

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

UNITED STATES DEPARTMENT OF AGRICULTURE

IN RE:

NATIONAL ORGANIC STANDARDS BOARD MEETING

Hearing held on the 14th day of October, 2004

at 8:10 a.m.

The Marriott Washington Hotel
1221 22nd Street NW, Salon E
Washington, DC

TRANSCRIPT OF PROCEEDINGS

10-14-04 NOSB Meeting Participants

Chair: James R. Riddle

NOSB Members:

Kevin O'Rell
Goldie Caughlin
Mark King
Rebecca Goldberg
Andrew Caroe
Michael Lacy
Kim Dietz
Owusu Bandele
Nancy Ostiguy
George Siemon
Arthur Neal, Jr.
Barbara Robinson
Richard Matthews
Rosalie Koenig
David Carter

1
2
3
4
5
6

INDEX

	Page
Proceedings	3

P R O C E E D I N G S

October 14, 2004

1
2
3 CHAIRMAN RIDDLE: Good morning. Mark and I
4 talked over breakfast about who was chairing today. And
5 he said, well, last time after the election he started
6 the chairing, so bear with me, please, and I'll try and
7 feel my way through here today. On our agenda we have
8 our committee chair reports, and then scheduling our
9 next board meeting. And then at 9:00 a.m., is a public
10 input session. So if you have not signed up and would
11 like to offer comments, the sign-up sheet is still out
12 on the table outside. So please do that, and we will go
13 to that at 9:00. But first, we have the committee chair
14 reports on work plans. And I would just ask, as you
15 give or summarize your work plans and what the issues
16 are, if we can prioritize them a bit -- I meant to
17 suggest that late in the day yesterday -- but if you can
18 think of it either in terms of, you know, the most
19 pressing issues, or kind of the low hanging fruit,
20 things that can easily be accomplished as being how to
21 prioritize. So who's ready first? Okay. Andrea,
22 Accreditation Committee.

23 MS. CAROE: Accreditation Committee has two
24 items on their work plan. The first item is to review
25 and finish the document regarding the certificate

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 document and the information on that document. The
2 second item is a lesser priority, but important, and
3 that is to provide some guidance to operations seeking
4 certification and choosing a certifier. So we will be
5 working with industry to collect the important aspects
6 that an operation should consider when choosing a
7 certifier, and the questions that they should be asking
8 as they interview certifiers, to find the best fit for
9 their organization. That's it.

10 CHAIRMAN RIDDLE: Okay. Any questions or
11 comments from other board members, NOP? All right.
12 Thanks. Let's see. Nancy's not here yet. Who else is
13 ready. George, are you ready to go? All right.
14 Livestock, George.

15 MR. SIEMON: I was still rewriting. I'm in
16 priority.

17 CHAIRMAN RIDDLE: Oh, sorry. No. I didn't
18 say it.

19 MR. SIEMON: That's all right. It looks like
20 our work plan is expanding. First, our top priority
21 right now is to do this task force, to recommend the
22 appointees to it, to the executive committee, and to
23 establish a process. And you know what our objectives,
24 and criteria, and all that are, keep that and get that
25 going. Our next priority, I hope is to collaborate with

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 the NOP on this problem with the FGA classification, and
2 see what we can do about that. And then we had the
3 dairy replacement as a rule change that was going to be
4 our first rule change, I think, that we face. And so
5 that's a priority issue that came out of this meeting.
6 And then a great concern to myself -- and I think we've
7 heard from the public -- is the methaninine issue. So
8 I'd like to have us take that up and see as a committee
9 what we feel we need to recommend that extension or not.
10 And then we've got some more materials to work on.
11 We've got gelate still hanging out there. And then I
12 thought we might take a look at the material list too to
13 see if there is any that we are concerned about that
14 shouldn't be set ahead of the time, if that's -- that's
15 maybe not the committee, but, certainly, it's something
16 we face in our workload. And that's enough.

17 CHAIRMAN RIDDLE: Yes. Questions or comments
18 for George?

19 MRS. KOENIG: Yes. As far as the methaninine
20 review, what I would like to see, if, you know, if the
21 issue is alternatives, I know there's that committee
22 that is, you know, through OTA, that has developed and
23 is looking at research alternatives. But, I mean, if we
24 have this -- the TAP -- this TAP funding, and we have
25 contractors, and we have material, I think in addition

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 to having the committee's report, I think it's important
2 to have a non, you know, using a technical, you know,
3 contractor to also give an objective approach. And I
4 wouldn't want to see that individual necessarily going
5 through methaninine. It think it needs to be like an
6 addendum to the original TAP. But really have them at
7 the same time, hopefully, find some feed specialists,
8 and particularly look at the alternatives, so that we
9 have some technical information in addition to whatever
10 the livestock committee comes up with, and whatever the
11 industry has been doing thus far to make a decision,
12 because I, personally, am not comfortable. I guess -- I
13 don't want to -- I want to keep consistent with the
14 process if we're going to re-look at any kind of
15 material.

16 CHAIRMAN RIDDLE: So, George, do you have a
17 response? Well, I guess I'd like to follow-up on that
18 because I'm not exactly clear, if you were suggesting
19 that in this methaninine issues development, going back
20 to one of the technical contractors for some further
21 information, that's what I think Rose was suggesting.
22 And how could that work for the program's standpoint?

23 MR. SIEMON: Well, again, all I was going to
24 do was bring it up to the committee about what they felt
25 would be the next step. But I really could just lump

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 that into the sunset material issues. I think there are
2 several materials that we don't want to live to the
3 sunset. So I'd rather -- what I heard was get going on
4 it sooner than later, rather than balling up. So to me,
5 it's part of maybe some other materials as well. So I
6 don't know how the rest of the committee feels. But I
7 know it's an issue we face, and I just wanted to bring
8 it to the committee as an action for a work plan item.

9 CHAIRMAN RIDDLE: And that's what I heard you
10 say was separate from the methaninine issue, is to look
11 at the livestock materials list and take up Barbara's
12 suggestion, are there some priority issues for early
13 review, just to get the information flowing early on.

14 MR. SIEMON: And new information for a TAP
15 might be the thing we need, just like Rose has
16 suggested. That might be just what we need to do. Some
17 of those cases might need a whole new TAP, quite
18 honestly. If you're talking about an even handed
19 process, some of the older taps were very uneven-handed,
20 compared to the present ones.

21 MS. KOENIG: And I guess that's what is
22 troubling me. And, again, I take it away. We could
23 call it material X. There's a number of X, Y's, and Z's
24 on our list that have a terminated sunset. And, again,
25 I don't -- I'm not saying yes or no, or here or there,

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 but when the Board voted on it, there was a terminated
2 sunset. Now if people want to re-look at it, is there a
3 process to do that? You know, I don't necessarily see
4 that process unless maybe somebody re-petitions.

5 CHAIRMAN RIDDLE: Rick or Barbara? Rick?

6 MA. MATTHEWS: If it's the will of the Board
7 to take another look at methaninine -- which it seems to
8 me that's what George is asking for -- we can package up
9 the analysis work that Barbara did on the methaninine
10 tap, as well as the tap itself, send it off to one of
11 the new vendors for a new tap drawing from the previous,
12 and to provide additional supplemental information, if
13 that's what you want. In other words, if you decide you
14 want to do something, we can get moving on it right
15 away.

16 CHAIRMAN RIDDLE: Okay. Thanks. And also I'd
17 ask the committee chairs if you have a conference call
18 scheduled or planned, to just report on those kind of
19 nitty gritty too. George, do you still have -- okay.
20 Kim.

21 MS. DIETZ: It seems to me like the process
22 for this is very similar. The material is on the
23 national list. And if somebody wants to amend the
24 annotation, they should submit a petition -- listen
25 carefully -- to amend the annotation. And the specific

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 charges we had with methaninine was that somebody should
2 be looking at alternatives to methaninine. So I would
3 think that the Petition to Amend would list the
4 alternatives, and the work that's currently being done
5 on those alternatives. And then that would give the
6 Board the ability to go in and say, okay, this is an
7 Amended Petition. Here's what they're asking for. You
8 can request a supplemental tap based on that research,
9 or whatever they are, and then you have the ability to
10 open that annotation back up and make a new
11 recommendation.

12 CHAIRMAN RIDDLE: Thanks. Yes, Rose.

13 MS. KOENIG: I would concur with Kim. I'm
14 totally comfortable with that process. I just don't
15 want, you know, because once you go around the process
16 for one material law, you know, then you don't have a
17 process. So, I mean, I'm not saying don't do it, I'm
18 just saying, we need a process. We need to have an
19 amendment. We have a process established to allow
20 people to do that. And they have to go through the
21 formal networks.

22 CHAIRMAN RIDDLE: Yes. Thanks. George.

23 MR. SIEMON: Some guidance, you know, I would
24 like to see somewhere -- reading the scope document, APE
25 [ph] culture is an issue we've not faced, honey. And it

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 was in the scope document as well. So I'd like to --
2 because what Nancy is a specialist at. So to me, if
3 we're ever going to face that issue, it would be a good
4 time to do it while she's on the Board. So that was
5 something else to ask guidance for, if that's part of
6 the workload or not, because it was in the scope
7 document as well.

8 CHAIRMAN RIDDLE: Barbara?

9 MS. ROBINSON: Well, we do have
10 recommendations from the Board, and there have been
11 drafts, something to begin building draft -- the
12 additional standards that might be needed. We have all
13 agreed that, you know, those commodities, mushrooms,
14 honey, greenhouse, you know, they're covered, yet we all
15 recognize that there could be some, and, in fact, there
16 are some peculiarities, some unique practices associated
17 with each of those that need to have additional rule
18 making. And we do have past recommendations. We do
19 have a fair amount of documentation that we can -- and
20 that's what we're trying to do is get started
21 constructing some proposed rule making on those.

22 CHAIRMAN RIDDLE: Okay. Anything else for
23 George? Hearing none. All right. Dave, Policy
24 Development Committee?

25 MR. CARTER: Thank you, Jim. We have six
York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 items on our work plan. Three of them that I put up at
2 the top really fall under the heading of administrative
3 issues that I think we want to take care of fairly
4 promptly. First of all is to continue to work on the
5 finalizing the job description or the efforts to procure
6 an executive director for the NOSB, work with the
7 program on that. Secondly, is to establish our policy,
8 however formally or informally, for with the NOP, NOSB
9 collaboration. There was discussion particularly
10 Tuesday of to what extent do we want to have a specific
11 detailed framework for collaboration or something more
12 informal. And I think we want to continue to work that
13 forward. Third is it incorporate the Board Policy
14 Manual revisions, which include the issue on scheduling
15 our meetings, incorporating those comments from Barbara,
16 the discussion of that, and how we incorporate that in
17 developing within the manual, an explanation of
18 technical corrections. The last three things on our
19 work plan then fall more under the heading of policy
20 issues, in which we will be working with some of the
21 other appropriate committees. First of all is the area
22 of handling of livestock medication materials. We want
23 to work with the Livestock Committee. But there was a
24 request on Tuesday that we look at particularly the four
25 areas, is it possible to create a category of

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 alternative medicines on the national list? Is there a
2 potential to create a negative over-the-counter list?
3 Is there a category of production age, with reference to
4 specific use and/or is there an opportunity to have
5 organic included as a minor use category by FDA. So I
6 think those were the things that Barbara outlined on
7 Tuesday, as some potential areas to look at. Fifth, or
8 the second area under the policy areas would be in
9 working with the Handling Committee, is the handling of
10 organic and non-organic ingredients in made with
11 products, and how do we begin to develop some
12 recommendations on that? And then the sixth area is
13 starting to establish some guidance on the issue of
14 temporary variances for research.

15 CHAIRMAN RIDDLE: And would you be working
16 with the Crops Committee on that?

17 MR. CARTER: Yes.

18 CHAIRMAN RIDDLE: Okay. Any comments,
19 questions, for Dave? Andrea?

20 MS. CAROE: Could you repeat the fifth one,
21 Dave? I don't understand what you wrote.

22 MR. CARTER: Yes. Is the issue of handling of
23 organic and non-organic ingredients in the made with
24 category, is the discussion on somebody with the 70
25 percent -- meeting the 70 percent, and they use, you

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 know, 70 percent of one ingredient, and then 20 percent
2 of a non-organic of the same ingredient. There's been
3 some discussion about the blending of like ingredients
4 in finished products.

5 CHAIRMAN RIDDLE: And you may have missed it,
6 Andrea, but during public comment this came up a couple
7 times, that there is inconsistency in how that's being
8 applied by certifiers. Some are allowing this, and
9 others are not. So there's differences in how the rule
10 is being read. Yes, Kevin.

11 MR. O'RELL: So, Dave, your intent would be to
12 provide a -- some type of guidance document on that,
13 or...

14 MR. CARTER: Yes.

15 MR. O'RELL: Okay. And that's working with
16 handling.

17 MR. CARTER: Handling.

18 MR. O'RELL: We may add that to the list.

19 CHAIRMAN RIDDLE: All right. Anything else
20 for Dave? All right. Speaking of your list, Kevin,
21 handling.

22 MR. O'RELL: The top priority for the Handling
23 Committee work plan would be the formation of the
24 agricultural and non-agricultural task force to make
25 recommendations for materials on 205 605(a). We'll

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 prepare a statement of work outlining objectives, tasks,
2 and timetable, and make a recommendation to the
3 Executive Committee for that taskforce, along with
4 appointees. The second would be the pet food draft
5 recommendation to begin work on that as a committee.
6 Third would be sunset material review process to
7 identify those materials that may be problematic early,
8 and try to get a jumpstart on those. And then there's
9 still -- I've had some questions on the food contact
10 substances, so I guess once again we will try to clarify
11 the qualification materials classified as food contact
12 substances, and provide a guidance statement that the
13 Board could vote on at the next meeting. And then we
14 will be reviewing petition substances as needed. And I
15 need to add to the list finally working in conjunction,
16 I guess, with the Policy Development Committee on the
17 use of, as Dave just indicated, the non-organic and
18 organic ingredients in a made with category.

19 CHAIRMAN RIDDLE: Okay. Thanks. Any -- Rose?

20 MS. KOENIG: I guess on the, again, the task
21 force for agricultural and non-agricultural, I mean, I
22 talked a little bit to Kevin, but I guess -- yesterday.
23 The first task really is to, you know, I consider it
24 more of a board task rather than a taskforce task. And
25 that's really drawing those lines, you know, analyzing

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 the definition, analyzing what's on the list. And I
2 guess I say that in terms of -- I think it's a, you
3 know, we identified that, you know, the fete of those
4 documents is more board policy as to how, you know, it's
5 similar to synthetic and non-synthetic, how we think or
6 how we perceive AFFA [ph], you know, after analyzing
7 minutes, analyzing AFFA, analyzing the regulation and
8 definitions, and what's on the list. And I guess I get
9 a little nervous about doing that important function.
10 And I think there's other functions about that section
11 which is more policy and how it looks. But as far as
12 the definition of that, I think that's, to me, the first
13 priority. And I'm not sure if you really need an
14 outside taskforce. I mean, I think we will seek
15 recommendations from the public. But I guess the
16 concern I have is that if you have a taskforce with
17 various stake holders, depending on who the stakeholders
18 are, we don't want a definition -- like I said, you
19 know, you run into the problem where you start defining
20 something based on specific substances rather than
21 what's the best for materials. So that's just my
22 personal suggestion.

23 CHAIRMAN RIDDLE: Thanks, Rose. And we did
24 talk about that yesterday. And I think we'll leave up
25 to the Handling Committee to take the lead on this, how

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 they see best fit to bring something for our
2 consideration.

3 MR. O'RELL: I think what we'll do is --
4 because I haven't had a chance to talk to the Handling
5 Committee yet during this meeting, so I guess the first
6 thing that we'll do is have a handling committee
7 meeting, get input from that committee, and try to
8 prepare, as I said, the Statement of Work, as to what
9 are our specific objectives, and the tasks that we need
10 to accomplish. And then maybe from that we'll see what
11 is the best way to go forward. Maybe it will be to seek
12 counsel from individuals, the public, and then to decide
13 to do it as a committee. So I guess the taskforce, what
14 I would say is that should not be specific. Let me
15 change that to working with the Handling Committee to
16 find out what are our objectives and needs, and if we
17 can handle it internally, we'll do that, and seeking
18 public comment.

19 CHAIRMAN RIDDLE: Kim.

20 MS. DIETZ: I guess, Rose, it's similar to
21 your ghostwriters, that we want to make sure that we get
22 historical input from -- so whether we call it a
23 taskforce or we seek other information, I guess the
24 issue with the taskforce is confidentiality. And while
25 working on something like this, we felt it was important

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 that those people working on it understood our Board
2 Policy Manual and that portion of it. So whether or not
3 it's ghostwriters or taskforce, as long as I think our
4 goal is to make sure that we look at it and get as much
5 information as we can, from past history and from past
6 board members.

7 CHAIRMAN RIDDLE: Anything else for Kevin?

8 MR. MATTHEWS: Yes.

9 CHAIRMAN RIDDLE: Rick.

10 MR. MATTHEWS: Actually, this isn't just for
11 Kevin, but I've -- I'm concerned because I'm not hearing
12 about the four documents that are going to go up on the
13 website for comments. And I would think that the scope
14 documents should be part of policy. The antibiotics
15 should be included in George's for livestock. And then
16 we still have the other two issues that we also need to
17 be -- well, yes, the fish meal and the inerts. And,
18 obviously, we haven't gotten to the Materials Committee
19 yet. But we need to make sure that all four of those
20 are on the work plan for your next meeting.

21 CHAIRMAN RIDDLE: George?

22 MR. SIEMON: I'd be glad to -- my
23 understanding is we can work with you all about the
24 clarification statements you all are putting out. But
25 there's nothing for the next meeting on antibiotics.

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 Then I'm confused.

2 MR. MATTHEWS: Then my question is, why are
3 you putting them out for public comment if you're not
4 going to be acting on public comment?

5 MS. ROBINSON: Wait. Let's -- I thought
6 yesterday that we -- what we talked about doing --
7 George, you're about to fall off the table there. I
8 thought what we talked about doing was you've given us
9 your feedback, and we committed to writing guidance
10 statements to, in effect, give the department's
11 concurrence with the statements that you drafted. And
12 then we were going to put the whole kit and caboodle up
13 on the website and say, here's what the Board said.
14 We've heard the Board. Here's our clarification
15 statements, our guidance statements, and where there was
16 the need for rulemaking, we would acknowledge that. And
17 then we just post the whole thing. And, of course, the
18 public is always free to comment. Now I guess maybe
19 where Rick -- maybe I'm not understanding. But then if
20 in your meeting in February -- or whenever we have this
21 next meeting -- I suppose you could theoretically vote
22 and say we accept the whole thing. But I thought we
23 were going to kind of put this thing to bed and move
24 along.

25 MR. MATTHEWS: Well, maybe I just need to have
York Stenographic Services, Inc.
34 North George St., York, PA 17401 - (717) 854-0077

1 clarification for myself. It was -- the impression I
2 took away was that we were going to be seeking public
3 comment on your documents. And if that's the case, than
4 I thought we had to address that public comment. But if
5 you're not seeking public comment, well, then that's a
6 different issue.

7 CHAIRMAN RIDDLE: Yes. Barbara, did you...

8 MS. ROBINSON: Well, I guess, you know, Rick
9 and I obviously disagree a little here. My feeling is
10 that since April we have received public comment. I
11 doubt that anybody would seriously disagree with that.
12 I think you've heard it. We certainly have heard it.
13 So I think at this point the ball is in our court to
14 respond to the Board. And so that's what I thought we
15 were going to do. And correct me if I'm wrong, it's
16 possible I forgot. I knew I was going to say this, but
17 I thought I did yesterday, that over the course of the
18 next week I will write the draft. I'll draft the
19 statements. We will submit them to legal counsel again
20 to make sure that they are comfortable with what we're
21 saying, that they support it, but we will submit it to
22 you too, to tell you this is where we're going. And
23 that hopefully, if we can push the legal folks and say,
24 don't put this at the bottom of the pile. Read it and
25 tell us that we're okay, that we can get this published,

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 you know, like within the next two weeks or so.

2 CHAIRMAN RIDDLE: George?

3 MR. SIEMON: Publish means here is our
4 interpretation, and this is the way it is.

5 MS. ROBINSON: Right.

6 MR. SIEMON: That's the objective here.

7 MS. ROBINSON: Right. Right. And then we
8 would say, okay, so we have settled these issues as far
9 as we can with guidance statements. And then the origin
10 of livestock will require a rule change. Everything
11 else, I believe we agreed we could issue clarification
12 statements on.

13 MR. SIEMON: But, Rick, I think it would be
14 great for all of the committees to take a look at the
15 new statement coming out as part of our work plan. I
16 think that's awesome. You know, I'd be glad to do it.
17 I just hope some day we settle these issues and move on
18 too.

19 MR. ROBINSON: Rick, well, clearly, I was
20 confused. So I stand corrected.

21 CHAIRMAN RIDDLE: All right. Well, I think
22 it's a good reminder for each of the affected committees
23 to kind of have it as a placeholder that there is going
24 to be a draft response coming from Barbara. And there
25 will be a timely -- a need for a timely turnaround and

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 comments. And that may just be e-mail circulation and
2 not formal committee meetings to generate those
3 comments. Goldie.

4 MS. CAUGHLIN: Well, I just wanted
5 clarification as to the role of public response to the
6 action of both of us as it goes up on the web.

7 MS. ROBINSON: I guess -- here's what I don't
8 see. You know, we're going to respond to you with, we
9 think that the dialog has taken place. And I thought
10 that when we said on Tuesday, when each of these
11 statements came up, and each of them was presented, and
12 I believe I clearly said, and the department concurs,
13 that means we agree, that we would, you know, end this
14 conversation. Now that's not to say that, you know, we
15 don't expect to get any fan mail. Everyone in the
16 United States, in fact, everyone who operates globally
17 is free to comment. And, you know, we will accept those
18 comments. They can write letters to you, they can
19 comment to the department, and, you know, that's all
20 fine, well, and good. But I'm not under the impression
21 that we're going to ask for public comment to keep this
22 iterative process going. I thought we wanted to resolve
23 these issues and move on. So I guess what I'm saying
24 is, yeah, everybody can talk to us, but we're not -- in
25 fact, if that's what you want to do, Goldie, if you want

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 to go out and get public comment, this isn't the process
2 to do it. That requires -- then you've got to go
3 through the formal rule making process. And why do we
4 want to do that?

