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National Organic Standards Board (NOSB)
Executive Subcommittee (ES) Meeting Notes
Friday, January 8, 2016, 1:00 pm ET

Attending: Tracy Favre (TF), NOSB Chair; Tom Chapman (TC), NOSB Vice Chair & PDS Chair; Lisa de Lima (LD), NOSB Secretary & Materials/GMO ad hoc Chair; Harold Austin (HA), Handling Chair; Ashley Swaffar (AS), Livestock Chair; Zea Sonnabend (ZS), Crops Chair; Carmela Beck (CBe), CACS Chair; Colehour Bondera (CBo) - sitting in; Jean Richardson (JR) - sitting in; Calvin Walker (CW) - sitting in; Jennifer Taylor (JT) - sitting in.
Absent: Miles McEvoy (MM)
Staff: Michelle Arsenault (MA); Emily Brown Rosen (EBR); Paul Lewis (PL)

Agenda

- **Approve notes of December 11, 2015**
- **Chairs Report -** TF
  - Sunset review timeline
  - Farewell to outgoing members
  - New NOSB members
  - New template for petitioned materials
- **Advisory Board Specialist (ABS) update** – MA
  - New member orientation/training
  - Public comment webinars April 2016 – dates?
  - Fall 2016 meeting locations update
- **NOP news and update** - PL
- **Subcommittee Reports** (5 minutes each)
  - Handling (HS) - HA.
  - Materials/GMO ad hoc (MS/GMO) - LD.
  - Compliance, Accreditation, & Certification (CACS) - CBe.
  - Crops (CS) - ZS.
  - Livestock (LS) - AS.
  - Policy Development (PDS) - TC.
- **Additional Items**
- **Adjourn**

Discussion

- **Notes of December 11** approved with no changes
- **Chairs Report – TF**
  - Sunset review timeline. The group briefly discussed the proposal to adjust the timeline for sunset reviews, which would redistribute the reviews more evenly over 5 years. The Executive team officially requested that the project be added to the work agenda and anticipates a response from the NOP soon. There is broad support for this as it will better distribute the workload and resources, and make analyses more robust. A member noted that there will still be a 2-phase review process for sunset materials.

- Farewell to outgoing members. The NOSB Chair thanked the outgoing members, whose terms end January 23. One of the outgoing members asked that the NOSB keep vigilant about organic research priorities, specifically NIFA's Agriculture and Food Research Initiative (AFRI). The Board Chair requested that the member pass along any helpful information to the new Material's Chair.
- New NOSB members. The NOSB Chair spoke with all new members last week, and relayed their excitement and enthusiasm for being chosen to serve on the NOSB. The NOP will send the new Subcommittee rosters today, and the new members will sit in on calls next week if they are available. The NOSB Chair asked for feedback from the Subcommittee Chairs about the new assignments.
- New template for petitioned materials. Two NOSB members developed a template for materials' review that converts the current checklist format into narrative form based on OFPA criteria and the regulations. The template is considered an internal NOSB tool. The NOP will provide feedback on the template, then new templates will be disseminated ASAP. Templates will be used to guide analysis and will provide more robust justification for rulemaking. The NOSB Chair noted that standardization across all Subcommittees is also key.

- **Advisory Board Specialist (ABS) update** - MA
  - New member orientation/training. The NOP is searching for a date for which all new members and NOSB officers can attend a training in DC.
  - Public comment webinars - April 2016. The group discussed potential dates for a public comment webinar(s) prior to the spring meeting. Members asked that the webinar be held the week prior to the meeting.
  - Fall 2016 meeting locations update. The fall 2016 meeting will be held in either St. Louis or Indianapolis in November 2016, after the 2016 Presidential election. Members emphasized their opposition to holding the meeting any later, as was originally proposed.
- **NOP news and update** - PL
  - The NOP is working on several Federal Register notices including one for the five NOSB nominations (for terms beginning in 2017) and renewal of the NOSB Charter. The notice will also announce an open call for nominations so the Secretary has a pool of applicants for any unexpected vacancies.
  - There are several other projects and documents underway that are at various stages of completion: Guidance on Post Harvest Handling, Sound & Sensible resources, the 2016 NOSB training, and Classification of Materials guidelines.
  - The NOP will participate in a seminar next week on emerging technologies with a senior scientist from APHIS and the NOSB will likely have a panel on GMO technology at the April NOSB meeting.
  - A member asked about the status of the aquaculture rule, and if it would be published before the spring NOSB meeting. The document is in final clearance but the NOP is unsure when it will be completed and returned.
  - Either the NOP or EPA will present a report on Inerts at the spring NOSB meeting. The Inerts Working Group will hold a couple of calls before the spring meeting and will discuss this.
  - Animal welfare. This is a top priority and the NOP is working diligently to get it completed. Currently it is at the departmental level and not yet in clearance.
  - An outgoing member asked about adding a potential work agenda item looking at ways to address farm worker welfare and health. The CACS will discuss this on the next call and determine whether to submit a request to add it to the work agenda.
- **Subcommittee Reports** (5 minutes each)

- Handling (HS) - HA. The HS has 3 scheduled calls before the proposal deadline and is working on several documents for the spring 2016 NOSB meeting. This includes its review of the 2018 sunset materials for which it is anticipating the draft guidance on materials' classification. The HS Chair indicated that some of these materials may be impacted by this, but the Subcommittee does not want to change anything until the rule has been finalized. The NOP indicated that the guidance should be completed soon. The Subcommittee is waiting for several TR's that are in development, and is also preparing to transition several materials to new members. The discussion on Packaging Materials will be deferred to the fall meeting because the TR is still in development. The group discussed a possible panel on carrageenan for the spring 2016 meeting, but would prefer to wait until the TR is available before deciding. The HS is waiting for a response for NOP regarding several other potential work agenda items, including marine plant extracts, nutrient vitamins and minerals, reclassification of magnesium chloride, and the cumulative health effects of phosphate food additives. A member noted the controversial nature of carrageenan, which may elicit media attention given that the meeting is being held in DC.
- Materials/GMO ad hoc (MS/GMO) - LD. The MS has not met since the last Executive call. The group is working on the next draft of excluded methods terminology document.
- Compliance, Accreditation, & Certification (CACS) - CBe. The CACS will meet next week and will discuss an update from the NOP regarding the Soil Assessment document. The Subcommittee has no other work agenda items at this time and asked for suggestions.
- Crops (CS) - ZS. Crops is working on several new petitioned items, and is waiting for TRs for some. The Chair noted the receipt of a petition to amend calcium chloride at §205.602, which appears to be similar, if not identical, to the petition submitted in 2010. CS will discuss how to proceed. The Subcommittee had a brief discussion about the project on Contamination in Farm Inputs, and how to transition this to a new NOSB member. The project will be on hold until a new lead is identified and therefore it won't be on spring 2016 agenda. The CS Chair submitted a formal request to add a project for an annotation change for newspaper. The previous TAP was from 1995, so the CS is requesting a new TR to glean information on the composition of inks and paper.
- Livestock (LS) - AS. The LS is working on a number of projects including several petitioned materials for litter amendments for which they are waiting on a TR, as well as a petition for hypochlorous acid. All materials will be presented at the April 2016 meeting. The Subcommittee also has several annotation changes on the work agenda. The Crops Subcommittee will review hypochlorous acid after the LS completes its review and feels they will have adequate time to do so.
- Policy Development (PDS) - TC. The PDS has not met since last ES call but is meeting next week to discuss the PPM and public comments it received at the last NOSB meeting. The Sunset Material Review Timeline project will be added to the work agenda, as well as a revision of the member guide.

