those in favor of appointing Jim Riddle as chair of
13 the National Organic Standards Board signify by saying
14 aye.

15 BOARD MEMBERS: Aye.

16 CHAIRPERSON KING: Opposed same sign.

17 ***

18 [No response]

19 ***

20 CHAIRPERSON KING: Abstentions?

21 UNIDENTIFIED SPEAKER: I'm going to abstain.

22 CHAIRPERSON KING: One abstention. Yes. Are
23 there nominees for vice chair? Andrea.

24 MS. CAROE: I nominate Kevin O'Rell for vice
25 chair.

1 CHAIRPERSON KING: Is there a second?

2 MS. OSTIGUY: Second.

3 MS. BENHAM: Who seconded?

4 CHAIRPERSON KING: Nancy seconded and Andrea
5 moved to nominate Kevin O'Rell as vice chair. Are there
6 other nominations? Are there other nominations?

7 ***

8 [No response]

9 ***

10 MS. BENHAM: Does he accept?

11 MR. O'RELL: I would accept the nomination,
12 thank you.

13 CHAIRPERSON KING: It's been moved and
14 seconded that we appoint Kevin O'Rell as vice chair of
15 the National Organic Standards Board. All those in
16 favor signify by saying aye.

17 BOARD MEMBERS: Aye.

18 CHAIRPERSON KING: Opposed same sign.

19 ***

20 [No response]

21 ***

22 CHAIRPERSON KING: Abstentions?

23 ***

24 [No response]

25 ***

1 saying aye.

2 BOARD MEMBERS: Aye.

3 CHAIRPERSON KING: Opposed same sign.

4 ***

5 [No response]

6 ***

7 CHAIRPERSON KING: Abstentions?

8 ***

9 [No response]

10 ***

11 CHAIRPERSON KING: Motion carries. Yes,
12 congratulations. Jim?

13 MR. RIDDLE: Yeah, Mr. Former Chair.

14 CHAIRPERSON KING: Not yet.

15 MR. RIDDLE: Not yet. For the rest of the
16 day. Yeah, well, I just wanted to say a couple of
17 things, and that is I'm really looking forward to very
18 focused and productive and fun year. And when I was
19 asked to consider being chair, I didn't exactly jump at
20 it. I did want to -- I don't need more stress in my
21 life, but I do always need more fun, and I need more
22 sense of satisfaction. I never can get enough. But
23 anyway, so I am just really excited by how this meeting
24 has progressed, and really looking forward to the coming
25 year and working with the other officers and committee

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1 chairs and the full Board and the NOP. So I just wanted
2 to say that, and since we have some time left, I wanted
3 to give a very special thank you and acknowledgement to
4 the outgoing Board members, or at least they hope
5 they're outgoing and we hope they aren't, but to
6 acknowledge the work that Mark has done as chair and as
7 a Board member prior to that. I think you've really
8 risen to the occasion. I really appreciate your
9 efforts. Kim as longtime materials queen and secretary
10 and just, you know, a dedicated, hardworking Board
11 member. I just really want to acknowledge and thank
12 you. And, Becky, thank you for your work and
13 leadership, and I will continue to work on the fish
14 issues. And, Owusu, thanks so much for chairing crops
15 when you did and all of your input and wisdom that you
16 share. And I have -- I brought a little something here
17 for each of you. No, it's better. It's better than the
18 cookies, even. I give --

19 MR. CARTER: Is it better than the organic
20 bimbo award that was given last night?

21 MR. RIDDLE: Yeah. You should open this now.

22 MS. DIETZ: I think I know what it is. I
23 think he was preparing it --

24 MR. RIDDLE: You do?

25 MS. DIETZ: -- when I called.

1 MR. RIDDLE: Let's see -- I think they're --

2 CHAIRPERSON KING: Are they all the same?

3 MR. RIDDLE: No, they're not all the same.

4 CHAIRPERSON KING: Okay.

5 MR. RIDDLE: Yeah, pink is for Kim. I've got
6 a little color code. And white for Becky, and green for
7 Owusu. Go ahead.

8 MS. DIETZ: Is it going to go whee?

9 MR. RIDDLE: No, no, no, no, no. You can just
10 rip the --

11 CHAIRPERSON KING: There aren't synthetic
12 materials in here, are there, Jim? Well, look at that.
13 It's a USDA pig. Thank you very much.