5 CHAIRMAN RIDDLE: Goldie, follow-up? And if
6 we can wrap this up, please.

7 MS. CAUGHLIN: It wasn't my intent to -- I
8 just wanted clarification. I wanted -- I think that we
9 are in agreement. I just wanted it to be so that when
10 people read our minutes or leave this meeting, they have
11 an understanding that, strange as it seems, we truly are
12 striving to show that we are in concurrence on exactly
13 what we have said. And I just wanted to underscore that
14 I think it's important that that be understood, and
15 also, secondarily, I would -- to again affirm what you
16 just pointed out is that always at any time, whether or
17 not a document on the web says public comment in the
18 sense of the official or formal timelines and so on,
19 comment is always appropriate from anybody who is a
20 stakeholder. And we're all stakeholders. And positive
21 comments are good too.

22 CHAIRMAN RIDDLE: Thanks. Okay. Great.
23 Anything else there? Okay. We have two committees left
24 to report. And, Nancy, I don't think you were in here
25 when I had asked the chairs to prioritize the items. So

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 I'll give you a little more time if you're not ready,
2 and we'll go to Rose -- or you are? Okay. We'll go to
3 Rose first.

4 MS. KOENIG: I was trying to figure out kind
5 of the priorities. Well, a new priority came on the
6 table at this meeting, which is how do we kind of deal
7 with the new contractors? How do we make sure they
8 understand the system? How do we know that they
9 understand the kind of product that they need to give
10 us? And I thought long and hard about kind of the NOP's
11 proposal, and I think it can be done in a more effective
12 way, personally. And so -- I thought I could. And then
13 I thought, well, what is that? I mean, it's easier to
14 say, yeah, you can do it in a better way. And then I
15 thought about a recent training that I'd been involved
16 in in the regulation. And George, from ATRA [ph], was
17 involved in it, and the University of Kentucky, and the
18 University of the Virgin Islands, University of Florida,
19 and Marty Mesh [ph], and Omerie [ph], and somebody else
20 in there. But anyway, it's -- and, again, I'm not the
21 inventor of it. I worked with an extension. An
22 individual works an extension and learns how to train,
23 how to teach. And I found out that my learning type is
24 I can take notes and, you know, I'm a very active
25 learner. But a lot of people aren't that way. And the

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 most effective way of really teaching somebody or
2 training somebody is really interactive training. And I
3 think that I would propose -- and I'm prepared to kind
4 of give at least one -- write one module so that the NOP
5 kind of understands the kind of proposal. But it's
6 really, as I thought about it, to take the products that
7 we want -- we basically take -- either we could take
8 some of the existing materials, but it's probably better
9 to take a material that's already been reviewed, or
10 materials that have already been reviewed, and identify
11 the issues in each section of OFBA [ph], and try to, you
12 know, so the learning objectives, for example, in a
13 system of compatible -- in compatibility with
14 agriculture, we have a document that lists all of those.
15 And you would give, perhaps, the, you know, all three
16 contractors in the same room, you'd give them maybe a
17 section to read, you know, and then they would have 30
18 minutes, you know, with their team, whoever's going to
19 eventually do the writing to figure out what the, you
20 know, where is this compatible or isn't compatible, and
21 then you do a critique or an analysis with them in the
22 room to kind of point out the things that they, you
23 know, because you have the answers already kind of what
24 you think, what they did correctly, what were things
25 that they missed, so that everybody's on the same page.

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 You're training everybody in the same way. You're
2 putting everybody on an equal playing field through the
3 training.

4 CHAIRMAN RIDDLE: Rose, if you can just
5 summarize the work plan items, because we're got limited
6 time before public comment.

7 MS. KOENIG: Okay. All right. But I'm just
8 saying that that would be a priority because I think it
9 is, even though I have these other documents on board,
10 that's, to me a priority, is do an effective training
11 that can be done if -- the same way for future boards.
12 The next would be the petition notification that we went
13 through, because that probably needs to be gone through,
14 rule making so -- we've got to work with the NOP and
15 figure out if that's enough, if we provided enough
16 information and modification. We have to work in the
17 committee and vote on those documents first, and make
18 changes. But then, really, pass it onto them, and it's
19 their job, as I understand, to kind of go through the
20 Federal Register process.

21 CHAIRMAN RIDDLE: Well, if you bring it to the
22 executive after the committee has voted...

23 MS. KOENIG: Yes. I guess that would --
24 that's what we would have to do in this case if we
25 wanted to expedite that.

1 CHAIRMAN RIDDLE: Right. Okay.

2 MS. KOENIG: So we'd have to have a comfort
3 level on the Board to do that. We have the sunset -- we
4 voted on the sunset document, but we need to develop our
5 internal procedures so that we get a handle on what kind
6 of timeframe we need, and what we're going to have to do
7 as committees, so that when we have these 90 days, we're
8 prepared to do the work that needs to be done within the
9 90 days. So that's making those operating procedures.
10 And then we need to address pretty much all of the
11 documents, kind of the non-synthetic versus the
12 synthetic. I'd like to take that document and really
13 try to start to identify kind of the policies, or the
14 benchmarks, or whatever you want to call them, that
15 starts really setting the parameters. And we need to
16 vote on those by the next meeting -- I assume -- so we
17 can operate by those as we go through materials. And
18 I'd like to have that done before we start looking at
19 any new materials -- and there will be some that come up
20 on the next meeting, at least as a working document, I
21 guess. I want to put on -- update, there's a loose
22 structure right now for a materials review, like you saw
23 on the slides. There's kind of an old system; there's a
24 new system that Arthur has been working on at the NOP.
25 So we just need to write that down, and we need to have

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 it as a working document, whether it's what ends up
2 being our practice two years from now. But we need to
3 really understand what the procedures are, and what
4 NOP's proposing, and how we understand it to exist, and
5 make sure that there's an agreement in terms of the
6 process. So I think the committee can work on that.
7 And then just really -- Jim had mentioned a pre-
8 screening. And I guess what you were referring to --
9 and I agree that committees, working with the committees
10 -- and I guess I would have to go on each committee
11 telephone call. But I would suggest that the committees
12 get together really early on and start identifying a
13 list of materials that they feel might need to be
14 reviewed. And this is on the existing materials list as
15 far as sunset, you know, do the first step, even though,
16 you know, it will go through the materials process as we
17 have proposed. But, you know, I think Richard and
18 Barbara identified a very good system, which will allow
19 us to start reviewing prior to that, you know, document,
20 and prior to the policy. Committees are now allowed, as
21 I understand it, and they're willing to let us identify
22 materials ahead of time and start working on taps for
23 those materials that are going to need additional
24 review. So I would suggest committees do that really
25 quickly. And then I think it's just kind of a

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 housekeeping item, the potassium carbonate issue that
2 Arthur mentioned. I'm not quite sure procedurally how
3 you want to handle it. I mean, there's, again, a letter
4 on the table. He's asked for committee response to the
5 letter. I mean, we can, as a committee, maybe draft a
6 response, and then vote on it as a committee. I just
7 don't know if the executive committee wants to vote on
8 that draft and then give it back to Arthur.

9 CHAIRMAN RIDDLE: Well, I would think ideally,
10 yes, that there would be summarized for the executive
11 committee, and we'd have a chance to discuss it and take
12 a position.

13 MS. KOENIG: Well, then I would suggest, you
14 know, that's, I think, another expedited item. So we,
15 you know, at the next executive call we would need to
16 have that draft done, because there was urgency in the
17 letter as far as the need for a response.

18 CHAIRMAN RIDDLE: Okay. Is that it?

19 MS. KOENIG: I think so.

20 CHAIRMAN RIDDLE: Is that all?

21 MS. KOENIG: Well, my only concern -- sort of
22 what Richard was saying -- I mean I proposed the AFFA,
23 you know, we were, you know, what are we doing as far as
24 the -- did the committees -- because I didn't hear them
25 mention it, and maybe I was wrong, that I thought

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 livestock and processing was going to do the same thing,
2 trial run for the AFFA criteria, and see where -- just
3 like I did for crops, see where materials lie, if they
4 fit within the criteria. But I don't know, maybe
5 everyone expected me to do that. But I can't, I mean,
6 I've done that for crops. I think it's up to the
7 committees because that's one way committees are going
8 to understand and buy in in the process. Because if I
9 continue to do all of this, you know, you're not engaged
10 enough. And it's a dramatic change. So I think
11 committees need to start examining it.

12 CHAIRMAN RIDDLE: I thought I did hear
13 livestock mentioned along those lines. But I think it's
14 good, good to keep it on the table. Any other
15 questions? Yes? And we need to...

16 MS. DIETZ: I'll be quick.

17 CHAIRMAN RIDDLE: Yes.

18 MS. DIETZ: Yes, Rose, I think handling would
19 take that with the ag, non-ag, and look at the list all
20 at the same time. That's what we had discussed. I have
21 a question for Richard and Barbara on the sunset. Thank
22 you. Assuming -- if you could just really quickly take
23 us through the steps once the Federal Register goes out
24 and timing, so that the public has an idea of how
25 quickly we're talking about this Federal Register notice

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 going up, and how quickly the public has to respond,
2 whether they want a material to remain on the national
3 list, or they are going to do the work to have a
4 material removed. There's a sheet on the back of the
5 sunset provision that gives us days.

6 MR. NEAL: Based on what we're anticipating,
7 we're anticipating an ANPR, the Advanced Notice of
8 Proposed Rulemaking to be published by the end of the
9 year. Let's say if it's published in December, that
10 gives the public 90 days to comment on that advanced
11 notice of proposed rule making. That advanced notice of
12 proposed rule making, we'll be asking the public to
13 identify the materials or the substances, exemptions or
14 prohibitions that should be continued for use or not
15 continued for use in organic agriculture production,
16 where there may be some desire to remove substances,
17 they would have to provide data to support their
18 position within the 90-day period. After the 90-day
19 period is up, the Board will commence its work in
20 analyzing those comments. Once we receive the Board's
21 Formal Recommendation, then we will begin to draft a
22 proposed rule.

23 MS. DIETZ: How long will it take the Board to
24 do that?

25 MR. NEAL: 90 days for the Board. And we give

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 ourselves 90 days to draft a proposed ruling.

2 MS. DIETZ: We like 90.

3 MR. NEAL: Then after we draft the proposed
4 rule, then you start the government process. The Office
5 of General Counsel, they get 90 days. Office of
6 Management and Budget, they get 90 days. Once we get it
7 back from them, we can finalize it, put it out for
8 public comment. The Proposed Rule will be out for
9 public comment for an additional, I think, 90 days.
10 Once we receive public comment, then we finalize the
11 proposed rule, make it into a final rule. You get 90
12 days for that. Then it has to go through the government
13 process all over again. So we're looking at a pretty
14 lengthy process. That's why we have to start now. So
15 the earlier the public can start generating their ideas,
16 and concerns, and positions on the substances that are
17 currently identified on the national list, those that
18 have been on the list for five years, the better off
19 they will be. And the same for the Board. If there's
20 some, as Barbara stated, that you know that you want
21 additional information on, we can go ahead and begin to
22 get that information now.

23 CHAIRMAN RIDDLE: Thanks, Arthur. Anything
24 else? Materials? Okay. Nancy, crops.

25 MS. OSTIGUY: The -- I semi-prioritized them.

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 We need to deal with materials. The taps that we've
2 currently been sent and soy protein islet, sunset
3 priorities, reviewing the compost and compost T [ph]
4 reports to make recommendations for potential board
5 vote, guidance document on commercial availability of
6 organic seed, hydroponics and guidance on temporary
7 variances for research.

8 CHAIRMAN RIDDLE: Could you please repeat that
9 a little slower?

10 MS. OSTIGUY: Okay. Materials, the taps that
11 have come in, and soy protein islet, look at sunset
12 priorities that the Crops Committee might have,
13 reviewing the compost and compost T reports to make
14 recommendations for a possible Board vote, guidance on
15 commercial availability of organic seed, hydroponics,
16 and guidance on temporary variances for research.

17 CHAIRMAN RIDDLE: Okay. Thank you. Any
18 questions, comments for Nancy? Okay. And I do have
19 one, and that is we did receive some extensive public
20 comments in writing in advance of this meeting from a
21 group called Wild Farm Alliance, proposing some changes
22 to the kind of model organic farm plan that the Board
23 has approved to strengthen some of the section on
24 natural resources, and they will clarify the questions
25 being asked there. And I think that we're going to

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 hear, you know, verbal comments today. And I'd just ask
2 that the committee stay open to adding that to the work
3 plan, you know, as time permits. Biodiversity, you
4 know, and conservation of natural resources. Any other
5 comments, questions for Nancy? All right. Thanks. Oh,
6 yes, Goldie.

7 MS. CAUGHLIN: Nancy, was -- when you
8 mentioned hydroponics, it's on there as a -- I mean, do
9 you have any...

10 MS. OSTIGUY: My understanding is it was
11 talked about on Tuesday, when I wasn't here. No. I
12 don't know anything about it.

13 MR. BANDELE: Well, the Crops Committee did
14 some preliminary work on hydroponics, in terms of trying
15 to determine whether or not it fit under the auspices of
16 organic production. And we waited for further feedback
17 from the Policy Committee, which we now have. So we'll
18 move forward with it.

19 MS. OSTIGUY: Thank you.

20 CHAIRMAN RIDDLE: Okay. Anything else? All
21 right. Thanks, all committee chairs. I think it's
22 obvious we all have our work cut out for us, and then
23 some. All right. So we've got a few minutes left to
24 talk about the schedule for next board meetings. And we
25 had a preliminary discussion last -- or yesterday

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 like the 16th, 17th, 18th.

2 MS. DIETZ: That won't work for me.

3 MR. SIEMON: How about the 21st?

4 CHAIRMAN RIDDLE: Well, I propose the 7th
5 through 11th. And it sounds -- I know it's a burden,
6 Kim, but...

7 MS. DIETZ: Well, I would prefer the week of
8 the 21st. That would work better for me. It at least
9 gives me four or five days at home without being on the
10 road for that long of a time. So if the 22nd, if that's
11 possible, would be better. And if it's not, than I'll
12 just have to see if I can make it or not.

13 MR. SIEMON: Is President Day, is that a
14 holiday? So we can't do it then.

15 CHAIRMAN RIDDLE: So Monday, the 21st, is a
16 federal holiday?

17 MS. DIETZ: Yes.

18 CHAIRMAN RIDDLE: President's Day, I believe.
19 Okay. All right.

20 MS. ROBINSON: If we need to have a meeting
21 over the course of a weekend, that's fine. I will tell
22 you, we would much prefer the meeting to be here in
23 Washington again, particularly if we have new members,
24 you know.

25 CHAIRMAN RIDDLE: Barbara is speaking. I

 York Stenographic Services, Inc.

 34 North George St., York, PA 17401 - (717) 854-0077

1 didn't quite -- you kind of trailed off there.

2 MS. ROBINSON: We would prefer the meeting to
3 be here in Washington.

4 CHAIRMAN RIDDLE: Okay. Does the 22nd, 23rd,
5 24th work?

6 MS. DIETZ: Can we do it at the end of next
7 week? I mean, that's a week off for children, and for
8 those of us who are parents...

9 MR. O'RELL: I agree. I have the same
10 conflict, if that's a week off for kids, I'm sure my
11 wife has a condo rented somewhere for skiing.

12 CHAIRMAN RIDDLE: You'd rather not have the
13 meeting in Washington then?

14 UNIDENTIFIED SPEAKER: Or we could have the
15 meeting where your condo is rented.

16 CHAIRMAN RIDDLE: I knew this would be fun. I
17 just didn't realize how much fun. George.

18 MR. SIEMON: How about the 7th, 8th, 9th, of
19 March?

20 UNIDENTIFIED SPEAKER: Then you're getting
21 into Expo West.

22 MR. SIEMON: I know. Well, the expo is the
23 17th, 18th, and 19th.

24 UNIDENTIFIED SPEAKER: Is it? Okay.

25 UNIDENTIFIED SPEAKER: I like having it up at

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 Kevin's condo.

2 MS. DIETZ: I don't carry around schedules. I
3 don't work on schedule. I don't know if that's spring
4 break or not. I think it may be for elementary schools
5 in Florida, but I don't know.

6 CHAIRMAN RIDDLE: Well, at some point we're
7 going to have to sacrifice something.

8 UNIDENTIFIED SPEAKER: Or somebody.

9 CHAIRMAN RIDDLE: Yes. Let's at least nail
10 down tentative, and we'll -- yes, Rick.

11 MR. MATTHEWS: You can just let us make all of
12 the decisions for...

13 CHAIRMAN RIDDLE: Well, we tried that. I'm
14 glad you've taken credit for all of our mistakes.
15 Whatever it takes.

16 UNIDENTIFIED SPEAKER: The first three weeks in
17 February is out. Right?

18 CHAIRMAN RIDDLE: For one reason or another.

19 UNIDENTIFIED SPEAKER: Okay. Well, that's
20 really the best time for me.

21 CHAIRMAN RIDDLE: Yes. I still -- February
22 7th, through 11th, and then I'm hearing March 7th, through
23 11th. Well, let's get something down here, and then we
24 will confirm it. This is still tentative. Whatever we
25 walk away today is still tentative. But I want dates.

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 Okay. Let's try that March one, between the 7th and 11th
2 of March. Pardon?

3 UNIDENTIFIED SPEAKER: I just don't -- I don't
4 know.

5 CHAIRMAN RIDDLE: You don't know. Dave?

6 MR. CARTER: That works for me. I'm just
7 getting nervous that we're waiting that long for...

8 CHAIRMAN RIDDLE: Yes. Well, if we're well
9 prepared in advance, that's the good side of it. It
10 gives us more time to be better prepared. Rose and
11 George, let's...

12 MS. KOENIG: I guess I need a clarification.
13 Are the board members that are no longer on the Board as
14 of that date, will they be voting? Are they voting
15 members? Because, I mean, I want to accommodate
16 schedules, but if some -- if it's between -- so, I mean,
17 I think we need to accommodate, for one, the voting
18 members, because those are the ones that actually are...

19 CHAIRMAN RIDDLE: Well, I appreciate your
20 sentiment. George?

21 MR. SIEMON: Well, my concern, again, we are
22 moving the meeting from April forward, earlier, so that
23 we can get -- if there was a due process, get done by
24 October 1, or get it done. So if March doesn't work, I
25 think we have to do it in February. So I'd have to hear

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 from NOP if March is cutting -- because April was going
2 to be too tight, and March worries me, the way the
3 government moves, still too tight. So, to me, that's
4 our -- we're working around this work plan thinking now.
5 And for me, methaninine is a big issue, and I want to
6 work around that deadline.

7 CHAIRMAN RIDDLE: Barbara.

8 MS. ROBINSON: I realize you want to try and
9 get a date down here, but it's, you know, how about go
10 back to the idea that we send you all blank calendars
11 for the weeks in February, and not -- I would really not
12 like to see you delay as long as mid-March. But let's
13 just send around the calendars. Mark the calendars that
14 you -- this gives everybody time to go home, check with
15 families and schools, and find out what the spring
16 breaks and that sort of thing are. I know around here
17 there tends to be a spring break -- winter break, I
18 guess they call it -- in February sometime. But I don't
19 know the dates. Look at your schedules and e-mail me
20 back the dates that you are absolutely unavailable. And
21 then we'll send it back out and say, you know, here's
22 what everybody says. And we ought to be able to do this
23 over the course of next week, if we just -- everybody
24 just reads their e-mails.

25 UNIDENTIFIED SPEAKER: So you're going to...

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 MS. ROBINSON: Yes. I'll send you blank
2 calendars, and then you -- see, see, this is a sign.

3 CHAIRMAN RIDDLE: Okay. And so it sounds like
4 a plan. Let's set a deadline here. Within two weeks,
5 how about that, everyone on the Board has weighed in and
6 we nail it down at the first executive call.

7 MS. ROBINSON: That sounds fine. Can
8 everybody do that, answer their e-mail within the next
9 week, and reply back? If I don't hear from you, I'll
10 bug you.

11 CHAIRMAN RIDDLE: All right. Thank you,
12 Barbara. She has to check with John Ashcroft first.
13 You'd make a good executive director for this Board.
14 You know how to take charge. Appreciate it. Okay.
15 Nancy?

16 MS. OSTIGUY: Just a question. When is the
17 next executive committee phone call?

18 CHAIRMAN RIDDLE: Yes. Let's not try and do
19 that right now. Approximately a month from now. And
20 I'll take the lead on that of proposing dates, and get
21 that nailed down here in the next week, and then we'll
22 have it set two weeks ahead of time. Okay. Anything
23 else here before we go to public comments? Great. All
24 right. If there are people in the audience that haven't
25 signed up yet, right now I have the book. I don't know

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 if there's another copy. But you still can sign up.
2 There are 18 people registered, which at five minutes
3 each, that's, what, about an hour and a half? So we
4 should have time for five minutes per comment. I think
5 it's an hour and a half. I think 12 times five would be
6 an hour. And another six times five would be another
7 half hour. Maybe we need a policy on this. At any
8 rate, we have three hours allotted, with a break in
9 there somewhere that we're definitely going to need. So
10 I think we have time for people to have five minutes
11 each. Rick?

12 MR. MATTHEWS: Barbara factored in questions
13 from the Board.

14 CHAIRMAN RIDDLE: Oh. Okay. Well, while
15 they're getting that figured out, I just want to give a
16 couple reminders to people that are going to comment.
17 There were some people who were signed up for Tuesday
18 that graciously offered to comment today, and they're at
19 the head of the list. And, like I said, you'll have
20 five minutes. If you have someone who signed up and
21 have a proxy, you can have an additional five minutes.
22 And please make note of that when you start your
23 comments so that the timekeeper is aware of it. Also,
24 when you begin your comments, state your name. And if
25 you're representing any organization or company, please

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 state that. Goldie will be keeping time, and we'll hold
2 up a one-minute warning sign. But if you don't happen
3 to look up at that time and see it, that's not her
4 fault. It's just a courtesy. It doesn't mean that the
5 clock is ticking, or it's like in suspension until you
6 see the -- it means it was one minute when she held it
7 up.

8 MS. CAUGHLIN: I like that prior absolution.

9 CHAIRMAN RIDDLE: Yes. Yes. The blinking
10 light and then the buzzer.

11 MS. CAUGHLIN: Where's the hook?

12 CHAIRMAN RIDDLE: Yes. The electric shock.
13 And also I would just ask -- the subject matter, as
14 always, is wide open. So any concerns or information
15 that you care to share, we certainly appreciate hearing,
16 appreciate you taking the time to come here. The one
17 thing that we will not tolerate is attacks on persons,
18 or particular companies, or organizations, so please if
19 you have critical things to say, that's not a problem.
20 Just don't make them personal in how they're offered.
21 So with that, Bob Bolus is the first person up, and
22 Leslie Zook on deck. We'll take a break a little bit
23 into this.

