

UNITED STATES DEPARTMENT OF AGRICULTURE

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NATIONAL ORGANIC STANDARDS BOARD

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COMMENT TELECONFERENCE

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TUESDAY

OCTOBER 13, 2015

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The Board met telephonically, Jean Richardson, Ph.D., Chair, presiding.

PRESENT

JEAN RICHARDSON, Ph.D., NOSB Chair; Consultant
and organic maple syrup producer

TRACY FAVRE, NOSB Vice Chair; Consultant

HAROLD AUSTIN, NOSB Secretary; Zirkle Fruit
Company

CARMELA BECK, Driscoll Strawberry Associates,
Inc.

COLEHOUR J. BONDERA, Kanalani Ohana Farm

TOM CHAPMAN, Clif Bar & Company

LISA de LIMA, MOM's Organic Market

ZEA SONNABEND, California Certified Organic
Farmers (CCOF)

ASHLEY SWAFFAR, VitalFarms

JENNIFER TAYLOR, Ph.D., Florida A&M University

FRANCIS THICKE, Ph.D., Radiance Dairy

C. REUBEN WALKER, Ph.D., Southern University and
A&M College

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STAFF PRESENT

MICHELLE ARSENAULT
LISA BRINES
EMILY BROWN ROSEN
PAUL LEWIS, NOP Standards Division Director
MILES MCEVOY, Deputy Administrator
DEVON PATTILLO
JENNY TUCKER, NOP Associate Deputy Administrator,
Technology Facilitator
JESSICA WALDEN
SONYA WILSON

COMMENTERS PRESENT

KEVIN BOYCE, Agricultural Conversation
JESSICA BELZ, Fiberstar, Inc.
LAURA BATCHA, Organic Trade Association
PATTY LOVERA, Food & Water Watch
RONALD GONZALEZ, Dole Tropical Products Latin
WEST MATHISON, Stemilt Growers
RHODES YEPSSEN, Biodegradable Products Institute
AMBER POOL, CCOF
MARNI KARLIN, Organic Trade Association
AMELIE HAYTE, GNT USA, Inc.
PAMELA SAUNDERS, CROPP Cooperative
BRIAN LEHMANN, Consumer
HILDA TOVAR, BerryMex
KATHERINE DiMATTEO, Wolf, DiMatteo + Associates
EILEEN HOURIHAN McCARTHY, Registered Dietician

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

1:05 p.m.

1
2
3 DR. LEWIS: I'd like to welcome NOSB
4 members and members of the public for today's
5 teleconference.

6 We appreciate the NOSB members
7 presentation on this call today and to all the
8 members' efforts and for serving on the Board.

9 I'm really excited about this
10 opportunity for the Board to conduct this meeting,
11 the public comment process via teleconference
12 really supplies the opportunity for greater public
13 access to NOSB.

14 These meeting, along with other
15 meetings, public meetings of the NOSB operates
16 under the Federal Advisory Committee Act.

17 I'm looking forward to hearing the
18 comments that will be occurring today and the --
19 (Telephonic interference.)

20 DR. LEWIS: -- in addition to the actual
21 face-to-face meeting we'll be having the last week
22 in October.

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1 It will help the Board preparing their
2 recommendations to USDA.

3 I want to again thank members of the
4 public for participating in today's
5 teleconference. And I'm looking forward to a very
6 productive and engaging meeting today. Thank you.

7 DR. TUCKER: Okay, we're going to turn
8 it over to Jean Richardson now. So Jean, welcome.
9 As Board chair she's going to be moderating the
10 public comment process. So let's do a sound check.
11 Jean, can you hear us?

12 CHAIR RICHARDSON: Hello. Yes, I can
13 hear all of you and I hope you can hear me too.

14 DR. TUCKER: Yes, we can. Please go
15 ahead.

16 CHAIR RICHARDSON: Very good. Okay,
17 the first thing is this is the first time we've done
18 this everybody out there in internet-land or
19 wherever you are.

20 And it looks as though there are 68
21 people on audio and 60 on the web, looking at the
22 numbers that I have on my computer screen.

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1 So, what we have to just all do is try
2 to think of ourselves at some gorgeous meeting
3 place. The sun is shining outside and it looks
4 just great. And we're forced to be inside to be
5 on this call, but it's going to be good fun anyway.

6 I just want to remind all of you that
7 as you're speaking if you're using your speaker
8 phone you're never as clear as if you're sort of
9 speaking directly into a phone.

10 So when you are giving your
11 presentations be sure you speak as clearly and as
12 loudly as is appropriate so that we can all of you
13 hear.

14 Because there's bound to be some
15 background and some odd little kinks that happen
16 during the next couple of hours.

17 I'm really pretty excited to have this
18 opportunity to expand our public comment period.

19 We still have just as many people going
20 to be talking as usual at the in-person meeting.

21 And so this is allowing us to hear from
22 more people, people that couldn't come, or can't

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1 take the time or afford necessarily to fly all the
2 way to Vermont for the next meeting.

3 So it's really great. And I'm just
4 delighted to be able to have this opportunity
5 today.

6 So hopefully you'll excuse our
7 technological mistakes and errors as we try to
8 start a new and expanded way of taking public
9 comment which is so critically important to all of
10 us as Board members.

11 So, I will ask the first person to speak
12 on my list is Kevin Boyce. And on deck we will have
13 Jessica Belz. So, over to you Kevin if you are
14 there.

15 MR. BOYCE: I am here. Thank you very
16 much.

17 I wanted to address the Board on some
18 of the current standards on the pathogen kill for
19 organic material, processed manures specifically.

20 We have a technology that allows us a
21 pathogen kill in a nonthermal manner. So
22 currently the two guidelines for the elimination

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1 of pathogen within manure product is by composting
2 or by the addition of heat to the process.

3 We have -- our technology is a little
4 bit unique again, and it's a nonthermal technology
5 that has a pathogen kill far greater than we can
6 achieve with even a composting process. And it's
7 much more uniform. So we don't have any spots make
8 it through the process without a pathogen kill.

9 It's a very consistent pathogen kill
10 and all material is subjected to the pathogen kill.

11 So our process is unique in the fact,
12 again it doesn't use a thermal technology. It
13 actually uses a shock wave. We send the material
14 through a venturi that gets a shock wave.

15 When it hits the shock wave it implodes
16 the product, the manures, swine, chicken, cattle,
17 and so forth.

18 And in that implosion of the product
19 there's a massive pathogen kill which puts us far
20 below the requirements outlined by the NOSB and NOP
21 for pathogen kill.

22 So we are hoping at some point in time

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1 to find a way that our equipment can be listed
2 possibly as an alternative to the composting or
3 heat process for pathogen kill.

4 CHAIR RICHARDSON: And that's it,
5 Kevin?

6 MR. BOYCE: So, that's kind of it at a
7 high level. And I just wanted to take some
8 questions from you folks and see what we might have
9 to do to make that happen.

10 CHAIR RICHARDSON: Great. Thank you
11 very much, Kevin. Are there questions from the
12 Board or comments?

13 DR. TUCKER: It looks like Francis has
14 a question.

15 CHAIR RICHARDSON: Francis, yes.
16 Francis.

17 MEMBER THICKE: Can you hear me?

18 CHAIR RICHARDSON: Yes.

19 MR. BOYCE: I can hear you, Francis,
20 yes.

21 MEMBER THICKE: Okay. Can you explain
22 what you mean by implode? Is that a biological

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1 process, a physical process? What does that mean?

2 MR. BOYCE: It's a physical process.
3 So, and again, I'm sure you guys understand all this
4 but just in case somebody doesn't.

5 So we send the material through the
6 machine. We have a pre-process that gets it to
7 about a 70 percent moisture level in the product.

8 And then goes through the second piece
9 of technology here that we're talking about which
10 is pulling it, and basically enters an air tube.

11 At initial entrance into that tube the
12 product moves about 100 miles an hour. The air
13 flow is about 100 miles an hour.

14 And then it goes through a venturi which
15 is basically like squeezing the garden hose a
16 little bit, right?

17 So it picks up speed. And by the time
18 it hits the treatment area it's going about Mach
19 1.

20 At the same time there's an air flow
21 that causes a paper thin shock wave.

22 When the material hits that shock wave

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1 the material actually implodes, in a physical
2 implosion.

3 Makes it into a powder form, but also
4 in that process the moisture molecules implode as
5 well. And those are taken out as HNOs.

6 So we get to a point where it's an 8
7 percent moisture level. So we go from 70 percent
8 moisture level to 8 percent moisture level in the
9 treatment area.

10 The other unique piece of this process
11 is that in that same shockwave area or treatment
12 area the E. coli and so forth also implode. And
13 they're removed, the vast majority of those are
14 removed through that process as well.

15 CHAIR RICHARDSON: Great, excellent.
16 Thank you very much, Kevin.

17 I should just point out that the
18 National List is composed of materials and I think
19 what you're presenting us with which is very
20 interesting is a process.

21 And I'm hoping that you will also have
22 submitted some written comments or some other

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1 written materials that we could look at at a later
2 date.

3 MR. BOYCE: I have submitted that.

4 CHAIR RICHARDSON: Great, thank you.

5 MR. BOYCE: Earlier. So I was hoping
6 to have it in your hands today, but it sounds like
7 it didn't get there.

8 But those have been submitted.

9 CHAIR RICHARDSON: Great. Thank you
10 very much.

11 The next presenter is Jessica Belz and
12 on deck will be Jessica Green.

13 DR. TUCKER: Jean, I'm sorry.
14 Jennifer Taylor also had a question.

15 CHAIR RICHARDSON: Oh, I'm sorry,
16 that's not showing up on my screen. Okay.

17 DR. TUCKER: She just chatted to the
18 chairperson, not to all co-presenters. So I can
19 see it but you cannot.

20 CHAIR RICHARDSON: Okay.

21 MEMBER TAYLOR: Sorry about that
22 process. Can you hear me?

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1 MR. BOYCE: Yes.

2 MEMBER TAYLOR: Thank you so very much
3 for your presentation.

4 I wondered if there is a concern for
5 residues of pesticides, process aids in particular
6 and others within the process.

7 How do you see that taking place?

8 MR. BOYCE: I'm sorry, we haven't
9 focused a lot on pesticides in the animal manures.

10 What we were most concerned with were
11 the NOP standards which were for the salmonella and
12 the fecal E. coli and so forth.

13 So I'm not really sure I can discuss
14 today at least the pesticide residue in that
15 product.

16 MEMBER TAYLOR: Okay, thank you.

17 CHAIR RICHARDSON: Thank you.

18 Jessica Belz.

19 MS. BELZ: Okay, thank you. This is
20 Jessica Belz. I am director of quality assurance
21 at Fiberstar with its headquarters in River Falls,
22 Wisconsin, and a production facility in Clewiston,

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1 Florida.

2 I was going to be discussing Sunset 2017
3 regarding substance 205.601Q which is orange pulp,
4 dried.

5 I don't know if you guys received my
6 slides yesterday but I had a few diagrams to show
7 you as well.

8 But the topic here is our understanding
9 is that during the preliminary stage of the current
10 sunset review the Handling Subcommittee believes
11 that there might be a sufficient supply of organic
12 materials now available to manufacture the dried
13 orange pulp, and that this is the reason that the
14 NOSB is currently considering its removal from the
15 National List.

16 So for that reason I'm just going to
17 talk for the majority of the period about the
18 question of availability.

19 So first of all, I want to make sure that
20 you understand how dried orange pulp is
21 manufactured.

22 The dried orange pulp is produced under

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1 patent protection exclusively by Fiberstar at our
2 single facility in Clewiston, Florida.

3 This location was selected because the
4 availability of raw materials is dependent on the
5 orange juice industry.

6 According to various sources Florida
7 citrus is typically grown for use in processing
8 while citrus grown in other parts of the country
9 is more often for fresh fruit.

10 Are you guys able to see my slides?

11 CHAIR RICHARDSON: No, I don't see
12 them. Are they being posted, Jenny?

13 MS. ARSENAULT: Jessica, this is
14 Michelle. I'm sorry, I didn't get your slides
15 yesterday so we don't have them up.

16 MS. BELZ: Oh, that's fine. Okay, we
17 can continue without them.

18 MS. ARSENAULT: When they come in I'll
19 make sure that I forward them.

20 MS. BELZ: Okay. So, just discussing
21 how the processing works.

22 Every box of oranges is approximately

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1 90 pounds of oranges. So from a box of 90 pounds
2 of oranges the juice facility yields approximately
3 5 pounds of wet pulp.

4 Because the moisture content of that
5 pulp is approximately 95 percent the 5 pounds of
6 wet pulp generates only about 4 ounces of dried
7 pulp.

8 So to reiterate, a 90 pound box of
9 oranges produces only 4 ounces of dried orange
10 pulp.

11 So the process of dried orange pulp
12 itself is a continuous process that produces 1,000
13 pounds of dried orange pulp or more per hour.

14 When our existing dried orange pulp
15 facility was established we determined that the
16 minimum time and quantity needed to make product
17 at a steady state condition is 20 hours, so
18 approximately 20,000 pounds of dried pulp.

19 And because that moisture content of
20 the starting pulp is 95 percent it takes 400,000
21 pounds of wet pulp to produce one of those batches
22 of 20,000 pounds of dried orange pulp.

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1 So in order to produce a single batch
2 of organic dried orange pulp a steady supply of
3 400,000 pounds of organic wet pulp needs to be
4 sourced.

5 So keeping in mind that that 400,000
6 pounds of wet pulp is the minimum amount needed to
7 produce one 20-hour day of production let's talk
8 about the organic pulp availability.

9 So first of all, the citrus growing
10 season is typically six months long, December
11 through May, and the organic harvest is spread out
12 over that entire six-month season, making it
13 infeasible to collect and store any available wet
14 pulp so that it may be processed into a single day
15 of dried orange pulp production.

16 According to the USDA's Certified
17 Organic Production Survey released in October 2012
18 there were 233 farms producing organic oranges in
19 the United States, and of those only 18 of them were
20 located in Florida.

21 Now, remember that Florida oranges are
22 those typically used for processing while those

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1 from other states are for the fresh fruit market.

2 So, most of the organic production is
3 actually grown in California.

4 Of the limited amount of organic
5 oranges that are put into juice a large percentage
6 actually ends up in the pulp in the orange juice
7 itself.

8 A typical orange juice contains 6 to 12
9 percent pulp so consequently only about 35 percent
10 of the orange pulp is removed after juicing and
11 would be available for further processing.

12 This is according to the Handbook of
13 Citrus Byproducts and Processing Technology by
14 Robert Braddock.

15 Referencing again the USDA Organic
16 Survey of 2014 there were less than 6,000 tons of
17 oranges in Florida that were sold as organic in
18 2014.

19 Using the conversions I told you about
20 earlier this is equivalent to 133,000 boxes of
21 oranges which would yield at the most 667,000
22 pounds of wet organic pulp over the entire

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1 six-month growing season.

2 If we figure that only about 35 percent
3 of that wet pulp would be available after the juice
4 processors have collected what they need for juice
5 that would leave only 233,000 pounds of wet orange
6 organic pulp for the entire year from the entire
7 state.

8 Remember that twice that amount or a
9 minimum of 400,000 pounds of wet pulp is necessary
10 to produce just one day of dried organic pulp
11 production.

12 DR. TUCKER: Okay, we're going to leave
13 -- the timer is running. You timed that
14 beautifully. So we're going to let you hear what
15 it hears like when you run out of time.

16 So for public commenters that come on
17 after this when you hit your five-minute point
18 that's the noise you're going to hear to let you
19 know that your time was out.

20 So, thank you for timing that so
21 beautifully to let us demonstrate that technology.

22 CHAIR RICHARDSON: Jessica, thank you

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1 for your comments. And you should be assured that
2 all members of the Board will be receiving your
3 written materials, the slides, as part of the
4 general comments which will aid the Handling
5 Subcommittee and the whole Board.

6 Are there any questions from Board
7 members? I'm not seeing any question marks come
8 up on my screen. Your presentation was very clear
9 and much appreciated, Jessica. Thank you.

10 MS. BELZ: Okay, thank you.

11 CHAIR RICHARDSON: The next speaker is
12 Jessica Green and she'll be followed by Laura
13 Batcha. Jessica. Jessica Green? Jessica
14 Green, citizen commenter had some general
15 comments.

16 Okay, I guess she's not there at the
17 present time. I'm sure technologically you'll let
18 me know if she turns up.

19 So therefore Laura Batcha, you are up
20 and Patty Lovera will be next.

21 MS. BATCHA: Hi, can you all hear me?

22 CHAIR RICHARDSON: Yes.

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1 MS. BATCHA: Great, thank you. This
2 is Laura Batcha with the Organic Trade Association.

3 And I will see you all in Vermont in a
4 couple of weeks, but I thought I'd take the
5 opportunity to provide my comments during the
6 webinar and free up a few minutes for you during
7 your onsite meeting with your big workload.

8 So I'm going to comment on just a few
9 areas. And you'll hear more about our extensive
10 written comments onsite in Vermont.

11 I want to start with thanking the
12 subcommittee for its continued work on the topic
13 of GMOs and for the opportunity to provide some
14 comments on the Materials Subcommittee's proposal
15 on the prevention strategy guidance for excluded
16 methods.

17 We greatly appreciate your recognizing
18 the prior comments that we submitted on this
19 discussion document and incorporated them into
20 your current proposal, specifically the elements
21 regarding the Organic Systems plan.

22 And we also are pleased to see you

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1 acknowledge that the certifiers may need some
2 additional training on GMO testing.

3 The issue of GMOs is continuing to rise
4 in terms of a priority in organic. It's of course
5 prohibited but the producers and handlers face
6 significant challenges in the environment with
7 adventitious contact with GMOs.

8 And it's really important as we look at
9 this that we address these challenges in a way that
10 distinguishes between what's in control of the
11 organic producer and handler and what's not in
12 control of the organic producer and handler.

13 Recent data released from USDA's
14 National Agriculture Statistics Service in its
15 2014 Organic Survey provides for the first time a
16 quantitative accounting of market losses due to GMO
17 contamination over the last several years.

18 For the first time this national survey
19 asked questions about crop losses due to
20 contamination of GMOs, specifically in organic
21 production systems.

22 And the survey indicated that between

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1 2011 and 2014 there were 87 incidences of market
2 loss totaling \$6.1 million in crop losses, or about
3 \$70,000 per farm affected.

4 By comparison the data reported for the
5 period of 2006 to 2010 aggregated to only \$7,600.
6 So that's a jump from \$7,600 to \$6.1 million in
7 reported crop losses in the USDA's official data
8 through its ag census.

9 It clearly speaks to the escalating
10 pressures that the producers are feeling on this
11 issue.

12 And so the work you're doing here is
13 critically important.

14 We support the proposal. We urge you
15 to pass the recommendation as written, but also
16 just want to encourage you to continue the work
17 that's not yet completed on strategies to mitigate
18 GMOs coming into systems through conventional seed
19 through your work on seed purity.

20 I'd like to also briefly address two
21 petitions that we filed with NOP and NOSB. The
22 first is a petition to revise the current allowance

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1 for natural flavors in organic processed products
2 to require organic forms when commercially
3 available.

4 And the second is for the removal of
5 lignosulfonate from the National List as an allowed
6 flootation agent in post-harvest handling.

7 And we're pleased that the Crop and
8 Handling Subcommittees have both voted in favor of
9 those petitions.

10 These petitions are part of a portfolio
11 of work that OTA is doing to ensure that the agency
12 is a good steward of the National List.

13 And our goal is to help innovate
14 alternatives to the National List and move towards
15 organic alternatives where possible, and at the
16 same time defending the judicious use of existing
17 tools when those alternatives are not yet
18 available.

19 We just have recently formed a new
20 working group called the National List Innovation
21 Working Group amongst our membership to create a
22 vehicle to invest dollars and resources in applied

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1 research to identify alternatives to materials on
2 the list and find more compatible alternatives.

3 The Organic Center's Ph.D. scientists
4 are going to be assisting the group to identify
5 university and other scientific partners on these
6 projects.

7 The first project that the National
8 List Innovation Working Group is taking on is our
9 organic alternative to celery on the National List
10 606 for curing organic meat.

11 The group is going to be working to
12 identify celery or other vegetable varieties that
13 can be grown organically, can be replicable and
14 allow for use of the standardized product and meet
15 the specification necessary to accomplish that
16 functional cure in organic cured meat products.

17 As we get this work underway we do
18 encourage the Board to re-list celery seed on 606
19 while this work gets underway.

20 But rest assured that this Innovation
21 Working Group will be taking on this project and
22 many others over the coming years.

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1 So thank you and I look forward to
2 seeing you all in Vermont.

3 CHAIR RICHARDSON: Thanks very much,
4 Laura. And you did it without the bell going off.

5 Okay, Colehour, it looks like you have
6 some questions.

7 MEMBER BONDERA: Yes. I apologize for
8 pressing the button twice. Excuse me. I only
9 have a question.

10 So, Laura, thank you for your comments.
11 And as a side comment it was nice to see you in
12 Hawaii. Thank you for spending the time at the
13 NASDA meeting to see me and to make your
14 presentation there.

15 My question is to follow up on your
16 comment regarding the GMO topic and the testing.

17 And like you say, we should continue
18 working on this. I wholeheartedly agree.

19 But what kind of steps or process could
20 you expand upon regarding what you think we as the
21 NOSB might be doing to mitigate some of these issues
22 that producers deal with in terms of receiving

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1 contamination from GMO from non-organic sources
2 primarily, although that of course is not at all
3 the only concern with all of the airborne
4 pollination, et cetera, that happens.

5 Like in Hawaii it's out of control
6 because it's not any producer growing something,
7 it's wild grown papaya, for example, that you can't
8 blame on a particular producer. And it's not
9 specifically from production sites.

10 But I don't know if you have some
11 specific ideas of how people could -- not people,
12 how NOSB could continue down this path, or what next
13 steps we might take. Thank you.

14 MS. BATCHA: Thanks, Colehour. And I
15 enjoyed getting to see you as well. And I have
16 finished up all of your wonderful coffee that I got
17 from you at the farmer's market so I'm missing that
18 good coffee. It was a nice trip to Hawaii.

19 On that question I think it's
20 challenging because we want to be careful about
21 who's responsible for what.

22 But a couple of things come to mind. I

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1 think specifically in moving forward this
2 contamination prevention strategy. That way we
3 know we've covered our bases as an organic
4 community and we can be on the record saying our
5 producers and handlers know what to do.

6 Our certifiers know what to do. And we
7 have the best rigorous system in place for
8 monitoring our practice standards.

9 Therefore, when we are seeing this
10 inadvertent contamination coming from outside of
11 the system the rest of agriculture has to start to
12 take some responsibility for those occurrences.

13 Because we know we're doing everything
14 that we can within our own system to prevent this
15 presence.

16 So I think that that's very important.

17 The continued work for the certifiers
18 on the testing is key because we can't avoid a
19 future where we have to have some sort of visibility
20 on what's going on.

21 We might want to sort of defer to the
22 don't ask/don't tell model, but I think we're just

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1 simply beyond that. So we have to have good
2 information.

3 And the certifiers have to know when
4 they do get test results how to begin understanding
5 again what's within the control of the operator and
6 what's not within the control of the operator.

7 So I think those two things work
8 together. The seed issue is the specific one.
9 And one of the things that as we've worked on this
10 over the years and provided comments to NOSB that
11 we're really interested in focusing first and
12 foremost on non-organic seed use in organic
13 systems.

14 And as a starting place to really
15 require the minimized contamination of those seed
16 supplies.

17 I think you're right in identifying the
18 wind and the pollen, particularly for coordination
19 in terms of cross-contamination.

20 But the source of the seed is going to
21 continue to be the most critical point in the supply
22 chain in terms of being successful in the

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1 marketplace.

2 So those are my initial ideas,
3 Colehour. And I serve on the AC21 Committee and
4 that group has been reconstituted. It's an
5 Advisory Board to the Secretary on 21st Century
6 Agriculture.

7 And we're going to be meeting again
8 starting in December. And I think I'll continue
9 to share information between that board and NOSB,
10 and encourage NOSB to weigh into AC21 when the
11 opportunities arise just to demonstrate that we're
12 leading the way in terms of responsible action in
13 this regard, and that we need USDA and the rest of
14 agriculture to help prevent the contamination
15 that's outside of the control of our operators.

16 CHAIR RICHARDSON: Thank you, Laura.
17 Harold has a question.

18 SECRETARY AUSTIN: Thank you, Laura.
19 This is Harold. A couple of points.

20 One, I wanted to thank you for the
21 efforts that you guys are going to put forth dealing
22 with the celery issue that you're talking about and

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1 helping to move us forward in a different
2 direction.