- **Additional Items.** The NOSB Chair asked that the Subcommittee Chairs send her comments or suggestions for mentors for the new members so she can make assignments before the training at the end of February. ZS & HA volunteered to be mentors.
- **The meeting was adjourned**

Previous ES Notes

Future call schedule:

December 11, 2015 1:00 ET

January 8, 2016 1:00 ET

February 12, 2016 1:00 ET
March 11, 2016 1:00 ET
April 8, 2016 1:00 ET
May 13, 2016 1:00 ET
June 10, 2016 1:00 ET
July 8, 2016 1:00 ET
August 12, 2016 1:00 ET
September 9, 2016 1:00 ET
October 14, 2016 1:00 ET
November 11, 2016 1:00 ET
December 9, 2016 1:00 ET

Spring 2016 Milestones	Target date
New NOSB member orientation	Feb 29, 2016
NOP - Complete Spring 2016 NOSB meeting tentative agenda	Feb 10, 2016
NOSB - Spring 2016 proposals due to NOP	Feb 26, 2016
NOP - Post proposals, Publish FRN, Open public comment	Mar 8, 2016
Discuss work agendas on ES call	Mar 11, 2016
Public comment webinars	Apr 18, 2016
Public comment closes	Apr 6, 2016
Work agendas finalized on ES call (last call before fall meeting)	Apr 8, 2016
NOP - Send compiled public comments to NOSB	Apr 11, 2016
Spring 2016 NOSB meeting – Washington, DC	Apr 25 - 27, 2016

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National Organic Standards Board (NOSB)
Executive Subcommittee (ES) Meeting Notes
Friday, February 12, 2016, 1:00 pm ET

Attending: Tracy Favre (TF), NOSB Chair; Tom Chapman (TC), NOSB Vice Chair & PDS Chair; Harold Austin (HA), Handling Chair; Ashley Swaffar (AS), Livestock Chair; Zea Sonnabend (ZS), Crops Chair; Carmela Beck (CBe), CACS Chair; Jean Richardson (JR) - sitting in; Scott Rice (SR) - sitting in
Absent: Lisa de Lima (LD), NOSB Secretary & Materials/GMO ad hoc Chair; Miles McEvoy (MM)
Staff: Michelle Arsenault (MA); Emily Brown Rosen (EBR); Paul Lewis (PL)

Agenda

- **Approve notes of January 8, 2016**
- **Chairs Report** - TF
    - Draft meeting agenda for spring 2016
    - New template for petitioned materials
- **Advisory Board Specialist (ABS) update -** MA
    - New member orientation/training - February 29
    - Ethics Training
    - Comment webinar run-through and public comment webinar
    - Fall 2016 meeting locations update
    - Charter renewal/2017 nominations
    - Spring meeting announcement and comment period
- **NOP news and update** - PL
- **Subcommittee Reports** (5 minutes each)
    - Materials/GMO ad hoc (MS/GMO) - ZS.
    - Compliance, Accreditation, & Certification (CACS) - CBe.
    - Crops (CS) - ZS.
    - Livestock (LS) - AS.
    - Policy Development (PDS) - TC.
    - Handling (HS) - HA.
- **Additional Items**
- **Adjourn**

Discussion

- **Notes of January 8, 2016** were approved with no changes
- **Chairs Report** - TF
    - Draft meeting agenda for spring 2016. Members discussed the Hydroponics Task Force. The sense from the Board is that at this stage in the process, the Task Force likely will not need 45 minutes to present an update at the April 2016 meeting, and perhaps the schedule should be reduced from 45 minutes to 30. PL will speak with the Deputy Administrator about this idea. Alternatively, the members suggested that rather than invite task force members to present preliminary information, perhaps the Crops Subcommittee task force liaisons could provide an update, or instead the update could be provided via webinar. Members also discussed the

emerging technologies panel and asked for some adjustments to the time and location on the agenda. The revised draft agenda will be recirculated prior to the scheduled posting date of March 8.
    - New template for petitioned materials. The group discussed the draft template which is a narrative version of the questions formerly included in the petitioned materials checklist. The NOSB felt that the checklist was not adequate for presenting a complicated review, and at times the limitations of a checklist did not allow for proper justification. Members will review the document and provide feedback for the next iteration. The NOP will then prepare the document so it can be distributed to the members as well as presented to the new members during training. The current proposals for the April 2016 NOSB meeting will remain on the old checklist form as the new one will not be ready for this meeting.
- **Advisory Board Specialist (ABS) update -** MA
    - New member orientation/training is scheduled for February 29.
    - Ethics training for the entire NOSB will be provided via webinar in early March. The date has yet to be scheduled.
    - The public comment webinar run-through is scheduled for April 14, and the public comment webinar is scheduled for April 19.
    - Fall 2016 meeting locations update. The fall meeting is scheduled for November 16-18, 2016 in St Louis at the Chase Park Plaza Hotel.
    - Charter renewal. The NOSB Charter is in the process of being revised. The expiry date is May 8, 2016 and the NOP anticipates it will be renewed on or before that date. The next round of call for nominations will be published this spring. Five positions will become vacant in January 2017.
    - Spring meeting announcement. The April 2016 NOSB meeting is due to be announced on or about March 8 in the Federal Register and on the NOSB website.
- **NOP news and update** - PL
    - Ethics training. The NOP will hold a virtual training for the annual ethics update, which will be provided by the USDA deputy ethics officer
    - TR reports. The NOP is looking at how these reports can be enhanced to address Board's needs in reviewing materials.
    - The NOP has a number of activities and reports in progress with the goal of finalizing them before the change in administration.
    - April 2016 panel on emerging technologies. Lisa Brines will be facilitating the choice of panelists. The NOP and Materials Subcommittees wish to include a range of expertise for the panel, including plant breeding, domestic and international perspectives, and expertise in detection methods. The Animal and Plant Health Inspection Service (APHIS) has also provided some references.
- **Subcommittee Reports** (5 minutes each)
    - Materials/GMO ad hoc (MS/GMO) - ZS. The MS will have two documents for the April meeting, although the excluded methods document will have two parts: one proposal and one discussion document. The proposal will include definitions, criteria and principles, and terminology about emerging technologies. The discussion document will contain supplementary issues such as detection, enforcement, and additional proposed definitions. The second MS document is a discussion document on seed purity next steps. This document includes a summary of the public comment from the last two years and suggestions on how to move forward. The MS chose a new lead for the Research Priorities.
    - Compliance, Accreditation, & Certification (CACS) - CBe. The CACS discussed the soil assessment document during the last Subcommittee call, and will put forth suggestions to the NOP emphasizing education and training for certifiers, inspectors and producers. The Subcommittee

will provide a verbal update on this at the spring NOSB meeting. The group also discussed revisiting past recommendations such as the eligibility of products treated with sanitizers for the 100% organic label. The CACS chair has solicited ideas from members about other topics to add to the work agenda.