24 MR. BOLUS: Is this on? Thank you for
25 allowing me the opportunity to speak to the National

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 Organic Standards Board this morning. My name is Robert
2 Bolus, and I speak today as a concerned organic
3 consumer, a veterinarian with over 25 years of
4 experience in aquaculture and seafood safety, and as a
5 member of the National Organic Aquaculture Working
6 Group. I wanted to bring a number of issues to the
7 Board's attention this morning. We are faced with a
8 number of important decisions regarding the use of fish
9 meal and fish oil in aquaculture, and to a lesser extent
10 pet foods. And I wanted to point out some salient facts
11 about fish meal and seafood to the Board this morning.
12 Seafood is an important part of a healthy and balanced
13 diet. Specifically, it provides absolutely essential
14 component to the human diet, the highly unsaturated
15 omega three fatty acids EPA and DHA. These essential
16 fatty acids are found nowhere else but in the marine
17 food chain. They're eaten by the larvae of all marine
18 fish, which are then, in turn, eaten by bigger fish,
19 like anchovies and sardines, which are, in turn, eaten
20 by even larger fish like tuna and swordfish, which are,
21 in turn, harvested by man. This is the marine food
22 chain that accumulates the essential fatty acids, and
23 makes seafood an essential ingredient in the human diet.
24 In our search for these fatty acids, we have over
25 harvest the ocean, and are in the process of collapsing

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 the marine food chain that I just described. We started
2 at the top by harvesting all of the tuna and swordfish,
3 and now we have moved down the chain and are over
4 harvesting the herring and the sardines to use as fish
5 meal and fish oil in animal and aquaculture diets. It
6 is true that the commercial fisheries have collapsed,
7 and that aquaculture has grown to fill the void. A
8 significant portion of the catfish, rainbow trout,
9 tilapia, salmon, and shrimp that we consume are today
10 raised on farms with prepared diets based on fish meal
11 and fish oil. Today, fresh water fish raised on fish
12 meal are nutritionally equal to the marine seafood that
13 we are replacing. But before we consider limiting or
14 banning fish meal or fish oil in organic farming, let's
15 make sure that the nutritional value of the products we
16 label as organic are equivalent in nutritional value to
17 the products that we wish to replace. This issue is
18 especially important to pregnant and nursing mothers who
19 absolutely must have DHA in their diets to support the
20 normal growth and development of their fetus. We are
21 clearly faced with a dilemma. The USDA clearly
22 recognizes the importance of seafood in a healthy diet,
23 and recommends that we eat at least two seafood meals a
24 week. Pregnant and nursing mothers are encouraged to
25 eat even more, especially oily fish. The FDA, on the

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 other hand, advises pregnant and nursing mothers to stay
2 away from seafood because it's contaminated with mercury
3 and other toxins, harmful for the developing fetus.
4 This situation is so critical that marine algae are
5 today raised specifically for the extraction of DHA
6 oils. These oils are now supplementing over 90 percent
7 of the human infant formula produced worldwide. The
8 organic solution to this dilemma is to provide organic
9 seafood to nursing mothers, who can then provide the
10 essential fatty acids to their babies the natural way,
11 through their breast milk. Issues of environmental
12 sustainability in food safety have long been of concern
13 to the aquaculture community. The 70 plus members of
14 the National Organic Aquaculture Working Group have
15 spent their entire careers in marine sciences and
16 aquaculture, much of the time searing for sustainable
17 solutions. Aquaculture is, on the surface,
18 superficially very like agriculture, but there are
19 fundamental differences in the way these animals are
20 raised. The diverse membership of the National Organic
21 Aquaculture Working Group brings critical expertise to
22 the decision making process of this Board. I urge the
23 Board to accept the recommendations put forth by NOAG,
24 and detailed in their September 29, letter to the Board.
25 And I also urge the committee to specifically list

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 essentially fatty acids on their approved supplement
2 lists. These fatty acids are just as essential as
3 vitamins, minerals, and amino acids. Their use is not
4 only approved by the USDA and the FDA, but encouraged.
5 Thank you.

6 CHAIRMAN RIDDLE: Thanks, Bob. Any questions,
7 comments?

8 MS. GOLDBURG: Can I ask you a question? Bob,
9 I know you work or have worked for a company that
10 produces marine algae for supplementation...

11 MR. BOLUS: That's true.

12 MS. GOLDBURG: ...as a source of omega three
13 fatty acids. And I know you've been interested in
14 providing it as a feed supplement to increase omega
15 three fatty acids in animal feed. And I wonder if you
16 could briefly tell us what the prospects are at the
17 moment for marine algae serving as a feed supplement.

18 MR. BOLUS: Absolutely. There is great
19 potential. And most of it is being realized right now.
20 The process is one of enablement. Marine algae and the
21 biotechnology to raise them, very similar to yeast, has
22 largely been to support the public health dilemma for
23 human mothers and going into breast milk. But now these
24 alga meals are being raised in larger quantities. In
25 combination with fish meal replacement strategies, fish

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 oil replacement strategies can be accommodated by the
2 use of these alga meals. There are a number of trials
3 in place in many of the species that I mentioned that
4 show that these alga meals can replace fish oil and fish
5 meal completely in the diets, at least of lower food
6 chain species. Right now shrimp, tilapia, catfish, and
7 other omnivorous species can be raised completely
8 without the use of products or marine ingredients.
9 They're used to change the diets of carnivorous species,
10 such as salmon, are going to require some more work.
11 But right now the technology is being used by the
12 rainbow trout industry, tilapia, catfish, and, of
13 course, marine shrimp.

14 CHAIRMAN RIDDLE: Any other questions? I just
15 have one. I think it's a fascinating topic, and if you
16 could -- would be willing to provide general
17 information, not company specific information, to the
18 Aquatic Species Taskforce for consideration of that
19 issue.

20 MR. BOLUS: I certainly would.

21 CHAIRMAN RIDDLE: Thanks.

22 MR. BOLUS: You're welcome.

23 CHAIRMAN RIDDLE: Or the Livestock Committee,
24 I guess, too. All right. Leslie Zook, and then Daisy
25 Putsty-Lein [ph].

1 MS. DONWHITE: In Leslie's absence, if I may
2 speak on behalf of the Pennsylvania Certified Organic.

3 CHAIRMAN RIDDLE: Okay. And that is...

4 MS. DONWHITE: Lisa Donwhite.

5 CHAIRMAN RIDDLE: Okay. And then the next on
6 deck would be JoAnn Baumgartner. Thanks.

7 MS. DONWHITE: And, actually, in fact, I'm
8 going to be reading testimony for NODPA, the Northeast
9 Organic Dairy Produces Alliance.

10 CHAIRMAN RIDDLE: And, I'm sorry, just before
11 you start, is this then ten minutes? Do you have...

12 MS. DONWHITE: No. Just five.

13 CHAIRMAN RIDDLE: Just five. Okay. Thanks.

14 MS. DONWHITE: Okay. Recent questions about
15 the pasture requirement in the National Organic Rule
16 have prompted NODPA to blueprint a pasture policy. This
17 policy reflects our need as producers for a
18 quantitative, measurable, and enforceable standard for
19 all certified organic dairy operations. We feel that
20 the ambiguous language currently used to define pasture
21 requirements in the organic rule has lead to disparity
22 between operations in various regions certified by
23 various certification agencies and has opened the door
24 for operations without adequate or, in fact, any pasture
25 systems to pursue organic dairy production. NODPA is

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 expressing producer concern that certifiers don't have
2 enough tools to use in requiring pasture. While the
3 rule may evolve at the federal level into something more
4 functional over time, there is currently an interim
5 period during which producers, certifiers, and processors
6 are left with the responsibility of implementing a
7 meaningful policy which can be applicable to organic
8 dairy farms across the nation. Consumer confidence in
9 the USDA certified organic logo is the cornerstone of
10 current and future growth in the industry. To
11 compromise that confidence by overlooking the intent of
12 the National Organic Rule and the NOSB recommendation on
13 pasture is not in the best interest of the organic dairy
14 sector. Processors, with the cooperation of producers
15 and certifiers, can set and enforce minimum standards to
16 pasture which can help protect the integrity of organic
17 until the NOP adopts language capable of doing so. And
18 I would just like to read the most pertinent
19 recommendations from NODPA. NODPA supports the pasture
20 recommendation of the NOSB Livestock Committee, dated
21 June 7, 2001, which stated that grazed feed must provide
22 a significant portion of the total feed requirements for
23 organic limited animals. The NOP has failed to adopt
24 this recommendation, and has also failed to ensure that
25 all certifiers require sufficient pasture systems as a

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 basis for certification. NODPA concludes the
2 quantitative minimum pasture policy with measurable
3 parameters needs to be adopted by certifiers,
4 processors, and the NOP. Consistent with the NOSB
5 recommendations and consumer expectations, NODPA
6 recommends the following pasture standard for all
7 organic milk producers, and these are organic dairy
8 animals from six months of age and up must consume no
9 less than 30 percent of their daily dry matter intake
10 from pasture for a minimum of 120 calendar days per
11 year, with a maximum stocking rate for lactating
12 ruminants of 3,000 animal pounds per acre of pasture, up
13 to a maximum of three cows per acre. Pasture is defined
14 as land growing suitable grasses and other forages
15 from which the ruminant animals self-harvest the plant
16 material, which is still connected to its roots for food
17 by grazing. Feeding green chop or any mechanically
18 harvested or stored feed on a pasture setting does not
19 qualify as pasture. Pasture must be managed to prevent
20 environmental degradation. And the only stage or
21 production exemption allowed is from birth to six months
22 of age. Lactation is not an allowable stage of
23 production exemption from providing pasture for milking
24 animals for the entire grazing season. And I was asked
25 to give you a copy of this. It does go on to define

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 other recommendations that they make. And -- are there
2 any questions?

3 CHAIRMAN RIDDLE: George.

4 MR. SEIMEN: Would you tell us who NODPA is?

5 MS. DONWHITE: Yes. The names here, Steve
6 Morrison, NODPA president, Charles Denane [ph], Jim
7 Gardner, Ottselec [ph], New York, Dave Johnson, vice-
8 president, Liberty, Pennsylvania, Mia Morrison,
9 Charlestown, Maine, Henry Perkins, treasurer, Albien,
10 Maine, Rick Segalla [ph], Canning, Connecticut, and John
11 Stoltzfus, Whitesville, New York.

12 MR. SIEMON: I meant...

13 MS. DONWHITE: Oh, who the group was.

14 MR. SIEMON: ...not the people in the
15 organization, just so everybody's clear who this is
16 from. The Northeast Organic Dairy Producers Alliance.

17 MS. DONWHITE: Right.

18 MR. SIEMON: Right.

19 MS. DONWHITE: Yes. I'm sorry.

20 MR. SIEMON: Was that from the Northeast group
21 or from the whole national group, that standard?

22 MS. DONWHITE: I'll be completely honest with
23 you, I was handed this paper about an hour ago, and told
24 to please read it, so I'm not sure.

25 CHAIRMAN RIDDLE: Mark?

York Stenographic Services, Inc.
34 North George St., York, PA 17401 - (717) 854-0077

1 MR. KING: This is probably more of a
2 statement than a question. But concerning -- I would
3 call them stocking rates, that you have there in terms
4 of, you know, pounds per acre, pasture, that sort of
5 thing. But if we do get a copy of that, that would be
6 interesting to see the references, and where those
7 numbers came from.

8 MS. DONWHITE: Yes. And, in fact, it does go
9 on to talk more about stocking rates.

10 MR. KING: Okay. Al right. Good.

11 CHAIRMAN RIDDLE: And if you can give -- well,
12 with Katherine [ph], she had asked me to make that
13 announcement, and I neglected to, so I'm in trouble
14 already. So, yes, if anyone has written comments, if
15 you just have one copy, please give it to Katherine.
16 Otherwise, if you have multiple copies, then you can
17 hand them out to the Board. So, JoAnn Baumgartner is
18 next. Laura Smith has signed up a -- would assume you
19 have a proxy for her or no?

20 MS. BAUMGARTNER: No. Well, I think I can do
21 this in five minutes, maybe six.

22 CHAIRMAN RIDDLE: Okay. Well, but the next --
23 I just want to warn the next person -- that would be
24 George Lockwood after Laura Smith. But you're here.
25 Thanks.

1 MS. BAUMGARTNER: Thank you. I'm JoAnn
2 Baumgartner, with the Wild Farm Alliance. We submitted
3 a request for the NOSB to consider endorsing bio-
4 diversity additions to the organic system plan. I,
5 myself, was an organic farmer for ten years, and for the
6 last three years have been working with the Wild Farm
7 Alliance. We're a new organization. We're composed of
8 sustainable agriculture advocates and wild lands
9 conservation proponents. I know how hard it is to farm
10 in today's economy, and also know that the management
11 decisions can be and are made that balance the needs of
12 the farm and the needs of diversity and natural resource
13 conservation. A couple of years ago IOIA requested our
14 assistance to help them train inspectors about bio-
15 diversity since it's in the rule, but there's no common
16 understanding of what that means. We received support
17 from Organic Farming Research Foundation Others, and
18 formed a committee of 15 members, including organic
19 certifiers, organic farmers and inspectors, and
20 conservationists to define criteria for bio-diversity
21 conservation, and to create supporting materials that
22 will be used by organic farmers and certifiers. Well,
23 why should we care about bio-diversity? Consider, two
24 thirds of the land in the continental US is in
25 agriculture. Farming is responsible for about 40

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 percent of the endangered species listed. And ranching
2 is responsible for about 20 percent of their listing.
3 This is due in part to the habitat destruction, but also
4 water development and invasive species. Our committee
5 began the task of developing bio-diversity criteria by
6 reviewing the National Organic Program Rule. And we
7 found the definition, or course, that organic production
8 must include promoting ecological balance and conserving
9 bio-diversity. We also found in the preamble that it
10 shows the intent, the use of conserve establishes that
11 the producer must initiate practices to support bio-
12 diversity. And there's a standard that requires the
13 maintenance or improvement of natural resources,
14 including wetlands, woodlands, and wild life. Our
15 committee then looked at the organic bio-diversity
16 recommendations and standards around the world, and made
17 the connection between what was required by the NOP, and
18 what others were doing. We have drafted two, 20-page
19 guidebooks for farmers and for certifiers. And during
20 that process our committee recommended that we submit
21 bio-diversity criteria as an organic system plan
22 addition for possible NOSB endorsement. By answering
23 questions and mapping resources, farmers will become
24 more knowledgeable about bio-diversity within and beyond
25 their farm, and inspectors will be able to see that they

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 are making an effort, no matter what their situation.
2 The National Organic Program Rule is a great piece of
3 legislation. And these proposed additions will help to
4 implement the bio-diversity and natural resource
5 components, as written. Organic farms are ideally
6 suited to support bio-diversity, and at the same time
7 take advantage of nature's benefits. Additionally,
8 millions of members of conservation groups that don't
9 currently support organics will be more than likely to
10 when bio-diversity criteria are used and transparent in
11 the industry. Besides, I work with the committee, we
12 are connecting with the larger community. I just came
13 back from Kenya, where IFOM [ph] had a bio-diversity
14 conference, and they have some key bio-diversity
15 standards. We're working right now to put together a
16 bio-diversity conference that will be ahead of the eco-
17 farm conference in California in January. So the Wild
18 Farm Alliance and our committee respectfully request
19 that NOSB endorse the bio-diversity criteria we
20 submitted as additions to the NOSB's modal organic
21 system plan, because certifiers and farmers look to the
22 NOSB for guidance, endorsement additions will be a
23 critical step in establishing a common understanding and
24 expectation. We are not seeing to rewrite the rule, and
25 are not seeking clarification. Rather, this action is

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 important in implementing the regulation as written. We
2 ask that the Board refer the proposed organic system
3 plan additions to the Policy Development Committee for
4 consideration in development of a recommendation for
5 action by the full board at your NOSB spring meeting.
6 Questions?

7 CHAIRMAN RIDDLE: Thanks, JoAnn. Questions?
8 Yes, Barbara.

9 MS. ROBINSON: I'd like to suggest to the
10 Board that for these particular comments, that you take
11 a look at them and remember the working group I was
12 talking to you about yesterday that's getting going in
13 the department to take a look at programs across USDA to
14 make sure that they're not inconsistent, and that they
15 are -- we provide consistent guidance program and
16 service to the organic community, that this set of
17 comments these guidelines you might submit to the
18 Natural Resource Conservation Service, get them into the
19 department somehow so that agencies whose primary
20 mission does deal with bio-diversity and conservation,
21 you know, are informed of this so that they get that.

22 MS. BAUMGARTNER: We do have -- we have been
23 working with NRCS, and, in fact, somebody here from
24 Washington who heads the CSP Program is on our
25 committee. So we're both working nationally and locally

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 with NRCS.

2 CHAIRMAN RIDDLE: I'm also hearing, Barbara,
3 your suggestion is that the Board, if the Crops
4 Committee takes this up, or Policy Committee, but, yes,
5 we need to talk about that, that we also engage or
6 solicit input, and share information with NRCS as this
7 moves forward. But it has been, I think, kind of an
8 undefined area of the regulation. It is required. But
9 how do you assess compliance with those bio-diversity
10 and natural resource sections of the rule? Dave?

11 MR. CARTER: Yes. I was just going to say, I
12 think that this is something that is more -- is
13 appropriately handled by the Crops Committee.

14 MS. OSTIGUY: Thank you so much.

15 MR. CARTER: I don't want to hog everything.

16 MS. OSTIGUY: Well, it's actually sort of near
17 and dear to my heart anyway, so it's fine.

18 CHAIRMAN RIDDLE: All right. Mark?

19 MR. KING: Yes. I just want to thank you for
20 your work. As someone who does a fair amount of farm
21 inspections, I think that this is the type of
22 information that's really needed at that level. So
23 thanks for your pursuits.

24 MS. BAUMGARTNER: Thanks for your support.

25 CHAIRMAN RIDDLE: Yes. Thanks. And I did

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 want to also point out, we receive the documents
2 electronically, but they're also printed after tab four,
3 blue divider, in our meeting book. So they're -- and
4 for the public, they are in the meeting book posted on
5 the website. Any other questions, comments? All right.
6 Thanks. Next up, George Lockwood, and then Karen Robin,
7 on deck.

8 MR. LOCKWOOD: Thank you, Mr. Chairman. I'm
9 George Lockwood. I appear this morning as an
10 individual, not as a co-chair of the working group,
11 aquaculture working group. First of all, sir, I'd like
12 to express our disappointment and my disappointment
13 about us being limited last Tuesday greatly in our
14 presentation, to six minutes. We came fully prepared
15 for a 15-minute presentation. And as a result of being
16 limited to six minutes, we were thrown off base and
17 really weren't able to get our points across. That
18 being said, you're moving ahead within the Aquatic
19 Animal Taskforce. We ask -- I ask that not one token
20 member from aquaculture be placed on there, but that
21 several. We ask in our presentation that at least half
22 the members be from aquaculture. Whether or not that's
23 realistic, I don't know, but certainly more than one
24 individual, no one person can adequately represent the
25 five major species groups that are going to be involved

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 with a multitude of farming practices that are employed
2 across the country, and the multitude of feed options
3 for some of these species. I would also like to say
4 that as far as I'm concerned, you will receive my full
5 cooperation and the cooperation of many, perhaps not
6 all, of the members of the aquaculture working group
7 that we've assembled. And finally, sir, let me point
8 out something that we were unable to get across in our
9 presentation. We are going to be seeing, we expect
10 within a matter of months, a flood of foreign products
11 certified as organic coming into the United States
12 marketplace, particularly in the area of salmon and
13 shrimp. We think it's very important that the American
14 consumer have products that are certified under the
15 USDA, and not Natureland, which is particularly
16 aggressive in aquaculture now, or some other foreign
17 certification body, particularly those in Chile, which
18 is where much of the salmon production is going to be
19 coming from. So thank you, sir, for this opportunity to
20 be with you again.

21 CHAIRMAN RIDDLE: Thanks, George. Any
22 questions, comments for George? George.

23 MR. SIEMON: Now I can look through my papers.
24 But where do we stand now on this imported -- with this
25 scope that we've done? What's the status of this

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 imported fish? Can they still use the word organic
2 without any restrictions?

3 MR. LOCKWOOD: You can't use the USDA label.
4 But if it's certified by Natureland, and says organic,
5 it can be labeled organically certified by Natureland.

6 MR. SIEMON: So the scope work we did this
7 week didn't change that whatsoever.

8 CHAIRMAN RIDDLE: Well, we wouldn't have
9 changed it. We would have given a recommendation on how
10 USDA handles it. But, Barbara, could you comment?

11 MR. SIEMON: Is there a concurrence on that
12 too? I just can't recall.

13 MS. ROBINSON: We have said you recognized and
14 as George points out, we don't yet have standards for
15 aquaculture or for wild caught seafood. Therefore, the
16 USDA seal can't be used. The product cannot be
17 represented to meet the NOP standards. But, yes, other
18 folks can use the word organic. Now they can get their
19 products certified by a USDA accredited certifier to a
20 set of private standards. You know, that's why the push
21 is on to develop standards in the -- under the NOP, that
22 will cover these products so that, you know, everybody
23 will be held to the same standard.

24 CHAIRMAN RIDDLE: Anything else? Appreciate
25 your concerns, George, and I apologize for the way

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 things developed on Tuesday. It was out of our control,
2 just how popular we are.

3 MR. LOCKWOOD: Thank you, Jim.

4 CHAIRMAN RIDDLE: Way too many comments there.
5 Okay.

6 MS. OSTIGUY: I have a question.

7 CHAIRMAN RIDDLE: Yes. Sorry. Nancy.

8 MS. OSTIGUY: Does this also mean that an
9 American producer could label their product organic
10 without the USDA standard?

11 MS. ROBINSON: Yes.

12 CHAIRMAN RIDDLE: George?

13 MR. SIEMON: The Policy Committee, can you
14 tell me why didn't we make a recommendation on this here
15 and to try to reverse the directive? On this, this
16 time, I just read through the thing. It just says about
17 the taskforces is all it said. There's no way we could
18 have --

19 MR. CARTER: Well, I think on this particular
20 one we're leaving it to the taskforce to give the
21 direction on all of this. I think if we're going to
22 have a taskforce to establish aquaculture
23 recommendations on aquaculture standards, in both wild
24 caught and farm raised, I don't think we want to sort of
25 confuse the thing by issuing our own set of

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 recommendations for a policy and then also have a
2 taskforce that's developing other ones. I think we
3 leave them to work on that.

4 MS. GOLDBURG: Can I ask a question of Barbara
5 or Rick? It seems to me there are two issues here, one
6 is that a US certifier can certify a fish as organic to
7 some private standards, or the livestock standard, and
8 whatnot, and we have a little bit of that going on now.
9 The other issue is that people certified of private
10 standards that are not US standards, they're private
11 standards. And does the USDA have any legal authority
12 to restrict the use of the word organic in the latter
13 situation?