3 Also with a couple of petitions that OTA
4 has put together and submitted to the various
5 subcommittees.

6 One question on the petitions. And I
7 think just for public knowledge, the steps that
8 you've taken as you work on those petitions and
9 bring them forward, gathering that information so
10 that you can present it to those of us on the
11 subcommittee and ultimately onto the Board, how do
12 you gather the information that it's the right
13 timing for something to be looked at for removal
14 and then get behind it to support it in the form
15 of a petition?

16 MS. BATCHA: Thanks, Harold. So I
17 think it's a multi-year process.

18 I think if you look at the petition on
19 the annotation change on natural flavors on 605A
20 that work in terms of monitoring the issue goes all
21 the way back to 2006.

22 And as we've followed the issue and

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1 worked with our membership and the NOSB I think as
2 far back as 2005 we reached out to industry, labor,
3 manufacturers as well as users in the system and
4 our membership. And we aggregate data about use
5 and incidence and availability.

6 And in that particular instance we felt
7 like given the Board reviewing the material in
8 sunset and the new requirements for limiting
9 annotation changes through that process we felt
10 like now was the time to take that step and move
11 toward the commercial availability with a
12 preference for organic in certified organic
13 products in the 95 category.

14 Simply because there was enough
15 incidence that we could demonstrate a product
16 available, but not quite yet enough volume.

17 So it's sort of the next logical step
18 in moving the system that way.

19 But typically it's the number of years.
20 The same with the lignosulfonate. We first
21 started working on that material back in some of
22 our early advising on the trade discussions with

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1 the European Union and Japan and Korea on organic
2 equivalents, and recognized it as a material that
3 was causing some challenges in terms of those
4 discussions.

5 So we started to dig in and try to learn
6 more about how often it was being used.

7 And we surveyed, and visited
8 manufacturers, and spoke with the pear
9 association, and spoke with pear growers to really
10 make sure we understood what the data was out there
11 in terms of use and alternatives.

12 So it's really a multi-year combination
13 of all that engagement and aggregation of the data,
14 Harold.

15 CHAIR RICHARDSON: Okay, great answer.
16 Harold, do you have a follow-up?

17 SECRETARY AUSTIN: Yes, thanks Jean.
18 I couldn't get off the mute button.

19 Laura, thanks. That was a great
20 explanation and I just wanted to thank you on behalf
21 of the various subcommittees that I sit on for the
22 effort to reach out to the stakeholders that are

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1 directly involved, that are directly impacted, and
2 taking the time to really do some solid research
3 and information-gathering. That's all I really
4 wanted to pass back. Thank you so much for all the
5 energy and effort put forth.

6 MS. BATCHA: Well, thanks, Harold.
7 And I'll share that with Gwendolyn Wyard and Nate
8 Lewis because they do all that, all the heavy
9 lifting. Thank you.

10 CHAIR RICHARDSON: Thank you, Laura.
11 And the next presenter is Patty Lovera and on deck
12 will be Ronald Gonzalez.

13 MS. LOVERA: Hi, this is Patty. Can
14 everybody hear me?

15 CHAIR RICHARDSON: Yes.

16 MS. LOVERA: Okay. Hi, my name's
17 Patty Lovera. I'm with Food and Water Watch. So
18 we're a national non-profit advocacy organization.

19 So I'm going to try to quickly cover a
20 couple of topics that we also covered in our written
21 comment.

22 So the first one is on the GMO

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1 contamination piece. In 2014 Food and Water Watch
2 worked with OFARM which is a network of organic
3 grain cooperatives to survey organic grain growers
4 about not only what they were experiencing in terms
5 of contamination but to try to get a handle on some
6 of the costs.

7 So I submitted that into the record
8 before. If anybody hasn't seen it I'm happy to
9 give it to Board members again.

10 And we're happy that now some of the
11 economic data we collected as part of that survey
12 has been updated when asked those questions. We
13 think that that's great.

14 That's an appropriate role for USDA to
15 be collecting that kind of economic data on the
16 impact on organic growers.

17 But a couple of other things I just will
18 pull out from the survey results that we got from
19 surveying organic grain growers predominantly in
20 the Midwest was just their thoughts about how it's
21 working in terms of the policy or lack of policy
22 to date in terms of this coexistence.

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1 So one out of two of the respondents who
2 were surveyed was skeptical that the current
3 coexistence programs are working.

4 And two out of three of them were
5 skeptical or basically said that good stewardship
6 practices on the part of users and non-users of the
7 technology is going to be enough to prevent
8 contamination problems.

9 And then they went on and many of them
10 were also skeptical of whether crop insurance was
11 an adequate response to that.

12 The reason I bring those up is this is
13 the conversation that USDA is having in many forms
14 through AC21, through redoing the other 340 process
15 for approving new GMOs and even
16 administration-wide as they talk about the
17 coordinated framework for how GMOs are regulated
18 between agencies.

19 And I think it's really critically
20 important that organic is in that conversation.
21 So, we just really urge the NOSB to keep talking
22 about this and keep elevating it to really just make

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1 sure that there's an understanding in that
2 conversation that the organic community is being
3 impacted by this technology.

4 They are bearing very real costs and an
5 unfair amount of the burden of trying to coexist.

6 So we would just encourage the process
7 to continue and encourage the Board to be quite
8 vocal inside the USDA and out about what it means
9 for organic to deal with this technology.

10 So, to move onto another topic of the
11 process for reviewing inerts.

12 To keep it short I will just say that
13 Food and Water Watch is not supporting the proposed
14 annotation to change how NOSB would review all
15 synthetic inert ingredients.

16 And instead we think that the NOSB and
17 NOP should implement the previous NOSB
18 recommendation to review the inerts individually.

19 We're concerned about the
20 appropriateness of shifting that responsibility to
21 EPA. And we think that this is the NOSB's job.

22 So we think that we need to have a

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1 process of notifying manufacturers and putting
2 requests for information out there about these
3 inert ingredients, developing a time-line for
4 review, and while working with EPA review all of
5 these ingredients and voting on them individually.

6 And then finally I'll just shift to one
7 specific material that I mentioned in our written
8 comments and that is ash from manure burning.

9 And ash from manure burning, I would say
10 that Food and Water Watch supports the
11 recommendation to reject the motion to remove ash
12 from manure burning from 205.602.

13 There are very good reasons listed in
14 the materials NOSB put out for this meeting and I
15 would just add one which is the role that we see
16 manure incineration technologies are playing in
17 essentially propping up excessive concentration of
18 livestock production in certain parts of the
19 country.

20 Food and Water Watch spends a lot of
21 time talking about industrialized livestock in
22 particular. We spend a lot of time on that in

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1 Maryland where the big focus is the Chesapeake Bay
2 and the tremendous concentration of chickens in
3 particular on the Eastern Shore. There are too
4 many chickens in that region.

5 And rather than deal with that core fact
6 and the fact that they are producing too much waste
7 to ever be used at an agronomic rate on that land,
8 that piece of land, or even in the larger region.
9 Instead we need technology like incineration
10 proposed as a way to try to prop that system up and
11 not deal with that root problem.

12 So there's very good reasoning in the
13 NOSB document about how that particular material
14 fits with the philosophy of organic inputs.

15 But we would just add this kind of
16 economic motivation as well. So I'll stop there.

17 CHAIR RICHARDSON: Thank you, Patty.
18 Questions from Colehour.

19 MEMBER BONDERA: Yes, thank you, Patty
20 for your comments.

21 I at first thought I was going to ask
22 a question sort of along the lines of Laura in terms

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1 of how NOSB can be more functionally active with
2 the whole GMO contamination question.

3 However, you went onto the inert topic.
4 And I think that I am curious instead to ask you
5 about one of your comments about it which is if it's
6 the NOSB's job which I actually personally to some
7 degree concur with, and not the EPA's, I guess my
8 question is and the problem, and I just wondered
9 if you have some thoughts off the top of your head
10 is how frankly and realistically and honestly an
11 overburdened NOSB already could be taking that on?

12 In what format or how could we as NOSB
13 members actually accomplish that level of review
14 and consideration and communication that would be
15 necessary for all of those inert listings?

16 Because I think that that's one of the
17 rationale of defaulting to the EPA. And so I'd
18 like to hear your comments on the how part of that
19 question. Thank you.

20 MS. LOVERA: Sure. Yes, we're aware
21 of that. I don't make this recommendation
22 lightly.

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1 There was a previous plan, or plan of
2 attack kind of laid out. And I think it's just a
3 matter of starting.

4 I think there could be a rational way
5 to group them together when it comes to getting
6 information from EPA to review them, and grouping
7 them together for some similarities. But I think
8 each one does deserve its own note when it comes
9 time to make the assessment of if it stays or if
10 it goes.

11 And I think that there it may take a
12 different time-line and a different process, and
13 maybe some of the other processes like sunset take
14 with the five-year plan.

15 But it just has to start. I think it's
16 been many, many, many years of talking about how
17 to start it, and some progress could be made if it
18 had been started.

19 CHAIR RICHARDSON: Thank you, Patty.
20 I see no additional questions and so we'll go onto
21 the next presenter, Ronald Gonzalez. And
22 following Ronald will be Eileen Hourihan.

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1 MR. GONZALEZ: Hello.

2 CHAIR RICHARDSON: Hi, we can hear you.
3 Thank you.

4 MR. GONZALEZ: Okay, good afternoon.
5 My name is Ronald Gonzalez. I am the research
6 manager of Dole Tropical Products, Pineapple
7 Division.

8 I have over 10 years of experience
9 conducting applied research to topics in
10 production.

11 As you may know Dole is currently the
12 major producer and exporter worldwide of organic
13 pineapples and it has many years of experience
14 producing and exporting organic pineapples to the
15 USA and European markets.

16 I'd like to comment on the use of
17 ethylene to induce flower in organic pineapples
18 which is necessary for different reasons, some of
19 which I would like to describe.

20 Pineapple farms are divided in planting
21 blocks. Each planting block has thousands of
22 plants. Without the use of ethylene it would not

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1 be possible to synchronize flowering in any
2 specific pineapple field.

3 As a result fruit harvest could not be
4 planned and it would not be possible to program the
5 fruit harvest in any field or in any week of the
6 year.

7 It would be necessary to cover the whole
8 farm and screen field looking for fruit that has
9 reached the required physiological condition to be
10 harvested.

11 It would require a tremendous amount of
12 labor and would be substantially complicated.

13 As a result the cost of harvesting would
14 increase significantly and the percent that you put
15 rejected, not meeting market specifications would
16 increase substantially.

17 It would be extremely difficult to
18 comply with contracts regarding the volume of fruit
19 that the farmer has to provide to the market on time
20 which may also have economic consequences for the
21 grower.

22 Not being able to comply with contracts

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1 where the market may require transition to
2 conventional production and that would imply an
3 increased use of synthetic chemicals.

4 Pest control to flower induction would
5 be extremely difficult and highly inefficient
6 because there would be flower plants throughout the
7 farm in different stages of development.

8 Different pineapple fruit pests attack
9 the fruit at certain fruit phenological stages.
10 Hence, having flower plants scattered in the fields
11 throughout the farm would result with the
12 attraction of different pests and greater pest
13 pressure at all times.

14 Consequently the incidence of food
15 pests would increase substantially, resulting in
16 a much greater percentage of food rejection.

17 Under the recent growing conditions the
18 pineapple plants are naturally induced to
19 flowering between November and February in
20 response to environmental stress factors.

21 There are pests during this time of
22 year.

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1 Without ethylene, a substantial number
2 of plants in the farm would get induced during this
3 time of the year, and as a result a bigger fruit
4 would be observed between April and July, and a
5 deficit of fruit would occur during the rest of the
6 year.

7 The size of pineapple fruit is related
8 to the size of the pineapple plant at the moment
9 of differentiation.

10 Hence, if the large number of plants are
11 naturally induced at a low plant weight, then the
12 size of the fruit will decrease substantially and
13 also would reduce yield per hectare.

14 The sum of increased harvest costs,
15 increased fruit rejection and reduced fruit yield
16 would make the operation non-profitable to the
17 farmer.

18 Consequently --- currently, sorry,
19 there are no non-synthetic alternatives to the use
20 of ethylene to induce flowering in pineapples.

21 The efficacy of ethylene as a flowering
22 induction agent in the pineapple is greater than

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1 95 percent.

2 Ethylene is produced in natural plants.
3 There is no scientific evidence indicating a
4 negative impact of ethylene use on human health or
5 on the environment.

6 Ethylene has been used safely for many
7 years by pineapple growers in Latin America.

8 As organic pineapple growers strongly
9 support the use of ethylene for production in
10 organic pineapples.

11 And that would be my comments. Thank
12 you very much.

13 CHAIR RICHARDSON: Thank you, Ronald.
14 That was very clear. Are there questions from the
15 Board? There is a question from Harold Austin.

16 SECRETARY AUSTIN: Ronald, thank you
17 -- this is Harold -- for taking the time to
18 participate in this opportunity for oral
19 testimony.

20 In the spring we hadn't heard a great
21 deal from the producers that are using ethylene in
22 organic production.

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1 With your comments we've had 42 written
2 comments now on this round of our sunset review.

3 And it seems to be rather obvious that
4 there seems to be a trend towards how important this
5 material is.

6 Without the ethylene for use for your
7 flower induction, what would that do to the organic
8 crop production in Costa Rica of the pineapple?

9 MR. GONZALEZ: Well, thank you very
10 much for the opportunity.

11 Yes, without the possibility to use
12 ethylene to induce flower in organic pineapple
13 production in Costa Rica we may have to transition
14 to conventional agriculture.

15 Because it would be extremely,
16 extremely difficult and very, very expensive to
17 grow organic pineapples.

18 We plant more than 65,000 plants per
19 hectare. I don't know, something like 30,000
20 plants per acre.

21 And we would have to go looking for
22 differentiated plants that may be scattered all

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1 over the farm.

2 And once we identify the plant, we would
3 have to treat it individually to protect it against
4 fruit pests.

5 And then we would have to make sure that
6 we go back to that specific plant in that specific
7 field at the right time in order to harvest it at
8 the right maturity -- physiological condition --
9 that is with the right mix, with the right fruit
10 internal condition so that it can be exported.

11 And that would be a tremendous,
12 tremendous amount of labor and logistically it
13 would be just, I don't know, maybe impossible. It
14 would be very, very difficult.

15 For us, it is crucial to be able to
16 program the harvest because then once we know when
17 we are going to harvest the fruit, then we generate,
18 we design how our pest control practices and all
19 the other practices that we have to implement --
20 for instance, to protect the fruit against the Sun
21 radiation so that it doesn't get burned.

22 All the practices have to be

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1 systematically programmed so that we get the right
2 quality of produce at the end.

3 And that without ethylene would be just
4 extremely difficult.

5 CHAIR RICHARDSON: And a question from
6 Colehour Bondera.

7 MEMBER BONDERA: Hello. Thank you,
8 Ronald, for your presentation. I have a question
9 of you regarding your role as an employee of Dole.

10 And as you are probably, aware Dole used
11 to have its pineapple production before it moved
12 it to Costa Rica and Hawaii.

13 And for the sake of labor expenses
14 decided to go somewhere where it would be less
15 expensive.

16 That aside, my question regarding Dole
17 is the fact -- and just as a side note I also produce
18 pineapples on my farm, but not for export.

19 My question to you though is if you feel
20 that Dole as a company is or should be working and
21 supporting research into seeking non-synthetic
22 alternatives to ethylene gas to induce ripening,

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1 and/or is already trialing those at the field
2 level, et cetera, et cetera.

3 So if you could comment on the other
4 option besides -- like you said -- the labor and
5 the no use, but the other things that could be used
6 or have been tried for inducing flowering in
7 pineapples that Dole has been pursuing or
8 supporting. Thank you.

9 MR. GONZALEZ: Okay, thank you for your
10 question.

11 Yes, we don't know of any alternative
12 for flowering induction currently. A
13 non-synthetic alternative for flowering
14 induction, we don't know any alternative.

15 We do not use ethylene as a ripening
16 agent. We go to the field and we harvest the fruit
17 when it has reached naturally the right
18 physiological condition, the maturity to be
19 harvested.

20 We do not utilize any ripening agent,
21 or we do not utilize ethylene as a ripening agent.

22 We only use ethylene to induce

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1 flowering.

2 And in the past, Dole has conducted
3 research to try to find alternatives to ethylene
4 as a flowering inductor, but we haven't found any
5 that could be utilized in organic production.

6 And so basically we depend entirely on
7 ethylene for that purpose. Not as a ripening
8 agent, because we harvest the fruit when it gets
9 ripened naturally --- not with an agent, for that
10 matter.

11 CHAIR RICHARDSON: Thank you very much
12 for that clear response. Appreciate it, Ronald.

13 I'd like to move onto the next speaker
14 just to help us move along. We're running about
15 20 minutes behind where we thought we might be.
16 But we do have plenty of time.

17 So just be patient for those of you that
18 are waiting in line.

19 The next speaker is Eileen Hourihan,
20 and she'll be followed by West Mathison. Eileen?
21 Hello, Eileen, are you there? Eileen Hourihan,
22 McCarthy Manufacturing? No? I'm not hearing

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1 Eileen so I'm going to move on to -- hello?

2 DR. TUCKER: I don't have anyone from
3 area code 708 on the line, and she did not -- her
4 phone didn't respond to the call when we called her.

5 CHAIR RICHARDSON: Okay, so we'll move
6 onto West Mathison. You would be up. And then
7 following that there will be Rhodes Yepsen. West,
8 are you there?

9 MR. MATHISON: Yes, can everyone hear
10 me okay?

11 CHAIR RICHARDSON: Yes, we can hear you
12 loud and clear. Thank you.

13 MR. MATHISON: Okay. Well thank you
14 for hearing me. My name's West. I'm the
15 president of Stemilt Growers.

16 Stemilt is a family-owned business and
17 I'm a fifth generation farmer here. Stemilt is
18 owned by -- it was started by my grandfather and
19 is owned by the family.

20 Stemilt is a vertically integrated
21 company, and we are active farmers. So we own a
22 lot of our own farmers and we have independent

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1 growers some of whom are guys like Gray Fuller who
2 was Organic Grower of the Year and Mike Brownfield
3 who holds organic certification -- either number
4 1 or number 2, I can't remember.

5 We have packing lines and a marketing
6 company. We sell about 20 million packages of
7 total apples, pears, cherries, peaches, nectarines
8 and apricots, and about 20 percent of our products
9 are organic.

10 The question I'd like to start out with
11 is really more about strategy and the strategy of
12 the group.

13 Because in any strategy there are
14 tradeoffs. And those tradeoffs need to be
15 properly stated in order to reinforce the strategy.

16 So for example, I hear some different
17 strategies that I sort of -- the line of thinking
18 that I went down.

19 How do we grow consumption of organics
20 and expand the reach to more consumers, elevate the
21 standards and protect consumers, improve
22 traceability and maintain integrity of the system

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1 at its critical points.

2 So we're growers and we need to sell our
3 stuff. My grandfather would say you can't have
4 demand or grow demand unless you have supply first.
5 Once they eat it then they'll come back.

6 CHAIR RICHARDSON: Calvin, you need to
7 mute your phone.

8 MR. MATHISON: My grandfather started
9 organic farming in 1989, and we hired a Ph.D. to
10 do more research to understand how do we create more
11 gentle practices and reduce toxicity in the system.

12 It's common sense now, but at the time
13 it wasn't so common that things like good roads and
14 reducing the dust in the orchard reduced fore-load
15 and increase storage life without fungicide.

16 We changed the dunk tank water on a
17 regular basis and balanced both the use of chlorine
18 and monitoring the salts.

19 And there's a huge push on industry
20 research around integrated pest management, where
21 we leverage the natural systems -- for example,
22 predator cycles, mating disruption, creating

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1 indexes around fire lights, and other bio controls.

2 Of course, "bio control," the word
3 didn't exist back then.

4 So during my career I've lost many
5 organic orchards and crops due to the lack of proper
6 controls, primarily fire blight on apples, psylla
7 on pears, aphids on cherries, and reduced packout
8 due to smaller size, lack of fertility, crop load
9 management and higher defects, with russeting and
10 coddling moth in spotted wing drosophila.

11 So I'm going to specifically talk about
12 in two areas of the business. Right now it's
13 pre-harvest, or the orchard side of the business.
14 Then I'll talk about the post-harvest, or the
15 packing side of the business.

16 We need to maintain good tools for soil
17 health, which would be compost, natural
18 fertilizers and inert acids.

19 And then pheromones to maintain -- that
20 we need to maintain for mating disruption and to
21 do more research in this area.

22 And continuing to improve the fire

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1 blight controls that we have because it becomes a
2 major limiting factor in what we can grow
3 organically.

4 How do we find a better way to manage
5 psylla on pears?

6 Also, we need to maintain the use of
7 fish oils and fish products for improving fish oils
8 used to improve the absorption of the material on
9 the tree bark and the fertility for the tree.

10 Lime sulfur and sulfur products are
11 very important as well as coppers.

12 So I'd just make a general statement
13 around cautioning the removal of further products
14 because many times these new products might work.
15 However, their efficacy is not fully understood.

16 And the consequence is, as these items
17 change, many times the logistics around the orchard
18 have to increase because sometimes they aren't as
19 efficient or effective. And you have to increase
20 the precise management on the farm.

21 And so one example with the loss of
22 microshield, it required us to buy more tractors

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1 and more sprayers in order to cover and spray our
2 orchards better with the replacements of
3 microshield.

4 Also, this has been a difficult fact
5 when we think about the amount of wind that we have
6 to factor, when to spray, when not to spray.

7 Sometimes it rains and we are not able
8 to get into the orchard to spray. And so even
9 though there is efficacy with the new product, it
10 has greatly increased the capital investment for
11 the growers and increased the management on the
12 farm.

13 This past year, we lost the use of
14 ReTain on apples, and this helps to reduce
15 pre-harvest drop.

16 This past year we had a compressed
17 harvest from the heat we experienced in the
18 Northwest. And on varieties like honeycrisp
19 requires -- with the use of ReTain we've
20 historically picked the orchard in two picks,
21 sometimes three picks where we have to pick the ripe
22 fruit and go back for the fruit that ripens later.

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1 Because we lost ReTain, we had more
2 apples drop to the ground from pre-harvest drop
3 because we did not have that. And the only way that
4 we can battle against that is to have more pickers.
5 And for us in eastern Washington, we have to build
6 more housing.

7 And so --

8 CHAIR RICHARDSON: West, could you
9 wrap up? Because you're over the time.

10 MR. MATHISON: Am I over the time?

11 CHAIR RICHARDSON: Yes.

12 MR. MATHISON: So, two other quick
13 points.

14 We need to maintain our hygiene for
15 sanitation, chlorine, ozone and those types of
16 products.

17 We need to explore using MCP-1 to expand
18 the marketing window for apples and pears, and to
19 maintain U.S.-grown organic products for longer
20 periods of time.

21 And we need to research the use of
22 methyl bromide alternatives because we have

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1 organic equivalencies in other markets. However,
2 our fruit has to be fumigated currently to go into
3 some of these export markets.

4 And so with that, those cover the
5 topics.

6 CHAIR RICHARDSON: Thank you very
7 much, West. I should note that the bell was so
8 quiet I could barely hear it, Jenny. So, you might
9 have to make it --

10 DR. TUCKER: We'll turn up the volume
11 on the bell. But if it sounds like the speaker
12 isn't hearing it, we will politely jump in.

13 CHAIR RICHARDSON: Okay, great.
14 Thank you.

15 Harold, question?

16 SECRETARY AUSTIN: Thanks, Jean.
17 West, thanks for your presentation. I know your
18 family has been a long part of organics in the
19 Northwest, and we're grateful for the high mark
20 that you set for the rest of us to try to follow.

21 You mentioned the need to protect the
22 materials -- white pine sulfur, copper, sulfur

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1 pheromones, that type of stuff.

2 Aren't those materials that even prior
3 to the founding of the NOP, materials that your
4 grandfather and your father were using in their
5 organic crop production?

6 And aren't they still just as important
7 today, or are they as important today as they were
8 back then?

9 MR. MATHISON: Well, they've become
10 more important with the loss of other products.

11 And also we've become better at using
12 them and when to use them. I think that's the other
13 piece of the research that we're -- we're trying
14 to use them less and not as broad, but really
15 finding the timing so they have better efficacy.