  - Crops (CS) - ZS. The Subcommittee has been working through the topics on the work agenda and has one call left before proposal submission deadline. The five 2018 sunset materials have been reviewed and the CS is working on several petitions. The Chair will follow up with the NOP about biodegradable biobased mulch, as the Subcommittee is unsure how to move forward procedurally.
  - Livestock (LS) - AS. The LS has one proposal to complete before spring, and will have three proposals for the April meeting. The group has several other work agenda items including continuing discussions about forming an organic poultry working group. The LS Chair noted that she received an email from a stakeholder regarding kelp, and the members discussed the process for responding to direct communications. The NOP suggested that members ask that all communication regarding materials be uploaded to the public comment site, so it is part of the public record and everyone has access to it.
  - Policy Development (PDS) - TC. The PDS will have two documents for the April 2016 NOSB meeting: Updates to the policy & procedures manual, and a discussion document about the reorganization of the sunset review. Additionally, the Subcommittee hopes to have a revised member guide for fall.
  - Handling (HS) - HA. The Handling Subcommittee has a number of items for the April NOSB meeting: ten sunset 2018 materials, six proposals, and one discussion document. The HS is currently awaiting several TRs for some of these reviews. The Subcommittee recently received the TR for carrageenan, as well as several others, and have added an additional conference call to discuss these. There are several other petitioned materials under review, which the HS will conduct once the spring meeting documents are submitted. The lead reviewer for Carrageenan urged the other members to read the TR prior to the spring meeting.

- **Additional Items.** The Crops Chair reminded the members that the work agendas would be discussed on the March 11 Executive call, and suggested that the Subcommittee Chairs bring the topic to their respective Subcommittees.
- **The meeting was adjourned**

Previous ES Notes

Future call schedule:
February 12, 2016 1:00 ET
March 11, 2016 1:00 ET
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Spring 2016 Milestones	Target date
New NOSB member orientation	Feb 29, 2016
NOP - Complete Spring 2016 NOSB meeting tentative agenda	Feb 10, 2016
NOSB - Spring 2016 proposals due to NOP	Feb 26, 2016
NOP - Post proposals, Publish FRN, Open public comment	Mar 8, 2016
Discuss work agendas on ES call	Mar 11, 2016
Public comment closes	Apr 5, 2016
Work agendas finalized on ES call (last call before fall meeting)	Apr 8, 2016
NOP - Send compiled public comments to NOSB	Apr 11, 2016
Public comment webinars	Apr 18, 2016
Spring 2016 NOSB meeting – Washington, DC	Apr 25 - 27, 2016

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National Organic Standards Board (NOSB)
Executive Subcommittee (ES) Meeting Notes
Friday, March 11, 2016, 1:00 pm ET

Attending: Tracy Favre (TF), NOSB Chair; Harold Austin (HA), Handling Chair; Ashley Swaffar (AS), Livestock Chair; Zea Sonnabend (ZS), Crops Chair; Carmela Beck (CBe), CACS Chair; Jean Richardson (JR) - sitting in; Scott Rice (SR) - sitting in
Absent: Lisa de Lima (LD), NOSB Secretary & Materials/GMO ad hoc Chair; Tom Chapman (TC), NOSB Vice Chair & PDS Chair
Staff: Michelle Arsenault (MA); Emily Brown Rosen (EBR); Paul Lewis (PL)

Agenda

- **Approve notes of February 12, 2016** (attached)
- **Chairs Report** - TF
    - Training recap
    - Work agendas for fall 2016 (3 attachments)
    - List of previous NOSB recommendations and the current status.
- **Advisory Board Specialist (ABS) update -** MA
    - Ethics Training
    - Comment webinar run-through and public comment webinar
    - Spring meeting announcement and comment period.
- **NOP news and update** - PL
- **Subcommittee Reports** (5 minutes each)
    - Compliance, Accreditation, & Certification (CACS) - CBe.
    - Crops (CS) - ZS.
    - Livestock (LS) - AS.
    - Policy Development (PDS) - TC.
    - Handling (HS) - HA.
    - Materials/GMO ad hoc (MS/GMO) - ZS.
- **Additional Items**
- **Adjourn**

Discussion

- **Notes of February 12, 2016** were approved with no changes
- **Chairs Report** - TF
    - Training recap. The NOSB Chair felt the new member training went well and relayed that the new members are engaged and eager. While the training was condensed to one day from two, the new members completed some reading ahead of time, which allowed for more hands-on activities during the face to face training. Members appreciated the exercises on how to review petitions and TRs, and develop proposals.
    - Work agendas for fall 2016. Members discussed the draft work agenda for the fall semester. The Chair asked that members review it and provide any feedback for the next Executive call. A member asked about the addition of marine materials to the Livestock Subcommittee work

agenda. Both Crops and Handling are working on a project on marine materials, and while the LS will not conduct a separate review, they will consult with the other Subcommittees and provide feedback. The item will be added to the LS work agenda table as a placeholder.
    - List of previous NOSB recommendations and the current status. The Chair requested a list of outstanding NOSB recommendations and their status. Since Board members often get questions from stakeholders about the status of previous recommendations, and due to the timelines involved, both the members and the NOP feel it's important that the current members be kept informed as to the progress of their work.
- **Advisory Board Specialist (ABS) update** - MA
    - Ethics Training. Scheduled for March 28. Slides and presentation materials will be provided to members who cannot attend the webinar.
    - Comment webinar run-through and public comment webinar. Scheduled for April 14 and April 19 respectively.
    - Spring meeting announcement and comment period. The meeting announcement was delayed and will not post in the Federal Register until March 16. The 30-day comment period will be open from March 16 through April 14.
- **NOP news and update** - PL
    - NOSB recommendations and status. The NOP will provide a list of previous NOSB recommendations and the status of those recommendations. The NOP supports the idea of maintaining such a list as it will serve to better gauge the interests of stakeholders in organic agriculture.
    - Organic livestock and poultry practices (animal welfare) is currently at OMB for review.
    - There is a Sound & Sensible webinar on March 16.
    - The Federal Register notice announcing the NOSB charter renewal and the call for nominations should be published in the next two weeks. The NOP is intent on announcing the new members before or by the fall 2016 meeting. The NOSB members are supportive of early announcement and encouraged the program to do so because it is beneficial for the new members to have time to get oriented before the outgoing members rotate off the Board.
- **Subcommittee Reports** (5 minutes each)
    - Compliance, Accreditation, & Certification (CACS) - CBe. The CACS will have an oral update on the soil assessment document at the spring meeting that includes the history and path forward. The CACS requested the addition of a work agenda item regarding the requirement for annual on-site evaluations of inspectors as per the NOP Instruction 2027. -The NOSB feels that the requirement of having annual assessments is burdensome to both time and resources. The previous NOSB recommendation included a request for a 3-year/or 300 inspections (whichever is less) review cycle. A member added that annual in-field reviews have implications for certifiers, who may reduce the number of inspectors to compensate for the added costs, and it may also have a negative impact on the organic industry as a whole. The NOP forwarded the request to the Accreditation and International Activities Division (AIA) as they are currently revising this instruction, and will review the request further.
    - Crops (CS) - ZS. The CS is beginning work on the fall 2016 proposals and discussion documents. There are a couple of projects that are on hold until the Subcommittee determines a path forward, for example, contamination in farm inputs. The CS Chair informed the ES that the petition for calcium chloride was denied, because the Subcommittee determined it did not contain any new information from the previous submission. The NOP will include this in the materials update at the spring NOSB meeting. The CS has a new request for a work agenda item: Strengthening the organic seed guidance. Members were unanimously in support of this agenda

item, which will likely be a discussion document for fall 2016. The ES Committee approved the addition of this to the CS agenda. NOP will review the request and respond further.