14 MS. ROBINSON: No. That's why, even if you
15 made a recommendation, you can't undo or create a
16 regulation or a statute by a recommendation alone.
17 That's why we have to go out and do the standards. And,
18 you know, it's the pre-October 21, 2002, situation for
19 those commodities that are not covered.

20 CHAIRMAN RIDDLE: Rose.

21 MS. KOENIG: I guess what's confusing to me
22 then, when the standards are developed then is that when
23 you gauge -- engage in equivalency? I mean, what is
24 equivalency?

25 MS. ROBINSON: Once we have standards, any

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 product that comes into the United States that
2 represents itself as organic, once we have standards,
3 must be to NOP standards.

4 MS. KOENIG: I see. So that's the
5 distinction.

6 MS. ROBINSON: Yes.

7 CHAIRMAN RIDDLE: Just a comment. It
8 certainly is confusing to consumers because now on most
9 products the word organic does mean USDA organic,
10 whether the seal's on it or not. But yet that same word
11 can be on something that's not covered by the standards,
12 and consumers don't know the fine points here. And what
13 I'm hearing is the only possible remedy on these
14 categories in the short-term would be as was discussed
15 on Tuesday involving the Federal Trade Commission and/or
16 FDA, where there's jurisdiction there, if someone has
17 reason to believe that fraudulent, misleading label
18 claims are being made. Correct?

19 MS. ROBINSON: That and getting your Trade
20 Association, getting your industry groups to do the
21 kinds of education, the public service organizations,
22 educating consumers to say that, you know, there's NOP
23 organic, and then there are possibly private organic
24 standards. But that's the unfortunate situation that
25 we're caught in. And that's why I keep reminding you,

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 go back to pre-October 21, '02. You had the same
2 situation for all commodities. Now you've got, you
3 know, we've just got some that we have not brought under
4 the umbrella.

5 CHAIRMAN RIDDLE: Goldie.

6 MS. CAUGHLIN: It also -- I would like to just
7 point out that if the USDA seal were not a voluntary
8 seal, if it were a required, mandatory seal, that would
9 go a long way toward giving the information up front to
10 the consumer, because one of the biggest things that I
11 hear from consumers is confusion right on our shelves,
12 with products next to each other that are organic, one
13 having a seal, the other not having a seal. It comes up
14 all the time. And, certainly, when it comes to this
15 sort of a situation, would go a long way toward that.
16 Secondly, I just -- a personal comment, I guess. I work
17 with a chain of food cooperatives that has vowed that we
18 will not be permitting the sale in our stores of fish
19 labeled organic, unless or until there were to be USDA
20 standards, period, even at our own loss of revenue,
21 which we know the same products being sold in other
22 markets. And I think we're seeing in co-ops, certainly
23 in many natural food stores, an opportunity to educate.
24 And, hopefully, I think this is really important to get
25 these distinctions out.

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 MR. LOCKWOOD: We're also seeing now wild oats
2 importing Irish salmon organically certified.

3 MS. CAUGHLIN: Some of the other large
4 retailers have decided not to do that, in addition to
5 our own, or not to, you know...

6 MS. ROBINSON: The only comment I would make
7 in regards to that is -- well, two. Number one, the
8 Agricultural Marketing Service, where this program is
9 housed, is just that. It is a marketing service. There
10 are very few programs within AMS that are mandatory.
11 When it comes to marketing, the philosophy of this
12 agency is that marketing programs are voluntary. They
13 are something that industry requests, or industry
14 desires, and then industry can avail themselves of the
15 marketing label. The second thing is that I would say
16 that although we believe and we -- well, we believe that
17 the USDA NOP standard is the gold standard, and that's
18 what we worked hard to create, I would just say that
19 USDA would not sit here also and say just because
20 Ireland has an organic standard for salmon, that it is
21 somehow, you know, that there's some pejorative
22 association with that. I mean, you don't know. The
23 Irish organic standard may be the gold standard that,
24 you know, eventually is adopted. In other words, I
25 don't want to see you get into a situation of saying,

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 you know, oh, yes, the Irish have got a standard for
2 salmon, because we don't know. We haven't done that
3 kind of work.

4 CHAIRMAN RIDDLE: Thanks. Yes. We will not
5 tolerate personal attacks on the Irish either. Owusu.
6 And then I'd like to wrap up this discussion if we
7 could.

8 MR. BANDELE: I just have a kind of related
9 question in terms of the -- just a point of
10 clarification. Like something like hydroponics, which
11 is -- can be covered by the rule but in which no
12 guidance has yet been given, than at this point a USDA
13 accredited certifier could certify an operation that's
14 organic. Is that right?

15 MS. ROBINSON: Yes. Yes. We believe that
16 hydroponics are covered under the standards. They fall
17 under the crop standards. But we recognize that, you
18 know, there may be additional details that need to be
19 added to the standards.

20 CHAIRMAN RIDDLE: George.

21 MR. SIEMON: If you have any information about
22 standards in the world, like the Irish standards, or any
23 of the work you all have done so far, it would really be
24 great if you could send us materials to give us a jump
25 start when we start our working group.

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 MR. LOCKWOOD: I have a notebook, sir, that's
2 about that thick, of international standards, and just
3 the sections that apply to aquaculture. And I must say
4 that IFOM [ph] has taken the lead in trying to pull all
5 of this together. But there's a wide variety of
6 practices that occur in the international -- under
7 international standards, various certification groups.
8 And I would also say as I said earlier, Natureland seems
9 to be very aggressive in the area of aquaculture, and
10 has certified people in Chile as well as in Europe.

11 CHAIRMAN RIDDLE: All right. Thank you.
12 Dave.

13 MR. CARTER: Just one quick question. Without
14 getting personal, but the standards that you just
15 referenced that are being used in Chile, I mean, are
16 they anywhere close to what you would want to see in the
17 US?

18 MR. LOCKWOOD: That's a subject open to a lot
19 of conjecture. I think we're just -- right now we're
20 too early to give any opinion on that. Like I said,
21 Natureland has given a lot of thought and a lot of work
22 to this. And our approach has been to not -- to use the
23 international certification standards as references, but
24 really not much of a guide. We want to see what they're
25 doing, but we want to do what's best for the American

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 farmer and the American consumer.

2 CHAIRMAN RIDDLE: Thank you. Okay. And we
3 will take a break in 15 minutes at ten. It's a
4 scheduled break. If we can get a few more commenters in
5 before that. Karen Robin is next. Is Karen here?
6 Okay. Well, there's a quick one. Grace Mariquen is
7 next, and then Morey Johnson. Are you ready to go,
8 Grace?

9 MS. MARIQUEN: I'm going to let Morey go
10 before me.

11 CHAIRMAN RIDDLE: Okay. If Morey's ready to
12 go, that's fine.

13 MR. JOHNSON: Good morning. My name is Morey
14 Johnson. I'm with NC Plus Organics in Lincoln,
15 Nebraska. We're a seed company based in Nebraska. My
16 comments today are from my position with NC Plus
17 Organics, and not as a representative of the American
18 Seed Trade Association. I have been on the Organic Seed
19 Committee of the American Seed Trade Association for a
20 number of years, and will be chairman this coming year.
21 This past June, our committee passed a recommendation
22 onto the -- up the chain of command of the American Seed
23 Trade Association. And it had several important points
24 regarding organic seed. The first thing our committee
25 recommended was that there be a National Organic Seed

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 database developed under the authority of the USDA and
2 NOP. The operation of the database could be handled
3 internally by the USDA or could be farmed out to a
4 designated agent. Secondly, our committee made the
5 recommendation that this database be located on the
6 Internet, and seed suppliers and brokers could have
7 access on a 24/7 basis to update their inventories and
8 keep those current. This would be a database that could
9 be used by farmers, by certifiers, by inspectors to
10 check on availability of species or certain particular
11 hybrids or varieties. Thirdly, we recommended that
12 organic seed technology products, such as priming
13 treatments, film coats, and pelleting also be listed,
14 provided that they were consistent with organic rules.
15 Fourth, on the database organic varieties would have a
16 variety and scientific names. They would have the
17 supplier name, and these would be organic only
18 suppliers. And the name of the organic certifier of the
19 seed would also be listed. And finally, we -- our
20 committee recommended that certifiers notify the USDA of
21 exemptions on a monthly basis so that seed suppliers and
22 others could see what seed products were not available.
23 So we made that recommendation this summer, and that
24 went on through the chain of command at ASGA. And I
25 believe that has been communicated, at least in a formal

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 way, to the NOP. But the database is just a beginning
2 step. We kind of recognize that. And some of the work
3 that you have done with the commercial availability on
4 food ingredients, and some of the things that you have
5 said there, we would like to echo that as far as seed.
6 I believe you made a recommendation in terms of
7 documenting non-availability of food ingredients. And
8 that type of procedure, we would also like to see with
9 seed where non-organic seed is being used. We would
10 also like, as I mentioned earlier, that there be some
11 sort of documentation used where allowances or
12 exemptions were permitted for the use of non-organic
13 seed. Organic seed suppliers are kind of caught in the
14 middle here a little bit. There are a number of
15 suppliers in the United States that have embarked on
16 this process. And in many cases, they are sitting on
17 inventory that's not moving. And so there are a lot of
18 seed suppliers that are wondering about the future. And
19 we, at ASGA, and individually, would like to see
20 progress made here and clarification of the rule so that
21 as seed suppliers, as growers, we kind of know what the
22 rules are.

23 MR. KING: One of the issues, I think, that's
24 prevalent here, and having reviewed some contracts and
25 understanding the distribution chain a little bit is

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 that, you know, demand sometimes is driven by clearly
2 the purchaser or the contractor in this case. And they
3 may have, you know, form, function, quality, parameters
4 within that contract that fit a certain variety of seed.
5 I'm sure you're familiar with this. Therefore, that's
6 driven down to the production level. And, you know, in
7 some cases a certified organic seed may or may not be
8 available. And so I see that as part of the issue here,
9 and was just curious how you felt about that. Because,
10 you're right, I would like to see all certified organic
11 seed out there. But it seems to be driven almost from
12 the opposite end.

13 MR. JOHNSON: And that's certainly a good
14 point. In the case of, for instance, soybeans, there
15 are certain manufacturers who like a particular variety
16 because of how it goes through the manufacturing
17 process, I think that's probably also true with some
18 vegetable varieties as well. So the end users, the
19 buyers need to be integrated into this. And I guess we
20 would ask that they be sensitive to the organic seed
21 issue. And I think -- I've been involved in this for
22 five years, and I think there's been a lot of
23 development of organic seed varieties that could fit
24 some of these uses, and could be equivalent as for the
25 end user. But the end user needs to be involved too.

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 CHAIRMAN RIDDLE: Rose?

2 MS. KOENIG: Yes. Two things. I guess -- I
3 was trying to understand. So is that a recommendation
4 that your organization has, you know, as far as a
5 database? I'm not quite sure when you were saying NOP,
6 and having a database. I don't understand if that was
7 just a proposal or...

8 CHAIRMAN RIDDLE: Barbara.

9 MS. ROBINSON: We have been working with ASTA
10 [ph] on this. And at this point we're waiting for -- I
11 think we've been talking with Chip Sunderstrom [ph].

12 MR. JOHNSON: Well, Alexis at the ASGA Office,
13 I think, has registered with Keith.

14 MS. ROBINSON: Right. Right. We've had many
15 conversations. And so we're awaiting the forwarding of
16 the data from ASGA, and we will publish it. Because I
17 think, obviously, one of the keys here is let's get the
18 database up, the listing of suppliers of certified
19 organic seed, so that folks, you know, know what is
20 available, but also know what's not available.

21 CHAIRMAN RIDDLE: A follow-up, and then
22 Owusu's in line.

23 MS. KOENIG: I guess, you know, in general, I
24 don't have a problem with. I just was wondering if that
25 service was going to be provided for all types of input.

 York Stenographic Services, Inc.

 34 North George St., York, PA 17401 - (717) 854-0077

1 And that's my concern. It's -- I mean, if another
2 industry, whether it's fertilizer or other inputs on
3 farms, do they have the same access to that kind of a
4 situation? And then if everyone has that same access, I
5 don't have a problem with it. And then the other thing
6 is, if it goes on the website, I guess if they're
7 certified it's not an issue. But with the seed
8 treatments and such, like you were -- who determines if
9 those seed treatments are compliant with NOP? Is that
10 just part of the certification process then? And when
11 you get those seed treatments, then does your certifier
12 make sure that whatever you disclose the materials to
13 the certifier and they check to see if it's on the list?
14 I just don't understand how that quality control -- I
15 guess I'm a little scared or have reservations because
16 there's not -- there's some natural, certainly like
17 clays that are used in, you know, as -- for, you know.
18 But there's a lot of priming and such that may go on
19 that really might be a gray area.

20 MR. JOHNSON: I guess on your first comment
21 about why is this done for seed and maybe not further
22 inputs, seed, I think, is one of the few areas where
23 there is an allowance for an exemption based on
24 commercial availability. In other words, on fertilizer
25 I'm not aware of, you know, of possible exemptions. But

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 on seed, there was an allowance made for exemptions.
2 And there was no supply there originally. And maybe
3 that's one difference. As far as any of the seed
4 coatings or pelleting, those all would have to be
5 certified as organic. They'd have to approved and that
6 type of thing, for them to be included in this database.

7 CHAIRMAN RIDDLE: Owusu.

8 MR. BANDELE: I was just wondering, I had two
9 questions. First, the seeds that are not moving, would
10 they be more likely to be organic or vegetable seeds?
11 And the second question is that with not a reason -- I
12 mean, it's kind of a loophole if a farmer, for example,
13 insists on a particular variety, and that variety isn't
14 available, but maybe something similar is. He could
15 kind of use that as a loophole. Would that be -- is
16 that part of that problem as well?

17 MR. JOHNSON: Well, first of all, I think you
18 were asking is vegetable seeds less available than row
19 crops. I think -- was that...

20 MR. BANDELE: When you were talking about that
21 they were not moving, that the -- yes.

22 MR. JOHNSON: Right. It kind of varies on a
23 crop by crop basis. On the small grains, I would
24 estimate that maybe 60 percent of the acres are using
25 organic seed. On some of the other field crops like

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 corn and alfalfa, it's probably in the ten to 20 percent
2 range. On vegetable crops, again, I think it varies
3 quite a bit, depending on what the species is. There
4 are some of these that are much easier to produce
5 organically. My general feeling, in talking with the
6 vegetable seed people, is that they have inventories
7 that are not moving as well. For the vegetable it seems
8 to be much more like Mark was saying, that the vegetable
9 -- the buyers of, say, organic carrots request a certain
10 variety. If that variety is controlled by the
11 particular company, and they don't want to do organic
12 seed, then it's not available organically. So in
13 vegetables, I think the buyers have a much stronger role
14 than, say, on something like corn or alfalfa. And your
15 second question, I....

16 MR. BANDELE: No. That's fine.

17 CHAIRMAN RIDDLE: Okay. I have a question,
18 and then a couple comments. You mentioned about a
19 draft, kind of a white paper that you have. Is that
20 publicly available, or something you could make
21 available to the Board? Our Crops Committee is going to
22 be taking on this issue, commercial availability.

23 MR. JOHNSON: This was something that NC Plus
24 and a couple of other companies participated in through
25 the Organic Trade Association. At this point it is a

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 draft only. And it is being reviewed. But I don't
2 think it's available today for public viewing.

3 CHAIRMAN RIDDLE: Okay.

4 MR. JOHNSON: But it should be fairly soon.
5 But basically what it does is it follows up and makes
6 some suggestions for the future.

7 CHAIRMAN RIDDLE: Okay. And then, yes, I had
8 a comment about this list or database. And those are
9 two very different things. There currently is a list of
10 feed suppliers on the NOP website. And I don't know, I
11 assume that someone just has to provide proof of
12 certification, and they're on the list. It's a
13 voluntary list. It's not a recommendation of any
14 company. I think it says something like that,
15 disclaimer there. And I can see, you know, without a
16 lot of effort or expense, the program, doing a similar
17 list of organic seed suppliers. But what you suggested
18 was a real time database of inventories of varieties, as
19 I understood it. And I just wonder if that is
20 appropriate, or what. And even for both of these things
21 if the department might look at outsourcing or moving
22 that to a group like ATRA, which is an information
23 supply, you know, that under contract to USDA. Just
24 some thoughts. We don't have to work this out now. I
25 just wanted to...

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 MR. MATTHEWS: Well, the details on how it
2 would get posted haven't totally been worked out. It's
3 just that we have expressed a willingness to work with
4 making this happen. And if it's real time we may have
5 security issues. So it might end up being something
6 like a link to another site. But the point is we are
7 willing to work with ATRA to provide both producers and
8 the certifying agents with the information they need to
9 comply with the regulations.

10 CHAIRMAN RIDDLE: And it's a huge need. One
11 last comment, and then we're going to take a break.

12 MS. KOENIG: The one concern I have, and I
13 think it's probably your agency and your committee is
14 fully aware of it. But one of the treatments that we
15 just -- well, one of the substances that we approved, I
16 guess last meeting, was for de-linting cotton. And
17 there's a lot of, I know, inputs that you use in terms
18 of the processing of seeds for either disinfection. And
19 then there are techniques, at least in vegetable crops,
20 where you use inputs to do like seedless watermelons,
21 those, you know, for the eventual expansion of the
22 organic seed market into specialty crops or things where
23 you have to do genetic -- non GMO genetic manipulation.
24 Those substances would have to be included on the list.
25 And I think the industry needs to start thinking about

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 those petitions, because we have the money now available
2 to look at those specialized uses for seed treatments.
3 And this is the time to, as an industry, get on the ball
4 for those petitions, because those types of seeds that
5 would require those kinds of, you know, synthetic
6 substances to produce the organic seeds need to be
7 petitioned, or else they really should not be, you know,
8 they're not allowed.

9 CHAIRMAN RIDDLE: Arthur.

10 MR. NEAL: I want to address Rose's issue. If
11 I understand, tell me correctly, that the companies that
12 would be listed would be certified. So if the companies
13 who were providing the seeds are certified, than the
14 certifying agent would ensure that the seeds were
15 produced according to the standard. So that should...

16 MS. KOENIG: Which I fully understand. And a
17 lot of ferriage crops or grain crops is not as much of
18 an issue. But once you get into vegetable crops there's
19 issues there that are not -- that are a lot more
20 chemical. And I'm just saying, I agree, I'm not
21 questioning what is certified now. I'm just saying for
22 the industry to continue to grow...

23 MR. JOHNSON: One comment I would make. This
24 past summer I attended the International Organic Seed
25 Meeting in Rome. And one of the things that just really

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 impressed me was the number of seed treatments, seed
2 enhancement type products that are being investigated
3 and looked at in Europe. For our company and for a lot
4 of the companies I know, we don't use anything, but we
5 have started looking at a couple of products that are on
6 the armory list. So I think as time goes ahead, there
7 will be more of these kinds of products that people will
8 need to look at.

9 CHAIRMAN RIDDLE: Okay. Thanks.

10 MR. JOHNSON: Thank you.

11 CHAIRMAN RIDDLE: And we will -- when we come
12 back from break -- I'll say this first before we break,
13 Grace Mariquen will be first up, and then Richard
14 Siegel. And we will break until 10:20. But please be
15 back and ready to go for discipline. We might finish
16 early.

17 ***

18 [Off the record]

19 [On the record]

20 ***

21 CHAIRMAN RIDDLE: Next up is Grace Mariquen.
22 And then there's a slight change, and following Grace
23 will be Gwendolyn Wired. Thanks. Go ahead, Grace.

24 MS. MARIQUEN: Should I wait for Goldie or...

25 CHAIRMAN RIDDLE: Pardon? Oh, we don't have

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 our timekeeper. Yes. There's some problem with the
2 women's rooms, I guess. I don't know anything more.
3 Can you handle that, Mark, please?

4 MR. KING: Yes. I'll do my best. Are we
5 ready?

6 CHAIRMAN RIDDLE: Okay. Mark's going to fill
7 in as timekeeper.

8 MS. MARIQUEN: Set, go?

9 CHAIRMAN RIDDLE: Yes, please.

10 MS. MARIQUEN: My name is Grace Mariquen, and
11 I'm president of Mariquen International Organic
12 Commodity Services, Inc. My company is based in Santa
13 Cruz, California, and we import organic ingredients and
14 supply organic ingredients domestically for the natural
15 food industry. I am here to explain to the Board why
16 the national list should be amended to reclassify yeast
17 as an agricultural product. Yeast is currently listed
18 as a non-synthetic, non-agricultural substance under
19 Section 205605(a). On July 30th, we requested that the
20 Board adopt a recommendation that yeast be transferred
21 to Section 205606, as an agricultural product. Yeast is
22 a product that needs to have its status updated on the
23 national list. Yeast is now commercially available in
24 an organic form. I know this because I import organic
25 yeast from Europe. The manufacturer is Ograno [ph], in

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 Regal, Germany. The organic yeast is called Boreal
2 [ph]. It is certified organic by two organic certifiers
3 in Europe, Lackon [ph] in Germany, and Beoswiss [ph], in
4 Switzerland. Both of these are NOP accredited
5 certifiers. The story begins back in 1997, when the
6 first proposed NOP rule was publishes. Organic yeast
7 was not yet available, so it was necessary to put the
8 yeast on the list. When yeast was first listed it was
9 treated as a non-synthetic and as a non-agricultural
10 substance. At the time it did not seem to make any
11 difference whether yeast was called non-agricultural
12 rather than agricultural. Yeast belonged on the
13 national list, and the category didn't matter. In the
14 second proposed rule and in the final rule, yeast
15 continued to be carried as a non-agricultural substance
16 under Section 205605(a). Then in 2002, when I began
17 importing organic yeast, to my great shock I learned
18 that my organic yeast was not on par with other organic
19 ingredients. Manufacturers making organic products are
20 not required to use organic yeast once they meet the 95
21 percent organic threshold. Handlers are free to use
22 conventional yeast instead. The yeast I brought over
23 from Europe did not sell, and I took a serious financial
24 loss as a result. The final rule does not recognize
25 organic yeast as an organic product. Why? Because in

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 the final rule, yeast, in general, is not classified as
2 an agricultural product. So in theory, is it not
3 certified organic. In a letter from Richard Matthews,
4 on February 11, 2004, he confirmed that under the final
5 rule handlers are not required to source organic yeast.
6 I will now show you two labels. And, in fact, it's in
7 your packet. One of them is for halla [ph] bread from
8 Whole Foods, and the other is from Willaver's [ph]
9 Certified Organic Ground Ale. And when you look at
10 these labels, you'll see that all the ingredients listed
11 are organic until it gets to yeast. And the yeast is
12 not organic, what's being used. And the same applies to
13 the ale. This is a paradox because organic yeast is
14 just as commercially available as these other
15 ingredients shown on the two labels. This is why we
16 have made our request to the Board. At this time we are
17 not trying to get yeast removed from the national list.
18 Instead, we simply want to get yeast out of its
19 straightjacket category that it's in right now as a non-
20 agricultural substance, and have it into a category of
21 being an agricultural product. This will recognize that
22 organic yeast is on the market. It will give organic
23 yeast an even shake with other organic ingredients.
24 Once yeast is classified as an agricultural product,
25 then manufacturers will be required to use the organic

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 yeast under the organic preference, Section 205301(b).
2 They will start putting this new organic yeast into
3 products, and it will enhance the integrity of their
4 products. They will stop using conventional yeast,
5 which is made with synthetics. Organic yeast is made
6 without any synthetics. Here are some of the synthetics
7 that are used today in conventional yeast that's being
8 used widely, ammonia, ammonia salts, sulfuric acid,
9 caustic soda [ph], synthetic anti-foaming agents.
10 And the waste water is really difficult to dispose of,
11 whereas in the organic yeast the waste water is used to
12 produce further products. What we're asking is in line
13 with prior recommendations on the Board to look at
14 205606. The reason that 205606 has those five
15 ingredients listed is that the Board, in June of 2000,
16 asked the Department to move those five ingredients from
17 non-agricultural to an agricultural status. The
18 Department did this in the final rule.