16 So it's become more important.

17 SECRETARY AUSTIN: Jean, one more
18 quick one.

19 CHAIR RICHARDSON: Okay.

20 SECRETARY AUSTIN: West, also,
21 organics versus conventional. With the Food
22 Safety Modernization Act coming in, how

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1 significant are the sanitizer --, the various
2 sanitizers you were beginning to mention earlier
3 -- how significant of a role are those going to play
4 in organic crop production and also at the
5 warehouse for handling?

6 MR. MATHISON: Yes, so for the Food
7 Safety Modernization Act and the new technologies
8 for studying the microbial loads and the presence
9 of items like listeria on packing equipment, the
10 technology has increased.

11 And so the actual detection of things
12 like listeria has gone way up because now we can
13 see it better.

14 So we have to have these types of
15 sanitary tools in order to properly clean our
16 packing line equipment.

17 Because with the amount of monitoring
18 and record-keeping and enforcement, when you take
19 a product that's grown outside and then you store
20 it for a period of time, then run it across the
21 packing line, it has a bio load on it that has to
22 be reduced.

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1 And the only way that we can get the
2 lines clean are with these items like chlorines,
3 and ozones, and hydrogen peroxide, and using
4 phosphoric acid for bussers is extremely
5 important.

6 There are no substitutes for those
7 items.

8 CHAIR RICHARDSON: Great. Thank you
9 very much, West. That was very clear.

10 Our next speaker is Rhodes Yepsen. And
11 he'll be followed by Amber Pool. Rhodes, are you
12 there?

13 MR. YEPSEN: Yes, I am. Can you hear
14 me?

15 CHAIR RICHARDSON: Yes, thank you.

16 MR. YEPSEN: Hi, this is Rhodes Yepsen,
17 and I'd like to comment on the sunset of plastic
18 mulch and covers.

19 I'm the recently appointed executive
20 director of the Biodegradable Products Institute,
21 or the BPI.

22 The BPI is a not-for-profit association

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1 with the mission to promote the production, use and
2 appropriate end of lives for materials and products
3 that are designed to fully biodegrade in typically
4 biologically active environments such as
5 composting.

6 There are known alternatives to
7 conventional plastic mulch, including
8 biodegradable mulch films, which as of September
9 30, 2014, is on the National List.

10 Such mulches are available today;
11 however, confusion has resulted due to the NOP
12 policy memo 15-1.

13 The Crops Subcommittee has been asked
14 by the NOP to review the policy memo regarding
15 biodegradable biobased mulch film and to clarify
16 the recommendation approved by the NOSB regarding
17 the use of such mulch films in organic production.

18 Biodegradable mulch films that were
19 petitioned are biobased products. In other words,
20 they do have some plant-based content, and the
21 biobased content can be determined using the test
22 ASTM D6866 method to provide transparent

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1 information about the product.

2 The mulch films that are currently
3 available on the market have a minimum of 10 percent
4 biobased content, which is an improvement over the
5 current use of 100 percent fossil-based plastic.

6 But more importantly, these mulch films
7 must meet the soil toxicity and biodegradability
8 requirements as required by the USDA organic
9 regulations.

10 In other words, they break down safely
11 into carbon dioxide in water and soil.

12 The origin of the material has no impact
13 on biodegradability. In other words,
14 microorganisms in the soil will treat a
15 biodegradable mulch film the same whether it is 100
16 percent biobased or 10 percent biobased.

17 Polyethylene mulch that is currently
18 allowed in organic production has numerous
19 problems, namely that it breaks into small pieces
20 that are left in the field, and the bulk of it must
21 be removed and sent to landfill at significant
22 expense to farmers and the environment.

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1 Biodegradable mulch films eliminate
2 the labor of removal and sending discarded plastic
3 mulches to landfill, as well as environmental harm
4 from broken pieces of plastic remaining in fields
5 and surrounding areas.

6 Farmer comments to the NOSB in 2012
7 strongly supported use of biodegradable material,
8 and the NOSB agreed that a crop production material
9 -- as a crop production material biodegradable
10 mulch film aligned with organic principles and
11 National List criteria.

12 However, the material that ultimately
13 was approved did not reflect the material that had
14 been petitioned or evaluated in the technical
15 review.

16 The petition was for biodegradable
17 mulch film made from bio-plastics, not
18 biodegradable biobased mulch films.

19 BPI had supported the annotation
20 included ASTM D6866, which is the standard for
21 determining the content of biobased material as a
22 condition for compliance.

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1 However, this standard does not contain
2 a definition of biobased material, nor does it
3 require a minimum amount.

4 The NOP memo published in January 2015
5 was issued to clarify NOSB recommendations --

6 (Telephonic interference.)

7 MR. MATHISON: -- in other words
8 entirely from plant material.

9 These petitions disregarded the fact
10 that there is no biodegradable mulch film
11 commercially available now or in the foreseeable
12 future that can meet those requirements.

13 It also disregarded the definitions
14 that are included in the USDA organic regulations.

15 Interpretation that it must be biobased
16 equates to 100 percent carbon-based material
17 derived from renewable resources via biological
18 processes exceeds the National List criteria, as
19 well as the content of the petition and its
20 technical report, the support of public comments
21 for the use of biodegradable mulch film and also
22 the principle of continuous improvement in

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1 production practices and materials.

2 We submitted a recommended change to
3 the Crops Subcommittee in the written comments, and
4 I welcome your questions and concerns. Thank you.

5 CHAIR RICHARDSON: Thank you, Rhodes.
6 Have you also submitted the comments that you just
7 read? Have you also submitted those?

8 MR. MATHISON: Yes, a version of those.

9 CHAIR RICHARDSON: Okay, good.
10 Great. Because the detail is -- the devil is in
11 the detail as we know. So that was good.

12 MR. MATHISON: Yes.

13 CHAIR RICHARDSON: Thank you very
14 much. I don't see any specific questions for you,
15 but I do note that I ought to have announced the
16 names of all of the Board members who are sitting
17 in on this call listening. I mean, not everybody's
18 asking questions, but they're all listening.

19 So, Jenny, could you read that out for
20 me, please?

21 DR. TUCKER: Sure. So, here's the
22 tally of folks who are on the line. These are all

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1 the Board members.

2 We have Ashley Swaffar, Carmela Beck,
3 Colehour Bondera, Francis Thicke, Harold Austin
4 --- we just heard from Jean Richardson -- Jennifer
5 Taylor, Lisa de Lima, Tom Chapman, Tracy Favre and
6 Zea Sonnabend.

7 CHAIR RICHARDSON: And Calvin Walker.

8 DR. TUCKER: I'm sorry; Calvin Walker
9 is also online.

10 CHAIR RICHARDSON: Great. Thank you
11 very much.

12 DR. TUCKER: Thank you.

13 CHAIR RICHARDSON: And thank you,
14 Rhodes. Our next speaker is Amber Pool, and she'll
15 be followed by Marni Karlin.

16 MS. POOL: Hi, good morning. This is
17 Amber. I'm a senior farm certification specialist
18 at CCOF; I've been certifying organic farms for
19 nine years now for CCOF.

20 And I just wanted to thank you guys for
21 doing this webinar. I'm really enjoying this
22 format and I can really hear everybody's comments

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1 clearly.

2 This is really great because I wouldn't
3 have been able to do oral comments without this
4 format. So thank you.

5 I wanted to say that CCOF supports the
6 annotation change that references the EPA list for
7 inerts that no longer exist.

8 We have a lot of members who use
9 registered pesticides that contain inert
10 ingredients.

11 And most of our growers and livestock
12 producers who are using these materials, they have
13 no idea that they're using materials with inert
14 ingredients.

15 They're relying on organizations like
16 CCOF and OMRI to review these materials. So they
17 don't know and so that's why you haven't probably
18 heard from a lot of the organic farmers who are
19 using pesticides.

20 Since I started nine years ago, I've
21 just seen so many new organically-approved
22 pesticides come on the market.

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1 And so we support an annotation change
2 that would ensure that only the safest materials
3 are approved for use in pesticides for organic
4 crops and livestock.

5 We also have a concern that any changes
6 cause minimal disruption to our organic producers.

7 It takes a long time for these pesticide
8 companies to get products tested and approved by
9 the EPA, so we would like to see a long phase-out
10 period so the people don't lose these tools that
11 they rely on.

12 I was able to come to the April meeting,
13 and I saw the presentation on the Safer Choice
14 Program. And I really enjoyed that and I found it
15 really interesting.

16 I do have some concerns about basing our
17 reviews off of another program's reviews,
18 especially since this was more of consumer products
19 instead of agricultural products.

20 So I think it could work but it would
21 take some careful vetting and thorough review.

22 And if you guys have any other questions

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1 about our organic growers or their use of pesticide
2 with inerts, I'm happy to answer any questions.
3 Thank you.

4 CHAIR RICHARDSON: Thank you, Amber.
5 I am not seeing any questions, and so thank you for
6 your presentation.

7 MS. POOL: Thank you.

8 CHAIR RICHARDSON: And we'll move onto
9 the next speaker which is Marni Karlin, and she'll
10 be followed by Allen Widman.

11 And I note that Eileen Hourihan has been
12 able to join the conference now. Eileen, I'll put
13 you on towards the end; I hope that's okay. Thank
14 you.

15 And so let's go to Marni.

16 MS. KARLIN: Hi, thanks for the
17 opportunity to comment. Can you all hear me?

18 CHAIR RICHARDSON: Yes.

19 MS. KARLIN: Great; thanks. My name
20 is Marni Karlin. I'm with the Organic Trade
21 Association. And like I said, I appreciate the
22 opportunity to comment in advance of the meeting.

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1 Unfortunately, I won't be able to join
2 you all in Vermont, and so I'm very pleased to be
3 able to join you all here in this webinar.

4 I'd like to begin by saying that OTA
5 supports the work that the NOSB has done and
6 continues to do on classification.

7 And we very much appreciate the
8 competence and professionalism NOSB brings to the
9 task.

10 Based on the information provided in
11 the technical review for each material, and NOSB's
12 draft guidance on classification of materials, OTA
13 agrees with NOSB's assessment that alginic acid
14 should be classified as synthetic, and kanaba wax
15 should be classified as agricultural.

16 We'd like to raise just a side note of
17 caution. We are uncertain about the urgency to
18 move to reclassify both of these substances at this
19 time.

20 We would like to point out the risk of
21 making such a determination based on draft rather
22 than final guidance.

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1 And we're concerned that such action
2 may result in getting out too far ahead of NOP.

3 To be clear, this concern does not
4 relate to any of the work the Board does in response
5 to petitions or the sunset materials, but solely
6 when the Board initiates determinations based on
7 draft guidance.

8 OTA recognizes that NOSB is actively
9 and regularly making classification decisions, and
10 in doing so must use the best information available
11 in a timely manner.

12 In other words, NOSB cannot and should
13 not put its work on hold until NOP finalizes the
14 guidance and classification of materials.

15 NOSB must respond to petitions, sunset
16 requirements and requests from NOP in a timely
17 manner, and the use of draft guidance is
18 appropriate in these areas.

19 OTA also acknowledges the good work the
20 subcommittee has completed in drafting these
21 proposals, and we're not suggesting that these
22 proposals be tabled.

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1 We largely agree with NOP's draft
2 classification of materials, and in the case of
3 alginic acid and kanaba wax, we believe the
4 classification decision is fairly
5 straightforward.

6 However, going forward, we believe it
7 would be prudent to hold off on NOSB-initiated
8 reclassification activities until final guidance
9 is issued.

10 This would eliminate the potential need
11 to engage in rulemaking to correct a decision that
12 was made according to draft guidance, but then
13 differs from the ultimate determination made under
14 final guidance.

15 And I'd like to make clear that in
16 situations like this the Board can and should make
17 sure NOP knows the organic sector needs a
18 particular guidance to be finalized.

19 The Board can put appropriate pressure
20 on USDA to complete its work so that the Board can
21 continue to do its work and allow the organic sector
22 to continue to thrive and grow.

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1 I'd also like to make one additional
2 slightly unrelated comment.

3 I'd like to acknowledge the release of
4 the updated NOSB Policy and Procedures Manual.

5 OTA very much appreciates the work the
6 Board has done on this. It's very important to
7 have established procedures that are transparent,
8 both for the Board and all stakeholders in the
9 organic sector. Thank you.

10 CHAIR RICHARDSON: Great. Thank you
11 very much, Amber. It was very clear and very
12 helpful. I don't see any questions on my screen,
13 so thank you.

14 Sorry you can't come to Vermont. But
15 you know it will be raining and snowing by then,
16 so just stay where it's nice and warm. Marni,
17 thank you.

18 The next speaker is Allen Widman, and
19 he'll be followed by Hilda Tovar. Allen, are you
20 there?

21 MR. WIDMAN: I'm here. Can you hear
22 me?

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1 CHAIR RICHARDSON: Yes.

2 MR. WIDMAN: Thank you. My name's
3 Allen Widman; I'm an organic grain farmer in
4 Washington State.

5 I'm presenting today because I need
6 your considered opinion for guidance on the
7 Washington Department of Agriculture's organic
8 program with respect to a liquid fish fertilizer
9 I would like to use on my farm.

10 I feel the product is aligned with the
11 spirit of organic production in that it's nutrients
12 cycled from the ocean, not the Haber-Bosch process,
13 and is approvable under the allowed synthetic
14 exemptions of liquid fish products.

15 Its guaranteed analysis is 400. The
16 nitrogen is in the molecular form of ammonium
17 sulfate.

18 It only differs from already approved
19 liquid fish product in the manufacturing process,
20 but not input sources, reaction, or molecule.

21 This product is captured condensate
22 from heated fish emulsion, where the ammonia in the

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1 emulsion is evaporated and condensed via a
2 temperature gradient in the use of sulfuric acid,
3 which also serves to pH-adjust the product and
4 stabilize it from microbial growth.

5 The questions to be answered in short
6 form: are there limits to reactive molecules in
7 liquid fish products as a result of acid addition?
8 In this case, is ammonium sulfate allowed?
9 Further, are liquid fish products limited to fish
10 emulsions and hydrolysates, or can they also be
11 derived from them?

12 The following emails help to clarify
13 the input needed. The first was between myself and
14 Sam Schaeffer; he was the input coordinator for the
15 WSDA organic program.

16 And he says, "Hi Allen, I don't want to
17 reveal any confidential information regarding
18 Ocean Protein's process, and I'm not sure how much
19 they have shared with you. But suffice it to say
20 the conversion of ammonia into ammonium sulfate is
21 not allowed as it is a chemical change not mediated
22 by an enzyme or within a living organism."

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1 And I responded, "I have to take issue
2 with your decision. The most recent review of
3 liquid fish products for use in organic production
4 states, 'Liquid fish products include fish
5 emulsions and fish hydrolysates --- also called
6 fish hydrolysates. There is no language that
7 liquid fish products are exclusive to fish
8 emulsions or fish hydrolysates. The 400
9 fertilizer is composed entirely of liquid products
10 from fish, with the exception of sulfuric acid.

11 "Sulfuric acid is clearly alliterated
12 in the NOP allowed synthetic list. Also, the most
13 recent review approved legal uses of substance.
14 Liquid fish products are currently on the National
15 List as synthetic substances allowed for use in
16 organic crop production.

17 "In response to your assertions that
18 when captured ammonia is transformed into ammonium
19 sulfate it becomes synthetic, no longer allowed in
20 organic production, and conversion of ammonia into
21 ammonium sulfate is not allowed as it is a chemical
22 change not mediated by enzymes or within living

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1 organisms.

2 "Note the specific conversion already
3 happens in liquid fish products that are approved
4 organic.

5 "Both physical process and temperature
6 and pressure, as well as acid pH adjustment, induce
7 a myriad of chemical reactions in liquid fish
8 products that are not mediated by enzymes or within
9 living organisms.

10 "This is pointed out in the most recent
11 review itself. Note, the evaluation questions to
12 be used for organic crop production," and then I
13 listed the three questions and their answers.

14 It didn't change his opinion of his
15 denial, so I went to Brenda Book, who's the director
16 of the WSDA organic program, and she responded,
17 "I've looked into your issue for you. We have also
18 consulted with the USDA National Organic Program
19 regarding the decision that was provided to you.

20 "Based on the information we have been
21 provided and input from the USDA, our program's
22 response was accurate.

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1 "Although the WSDA program has approved
2 the use of different fish fertilizers, we have not
3 previously approved the use of ammonium sulfate
4 fertilizers.

5 "As a USDA-accredited certifying agent
6 we must strictly follow the USDA regulations
7 regarding which substance is allowed in organic
8 production.

9 "Ammonium sulfate is not on the list of
10 allowed substances in organic crop production and
11 is not referenced in the technical review of liquid
12 fish products used by the NOSB when they made their
13 recommendations to allow liquid fish products in
14 organic production."

15 And it goes on, but my response was,
16 "Thank you for your response. I get the idea that
17 this product will not be approved through the WSDA.

18 "It should be noted though that all
19 liquid fish products that are approved organic by
20 the WSDA and are pH-adjusted with sulfuric acid are
21 ammonium sulfate fertilizers.

22 "The NOP list for approved synthetics

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1 does not enumerate any reactive molecules from pH
2 adjustments in liquid fish products.

3 "When reactive with phosphoric acid,
4 ammonia in fish becomes ammonium phosphate. When
5 reactive with sulfuric acid magnesium in fish
6 becomes magnesium sulfate, et cetera.

7 "It is in my opinion arbitrary and
8 poorly reasoned to pick one molecule that is
9 already approved in many other organic products and
10 the result of the same chemistry and source and then
11 deny it in this case."

12 And so that's my basic question to you,
13 is: are there limits to the reactive molecules, and
14 should this substance be considered a liquid fish
15 product and exempted under the already exemption
16 for liquid fish products?

17 I guess I need some input, not
18 necessarily a rule or anything, but some guidance
19 for the WSDA because it is a new substance in the
20 manufacturing process. So, thank you.

21 CHAIR RICHARDSON: Thank you very
22 much, Allen. Right on time. And do you also have

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1 these comments in written form that you've
2 submitted as well? Because that would certainly
3 be the most reasonable way in which the NOSB could
4 provide you with any kind of feedback.

5 MR. WIDMAN: Yes, I sent those in.

6 CHAIR RICHARDSON: Okay, great. So we
7 will certainly look at those comments and think
8 about what the best way is to handle them.
9 Obviously I can't suggest any kind of response here
10 on this call.

11 Thank you for the comments. I don't
12 see any specific questions, so I would like to move
13 to the next speaker, Hilda Tovar. And Hilda will
14 be followed by Amelie Hayte.

15 Hilda, are you there? Hilda Tovar from
16 BerryMex had some comments for the Crops
17 Subcommittee I see from the notes.

18 DR. TUCKER: She is online with a
19 headset. Hilda, is your computer on mute?

20 It shows Hilda's online with a headset.
21 So Hilda, can you hear us, and can you try getting
22 off mute if you're on mute on your computer? If

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1 your computer volume is off.

2 CHAIR RICHARDSON: Hilda, can you hear
3 us? No luck.

4 DR. TUCKER: She's calling
5 internationally, so that may be the --

6 CHAIR RICHARDSON: Ah, okay.

7 DR. TUCKER: Maybe we should try again
8 later.

9 She just chatted in that she can hear
10 us. Hilda, we cannot hear you so please check the
11 mike on your computer to see whether the input part
12 of your microphone is working. Because I'm
13 assuming you're using voiceover computer.

14 CHAIR RICHARDSON: She says it's
15 working. I can see her written words, but I can't
16 hear her. And she is on her computer.

17 DR. TUCKER: For some reason, Hilda,
18 your input mic is not working. So I'm not sure how
19 to help you troubleshoot that, unfortunately.

20 If I can suggest perhaps that we go onto
21 the next commenter and then we come back to Hilda
22 after the next commenter, give her a little bit of

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1 a chance to troubleshoot.

2 Hilda, you may want to contact
3 ReadyTalk during the next couple of minutes here.
4 Their technical support is actually quite good if
5 you're able to reach them.

6 CHAIR RICHARDSON: Hilda, we'll hope
7 that you can get in later. And so I'll turn now
8 to Amelie Hayte. Amelie, are you there?

9 MS. HAYTE: Yes, I'm here, thank you.

10 CHAIR RICHARDSON: Okay, great. Off
11 you go. I can hear you.

12 MS. HAYTE: Okay. So this is Amelie
13 Hayte with GNT USA.

14 First I'd like to thank the Board for
15 taking the time to review the colors that are
16 currently listed on the National List.

17 So, GNT is a manufacturer of colors from
18 fruits and vegetables. And back in 2007 we
19 petitioned for most of the colors that were listed
20 on the 205.606.

21 And today we're commenting in support
22 of relisting various colors on the National List.

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1 I'm going to list them - beet juice extract, black
2 currant juice color, black and purple carrot juice
3 color, blueberry juice color, carrot juice color,
4 cherry, chokeberry, elderberry, grape, pumpkin,
5 purple potato, red cabbage, and red radish extract
6 for color.

7 So first, since we petitioned these
8 colors in 2007 GNT has been able to develop organic
9 colors. And we currently offer organic colors
10 made from black currant, black/purple carrots,
11 regular carrots, elderberries, pumpkins, and red
12 radish.

13 So those type of raw materials help to
14 give colors that are red, purple, orange and
15 yellow.

16 So even though some of the colors are
17 now available as organic there are still some
18 challenges that are associated with organic
19 production.

20 The first challenge is that organic
21 colors are still available in limited quantity.

22 And just as a reminder GNT does not

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1 source fruit and vegetables from the open market.
2 So we use special varieties that are grown and
3 harvested specifically for color.

4 So, most of our raw materials are
5 actually grown within 150 miles from our factory.
6 And so there are a limited amount of organic fields
7 and organic farmers.

8 Additionally, the organic fruit and
9 vegetables do not have the same quality as
10 conventional fruit and vegetables. And the
11 quality of our raw material is directly affecting
12 the quality of our colors.

13 So for example, organic colors are not
14 as concentrated as the conventional colors and the
15 organic colors do not work in all applications.

16 Finally, the organic colors that we
17 offer are only available in liquid form. And so
18 we feel that removing colors from the National List
19 would prevent the industry from using conventional
20 colors that are available as all-soluble, for
21 example, or in powder form.

22 That would affect some segments of the

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1 industry like powder drink mix, snacks, seasonings
2 and tablets just to give a few examples.

3 So for these reasons we would like to
4 relist the colors. We recommend to relist the
5 colors on the National List.

6 And then as a side note we were also
7 wondering if the Board decides to relist the colors
8 or any of the colors if it would be possible that
9 the Board recommends that the CAS number
10 assignments are removed from the National List
11 because those don't really apply to colors made
12 from fruits and vegetables.

13 CHAIR RICHARDSON: Very good. Good
14 comments. Very useful. Have you also submitted
15 these in writing, Amelie?

16 MS. HAYTE: Yes, we did.

17 CHAIR RICHARDSON: Okay, good.
18 That's always helpful when we're trying to look
19 through all the materials as we are voting and
20 reviewing the materials.

21 I don't see any specific questions
22 coming up on my computer at the moment. So I thank

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1 you very much for your comments. They were very
2 helpful and I also look forward to reading your
3 written comments as well. Thank you.

4 The next speaker we have is Pamela
5 Saunders. And Pamela will be followed by Brian
6 Lehmann. Pamela, are you there?

7 MS. SAUNDERS: Hello.

8 CHAIR RICHARDSON: Hi, Pamela. Yes,
9 we can hear you, Pamela. Now we can't hear you.
10 Pamela Saunders from CROPP we cannot presently hear
11 you except your initial hello.

12 MS. SAUNDERS: Can you hear me?

13 CHAIR RICHARDSON: Yes, now I can hear
14 you. Yes.

15 MS. SAUNDERS: Okay, thank you.

16 CHAIR RICHARDSON: Okay.

17 MS. SAUNDERS: I appreciate this
18 opportunity to address the full Board as I won't
19 be able to be in Vermont.

20 This is Pam Saunders. I am
21 representing the organic meat company Organic
22 Prairie which is a wholly owned subsidiary of CROPP

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1 cooperative Organic Valley.

2 And our written comments address a
3 whole range of issues in detail.

4 I'm going to take this time though to
5 kind of give a broad overview of how we got to where
6 we are in regards to celery powder.

7 And it's up for sunset review, as you
8 know. We appreciate the Handling Subcommittee's
9 recommendation to relist celery powder.

10 The petition originally in 2007
11 anticipated that we have an issue of scale and
12 quantity. After all, there was organic celery and
13 there would be more, right?

14 But we really didn't anticipate that
15 there would be technical issues with the growing
16 of an organic crop for the use in processing meat.