14 MS. GOLDBERG: Thank you.

15 MR. RIDDLE: An official USDA stress pig,
16 sheep, cow, and chicken.

17 MR. BANDELE: And, Jim, as a vegetarian, thank
18 you very much. I appreciate it.

19 MR. RIDDLE: Yeah. And then the jam is some
20 of our homemade raspberry jam, and it actually is all
21 organic and --

22 UNIDENTIFIED SPEAKER: Is that USDA certified?

23 MR. RIDDLE: No, no, we are certified,
24 actually.

25 MR. SIEMON: Under \$5,000.

1 MR. RIDDLE: But, yeah, we're under 5,000.
2 But anyway, I figured that you've all helped us out of a
3 jam and now it's time for you to get into some jam.
4 Thank Joyce for that, too.

5 CHAIRPERSON KING: I just want to say thank
6 you to everyone in this room, Board members included.
7 And it's hard to imagine that I have served on this
8 Board for five years. Time flies when you're having
9 fun, although it hasn't always been fun. It has been
10 challenging and interesting, and I've probably learned
11 as much in this process as any that I've had an
12 opportunity to be involved in my life, and I appreciate
13 that very much. It's interesting to say that I will
14 miss it, which sounds very bizarre at this point.

15 UNIDENTIFIED SPEAKER: Well, there's plenty of
16 opportunities.

17 CHAIRPERSON KING: Is there? Yes, yes. Well,
18 as I understand, office states you can't serve
19 consecutive terms, so I'll be gone for quite awhile.

20 UNIDENTIFIED SPEAKER: Not for a task force.

21 CHAIRPERSON KING: Oh, good, good, I
22 understand. So I want to thank everyone for your
23 support ongoing, and look forward to assuming some new
24 roles in the industry, and would give other outgoing
25 members at this time an opportunity to make comments if

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1 they so desire.

2 MS. DIETZ: We're going down the line. I
3 wasn't prepared to give a speech. We've never done this
4 before. We've got time. Oh, we're wasting time.
5 Where's the beeper? We have five minutes?

6 CHAIRPERSON KING: Yeah.

7 MR. RIDDLE: Yeah.

8 MS. DIETZ: You know, I've thoroughly enjoyed
9 this Board and I'm very happy to see us with this last
10 meeting -- it won't be our last, I know that -- with the
11 attitudes and the cohesiveness, and I do cherish all of
12 you, and we've all done a great job, and you should be
13 very proud. This last five years with the
14 implementation, it's been a tremendous task and I
15 commend all of you. But I'm not going anywhere, so I
16 plan on sticking around and being very involved in this
17 industry as I have my whole life so far.

18 MS. GOLDBERG: And I want to second what Kim
19 said about -- such a good outgoing note for all of us,
20 with the spirit of cooperation, and saying I'm going to
21 miss the members of this Board and being together as a
22 group quite a great deal. So I'm not going to take my
23 five minutes.

24 MR. BANDELE: And I won't take the remainder.
25 But again I'd like to thank everyone for the opportunity

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1 to serve. I have a tremendous respect for the integrity
2 of the Board, but oftentimes we have not always agreed
3 on everything, but in spite of our differences and
4 background and training, et cetera, we were able to come
5 up with a consensus with some very tough, tough
6 situations. So again, I'll miss everyone, and thanks
7 for the opportunity.

8 CHAIRPERSON KING: Yes, Barbara.

9 MS. ROBINSON: Just on behalf of the
10 department, we would certainly like to say thank you to
11 the outgoing Board members, thank you for your hard work
12 and your dedication. Yeah, I know, we haven't always
13 agreed, but that's not what this is about. It's about
14 helping this industry grow, and your dedication, it has
15 never, ever, ever been questioned, nor has your
16 integrity. And it's been my pleasure to work with you.
17 Jim, congratulations. We look forward to a productive
18 year with you getting you retrained. But actually I do
19 believe if we keep our sense of humor and we keep our
20 perspective, we're going to make this work. So thank
21 you all very much.