19 CHAIRMAN RIDDLE: Time.

20 MS. MARIQUEN: Time. Oh, okay. Well, yes.
21 Rosie?

22 MS. KOENIG: As far as the classification, I
23 guess what I have a hard time understanding is if, you
24 know, and I read the -- I think Mr. Siegel's letter was
25 from your company. Right? So I didn't want to -- okay.

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 That's what I thought. So based on that concept, if
2 yeast is similar to mushrooms and mushrooms is under the
3 crop standards, how, in a farm system plan, can you
4 raise yeast to meet the requirements of the cropping
5 requirements within a farm system plan? I mean, it's
6 beyond just what you grow something on.

7 MS. MARIQUEN: Well, is mushrooms certified
8 organic right now?

9 MS. KOENIG: They are. But, you know, yeast -
10 - there's part, you know, yeast is a unit nucleate, you
11 know, fungi. Not all -- figure you have, you know, a
12 kingdom of fungi, and not all fungi are looked at as the
13 same. And the edible fungi are fruiting bodies of
14 certain higher, you know, fungi. So I think you need
15 to, perhaps, look at -- and, you know, I kind of
16 requested the processing -- although I think it's beyond
17 a processing -- committee -- handling committee -- sorry
18 -- issue. But a lot of it has to do with if you're
19 going to bring biology into the analysis, than you
20 really need to look at the biology of the systems, and
21 you have to look at it in terms of the crop standards.
22 So it's not as simple as just saying it's a fungi,
23 therefore, it's agricultural.

24 MS. MARIQUEN: I'm not a biologist or a
25 scientist by no means, so I can't address it from that

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 standpoint. But I do know that right now we have
2 broccoli sprouts certified organic. We have mushrooms
3 certified organic. We have the yeast that's grown on
4 whole grains, corn, wheat, and produced throughout its
5 system with grains. So it's an interesting point you're
6 brining up from that perspective. But right now we
7 already have set up a precedent. And I think that it's
8 an interesting point to be looking at, because this is
9 just the beginning. There are people developing
10 different kinds -- lactobacillus, that's another one
11 that just comes in right behind the yeast. There are
12 people now working on a series of ingredients. So it's
13 important that you're looking at this category in
14 general, because this is only one part that you're going
15 to have to address.

16 CHAIRMAN RIDDLE: Kevin?

17 MR. O'RELL: Grace, I'm glad that you
18 recognize that there is -- there are other materials on
19 the list that would maybe come under the same -- qualify
20 under the same decision that we'd be looking at yeast.
21 And if you heard earlier on the Handling Committee work
22 plan, this is a number one priority. We will be meeting
23 on this quickly to try to see how we move forward. It's
24 a, certainly, a complex issue that will need to be
25 handled, and we'll be looking for public input as much

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 as we can, and getting counsel as well. This product,
2 the yeast product that you are talking about was
3 certified -- is certified organic by Beoswiss. Do you
4 have their standards of how they -- or can you provide
5 those?

6 MS. MARIQUEN: I think we've submitted a
7 standard. If not, I'll make sure that you have that. I
8 think we did -- we submitted the one from Latcon. And
9 I'll get the one from Beoswiss.

10 MR. O'RELL: That would be fine. Thank you.

11 MS. MARIQUEN: And I also wanted to say, I'm
12 very encouraged and glad that you're considering this
13 meeting that's coming up in spring, because these are
14 very important issues to be addressed.

15 CHAIRMAN RIDDLE: Kim.

16 MS. DIETZ: Grace, I just wanted to thank you
17 for your patience in this process. It's been probably a
18 couple of years that you've been going and forth and
19 trying to figure out exactly what to do with yeast, and
20 whether we petition to remove it, or whether we work on
21 what angle. And I also remember our first conversation
22 when you were like, what a mess this is. And how do you
23 guys deal with these regulations? And you sound like
24 you're a pro. You did very well. I wanted to tell you
25 that. So learning is the way -- getting your feet into

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 it is how you learn. So thank you for your patience,
2 and hopefully, we can figure it out for you.

3 MS. MARIQUEN: Thank you. And thank you, all,
4 for your dedication and hard work. I think we all in
5 the industry appreciate it.

6 CHAIRMAN RIDDLE: Thanks, Grace. Next up is
7 Gwendolyn Wired, and then Richard Siegel. And I would
8 just ask -- we've had a few more people sign up, and so
9 we're really going to be pressing time limits. So if
10 the Board members can keep their comments and questions
11 as succinct as possible. Thank you.

12 MS. WIRED: Good morning, Mr. Chairman, NOP
13 staff, and ladies and gentleman of the gallery. My name
14 is Gwendolyn Wired. I am the primary processing program
15 reviewer for Oregontilth [ph] Certified Organic. I did
16 pass out my comments -- it was a fairly thick packet --
17 on Tuesday, because I was planning to go on Tuesday.
18 And I'm hoping that you still all have that.

19 CHAIRMAN RIDDLE: That was the...

20 MS. WIRED: Correct. If you don't, I have
21 more copies here.

22 CHAIRMAN RIDDLE: That says Oregontilth
23 Certified Organic up in the header.

24 MS. WIRED: Correct. All right. I'm here
25 today to present you with the work that Oregontilth has

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 put together in regards to distinguishing agricultural
2 from non-agricultural substances for use in organic
3 process products. I'm extremely pleased to hear that
4 the handling committee is going to be working diligently
5 on this to address this issue. And I'm hoping that our
6 work can significantly help you in this effort, that it
7 can provide a springboard, a foundation to work with.
8 As a leading certifier of organic process product,
9 Oregontilth has been faced on several occasions with the
10 challenge of reviewing many new and some not so new
11 ingredients that are entering into the organic
12 marketplace. And in so many of these cases it's just
13 extremely challenging to determine whether the substance
14 would fall under the national list definition of
15 agriculture, agricultural product, or non-agricultural
16 substance, and therefore, need to be petitioned. In
17 addition to looking at these ingredients on 605, and
18 figuring out whether they should go to 606, the other
19 problem, from a certifier standpoint, is that where
20 people are submitting these ingredients, such as mallic
21 [ph] acid, and steric [ph] acid, and innulen [ph], and
22 they're providing us with this background and saying,
23 this is an agricultural product. And so you're seeing
24 those ingredients on the panels of organic products now
25 in the marketplace. And we don't know what criteria was

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 used to determine that that particular ingredient was,
2 indeed, an agricultural product. The definition of an
3 agricultural product is -- it's broad, and that
4 definition alone certainly, you can bring in all sorts
5 of things -- the non-agricultural substance, a substance
6 that's not a product of agriculture, such as a mineral
7 or bacterial culture that's used as an ingredient in
8 agricultural product. Here the example of a bacterial
9 culture not being a product of agriculture raises the
10 question of whether this refers to microbial cultures.
11 And if so, then how does organic mushrooms and organic
12 yeast, both of which are commercially available as
13 organic, fit into this? For the purposes going on with
14 the definition for the purposes of this part, a non-
15 agricultural ingredient also includes a substance such
16 as gum, citric acid, or pectin that's extracted from,
17 isolated from, or a fraction of an agricultural product
18 so that the identity of the agricultural product is
19 unrecognizable in the extract islet or fraction. The
20 concept that an ingredient product or substance is no
21 longer agricultural once the identify of the
22 agricultural product is unrecognizable is nearly
23 impossible to evaluate. And it's not consistent with
24 many of the agricultural products currently on the
25 market. Most processing activities render the finished

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 products as unrecognizable from their original raw
2 materials. Substances that are clearly recognized as
3 agricultural products, such as Malta dextrin [ph], rice
4 syrup, and vegetable protein could all be classified as
5 non-agricultural, according to this definition, without
6 further specification of the term's identity and
7 unrecognizable evaluation of the substance is difficult,
8 at best. And furthermore, the examples of pectin and
9 gums as non-agricultural substances is completely
10 confusing, because both of these substances are also
11 listed as agricultural ingredients. So in response to
12 this, Oregontilth has put together a decision tree
13 that's meant to provide a standardized and transparent
14 evaluation tool to ensure consistence among
15 certification agencies and the organic industry. I
16 provided you with the decision tree and accompanying
17 narrative that explains the issue, the basis for the
18 questions used in the decision tree, definitions to
19 support the terminology used in the decision tree, and
20 several examples of substances evaluated using the
21 criteria set forth in the decision tree. I don't think
22 now is the time to go into the details of the decision
23 tree. It's a very complex subject, as we know. I put
24 the document together. I have a degree in food science
25 and chemistry with an emphasis on fermentation science.

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 And I also consulted with food science professors at the
2 university I went to school at. So I'd just encourage
3 you to use this information that we have provided in
4 your process. Thank you.

5 CHAIRMAN RIDDLE: Thanks, Gwendolyn. Kevin?

6 MR. O'RELL: Yes. Just a comment. Thank you
7 for the information. It's very thorough. And I think
8 it will certainly help us, and will be considered in our
9 process as we determine this, because not only do we
10 have to look at the materials, but we have to provide
11 criteria and guidelines as to how we determine what is
12 an agricultural product.

13 MS. WIRED: Thank you. And I also would like
14 to offer my services in any way, any help in the
15 process. I'd be more than happy to help out. Thank you
16 very much.

17 CHAIRMAN RIDDLE: Yes. Thank you.

18 MS. ROBINSON: Yes. Do you -- you said you
19 had more copies?

20 MS. WIRED: I do, yes.

21 MS. ROBINSON: Can I have one, please?

22 CHAIRMAN RIDDLE: Richard Siegel. And next up
23 -- I'm losing track here -- is Mike Norman.

24 MR. SIEGEL: My name is Richard Siegel. I'm a
25 lawyer in private practice here in Washington, DC. And

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 I'm speaking today on behalf of a group of 15 companies
2 that supply organic ingredients. Rather than read the
3 15 names, they'll be on the statement that I -- written
4 statement that I give you. The phenomenon of multi-
5 ingredient organic processed foods is familiar to all of
6 us. And these new products have required a constant
7 stream of new materials that were not previously
8 available organically. These 15 companies that I'm
9 representing today are active in a sub-industry that's
10 providing these ingredients, flavors, yeast, lecithin,
11 molasses, spices, and colors are just some of the
12 examples. It was anticipated that because the
13 regulations provide for organic preference for these
14 ingredients, that these ingredients would come to
15 market. They would be taken up. They would be
16 incorporated into organic products in a seamless way.
17 And this is in a process of continuous improvement. But
18 the ingredient companies that have gone into this
19 business, I have found that in many cases this has not
20 happened, and there have been departures from the
21 principle of using only organic ingredients when
22 available in organic processed foods labeled as organic.
23 This has an affect on the organic integrity of the
24 products. The permission to use a non-organic
25 ingredient is a privilege. And this privilege should

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 not be abused. At the critical control point here are
2 the certifying agents. They make the critical decisions
3 working with food processors. In some cases certifying
4 agents have found conflicting interpretations as to
5 whether an organic ingredient could be used or must be
6 used. Omry [ph] has made interpretations which have
7 raised some questions. Also, there's a dilemma when
8 organic ingredients come on the market, but they're very
9 much more expensive than conventional. And this puts
10 the certifiers into sometimes a delicate situation. How
11 far should they go in being -- in requiring their
12 certified entities to use these ingredients? And
13 mainly, there's a -- there are gaps in information.
14 Beginning last fall, the organic ingredient sector put
15 together an informal group of companies, which now
16 number 15. We presented correspondence to the NOP in
17 January. And we received a letter on February 11, from
18 Mr. Matthews, which he subsequently posted on the
19 website. And we're very happy with this response, this
20 prompt response, and this very good first start. We
21 also hope, at some point, to see questions and answers
22 also added to the website, which will further clarify
23 and sharpen what our issues were. This leads us to the
24 next development, and that was what the Board did in
25 Chicago when you adopted the recommendation of your

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 commercial availability 606 taskforce. The companies
2 that I'm speaking for today want to thank the Board for
3 doing this, taking this action, because we think that
4 tightening the procedures for greater transparency and
5 greater accountability will move this quite along. The
6 suggestion that there be reports from certifiers each
7 time they grant exceptions to the organic ingredient, we
8 think that an annual report is not enough, and we would
9 like to see this done on a spot basis. We would like to
10 see this happen each and every time there's an exception
11 granted. This would probably be easier for the
12 certifiers to do than to wait for a year and then
13 retrieve all the information from 100 different
14 scattered files. So that's one issue that we would like
15 to enhance -- see the commercial availability proposal
16 enhanced by making the reporting by certifiers of the
17 exceptions granted in ingredients be far more frequent
18 than annually.

19 CHAIRMAN RIDDLE: Time. Conclude your
20 thoughts there.

21 MR. SIEGEL: My concluding thought is we are
22 in this industry talking more and more about our --
23 having a database similar to the one for seed. And
24 we're considering maybe using the OTA database in a
25 different way.

1 CHAIRMAN RIDDLE: Kim.

2 MS. DIETZ: Thanks, Richard, for your
3 comments. We all know that our industry is growing, and
4 that organic, raw materials are becoming more and more
5 available. When I as a buyer with Smuckers, about ten
6 years ago, we actually developed the first organic
7 flavor. We paid a flavor house to use citrus oil,
8 organic citrus oil. We used organic extraction
9 ingredients. And we were the only supplier at that time
10 of organic flavors, a lemon and lime flavor. What we're
11 seeing is organic flavors are becoming more, and more,
12 and more available on the market. What we're also
13 seeing is that the commercial availability of those
14 quality, quantity, function, form, are not yet at the
15 same point of natural flavors. So I would ask you to
16 put your thinking cap on, and those 15 people that you
17 have with you, because how are we going to transition?
18 We've come leaps and bounds from ten years ago when we
19 had no tools, basically, to any time something becomes
20 available, we put it in as an organic form. But we
21 still don't have all of them. And I'm sure that's the
22 same with yeast. There's all different forms of yeast.
23 There's all different forms of different products. So
24 that's going to be this dilemma, and this Board's
25 dilemma in the next few years with the sunset is it's

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 not just the black and white, and it's not just one
2 product. It's several different forms of the same
3 product.

4 MR. SIEGEL: Thank you.

5 CHAIRMAN RIDDLE: Thanks. Anything else?
6 Thanks, Richard.

7 MR. SIEGEL: Thank you.

8 CHAIRMAN RIDDLE: Okay. Mike Norman, and next
9 up Brian Baker.

10 MR. NORMAN: Well, my name is Mike Norman.
11 I'm here representing AAPFCO, the Association of
12 American Plant Food Control Officials. I am associated
13 with AAPFCO because I am myself a plant food control
14 official with the Washington State Department of
15 Agriculture, and I'm responsible for all of the
16 commercial fertilizer registrations at Washington State
17 Department of Agriculture. So I'm the official AAPFCO
18 liaison on the NOSB. And if you have any questions or
19 comments you would like to take to the -- excuse me, did
20 I say something funny?

21 MS. DIETZ: No, sir. I apologize. The
22 alphabet soup that we all live with, and it was
23 beautiful.

24 MR. NORMAN: Oh.

25 MS. DIETZ: I'm very sorry. I'll extend your

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 time.

2 MR. NORMAN: So I'm your point of contact for
3 the NOSB and NOP. If you have any questions or comments
4 you want to take to the AAPFCO, you can contact me at my
5 Washington State Department of Agriculture e-mail
6 address, which is Mnorman@agr.wa.gov. That concludes my
7 presentation. Any questions?

8 CHAIRMAN RIDDLE: Rose?

9 MS. KOENIG: Yes. On the -- I guess it was --
10 I've seen so many documents -- I think it was the scope
11 document where there was an outline of sort of what your
12 organization was proposing in terms of labeling. My
13 question to you is, you know, I guess are you -- how do
14 you want to work together? I mean, it sounds like your
15 agency has kind of lead the way in determining kind of a
16 labeling system. But is there any way that we can help
17 support it? You know, what would you like from us also?

18 MR. CARTER: Can I...

19 CHAIRMAN RIDDLE: Dave?

20 MR. CARTER: Yes. If I could, and if you
21 could just give us an overview of the deliberative
22 process or the decision making process that is used
23 within AAPFCO? I'm a little bit familiar with AAFCO
24 [ph] but not with AAPFCO, about how long it takes,
25 what's your committee process, and the like.

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 MR. NORMAN: Okay. My first suggestion is
2 always use the acronym by the letters, like I did. The
3 AAPFCO is the Plant Food Control Official. There's the
4 AAFCO, which is the Feed Control Officials. And there's
5 the AACO and AA Pesticide, PCO. So it's -- because
6 especially for AAPFCO, which is plant food, fertilizer,
7 and the feed, control officials, which is AAFCO. The
8 acronym is phonetically pronounced the same way. So
9 it's helpful to just say the letters. The next meeting
10 -- okay, first of all, make it clear that we're talking
11 about labeling for fertilizers, okay, not end use
12 products consumed by people. So that's a real big
13 distinction. And the way to start would be to e-mail
14 me. The next meeting is in February of 2005. The
15 comments need to be in 60 days ahead of time. If you
16 want your voice heard at the table, send me an e-mail
17 and I'll forward it on. Right now AAPFCO has developed
18 a definition for organic input that was proposed in
19 2004, in February. I believe it went to tentative
20 status in August, at our annual meeting, and that's just
21 basically a definition that more or less says a product
22 that meets NOP definition for allowable and organic
23 production according to NOP. Then there was a policy
24 statement, same thing, it was proposed in February 2004,
25 and it went to tentative status in August 2004. And it

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 relates to organic inputs as defined previously. Now
2 this is what you could put on the label of a fertilizer,
3 and this product meets -- is an organic input, and is
4 allowable under the various different programs out
5 there. It could be NOP. It could be the Washington
6 State Department of Agriculture's Organic Food Program,
7 you know, any type of OMRI, you know, any of that type
8 of thing. It's kind of a bit of a four or five laundry
9 list of different organizations. So that's kind of just
10 in the infancy, just getting started. And neither of
11 those are final. And that will be up for discussion in
12 February of 2005. And you need a 60-day lead time. So
13 your deadline to get them to be would be about December
14 7, a day that may or may not live in infamy. That's a
15 joke. And then that would give me about four or five
16 days to get the comments to AAPFCO people so that
17 they'll have time to get it on the agenda and all that
18 type of thing.

19 CHAIRMAN RIDDLE: Follow-up, Dave?

20 MR. CARTER: Yes. Well, that's -- because I
21 don't know if you've looked at the scope document that
22 has been forwarded here. But we do reference that, you
23 know, on August 3, 2004, AAPFCO, E-I-E-I-O, considered
24 the following amendment to its model regulation, and it
25 went through the specific language you have there. And

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 then the amendment's been referred to AAPFCO labeling
2 committee for further consideration. And then we
3 acknowledge that, you know, this is handled by state
4 authorities, and we recommend that the NOSB endorse the
5 draft labeling definition for organics. So we're trying
6 to endorse that. And what we're trying to figure out,
7 this is where within we would need to submit something
8 by December 7, to get it on your docket for...

9 MR. NORMAN: Yes.

10 MR. CARTER: Okay. All right.

11 CHAIRMAN RIDDLE: I have a quick comment, and
12 then Mark. I just really want to thank you for coming
13 here. It's great to have an identified liaison with
14 your organization. And it's my understanding now as
15 chair, that I will be following up as far as that letter
16 and in cooperation with NOP. But I do want to point
17 out, you said something about that that claim that
18 you're considering would signify compliance with NOP
19 requirements, and then a few others. You said
20 Washington State OMRI, et cetera. And I just want to
21 clarify that it's really -- those others, any accredited
22 certifier, including Washington State, and then a
23 materials review institute like OMRI, are operating
24 under the constraints or requirements of the NOP. So
25 it's really -- that is the over-arching law and

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 regulation that any of these inputs must meet. So they
2 either must be natural or specific substances on the
3 national list. So just keep that in mind, just wanted
4 to remind you there.

5 MR. NORMAN: Yes. There's a lot of real
6 important issues that need to be worked out. And the
7 main thing that I've kind of learned thus far is as I
8 understand it, NOP doesn't govern labeling of
9 fertilizers, they govern the inputs. And we're talking
10 about labeling of fertilizers. So there's a whole world
11 of organic production out there for NOP. And there's a
12 whole world of home and garden and other fertilizer
13 companies out there who have a bag with organic
14 ingredients. They put the name organic on it, and they
15 don't feel that they need to put all the advisory
16 statements to someone who might want to produce an NOP
17 on the bag, that they consider that the producer's
18 responsibility to know what it is they can and can't
19 use. And in a big sense, a lot of people like organic
20 to mean organic across the board. And it's -- I don't
21 think that's going to be possible. I'm not sure any one
22 set of definitions will ever make everyone happy. But
23 we're just in the infancy getting started. And I,
24 myself, have only been with AAPFCO three years. And so
25 I'm learning.

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 CHAIRMAN RIDDLE: Mark. And then we need to
2 move on.

3 MR. KING: Just a question for you, actually.
4 It's my understanding that your organization, AAPFCO,
5 helps coordinate consistency within the states
6 concerning their regulation of fertilizers. Correct?

7 MR. NORMAN: Right. The federal government
8 doesn't regular fertilizer. So the organization is
9 basically -- it defaults to the states. And the
10 organization tries to rule by consensus with having
11 uniform fertilizer rules nationwide so that companies
12 don't have to come up with 50 different labels, one for
13 each state. And commercial fertilizer industries are
14 also there. They're invited to the meeting to comment.
15 So that's it. And my December 7, reference, please,
16 that was a joke. I don't know where that came from, but
17 please take it as such. I look forward to working with
18 you all. Okay. Thank you.