17 At that time, the alternative curing of
18 meat was in its infancy. And use of the naturally
19 occurring nitrates in vegetable powder which are
20 converted by the use of a lactic acid starter
21 culture to nitrites which are an alternative to
22 sodium nitrite and sodium nitrate. Those things

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1 are not allowed in organic processing.

2 By the way, they are allowed in European
3 standards, but not in U.S. standards.

4 So, since that infancy in alternative
5 curing our process has become much more
6 standardized with predictable and acceptable
7 results for the consumer.

8 I would say that everyone has been doing
9 their due diligence in those years since 2007.

10 We reached out to every kind of dryer
11 and juicer of organic celery and other vegetables.

12 And we, of course, continued to query
13 our suppliers of conventional celery on an annual
14 basis as required, showing a growing but really
15 still a small industry demand.

16 And in the meantime those suppliers
17 were doing their due diligence in trialing organic
18 crops.

19 You'll be particularly interested to
20 review Kerry Ingredients' comments which kind of
21 details the results that they got from trialing
22 organic crops.

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1 I believe there were upwards 20
2 different crops trialed in these intervening years
3 by Kerry Ingredients and Florida foods who are the
4 two main suppliers of meat processors in the U.S.

5 The challenges fall down to this. It's
6 really about nitrate content in the organic crop.

7 And without a high enough nitrate
8 content you can get unwanted color and flavor, and
9 you might not accomplish the cure without a high
10 enough nitrate content.

11 So, really, we've used the last seven
12 years to take advantage of this developing
13 alternative cure, to grow a market which has grown
14 to somewhere between \$150 to \$200 million to build
15 a cured organic meat, processed meat business.
16 We're growing at double digit rates.

17 And meeting consumer expectations in
18 regards to not just color and taste, but also in
19 regards to food safety and shelf life.

20 So, how would we use another five years
21 if we've already had these seven or eight years?

22 And I think that we're in a special

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1 moment. Laura Batcha in her comments a little
2 while ago referred to the industry group for -- a
3 working group on innovation and that they were
4 taking on the celery powder challenge as their
5 first project.

6 We've been working with our competitors
7 and with our suppliers. And those will be the
8 people who are working in this working group.

9 I've reached out to a number of
10 agronomists and plant scientists and researchers
11 who are actually pretty enthusiastic about this
12 project.

13 And it's clear that not all avenues have
14 been exhausted.

15 I'll just give you one example. I
16 spoke with an ARS researcher, Eric Brennan, in
17 California.

18 And he's working on a project that
19 addresses the problems that we potentially could
20 turn into an opportunity.

21 And that problem, he is growing cover
22 crops to scavenge and absorb the excess nitrogen

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1 from organic vegetable crops.

2 Is that the bell?

3 DR. TUCKER: Yes, sorry.

4 MS. SAUNDERS: Okay. Let me just
5 finish this example for you.

6 And so he's going to be juicing and
7 assessing the nitrate content of those cover crops.
8 And we're going to be able to look at that and see
9 if that's got potential of turning that excess
10 nitrogen problem into an opportunity if that
11 substance can be used for curing meat.

12 And that's not the only thing. That's
13 not proven, but it just shows that there are --

14 CHAIR RICHARDSON: I do have a question
15 for you coming up, Pam, that might help you to
16 expand your comments without taking more of the
17 five-minute allotment.

18 MS. SAUNDERS: Let's do that.

19 CHAIR RICHARDSON: Tom Chapman has a
20 question for you. Tom.

21 MEMBER CHAPMAN: Can you guys hear me?

22 CHAIR RICHARDSON: Yes, reasonably.

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1 MEMBER CHAPMAN: Okay. Pam, thanks
2 for your comments.

3 Can you help me understand what's the
4 necessary nitrate content in celery powder to
5 achieve the cure and how it compares to organic
6 celery powder?

7 MS. SAUNDERS: I can't be real specific.
8 The product that we use now is standardized to, I
9 believe it's 15 to 20 parts per million.

10 And I think that the crops that have
11 been tested have been well below 50 percent of that.

12 But they tested organic crops I believe
13 without really trying to enhance through soil
14 amendment, possibly other kinds of perhaps foliar
15 applications.

16 They didn't select in particular for
17 varieties that might have a higher nitrate uptake.

18 So that's why we think this area, the
19 potential has not been exhausted in this area's
20 possibility for getting an organic product that
21 would have a functional quantity of nitrate.

22 And of course without causing excess

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1 nutrient runoff in the form of nitrate and
2 phosphorus, like from the over-application of
3 manure.

4 So it's a complex matrix of issues that
5 can be explored including varietals, including
6 cropping methods, and including potential
7 scavengers of nitrogen.

8 CHAIR RICHARDSON: Francis Thicke has
9 another question for you.

10 MEMBER THICKE: Are there alternatives
11 to nitrate for curing meat?

12 MS. SAUNDERS: Well, we use vegetables
13 because vegetables are naturally high in nitrate.

14 In fact, from a dietary standpoint
15 vegetables are the highest source of nitrate in our
16 diet.

17 There is sodium nitrate, potassium
18 nitrate, neither of which is allowed in organic.
19 So, vegetables are the logical choice for
20 exploration, unless we go down the path of allowing
21 sodium nitrite.

22 MEMBER THICKE: I guess I wasn't

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1 totally clear. I was asking if there are
2 alternatives to nitrate, something besides nitrate
3 for curing meats.

4 MS. SAUNDERS: There's salt curing
5 which there are some minimal nitrates that occur
6 in sea salt.

7 And there are other kinds of dry curing
8 methods. But there aren't alternatives for the
9 products that we're used to eating like hot dogs,
10 pepperoni, all that kind of product.

11 CHAIR RICHARDSON: Thank you very much
12 for your comments, Pam.

13 Have you also submitted these in
14 writing?

15 MS. SAUNDERS: Our written comments
16 are more detailed than what I've just given you and
17 really address the size of the industry. They
18 address human health impacts. And they address
19 particulars about what the working group is going
20 to try and accomplish.

21 CHAIR RICHARDSON: Very good. Thank
22 you for your comments.

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1 The next speaker is Brian Lehmann and
2 he'll be followed by Katherine DiMatteo. And then
3 we'll work on fitting Eileen back in and we're going
4 to try still to get Hilda Tovar as well.

5 DR. TUCKER: Can we do a very quick
6 test? Hilda, if you are on the line can you just
7 say hello just so we can see if we have solved your
8 problem?

9 MS. TOVAR: Yes, I am.

10 DR. TUCKER: You are. Okay. So
11 Hilda, we'll pick you up after -- we'll actually
12 call on you when we're ready, okay?

13 MS. TOVAR: Okay.

14 CHAIR RICHARDSON: Okay, we'll let
15 Brian Lehmann talk and then let's just fit Hilda
16 in right after that before Katherine as long as
17 that's okay with Katherine.

18 So, over to you, Brian.

19 MR. LEHMANN: Okay. Can you hear me?

20 CHAIR RICHARDSON: Yes, I can hear you.

21 MR. LEHMANN: Good afternoon. I'm
22 Brian Lehmann commenting as an organic consumer.

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1 I know that the ad hoc subcommittee has
2 looked at proposals in recent years that in some
3 way have involved testing for purity of seed in
4 organic.

5 I also feel that USDA and NOP have
6 pushed back against NOSB since this effort towards
7 seed purity was undertaken with various unilateral
8 actions such as revisions and sunset rules,
9 agenda-setting and chairmanship of NOSB meetings.

10 And the current proposal is for a best
11 management practice for verification of
12 non-organic seed.

13 But as a consumer I feel cheated. I
14 have no assurance that certified organic products,
15 particularly corn and papaya, are free from
16 unwanted GMO contamination unless that product is
17 also verified with Non-GMO Project or other
18 independent means.

19 But even then there's still a level of
20 no more than 0.9 percent GMO. Even if we had
21 mandatory testing some level of degradation to the
22 organic seal would likely already have taken place

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1 under purview of USDA.

2 But in reality many providers of
3 certified organic products don't bother with
4 non-GMO verification.

5 So a consumer is really left in the
6 dark.

7 A given company's customer rep is
8 probably not going to be able to tell me what batch
9 of corn a particular product came from much less
10 what level of contamination was found or not found
11 unless, as I said, the product carries non-GMO
12 verification as well as organic certification.

13 But USDA just simply is not making it
14 easy to know what's going on. In 2014 Food and
15 Water Watch and OFARM released a report indicating
16 over 50 percent of respondent corn and soy farmers
17 had experienced rejection of loads for unwanted GMO
18 contamination at significant cost.

19 A more recent USDA census on
20 agriculture found the value of organic crop loss
21 from unwanted GMO contamination exceeded \$66,000
22 per farm.

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1 But while these efforts expose a
2 serious problem they don't necessarily alleviate
3 concerns for the consumer marketplace.

4 Biotesting is the main source of
5 discovery of unwanted GMO contamination. But it
6 doesn't tell me if loads intended for the domestic
7 market are tested to the same exacting standards
8 and product destined under contract to an overseas
9 market, or even whether a load rejected by one buyer
10 can still find its way into the organic food supply.

11 With reports of contamination as high
12 as 17.5 percent in the Food and Water Watch report,
13 for example, and maybe it just winds up as feed,
14 still I believe the problem is so critical as to
15 require inspection of USDA certified organic corn
16 under 7 CFR Part 205.670(a) more than under (b) or
17 (c), or in other words, for cause.

18 At the same time USDA has not seen fit
19 to establish a level of unwanted GMO contamination
20 which would be considered unacceptable in USDA
21 certified organic.

22 Obviously this must be done. While the

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1 commonly accepted standard of 0.9 percent does
2 represent a certain level of encroachment already
3 it should not be exceeded under any circumstances.

4 If coexistence is as feasible as USDA
5 claims this modest level of protection should not
6 be a burden.

7 But if we're to maintain a process
8 standard, if unwanted GMO contamination is then
9 found to exceed established levels it must become
10 the responsibility of the offending patent-holder.

11 But if USDA will not protect the organic
12 seal under its purview it risks exposing it as
13 fraudulent.

14 Thank you for the opportunity to
15 comment and I just wanted to say if I seem to preach
16 the choir, excuse me; if I seem to preach the choir.

17 But I just wanted to register a certain
18 level of dissatisfaction. So thank you.

19 CHAIR RICHARDSON: Yes, thank you very
20 much. Yes, you may well be preaching to the choir.
21 Your comments on this very complex and serious
22 subject are appreciated.

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1 I don't notice any specific questions
2 for you but I know we will continue working on this
3 topic, Brian. Thank you.

4 I would now like to see if we can patch
5 in Hilda Tovar of Berrymex on her international
6 call. Hilda, are you there?

7 MS. TOVAR: Yes, I am. Can you hear
8 me?

9 CHAIR RICHARDSON: Yes, I can hear you.
10 Yes.

11 MS. TOVAR: Okay. Thank you for your
12 time and I apologize for the inconvenience.

13 I'm Hilda Tovar. I work in the
14 continuous improvement of food safety area for
15 Berrymex of Mexico. I'm representing the central
16 Mexico and Baja facility and I really appreciate
17 this opportunity to talk to you.

18 The comment that I submitted was
19 regarding several items that you are proposing to
20 remove from the 205.601.

21 (Telephonic interference.)

22 CHAIR RICHARDSON: Some folks mute

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1 yourselves out there. We can hear lots of
2 conversations. Thank you. Please continue,
3 Hilda.

4 MS. TOVAR: I am asking you to consider
5 the permanence of products in the pest control
6 area, disease control area, nutrition,
7 disinfection, weed control.

8 I can give you a lot of examples of the
9 explanations why keeping those.

10 But as a general I want to put you in
11 context, I know you don't know where we are growing
12 our berries.

13 We are growing our berries in central
14 Mexico. That includes Jalisco, Michoacan states
15 that are in the center of Mexico and also up north
16 in Baja, California.

17 We have different weather conditions in
18 both sites of production. And we need to have wide
19 always available material.

20 Due to the weather conditions and also
21 the location the farms that we have in Baja,
22 California are 178 miles from Tijuana.

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1 So when we are running off one of the
2 products or substances that we are using, or
3 materials that we are using in the regular
4 production process or farming process it is quite
5 complicated to get another.

6 And also we have to be careful with the
7 environment.

8 For example, one of the options that we
9 are discussing keeping or removing is the plastic
10 mulch cover.

11 Right now we are using it as weed
12 control. You know that the weed control is
13 mechanical, mainly mechanical. This involves a
14 lot of people and right now we have a scarcity of
15 people. It is a difficult environmental, labor
16 environmental in Baja.

17 In central Mexico we start experiencing
18 lack of people to do these activities. So the
19 plastic mulch cover are big help for us.

20 And we have integrated into our company
21 a recycling program. We are making sure that all
22 the plastic -- not only the plastic mulch that we

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1 are using in our production are properly
2 transformed into something else and are not just
3 left in the environment, polluting the water or the
4 soil.

5 For soil amendments we are asking you
6 to consider keeping elemental sulfur and
7 micronutrients, and liquid fish products just as
8 a help.

9 We have mainly in Michoacan very stony
10 ground. And they are poor and difficult to get all
11 the nutrients that the crops are needed. And you
12 are expert on the matter so I don't have to go deeply
13 to explain why we are needing all these products
14 available.

15 And regarding disease and pests, we
16 would like to keep the hydroperoxide, the lime
17 sulfur, the oil, the copper sulfate, the copper 6
18 and potassium bicarbonate to have like a rotation.

19 We know that it doesn't create
20 resistance, but it is also availability from more
21 suppliers, especially in the north, up north.
22 Sometimes we don't have everything we want from our

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1 suppliers, or they take too much time to get in too.

2 And we are trying to have an integrated
3 pest and disease management based on the
4 monitoring, trying to apply or to handle the pest
5 and diseases as they are presenting these as
6 prevented as possible. That's why we would like
7 to keep the pheromones.

8 It is a key part to monitor the pest
9 population that we have in our crops.

10 Also, if the pheromones are without
11 effectiveness we dispose them correctly. We have
12 to comply by condition and by law that we cannot
13 pollute our environment. Thank you very much.

14 CHAIR RICHARDSON: Thank you very
15 much, Hilda. Right on time. Good job.

16 And just a question from me. Have you
17 submitted these comments also in writing?

18 MS. TOVAR: Yes. We didn't submit the
19 distribution. As I told you, I can provide it if
20 you need it.

21 CHAIR RICHARDSON: Yes, because you
22 did have a long list of materials which we will be

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1 considering and so it's very helpful for us to know
2 how many producers and farmers are using these
3 materials as we make our decision.

4 MS. TOVAR: Okay.

5 CHAIR RICHARDSON: Thank you.

6 MS. TOVAR: Thank you.

7 CHAIR RICHARDSON: I don't see an
8 additional question at the moment from the Board
9 members, so I'd like to turn next to Katherine
10 DiMatteo. And then she'll be followed by Eileen
11 Hourihan. Katherine?

12 MS. ARSENAULT: Jean, if I could just
13 interrupt for one second. This is Michelle.

14 Hilda, if you would like to email that
15 to me that would be great.

16 MS. TOVAR: I will do it. Thank you.

17 CHAIR RICHARDSON: So, the person that
18 just spoke Hilda, that's Michelle Arsenault. And
19 I'm assuming that you have her phone number as well
20 as email. So she's asking you to send the comments
21 that you just made so that we have that list of
22 materials that you're interested in. Okay, thank

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1 you.

2 Now, over to Katherine DiMatteo.

3 MS. DIMATTEO: Thank you. Can you
4 hear me?

5 CHAIR RICHARDSON: Yes, we can hear you.

6 MS. DIMATTEO: Great. I am Katherine
7 DiMatteo. I am a partner in the consulting firm
8 Wolf, DiMatteo and Associates. We've been
9 providing advice and service to the organic sector
10 for over 25 years.

11 Thank you for the opportunity to
12 comment, for setting up these webinars that allow
13 more participation in the NOSB process and for your
14 dedicated work as volunteers to maintain the
15 integrity of the organic sector and encourage its
16 growth and continued improvement.

17 We have submitted written comments and
18 my comments now reflect what we have submitted to
19 you already.

20 We have four points that I will be
21 talking about supports the proposed work of EPA to
22 replace the list for inerts with EPA's Safer Choice

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1 program.

2 The plastic mulch and biodegradable
3 mulch films on the National List, natural sodium
4 nitrate and its lack of prohibition to date, and
5 the rationale for sunset renewals and removals.

6 List for inerts. We urge the NOP, EPA,
7 and NOSB to proceed quickly with this proposed list
8 and ensure compliance with the requirement of the
9 Organic Food Protection Act and the rules that
10 apply to human safety and effectiveness of organic
11 pest control materials.

12 We especially encourage you to avoid
13 unnecessary duplication of relisting inert
14 ingredients.

15 Regarding the mulches, we do not oppose
16 the continued listing of plastic mulch.

17 We urgently request though that the
18 currently available biodegradable mulch films
19 which meet the National List criteria and
20 definitions in the NOP regulations be allowed for
21 use immediately.

22 To accomplish this the NOP policy memo

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1 15-1 will need to be corrected to match the actual
2 language of the regulations.

3 Our understanding of the NOSB
4 discussions on the vote to add biodegradable mulch
5 to the National List with a biobased constant would
6 be required and the content would be tested and
7 reported.

8 No minimum content would be required at
9 this time.

10 The policy memo in January of this year
11 restricted the biodegradable biobased mulches to
12 only those that are 100 percent biobased of which
13 there are none available currently nor are there
14 any expected to be available in the near future.

15 To your original petition for
16 biodegradable mulch film the supporting
17 documentation and the industry technical review
18 indicated that some petroleum products are part of
19 the production process.

20 As a matter of fact, many materials on
21 the National List of allowed synthetics are derived
22 from petroleum products and the biodegradable

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1 mulch films should not be treated differently.

2 Petroleum-based plastic mulch will
3 petition for the first time and compare to the
4 alternative biodegradable bio-plastic mulch films
5 that are available it would be obvious that the
6 biodegradable bio-plastic mulches are
7 significantly better choices for organic
8 production when the manufacturer, content and
9 impact on the environment are compared.

10 Natural sodium nitrate. According to
11 the recommendation of the NOSB the annotation for
12 the use of sodium nitrate was to sunset in October
13 of 2012, but there has not been rulemaking to this
14 effect.

15 Since the Secretary has not taken
16 action in five years then shouldn't sodium nitrate
17 and its annotation have been considered during the
18 2017 sunset review?

19 We urge the NOSB to request that a
20 proposed and final rule that reflects the petition
21 of 2011 be published prior to October 2017.

22 This silent allowance of sodium nitrate

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1 has --

2 (Telephonic interference.)

3 CHAIR RICHARDSON: Okay, I don't know
4 what's going on but I have an ad coming on.

5 DR. TUCKER: Hi, this is Jenny. If you
6 can still hear me I'm going to try and un-mute the
7 person who was speaking.

8 I apologize. Somebody put us on hold
9 and when that happens everyone gets to listen to
10 the hold music.

11 So Katherine, I've now un-muted you.
12 Please go ahead and try and speak.

13 MS. DIMATTEO: Okay. Can you hear me?

14 DR. TUCKER: Yes. Apologies for that.
15 Now we can hear you but no one else. So I'm going
16 to have to take people off one by one as it's time
17 for you to speak.

18 So please don't go on hold, anybody.
19 That's a lesson for the day. Katherine, please go
20 ahead.

21 MS. DIMATTEO: Okay. So, I was
22 speaking about sodium nitrate.

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1 I was about to say the silent allowance
2 of sodium nitrate has caused an unfair situation
3 and competitive disadvantage for the input
4 companies and the growers who are honoring their
5 April 2011 recommendation vote of the NOSB to
6 prohibit.

7 Lastly, the National List is part of a
8 toolbox for organic production and handling.
9 Amending the list or making it shorter or smaller
10 is not automatically a goal or likely to be helpful
11 to the organic community in the long run.

12 The decision about whether something
13 should be on this very small list of synthetics for
14 non-organic materials that may be used in organic
15 production and handling is not a popularity contest
16 of how many comments are received.

17 Relying on the number of comments
18 received is a poor indicator of actual value or
19 future value of a material.

20 The decision should be based upon
21 review of the criteria intended to evaluate
22 materials.

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1 Please ask yourself if the material
2 could be of use in the future. It is very difficult
3 to put it back on the list. Adding material to the
4 National List is a very long and arduous process,
5 and removing something is not to be taken lightly.

6 Please do not limit the toolbox
7 unnecessarily. We need to do everything we can to
8 encourage more organic acreage in the United States
9 and to allow those just starting in organic to have
10 the tools that they need to be successful. Thank
11 you very much.

12 CHAIR RICHARDSON: Thank you very
13 much, Katherine. Appreciate your comments. And
14 I know that they have been sent in. Written
15 comments have already been sent in.

16 Are there specific questions for
17 Katherine on any of these topics? It's always nice
18 to have someone out there in the community
19 reminding us that we need to constantly be pushing
20 as an NOSB to have some of those materials that are
21 just sitting there be further addressed by the NOP.
22 So that was helpful.

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1 Okay, I don't see any questions coming
2 in on my computer so thank you, Katherine.

3 Our next speaker is Eileen Hourihan who
4 couldn't get on earlier. Eileen, are you out
5 there?

6 MS. HOURIHAN MCCARTHY: Yes, hi. Can
7 you hear me?

8 CHAIR RICHARDSON: Yes, I can hear you
9 loud and clear.

10 MS. HOURIHAN MCCARTHY: Okay, great,
11 hi. This is Eileen Hourihan McCarthy. I'm a
12 registered dietitian in Illinois.

13 And I just have a few comments. And I
14 just wanted to speak against the use of sulfites
15 in food -- actually, in other products too. And
16 the reason why I'm saying that is because some
17 people are allergic to them. And as you all know
18 they respond negatively to them. They can get
19 anaphylaxis which they can die from. They can get
20 hives. There's all kinds of reactions that you can
21 get from sulfites.

22 And so I would think as human beings and

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1 as a country that we would say gosh, if there's any
2 product chemical out there that harms another
3 person or puts them at risk then certainly we would
4 ban that from the food supply and from the product
5 supply.

6 I would just think that we would do
7 something like that.

8 I know this is coming from a human point
9 of view but that's what medicine is, that's what
10 being human is all about. That's who we are.

11 So anyway, I would just -- if we could
12 get rid of those sulfites it would be wonderful.

13 And if we can't, I think that we should
14 move the system to more of a regionally grown, our
15 food regionally grown, and then just eat whatever
16 is in season near you.

17 And I know you say my gosh, we're going
18 backwards and how archaic. But in truth it isn't
19 because as a medical practitioner the fewer
20 chemicals and oftentimes ingredients that I have
21 in my food, the healthier I'm going to be. We
22 really need to go back to something that's as

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1 natural and pure as we can.

2 And I know, I don't mean any harm. I'm
3 sure a lot of you don't like me saying that, but
4 it really is true.

5 And the other side of it is that if any
6 of us responded medically to sulfites or any other
7 chemical or product or our families and our
8 children or anyone we would get that off of that
9 GLAS list as quickly as we could.

10 And I think that's kind of the bottom
11 line here. I mean, we've heard a lot of
12 information from everyone, but my gosh, you know,
13 farmers have families too.

14 And I do understand capitalism, it's
15 money, we make a living. I understand how
16 difficult it is for the farmer. I really, really
17 do and I really feel for you.

18 But I think that the really smart farmer
19 says I'm going to the other extreme and I'm going
20 to make a heck of a lot of money doing this.

21 Set up a system and get rid of all those
22 chemicals that our body just doesn't need or want.

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1 Our little cells don't know what to do with them.

2 But anyway, thank you for your time and
3 forgive me for saying that, but I'm sure a lot of
4 us agree.

5 CHAIR RICHARDSON: Oh no, it's fine.
6 Your comments are most welcome, Eileen.

7 And I note that the two materials
8 perhaps that you were most concerned about were
9 lignin sulfonate and sulfuric acid.

10 Are there any other specific chemicals
11 from your point of view as a dietitian that we are
12 going to be looking at for sunset that specifically
13 come to mind apart from just sulfites in general?

14 MS. HOURIHAN MCCARTHY: Not at this
15 time and not for this discussion, but I'm going to
16 look further into it and then I can respond back
17 to you appropriately.

18 CHAIR RICHARDSON: Very good. Well, I
19 don't see any other specific questions for you so
20 I thank you very much for your comments. Much
21 appreciated.

22 MS. HOURIHAN MCCARTHY: Okay, thanks

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1 so much.