- Livestock (LS) - AS. The Livestock Subcommittee has several petitions and projects underway for the fall meeting. The group has had several discussions about the formation of an organic poultry working group. .
- Policy Development (PDS) - TC. The PDS has two items for the spring 2016 NOSB meeting agenda: An update to the Policy and Procedures Manual (PPM), which governs internal Board policy and procedure, and a discussion document proposing a redistribution of sunset reviews. The PDS Chair encouraged all members to read the PPM proposal and provide feedback. The discussion document for the sunset review timeline includes several options for distributing materials more evenly over the 5-year review cycle, and addresses concerns from the public and other Board members. The document also includes questions for stakeholders. The group also discussed the policy of calling on experts during the meeting for added clarification or response. The PPM does not contain any guidance about this. There doesn't seem to be an issue if the Board would like to recall a commenter for clarification, but calling on an expert from the audience if that person did not provide oral comments could be viewed as unfair, unless everyone is afforded that opportunity. The NOP will discuss this issue for the next ES call. The PDS will develop a procedure for this and add it to the next PPM update.
- Handling (HS) - HA. The HS held an extra call to finish its work for the semester. The Subcommittee currently has several materials in progress for the fall meeting, including 10 sunset 2018 materials and several petitions. There are several TRs in development for these materials. The HS received a TR for peracetic acid which both Crops and Livestock are reviewing.
- Materials/GMO ad hoc (MS/GMO) - ZS. The MS has three items for the spring meeting: A proposal on excluded methods terminology and a discussion document on the same, as well as a discussion document on seed purity. The Materials Subcommittee/NOP will also convene a panel of experts to discuss emerging technologies to help inform the complex issues in the excluded methods documents. The seed purity document and research priorities (RP) document will be on the fall meeting agenda. A new NOSB member, Emily Oakley, will be the Subcommittee liaison for research priorities and will facilitate communication between Subcommittees.
- Expert panel on emerging technologies. The Materials Subcommittee and NOP have identified four panelists with a range of expertise including biotechnology, synthetic biology, plant breeding and international perspectives. The MS requested a new work agenda item: a follow-up letter and 5-year progress report for the Secretary regarding GMOs. The MS undertook these topics approximately 5 years ago, and sent a letter to the Secretary that included goals for the NOSB. The new letter will include a status report on the science and progress made over the last 5 years.
- The NOSB Chair asked that the MS Chair circulate the spring 2016 documents to the members for discussion.

- **The meeting was adjourned**

Previous ES Notes

Future call schedule:
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Public comment closes	Apr 14, 2016
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Executive Subcommittee (ES) Meeting Notes
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Attending: Tracy Favre (TF), NOSB Chair; Tom Chapman (TC), NOSB Vice Chair & PDS Chair; Harold Austin (HA), Handling Chair; Ashley Swaffar (AS), Livestock Chair; Zea Sonnabend (ZS), Crops Chair; Carmela Beck (CBe), CACS Chair; Jean Richardson (JR) - sitting in; Scott Rice (SR) - sitting in, Jesse Buie (JB) – sitting in, Harriet Behar (HB) - sitting in
Absent: Lisa de Lima (LD), NOSB Secretary & Materials/GMO ad hoc Chair
Staff: Michelle Arsenault (MA); Emily Brown Rosen (EBR); Miles McEvoy (MM); Paul Lewis (PL)

Agenda

- **Approve notes of March 11, 2016**
- **Chairs Report** - TF
    - Work agendas for fall 2016
    - Communicating with stakeholders
    - Coordination for the board meeting
    - Pre-meeting admin meeting
- **Advisory Board Specialist (ABS) update -** MA
    - April meeting miscellany
    - Comment webinar run-through and public comment webinar
    - Pre-meeting admin meeting
- **NOP news and update** - PL
- **Subcommittee Reports** (5 minutes each)
    - Crops (CS) - ZS.
    - Livestock (LS) - AS.
    - Policy Development (PDS) - TC.
    - Handling (HS) - HA.
    - Materials/GMO ad hoc (MS/GMO) - ZS.
    - Compliance, Accreditation, & Certification (CACS) - CBe.
- **Additional Items**
- **Adjourn**

Discussion

- **Notes of March 11, 2016** were approved with no changes
- **Chairs Report** - TF
    - The Chair congratulated the NOP for the recently released proposed rule on Animal Welfare (Organic Livestock and Poultry Practices)
    - **Work agendas for fall 2016.** Members discussed various items on the work agenda that will be reviewed at the spring meeting. There are several requests under review by NOP for additional work agenda items that could potentially be added as we approach the fall NOSB meeting. CACS has requested to add a project on inspector evaluations. The NOP's position is that the current

requirement for annual on-site evaluation of inspectors is very important for program quality. , but will respond to the CACS's request with an email.

- **Communicating with stakeholders.** The NOPs Office of General Council (OGC) provided feedback to the NOSB members about responding to emails that are sent to their personal email addresses. Members discussed the various approaches and opinions, and may develop some guidance for the member guide.
- **Coordination for the board meeting.** The NOSB Chair discussed uniformity for introductions and presentations at the NOSB meeting. The Board will employ a roll call vote instead of the hand voting that was used for the fall 2016 meeting, which was chosen for time and efficiency. The group also discussed introductory remarks or perhaps a video to help set the tone for the meeting. The National Organic Coalition (NOC) meeting is Sunday April 24, and the NOSB Chair suggested people attend if they can. An NOSB member, Emily Oakley, is scheduled to speak about organic certifications
- **Pre-meeting admin meeting.** The members will meet briefly before the NOSB meeting to introduce themselves to the new members, receive their meeting materials, and run through the logistics of the agenda.

- **Advisory Board Specialist (ABS) update -** MA
  - April meeting miscellany. The NOP updated the group about logistics for the meeting including travel and hotel info.
  - Comment webinar run-through is April 14 and the public comment webinar is April 19. To date there are about 17 people signed up for the webinar and about 70 signed up for the face-to-face meeting.
  - Panel logistics. The NOP discussed the time and format for the panel on Excluded methods.
- **NOP news and update** – MM
  - **OLPP (Organic Livestock and Poultry Practices [Animal welfare rule]).** The proposed rule amending the organic livestock and poultry production requirements was posted and the comment period officially opens next week. The AMS deputy Administrator reminded members that they can provide personal comments, but cannot submit comments as a Board.
  - **Mexico organic regulations**. NOP is in consultation with Mexico about a possible equivalency agreement.
  - **List of NOSB recommendations and the status.** NOP is compiling a list and will share it with the Board as soon as it is completed.
  - **Origin of Livestock.** The NOP is currently drafting the final rule.
  - **Classification guidance for materials.** Currently under review and will undergo legal review soon. The NOP anticipates that the Classification Guidance will be published by the end of the year.
- **Subcommittee Reports** (5 minutes each)
  - Crops (CS) - ZS. Crops has several new petitions. The Subcommittee will not request a TR on 1-MCP. The group is also working on, or will be working on, hydroponics, biodegradable biobased mulch, marine materials, and next steps for contaminations issues in farm input. The CS also discussed the possibility of proposing a work agenda item regarding water: more specifically oil field water and flood waters that infiltrate organic fields. The CS Chair will outline the scope of problem before requesting this for the work agenda.
  - Livestock (LS) - AS. The LS Subcommittee is moving forward with its research priorities and continues to discuss the formation of a poultry working group. The LS is also reviewing a petition for sulfur, as well as three poultry litter amendments, for which they recently received a technical report (TR).