19 CHAIRMAN RIDDLE: One more quick, I guess.
20 Rose.

21 MS. KOENIG: I just -- I thought it might be
22 useful, you know, the EPA has come up with a labeling,
23 kind of alternative voluntarily labeling program for
24 labeling pesticidal input, compliant with the NOP. So I
25 don't know if you're aware of that, it was a Federal

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 Register Notice. But maybe you could look at that,
2 because it may help.

3 MR. NORMAN: I missed the first part of what
4 you said.

5 MS. KOENIG: It's a similar type of idea that,
6 you know, EPA has also proposed kind of a labeling
7 program to distinguish organic products from -- it's a
8 voluntary program. So I'm just saying, maybe you should
9 -- if you don't have that document, you might want to
10 reference it as something.

11 MR. NORMAN: Okay. Send your e-mails. I'll
12 get them forwarded to where they need to go, and look
13 forward to meeting with you all. And I had a great walk
14 down Washington DC, Tuesday, I think, and it's been a
15 great trip. Thank you. Have a safe trip home.

16 CHAIRMAN RIDDLE: Thank you. Thanks for
17 coming, Mike. Okay. Brian Baker is up, and then Bob
18 Beauregard, next.

19 MR. BAKER: Hello. Brian Baker, research
20 director, Organic Materials Review Institute, or OMRI.
21 For those of you who don't know, and then to remind
22 those of you who do, OMRI is still a professional,
23 independent, transparent, non-profit that reviews
24 materials and comparable processes for compatibility
25 with organic production processing and handling. And

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 I'm pleased to be here today, and still standing, and
2 participating in the NOSB process. It's just absolutely
3 crucial for clarity and consistency in the development
4 of organic standards. And I'm really pleased with the
5 process we've made over the past couple of days. And
6 just as all of us have had to make adjustments with the
7 implementation of the rule, it hasn't been an easy
8 course. But it's something that I think has brought
9 about a great number of improvements and has caused us
10 to look into things that we've -- we once took as
11 articles of faith. And to have that thrashed out to a
12 public process, it hasn't been easier or clean all the
13 time. But I think it's been very productive. As
14 Barbara Robinson mentioned, we have requested a review
15 of our generic materials list. Let me back up. The
16 three -- we have two or three different services that we
17 provide the organic community, the industry. One, is we
18 publish a generic materials list. We've revised that
19 generic materials list to be compliant with the National
20 Organic Program rule. As Barbara mentioned, we have
21 asked for that generic materials list to be reviewed by
22 the National Organic Program to make sure that we are,
23 in fact, in compliance, and we will work with them on
24 that. Another service that we provide is a brand name
25 products list, which, of course, is built upon the

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 generic list. We also, incidentally, provide an organic
2 seed database. We've had that on line since 2001. And
3 not many people know about it or use it. But just throw
4 that out there, it's there if people want to use it.
5 We're not a certifier. We work with certifiers to try
6 and help them do their job better. We also hope to
7 lessen the burden of government the NOP, AFFA officials,
8 EPA, other regulatory agencies. So we're not from the
9 government, but we're trying to help. And the ISSA [ph]
10 we're also pursuing, ISSA-65 accreditation, we are not
11 pursuing certification accreditation, and instead we're
12 pursuing accreditation under ISSA Section 65, and we'll
13 be revising our procedures accordingly. So briefly, to
14 touch on what you've dealt with over the past couple
15 days, largely in support of the progress that's been
16 made here, the whole natural synthetic distinction is
17 very vexing. Interpretation of the national list is
18 easy, interpretation of the rule involves much more than
19 that. It's the allowed naturals and prohibited
20 synthetics that really can cause a lot of consignment
21 and a number of other aspects that we have to address.
22 And the precedent that goes back to before the NOP and
23 before the AFFA, should not be disregarded. I know that
24 we learn new things every day, and that we have to re-
25 evaluate processes and manufacturing sources. But the -

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 - by in large, there's been a body of review going back
2 to 1979, in the California Organic Foods Act, where
3 people had been making determinations about what's
4 natural, what's synthetic, what's subject to that.
5 Briefly, go through the -- this whole question of what's
6 an inert, what's, generally speaking, that's been
7 applied to pesticides and other materials. The use of -
8 - the addition of a substance has an intended technical
9 or functional affect. And, you know, just about
10 everything else is active. And we've always treated
11 pesticides differently in organic, because they have
12 been so high profile and controversial. Under scope,
13 fertilizer labeling, as long as it's legal in most
14 states to label non-compliant fertilizers is organic,
15 there's going to be this confusion. We hope to work
16 with NOP and AFFA to eliminate that. Thank you for your
17 time.

18 CHAIRMAN RIDDLE: Thanks, Brian. Any -- okay.
19 Thanks. We have Bob Beauregard, and then Sharon
20 Sherman.

21 MR. BEAUREGARD: Good morning, ladies and
22 gentlemen. My name is Robert Beauregard, and I'm
23 serving as general manager for the Country Hen. Did
24 everyone receive a copy of the presentation? There's no
25 organic fish meal production in the United States.

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 CHAIRMAN RIDDLE: If you could speak up,
2 please, sir, or move that mike closer.

3 MR. BEAUREGARD: There is no organic fish meal
4 production in the United States, and there's little fish
5 meal being produced in the U.S. Poultry diets. The
6 reason that fish meal is not used for poultry is most
7 certainly due to its relatively high cost. Cod and soy,
8 plus methaninine furnish enough of the necessary amino
9 acids at a lower cost. The protein, poultry rations is
10 calculated on the basis of individual amino acids, not
11 gross protein. In spite of its high cost, the Country
12 Hen has used fish meal for the past 15 years, except for
13 the time when it had to meet organic standards which
14 required the use of Nature Rocks [ph]. Nature Rocks was
15 not available to the fish meal producer that serviced
16 our company at that time. The company which preceded
17 the Country Hen is called Horaso Oro [ph], and is
18 located in Columbia, South America. They've used fish
19 meal for about ten years. The reason that the owner of
20 both of these companies believe and believes in fish
21 meal, is that fish meal is not only very high in protein
22 and omega threes, but also contains UGF, or an
23 unidentified growth factor, a term that is not very --
24 that is not used very much today. Fish meal is not only
25 important for chickens, but important for humans and for

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 the environment. Fish meal is good for chickens. In
2 looking back, it is easy to see that the UGF may have
3 been due to the effect of the omega three oil contained
4 in the fish meal. Recent research has shown that the
5 particular omega threes from the fish oils, called EPA
6 and DHA, are important to the health of the bird,
7 especially in fortifying the immune system. Three
8 studies show that the use of fish oil reduces the
9 severity of coccyxiosis, an inflammation in the
10 intestines due to parasites. Since organic regs
11 prohibit the use of conventional anti-coccy drugs, such
12 as Amprolium, fish meal becomes very important to us in
13 controlling coccyxiosis. Another study shows that
14 chicken subjected to salmonella and staphylococcus
15 faired better when the diet contained fish oil. A
16 Purdue study has shown that fish oils also helped better
17 bone formation. It seems obvious that Martin Day [ph]
18 laying hens living in egg factories are existing on
19 artificial diets. They eat a ratio composed basically
20 of seeds high in omega six, another essential fatty
21 acid. A hen should have a ratio of about five to one in
22 omega six to omega three. A hen that is eating a
23 percentage of fish meal is getting valuable omega
24 threes, especially in the very important EPA and DHA.
25 Hens roaming outside on spacious pasture, 50 birds per

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 acre, will naturally increase their omega threes from
2 the grass if it hasn't been stripped bare. However,
3 they will only receive LNA, which is not as important
4 since LNA converts very, very slowly to EPA and DHA. In
5 addition, free ranging carries a very high risk of Avian
6 Influenza, which can be caught from waterfowl and other
7 birds. We prefer to include the omega threes in the
8 normal daily diet, and to use porches instead of free
9 ranging with its high risk of AI. Fish meal is good for
10 humans. Fish meal is not only good for chickens, but it
11 is good for humans too. In the 1970's, two Danish
12 scientists created a stir among the medical world when
13 they found a traditional Eskimo village practically free
14 from cancer and heart disease. The Eskimos lived on a
15 diet high in fish and seal, full of fat and cholesterol.
16 Since then, over 2,000 studies have been done, many of
17 which we've confirmed that omega threes are very
18 important in the control of heart disease, cancer,
19 strokes, depression, and arrhythmia. The average
20 American diet has a ratio of omega six to omega three of
21 20 to one, when the average should be four to one. A
22 book by Dr. Aramas Symophalis [ph] called The Omega
23 Diet, is an excellent reference on the subject.

24 CHAIRMAN RIDDLE: Time. And we have your
25 complete written comments here for the parts you didn't

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 get to. Any other questions? Becky? I'm sorry.

2 MS. GOLDBURG: I was just looking through your
3 comments, written comments you presented. And it
4 appears you're getting fish meal from Canada, salmon
5 meal.

6 MR. BEAUREGARD: Correct.

7 MS. GOLDBURG: And the salmon meal appears to
8 be coming from New Brunswick. And the only large source
9 of salmon in New Brunswick is farm salmon, so I assume
10 it's made from farm salmon byproducts. And there's been
11 a lot of publicity this past year about contaminants in
12 farm salmon. And I'm wondering if you've done an
13 analysis of the fish meal you used for contaminants.
14 And if so, what are you...

15 MR. BEAUREGARD: Well, if I'd have gotten
16 through the whole presentation, it will explain it. And
17 there are several attachments on the copies that I
18 passed out. We do test for contaminants, mercury
19 levels, we do peroxide tests for, you know,
20 contamination, obviously. So all those attachments
21 are...

22 MS. GOLDBURG: Do you do organic chlorines?

23 MR. BEAUREGARD: Excuse me?

24 MS. GOLDBURG: Organic chlorines, like PCB's
25 and dioxins?

1 MR. BEAUREGARD: We check for all of that
2 stuff on almost every load that comes in. We test it in
3 the beginning of the load, and we test it at the end of
4 the load. And we receive loads in at about a 20-ton
5 load each time that it arrives.

6 MS. GOLBURG: And your data in here?

7 MR. BEAUREGARD: The data should all be in
8 there.

9 CHAIRMAN RIDDLE: George?

10 MR. SIEMON: You're aware of what we did
11 yesterday or the last few days, with fish meal? I was
12 just reading through your document here, and you refer
13 to 603. Are you satisfied with what we've done, which
14 is allowing fish meal, but then if there's synthetic
15 preservatives, that those preservatives...

16 MR. BEAUREGARD: Yes. The Nature Rocks is
17 obviously -- like I said, if I had gotten through the
18 whole thing, Nature Rocks, all of the ingredients in the
19 Nature Rocks are natural, and they are on the list.

20 MR. SIEMON: So you're satisfied with the work
21 we've done.

22 MR. BEAUREGARD: Yes. Very satisfied. I'm
23 very happy with it. And the other comment I would like
24 to make is that I have a real good feeling about the
25 positive collaboration that I've seen in the past couple

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 of days with, obviously, with the -- with both staffs.
2 I feel good about it, and I just think it's a real good
3 thing.

4 CHAIRMAN RIDDLE: Thank you. Thanks for your
5 comments. I'd just like to update the Board. The list
6 shows ten people signed up left. And we have 45
7 minutes. Oops, was there -- Becky?

8 MS. GOLDBURG: Yes. Back to Mr. Beauregard.
9 There have been two of us looking for your data on
10 contaminants in here, and we can't find it.

11 MR. BEAUREGARD: I've only got my
12 presentation. I don't have the attachments. Were those
13 included in that? Okay. That was my mistake. Those
14 test results were not included as attachments, but we
15 can provide them to you with no problem. We'll get them
16 to you ASAP.

17 CHAIRMAN RIDDLE: Thank you. A quick comment,
18 Mark.

19 MR. KING: Thank you, Jim. I just want to
20 thank you for your work in putting this together. And
21 if I'm noting this correctly, your first communication
22 was back in May of last year, concerning this issue. Is
23 that correct?

24 MR. BEAUREGARD: Not. It was not.
25 Originally, I believe it was in -- I believe an

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 attachment included was back in...

2 UNIDENTIFIED SPEAKER: '99.

3 MR. BEAUREGARD: You mean the first load of
4 fish meal?

5 MR. KING: No. Never mind. I was just
6 talking about -- we'll take later.

7 MR. BEAUREGARD: Okay.

8 MR. KING: Thanks.

9 CHAIRMAN RIDDLE: All right. Sharon Sherman,
10 and then Earl Luvier.

11 MS. SHERMAN: My name is Sharon Sherman, and I
12 am the president of the Pet Guard Company. We
13 distribute our products in the health food stores and
14 veterinarian offices. We've been in business...

15 UNIDENTIFIED SPEAKER: Excuse me. The name of
16 the company?

17 MS. SHERMAN: Pet Guard.

18 UNIDENTIFIED SPEAKER: Thank you.

19 CHAIRMAN RIDDLE: Pull the microphone...

20 MS. SHERMAN: We've been in business for 25
21 years. We're members of the NNFA, the OTA, and I've
22 served on the Executive Board of the Southeast Region of
23 the NNFA. Members of our company have served over the
24 past 20 years, as a liaison to AFCO. I want to thank
25 the NOSD and the NOP for their hard work this week. And

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 we believe there's, of course, work still to be done. I
2 must disagree with some of the assumptions stated at
3 these meetings, and strongly agree with others. My
4 strongest objection deals with the belief that organic
5 pet food should not be classified as organic food. We
6 believe it is. Although the finished product is not
7 intended for human consumption, various regulatory
8 agencies, most notably the FDA and USDA, mandate that it
9 be made safe for human consumption. Just as organic hay
10 is not intended for human consumption, it's still
11 organic. We feel that the need for these products has
12 been established and is overwhelming, simply for the
13 health benefit side. The public wants and needs these
14 products for their pet companions, since most of them
15 also believe and live an organic lifestyle, and they
16 want the same for their pet companions. The need also
17 has been heightened due to the mad cow issues. Our 95
18 percent organic pet foods are certified by three
19 certifying agents, OCIA, Onecertain, [ph] and
20 Oregontilth. The mechanics for the organic
21 certification process is followed just as if we're
22 manufacturing green beans or organic potato chips. We
23 can never have 100 percent organic product because of
24 the vitamins and minerals which must be added due to
25 state and federal regulations, due to pet foods'

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 classification as a single source of nutrition for
2 companion animals. Organic pet foods may combine more
3 ingredients to get a single organic entity, but that
4 should not disqualify them as an organic product. There
5 are organic ingredients used, whether it's organic
6 chicken, turkey, beef, cranberries, brown rice, or
7 carrots are raised for human consumption, so we, as a
8 company, compete in the human channel for commodities,
9 for organic ranchers and farmers to have another outlet
10 for their commodities, can only further the growth of
11 organic products, and thus ensure more sustainable,
12 earth friendly methods for our cultural and animal
13 husbandry in the future. I'm asking that the same
14 standards for human fed pet foods -- human foods be used
15 for pet foods. Do not lower the bar, but make it
16 equivalent so that consumers can have the same
17 confidence when they're buying an organic product with
18 the USDA shield, the same standards have been met by
19 all. In conclusion, organic pet foods should be
20 considered not as a second-class citizen, and should be
21 regulated the same as human organic food. We've waited
22 23 years for standards to be developed so we could offer
23 organic pet foods to the public, because we believe that
24 the future is in organics. And, of course, we believe
25 that it's important from the aspect of sustainable

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 agriculture. And also, there are many companies that
2 have invested millions of dollars, and contract
3 packagers, organic processors of grains to -- and there
4 are other pet companies that have been doing, you know,
5 have been creating organic pet products. And I thank
6 you.

7 CHAIRMAN RIDDLE: Thank you. Kevin?

8 MR. O'RELL: I appreciate your comments. And
9 I don't know if you heard earlier, but in the Handling
10 Committee work plan, we are going to take up the pet
11 foods, and make a recommendation to the full Board on
12 pet food standards. I don't think that there was any
13 biased discussed, unless I missed something about a
14 particular direction that we would head on. And,
15 certainly, looking at it in terms of organic food
16 standards is a possibility that will be discussed.

17 MS. SHERMAN: Thank you.

18 CHAIRMAN RIDDLE: Thank you. Earl Luvier, and
19 then next up Eric Sideman [ph], to be delivered by Emily
20 Brown-Rosen.

21 MR. LUVIER: My name is Earl Luvier. I'm the
22 director of quality control for Omega Protein.
23 Conventional fish meal can be produced from fish
24 harvested unsustainably, which may contain contaminants,
25 such as heavy metals, PCBs, dioxins, and pesticide

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 residues. I think you're all familiar with that
2 statement. In an earlier meeting, Barbara Robinson
3 referred to the Alaskan fish harvest. The Alaskan fish
4 harvest accounts for approximately 30 percent of the
5 total U.S. production of fish meal. This is from a
6 combination of a variety of species harvested mainly for
7 human consumption. Due to the logistics, this is
8 primarily shipped to or exported to Japan, and not sold
9 here in the U.S. The remaining 70 percent of the U.S.
10 fish meal production is from menhaden, harvested from
11 the U.S. Atlantic and Gulf Coasts. Omega protein
12 produces approximately 70 percent of the menhaden based
13 fish meal. Menhaden fish meal is a product. It's not a
14 byproduct of any other fishing operation. When making
15 decisions regarding sustainability, I urged the NOSB to
16 bear in mind that this species variation. All fish meal
17 is not created equal. At this time I'd like to submit
18 stock assessment reports for both Atlantic and Gulf
19 menhaden stocks that show the fisheries are not being
20 overexploited, and are sustainable. This data was
21 generated by the national Marine Fishery Service,
22 National Oceanic and Atmospheric Administration, U.S.
23 Department of Commerce. NNNF has been performing these
24 annual studies for -- well, since the mid 1950's. As
25 with sustainability, issues regarding heavy metals,

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 PCBs, dioxins, pesticide residues vary between species.
2 This species variation should also be taken into account
3 when making any decisions regarding fish meal. Omega
4 protein has been monitoring PCBs and pesticide residues
5 for over 30 years. Heavy metals and dioxin data is a
6 bit more recent. Tests on regular samplings performed
7 by independent, third-party laboratories show that
8 menhaden fish meal is well below current U.S. guidelines
9 for human food.

10 CHAIRMAN RIDDLE: Thank you. Any comments,
11 questions?

12 MS. GOLDBURG: Would you be willing to make
13 your data on contaminants available to the NOSB?

14 MR. LUVIER: Absolutely. I don't have them
15 with me, but I'll pass out some of my cards that have my
16 e-mail address.

17 CHAIRMAN RIDDLE: Goldie?

18 MS. CAUGHLIN: What were the two areas that
19 you mentioned? If I understood you, you were talking
20 about the menhaden stocks that were sustainable,
21 mentioning two geographic...

22 MR. LUVIER: Yes. Atlantic coast and the U.S.
23 Gulf of Mexico coast.

24 MS. CAUGHLIN: Thank you.

25 CHAIRMAN RIDDLE: Okay. Thanks a lot. Eric

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 Sideman, by Emily Brown-Rosen, and then Morgan
2 Hutchinson. And, Emily, you're signed up on your own.

3 UNIDENTIFIED SPEAKER: Wait a minute.
4 Technical...

5 MS. BROWN-ROSEN: Yes. I have another one,
6 but I'm seating that to Eric. So this could be ten
7 minutes, but I don't think I'll take that long.

8 CHAIRMAN RIDDLE: Okay. So it's Eric, and
9 then Emily.

10 MS. BROWN-ROSEN: Well, I've waived my -- I'm
11 Eric -- Eric's got two. I'm Eric today. You might not
12 realize that.

13 CHAIRMAN RIDDLE: I see. She's ten, but it's
14 both for Eric.

15 MS. BROWN-ROSEN: Okay. I've been asked to
16 present this comment from Eric Sideman, a former NOSB
17 member, former Aquatic Taskforce member, and
18 representing the Maine Organic Farmers and Gardeners'
19 Association. We would like to comment on a number of
20 issues facing the NOP that are being considered at this
21 meeting. The first one is certification of aquatic
22 animals and the use of fish meal as livestock feed. We
23 would like to comment on the proposal of the Livestock
24 Committee to establish the new taskforce on standards
25 for wild caught and farmed aquatic animals, and the

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 proposed directive on the use of fish meal as a
2 supplement in feed. These two issues should be
3 considered together, because fish meal made from wild
4 caught fish is used as a feeding grain for farmed,
5 organic animals. And if farmed, aquatic animals are to
6 be labeled organic, they would clearly be a livestock
7 product and fall under the livestock regulations of the
8 NOP rule. We support the directive prepared by the
9 Livestock Committee, and recommend the NOSB adopt it.
10 Well, you already did that. We feel a need to comment
11 on these two proposals from the Livestock Committee,
12 because we do not want to see rules written that serve
13 one sector of our county at the cost of another. We are
14 particularly interested in environmental costs. Organic
15 standards have always been founded on the principle of
16 reducing environmental impact of production to a
17 minimum. It is important that any guidelines for
18 aquatic production consider the impact of such
19 production on natural populations and ecosystems,
20 including contamination with toxins, nutrient
21 contamination from feed, and over fishing natural
22 populations of fish. Fish meal should only be used as a
23 supplement to balance amino acids in livestock feed, and
24 not be used as a major feed component for a source of
25 protein. We believe that organic livestock should be

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 fed organic agricultural products, and that the use of
2 non-organic products should be kept to a minimum, even
3 if they are natural. The bulk of the energy and protein
4 for livestock, be the aquatic or land animals, should be
5 from organic agricultural production. The NOSB proposal
6 to set up a new aquatic animal taskforce, as pointed out
7 by the first -- should be supported by the -- as pointed
8 out by the first Aquatic Animal Taskforce, is the next
9 step to develop standards. The first taskforce pointed
10 out the reasons why wild caught fish do not meet organic
11 principles, but they did not -- but they did welcome the
12 development of standards for aquaculture. The original
13 Aquatic Animal Taskforce was well balanced, and included
14 representatives from a wide array of interested parties,
15 including environmentalists, organic farming, processing
16 and marketing industry representatives, and those with
17 commercial interests in both the wild and aquaculture
18 fish industry. The taskforce was put together in a way
19 to avoid standards being developed that would serve any
20 special interests and not serve the broad interests of
21 the public. We strongly believe that the new taskforce
22 should also be set up to represent all of these
23 interests. It's the only way that the recommendations
24 can be based on all the science, including protecting
25 the environment and the values of the organic community.