22 MR. RIDDLE: Yeah. And tomorrow the first
23 thing on our agenda, we have one hour to talk about work
24 plans and meeting schedules. And to help facilitate
25 that, I've kind of been keeping a scorecard -- not a

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1 scorecard, but writing a list of some of the work plan
2 items as they've come up, divided by each of the
3 committees. So just to help you do that or maybe you
4 can stay up later and watch the debate and not have to
5 feel that you have to suffer over them, but they are
6 just suggestions. But so I got a sheet for each of the
7 committee chairs. And we talked a little bit during the
8 break about committee chair assignments and, you know,
9 with five new members coming on the Board, you know, we
10 don't know who we'll have to draw from and what kind of
11 expertise they'll be bringing to the table. So I don't
12 anticipate any changes in the very short-term. But at
13 the same time, we do have an understanding. It's not
14 part of our policy manual, but it's certainly just a
15 good idea that people in their last year on the Board
16 aren't in every position of authority and chairing every
17 committee, but we really have a shortage of people
18 losing five, and five more going off with only four
19 available, so we're going to have to keep some people in
20 their last year on the Board in positions as committee
21 chairs until we have some new people, see who they are,
22 but I think it's really critical for the four people
23 that have longer terms to just recognize the opportunity
24 -- put it that way -- for chairing committees. And if
25 you aren't chairing yet, to step into vice chair in a

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1 very active role and prep yourself for chairing. So I
2 just wanted to say that, and then that's it. So we
3 should plan on our -- discuss our work plans and our
4 future meetings tomorrow morning.

5 MR. SIEMON: I wondered, since we have time
6 today --

7 CHAIRPERSON KING: Do you -- I don't know.

8 MR. SIEMON: Oops, I didn't have my thing on.

9 CHAIRPERSON KING: We may have time. I don't
10 know if the department's prepared to discuss that today.
11 We hadn't really put it on the agenda. It's something
12 for consideration, considering some of the issues before
13 us.

14 MR. SIEMON: Well, I'll just -- okay.

15 MR. MATHEWS: We're prepared.

16 MR. SIEMON: I'm quite concerned about what I
17 heard yesterday about the methionine thing, that if we
18 wait until an April meeting that it will not be able to
19 be dealt with, and I feel like we've a lot of workload
20 that's coming up, a lot of discussion, committee
21 recommendations that weren't quite ready or required a
22 lot of TAPs, and I'd like to see us have the meeting in
23 January, so that if we go forward with anything on the
24 methionine, we have time to do it. So we avoid -- we
25 have a lot of responsibility here, so --

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1 CHAIRPERSON KING: So you literally want to
2 try to put something on the counter, and I think we just
3 have to ask the department first if they're going to
4 have the money in time.

5 MR. SIEMON: I'm starting -- I'm rolling the
6 ball.

7 MS. ROBINSON: We're very much in favor of --
8 well, you'll have new members, so you'll need an
9 orientation.

10 MR. SIEMON: Yeah.

11 MS. ROBINSON: You've put an awful lot of work
12 on the table in the last two days.

13 CHAIRPERSON KING: So are you saying --

14 MR. MATHEWS: When are the new members --

15 CHAIRPERSON KING: Yeah.

16 MR. MATHEWS: -- appointed?

17 MS. ROBINSON: Well, the -- your terms expire
18 January 23.

19 MS. CAROE: So the new members --

20 MS. ROBINSON: The 24th.

21 MS. CAROE: -- come in on the 24th of January.
22 So to set a meeting in January, we won't have new
23 members yet.

24 MS. ROBINSON: Well, we're talking about late
25 January or early February, but not waiting -- the point

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1 is not waiting until April for a meeting. That's the
2 point, really, and we can do that.

3 MR. MATHEWS: In reviewing the minutes from
4 the April meeting, there was a lot of things that were
5 discussed as being addressed in the next meeting, so I
6 think that there's plenty to do for a January meeting.
7 There's the materials things that Rose has brought up.
8 You -- the methionine that George mentioned. Maybe we
9 can get soy protein isolate done by then. You have two
10 TAP reviews that the reports, if they're acceptable,
11 maybe we can move forward with those. So there's -- I
12 would say that there's plenty of things that the Board
13 and we can work on between now and the end of January,
14 the first part of February. And so even though
15 Katherine, who will be stressed out over Christmas, we
16 can do it.

17 MS. CAROE: I propose that we hold off until
18 like the second week in February so our new members, who
19 are newly appointed, can accommodate it.

20 MR. RIDDLE: Well, the other option would be
21 to shoot for earlier in January with this group.

22 MS. CAROE: Well, let's --

23 MR. RIDDLE: As far as being productive on
24 work, you know, we wouldn't have to orient.

25 MS. ROBINSON: You have an overlap, anyway, at

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1 that meeting, both old members and new members.