- Policy Development (PDS) - TC. The PDS has not met since the last Exec call. The PDS will proceed with implementation of the Sunset reorganization document the spring meeting.
- Handling (HS) - HA. The HS is currently reviewing public comments. It has received a number of comments regarding carrageenan. There are several petitions under review. One of the petitions, for chlorine dioxide (dry gas), is going to be returned to the petitioner for revision. The HS determined that the petitioned substance needs to be more correctly identified, and is asking the petitioner for revision. The Subcommittee is awaiting several TRs that are in development, and is also working on research priorities.
- Materials/GMO ad hoc (MS/GMO) - ZS. The MS is meeting April 12 to discuss the panel on emerging techniques in agricultural biotechnology. The Subcommittee will continue to work on excluded methods, and seed purity, and will be discussing research priorities. The NOSB Chair has had several conversations with the USDAs Organic Policy Advisor and the Organic Working Group about structure and format for the research priorities. The MS requested a new work agenda item to begin work on a letter to secretary, as a 5-year report on GMOs.
- Compliance, Accreditation, & Certification (CACS) - CBe. The CACS will meet next week and will discuss a potential work agenda item on inspector evaluations.

- **Additional Items.** A member suggested some changes to the language in the current NOSB nominations materials, specifically, the entry for the "individual who represents a public interest or consumer interest group". In the press release and Insider notice it said "a representative of a public or consumer interest group. The member indicated that this is not the exact language as found in OFPA and may be confusing.
- **The meeting was adjourned**

Previous ES Notes

Future call schedule:
March 11, 2016 1:00 ET
April 8, 2016 1:00 ET
May 13, 2016 1:00 ET
June 10, 2016 1:00 ET
July 8, 2016 1:00 ET
August 12, 2016 1:00 ET
September 9, 2016 1:00 ET
October 14, 2016 1:00 ET
November 11, 2016 1:00 ET
December 9, 2016 1:00 ET

Spring 2016 Milestones	Target date
New NOSB member orientation	Feb 29, 2016
NOP - Complete Spring 2016 NOSB meeting tentative agenda	Feb 10, 2016
NOSB - Spring 2016 proposals due to NOP	Feb 26, 2016
NOP - Post proposals, Publish FRN, Open public comment	Mar 16, 2016
Discuss work agendas on ES call	Mar 11, 2016

Public comment closes	Apr 14, 2016
Work agendas finalized on ES call (last call before fall meeting)	Apr 8, 2016
NOP - Send compiled public comments to NOSB	Apr 11, 2016
Public comment webinar	Apr 19, 2016
Spring 2016 NOSB meeting – Washington, DC	Apr 25 - 27, 2016

Note: Subcommittee notes may include preliminary discussions regarding substances considered for addition to or removal from the National List. They do not represent official National Organic Program (NOP) policy or regulations. Please see the NOP website for official NOP policy, regulations, and status of substances used in organic production and handling.

National Organic Standards Board (NOSB)
Executive Subcommittee (ES) Meeting Notes
Friday, May 13, 2016, 1:00 pm ET

Attending: Tracy Favre (TF), NOSB Chair; Tom Chapman (TC), NOSB Vice Chair & PDS Chair; Lisa de Lima (LD), NOSB Secretary & Materials/GMO ad hoc Chair; Harold Austin (HA), Handling Chair; Zea Sonnabend (ZS), Crops Chair; Jean Richardson (JR); Jesse Buie (JB) - observer; Harriet Behar (HB) - observer
Absent: Miles McEvoy (MM); Carmela Beck (CBe), CACS Chair; Ashley Swaffar (AS), Livestock Chair
Staff: Michelle Arsenault (MA); Emily Brown Rosen (EBR); Paul Lewis (PL)

Agenda

- **Approve notes of April 8, 2016** (attached)
- **Chairs Report -** TF
    - Debrief of April 2016 NOSB meeting
    - Federal register notice comment period for fall 2016 meeting
    - Submission of final recommendations
- **Advisory Board Specialist (ABS) update -** MA
    - Update on nominations - deadline June 3
    - Charter renewal
    - Fall milestone table (see below)
- **NOP news and update** - PL
- **Subcommittee Reports** (5 minutes each)
    - Livestock (LS) - AS.
    - Policy Development (PDS) - TC. Sunset reorganization timeline (attached)
    - Handling (HS) - HA.
    - Materials/GMO ad hoc (MS/GMO) - LD.
    - Compliance, Accreditation, & Certification (CACS) - CBe.
    - Crops (CS) - ZS.
- **Additional Items**
- **Adjourn**

Discussion

- **Notes of April 8, 2016** were approved with no changes
- **Chairs Report -** TF
    - Debrief of April 2016 NOSB meeting. Members felt the meeting went smoothly and flowed well. The NOSB officers discussed the use of roll call votes versus hand votes for time management, and noted a preference for roll call votes for consistency, if time allows. The group will discuss room layout and logistics for the fall meeting.
    - Federal Register (FR) notice for fall 2016 meeting. The NOP intends on publishing the FR notice announcing the fall 2016 meeting early, which will extend the comment period. The deadline to submit proposals to the NOP is September 14, although the Board will submit proposals as they are completed, many of them will not be posted until later in the summer. The NOP anticipates that this will allow the public to upload comments early in the process.