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 Okay. The second comment is on synthetic sources of
2 methaninine. We would like to comment on the planned
3 phase in 2005, of the allowed use of synthetic sources
4 of methaninine as an additive in livestock feed. The
5 NOSB recommendation that synthetic sources be permitted
6 until 2005, and that producers use the years before
7 implementation of the rule in 2005, to develop livestock
8 feed using natural sources of methaninine. Natural
9 sources of methaninine do exist, and include fish meal,
10 sunflower meal, and other natural sources. AFFA limits
11 the approved use of synthetic materials to those for
12 which there are no natural sources. But the NOSB
13 recommended this temporary exception to allow the
14 industry time to change a common practice. The NOSB
15 specifically set this phase out date so organic
16 livestock production would come into compliance. We
17 support this original NOSB recommendation. Third
18 comment is on aquatic plant extracts. It touches on
19 this potassium carbonate issue that the Crops Committee
20 is looking at. I'm not going to read the whole thing.
21 It goes into quite a bit of detail about the chemistry
22 of aquatic plant extracting. I'll just read a few parts
23 of it. But I think you should possibly -- you have the
24 whole written comment. Section 205601(j), one of the
25 rule that's only potassium hydroxide and sodium

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 hydroxide is permitted materials to use when producing
2 aquatic plant extracts. We believe that this intent of
3 this recommendation that lead to this listing could be
4 interpreted to include other materials used in the
5 extraction process. We recommend that potassium
6 carbonate be added to the list of permitted hydroxide
7 materials that are noted in 601(j). Potassium carbonate
8 dissolves in water to form potassium cationes and
9 carbonate anions, carbonate in water rapidly, equivalent
10 with bicarbonate and hydroxide, hence, the increase in
11 Ph. I don't think I'll read all of this chemistry. But
12 they basically believe that the intent of the NOSB
13 recommendation was to allow all these materials that
14 caused the alkali hydroxide reaction. Last comment is
15 on pet food and cosmetics. We have no objection to the
16 USDA developing organic standards for pet food or
17 cosmetics if the standards represent the basic principle
18 of organic production. Production of organic pet food
19 should follow the basic organic livestock feed
20 standards. For example, 100 percent of the agricultural
21 products in the food should be organically produced.
22 Production of cosmetics and other care products should
23 follow the basic organic processing standards, that is
24 95 percent of the product be made from organic
25 agricultural products, otherwise it should follow the

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 requirements for the made with organic labeling. And
2 that's it. Any questions? Not that I can answer for
3 him.

4 CHAIRMAN RIDDLE: Yes. Any questions for
5 Eric? Thanks, Emily, for delivering those. And like
6 she pointed out, they are in our meeting book, the
7 written comments, that have more details. Okay. Next
8 up is Morgan Hutchinson, and then Drake Sadler.

9 MS. BROWN-ROSEN: Hello. I'm actually reading
10 these comments on behalf of Brendon O'Neal [ph], and
11 Bill Mott, of the Seaweb [ph] Aquaculture Clearinghouse.
12 This is regarding the formation of a taskforce on
13 standards for organic production of aquatic animals.
14 This Seaweb Aquaculture Clearinghouse believes organic
15 standards need to be developed for aquaculture. We
16 further support establishment by the NOSB of a new
17 Aquatic Species Taskforce with balanced representation
18 from all stakeholders, including the public. We believe
19 that in order to maintain the overall integrity of the
20 National Organic Program, and the USDA Organic
21 Certification seal, it is especially important that new
22 organic standards for aquaculture be consistent with and
23 following the guiding principles and USDA's current
24 organic standards. Organic aquaculture standards must
25 not be fundamentally different than the remainder of

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 organic standards for livestock. While we understand
2 that there is increase in demand for organic products,
3 including fish and shellfish, we understand that some in
4 the industry are eager to obtain organic classification.
5 We feel that bending the rules to accommodate certain
6 forms of aquaculture would be a mistake. The USDA
7 organic label is the gold standard, and should be as
8 strong as possible. In recent years there has been
9 pressure to adjust organic standards to current best
10 management practices instead of adjusting industry
11 practices to meet organic standards. Standards for
12 organic aquaculture must not undermine the integrity,
13 credibility, and public understanding, and trust
14 developed for other organic standards. And organic
15 aquaculture must be held to the high standards recently
16 applied across most other forms of food production.
17 Development of weak standards for aquatic organisms
18 would undoubtedly result in consumer confidence --
19 reduced consumer confidence in the organic program as a
20 whole. In this context, it is particularly important to
21 note fundamental problems associated with proposals for
22 organic certification of carnivorous fish aquaculture,
23 and the use of net pens or other open systems. First,
24 farming carnivorous fish, as currently practiced, is
25 dependent on the use of feeds made from fish meal and

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 fish oil, both of which are derived from wild fish
2 product, and neither of which can therefore be
3 considered organic under any of these standards. While
4 our comments are focused on farm species, it is
5 important to note that we share the same concerns for
6 the certification of wild fish, and feel that their
7 certification, under the organic label, would further
8 undermine the organic program, current organic standards
9 for animals or prior diet consisting of all organic
10 materials. Therefore, if carnivorous fish, both farmed
11 and wild, were to become certifiable as organic, this
12 certification would require significant deviation from
13 the well-established standards to which all other
14 organic animal producers adhere. Furthermore, farming
15 of carnivorous fish currently results in the net loss of
16 fish protein, which goes against the core principles of
17 sustainability, ecological soundness, and avoidance of
18 damage to natural eco systems that underlie the
19 rationale for organic production. Second, the use of
20 open aquaculture systems, such as net pen, or in some
21 cases cages in both near shore and offshore waters is
22 problematic and not in agreement with basic organic
23 principles, such as the responsible management and
24 recycling of waste. Discharges from these facilities
25 directly into surrounding bodies of water can include

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 uneaten food, feces, drugs, and other chemicals,
2 diseases and parasites, and exotic species and strains
3 of aquatic organisms. In contrast, several types of
4 aquaculture are well suited for -- to organic
5 certification. Those include aquaculture operations
6 raising low tropic level species, like catfish. Some
7 aquaculture operations raising such species in low
8 discharge ponds or re-circulating systems, especially
9 when poly-culture integrate aquaculture are
10 incorporated, and particularly good candidates for
11 consideration for organic certification. We hope that
12 the NOSB will take these specific points into
13 consideration. The NOSB should create a new aquaculture
14 taskforce with balanced representation from all states,
15 including the public. Seaweb, which has been involved
16 with aquaculture issues since 1998, would like to be
17 included on the taskforce. If wild aquatic organisms
18 are to be considered as well, it should be addressed by
19 a separate taskforce, as the issues involved are
20 significantly different. Members of the aquaculture
21 taskforce should include fish farmers, consumer
22 representatives, representatives of the conservation
23 community, scientists, and certifiers. The input of
24 aquaculture industry members and supporters is
25 important, but should be solicited as part of a balanced

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 panel. It is critical that experts from outside of the
2 industry with no financial interest at stake be
3 included. This is especially important, given that the
4 industry members and supporters need to provide a
5 detailed understanding of concepts such as domesticated
6 animal nutrition and aquaculture system engineering.
7 But they may not provide an adequate understanding of
8 host eco system conditions and interactions with the
9 farming system and the community. Diverse
10 representation will be critical since these concepts
11 will be equally important in deciding on appropriate
12 standards, and on which systems and species qualify.
13 The NOSB should create its own taskforce and not rely on
14 recommendations of current groups that are weighted to
15 heavily in favor aquaculture industry interests.
16 Standards for organic aquatic organisms must remain
17 fully consistent with other national organic standards,
18 and under the requirements of the Organic Foods
19 Production Act of 1990. It is our belief that the
20 procedures and publicly recognized USDA organic label
21 should always be a highly coveted goal for producers,
22 and reserved only for those who are utilizing innovative
23 and the most sustainable methods of production.

24 CHAIRMAN RIDDLE: Thank you. Questions,
25 comments? Dave.

1 MR. CARTER: Can you tell me just a little bit
2 more about the organic aquaculture clearinghouse, its
3 composition and how long has it been around?

4 MS. BROWN-ROSEN: I don't know a whole lot. I
5 just started working for Seaweb. The aquaculture
6 clearinghouse is a subset of Seaweb, which has been
7 around since 1998. And the aquaculture clearinghouse is
8 based out of Rhode Island, and mostly does working
9 collecting scientific reports and really just gathering
10 a database of information on aquaculture.

11 MR. CARTER: Okay.

12 MS. CAUGHLIN: The name of your primary
13 organization, that is Seaweb?

14 MS. BROWN-ROSEN: Seaweb.

15 MS. CAUGHLIN: Thank you.

16 CHAIRMAN RIDDLE: Okay. Thank you. Drake
17 Sadler, and then Joe Mendelsohn.

18 MR. SADLER: Good morning. My name is Drake
19 Sadler. I'm the CEO and cofounder of Traditional
20 Medicinals. For the past 30 years, we've been involved
21 in at...

22 CHAIRMAN RIDDLE: Yes. We can pass it out.
23 And we'll need you on the mike for the transcript.

24 MR. SADLER: Again, my name is Drake Sadler.
25 I'm the CEO and cofounder of a company called

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 Traditional Medicinals. We've been involved in organic
2 herb agriculture for the past 30 years. You know, I'm
3 glad I'm going at the end this morning, because it's
4 given me a real appreciation for the work that you do.
5 I thought my work in the herb industry was complex. But
6 the diversity and complexity of the issues that you face
7 is quite overwhelming. And to mirror Grace's comments -
8 - I don't see Grace here now -- but I just want to
9 acknowledge you all for the work you're doing.
10 Volunteer work is often a thankless job. And, anyway, I
11 just appreciate all the time you put into this. And I
12 appreciate the opportunity to speak to you. I've given
13 you this handout. I'm just going to read a few comments
14 from it, and hopefully, you will look at the document
15 later. This morning I come to express our concerns
16 about statements and recommendations that have been made
17 in the National Organic Program Scope Document, with
18 regard to certified organic herbal dietary supplement
19 products. Of particular concern are factual errors that
20 were made in the proceeding NOP guidance statement.
21 Specifically, the errors of fact include the assertions
22 that herbal dietary supplement products are neither
23 agricultural products nor food products. According to
24 federal law, under the Dietary Supplement Health and
25 Education Act of 1994, "A dietary supplement shall be

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 deemed to be a food within the meaning of this Act.”
2 Secondly, the USDA National Agricultural Statistics
3 Service, 2002 census of agriculture, clearly identifies
4 herbs as agricultural products. In the draft scope
5 document approved on September 28, by the PDC, NOSB
6 recommends addressing the questions of whether new
7 legislation should be adopted, and rules written to
8 either regulate the labeling of organic herbal dietary
9 supplements, or conversely prohibit the use of organic
10 on herbal dietary supplements. We would hope that it
11 would now be obvious that no new legislation or rules
12 are necessary because herbal dietary supplements, such
13 as organic medicinal herbal teas, inarguably fall within
14 the scope of the NOP. They’re composed of 100 percent
15 agricultural products, and they’re legally defined as
16 foods under the dietary supplement regulations. Now the
17 predominant end users for certified organic medicinal
18 herbs is in the manufacture of organic herbal dietary
19 supplement products and other natural health products.
20 Restricting organic medicine herbs and herbal products
21 from NOP organic certification would have a significant
22 negative impact on organic herb farmers and their
23 customers. And I understand that there’s been some
24 confusion about this matter. And I think maybe a simple
25 way to simplify the issue would be with a couple of

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 examples. It's my understanding, for example, that
2 Smuckers makes organic juices and also makes antioxidant
3 claims on some of their juices. Well, therein lies the
4 conundrum. We certainly wouldn't want to see a juice
5 nut be allowed to be called organic, simply because it
6 makes an antioxidant claim. I think we would all be in
7 agreement with that. I -- grab the box of Cascadian's
8 [ph] Organic Honey Nut O's cereal with organic
9 raspberries, very clearly a healthy heart claim, a lower
10 cholesterol claim. These claims are allowed by Food and
11 Drug in the same way that dietary supplement claims are
12 allowed for our organic raspberry leave tea product.
13 They buy the fruit, we buy the leaf. There, in essence,
14 is no difference between these products. They both make
15 claims. They both make health claims. Those health
16 claims are regulated by Food and Drug. And our organic
17 certification, of course, is regulated in the same way.

18 CHAIRMAN RIDDLE: Time.

19 MR. SADLER: Thank you. That concludes my
20 statement. I just want to, again, thank you for your
21 attention to this matter.

22 CHAIRMAN RIDDLE: Thanks. Any questions,
23 comments? Yes, Kim.

24 MS. DIETZ: I'll just -- I guess I'll ask you
25 this question because I was going to call the pet food

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 people back up and ask them that question -- this
2 question. Clearly, the scope has said that you're not
3 within the scope of the NOP rule for dietary supplements
4 as it has with pet food. And the scope also said that
5 you need to remove the USDA seal within 18 months. Have
6 you, and do you know if people in the supplement
7 industry have started to make those label changes, or
8 are you guys kind of in a limbo waiting and hoping, I
9 guess?

10 MR. SADLER: Yes. I can't speak for the rest
11 of the industry, and certainly not for the pet industry.
12 Our company, we are -- we feel we're in a state of
13 limbo. And we're really opposed to removing the use of
14 the symbol. I mean, we are a food. Herb tea is for
15 human food consumption. It is a food. It's classified
16 as a food by Food and Drug. Herbal dietary supplements
17 are food. We're not talking OTC drugs, we're not
18 talking anything else. They're foods.

19 MS. DIETZ: And my other comment is that we
20 had a guest speaker -- or a public speaker on Tuesday,
21 who was also from the supplement industry, and she was
22 very frustrated at, you know, what does she do now?
23 And, I mean -- I don't know if Barbara and Richard can
24 answer this -- but clearly, if you feel you're a food,
25 then if you are regulated as a food, then you need to

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 try to get that straightened out.

2 MR. SADLER: Well, that's why we're here.
3 That's why I'm here.

4 CHAIRMAN RIDDLE: Rose?

5 MS. KOENIG: Yes. Sometimes, although you
6 complimented us on understanding all issues, this is one
7 that I, you know, I keep on looking at Dave. I don't
8 understand it because if I grow -- I grow peppermint in
9 my herb garden and sell it fresh, you know. I don't, I
10 mean, people can take it home and dry it and make a tea.
11 I mean, but I call it organic. And that's what I don't
12 understand. I mean, I can understand maybe on certain
13 things that are dietary supplements, but -- so if you go
14 to the food -- I mean, if you look at the Lipton tea --
15 you know, I don't know if we want to use trademarks, but
16 anyway. So anyway, but if you go in the tea aisle and
17 there's organic tea, but because it's in the herbal --
18 if you saw it as an herbal remedy it's all of a sudden a
19 different type of labeling. If you could clarify that,
20 I just don't understand it.

21 MR. SADLER: Well, yes, I mean, that's -- I
22 mean, that's the inherent problem here with when
23 document -- it is being exempted from -- I mean, when we
24 make peppermint, we produce peppermint, we buy our
25 peppermint from the northwest, northwest farmers. If we

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 just simply call it organic peppermint, or let's say
2 organic chamomile, and we make no calming claim or no
3 digestive claim, which is allowed under the Dietary
4 Supplement Law, well, then there probably would be -- I
5 can't imagine there would be any problem with simply
6 labeling it as organic, and using the USDA seal. But as
7 soon as we suggest which is allowed us in the same way
8 that Cascadian [ph] can make a lower cholesterol claim,
9 as soon as we suggest for a moment that there is some
10 kind of health benefit, that appears then to put us into
11 this category which is otherwise exempt from being able
12 to use the USDA seal. I mean, it was just an error. I
13 think it's just -- it was a mistake, and just something
14 that needs to be remedied.

15 MS. DIETZ: I believe, Rose, because this is
16 an area -- we buy Echinacea. Clearly, we have a lemon,
17 ginger Echinacea drink, and I could buy the same
18 Echinacea from the same farmer or same broker as he
19 does. I can label it certified organic because it's a
20 beverage. I believe the problem is that food and
21 beverage are under a different jurisdiction than
22 supplements. And so there's that line, and there's
23 where the scope has said food. Beverages are allowed to
24 be certified organic, and supplements aren't. So that's
25 what we need to clear up, that distinction, and what --

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 where in FDA does food fall versus supplements. It's
2 not necessarily a label claim issue, although
3 supplements have a laxer -- they're allowed to say
4 certain claims that we aren't. So it clearly goes by
5 the jurisdiction.

6 CHAIRMAN RIDDLE: Kevin.

7 MR. SADLER: Again, we are regulated. Both
8 our companies are regulated by Food and Drug. When you
9 make an antioxidant claim on your label, you're required
10 to substantiate that, in fact, ingredients in that
11 product have antioxidant properties. And the same way
12 with our raspberry leaf product, we're required to
13 substantiate through historical use, that raspberry
14 leaf, in fact, has benefits for women.

15 CHAIRMAN RIDDLE: Kevin, and then Owusu.

16 MR. O'RELL: Just a point, I guess, of
17 clarification. When the cereal or when the beverage
18 makes a claim for an antioxidant property, they're
19 making it under a structure function or an approved
20 health claim for food product. And when you're making
21 your claim, it clearly classifies that the claim is
22 being made under DuShea [ph], so you're under the
23 dietary supplement.

24 MR. SADLER: Yes. But that's an issue for
25 Food and Drug, and not the organic standards.

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 MR. O'RELL: Well, I'm just trying to throw
2 that out there and see what -- do we have a response
3 from NOP on that distinction? Okay. Okay.

4 MR. SADLER: I mean, Food and Drug simply
5 clarifies that there are different kinds of claims that
6 can be made for different kinds of foods. This is a
7 food. What I gave you is a food. So Food and Drug, you
8 know, has the responsibility for regulating how those
9 claims are made. But they're still foods.

10 CHAIRMAN RIDDLE: Owusu.

11 MR. BANDELE: Yes. The disclaimer that you
12 have here on the organic raspberry leaf tea, would that
13 same disclaimer be on that cereal, and why or why not?

14 MR. SADLER: Well, no. It would be different
15 -- all different products have different disclaimers.
16 And with herbal products, there are certain kinds of
17 warnings also that are required that are different for a
18 cereal product, for example, although if a cereal
19 product had, I don't know, certain kinds of grains or
20 nuts, for example, where there might be a problem with a
21 consumer that had an allergy to nuts, you know, there
22 would be a failure to warn issue if they didn't specify
23 that there were nuts in that product.

24 MR. BANDELE: I wasn't talking about the
25 specific ones. I was talking in general, whereas this

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 one says, these claims have not been tested or evaluated
2 by Food and Drug Administration.

3 CHAIRMAN RIDDLE: Within FDA guidelines, there
4 are a variety of kinds of claims and disclaimers that
5 are required for all across the whole breadth of types
6 of products. I don't know specifically. I haven't read
7 all the labels on that particular product. But there
8 are different disclaimers. Goldie.

9 MS. CAUGHLIN: I believe the distinction is
10 the DuShea disclaimer -- he was reading the DuShea
11 requirement, which is that you must, as you do, state
12 that this specifically, these statements have not been
13 evaluated by the FDA. That is the requirement of
14 DuShea, under which you're operating isn't a requirement
15 under the thing -- under the other program, the
16 Cascadian's, the different...

17 MR. SADLER: Basically, Food and Drug requires
18 that because they don't want consumers to believe that
19 by virtue of not saying something, that Food and Drug
20 has endorsed or approved products for certain health
21 benefits.

22 CHAIRMAN RIDDLE: Rose, then Kim, and then
23 we're going to move on.

24 MS. KOENIG: You can take -- as I understand
25 it, if you took the same tea that you're using and just

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 labeled it differently and didn't have any health claims
2 and just said Echinacea tea, then it would be okay.

3 MR. SADLER: Sure.

4 MS. KOENIG: But it's the health -- because
5 you found added value in putting it in medicinals,
6 that's given you added value. And what we're saying, I
7 guess -- and I'm trying to understand. So what we're
8 saying is that you can add that value in that sector,
9 but we're drawing the line because you've made that
10 choice. If you want to not label it that way, you can
11 still label your product, but you can't do it in both
12 sectors.

13 MR. SADLER: Yes. Apparently. I'm not sure
14 that it adds value from our perspective, although it
15 probably does. I mean, the mission of our company is to
16 educate about the value of traditional herbal medicine.
17 That's really the mission of our company.

18 CHAIRMAN RIDDLE: Kim.

19 MS. DIETZ: Since we've heard from two public
20 speakers on -- what do they do? Can they write to NOP,
21 or to write to FDA and ask for exactly where that line
22 is drawn on clarification as to why they aren't under
23 the scope of the rule? And could they -- so we could
24 help -- so we could understand it also, can we get that?

25 CHAIRMAN RIDDLE: Okay. If I could just

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 summarize or offer a brief comment myself, and that is
2 that I appreciate the information that you have shared,
3 and the other commenter on Tuesday on this issue. And I
4 think it's some new information that we didn't have as a
5 member of the Police Development Committee. And we may
6 have made a mistake in grouping both the personal care
7 products and the supplements, or medicinal products, in
8 applying the same language to both. It's clear to me
9 that they are different, and it should be more refined.
10 And I would just ask that the NOP take this information
11 under consideration as you develop your response to us,
12 and we also take it into consideration as we review
13 that. And maybe we can come up with a more refined
14 position here before this is posted. Is that a
15 reasonable way to walk away today? We look at how --
16 and it's the same thing Kim's saying.

17 MS. DIETZ: The definition of food, because we
18 know cosmetics are under FDA, as well as food, as well
19 as supplements. So where is that distinction that this
20 is not a food?