2 CHAIR RICHARDSON: Now, Jenny,
3 according to my list here that completes the 17
4 people that were signed up for this webinar. Am
5 I missing anybody?

6 DR. TUCKER: We did look for Jessica
7 Green to see if we could find that area code to see
8 if she's online. Jessica Green, are you out there?

9 We don't believe that Jessica Green
10 ended up calling in. But we did check her by both
11 name and number.

12 CHAIR RICHARDSON: All right. Well,
13 thank you.

14 So this brings us to the end of our first
15 webinar. And as NOSB chair I'd just like to say
16 wahoo, that was pretty darn fabulous.

17 We still have it says here on my screen
18 72 audio, 55 web. So we've managed to have a really
19 terrific conversation and hear some very
20 interesting comments under less stressful
21 circumstances than sometimes we have at the
22 in-person meetings where we are more pushed for

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1 time and we have three minutes per person and not
2 always as much time for a conversation afterwards.

3 So I'm really very pleased with this.
4 And I'm looking forward to the next webinar on
5 October 20.

6 And I hope that as many of you as
7 possible can tune in because these public comments,
8 as I said at the beginning, are an absolutely
9 critical part of our work on the NOSB to be sure
10 that we've heard from the maximum number of
11 stakeholders that we can do.

12 And it's especially helpful to us to
13 hear people that we know can't come to the meeting,
14 and perhaps farmers who can't take long enough to
15 get off the tractor to certainly make the travel
16 to a more distant place.

17 So, thank you everyone. I'll turn it
18 back over to you, Jenny, in case there's any closing
19 comments from the NOP or to Paul. I'm not sure.
20 You guys, NOP.

21 DR. LEWIS: Let me speak on behalf of my
22 colleagues here at NOP, thanking Board members and

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1 the public for joining us today at our first
2 webinar.

3 I agree wholeheartedly with Jean in
4 terms of the success we've had here. I'm looking
5 forward to having future webinars. Obviously,
6 we're having one next week.

7 I want to also thank the NOP staff that
8 really in terms of the background behind the scenes
9 work, Michelle and others, that it's really
10 helpful.

11 So again Michelle, Jenny and others,
12 thank you for all your work. And I'm looking forward
13 to joining everyone in about a week. Thank you.

14 CHAIR RICHARDSON: Thank you. I'll
15 talk to many of you next Tuesday. Same time, same
16 station. Goodbye.

17 (Whereupon, the above-entitled matter
18 went off the record at 3:07 p.m.)

19

20

21

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UNITED STATES DEPARTMENT OF AGRICULTURE

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NATIONAL ORGANIC STANDARDS BOARD

+ + + + +

COMMENT TELECONFERENCE

+ + + + +

TUESDAY
OCTOBER 20, 2015

+ + + + +

The Board met telephonically at 1:00 p.m., Jean Richardson, PhD, Chair, presiding.

PRESENT

JEAN RICHARDSON, PhD, Consultant and organic
maple syrup producer, NOSB Chair

TRACY FAVRE, Consultant, NOSB Vice Chair

HAROLD AUSTIN, Zirkle Fruit Company, NOSB
Secretary

CARMELA BECK, Driscoll Strawberry Associates,
Inc.

COLEHOUR J. BONDERA, Kanalani Ohana Farm

TOM CHAPMAN, Clif Bar & Company

LISA de LIMA, MOM's Organic Market

ZEA SONNABEND, California Certified Organic
Farmers (CCOF)

ASHLEY SWAFFAR, VitalFarms

FRANCIS THICKE, PhD, Radiance Dairy

C. REUBEN WALKER, PhD, Southern University and

A&M College

STAFF PRESENT

MICHELLE ARSENAULT
LISA BRINES
EMILY BROWN ROSEN
PAUL LEWIS, NOSB Standards Division Director
MILES MCEVOY
DEVON PATTILLO
BETSY RAKOLA, USDA, Organic Policy Advisor
EDDIE STOKER
JENNY TUCKER, Technology Facilitator,
National Organic Program
JESSICA WALDEN
SONYA WILSON

COMMENTERS PRESENT

AISHWARYA BALASUBRAMANIAN, AgroFresh, Inc.
BOB BLUE, Fetzer Vineyards
BARRY FLAMM, Citizen
DIANE KULL, Applegate LLC
GOLDIE CAUGHLAN, Citizen
JACKIE DeMINTER, MOSA
JEFF NOLAND, EnergyWorks
JANE PARKER, Gourmet Garden
JESSICA SHADE, The Organic Center
KEVIN ENGELBERT, Citizen
KENT HENDERSON, Citizen
MARGARET SCOLES, IOIA
PAUL BROWNER, DSM
ROBERT LAROSE
STEVE ETKA, National Organic Coalition
THEOJARY CRISANTES, Organic Farmer
VAL GEORGE, CCOF
VICTORIA ALVAREZ SAAVEDRA, Flavor Industry

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

2 (1:00 p.m.)

3 DR. TUCKER: Okay everybody, this is
4 Jenny Tucker with the National Organic Program.
5 I am your technology facilitator today. And so
6 if you are on the phone, and would also like to
7 follow with us online, you can go to
8 ReadyTalk.com and enter in the participant code
9 on the left, 7202 thousand. That will get you
10 into the online version.

11 We've requested that everyone stay on
12 mute throughout the call so we can minimize the
13 risk of background noise and interference. When
14 it is your turn for folks that signed up in
15 advance to give public comment, we will call you
16 and then you can unmute yourself. But in the
17 meantime, we'd like everybody else to just mute
18 themselves throughout the call.

19 So again, thank you very much for
20 joining us. If you run into problems you can
21 chat with us down in the left side of your
22 screen, so you can send us a message. So if

1 you're having technical difficulties, the
2 ReadyTalk technical support is quite good. Go to
3 ReadyTalk.com and they will help you out.

4 Okay. I'm going to go ahead and hand it
5 over to Paul. Dr. Paul Lewis is our new
6 Standards Division Director, and so I'm going to
7 turn it over to him for his welcome to the group.

8 DR. LEWIS: Thank you, Jenny. Good
9 afternoon, and welcome everyone to today's
10 teleconference. I'd like to welcome NB Members
11 and the public. Appreciate NOSB Members'
12 involvement in this call and all your efforts and
13 work serving on the Board.

14 I'm excited about the opportunity for
15 the Board to conduct a meeting via teleconference
16 that provides an important opportunity for
17 greater public access to NOSB meetings. In this
18 meeting, like other meetings of the NOSB, we
19 operate under the Federal Advisory Committee Act.
20 I'm looking forward to hearing comments from the
21 public to assist the NOSB in preparing the
22 recommendations to USDA.

1 I want to take a moment to thank my NOP
2 and Standards Division colleagues with the help
3 behind the scenes today to bring us to today's
4 teleconference on --

5 (Telephonic interference.)

6 DR. LEWIS: -- to a productive meeting,
7 and continuing our NOSB meetings to next week.
8 Before I turn the meeting over to our Chair, I'd
9 like to welcome Betsy Rakola, USDA Organic Policy
10 Advisor, and invite her also to make a few
11 remarks.

12 MS. RAKOLA: Thank you Paul. Hello
13 everyone, thank you for joining us. Again, my
14 name is Betsy Rakola. I am the USDA Organic
15 Policy Adviser. I sit in the office of the Under
16 Secretary for Marketing and Regulatory Programs
17 and I'd like to read a brief statement from the
18 USDA.

19 USDA takes any complaints regarding our
20 operations seriously, and that is why AMS looks
21 into any formal complaints issued by outside
22 groups. This was the case when the Cornucopia

1 Institute filed a complaint earlier this year.

2 AMS launched a thorough review and
3 ultimately found and determined that the
4 operations were in compliance and that there was
5 not sufficient evidence to conduct additional
6 investigations. Furthermore, there is no
7 investigation of the National Organic Program or
8 its staff happening by USDA's Inspector General.
9 That is inaccurate.

10 The focus on any one public servant in
11 an attempt to damage his credibility is
12 inappropriate and without merit. USDA values and
13 has faith in Deputy Administrator Miles McEvoy's
14 leadership of the National Organic Program.

15 USDA's National Organic Program is the
16 bedrock regulatory program responsible for
17 developing national standards for organically
18 produced agricultural products. These standards
19 assure consumers that products with the USDA
20 organic seal meet consistent, uniform standards.

21 The USDA organic seal, and the NOP
22 program itself, have helped organic producers and

1 businesses achieve unprecedented levels of growth
2 for organically produced products. The retail
3 market for organic products is now valued at more
4 than \$39 billion, while USDA organic operations
5 have grown more than 250 percent since 2002.
6 USDA's National Organic Program is a leading
7 global standard and a major factor in this
8 success.

9 DR. LEWIS: Thank you, Betsy. Again,
10 this is Paul Lewis, and I'd like to turn the
11 meeting now over to our Chair. Jean?

12 Jean, are you there? I'm just getting
13 our Chair on board.

14 DR. TUCKER: Jean, are you with us?

15 CHAIR RICHARDSON: What, can you hear
16 me?

17 DR. TUCKER: Yes, now we can hear you.
18 It was showing as mute, so you're unmuted now.

19 CHAIR RICHARDSON: Okay, yes I had
20 myself on mute. I was being obedient which is a
21 change, but there you go.

22 Today, in the state of Vermont it's a

1 gorgeous 60 degrees. The sun is shining and the
2 mountains are snow-topped against the blue sky.
3 And it's lots of lovely leaves are still in their
4 fall colors. So hopefully it will be a bit like
5 this when some of you come to Vermont next week.

6 I'd like to welcome you all to this
7 second session. I'm looking forward very much to
8 hearing from all of you. I'd like to start first
9 by asking Michelle if you could read out the NOSB
10 Members that are on the call today?

11 MS. ARSENAULT: Hello everyone, this is
12 Michelle. I have with us on the line, Ashley
13 Swaffar, Calvin Walker -- is somebody -- if
14 you're not talking please make sure you're on
15 mute. We're getting a little feedback here in
16 the office. Thanks.

17 So Calvin Walker, Carmela Beck, Colehour
18 Bondera, Francis Thicke, Harold Austin, Jean
19 Richardson, Lisa de Lima, Tracy Favre, and Zea
20 Sonnabend. Did we miss anyone?

21 CHAIR RICHARDSON: Sounds right.

22 MS. ARSENAULT: And Jean Richardson, I

1 said Jean, right?

2 CHAIR RICHARDSON: Yes, you did. Yes,
3 okay that sounds good. Well I'm -- when I look
4 at the computer here, I see that there's 40
5 people present out in the broader public and 68
6 on audio. So that's really a great bunch of
7 people on the call.

8 I'd like to call on the first speaker of
9 this afternoon, and that is Jessica Shade. And
10 when each of you come on to give your five minute
11 presentation, could you please -- talk loudly,
12 and say where you're from, so that the record
13 clearly reflects who's talking? Thank you very
14 much. Jessica, over to you.

15 MS. SHADE: Hi, can you hear me?

16 CHAIR RICHARDSON: Yes, we can.

17 MS. SHADE: Great. So first I just want
18 to thank you so much for the opportunity to
19 provide these comments. My name is Jessica Shade
20 and I'm the Director of Science Programs for the
21 Organic Center. We are a non-profit organization
22 that covers up-to-date studies on sustainable

1 agriculture and health. And we also collaborate
2 with academic and governmental institutions to
3 fill gaps in our knowledge.

4 So first of all I want to say thank you
5 to the Materials Subcommittee for its
6 recommendation on research priorities. We really
7 appreciate both the creation of the research
8 priorities framework and the efforts made by each
9 subcommittee to bring forth its research
10 priorities.

11 We were especially happy to see the
12 inclusion of research priorities related to
13 livestock management. And the development of
14 alternatives for materials on the national list.
15 We really rely on the annual NOSB research
16 priorities to guide the development of our own
17 research projects.

18 And livestock management issues, and
19 materials or alternatives, are some of the topics
20 that we've also heard raised by stakeholders. To
21 that end, I also just want to say that we're
22 really excited about the Organic Trade

1 Association's National --

2 (Telephonic interference.)

3 MS. SHADE: -- working group, and we
4 plan to support it and help it move forward. The
5 Organic Center is really eager to advise it on
6 scientific methods, identifying and coordinating
7 with researchers, and grant management, as
8 appropriate.

9 So I'm just going to quickly highlight
10 a couple of our current projects that were
11 informed by NOSB priorities. And then go into a
12 few suggestions for additions to this year's
13 list.

14 So a few years ago the NOSB put out a
15 research priority to find alternatives to
16 antibiotics for Fire Blight, and the Organic
17 Center responded to that by collaborating with
18 researchers from the University of Washington to
19 provide critically needed information on how to
20 prevent Fire Blight from decimating apple and
21 pear orchards without the use of antibiotics.

22 And our report that's out now covers

1 issues such as sanitation, vigor control,
2 sequence and timing of control materials, space
3 coverage, and varietal susceptibility, and it's
4 published online, it's available to the public.
5 We've also been passing out hard copies and
6 traveling with researchers to provide
7 presentations about our findings.

8 We also have a project examining organic
9 solutions to control citrus greening disease,
10 which is a response to the 2014 NOSB priority for
11 plant disease management. And our project looks
12 at the efficacy of organic pesticides for
13 controlling the Asian citrus psyllid, tests
14 combinations of antimicrobial treatments, and
15 also tests non-GMO varieties of citrus for their
16 use in organic systems.

17 And we just finished the first phase of
18 the project which identified effective organic
19 compliant insecticides to fight the Asian citrus
20 psyllid. And now we're analyzing preliminary
21 data on the effectiveness of organic approved
22 antimicrobials.

1 We're also addressing the NOSB 2014
2 priority area, soil building practices through
3 our collaboration with the National Soil Project
4 at Northeastern University, where we're looking
5 at specific soil matter components -- soil
6 organic matter components, to measure soil carbon
7 sequestration and soil health, while developing
8 a reference data base that will allow
9 agronomists, farmers and environmental scientists
10 to correlate soil health and productivity with
11 agricultural practices.

12 We have several other projects going on,
13 but to keep this short I'm going to move on to
14 our suggestions for additions to this year's NOSB
15 research priorities.

16 So first I want to highlight the need
17 for more research on manure safety. As you know,
18 last fall the FDA proposed revisions to FSMA that
19 included changes for the required interval that
20 untreated manure could be applied, and they
21 suggested a nine month minimum interval
22 requirement, which directly contradicts the

1 National Organic Program regulations for applied
2 application of raw manure.

3 And that ruling was not adopted, because
4 the FDA decided that further research was needed.

5 And we believe that it's really important for
6 organics to be involved in that research process.

7 So the Organic Center is working with a team of
8 researchers to assess current practices used by

9 the organic industry related to manure and

10 rotational grazing, to conduct a needs

11 assessment, to gather information about the use

12 of animal-based soil amendments in organic

13 agriculture, and evaluate and characterize the

14 current practices and needs of organic producers,

15 and the result of that project -- just a minute

16 --

17 (Telephonic interference.)

18 DR. TUCKER: All right, Jessica, I
19 forgot to announce that when we started.

20 CHAIR RICHARDSON: All right, so can you
21 just sort of wrap up, Jessica?

22 MS. SHADE: Wrap up, absolutely. So we

1 just want to make sure it gets on the radar of
2 OREI priorities, so more research on manure
3 safety.

4 I also want to suggest including
5 pollinator health as a research priority. We
6 completed a review of scientific literature about
7 pollinator health and we really need more
8 research to confirm the specific best practices
9 used by organic that have beneficial effects on
10 pollinators, And methods for implementing them on
11 farms. So thank you so much.

12 CHAIR RICHARDSON: Great. Thank you,
13 Jessica for your comments. Are there questions?
14 I don't see any question marks coming up on my
15 screen. Are there questions for Jessica? I know
16 you also have written remarks as well, which we
17 will be looking at from your organization.

18 So the next speaker will be Paul
19 Browner, and he will be followed by Robert
20 Larose.

21 Paul, are you there?

22 MR. BROWNER: Yes, I'm here. Can you

1 hear me?

2 CHAIR RICHARDSON: Yes, thank you.

3 MR. BROWNER: Great. Okay, so in an
4 effort to keep things rolling, my name is Paul
5 Browner. I'm the global head of Regulatory
6 Affairs and Quality Management for DSM
7 Nutritional Products. We're a company that makes
8 a wide variety of nutritional products including
9 Omega-3.

10 I have comments that I want to make on
11 -- primarily on fish oil, and touch on, if time
12 permits, on some other substances on 605(a) and
13 (b). So for fish oil, I want to hit on three
14 main topics, sustainability, contaminants, and
15 plant-derived alternatives.

16 First of all, sustainability. It's
17 important to note that first and foremost, fish
18 are not fished for their fish oil. Fish is what
19 some people call a byproduct of the fish
20 agriculture industry. And it's turned into a
21 value-added product for consumers.

22 Although fishing remains a global

1 concern, the fish that traditionally are used in
2 fish oils are not those that are over-exploited.
3 Things like sea bass, and shark, and some species
4 of tuna. Fisheries such as the Peruvian fishery,
5 the Anchoveta Fishery are one of the most highly
6 regulated fisheries in the world.

7 What is often misinterpreted as a poor
8 fishing season is the location of an anchovy
9 biomass. During some years when the Kelvin waves
10 are high, the biomass moves further offshore, and
11 what the inshore fishery's permitted. So it's
12 not to say the levels are low, but that the
13 biomass is further offshore.

14 The Subcommittee used the FAO report,
15 The State of World Fisheries and Agriculture.
16 While FAO is a very respected agency of course,
17 I believe it over-generalizes the state of the
18 fisheries. Global fishing zones are huge and
19 it's my view that the FAO report is not the only
20 reference that needs to be reviewed. Non-
21 government organizations such as sustainable
22 fisheries partnerships are important, as the FAO

1 report.

2 The SFP surveyed individual fisheries
3 and fish stocks within a wide area. Each region
4 is separately evaluated for sustainability.
5 Rather than the broad generalizations, situations
6 go down to individual fish stocks, individual
7 countries, and individual fisheries.

8 If the NOSB wants to delve into this
9 complicated question, it should give itself
10 adequate time instead of potentially rushing to
11 judgment based on the over-generalization of the
12 FAO report. Sensational unsubstantiated claims
13 that the fish oil industry will be responsible
14 for the global collapse of the world's fisheries
15 is a truly uninformed opinion.

16 Contaminants in fish oil. Fish oil used
17 for human consumption is a highly refined oil
18 that undergoes classic refining steps to
19 eliminate or significantly reduce the amount of
20 environmental contaminants found in fish oil.
21 The FDA itself will recommend we eat two to three
22 serving of fatty fish weekly. Health benefits

1 far outweigh concerns of contaminants.

2 You know, for foods, for organic foods
3 some people fry with concentrated fish oils.
4 Concentrating the oils also concentrates
5 contaminants. As an actual fact, I know one
6 company, American organic fish oils in the U.S.,
7 that uses actual concentrated oil. Often times
8 it's just highly refined oil that is not
9 concentrated.

10 Mercury for example, is a contaminant
11 often associated with fish oil. The technical
12 report of the -- on the laboratory analysis of 31
13 fish oil supplements, and they quote, every
14 product contains a measurable amount of mercury.

15 What are these measurable amounts?
16 Average concentration of 2.9 parts per billion,
17 of 6 parts per billion? Even the Center for Food
18 Safety admits that, in their comments, that these
19 are well below the established FDA tolerance
20 level.

21 You can talk about fish oil with mercury
22 contamination, but the fish that are primarily

1 sourced for oils are small pelagic fish, you
2 know, anchovies and sardines. They don't bio-
3 accumulate high levels of mercury. Levels are
4 further reduced through refining.

5 And to wrap up, we talked about plant-
6 derived alternatives, plant-derived alternatives
7 of Omega-3, ALA is a fatty acid. While this is
8 a recognized polyunsaturated fatty acid, the
9 health benefits of ALA, only a fraction of the
10 fatty acids are converted to EPA DHA in order to
11 be metabolized by the human body.

12 The conversion of ALA is very, very
13 inefficient, approximately about ten percent.
14 Health conscious organic consumers receive only
15 a fraction of Omega-3 benefits from ALA. Plant-
16 based source of Omega-3 would not be an efficient
17 alternative to fish-based Omega-3.

18 CHAIR RICHARDSON: That's the five
19 minute bell. Is that okay, Paul?

20 MR. BROWNER: Yes, just as a final
21 comment, if I could get just two more sentences
22 here?

1 CHAIR RICHARDSON: Sure, go ahead.

2 MR. BROWNER: DSM strongly recommends
3 relisting of fish oil to the organic list upon
4 changing notation, and we encourage NOSB not to
5 move fish oil based on uninformed opinions and
6 loosely presented facts.

7 Please be informed that the true nature
8 of healthy fish oil does not have the dire
9 consequences on sustainability others will have
10 you believe.

11 CHAIR RICHARDSON: Great, thank you very
12 much, Paul. I don't see any specific questions
13 coming in on my computer, and I said you would
14 comment --

15 DR. TUCKER: Tom Chapman, sorry. Tom
16 Chapman has a question.

17 CHAIR RICHARDSON: Sorry?

18 DR. TUCKER: Tom Chapman has a question.

19 CHAIR RICHARDSON: Okay, Tom.

20 MR. CHAPMAN: Hi, Paul.

21 MR. BROWNER: Tom.

22 MR. CHAPMAN: I have three questions for

1 you. In your written notes, you state that the
2 primary source of your fish oil is from Peruvian
3 fisheries. What do you mean by primary? Can you
4 quantify that for me?

5 MR. BROWNER: Well, for many, many
6 years, Tom, the Peruvian Fishery has been the
7 primary source for not only our fish oil, but
8 many, many fish oils that are marketed in the
9 U.S.

10 It's not the only fishery. And many
11 organic fish oil -- or sorry, fish oil
12 manufacturers we start to see coming on line and,
13 you know, supplying all the fish oil from the
14 anchoveta industry, is not possible, basically.
15 They have quotas, you know, they have quotas that
16 are very highly regulated. So what it means is
17 that some fish oil suppliers may have to qualify
18 other fisheries, other regions of ocean waters.

19 MR. CHAPMAN: Okay.

20 CHAIR RICHARDSON: Okay?

21 MR. BROWNER: Great.

22 MR. CHAPMAN: And one other question, if

1 I can?

2 CHAIR RICHARDSON: Yes.

3 MR. CHAPMAN: You know the FAO code of
4 conduct for sustainable fishing and responsible
5 fishing, is that a requirement that DSM places on
6 its suppliers?

7 MR. BROWNER: It's one that we -- well,
8 we qualify fisheries. We always ask that
9 question, if they abide by the FAO requirements
10 for sustainable fishing. And it's --
11 sustainability is a pillar of the DSM business.

12 CHAIR RICHARDSON: Thank you, Paul. I
13 know that there are extensive comments from the
14 fish oil industry for us to read and they contain
15 all this in more detail, and that's been much
16 appreciated by those of us that are reading it.

17 The next presenter is Robert Larose and
18 he will be followed by Kent Henderson.

19 Robert, are you there? Robert Larose of
20 BioSafe Systems, if you're talking, we can't hear
21 you.

22 DR. TUCKER: We've been trying to find

1 Robert on the list, but he's not showing up.

2 Robert?

3 CHAIR RICHARDSON: Robert Larose does
4 not appear to be there. Robert, if you are
5 online, we can't hear you. So let us know, and
6 we could fit you in later on if that is the case.

7 So therefore our next speaker is Kent
8 Henderson, a veterinarian. Kent, you're up now.

9 MR. HENDERSON: Hello, can you hear me
10 now?

11 CHAIR RICHARDSON: Yes.

12 MR. HENDERSON: Very good. I'm doing a
13 PowerPoint so I will just ask to have the slides
14 advanced as I go from slide to slide.

15 Thank you very much for inviting me this
16 afternoon. This is my second presentation. I
17 also did this four years ago. I'm a veterinarian
18 in a seven person practice in Northwest Vermont.
19 I've been servicing dairy herds and their
20 parasite problems for the last 40 years.

21 I'm here today to ask the Board to
22 reduce the current restrictive meat and milk

1 withholding times assigned for Fenbendazole, in
2 order to allow modern organic and dairy beef
3 farmers to better manage the health of their
4 herds, and also consider removing Ivermectin
5 dewormers with the approved product list, because
6 of their detrimental effect on dung beetles and
7 growing antiparasitic resistance development to
8 Ivermectin type deworming products. Next slide.