    - Submission of final recommendations. The majority of recommendations have been submitted to the NOP for posting.
- **Advisory Board Specialist (ABS) update** - MA
    - Update on nominations - deadline June 3
    - Charter renewal. The Charter was renewed May 8, 2016 and will expire again in two years.
    - Fall milestone table (see below). The group discussed the date for the webinar and capacity for commenters. The webinar will be scheduled for November 3, and in an effort to schedule as many commenters as possible, comments will be limited to 3-minutes.
- **NOP news and update** - PL
    - Submission of refereed journal articles. When commenters submit links to journal articles, NOP can likely access them via the USDA library and make them available to Board members.
    - Comment period for OLPP. Open through June 13. NOP has received less than 100 comments so far.
    - The NOP has a number of rules in development.
    - The program is completing the NOSB recommendation table, which includes the responses and status of all NOSB work to date. The document will be posted on the NOP website.
    - Hydroponics Task Force. The task force report is due to the Crops Subcommittee in June, and the group discussed the process for submission of the report
- **Subcommittee Reports** (5 minutes each)
    - Livestock (LS) - AS. Topics for the next LS call include research priorities and the organic poultry working group. The LS will submit a paper to the NOP regarding the formation of a poultry working group. The charge for the working group would include evaluating systems-based issues in poultry, and would take into consideration the current proposed rule on organic livestock and poultry practices (OLPP). The group also discussed the process by which an NOSB member could remove a substance from the National List. A member developed a proposal regarding paraciticides and the removal of ivermectin, and the NOP suggested the member submit the petition as a private citizen, as opposed to having the LS request it as a work agenda item. Currently the process by which a Board member could propose removal of a substance is not in the PPM. Several members supported adding it to the work agenda rather than submitting a formal petition. The member will go through the formal process and asked that the NOP be expeditious in its review. She also asked about recusing herself from voting, which the NOP concluded was not necessary as there is no conflict of interest (COI).
    - Policy Development (PDS) - TC. The draft sunset reorganization timeline was circulated to the full Board so members can review it and send feedback before the next NOSB meeting. The PDS Chair asked that the Subcommittees review their respective 2019 proposed materials for TR needs. To begin this process, he will send the lists to the Subcommittee Chairs so they can add them to the work agendas. TR requests should be submitted to the NOP by mid-July.
    - Handling (HS) - HA. The HS Chair noted that there are eight Subcommittee calls between now and the proposal deadline. The HS is scheduled to discuss several substances including: SDBS, which was referred back to Subcommittee at the last NOSB meeting; a revised petition for sodium chlorite, which was originally petitioned as dry gas; as well as a discussion document on phosphates. The group is also waiting for two TRs for other projects. A member asked about ancillary substances and confirmed that they will be reviewed from this point forward, and previous proposals will not be re-evaluated.
    - Materials/GMO ad hoc (MS/GMO) - LD. The MS had two updates. The Research Priorities review document has been circulated and the MS expects the Subcommittee's updated priorities back by July 8. A member is moving forward with an ad hoc group to look at excluded methods and seed purity. This idea garnered a lot of support from stakeholders and Board members.

- Compliance, Accreditation, & Certification (CACS) - CBe. Cheri Courtney, Director of the Accreditation and International Activities (AIA) Division participated on the last call to talk about the NOP 2027 instruction regarding in-field inspector evaluations. The group felt the conversation was informative and useful. The Subcommittee will be working on a discussion document or memo regarding this issue and will reach out to various Accredited Certifying Agents for more data.
- Crops (CS) - ZS. The CS has many projects underway, including five 2018 sunset materials, the petition for soy wax that was referred back to Subcommittee at the last NOSB meeting, the new anaerobic digestate petition that will be reviewed concurrently with the memo on the same, as well as the hydroponics document. The hydroponics task force is expected to deliver its report to the Crops Subcommittee in June.

- **Additional Items -** none
- **The meeting was adjourned**

Previous ES Notes

Future call schedule:
May 13, 2016 1:00 ET
June 10, 2016 1:00 ET
July 8, 2016 1:00 ET
August 12, 2016 1:00 ET
September 9, 2016 1:00 ET
October 14, 2016 1:00 ET
November 4, 2016 1:00 ET
December 9, 2016 1:00 ET

Fall 2016 Milestones	Target dates (tentative)
NOP - Publish FRN, Open public comment	June/TBD
NOP - Complete fall 2016 NOSB meeting tentative agenda	Sept 8, 2016
NOSB - Fall 2016 proposals due to NOP	Sept 14, 2016
NOP - Post proposals	On or before Sept 27, 2016
Discuss work agendas on ES call	Oct 14, 2016
Public comment closes	Oct 26, 2016
NOP - Send compiled public comments to NOSB	Nov 2, 2016
Public comment webinars	Nov 3, 2016
Work agendas finalized on ES call (last call before fall meeting)	Nov 4, 2016
Fall 2016 NOSB meeting - St Louis, MO	Nov 16-18, 2016

Note: Subcommittee notes may include preliminary discussions regarding substances considered for addition to or removal from the National List. They do not represent official National Organic Program (NOP) policy or regulations. Please see the NOP website for official NOP policy, regulations, and status of substances used in organic production and handling.

National Organic Standards Board (NOSB)
Executive Subcommittee (ES) Meeting Notes
Friday, June 10, 2016, 1:00 pm ET

Attending: Tracy Favre (TF), NOSB Chair; Tom Chapman (TC), NOSB Vice Chair & PDS Chair; Lisa de Lima (LD), NOSB Secretary & Materials/GMO ad hoc Chair; Harold Austin (HA), Handling Chair; Zea Sonnabend (ZS), Crops Chair; Carmela Beck (CBe), CACS Chair; Ashley Swaffar (AS), Livestock Chair; Harriet Behar (HB) - observer
Absent:
Staff: Michelle Arsenault (MA); Paul Lewis (PL); Jessica Walden (JW); Devon Pattillo (DP)

Agenda

- **Approve notes of May 13, 2016**
- **Chairs Report** - TF
    - Fall 2016 Panel on marine materials
    - Sunset Reorganization
- **Advisory Board Specialist (ABS) update -** MA
    - Update on nominations
    - Fall milestone table (see below)
- **NOP news and update** - PL
- **Subcommittee Reports** (5 minutes each)
    - Policy Development (PDS) - TC.
    - Handling (HS) - HA.
    - Materials/GMO ad hoc (MS/GMO) - LD.
    - Compliance, Accreditation, & Certification (CACS) - CBe.
    - Crops (CS) - ZS.
    - Livestock (LS) - AS.
- **Additional Items**
- **Adjourn**

Discussion

- **Notes of May 13, 2016** approved with no changes
- **Chairs Report -** TF
    - **Fall 2016 panel on marine materials.** The Chair led a discussion about the proposed panel on marine materials that was suggested for the fall 2016 meeting. A member indicated that fall 2016 might be premature, as the relevant Subcommittees are waiting for the Technical Report (TR) and have not yet developed a proposal(s). The Executive Committee supports delaying the decision to host a panel until the TR is received, which is expected in July 2016.
    - **Sunset Reorganization.** The Executive Committee discussed feedback regarding the reorganization of the sunset materials. A member felt that some of the materials should be delayed for a later review since the current recommendations are still pending. This would allow the NOP to complete rulemaking before the Board reviewed the materials again. Another member agreed that it could complicate the process if materials have not made it through the