21 CHAIRMAN RIDDLE: Thank you.

22 MR. SADLER: Sure. Thank you.

23 CHAIRMAN RIDDLE: Okay. Joe Mendelsohn, and
24 then Susan Perlman.

25 MR. MENDELSON: Good morning. Thanks again.

York Stenographic Services, Inc.
34 North George St., York, PA 17401 - (717) 854-0077

1 Thank you again, Board, and program for your work. I
2 came here this morning thinking I was just going to sip
3 my coffee and listen to the comments. And I'm glad I
4 was only drinking decaf, because what I heard about the
5 label, I think threatens, frankly, the integrity of
6 everything that OFPA tried to create, and everything
7 consumers expect by organic. To have labels out there
8 with the term organic that are not consistent with this
9 program, or not enforced by this program on food, goes,
10 I think, against the whole intent of the OFPA, and that
11 consumers, among others, expect consistent standards.
12 If there is a term organic out there in which standards
13 are not developed by this program, consumers are
14 confused. They don't know what organic means. And I
15 hope everyone in this room knows that consumers think
16 right now the term organic goes to the USDA standards.
17 I mean, 275,000 people wrote in about creating those
18 standards, be consistent with their expectation. Now
19 they've got organic out there in products that's not
20 consistent with that standard, or we don't know? I
21 mean, that, to me, threatens the integrity of the whole
22 industry. And I hope people recognize that. And I want
23 to, at the risk of being redundant from my testimony
24 earlier this week, I want to read the OFPA particular
25 section that deals with enforcement. This is 7 USC 6519

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 Subsection 8, misuse of label. "Any person who
2 knowingly sells or labels a product as organic, except
3 in accordance with this title, shall be subject to a
4 civil penalty of not more than \$10,000." There are at
5 least three things that follow from that. One, to
6 knowingly sell or label as organic, you have to be
7 consistent with this chapter and its implementing
8 regulations. That means if there are not standards
9 developed for an agricultural product, you can't be
10 consistent with this chapter. And to use the term
11 organic is a misuse of the term as written in the Act.
12 Now I realize there may be some private standards out
13 there, some that people might want to recognize. But
14 unless the USDA says these private standards are
15 consistent with the chapter of OFPA, then to label
16 something as organic is a violation of the law. Two,
17 violation of misuse of label go to the term organic, not
18 to the use of the USDA seal. So I think removing the
19 USDA seal, as a way of dealing with this, doesn't remedy
20 the violation. The Act goes to the term organic. And
21 it also doesn't remedy the confusion to the consumers.
22 And, three, misuse of the term organic goes to a
23 product, not an agricultural product. Therefore, it
24 provides the agency with broad enforcement authority.
25 It's simply not true that USDA can't enforce against

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 misuse of the term organic, simply because it's an
2 agricultural product and there's no standards developed
3 yet, or any other product. I mean, a product is a broad
4 term. Agricultural product is a specific term, or more
5 specific term. So, again, I think USDA is wrong in
6 saying that their enforcement authority ends only on
7 products that standards are set, and are agricultural
8 products. And we need USDA, as consumers, to step up
9 and enforce it. That's what this Act wants you to do.
10 That's what consumers want you to do. So I think the
11 key question then becomes, you know, how far is USDA's
12 enforcement -- they have discretion in how far they
13 enforce -- how far it goes. And if it only goes to a
14 certain point, then we've got to find someone else. But
15 to have labels out there that say organic, they're
16 inconsistent with the standard or not recognized as
17 consistent with the standard, if it's a private, you
18 know, some type of private party is, I think, a death
19 now to this industry, and consumers are not going to
20 want it. Thank you.

21 CHAIRMAN RIDDLE: Thanks, Joe. Kim -- Joe.

22 MS. DIETZ: Just a comment, because I've been
23 thinking about this since you brought it up and Irbashi
24 brought it up on Tuesday. We saw a tremendous backlash
25 in this industry when the scope document came out, and

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 just by the fact that we couldn't certify anymore under
2 the rule for certain products. And there's -- people
3 are claiming million, billions, trillions of dollars
4 being lost in the organic industry because they're no
5 longer certified under the USDA seal. I understand
6 where you're coming from, but I also understand that a
7 lot of people have invested in the organic label, and
8 there's a lot of people that have true integrity, you
9 know, such as Traditional Medicinals, a lot of people
10 that have put a lot of time and effort into trusting the
11 organic label. And to do away with that right now for
12 lots and lots of products, I'm not sure that's the
13 answer. I understand the concern, and I also know that
14 our goal is to increase organic agriculture. And by
15 taking away the organic label for all these different
16 products is going to hurt the organic industry in the
17 long run. So the consumers -- somebody had made a
18 comment -- and I don't know who it was -- about
19 educating the consumers. So that's one thing. And the
20 other thing is, 20 years ago when we didn't have
21 standards, we had an industry that came up with the AOS.
22 We had an industry that's kind of self-enforced, and
23 such as like Goldie said, by just not allowing certain
24 things. So I take that for you to go back and think
25 about it. And I'm sure you have. I'm not sure taking

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 the organic label away is the answer.

2 MR. MENDELSON: Can I respond to that just
3 briefly? I certainly recognize that there are, you
4 know, many people who have made investments and acted
5 with good hearts, good intentions on a number of
6 products that some standards might not exist right now
7 under the USDA Program. I'm not saying that that's not
8 -- I mean, I'm not saying that herbal products wouldn't
9 come under the program. Okay. I'm not saying that.
10 I'm saying that right now there may not be standards for
11 some herbal products. I mean, arguably, I think we just
12 heard there probably are. But for something like fish,
13 the Board's identified that standards, specific
14 standards for fish need to be out there. There are not
15 standards. Okay. That's not saying that -- I'm not out
16 here saying we should never label fish organic, and that
17 people shouldn't invest in that. I want to see organic
18 aquaculture. But right now there are not standards. If
19 there are not standards that you're certifying to,
20 recognized by USDA, organics shouldn't be on the label.
21 I'm sorry. That confuses consumers. Again, it's not a
22 question -- mine is not a question of scope, it's a
23 question of enforcement at this point. Okay. And I
24 certainly want to see proper claims on, you know,
25 products, and a wide range of products, as long as

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 they're proper. Again, that goes to, you know, hurting
2 the integrity -- the future of organic. I think the
3 question is, what is organic, and creating the
4 consistency of organics? So, I think, consistency of
5 organic in the long run is what's going to drive this
6 industry. And so, you know, I wouldn't want the
7 industry to say I'm trying to take away their right
8 organic. But if it's an organic claim that consumers
9 don't know what it's about, that hurts in the long run,
10 and it shouldn't be out there right now. I want to see
11 organic main consistency, and then have it in the
12 marketplace.

13 CHAIRMAN RIDDLE: Thanks, Joe. Rose.

14 MS. KOENIG: I also have a question because,
15 again, you know, another one of those issues. These
16 scope things are just beyond -- maybe I spend too much
17 time thinking about synthetic and non-synthetic, which
18 seems easy now. What Barbara said struck me, because I
19 kind of listen, I try to figure out, oh, that makes
20 sense now, you know, try to take pieces of information.
21 So I guess in my mind I've made this division, and I
22 don't know if it's the correct division, so maybe you
23 can help me. As I understand it, things like
24 aquaculture, things that the USDA has said is within the
25 scope, eventually will -- there will be standards made,

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 and they will be able to enforce. And what I
2 understand, if I'm correct, is that in this interim
3 between the time now, even though everything else -- the
4 things that we have standards we can enforce on. This
5 interim is analogous to the interim between, you know,
6 writing the rule, proposed rules, and finally full
7 implementation. I was allowed to use my certification
8 and my word organic, even though I wasn't, at that time,
9 you know, an accredited certifier, I could still do it
10 and be legal. And that's what I'm understanding is the
11 stuff on fish, although I'm not -- I mean, it's not
12 ideal, I don't necessarily like it, but stuff like
13 aquaculture or fish is analogous to that interim period
14 for things that, you know, for crops and livestock that
15 were in that process at that time. So it's not
16 suggesting that this is going to be forever, that this
17 is a short-term situation that we're in until standards
18 are developed. And I know it's not ideal in the
19 consumer marketplace, but that's the reality. And then
20 I think the other issue, as I understand, are for
21 products that within that scope document, that they will
22 never be -- that there's no chance that the USDA is
23 going to regulate. But those claims are still there.
24 Is that what -- am I understanding you correctly?

25 MR. MENDELSON: My argument is, okay, we had
York Stenographic Services, Inc.
34 North George St., York, PA 17401 - (717) 854-0077

1 a very real issue when the full program came on, I mean,
2 phasing it. Okay. But I don't think the law says that
3 the development of a specific standard then triggers
4 enforcement. Enforcement exists on -- over the term
5 label organic. Okay. So in other words, I mean, USDA's
6 authority to enforce on the term organic label on fish
7 doesn't magically appear all of a sudden because you
8 have a specific standard on fish. It's clearly within
9 the scope of the Act right now. And it's something that
10 they can enforce again. And, you know, I don't think
11 we're in quite the analogous position with fish that we
12 were with a whole bunch of other products because there
13 wasn't organic aquaculture out there. I mean, in the
14 U.S. at least, recognized in the U.S., that needed to be
15 phased in. Now we're starting to see it over this
16 interim period. So if the policy is done, the
17 enforcement policy, if you will on that, has now allowed
18 a couple things to come in organic, that, you know, we
19 have no standards for, we have no idea. And it wasn't
20 like there was an existing history of it.

21 MS. KOENIG: So you're saying in the case of
22 fish that there may be operations -- if an operation can
23 prove that they fit the Act now, they're allowed to have
24 the organic label, and if they don't, they can't,
25 because that's the only enforcing way you can enforce

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 the reg as it stands then.

2 MR. MENDELSON: No. I go -- it's been
3 identified that there needs to be specific standards
4 under the Act for fish. And the Board and others
5 haven't said, in lieu of developing those standards, you
6 can meet the existing Act, which I believe you've done
7 under mushrooms and other things, saying we need honey,
8 we need mushroom standards, but in lieu of that you can
9 meet the existing standards. You haven't done that for
10 fish. Okay. We recognize that there needs to -- it's a
11 whole different deal. So, I mean, I don't see how --
12 you know, I don't think -- I don't see how it's -- how
13 you can be consistent under OFPA right now for fish,
14 because there aren't standards. And it's been
15 recognized that those standards need to be developed,
16 and if you're not consistent with the chapter, than it's
17 a misuse of the term organic to have on the label right
18 now. I hope that's clear.

19 CHAIRMAN RIDDLE: Thank you.

20 MS. GOLDBURG: Can I ask one more question?

21 CHAIRMAN RIDDLE: Becky.

22 MS. GOLDBURG: I'll be really brief, Jim.

23 Joe, you know, we're a really diverse Board here. But
24 one of the things none of us are are attorneys, and so I
25 think that we don't have a full understanding of

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 alternative interpretations of the OFPA. And I
2 personally think it would be useful, and there would be
3 other Board members who would have it be useful, to have
4 a really brief legal memo explaining your alternative
5 interpretation to the departments.

6 MR. MENDELSON: After my testimony on
7 Tuesday, I decided to do that. So I will put it on
8 paper and get it to you. And I appreciate the
9 opportunity. And, again, you said it's an
10 interpretation. And it will be my interpretation. But
11 I'd say, you know, as part of the consumer and NGO
12 community, we're the, you know, we represent a great
13 deal of the market. And so, you know, this, I think,
14 you know, my interpretation is consistent with the way I
15 think consumers view it. I mean, that's my job as an
16 advocate for them. So I just, you know, keep that in
17 mind when you're reading it.

18 CHAIRMAN RIDDLE: Thanks. We have three more
19 commenters, Susan Perlman, and then Irbashi Rangan [ph].

20 MS. PERLMAN: Hi. Thank you. Again, I'm
21 Susan Perlman. I'm with the Union of Concerned
22 Scientists. And I want to thank you for the opportunity
23 to comment today. I'm speaking on behalf of both the
24 Union of Concerned Scientists and the Coalition to Keep
25 Antibiotics Working or KAW. And I'm here to talk about

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 the NSOB Livestock Committee's directive for origin of
2 dairy livestock. For those who don't know, Keep
3 Antibiotics Working, is a coalition of 13 health
4 environment consumers, humane, and other advocacy
5 groups, including the Union of Concerned Scientists. We
6 seek to promote -- we seek to protect the effectiveness
7 of lifesaving antibiotics by curtailing overuse of these
8 drugs in animal agriculture. The Union of Concerned
9 Scientists and KAW strongly support the NSOB Livestock
10 Committee's directive for origin of dairy livestock. We
11 agree that it is incumbent upon the USDA's National
12 Organic Program to issue a clarification statement that
13 antibiotics are never allowed for organic animals or
14 edible organic products once a producer is certified
15 organic. We call for NOP to adopt the May 14, 2003,
16 NSOB recommendations on origin of livestock, preferably
17 as a technical correction rather than as a rule change.
18 We urge the USDA and related agencies to approve NSOB
19 recommended healthcare materials for livestock. We
20 believe that these actions are necessary to maintain the
21 integrity of the organic label for dairy products. For
22 the label to be meaningful, it is important that after a
23 dairy operation has been certified organic, animals
24 brought onto the operation must be organically raised
25 from the last third of gestation. Animals should not be

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 rotated between organic and non-organic production. The
2 dairy products of animals treated with antibiotics must
3 not be labeled organic. And, finally, I'd like to take
4 this opportunity to renew a request. In June 2004, KAW
5 submitted a written request to USDA Secretary Ann
6 Veneman, asking for public confirmation that antibiotics
7 are never allowed in animals used to produced organic
8 dairy or other animal products. We never received a
9 response to this letter. We are deeply concerned that
10 more than four months after Secretary Veneman rescinded
11 the Spring '04, origin of livestock directive, there is
12 still no indication that this rescission has been
13 implemented. At this juncture, we restate our request
14 for the USDA to publicly confirm that the directive has
15 been withdrawn, and that the withdraw has been
16 implemented on the ground. Thank you very much.

17 CHAIRMAN RIDDLE: Thank you. And I don't know
18 if you were here on Tuesday during our discussion of
19 that issue, but that has been verbally stated on the
20 record by the NOP, and there will be a written document
21 posted, addressing those issues, I believe, to your
22 satisfaction.

23 MS. PERLMAN: Great. Thank you very much.

24 CHAIRMAN RIDDLE: I also just want to, for the
25 record, point out that we're technically the NOSB, the

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 National Organic Standards Board, not the National
2 SOB's.

3 MS. PERLMAN: Oh, sorry. I'm sorry about
4 that.

5 CHAIRMAN RIDDLE: And I don't take that as a
6 personal attack on the Board. Irbashi Rangan, and then
7 Michael Sly.

8 MS. RANGAN: Good morning. Here we go.
9 Thanks a lot. Again, I want to reiterate some points on
10 fish, because there's been a couple statements made
11 today, and I want to just let everyone, for the record,
12 in this room know where Consumers Union stands on this,
13 as far as the education of consumers right now with
14 organic fish. Around the use of any organic claim on
15 fish at this time, is, one, perhaps a violation of AFFA.
16 But it doesn't have to meet any standards, necessarily.
17 So there may not be any standards followed by people who
18 are shipping in organic fish into this country. There
19 may not be any verification whatsoever. And, therefore,
20 the meaning of that label on fish will be inconsistent
21 from fish product to fish product. That means fish
22 contaminated with mercury or PCB's, fish raised with the
23 use of antibiotics maybe could be allowed to carry the
24 organic label. That wide variability in the meaning is
25 not only confusing to consumers, but in some cases that

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 could mislead and be deceptive. It is simply not in
2 line with food standards. And if antibiotics are used
3 in the raising of it, that goes against the entire
4 gradient of the organic program in this county.
5 Consumers do not want that in the organic fish that they
6 buy. And if that is not clearly made understood, it
7 simply may not add any value over conventional fish.
8 Previous comments this morning outlined some of the
9 nutritional benefits that are compounded through the
10 fish food chain. I also want to say that that's how
11 contaminants are compounded through the fish food chain,
12 so that's how mercury gets compounded. That's how PCB's
13 get compounded. And while omega threes are an important
14 nutrient for consumers, fish is simply not the only
15 source of them. EPA issues advisories on fish that are
16 highly contaminated with PCB's to consumers. The FDA
17 has dietary recommendations on how much mercury a
18 pregnant woman should eat. We've heard this morning
19 that consumers should be eating three servings of fish a
20 day. The fact of the matter is, for a woman of
21 childbearing age or children, more than two, three ounce
22 albacore tuna sandwiches a week will exceed their
23 recommended daily intake for mercury. That's not three
24 servings of fish. So by slapping an organic label on
25 it, which has no meaning, which does not take mercury

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 into consideration, is simply doing consumers a
2 disservice. As a result, Consumers Union will continue
3 to tell consumers not to waste their money on organic
4 fish. It undermines what the meaning of that label
5 should mean on organic fish. It also undermines your
6 hard work that you're going to undertake in the
7 aquaculture taskforce, because until standards are made,
8 if we're telling consumers don't bother, it's going to
9 be very confusing when the standards eventually do come
10 out. It's really important that this label maintains
11 its integrity, maintains its consistency and meaning to
12 consumers, and we strongly urge this Board to prohibit
13 the use of the organic label on fish until those
14 standards are created.

15 CHAIRMAN RIDDLE: Thank you. Questions,
16 comments? All right. Michael Sly, our last commenter.
17 You're the final word.

18 MR. SLY: Well, thank you. I'm just rising to
19 make three comments. One is on the issue of bringing
20 closure to the April directives. I heard many good
21 steps in that direction, and the department is going to
22 be putting something up on the website, it sounds like,
23 as soon as they can get it cleared, and then technically
24 get it up on the website. The one piece of closure I
25 did not hear that would be, I think from an

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 institutional point of view, would help prevent future
2 NOSBs and NOPs from possibly going down that road again,
3 would be to set a very strict deadline for bringing in
4 that closure about the collaborative procedures. I know
5 you all discussed that, and there was discussion at the
6 June meeting about, you know, bringing that into writing
7 and putting that into wherever it belongs in the
8 procedure manuals. I think that's essential that you do
9 that so that is a part of the written record, and so
10 it's clear to future generations of boards and future
11 USDAs that that's a well thought through process, that
12 it's mutually acceptable to both parties. So I strongly
13 urge you to lock that in, and that will help really
14 bring that to closure. Secondly, I want to bring to
15 your attention in a way the next wave of firestorm that
16 is growing in the countryside related to the issue of
17 stage of production. We think that certifiers may be
18 interpreting stage of production in multiple ways that
19 may not meet the needs of the consumers or organic
20 agriculture in the long run. We urge you to look at
21 that issue. I don't believe on my tenure on the Board
22 it was ever our intent that stage a production would
23 include lactation, for instance, or other stages that
24 are, you know, quite a long period of time. That was
25 something that was supposed to be a very, very

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 discreetly narrow issue, and not something that can be
2 broadly interpreted by certifiers. And, finally, I just
3 want to thank all of you who are retiring off the Board
4 for meeting your call to serve your country. I don't
5 take that lightly. I know it's a huge sacrifice to do
6 that. I also urge you, who are retiring, to take a
7 little bit of time and try to document as a way of an
8 exit exercise, if you will, some of the lessons learned
9 from that experience that can be passed onto future
10 boards. I'm still concerned about the continuity over
11 time. And I think any place markers or wisdom that you
12 can pass on, that will be greatly appreciated to the
13 next round. So thank you for all of your hard work.

14 CHAIRMAN RIDDLE: Thank you, Michael. Any
15 comments, questions? Yes, Barbara.

16 MS. ROBINSON: Michael, you're right. We
17 didn't commit to a time to develop a written set of
18 collaborative procedures. So I'll commit that we will
19 have something to the Board so that there can be
20 something to be voted on and approved at the next board
21 meeting. Okay.

22 MR. SLY: Thank you for that clarification.

23 CHAIRMAN RIDDLE: Very good. Thanks. Thanks
24 for asking the question. I just have a few closing
25 comments, and then I'll open it up if any other board

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 members or USDA have any. I would like to thank,
2 sincerely thank all the members of the public who have
3 taken the time and offered your expertise, your
4 insights, your passion. I'm just so impressed, always,
5 by the thoughtful comments, and also your patience, and
6 how diligent you are. This certainly is a community
7 that cares. I also would like to thank Barbara,
8 Richard, Arthur, for sitting here with us this whole
9 time. I really want to see the same, you know, just
10 physical layout where we're all at the same table at
11 future meetings, but more than that, the collaboration
12 that's been expressed and exercised at this meeting.
13 And I really want to express my thanks for that. And
14 also, I want to thank other USDA staffers, and
15 especially Katerine Benam, [ph], all the work that you
16 do that facilitates our work. You really rise to the
17 occasion. And I want to thank the Board members. We're
18 a dogged group. We -- I mean, people -- we're just so
19 engaged. And I especially thank the outgoing board
20 members. I look forward to seeing you at the next
21 meeting. But thank you for your efforts over the years.
22 And I'm going to miss having you all to work with as we
23 move forward. Any other comments? Barbara.

24 MS. ROBINSON: Actually, I would just echo
25 everything you just said, Jim. Number one, to the

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 retiring board members, we do thank you very much for
2 your service, to the department, as well as to your
3 industry. Like I said yesterday, we recognize that you
4 do it on a volunteer basis, and that's a lot to ask.
5 And your dedication has been completely apparent, and is
6 very appreciated, as are the remaining board members.
7 And we look forward to the same sort of dedication from
8 new board members. And we're sure you'll get them up to
9 speed very quickly. And as A.J. said yesterday, and I
10 just want to say again, and I heard it in Michael's
11 remarks, I believe, that I'd like to think we turned a
12 corner. And this was a good meeting. And I look
13 forward to our meetings continuing down this road. I've
14 heard this meeting described once as a love fest, but
15 once as one of the most boring meetings anybody has ever
16 been to. Same here, Nancy. In government, we take that
17 as a high compliment. We were boring. At any rate, the
18 objective is to be constructive, to work together, and
19 to solve problems, and to keep this industry growing
20 with the highest integrity. And I have always believed
21 we can do it. And I still believe we can do it. We
22 will disagree. We'll probably even have some fights.
23 But we will try not to, absolutely. And we'll just keep
24 at it. We're not going to give up because we know that
25 you certainly are not going to give up. So it's your

York Stenographic Services, Inc.

34 North George St., York, PA 17401 - (717) 854-0077

1 industry, it's your program, and it's our job to serve
2 you. Thanks.

3 CHAIRMAN RIDDLE: Thank you. Any other
4 comments, board members? Any motions? Yes, Dave.

5 MR. CARTER: Yes. I will make a motion. But
6 first of all, I also want to thank the officers that
7 served for this last term, because I know you shouldered
8 a lot of the work. And to the folks going off, I think
9 it's always wise to remember that you may not officially
10 be part of the NOSB, but we will always consider you a
11 part of the NSOB. And with that, I make a motion that
12 we adjourn this meeting.

13 CHAIRMAN RIDDLE: Is there a second? Nancy
14 seconds. All in favor, say aye.

15 ALL: Aye.

16 CHAIRMAN RIDDLE: Those opposed? Same sign.
17 Thank you very much.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

CERTIFICATE OF REPORTER, TRANSCRIBER AND
PROOFREADER

IN RE: NATIONAL ORGANIC STANDARDS BOARD
HELD AT: WASHINGTON, DC
DATE: OCTOBER 14, 2004

We, the undersigned, do hereby certify that the foregoing pages, numbered 1 through 161, inclusive, are the true, accurate and complete transcript prepared from the reporting by the reporter in attendance at the above identified hearing, in accordance with applicable provisions of the current USDA contract, and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the hearings, and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the hearing.

Date: _____
Lea A. Witmer, Transcriber
York Stenographic Services, Inc.

Date: _____
Sarah Mowrer, Proofreader
York Stenographic Services, Inc.

Date: _____
Brad Weirich, Reporter
York Stenographic Services, Inc.