9 From the written comments in 2001, a
10 zero day milk withholding time was established
11 for Fenbendazole by the FDA. Peak Fenbendazole
12 level in milk is only 18 hundredths of a part per
13 million, occurring 24 hours after ingestion of
14 the product and FDA approved safe concentration
15 is determination to be 1.67 parts per million.
16 So Fenbendazole's actual peak concentration in
17 milk is nearly ten times less than the safe FDA
18 concentration. Next slide.

19 This graph is from the 2001 FDA approval
20 submission and shows that blood concentration is
21 clear, totally cleared in eight days, and is
22 below the safe level at three days. If a 14 day

1 meat withhold for organic beef was adopted, it
2 would allow for another six day buffer for any
3 medication delivery variation. Next slide
4 please.

5 Current organic standards only allow for
6 emergency treatment for severely infested sick
7 cows. These current standards place the modern
8 organic dairy in jeopardy of bankruptcy by
9 forcing the farm to accept current -- to accept
10 negative non-organic prices for three months
11 while the milk clears after treatment with FBZ
12 for lungworm.

13 In this case, after finding 35 of their
14 65 cows coughing and showing signs of lungworm
15 infestation, this herd was fed aloe vera pellets,
16 diatomaceous earth, kelp, and Agrimoss as
17 directed by the certifier, but no improvement
18 occurred.

19 Cornell Lab diagnosis came back as
20 lungworm. So this organic producer resorted to
21 feeding Safe-Guard pellets to his dying -- in two
22 days the cows began to recover and normal

1 production resumed.

2 This 65 cow Jersey dairy will lose over
3 \$55,000 in milk sales due to the extensive 90 day
4 milk withhold period. The producer commented
5 that if lungworm infests his cows again, he will
6 be forced to drop out of organic production, so
7 he hopes that NOSB will reduce the unnecessary
8 milk withholding time. Next slide please.

9 These are the current classic deworming
10 strategies that have been proven to work well in
11 our non-organic herds. By placing restrictive
12 milk and meat withholding times on FBZ, organic
13 dairy producers are unable to deworm an entire
14 herd in the fall, or individual cows or heifers
15 at freshening when an immune system must be
16 working at peak performance. Next slide.

17 If parasite eggs are removed from the
18 whole herd in the early grazing season, load
19 stays low for the entire grazing season.
20 Therefore, the whole herd needs to be dewormed.
21 And it is not economically feasible to operate a
22 non-organic milk process while waiting out the

1 excessive 90 day milk withholding time. Next
2 slide.

3 Proactive strengthening of immune
4 systems is a goal of organic producers because
5 they have chosen to care for their animals
6 without antibiotics and other antibacterial
7 drugs.

8 Proper vital security management goes
9 beyond just injecting cows with vaccine. It
10 requires adequate nutrients and trace minerals in
11 the diet, and removal of internal and external
12 parasites to promote a strong immune system.
13 Next slide.

14 Internal parasites promote the TH2
15 pathway which competes with the proper immune
16 response to vaccines and leaves the calves
17 susceptible to secondary invaders like
18 coccidiosis and bovine respiratory disease. Next
19 slide.

20 355 stocker calves were placed in a
21 split trial design on pasture. Half were treated
22 with Fenbendazole and the other were untreated,

1 controlled. Then the calves were moved onto the
2 feedlot, and half the controlled were left
3 untreated, and the other half were treated with
4 FBZ. The same with the treated pasture calves.
5 Of the four groups in the feedyard, 60 percent of
6 the polled, that is the ones treated for
7 pneumonia, came from the group that received no
8 Fenbendazole on pasture or in the feedlot.

9 And there were only seven percent of the
10 polls came from the calves that were treated in
11 pasture and in the feedyard. The only difference
12 was the deworming, and it shows a negative effect
13 of internal parasites on natural immunity. Next
14 slide.

15 FBZ is the superior --

16 (Telephonic interference.)

17 MR. HENDERSON: Could I go to my 13th
18 slide please for my closing remarks?

19 CHAIR RICHARDSON: Yes, okay.

20 DR. TUCKER: Is it that?

21 MR. HENDERSON: Okay, and this is the
22 closest example that I could come to, to find an

1 organic identified field trial where --

2 CHAIR RICHARDSON: Slide No. 13, Jenny.

3 DR. TUCKER: Yes, except I have the
4 inserted first slide, so his 13th slide is our
5 14th slide here.

6 CHAIR RICHARDSON: Okay. Go ahead.

7 MR. HENDERSON: Okay, so what I'm seeing
8 on my screen is the photo of the pasture from the
9 buffalo herd?

10 DR. TUCKER: Is that what you want to be
11 showing, or?

12 MR. HENDERSON: Yes, that's what I want
13 to show. And so what this is showing is it's the
14 closest example I could come up to to an organic
15 identified field trial. And if you'll notice the
16 intact fecal pats across the pasture, this is
17 where Bison received eprinex pour-on. Eprinex
18 was extruded six days and killed off all the lung
19 beetles that would have ingested these manure
20 pats.

21 So to assist organic cattle producers,
22 build soil health and subsequent water quality,

1 Ivermectin dewormers should be removed from the
2 NOSB approved product list. For further evidence
3 of the lethality to dung beetles, please look at
4 sections in the written comments.

5 CHAIR RICHARDSON: Thank you very much,
6 Kent. And I know that the Board Members will be
7 getting copies of these slides so that we can
8 look at rest of them -- I believe there were 29,
9 so that we can review these prior to the meeting,
10 and certainly prior to the discussion document
11 that we'll be looking at later in the week, and
12 then in April.

13 I am not seeing any questions coming up.

14 DR. TUCKER: Francis has a question.

15 CHAIR RICHARDSON: Francis?

16 MR. THICKE: Yes, can you hear me?

17 MR. HENDERSON: I got you, I can hear
18 you.

19 MR. THICKE: Okay, I got three quick
20 questions. One, how long do you think the
21 withholding time should be for Fenbendazole?

22 MR. HENDERSON: In milk it should be

1 zero. It is always below the safe level in milk.
2 I think it should go out to 14 days for beef. As
3 I said, baby calves are -- in cows that have been
4 dewormed, we've got data and it's in your written
5 comments, that those calves, it doesn't show up
6 in the tissue of bob veal, from newborn calves
7 from cows that have been dewormed.

8 MR. THICKE: Okay, Number 2, what about
9 moxidectin, what's your opinion on that? If it
10 should stay or be taken off the list?

11 MR. HENDERSON: Moxidectin, I don't use
12 the product, I'm not real familiar. If it is an
13 Ivermectin-type product, I would not recommend
14 that it be used on organic cattle or any pasture
15 cattle.

16 MR. THICKE: Okay, and the third
17 question, currently we have a requirement that if
18 you use Fenbendazole, it requires a
19 veterinarian's prescription, and that's not the
20 case for Ivermectin currently. Do you think that
21 it should remain that a veterinarian has to
22 prescribe Fenbendazole to use it for an organic

1 farmer?

2 MR. HENDERSON: It is not done so for
3 non-organic farms. I do not see why it would
4 have to be a veterinarian prescription item. I
5 know that it is sold over the counter, the blocks
6 are sold over the counter, and so it is not a
7 prescription item.

8 MR. THICKE: Okay, thank you.

9 CHAIR RICHARDSON: Thank you very much,
10 Kent, appreciate your comments.

11 The next speaker is Steve Etko, and
12 he'll be followed by Jeff Noland. Steve, are you
13 there?

14 MR. ETKO: I am, can you hear me?

15 CHAIR RICHARDSON: Yes.

16 MR. ETKO: Great.

17 DR. TUCKER: I'm going to ask, Steve,
18 before you start, everybody please, please go on
19 mute. We are still getting some background
20 noise. I can't always tell who it is, so please
21 stop monitor and go on mute. Thanks so much.
22 Steve?

1 MR. ETKA: Okay, thanks. My name is
2 Steve Etko and I'm Policy Director for the
3 National Organic Coalition. I'd like to talk a
4 little bit about some of the things that NOC is
5 working on in Washington D.C. and how those
6 things relate to your work on the NOSB.

7 First we continue to be very pleased
8 that the NOSB is putting forth the list of
9 research priorities, and in addition to that
10 excellent list and discussion of research
11 priorities adopted by the Materials Subcommittee,
12 NOC is urging the addition of two topics to the
13 list.

14 First, methyl bromide alternatives for
15 organic strawberry production. Currently no
16 commercial scale organic strawberry nurseries
17 exist to supply organic strawberry transplants to
18 growers.

19 As a result organic strawberry growers
20 have no other choice than to purchase transplants
21 from conventional nurseries, which fumigate their
22 soils with the argon depleting chemical methyl

1 bromide.

2 Now that methyl bromide has been
3 outlawed for use under the UN's Montreal protocol
4 since 2005, the U.S. has applied for an exemption
5 for the strawberry industry for the past ten
6 years. And NOC believes that the U.S. should
7 prioritize research on organic alternatives to
8 the use of methyl bromide in strawberry
9 production.

10 The second is celery powder. Non-
11 organic celery powder contains higher levels of
12 nitrates, thereby performing an important
13 antimicrobial function that organic celery cannot
14 provide in organic processed meat products.

15 This raises a couple of questions.

16 First, why does non-organic celery powder contain
17 higher levels of nitrates? And is this desirable
18 from a health standpoint?

19 Second is, is it possible to modify the
20 growing conditions to grow celery organically to
21 obtain the same antimicrobial function?

22 We're also very pleased that the

1 subcommittee has included a section calling for
2 more research on sanitizers and alternatives to
3 the use of chlorine.

4 I also wanted to note, to let you know
5 that in the congressional annual preparations
6 process, the Senate Appropriations Committee
7 included language noting the NOSB's work in this
8 regard. And urging USDA to consider these
9 priorities in crafting requests for research
10 proposals under two key USDA competitive grant
11 research programs.

12 The second issue I wanted to bring to
13 your attention is regarding the use of ionizing
14 radiation. Currently the organic rule prohibits
15 the use of ionizing radiation in organic, but
16 points to an FDA description of ionizing
17 radiation to guide handlers in knowing which
18 specific technologies are prohibited.

19 But on closer inspection, it appears
20 that the FDA description is too narrow. For
21 instance, our research has shown that a subset of
22 ultraviolet radiation, specifically UVB and C, is

1 actually considered to be an ionizing, and yet
2 such UV technologies are not captured in the FDA
3 description of ionizing radiation.

4 As a result, we feel that there may
5 actually be some forms of ionizing radiation
6 technology that should be prohibited in organic
7 that are not, because of the inadequate FDA
8 description. NOC has written a memo to the NOP
9 raising this concern and we've recommended that
10 the NOSB take this issue up for further analysis
11 and public debate.

12 The last issue I'd like to raise is the
13 issue of animal welfare standards, and
14 particularly outdoor access for poultry. At the
15 last NOSB meeting, Miles McEvoy mentioned animal
16 welfare standards as being on the short list for
17 new NOP rules. Animal welfare standards are one
18 area where organic is most in need of
19 improvement, particularly in the area of outdoor
20 access for poultry.

21 NOC members are very eager to see
22 progress in the area. Unfortunately, we've heard

1 some suggestions in Washington that the recent
2 avian influenza challenge that's faced in the
3 poultry sector could interfere with NOP plans to
4 strengthen rules with regard to outdoor access
5 for organic poultry.

6 NOC members argue that there is no
7 reason to delay the immediate improvements based
8 on the recent AI problems, in fact existing NOP
9 rules already allow for temporary confinement of
10 birds in emergency circumstances.

11 But in the long run, we would argue that
12 allowing poultry to have access to open air and
13 sunlight should be viewed as part of the solution
14 to pathogen problems, and not the problem itself.

15 NOC has submitted a short paper to the
16 NOP laying out some of the most recent science
17 about the relationship between avian influenza
18 and confinement versus outdoor access. And we'd
19 be happy to share that paper with NOSB members
20 too if that would be helpful. Thanks for the
21 opportunity to testify.

22 CHAIR RICHARDSON: Thank you very much,

1 Steve. Questions are not coming to Jean
2 Richardson, maybe they're going to Chairperson,
3 but I'm not seeing any.

4 DR. TUCKER: I don't see any questions
5 on the screen. They have been coming for co-
6 presenters, so if you can't see that I'm not sure
7 what the problem is.

8 CHAIR RICHARDSON: Okay. So thank you
9 very much, Steve. Much appreciated and I know
10 we've read the -- I mean, you've sent to NOC and
11 sent in extensive other comments which I know
12 we've all read.

13 The next speaker is Jeff Noland, and
14 he'll be followed by Theojury Crisantes. Jeff
15 are you there?

16 MR. NOLAND: Hi there, yes I am here.
17 Can you hear me?

18 CHAIR RICHARDSON: Yes.

19 MR. NOLAND: Okay, perfect. Now thank
20 you all so much for allowing me to participate.
21 I'm the Managing Director of a firm by the name
22 of EnergyWorks BioPower in Annapolis, Maryland.

1 And my comments today are regarding the
2 commencement of the proposed sunset of the
3 prohibition against using ash from manure burning
4 as an organic fertilizer ingredient.

5 So that the first point I would like to
6 make is within the National Organic Program
7 there's a compulsion for the NOSB to consider the
8 environmental value of a particular course of
9 action. And I will say as second that in our
10 region -- and also I think the initial comments
11 that were made today, reflect the fact that at
12 least around here manure is the single largest
13 contributor to water pollution. Certainly in the
14 Chesapeake Bay watershed, and in general in the
15 mid-Atlantic region.

16 And quite frankly, that something has to
17 be done about it. It's a major issue and it's
18 certainly the major issue in the Chesapeake Bay.
19 One of the points that I would make is that I
20 know that it'd be great if we could dry all the
21 manure and put it in a form where it could be
22 easily transported. But it's just not practical

1 to do that. And it creates the potential for
2 significant air emissions.

3 And from the people that have tried it,
4 a really big outfit in that category, Perdue
5 Farms, are not succeeding with it financially.
6 One of the solutions that has evolved is to take
7 manure and use it to generate renewable power.
8 This kind of an approach consumes very large
9 quantities of manure. And it can be a major
10 element in solving the excess manure challenge.

11 However, the economics of projects such
12 as that can be a struggle without a significant
13 amount of government intervention. An economic
14 model that maximizes the value of reclaimed
15 manure minerals is therefore crucial to the
16 viability of projects like that.

17 In being able to commit use to manure
18 minerals in an organic fertilization program more
19 than doubles the revenue that a renewed energy
20 facility can derive from these residues.

21 Another point is that reclaimed minerals
22 can replace calcium phosphates in an organic

1 fertilization program. While manure minerals are
2 excluded from use, synthetic products that are
3 mined are not. And so it's very common to mine
4 phosphates to rely with, and declare excavation
5 a radioactive tailings.

6 And these tailings piles, or stacks as
7 they are called, are regulated by the U.S. EPA
8 and they are a major environmental hazard today
9 in phosphate mining regions such as Central
10 Florida. So a synthetic product that generates
11 significant quantities of regulated radioactive
12 waste is allowed within the organic list. But
13 non-synthetic manure minerals are prohibited.

14 I'm sorry to say that most organic
15 consumers, myself included, would find this to be
16 completely inconsistent with logic, and with the
17 organic mission.

18 So in light of this an open-ended
19 prohibition on using manure ash as it's called,
20 in organic fertilization programs really needs to
21 be allowed to sunset. And it needs to be
22 replaced with something that reflects the current

1 reality. That way all -- manure is a major
2 weather pollutant. There are pollution control
3 solutions and for a chemical reaction to select
4 nutrients and operate under EPA regulated air
5 permits.

6 Then I wanted to talk to you about
7 uncontrolled open burning, but a controlled
8 environment reaction with the mission controls.
9 Evidence that the prohibition has outlived its
10 original function is evidenced by a lack of
11 consensus on what it is supposed to be
12 prohibiting or promoting.

13 So for example, this technical panel
14 reviewed our material and purport to have been in
15 on its original conception. They say that it's
16 in place to prevent the loss of organic nitrogen
17 sources, but when the subcommittee voted
18 unanimously against sunsetting this, the current
19 organics, you know they said it had something to
20 do with carbon and the use of carbon in this.

21 So ash, and also ash from animal sources
22 which contain carbon are allowed but ash in the

1 air is not. So it's inconsistent and by solving
2 the nitrogen imbalance problem, and putting
3 carbon to use in generating renewable power,
4 neither of those arguments hold water.

5 So I will say kindly, that this position
6 isn't just ours -- I mean our firm operates a
7 manure to energy system, but supported by the
8 Departments of Agriculture and the Environment,
9 and all Chesapeake Bay watershed states by the
10 U.S. EPA region affiliated with Chesapeake Bay
11 Program Office, by the Chesapeake Bay Commission,
12 and furthermore by the immediate environmental
13 organization in the Bay, the Chesapeake Bay
14 Foundation. So my point is, it's time to make a
15 change. We need to replace a prohibition that
16 promotes water pollution with a modern approach
17 reflective of today's reality.

18 CHAIR RICHARDSON: Great, thank you very
19 much.

20 MR. NOLAND: Those are my comments.

21 CHAIR RICHARDSON: Jeff, thank you.

22 MR. NOLAND: You bet.

1 CHAIR RICHARDSON: Questions for Jeff?
2 Are there questions for Jeff? Sorry, I can't
3 hear you.

4 DR. TUCKER: We see no questions for
5 Jeff on the screen.

6 CHAIR RICHARDSON: Okay, me neither.
7 Okay, thank you very much, Jeff.

8 MR. NOLAND: Thank you, any time.

9 CHAIR RICHARDSON: The next speaker is
10 Theojury Crisantes, and he'll be followed by Bob
11 Blue.

12 Theojury, are you there?

13 MR. CRISANTES: Yes, I'm here. Can you
14 hear me?

15 CHAIR RICHARDSON: Yes.

16 MR. CRISANTES: All right. I have a
17 presentation that has slides. Are they showing
18 up on the screen?

19 CHAIR RICHARDSON: I don't see anything
20 on the screen, and could you also tell us who you
21 -- you're an organic farmer. Could you tell us
22 something about yourself?

1 MR. CRISANTES: Sure, my name is
2 Theojary Crisantes, I'm an organic farmer. I
3 work in Wholesum Harvest, I'm the Vice President
4 of Organic Production. We're based out of
5 Nogales, Arizona.

6 CHAIR RICHARDSON: Thank you. And I
7 don't see anything on the screen, was this some
8 material that you sent in ahead of time?

9 MR. CRISANTES: Yes, I did.

10 MS. ARSENAULT: This is Michelle, and
11 sorry I don't recall getting your PowerPoint
12 presentation. I'll look for it, but will you be
13 able to continue without it?

14 MR. CRISANTES: Yes, I can continue
15 without it, it's no problem.

16 DR. TUCKER: Before you start talking,
17 I'm going to ask once more to go on mute when
18 you're not speaking. If you're not speaking go
19 on mute.

20 Okay, go ahead.

21 MR. CRISANTES: Okay. Good afternoon,
22 thank you for your time. My name is like I said

1 Theojary Crisantes. I'm an organic farmer of
2 tomatoes, cucumbers, squash, pepper, and eggplant
3 from our family farms in the United States and
4 Mexico.

5 My grandfather planted his first crop in
6 Mexico over 85 years ago. Then my father read
7 Rachel Carson's Silent Springs several decades
8 ago and switched organic operations to organic
9 production. The book highlighted for our family
10 and for many of our customers the important
11 ecological interconnections between nature and
12 human society.

13 The feedback we get from consumers of
14 our products is that the most important reason
15 for buying organic produce is that it's
16 practically free from chemicals not found in
17 nature. They feel organic offers a better
18 solution to their concerns for their own health,
19 the health of the workers in the fields, and the
20 reduced impact on the complex web of life found
21 in their natural environment.

22 In our company, we are passionate

1 to make organic vegetables available to everyone.
2 Not just for those with high incomes. We want
3 all Americans to enjoy the benefits afforded by
4 having access to organically grown vegetables.
5 These efforts have lead us to choose several
6 technology packages that help us minimize the
7 impact on the natural environment.

8 Many of our farms are located in
9 established agricultural valleys where the
10 balance of nature has been disrupted over 100
11 years of productions. We found that often times,
12 the best way to create a sustainable and thriving
13 organic system is to exclude from our production
14 sites, pests and diseases that cannot be
15 effectively controlled by our existing organic
16 methods.

17 For example, for squash we have
18 minimized the use of a lot of chemicals by
19 incorporating floating row covers to help exclude
20 aphids while still being planted in the outer
21 crust of the earth.

22 For peppers, deleting the presence of

1 the pepper weevil in our main production sites --
2 our production areas that lack the beneficial
3 predator insects, we found that we can minimize
4 the impact on the environment by growing in shade
5 houses, which are mesh covered steel structures
6 covering the soil. The shade house allows us to
7 exclude the damaging pests and virtually
8 eliminate the need for chemical sprays.

9 For tomatoes the disease, pest, and
10 environmental pressure are extremely high in the
11 open field production areas. We experimented and
12 discovered that we could -- that we end up using
13 heavy loads of chemicals and other scarce
14 resources while we are still rarely producing a
15 commercial, viable, organic crop.

16 We have invested in glass houses where
17 we grow our tomatoes in containers. The
18 greenhouse system allows us to have a primary
19 disease and pest control system to the exclusion
20 of damaging organisms such as fusarium,
21 verticillium, and nematodes.

22 At the same times the organic -- the

1 greenhouse increases the efficiency of our
2 beneficial insect program. Growing our plants in
3 containers system allows us to reduce the water
4 use by 80 percent and to reduce the need of
5 production areas by 90 percent, helping us to
6 preserve critical natural habitat and resources.

7 We are strong believers in the food --
8 in the solid food way and apply its principle to
9 all of our operations, even in the containers in
10 the greenhouse. We create living environments
11 with significant, diverse, biologicals natured by
12 our own compost heap to help us grow healthier
13 and more productive plants.

14 We believe that our greenhouse
15 operations meet the standards of biology,
16 diversity, and natural growing media in the 2010
17 NOSB recommendations. As an added benefit we use
18 the combination of production technologies that
19 allow our company to move virtually all of our
20 employees to full-time, year-round work, helping
21 to eliminate the need to migrate from region to
22 region throughout the year to feed and care for

1 their families.

2 Nevertheless, we understand that what is
3 the most environment sustainable solution for our
4 operations will not necessarily be the best for
5 other crops and other production regions.

6 As the community moves forwards to
7 debate whether hydroponics and aquaponics have a
8 place in the organic industry, we should be
9 careful not to stunt the evolution of methods and
10 systems that help make organics more accessible
11 for our customers.

12 We must find that a careful balance to
13 avoid -- we must find a careful balance to avoid
14 either excluding approaches that might be truly
15 more environmentally sustainable, or creating a
16 set of exceptions that is neither consistent nor
17 logical.

18 We are ready to share our experience and
19 knowledge and the task force, and look forward to
20 helping the Board, and the industry, move forward
21 on the issue of hydroponic roles in organics.

22 Thank you for your time.

1 CHAIR RICHARDSON: Thank you, that was
2 a great presentation. Much appreciated. And I
3 know that the PowerPoint should be able to be
4 made available to all of us. Is that correct
5 then, Michelle?

6 MS. ARSENAULT: Yes, I just searched my
7 email and I don't see it. So if you could
8 forward it to me, I will make sure the Board gets
9 it. Sorry about that, thank you.

10 CHAIR RICHARDSON: So Theojury, do you
11 know the right email address to send it to?

12 MR. CRISANTES: I believe is --

13 CHAIR RICHARDSON: Michelle Arsenault.

14 MR. CRISANTES: Yes.

15 Michelle.arsenault@ams.usda.gov?

16 CHAIR RICHARDSON: Yes, that is correct
17 and she'll get it to the Board.

18 MR. CRISANTES: Great, I will do that.

19 CHAIR RICHARDSON: Thank you very much.

20 The next speaker is Bob Blue, and after
21 Bob it will be Margaret Scoles. Bob, are you
22 there?

1 (No audible response.)

2 CHAIR RICHARDSON: Bob Blue from Fetzer
3 Vineyards?

4 DR. TUCKER: We don't see Bob's area
5 code on the screen, and his name is not listed as
6 somebody who dialed himself in.

7 CHAIR RICHARDSON: Okay. I do know that
8 we have written materials that have also been
9 sent in from Fetzer Vineyards, so perhaps that
10 will be adequate. But Bob if you're out there,
11 and we can't hear you, feel free to call in and
12 see if we can add you in at the end.