rulemaking process yet, but at this time the Subcommittees are only determining the need for TRs for the 2019 materials.
    - The group discussed photos and video taken at NOSB l meetings in light of the recent FOIA request. The NOP drafted language, based on guidance from the Office of General Council, the NOP drafted language for the Federal Register notice announcing the fall 2016 meeting regarding the allowance of photos and video as long as it is not disruptive to the meeting. In addition to the FR notice, the NOSB Chair will announce this at the meeting, and the Chair will have the discretion and authority to limit this activity if it is disruptive.
- **Advisory Board Specialist (ABS) update** - MA
    - NOSB nominations. The NOP received 60 applications, and hopes to have the Secretary's decision for the 5 new nominees by October.
    - Fall milestone table (see below). A member asked about the timeline for receiving comments, and asked if the deadline could be set earlier for future meetings so the Board has extra time to read them.
- **NOP news and update** - PL
    - The NOP added to the previous discussion regarding photos at the NOSB meetings, indicating its support of this process.
    - The NOSB recommendation indices was published this week and sent to the Board. The table lists all recommendations the NOSB has put forth and the current status of those recommendations. The intent is to update these documents after each NOSB meeting.
    - Origin of Livestock and Poultry Practices (OLPP) comment period was extended to July 13 based on feedback from the public.
    - FOIA requests for photos from personal cell phones. The group discussed the current FOIA request and questioned whether their personal email and photos are subject to FOIA. The NOP will look further at the FOIA requirements and the Office of General Council (OGC) guidance and provide feedback to the NOSB.
    - The aquaculture rule is under review at the Office of Management and Budget (OMB)
    - Materials classification guidance is in departmental clearance. .
- **Subcommittee Reports** (5 minutes each)
    - Policy Development (PDS) - TC. The PDS hasn't met since the last ES call. Currently the Subcommittee is working on the sunset reorganization and updates to the PPM, but may not produce a proposal for the fall 2016 NOSB meeting.
    - Handling (HS) - HA. The Handling Subcommittee has a large workload for the fall meeting. Currently they are working on the TR determinations for the sixteen (16) 2019 sunset materials, reviews for ten (10) 2018 sunset materials, and several petitioned materials. Other projects include reclassification of xanthan gum, which the HS determined did not warrant reclassification at this time. The HS is seeking feedback from the NOP about how to finalize this project without a proposal. Ancillary substances that are allowed will be written into the proposal, and those ancillaries that are not allowed will be brought forth as separate proposals. The HS plans to formally request that the TR author check ancillaries against International Agency for Research on Cancer (IARC) and the National Toxicology Program (NTP) lists per the ancillary review criteria. Several other projects are in development and are either waiting for TRs or the materials classification guidance to be finalized.
    - Materials/GMO ad hoc (MS/GMO) - LD. The MS has not met since the last Executive call. A member is working with an ad hoc group of ~8-10 people on the topic of excluded methods, and specifically definitions and criteria.
    - Compliance, Accreditation, & Certification (CACS) - CBe. The CACS has not met since the last Executive call. The Subcommittee currently has three (3) topics under discussion: An update to

the in-field, annual evaluations of inspectors (NOP 2027) for which they have received feedback from accredited certifying agents; eliminating the incentive to convert native ecosystems into organic crop production; and notification of operators via their certifier of sunset materials that were not renewed at sunset. The CACS also received feedback from the ACAs regarding this topic and will discuss this on the next call.

- Crops (CS) - ZS. The Crops Subcommittee has a very full and complex workload this semester. The Hydroponics Task Force report will be delayed until early July. The Subcommittee has discussed how to structure the proposal while they are waiting for the details. The CS has several other large projects underway including: anaerobic digestate; biobased biodegradable mulch, which is up for sunset review; research priorities; marine materials, and an annotation change for newspaper. TRs are in development for some of these projects. The CS is putting the 'prohibition of NPEs in inerts annotation change' work item on hold until the proposed rule on inerts is published. The CS Chair requested that the NOP invite a speaker from the Organic Seed Alliance to the fall 2016 meeting to discuss the work agenda item on strengthening and clarifying the requirements for use of organic seed (NOP 5029).
- Livestock (LS) - AS. The LS Chair submitted a request to the NOP to form a working group on Organic Poultry (OPWG), and the LS is waiting for feedback. A primary goal for the working group would be to evaluate alternatives to methionine. Discussion during the meeting included delaying the formation of an OPWG until the origin of livestock project is completed so they can insure that the working group will be aligned with what is in the final rule. The LS Chair commented that the charge for the working group and the origin of livestock rule do not overlap in that the working group would be looking at methionine issues and not animal welfare issues per se. In addition to research priorities, the LS members are discussing several projects they would like to add to the work agenda; a project to define the phrase "emergency treatment" in paraciticides; and antibiotic use in day-old chicks. Currently the LS is awaiting guidance from NOP about adding this project to its work agenda.

- **Additional Items** - none
- **The meeting was adjourned**

Previous ES Notes

Future call schedule:
May 13, 2016 1:00 ET
June 10, 2016 1:00 ET
July 8, 2016 1:00 ET
August 12, 2016 1:00 ET
September 9, 2016 1:00 ET
October 14, 2016 1:00 ET
November 4, 2016 1:00 ET
December 9, 2016 1:00 ET

Fall 2016 Milestones	Target dates (tentative)
NOP - Publish FRN, Open public comment	June/TBD
NOP - Complete fall 2016 NOSB meeting tentative agenda	Sept 8, 2016

NOSB - Fall 2016 proposals due to NOP	Sept 14, 2016
NOP - Post proposals	On or before Sept 27, 2016
Discuss work agendas on ES call	Oct 14, 2016
Public comment closes	Oct 26, 2016
NOP - Send compiled public comments to NOSB	Nov 2, 2016
Public comment webinar	Nov 3, 2016
Work agendas finalized on ES call (last call before fall meeting)	Nov 4, 2016
Fall 2016 NOSB meeting - St Louis, MO	Nov 16-18, 2016

Note: Subcommittee notes may include preliminary discussions regarding substances considered for addition to or removal from the National List. They do not represent official National Organic Program (NOP) policy or regulations. Please see the NOP website for official NOP policy, regulations, and status of substances used in organic production and handling.

National Organic Standards Board (NOSB)
Executive Subcommittee (ES) Meeting Notes
Friday, July 8, 2016, 1:00 pm ET

Attending: Tracy Favre (TF), NOSB Chair; Tom Chapman (TC), NOSB Vice Chair & PDS Chair; Lisa de Lima (LD), NOSB Secretary & Materials/GMO ad hoc Chair; Harold Austin (HA), Handling Chair; Zea Sonnabend (ZS), Crops Chair; Carmela Beck (CBe), CACS Chair; Ashley Swaffar (AS), Livestock Chair; Harriet Behar (HB) – observer; Jean Richardson (JR)
Absent:
Staff: Miles McEvoy (MM); Paul Lewis (PL); Michelle Arsenault (MA); Jessica Walden (JW)

Agenda

- **Approve notes of June 10, 2016**
- **Chairs Report -** TF
- **Advisory Board Specialist (ABS) update -** MA
    - FOIA/FACA requests
    - Proposals **-** web posting
    - Ongoing submissions of Fall 2016 proposals
- **NOP news and update** - PL
    - FOIA/FACA requests
    - Update on the impact of the compost ruling
- **Subcommittee Reports** (5 minutes each)
    - Handling (HS) - HA.
    - Materials/GMO ad hoc (MS/GMO) - LD.
    - Compliance, Accreditation, & Certification (CACS) - CBe.
    - Crops (CS) - ZS.
    - Livestock (LS) - AS.
    - Policy Development (PDS) - TC.
- **Additional Items**
- **Adjourn**

Discussion

- **Notes of June 10, 2016** were approved with no changes
- **Chairs Report -** TF
    - The Chair noted that the agenda includes discussions about the compost ruling and FOIA/FACA.
- **Advisory Board Specialist (ABS) update -** MA
    - NOSB Proposals - web posting. The NOP is currently populating the Subcommittee proposal webpages with the previous NOSB proposals. The section of the website that housed the proposals was not migrated to the new website, but after receiving comments from various stakeholders and Board members, the pages were recovered.
    - Ongoing submissions of Fall 2016 proposals. The Subcommittee Chairs are encouraged to submit proposals and discussion documents as they are finalized. The Federal Register Notice opening the comment period is due to post in the next couple of weeks and the final proposal

deadline is September 14. The NOP aims to open the meeting docket early from this point forward, in an effort to respond to the NOSB's recommendation, and requests from stakeholderes, for a longer comment period.