2 CHAIRPERSON KING: Yeah.

3 MR. RIDDLE: Yeah. But --

4 MR. MATHEWS: And also keep in mind that
5 you're talking about trying to do something early in
6 January. Are you going to be ready well before
7 Christmas, or are you going to need to move into the
8 holiday season a little bit? Remember you got
9 Thanksgiving and Christmas and New Year.

10 MR. RIDDLE: Oh, we'll just break down, so --

11 MR. MATHEWS: We have NOSB work to do.

12 CHAIRPERSON KING: So essentially, yeah, I
13 mean --

14 MR. CARTER: It looks like one big Christmas
15 present.

16 CHAIRPERSON KING: Well, I mean, let's throw
17 some numbers at this. On what you're saying is, if it
18 were early January, you're roughly talking about 14
19 weeks, essentially, give or take. So if we -- so what's
20 real in terms of a time frame here?

21 MR. RIDDLE: Well, it's Andrea's suggestion.

22 MR. MATHEWS: I don't know that you have to
23 decide tonight, but I like the idea that George has
24 brought it up now so that you can be at least thinking
25 about it overnight. Because we're thinking that you

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1 will also need to meet probably early August.

2 MR. SIEMON: And furthermore, I think that
3 with all these time tables, it's like, you know, you're
4 getting tied by 60 days, 90 days. We're going to have
5 to maybe break our -- do it around expo or do it -- I
6 want to do what's most effective for the industry, and
7 doing it instead of my expo-type time frame. I think we
8 need to go to a workload time frame, all the lead times
9 and all the stuff we're dealing with now.

10 MR. MATHEWS: Now, the reason why I mentioning
11 August is that with the feedback from you on the sunset
12 document, we can now move forward with pushing that
13 through, and we would be pushing -- no guarantees, but
14 the idea would be that we'd have something published by
15 the end of the year on sunset. That would leave -- the
16 next three months would be for public comment. The next
17 three months after that would be where you're digesting
18 the comments and coming through with your
19 recommendations. So I envision that you would probably
20 getting together sometime in August to address the
21 issues and make recommendations back to us. So that
22 works along with what George is talking about, do the
23 workload.

24 CHAIRPERSON KING: So --

25 MS. CAUGLAN: So you'd be talking February,
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1 April, August?

2 MS. ROBINSON: No.

3 MR. MATHEWS: No, February and August.

4 MS. CAUGLAN: You would not be meeting?

5 MR. MATHEWS: We would not meet in April or
6 May, we would meet based on workload in January so that
7 we can take action on the things that really need to get
8 done. And then we would meet in August in order to take
9 care of things related to sunset and anything else that
10 might come up between now and next August.

11 MR. RIDDLE: And then we would have the option
12 of October if we needed a third meeting, correct? I
13 mean, does that -- is that possible?

14 MR. MATHEWS: That would already give you
15 three meetings for this year -- for the fiscal year.

16 MR. RIDDLE: Because if was October, it'd be
17 the next fiscal year.

18 MR. MATHEWS: Right.

19 MR. RIDDLE: Well --

20 MR. MATHEWS: Again, I would think that you'd
21 want to make sure that that -- George is right, we need
22 to do it -- we need to do meetings at this time in
23 relation to the workload that needs to be done, because
24 sunset is gong to be critical time for us and we really
25 need to be looking at gearing the meetings around

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1 sunset.

2 MR. RIDDLE: Um-hum.

3 MR. MATHEWS: So there's nothing that says we
4 wouldn't do one in October, but then, again, it depends
5 on what available come October.

6 MR. RIDDLE: Um-hum.

7 MS. DIETZ: If we're going to do one in
8 February, if we could maybe discuss some dates, because
9 the second week is horrible for me. I'm gone for 10
10 days in February, so --

11 MR. SIEMON: Well, January 31 through --

12 MS. DIETZ: Yeah, early February --

13 MR. SIEMON: -- the 4th.

14 MS. DIETZ: -- or late February, yes.

15 MR. CARTER: That date works for me.

16 That's --

17 MR. SIEMON: January 31 through the 4th, and
18 not the whole time, obviously. And BEOFOCT [ph] is at
19 the end of the month for any of those who would go
20 there.

21 MR. RIDDLE: My daughter's getting married
22 February 5, and I've been told to clear my calendar the
23 week leading up to that.

24 MR. SIEMON: Okay. How about the last week of
25 January, is that -- that's where we -- with the new

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1 people? That's the 24th, 25th, 26th.

2 CHAIRPERSON KING: That's probably too soon.

3 MR. SIEMON: Oh, is it --

4 MS. DIETZ: I don't think that's very fair to
5 the new members. They're going to be appointed on that
6 Monday and they you're going to ask them to be in a
7 meeting?