13 So therefore, the next speaker will be
14 Margaret Scoles of the IOIA, and she'll be
15 followed by Val George.

16 Margaret, are you there?

17 MS. SCOLES: I'm here. Can you hear me?

18 CHAIR RICHARDSON: Yes, we can hear you.
19 Thank you.

20 MS. SCOLES: I am Margaret Scoles, the
21 Executive Director of the International Organic
22 Inspectors Association, located in Broadus,

1 Montana.

2 Very appreciative of this web-based
3 opportunity to provide comment. It's a great new
4 way to do it. I won't be in Vermont with you,
5 although our organization will be sending someone
6 to that meeting. And we've already submitted
7 extensive written comments, so I won't repeat
8 everything that's in the written comments.

9 First, just a little bit more about who
10 we are and why we're commenting. The
11 International Organic Inspectors Association is
12 a globally organized membership association of
13 organic farm, livestock, and processing
14 inspectors in more than a dozen countries. And
15 we are the leading voice for organic inspectors.

16 Our mission is to address issues and
17 concerns of organic inspectors, provide quality
18 inspector training, and to promote consistency
19 and integrity in the organic certification
20 process.

21 Our members represent a wide range of
22 participants in the organic sector. Two members

1 of our Board of Directors are certified organic
2 farmers. And our members, although they may not
3 be certified, see thousands of certified organic
4 operations in the course of their annual
5 inspections. The annual inspections are of
6 course one of the critical components to the
7 certification process.

8 About 68 percent of our inspector
9 members are based in the U.S., but more than
10 that, inspect to the NOP because the NOP is
11 applicable to our members in Costa Rica, and
12 Australia, and most other places in the world.

13 So, I wanted to start with a general
14 comment. We did submit comments to each of the
15 three subcommittees. But our focus is really on
16 materials for farmers and livestock producers.
17 And the reason that we chose that focus is that
18 we think that handlers are usually -- maybe not
19 always, there are a lot of small handlers that
20 may be in a better position to speak to the
21 materials that they need to stay on the list, but
22 farmers are less likely to make the trip to

1 participate. And that's why I think these web
2 sessions are so important.

3 And they are a lot more likely to
4 suddenly find that a material that they use has
5 fallen off the list. So our general comment to
6 you as a Board is just because there aren't lots
7 of farmers speaking to keeping a material on the
8 list, doesn't mean it should not still be on the
9 list.

10 And we reviewed all the materials that
11 were up for sunset review and commented on most,
12 but not all of them, because some of them we
13 didn't necessarily have a strong opinion on.

14 I just chose a few to comment on. On
15 the crop list, we think it's essential that
16 ethylene for regulation of pineapple flowering,
17 be kept on the list. It's just important to
18 allow for coordinated transport of organic
19 pineapples. And this material is equally
20 important to all pineapple producers, no matter
21 whether they're small or large.

22 And then there is some materials that

1 are up for review, which sometimes you wonder why
2 we would speak to them, because you're probably
3 already in favor of them. But in case you have
4 any questions, there are many, many producers
5 using liquid fish, copper, sulfur, and humic
6 acid.

7 I wanted to share something with you
8 from the Chair of our Board of Directors, who is
9 a professional agrologist. He wrote something on
10 humic acids and he said, humic acids are the
11 essential component of naturally occurring soil
12 organic matter.

13 And one of the few standards that didn't
14 allow for humic substances, was alkali extracted
15 humic acid, was the JAS standard. But now that
16 we have NOP/JAS Equivalency Agreement this
17 barrier is no longer an issue for U.S. farmers.

18 He inspects hundreds of farms and he
19 said that roughly ten percent of the organic
20 farms he inspected out of 200 farms, use humic
21 extracts. And the majority of these were in
22 regions with a naturally low organic matter

1 levels.

2 And so he wrote a little bit about the
3 benefits of that, but I will just, it's an
4 example of where you may not get lots of farmers
5 who show up to say please keep humic acid on the
6 list, but there are a lot of farmers who would be
7 really startled to discover that a material that
8 they knew was on the list was no longer there.

9 We also really support your proposal for
10 changing the annotation for micronutrients. We
11 think that's more, allows more flexibility and is
12 very sensible. The livestock issue, I just
13 wanted to see what -- does that mean that's my
14 final --

15 (Telephonic interference.)

16 CHAIR RICHARDSON: Margaret, that's your
17 five minutes up. Is this something that you've
18 already put in writing?

19 MS. SCOLES: We --

20 CHAIR RICHARDSON: In your comments?

21 MS. SCOLES: Not exactly, I mean not
22 this, not what I was just going to say.

1 CHAIR RICHARDSON: Okay, could you just
2 be real quick and add it? That would be good.

3 MS. SCOLES: Sure, I just wanted to
4 share the fact that I visited with a producer
5 this summer on an inspection. And he was
6 concerned that, he said, I hear they're taking
7 vaccines away from us. And I, and he said I
8 heard the fact that vaccines are off the list.

9 And I said, I'm quite sure that they are
10 part of a required preventive program and the
11 organic standards. And I'm sure that they're not
12 coming off the list. But when I thought about
13 it, it did seem that it was worth bringing it up
14 that producers don't always feel that they can
15 come to the NOSB and say, we need vaccines and so
16 I'm saying it for them.

17 Actually, that's all I had to say, and
18 our written comments have everything else. Thank
19 you.

20 CHAIR RICHARDSON: Great, thank you very
21 much, Margaret. It was very helpful and
22 informative. I don't see any questions coming up

1 on my screen.

2 MR. AUSTIN: Jean.

3 CHAIR RICHARDSON: Yes, is that Harold?

4 MR. AUSTIN: Yes, ma'am.

5 CHAIR RICHARDSON: Hi, Harold. Harold
6 is not on my screen, but he's on the phone line,
7 so this Harold Austin in Washington, Margaret.

8 MR. AUSTIN: Thanks, Jean.

9 Margaret, thank you. I've read your
10 comments. You started your presentation talking
11 a little bit about the ethylene and the need to
12 keep it for -- because it was used by all sizes
13 of growers.

14 Could you elaborate on that just a
15 little bit from the inspectors side of the -- the
16 size of the operations or the need? That it's
17 not just one particular segment. Is it all
18 segments, as far as sizes and stuff, of organic
19 pineapple producers that relied upon this
20 material?

21 MS. SCOLES: It's my understanding based
22 on the input of our Board of Directors, who sent

1 these comments, most of us don't inspect
2 pineapple, but some of us do. And that was the
3 comment of the Latin American inspector was
4 everyone needs it, everyone uses it, this is not
5 something that just large producers use.

6 Because what it does is synchronizes
7 flowering so that the harvest can be -- get to
8 market in a more manageable way.

9 MR. AUSTIN: Okay. Thank you.

10 CHAIR RICHARDSON: Thank you, Margaret.
11 The next speaker is Val George, and Val will be
12 followed by Barry Flamm. Val, are you there?

13 MS. GEORGE: Hello, can you hear me?

14 CHAIR RICHARDSON: You're extremely
15 faint.

16 MS. GEORGE: Okay, let me turn up some
17 volume here.

18 CHAIR RICHARDSON: Sometimes if you're
19 just only speak on the computer, you have to
20 really speak up quite loud.

21 MS. GEORGE: Okay, is that a little
22 better?

1 CHAIR RICHARDSON: That's much better,
2 yes.

3 DR. TUCKER: Could we also have
4 everybody else go on mute, please? There's some
5 background noise. Please go on mute when you're
6 not talking. Okay, go ahead.

7 MS. GEORGE: My name is Val George, and
8 I'm a farm certification supervisor at CCOF.

9 Thank you for your work to maintain
10 organic integrity and also for the opportunity to
11 share our comments. We really appreciate this.
12 I would like to start by addressing the issue of
13 synthetic parasiticides in organic livestock
14 production.

15 Organic livestock producers primarily
16 utilize their experience, and deep understanding
17 of pasture management as a means of controlling
18 parasites. Even so, there are still occasions
19 when preventive tactics are not enough to
20 overcome a heavy parasite load, and it is during
21 these times that organic farmers and ranchers
22 need tools to help keep their herd healthy.

1 CCOF supports the continued listing of
2 both ivermectin and moxidectin at least until
3 nonsynthetic alternatives are widely available.
4 It is important to note that we do not see these
5 products used as a crutch to support poor
6 management, but rather in cases when there has
7 been a documented emergency, whether through
8 fecal tests, animal condition reports, and/or
9 veterinarian recommendations.

10 While we agree that there is tremendous
11 value in protecting dung beetles, and the organic
12 community should remain united on that front, the
13 problematic issue seems to be the persistent use
14 of products like ivermectin having long term
15 negative impacts on the beetles. Organic
16 regulations strictly prohibit persistent and
17 routine use.

18 Organic livestock producers work very
19 hard to protect their soil biodiversity because
20 they also know the benefits of a healthy and
21 balanced eco-system.

22 I would also note that many of the

1 studies cited on the impact of ivermectin on dung
2 beetles were not conducted on organic farms. And
3 perhaps there is something to be gained from an
4 organic system that inherently supports a more
5 robust soil microbe community.

6 Similarly, concerns about parasite
7 resistance are valid, but I would just reiterate
8 that we do not see these products being used in
9 a way that would lead to resistance. We see them
10 used cautiously and as a last resort when herd
11 health is compromised.

12 Furthermore, we support changes to the
13 parasiticide annotation to ensure that these
14 tools are only for emergency use. CCOF
15 encourages an annotation change that includes
16 additional required documentation that is
17 sensible and supports organic integrity.

18 Organic livestock producers need tools
19 to protect animal health. The welfare of their
20 animals is their top priority, and having access
21 to materials like vaccines, hydrogen peroxide,
22 iodine, aspirin, and parasiticides provide the

1 opportunity to diligently maintain a whole
2 systems approach that supports resilient, healthy
3 animals, while also knowing they have sound and
4 practical list of allowed materials when
5 preventive measures are not effective and
6 nonsynthetic alternatives are not available.

7 Removing of these materials could result
8 in either large numbers of organic animals
9 removed from certification, or worse, compromise
10 the welfare of the animal.

11 Even beyond these healthcare practices,
12 CCOF recommends that the broader topic animal
13 welfare be a top priority and encourages further
14 research and development of standards focusing on
15 this area. Thank you for your time.

16 CHAIR RICHARDSON: Thank you very much,
17 Val. I have to say, that it was not always easy
18 to quite catch what you were saying, so my first
19 question is: are many of these comments that
20 you've just made also in the written comments
21 submitted by CCOF?

22 MS. GEORGE: Yes, most of them are in

1 the written comments as well.

2 CHAIR RICHARDSON: Okay, very good. So
3 I don't see any questions coming up for you, so
4 I very much appreciate your comments.

5 Before I turn to Barry, I will point out
6 that Bob Blue has --- is able to call in, and
7 we're going to add him in at the end of all the
8 people that in sequence that we have coming up.

9 So the next speaker is Barry Flamm, and
10 he'll be followed by Goldie Caughlan. If you're
11 there and if Goldie isn't, we will move on to
12 Steve Sprinkel because I know that Goldie may or
13 may not be on at this time.

14 Barry Flamm, you're up.

15 MR. FLAMM: Hi, can you hear me?

16 CHAIR RICHARDSON: Yes.

17 MR. FLAMM: All right, I want to give
18 out a special "Hello", to the Board Members I
19 have worked with in the past. And this is the
20 first time, figuratively speaking, that I sit on
21 a different side of the table from the Board.

22 As most of you know, I'm a former NOSB

1 member and served on the Environmental seat from
2 2008 to January 2013. As a true volunteer, not
3 receiving any compensation or any assistance from
4 anyone.

5 Chair Rigo Delgado appointed me to the
6 three committees, Crops, Compliance Accreditation
7 and Certification, and the Policy Development
8 Committee. And they made me Chair of that
9 Committee soon after. I served in that capacity
10 until being elected Board Chair in my last year.
11 Therefore, I know something about NOSB, and my
12 comments today are primarily about process.

13 There's not enough time to summarize my
14 background but for those who don't know me, I've
15 many years' experience in education in
16 conservation and organic, nationally,
17 internationally with governments, NGOs, private
18 companies et cetera. I spent 27 years in the
19 U.S. government, mostly in the USDA Agency.

20 Presently I'm engaged in conservation
21 consulting and volunteer activities with a number
22 of conservation, agriculture groups, including

1 the Montana Organic Association, which I was
2 involved in its founding and the Cornucopia
3 Institute as a Board member.

4 My first Board meeting, NOSB people
5 meeting with us, was Spring of 2008 in Baltimore.
6 I was very impressed by the member and the public
7 presentations and the seriousness that the Board
8 paid to those presentations.

9 Of my many public meetings over the
10 years, this was superior. And public input was
11 and is very important to the Board. In fact, a
12 major duty as voice of the organic community.
13 The Board has served a vital role from the very
14 beginning of USDA Organic Program, holding
15 meetings and controlling of public regulations
16 for implementing the initial organic regulations.

17 When these recommendations were ignored
18 by USDA, there was unprecedented public response
19 leading to the regulations rewrite, excluding
20 undesirable features such as allowing GMOs.

21 To guide its important activities, the
22 Board developed a Policy and Procedure Manual,

1 the PPM. Policies were developed with public
2 review and comments before the Board votes. As
3 the Board at work matured, issues arose that was
4 need for revision, which was done and very
5 transparently.

6 And some of the proposed changes came
7 directly from public comment. At the time of --
8 and none of the Board was around at this time --
9 the time of my appointment, Dr. Robertson was
10 Deputy Administrator for Transportation and
11 Marketing in AMS. The NOP was buried in that
12 organization at that time, with a staff of only
13 seven and a budget of one and a half million.

14 To put it lightly, Dr. Robertson was not
15 an organic person, and often in conflict with the
16 office. And did not really believe in the
17 material concept. Then in 2008 political changed
18 organics, substantially increased financially and
19 added to USDA for clarity. Support for organics
20 and pledge for organic integrity from farm to
21 table, consumers trusted the organic label.
22 Great, we were enthused.

1 The Board worked with the new Deputy
2 Administrator, Miles McEvoy to help make this a
3 reality. Working with Mr. McEvoy, procedures
4 were improved. NOSB/NOP collaboration was
5 developed by the PDC and approved by the full
6 Board as of October 10th meeting. At the same
7 time, the strength of organic integrity, the
8 Policy Committee proposed a revision in the
9 Policy and Procedure Manual for the Sunset
10 Procedures, to better achieve the mandates of
11 office. These changes had the support of Mr.
12 McEvoy.

13 My direct involvement with the Board in
14 these issues ended when my term expired in
15 January 2013. However, I was taken by surprise
16 and shocked when I learned the NOP effectively
17 just disbanded the Policy Development Committee
18 and indicated that the Policy and Procedure
19 Manual was no longer in force.

20 The most immediate and serious result of
21 these changes was that on September 13, Mr.
22 McEvoy announced changes in approval of the

1 petition process. And most critically, the
2 Sunset Procedures were dramatically changed,
3 requiring a two-thirds vote to remove the listed
4 material, rather than the required two-thirds
5 vote to keep it from --

6 CHAIR RICHARDSON: That indicates five
7 minutes. Do you have much more?

8 MR. FLAMM: I just have a couple points.
9 I want to point out the concern that the authors
10 of the -- Senator Patrick Leahy and Peter DeFazio
11 -- expressed on the changes and urged the
12 Secretary of Agriculture to reverse this policy.

13 The other thing is, my major concern is
14 the effect this is having on organic integrity
15 and the fact the Consumers Union has downgraded
16 the organic seal.

17 What I recommend is that, to restore it
18 and its devaluing of the organic, the seal. It's
19 to return to the PPM August 12th, the version of
20 then PPM and then use the process that was setup
21 to make changes. And changes, of course, will be
22 needed as they have in the past.

1 And I'd like to see the authority of
2 NOSB restored -- the full authority -- like the
3 development on its own, intended. Thank you.

4 CHAIR RICHARDSON: Great, thanks you
5 very much. Barry, as one Chair to a former
6 Chair, I can appreciate what it was like for you
7 when you were chairing things. I believe I have
8 a question on the line from Tracy Favre, who's
9 presently the Chair of the Policy and Procedures
10 Subcommittee. Tracy.

11 MS. FAVRE: Hi, Barry. Thanks for
12 sending us your comments and your perspectives
13 today. When you say the regular process for
14 receiving comments and collaboration, can you
15 elaborate on that a little bit, please?

16 MR. FLAMM: Yes. I think one, is that
17 they we would consult and work together on
18 developing the work plans. And take into account
19 the --

20 (Telephonic interference.)

21 MR. FLAMM: ---- of the NOP, but leaving
22 in the final decision with the Board. So it

1 could appropriately advise the Secretary and
2 fulfill its requirements.

3 It was a lot of trying to clarify the
4 staff's, clarifying and you know, the
5 perspective, what is now called subcommittees.
6 The committee would present its work plan to the
7 Executive Committee, this would be discussed.
8 And everyone would have a chance to talk about
9 it.

10 There wouldn't be any surprises in the
11 work plan. And that the NOP would, you know, be
12 able to express their needs. And it was just to
13 clarify what had been in the Policy and Procedure
14 Manual before, but to strengthen it because the
15 full intent was to work together for the benefit
16 of the organic community.

17 MS. FAVRE: Okay, Jean, may I ask --

18 CHAIR RICHARDSON: Yes, certainly, want
19 to follow up?

20 MS. FAVRE: Yes, I just wanted to
21 clarify, Barry. That actually is how the process
22 works currently. And maybe we just didn't put

1 language in there clearly enough to fully
2 articulate that. But something to look at, so
3 thank you for your comments.

4 MR. FLAMM: Yes, I actually, from
5 reading it and looking at it, I thought that
6 section had been deleted. But it was very, I had
7 three different computer screens up, looking at
8 the different versions and comments. And so it
9 was difficult for me to interpret that. So if
10 that's the case, I'm very happy to hear that and
11 I, you know --

12 CHAIR RICHARDSON: Yes, we should
13 probably add, Barry, that we had a heck of a time
14 trying to do redline version I can tell you. I'm
15 also on that subcommittee, and it proved so tough
16 I think we all went crazy looking at all the
17 underlining and the redlines.

18 So in the end, we generated a clean
19 document and hoped you could do your own
20 comparison, but I agree. It's not easy to do,
21 but I think they've -- we are making some good
22 progress and really appreciate your comments for

1 that. Thank you.

2 Our next speaker is Goldie Caughlan,
3 Caughlan, yes, Goldie Caughlan. Are you there
4 Goldie?

5 MS. CAUGHLAN: Yes, I just got on.
6 Unfortunately, I was not on to hear Barry's talk.
7 I'm sorry.

8 CHAIR RICHARDSON: Oh, that's okay. So
9 the, just a few --

10 MS. CAUGHLAN: What did Barry speak to?

11 CHAIR RICHARDSON: Your name and the
12 organization that you represent, that would be
13 good. Thank you.

14 MS. CAUGHLAN: Hello. I represent my
15 own views, but I also represent as a member of
16 the Board of the Cornucopia Institute, and as a
17 former member of the NOSB from January of 2001
18 until my five years were up, 2006.

19 CHAIR RICHARDSON: Okay, go ahead.

20 MS. CAUGHLAN: Yes, I as I say, I'm
21 sorry that I don't know what Barry covered,
22 perhaps I'm covering some of the same.

1 I was wanting to speak to a sense of
2 disappointment at what I feel is becoming an
3 almost intolerably difficult situation for all of
4 the members of the NOSB, who I know from personal
5 experience worked very, very hard and are trying
6 desperately to work on always growing list of
7 things to do.

8 But it seems to me that with the loss of
9 the -- and perhaps Barry spoke to this -- but
10 with the loss of the Policy and Procedure Manual,
11 which did outline much of the intent and the
12 types of work that, and how those should be
13 undertaken, and which had gone through the NOSB,
14 pardon me. Had gone through the federal register
15 and had been approved and so forth.

16 And to have had that just completely
17 plucked away.

18 CHAIR RICHARDSON: Goldie, I do need to
19 interrupt you, just a slight sort of correction
20 is that we have in fact got an active Policy and
21 Procedure Manual, and that's what was put out for
22 public comment.

1 It's an edited version of the one that
2 was from 2010.

3 MS. CAUGHLAN: Yes.

4 CHAIR RICHARDSON: We do in fact have --
5 we have not lost the PPM. So if you could sort
6 of, you know, go on from there. And Barry did
7 talk about this a little bit.

8 MS. CAUGHLAN: Okay. So I just wanted
9 to be sure that I register my concern, and thank
10 you for that.

11 But also I just want to say that I think
12 that at the time that I served on the Board, we
13 underwent a lot of difficulty working with the
14 leadership at the USDA. It was on ongoing
15 situation, but we struggled through it and we had
16 also a lot of good relationships, but it
17 frequently became almost impossible to do our
18 work. But again, it seemed that things were
19 going in a much better direction. And I'm deeply
20 disturbed to see what appears to be just an
21 extraordinary, cantankerous, situation.

22 And I also feel that some of the worst

1 parts that really concern me, because I
2 represented also people who everyday just go to
3 the grocery store and get food, and are dedicated
4 to organic, or to the best quality food that they
5 can get for their family.

6 Because I worked in a consumer
7 cooperative for more than 33 years and that was
8 my role was to work directly with the public,
9 which I guess was why I was placed on the Board
10 in the first place --- just to represent the
11 voice of the consumer.

12 And I do know that the food cooperative
13 that I worked for -- which is the largest in the
14 United States -- continues to get a lot of
15 concerns; consumers continuing to ask questions
16 about the quality of organic.

17 There's a great deal of confusion about
18 what organic ingredients are, why are there so
19 many synthetics, and so forth. And you know they
20 don't understand.

21 I believe that a great deal of the
22 problem is that the -- under the current

1 situation, there seems to be very, very huge lag
2 time, or difficulty in getting the technical
3 reviews that you as Board Members need to work
4 with at all times. And I feel that, that is
5 extremely unfortunate and also that there is no
6 transparency now.

7 We, as consumers, have no way of knowing
8 really what kind of support you do get
9 ultimately. What is the quality of those
10 technical reviews upon which the decision to
11 either place synthetics, for example, or to
12 utilize organics. There is just very, very
13 limited -- it seems to me -- transparency.

14 And I know that from working, struggling
15 to even make sense of a lot of the TRs. So we
16 have --

17 (Telephonic interference.)

18 MS. CAUGHLAN: -- inputs that are used
19 in the fields and so forth.

20 CHAIR RICHARDSON: Great, thank you.
21 Goldie, that's really good. So the five minutes
22 there is up, and I know that I have some

1 questions from Tracy Favre for you.

2 MS. CAUGHLAN: I beg pardon.

3 CHAIR RICHARDSON: I have questions for
4 you from Tracy Favre. She is currently the Chair
5 of the Policy and Procedures Subcommittee.

6 MS. CAUGHLAN: Yes. Thank you.

7 MS. FAVRE: Hi, Goldie. Thanks for your
8 comments today.

9 MS. CAUGHLAN: Sure.

10 MS. FAVRE: And appreciate your service
11 on the Board. I know things were a little bit of
12 a wild west back in the early days. And you guys
13 laid the path for the rest of us today.

14 I have a couple of questions for you.
15 Just, and I did want to reiterate Jean's comments
16 about the Policies and Procedures Manual. We do
17 actually currently have a PPM; it was presented
18 with proposals for public comment. And that is
19 in the federal register. So we do have
20 transparency on that document. I want to allay
21 your concerns in regards to that.

22 And I would also just like to speak to

1 the collaboration between the program and the
2 NOSB. I'd say that you are right, it has been a
3 contentious relationship in the past. But I, for
4 one, have found the program generally --
5 generally --- willing to hear our counsel and
6 discuss points with us.

7 Certainly we have some constraints just
8 by the nature of what we are -- have authority to
9 implement. And sometimes we need clarity where
10 that line is. But so I just want to speak to
11 that.

12 But so, the comment about the TR lag
13 time and the quality of the TRs, I actually found
14 that the TRs get done in a pretty quick order,
15 given that the subcommittee makes the
16 determination on a TR requirement and then turns
17 it back to the program. So can you tell me a
18 little bit more about what your concerns are on
19 the lag time? And why you think that might be
20 taking too long?

21 MS. CAUGHLAN: Why do I think it's
22 taking too long? I don't know, it appears that.

1 I had some notes here, I'm trying to find them on
2 a different screen now, and I can't find my
3 notes. Oh, well I'll just go from -- I'll wing
4 it.

5 But the fact of the matter is I know
6 that working -- we have staff at Cornucopia that
7 has been going through and has given many, many
8 comments on materials that are under review for
9 sunset and so forth.