- **NOP news and update** - MM
  - **FOIA/FACA requests.** AMS receives a considerable number of FOIA requests, of which, about half are for NOP. Currently the NOP is responding to twenty (20) FOIA requests, 6 FOIA appeals, and 8 FOIA lawsuits. Four (4) NOP staff are working full-time on responding to FOIA requests, appeals and lawsuits. The process includes: finding responsive records; redacting any personally identifiable information (PII) or confidential business information; and posting released records in the FOIA reading room. In response to a Board member's inquiry, the NOP noted that two of the twenty FOIA requests pertain to the NOSB: one requesting photographs taken at the April 2016 Board meeting, and one requesting the 2017 nominations applications.
  - **FACA records.** The group discussed Section 10(b) of FACA, which governs access to committee records, as well as the General Records Schedule 6-2, which governs record retention. Both documents prescribe which Advisory Committee records need to be retained and made available upon request.
  - **Green Waste/Compost.** The NOP provided some background and an update on the recent judicial ruling on NOP 5016 - green waste (compost). On June 20, 2016, a judicial decision from the United States District Court, Northern District of California, ruled that the guidance was a legislative rule subject to notice-and-comment rulemaking under the Administrative Procedures Act. The judge vacated the NOP 5016, effective August 22, 2016, and grandfathered compost purchased or used prior to that date. NOP is assessing the court's ruling and considering next steps.
  - **Senate bill on GMOs.** The NOP noted that the Senate bill would give rulemaking authority to AMS to implement the legislation.
  - **Hydroponics Task Force (HTF).** The Task Force report is being finalized, and will be submitted to the NOP in the next week and provided to the NOSB in the next few weeks. The report will be forwarded to the NOSB for review, and posted on the AMS website. Members discussed the implications for the timing of the report. Some members felt that it will not be submitted in time to become a discussion document for the fall meeting, and might have to be delayed until spring 2017, at which time there will be five new Board members. Another member expressed concern about the compressed timeframe to prepare a discussion document for the fall meeting, and based on the technical nature and quantity of information, that perhaps it would be best to not press for a fall review. The group also discussed the possibility of having a presentation from task force members at the fall 2016 meeting. A member requested that when the document is posted, the NOP also note that the comment period is open, as public comment is crucial.
  - **NOP operating plan for 2017.** The NOP is developing its operating plan for 2017, and has a number of priorities, including the Organic Livestock and Poultry Practices final rule, the Origin of Livestock final rule, follow up on the Green Waste ruling, and the proposed rule on Import Certificates. There are also several organic integrity topics and sunset responsibilities. The NOP requested feedback and suggestions for additional priorities from the Board, which they will discuss on the August Executive call. Prior to the call, the Subcommittees will discuss preliminary ideas. In addition to the NOSB Indices of recommendations, which is already available on the AMS website, the NOP plans to provide a list of projects to the Board. This will be added to the Subcommittee's work agendas.

- **Subcommittee Reports** (5 minutes each)
    - Handling (HS) - HA. Each of the Subcommittees has four calls left before the proposal deadline. The HS has finalized its TR requests for the 2019 sunset materials. The group has a couple of TRs in development, including marine materials and BPA. Some TRs are not expected back in time for a fall review.
    - Materials/GMO ad hoc (MS/GMO) - LD. The MS is continuing to work on discussion documents on excluded methods and seed purity, and is anticipating the submission of the research priorities from each of the Subcommittees. The deadline for submission is today.
    - Compliance, Accreditation, & Certification (CACS) - CBe. The next CACS meeting is July 12, and the group will continue to discuss several topics including: The project on the NOP Instruction 2027 – Inspector evaluations, for which members have sought information from ACAs regarding evaluations and witness audits; and calculating the percentage of organic in multi-ingredient products, which the NOP requested the CACS work on. The proposed project on notification from certifiers of changes to the National List will not be pursued, as there was lack of support from the Subcommittee based on feedback from stakeholders. The CACS is seeking NOP approval for a project on eliminating the incentive to convert native ecosystems into organic crop production.
    - Crops (CS) - ZS. The Crops Subcommittee has a very ambitious work agenda. The 2018 sunset reviews are complete, and there are several petitions under review. There are TRs in all stages of development, including a TR on anaerobic digestate. The research priorities are nearly complete and the CS will send those forth to the Materials Subcommittee soon. The CS requested only one TR for the 2019 sunset materials - biodegradable biobased mulch. The contamination in farm inputs project likely won't be ready for fall as it was transitioned from a Board member whose term ended this past January. In support of the document on strengthening the organic seed guidance, the Crops Subcommittee has requested to invite a member of the Organic Seed Alliance to give a presentation at the fall NOSB meeting about the state of seed alliance report.
    - Livestock (LS) - AS. The Livestock research priorities will be finalized very soon. The Subcommittee completed its initial review of the 2019 sunset substances, and did not request any new TRs. The LS is waiting for feedback from NOP about the definition of "emergency treatment", and is currently reviewing a new petition for the removal of ivermectin.
    - Policy Development (PDS) - TC. The PDS is working on the sunset reorganization proposal. The current draft, which included minor revisions based on public comments, was circulated to the NOP for feedback. The project on ancillary substances is in progress and the Subcommittee discussed whether to delay the PPM revisions until the NOP provides feedback regarding the review of ancillaries. The NOP indicated that the NOSB procedures are separate from the Certifier procedures, which is what NOP is reviewing, so the language could be incorporated into the PPM without delay. The PDS Chair noted that they will be adding some new members to the PDS soon.
- **Additional Items.** The NOSB Chair expressed appreciation for the NOP's input on the call.
- **The meeting was adjourned**

Previous ES Notes

Future call schedule:
June 10, 2016 1:00 ET
July 8, 2016 1:00 ET
August 12, 2016 1:00 ET

September 9, 2016 1:00 ET
October 14, 2016 1:00 ET
November 4, 2016 1:00 ET
December 9, 2016 1:00 ET

Fall 2016 Milestones	Target dates (tentative)
NOP - Publish FRN, Open public comment	July TBD
NOP - Complete fall 2016 NOSB meeting tentative agenda	Sept 8, 2016
NOSB - Fall 2016 proposals due to NOP	Sept 14, 2016
NOP - Post proposals	On or before Sept 27, 2016
Discuss work agendas on ES call	Oct 14, 2016
Public comment closes	Oct 26, 2016
NOP - Send compiled public comments to NOSB	Nov 2, 2016
Public comment webinar	Nov 3, 2016
Work agendas finalized on ES call (last call before fall meeting)	Nov 4, 2016
Fall 2016 NOSB meeting - St Louis, MO	Nov 16-18, 2016