8 MS. CAUGLAN: Rick or Barbara, is there any
9 way we could --

10 MS. ROBINSON: Sorry.

11 MS. CAUGLAN: Could we ask for any kind of a
12 dispensation from the secretary as to the timing of
13 their appointments? I mean -- because --

14 MR. MATHEWS: Please explain.

15 MS. ROBINSON: You mean, ask --

16 MR. SIEMON: We need to have --

17 MS. ROBINSON: -- them to give them to you
18 earlier?

19 MS. CAUGLAN: Well, I think we're talking as
20 though they would be appointed the third week in
21 January. That's --

22 MS. ROBINSON: No, no, no, no, no. I'm
23 saying --

24 MS. CAUGLAN: They might very well be
25 appointed --

1 MS. ROBINSON: They could, they could be
2 appointed --

3 MS. CAUGLAN: -- earlier.

4 MS. ROBINSON: -- before that.

5 MS. CAUGLAN: Would it be --

6 MS. ROBINSON: But I -- you know, these guys
7 are -- I'll tell you what, rather than try to pick this
8 date, why don't you guys look at your calendars, and
9 starting with, say, the last week of January through the
10 month of February, state when you are not available for
11 a two-day meeting, and e-mail it in to us.

12 MR. SIEMON: Two days with orientation, too?

13 MS. ROBINSON: All right, three days.

14 MR. MATHEWS: Okay. Well, I can already tell
15 you that Arthur and I are tied up the entire last week
16 of January.

17 MS. ROBINSON: E-mail me.

18 MR. MATHEWS: Barbara's going to take the
19 meeting by herself.

20 MS. ROBINSON: You don't think I can?

21 CHAIRPERSON KING: All right. So think about
22 this -- think about this tonight. We'll try to get some
23 definitive dates on the calendar tomorrow. Is there any
24 business to -- hold on. Yes, but we'll talk -- we'll do
25 that tomorrow.

1 MR. SIEMON: Yeah.

2 CHAIRPERSON KING: George.

3 MR. SIEMON: I'd like to request if the
4 Livestock Committee could get together here and set up a
5 meeting so we can go forward with fish. With our
6 two-week notice thing, if we can just set up right now
7 -- to set up a time to meet in the next while, because
8 we need the consensus for two weeks for a Livestock
9 Committee call.

10 CHAIRPERSON KING: Okay. So the Livestock
11 Committee's going to meet after we recess here to
12 schedule a call. Is there any other business?

13 MR. RIDDLE: Well, I just wanted to clarify
14 what George said. Given our new two-week requirement
15 and -- no, no, no. That was -- that's a draft proposal
16 that hasn't even gone through committee. We need the
17 seven days before a conference call. That's really --

18 CHAIRPERSON KING: He was just trying to give
19 you --

20 MR. RIDDLE: Yeah.

21 CHAIRPERSON KING: -- incentive.

22 MR. RIDDLE: And I just didn't want there to
23 be confusion that we have --

24 MR. SIEMON: Well, but I respect that.

25 CHAIRPERSON KING: Well, we've never had

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1 confusion, so let's not start now.

2 MR. RIDDLE: Unnecessary confusion.

3 CHAIRPERSON KING: That's right.

4 MR. SIEMON: We've been --

5 CHAIRPERSON KING: Owusu has a comment.

6 MR. BANDELE: I have a question to Rick and,
7 you know, and inviting feedback from the Board. I came
8 across a unique situation where a farmer has a pond of
9 tilapia, and he's going to be moving toward
10 certification and he wants to use the fish waste. And
11 it's not really manure as defined, as far as the rules
12 as I understand it. Like, in other words, it mentioned
13 that manure comes form livestock, and then fish is not
14 part of the livestock, so could you clarify that?

15 MR. MATHEWS: Fish is livestock under the act,
16 and we're going to be correcting that definition in a
17 future rulemaking. And I believe it's in the --

18 MR. BANDELE: That's right, that's right.

19 MR. MATHEWS: I think it's actually in the
20 livestock materials docket.

21 MR. BANDELE: Okay. So that person would have
22 to treat that as regular manure, in terms of whether he
23 wanted to compost it over the 90 to 120-day period
24 between application, according to that?

25 MR. SIEMON: I considered those --

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6 HELD AT: Washington, D.C.

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8 DATE: October 13, 2004

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