10 And of course we are critical of the --
11 at Cornucopia representing what kinds of
12 interests that we hear voiced from our consumers,
13 are concerned about the fact that there is not,
14 there does not appear to be a full transparency
15 in who are those who actually provide those
16 reviews.

17 And not only as to their training, or
18 their ability to be the preparers, but also as to
19 any disclosure of who they are. So who knows
20 what their conflicts may be. So that, that can
21 have obviously a strong effect on what you
22 ultimately end up with.

1 And for the most part, those of us who
2 sit on the NOSB are at the -- if I shall call it
3 that -- the mercy of the quality of those TRs,
4 which will enable us to either make a sensible
5 safe decision or not. Right?

6 CHAIR RICHARDSON: So, Tracy, one last
7 question.

8 MS. FAVRE: Okay, and I'll wrap this up.
9 Goldie, I would just ask your thoughts on the
10 depth in detail, comparing the TRs you get today
11 compared to the old TAP reviews that were done
12 during your tenure on Board. Can you speak to
13 that?

14 MS. CAUGHLAN: Well actually we had some
15 pretty darn decent ones by the time we waded
16 through at least a couple of the first years.
17 But the point was, we at least had an
18 understanding of who those reviewers were.

19 We were able to be relative -- we were
20 frequently critical and would sometimes ask for
21 different reviews because they were either
22 incomplete, they showed a lack of understanding

1 of what we were asking them, or whatever.

2 But we also, I would agree, had much
3 better reviews than we had had, for the most
4 part, than the people that had preceded us. So
5 in other words, it would seem that we ought to be
6 able to be at a place by now where the reviews
7 are done by very, very, well respected people who
8 also have no "dog in the fight", so to speak.
9 Who have no conflicts of interest or whatever.

10 And judging by the difficulty that there
11 seems to be to get complete reports done, but
12 also the lack of transparency. And I have to
13 stress that; I do think it's important to know
14 who the TR reviewers are. And what their own
15 backgrounds are, because there are apparent
16 conflicts.

17 CHAIR RICHARDSON: Okay, I think we
18 should leave this there. I think we've got that
19 point. It's -- and I think it's also written in
20 the Cornucopia recent comments that we've also
21 received to look at. And hopefully we can
22 address more of that at the public meeting in

1 Stowe.

2 MS. CAUGHLAN: Thank you for your work.

3 CHAIR RICHARDSON: And our next
4 presenter is Steve Sprinkel, followed by Greg
5 Gunthorp. Steve are you there?

6 (No audible response.)

7 CHAIR RICHARDSON: Hello, Steve are you
8 there, Steve Sprinkel? I believe also of
9 Cornucopia.

10 DR. TUCKER: Steve is not listed by
11 name, and we don't have a phone number. So I
12 don't know what area code he's coming from.
13 Steve if you are out there and can hear me on
14 line. You can go ahead and chat in that you're
15 here with the number you're calling from.
16 Because if there was background noise, I may have
17 muted you.

18 CHAIR RICHARDSON: Thank you, Steve.
19 And if you do that, and we catch it, we will add
20 you on after Bob Blue later this afternoon.

21 The next speaker will be Greg Gunthorp,
22 a farmer. Greg, are there? Greg Gunthorp,

1 listed as a farmer wanting to speak on livestock
2 issues.

3 DR. TUCKER: Again, we don't see a 260
4 number on it, and I don't see his name listed on
5 the system.

6 CHAIR RICHARDSON: Okay, well we'll move
7 to the next person. Same thing, Greg if you're
8 there and we can't hear you, please try to
9 contact us so that we can fit you into the call
10 sequence.

11 So the next speaker will be Jackie
12 DeMinter from MOSA, and she'll be followed by
13 Diane Kull from Applegate. Jackie, are you
14 there?

15 (No audible response.)

16 CHAIR RICHARDSON: Jackie DeMinter from
17 MOSA?

18 MS. DeMINTER: Yes, I am here. Can you
19 hear me?

20 CHAIR RICHARDSON: Yes, we can. Go
21 right ahead, thank you.

22 MS. DeMINTER: Excellent. Hello, my

1 name is Jackie DeMinter, I am the Certification
2 Policy Manager at MOSA. We currently certify
3 approximately 1,600 clients, including about 700
4 livestock operations and around 150 handlers.

5 We have extensive experience with
6 reviewing inputs and maintain an internal
7 materials review database, which includes over
8 5,700 brand name products and generic materials.

9 We submitted six letters and one
10 informational chart addressing several topics.
11 I'll summarize some of our comments here. EPA
12 lists for inerts, for both livestock and crops.
13 We support the proposed annotation change and the
14 modernization of reference lists. But we have a
15 few comments and questions about the annotations.

16 Regarding the FIFRA 25(b) list, please
17 clarify this list to reference the inert list,
18 not the minimum risk active ingredient list. We
19 assume the active ingredient review would not
20 change.

21 Please also clarify the use of the safer
22 chemical ingredient list, which is sorted in

1 functional classes. Will certifiers need to
2 verify that a particular material is used in a
3 product according to the functional class it's
4 listed under? This would add another layer to
5 the review of the material. And we can see the
6 challenge with trying to gather what is generally
7 considered proprietary information.

8 We see some materials listed in the
9 safer list under a functional class that are
10 broadly listed on the 25(b) inert list. Please
11 clarify how we are to use the safer ingredient
12 list. And also about the brand name products
13 listed by EPA as safer chemical program.

14 If the active ingredients in a safer
15 choice labeled product checks out, then it seems
16 we can safely assume the inert ingredients are
17 okay too. Please give additional guidance on
18 list use to enable consistent implementation of
19 review criteria.

20 Micronutrients on 601, we support the
21 proposed changes related to micronutrient
22 applications. We agree the diversified

1 approaches are valid and sensible for determining
2 micronutrient deficiencies.

3 The proposed changes are practical and
4 will allow flexibility for certifiers, and
5 encourage better input from crop consultants. We
6 do have a couple of questions though.

7 What is meant by a professional
8 recommendation? The 2017 Sunset Review for
9 micronutrients refers to a recommendation from a
10 certified professional agronomist. While the
11 micronutrient proposal refers to professional
12 crop advisors and agronomists, we see
13 professional recommendations from a variety of
14 qualified individuals. As a certifier, we're
15 required to ensure that clients are in compliance
16 with the standard. And we already do validate
17 sources of information. So please do not require
18 us to start checking credentials.

19 We also recognize that professionals
20 recommendations are only one of the tools farmers
21 use to determine if micronutrients are needed.
22 We also ask that the NOSB ensure that the list of

1 micronutrients referenced is accurate. The 2017
2 Sunset Proposal includes nickel and chromium,
3 which are not on the national list now.

4 Flavors, we support efforts to require
5 organic preference for natural flavors, but we do
6 have some concern about method and consistency of
7 enforcement. We request clear guidance from the
8 NOP regarding how commercial availability
9 criteria should be enforced in general.

10 We understand that commercial
11 availability decisions must consider an
12 ingredient's form, quality, or quantity.
13 However, we often find it very difficult to
14 validate a client's argument based on former
15 quality. That challenge is exacerbated with a
16 broad complex class of materials like flavors.
17 We encourage NOP follow-up action on the 2006
18 NOSB recommendation for establishment of
19 commercial availability criteria.

20 Ancillary substances, and
21 microorganisms, dairy cultures, yeast and pectin,
22 many MOSA-certified operations use these

1 materials, so over the years we've reviewed many
2 spec sheets. We appreciate the ongoing
3 consideration of ancillary substances in national
4 list materials. This new part of the Sunset
5 Review Process represents due diligence and will
6 provide needed clarification regarding any
7 substances that might be of concern.

8 We generally like the approach of
9 identifying functional classes allowed, and we
10 also appreciate the subcommittee's stating that
11 additional ancillaries that fall within those
12 classes do not need further review. That's
13 better than a prescriptive closed list, but it
14 will require a certifiers to ascertain functional
15 classes, which means more information than is
16 currently supplied on spec sheets.

17 Assuming you've done your due diligence
18 in identifying potential concerns and found none,
19 we see our review work as redundant and
20 burdensome. If there are materials that are of
21 concern, we'd appreciate an approach similar to
22 the listing for flavors where the annotation

1 eliminates such materials.

2 Steve Walker will be giving additional
3 comments in Vermont, and will address the
4 prevention strategy guidance for excluded
5 methods. We really appreciate your work on these
6 topics and the opportunity to give comments.

7 Thank you.

8 CHAIR RICHARDSON: Great, thank you very
9 much, Jackie. I don't see questions on the
10 screen. Are there any questions?

11 I do know that we have received a lot of
12 written materials. I know because I've been
13 reading them day after day. So I'm sure that at
14 the meeting we will have more questions for the
15 MOSA representative. Thank you.

16 The next speaker is Diane Kull, and
17 she'll be followed by Kevin Engelbert. Jackie,
18 are you there -- or sorry. Diane, are you there?

19 (No audible response.)

20 Diane Kull from Applegate?

21 DR. TUCKER: Okay, Diane we're not. Is
22 she 908?

1 CHAIR RICHARDSON: Yes.

2 DR. TUCKER: Okay, I may have muted her
3 if there was background noise. Diane, try again.

4 MS. KULL: Okay, can you hear me?

5 CHAIR RICHARDSON: Yes, we can hear you,
6 yes.

7 MS. KULL: Okay, so I wanted to comment.
8 I'm with Applegate, and I wanted to comment on
9 the celery powder, Sunset Review. As Applegate
10 is the leading brand for natural and organic
11 meats, I'm taking this opportunity to express the
12 importance of celery powder.

13 Celery powder is currently an allowed
14 ingredient on the NOP list for use in organic
15 processes, and this ingredient will be
16 discontinued on June 27th, 2017 unless renewed by
17 the NOSB.

18 We understand that the NOSB is reviewing
19 celery powder this month at the fall meeting, and
20 I am to speak today in order to highlight the
21 importance of this ingredient for the continued
22 growth of Applegate's organic meat sector.

1 I'd first like to acknowledge how much
2 I appreciate the work done by the NOSB, the
3 subcommittees on the 2017 sunset review of so
4 many materials, including the one I speak of
5 today. Organic products make up about 30 percent
6 of Applegate's portfolio, but they play an even
7 more significant part in our growth strategy as
8 they will make up a greater percentage of our
9 total sales in coming years.

10 According to ----

11 (Telephonic interference.)

12 MS. KULL: ---- Applegate is far and away
13 the largest brand of naturally cured organic
14 meats in the regional space, with products
15 utilizing celery powder totally roughly 60
16 percent of our total organic sales.

17 Without the use of celery powder, much
18 of these products and our growth will be severely
19 halted in 2017. As our consumers demand more
20 organic choices, I would like more time to work
21 with industry partners to secure an organic
22 source.

1 I will speak to some specific questions
2 the committee had in regards to this ingredient.

3 In regards to commercial availability, we
4 continue to work on the problem of commercial
5 availability for a viable organic alternative.

6 An industry working group of the leading
7 producers of celery powder, including Kerry
8 Ingredients, Diana Foods, and Florida Food
9 Products, as well as our leading competitors in
10 the organic space, Organic Prairie and Coleman
11 Natural, as well as research institutions has
12 been formed to find an alternative. The group
13 has expressed a united message. Additional time
14 is needed to find an acceptable replacement for
15 celery powder.

16 Applegate has been a significant
17 contributor to this effort. As we research
18 alternative vegetables we uncover more
19 challenges. For example, in ensuring a
20 consistent high quality level of nitrates while
21 being able to verify no additional environmental
22 nutrient runoff. We are confident that if given

1 the time, an organic source will be developed.

2 As far as food safety, celery powder is
3 a tool for introducing cure for food safety into
4 organic products. It has been the vegetable of
5 choice to culture for the conversion of
6 sufficient nitrate to nitrites to provide the
7 necessary pathogen control to assure food safety.
8 Today a suitable organic alternative has not
9 been found. Additional to food safety, organic
10 processors need this tool in order to continue to
11 use as many cuts of the organic livestock as
12 possible.

13 Celery powder continues to allow
14 Applegate to use some cuts of the animal, for
15 example trim and bellies, which would not be
16 possible without an organic curing solution.
17 This ingredient is critical for whole animal
18 utilization. Human health impact of celery is a
19 source of nitrates. Processed meat is a minor
20 source of nitrate, nitrite in the human body.
21 Normally the biggest dietary source of nitrite
22 is, in fact, vegetables.

1 The body also manufactures nitrates for
2 body function. Bacteria in the mouth and gut
3 reduce nitrate to nitrite just as bacterial
4 culture is used to convert the nitrate in celery
5 powder to nitrites. Some research indicates
6 nitrites are actually beneficial to human health.

7 How we want to use the next five years?
8 As I mentioned previously, an industry working
9 group has been formed and is committed to the
10 goal of finding organically grown vegetable for
11 curing meat naturally. This panel of
12 stakeholders, which will be under the Organic
13 Trade Association, need this additional time to
14 develop and research alternatives for celery
15 powder.

16 In summary, celery powder has been
17 critical ingredient of Applegate ham, bacon, and
18 hotdogs, and is needed to develop color, texture,
19 flavor, functionality, to improve food safety,
20 and to meet the consumer's expectations of a
21 cured meat attribute.

22 There's no sort of suitable organic

1 alternative today. Applegate is proud to have
2 been a leader in the naturally cured meat segment
3 for the last 28 years, producing an array of both
4 organic and natural products. And we are working
5 with our industry partners to develop suitable
6 replacements. We strongly urge the NOSB to allow
7 the continued use of celery powder in organic
8 products beyond 2017. Thanks very much for the
9 opportunity to comment on this critically
10 important ingredient.

11 CHAIR RICHARDSON: Thank you very much
12 Diane. A very clear presentation, and I know
13 that I've also received from Applegate some
14 written comments that most of us I'm sure, have
15 already read. Are there questions from any Board
16 Members? I don't see any coming up on my screen.

17 (No audible response.)

18 CHAIR RICHARDSON: And I'm not hearing
19 from Harold, I'll call Harold on phone. So thank
20 you, Diane.

21 MS. KULL: Yes.

22 CHAIR RICHARDSON: And we'll move on to

1 Kevin Engelbert, and he'll be followed by
2 Victoria AlvarezáSaavedra.

3 MR. ENGELBERT: Hello.

4 CHAIR RICHARDSON: Kevin, are you there?

5 MR. ENGELBERT: I hope so.

6 CHAIR RICHARDSON: Yes, I hear you,
7 Kevin.

8 MR. ENGELBERT: Okay. My name is Kevin
9 Engelbert. My family and I operate a certified
10 organic, dairy, beef, and crop farm in upstate
11 New York, a little town called, Nichols. Our
12 primary source of income is the dairy. We ship
13 the majority of our milk to Organic Valley, but
14 we divert a small amount for our own label
15 cheese. We also raise 20 to 30 hogs a year that
16 we sell under our label, and we do a small amount
17 of vegetables, primarily my wife does that. We
18 market at our farm store, at restaurants, and
19 stores within our area.

20 Our farm was the first certified organic
21 dairy in the United States. That doesn't make us
22 better than anybody else, but I mention that fact

1 because I think it's important for those of you
2 who are listening to know that I've been involved
3 with organic agriculture for a very, very long
4 time. Or I should say a relatively long time.

5 I'm also a farmer NOSB member with my
6 last meeting on the Board taking place five years
7 ago. I remember when I got on, I couldn't
8 imagine how long it would take to fulfill that
9 commitment. But it happened so fast, I can't
10 believe it's been five years since I was on.

11 During my time on the Board, I came to
12 develop a great deal of respect for the
13 Cornucopia Institute, and I'm currently the Vice
14 President of that Board. While I don't agree
15 with all the decisions made or the actions taken,
16 I do believe wholeheartedly in their mission to
17 preserve the integrity of organic agriculture.
18 While I was on the NOSB, I came to trust them as
19 an unbiased, reliable source of information. And
20 I would encourage you Board Members to do the
21 same. The facts that the Cornucopia Institute
22 provide you ahead of your meetings are unbiased,

1 and without financial motivation.

2 My comments today are general in nature,
3 and I've taken the time to do so because I am
4 very disheartened at the changes that have taken
5 place with the National Organic Program since I
6 left the Standards Board. The writers of OFPA
7 created the National Organic Standards Boards and
8 gave it somewhat statutory authority to protect
9 farmers and consumers from the moneyed interests
10 that they knew would have undue influence on the
11 program. And yet, moneyed interests do seem to
12 be in control.

13 Some examples are: one, the makeup of
14 the National Organic Standards Board and the
15 secrecy with which appointments are made. Two,
16 the National Organic Program trying to take
17 control of, and lead the National Organic
18 Standards Board's meetings. Three, the change in
19 the sunset process with absolutely no public
20 input, which makes the removal of materials on
21 the list, the national list, virtual impossible.

22 Next, only allowing three minutes for

1 public comment at NOSB meetings, which is
2 obviously meant to discourage public
3 participation. The first day of my meeting on
4 the Board lasted 14 hours. We did whatever was
5 necessary to ensure that anyone who wanted to
6 make public comments, was able to do so, and we
7 encouraged people to do so.

8 Next, the NOSB doesn't determine who
9 will write the technical reviews, or even what
10 materials need them. The authors of the TRs are
11 now secret, so conflicts of interest and
12 competency cannot be evaluated by the public.
13 The NOP now determines what the NOSB can and
14 cannot work on, instead of just offering
15 suggestions regarding the subjects and materials
16 they would like recommendations for.

17 Next, the attempt by the NOP to do away
18 with the Policy and Procedures Manual. Next, a
19 general lack of respect by the NOP for the long,
20 well established relationships that has existed
21 between them and the NOSB, as well as a lack of
22 transparency in the work done and the decisions

1 that are made. An elimination, the elimination
2 of the National Organic Standards Board's ability
3 to use annotations to limit the use of materials
4 on the national list.

5 Next, the forming of a Hydroponic Task
6 Force after the National Organic Standards Board
7 made a recommendation that hydroponics does not
8 fit the definition of organic agriculture, and
9 that there should not be hydroponics or
10 aquaponics allowed in organics. And lastly, a
11 lack of enforcement by the National Organic
12 Program of existing rules, and especially the
13 Pasture Rule. When I was on the Board, I was
14 told many times that any recommendation that we
15 made had to be scale neutral, which I
16 wholeheartedly agree with. But the rules are not
17 being enforced on a scale neutral basis. Factory
18 operations produce a larger, and larger
19 percentage of the organic milk supply --

20 CHAIR RICHARDSON: Are you about done,
21 Kevin?

22 MR. ENGELBERT: Yes, I am. I only have

1 another paragraph.

2 CHAIR RICHARDSON: I'll tell you what,
3 let's just, I know you've had your five minutes.
4 I'm going to be a bit of a bully here. I'm sure
5 we have some questions that will come in, but I
6 did want to clarify before you take other
7 people's questions that we actually do determine
8 the TRs, and we've been demanding lots of them,
9 and we've been getting them, so just to clarify
10 and perhaps correct your thinking on that.

11 And also as regards annotations. We
12 have a mechanism for doing annotations, and I
13 thought that that was clear, but I think I'm
14 going to have to explain it again at the
15 beginning of the meeting to everybody again.

16 MR. ENGELBERT: That's great.

17 CHAIR RICHARDSON: We're going to be
18 putting in separate annotations, they're not, so
19 in other words we're voting on Sunset Materials
20 as separate individual materials, and then the
21 annotations, there will be separate annotations
22 that we'll be generating.

1 I think we have some at this meeting.
2 My brain is already scrambled, I've been reading
3 so much stuff. But certainly, we'll have a bunch
4 of them in the April meeting. So we do have a
5 handle now on how to effectively do annotations
6 so that there is even better transparency for all
7 the members of the public to know about the
8 annotations, prior to us coming to a public
9 meeting and voting on them.

10 MR. ENGELBERT: Good.

11 CHAIR RICHARDSON: So let me turn over
12 and ask some questions, a few that, Tracy you had
13 a couple of questions or comments you wanted to
14 make to Kevin?

15 MS. FAVRE: Yes, actually. The main one
16 was to clarify the point about the annotation
17 change, so I appreciate that, Jean. Kevin, again
18 thank you for your service on the Board. You
19 like other past members, can really appreciate
20 the buck load that we've had, and the effort that
21 goes into our deliberations and our discussions.
22 So I appreciate your perspective. I'd like to

1 hear a little bit more about your thoughts on the
2 access to pasture for livestock.

3 MR. ENGELBERT: In what respect, Tracy?

4 All I can, you know I have a lot of sources of
5 income. I don't want anybody to assume that the
6 only organization I belong to, or get information
7 from, is Cornucopia. It's not. I belong to
8 quite a few, I've tried to stay connected. And
9 my comments reflect my thoughts from what
10 information I've been able to gather.

11 I'm just, you know the fact that these
12 operations are not providing pasture is extremely
13 detrimental and discouraging. We continue to
14 have organic farms in the New York sell out. I
15 think we've had six sell out in the last two
16 years. And there's still more that are putting
17 their farms up for sell, either because they
18 can't make it financially, or they don't have
19 anyone that wants to take over given the outlook,
20 on the outlook.

21 MS. FAVRE: Well, maybe you'd let me
22 offer this question for clarity: were you

1 speaking about pasture for poultry, or you were
2 speaking pasture for ruminants?

3 MR. ENGELBERT: I was speaking pasture
4 for poultry, but it also includes outdoor access
5 for poultry. We have a small organic grain
6 business, and we provide grain for small
7 operations that are raising either layers or
8 broilers. And we've had three of them quit in
9 the last two years because they can't compete
10 with the organic eggs and broilers that are on
11 store shelves. And they can't convince people
12 that there's a difference in how they do it, as
13 opposed to what they're buying on the shelf.

14 MS. FAVRE: Right. And along those same
15 lines, I actually agree with you. And I think
16 all of us are eagerly looking forward to the
17 Animal Welfare Standards. Have you had a chance
18 to review those standards, and do you have
19 thoughts on that?

20 MR. ENGELBERT: Well, we started working
21 on them way back when I was on the Board.

22 MS. FAVRE: That's right.

1 MR. ENGELBERT: And to be honest with
2 you, I haven't looked at them closely since that
3 time. No, I have not.

4 MS. FAVRE: Okay. All right. Thank you
5 very much.

6 MR. ENGELBERT: Yes, thank you.

7 CHAIR RICHARDSON: Yes, thank you Kevin.
8 We're all pushing the NOP and the USDA to get out
9 the Animal Welfare Standards. It's so critically
10 important. It's very frustrating. Thank you.

11 MR. ENGELBERT: I'd like to say, I'd
12 just like to close with you know the work that
13 you're doing is very important. And it's a
14 matter of public record, not just now, but
15 forever. And once, you know, eventually the
16 history of the NOSB and the NOP is going to be
17 written. And you know the work you're doing is
18 so important, I wanted to take the time to thank
19 you for listening to my comments. And
20 specifically a thank you to the NOSB members. I
21 know first-hand how much time you spend on NOSB
22 work, and I'm very appreciative of it.

1 CHAIR RICHARDSON: Thank you, Kevin. We
2 appreciate that. Mostly, we get a lot of grief,
3 so it's nice to understand what we're doing.

4 MR. ENGELBERT: I've been there and done
5 that many times. And I often thought if I got
6 grief from every side, we were probably pretty
7 close to what needed to be done.

8 CHAIR RICHARDSON: Yes, exactly. I
9 agree. All right, thanks Kevin. Our next
10 speaker, Victoria AlvarezSaavedra, and she'll be
11 followed by Jane Parker. Victoria, are you
12 there?

13 MS. SAAVEDRA: Yes, can you hear me?

14 CHAIR RICHARDSON: Yes.

15 MS. SAAVEDRA: Okay, excellent, thank
16 you. I'm speaking on behalf of FEMA, the Flavor
17 Extract Manufacturers Association of the United
18 States. We want to appreciate the opportunity to
19 comment. And I also want to thank the NOSB for
20 the hard work ensuring the integrity of organic
21 products. Again, I'm talking on behalf of FEMA
22 the Flavor Extract Manufacturers Association.

1 And I work for a flavor company, so I
2 would like to also give you some information on
3 that. Again, my name is Victoria Alvarez
4 Saavedra. I'm the leader for the FEMA Organic
5 Task Force. I'm Vice Chair for the FEMA Flavor
6 Labeling Committee, I'm also Vice Chair for the
7 IOFI RAAC. IOFI is the International Organization
8 of the Flavor Industry, and RAAC is the
9 Regulatory and Advocacy Committee.

10 I'm Director of Regulatory Affairs for
11 Virginia Dare and I've been working for Virginia
12 Dare for the last 16 years. Virginia Dare is a
13 manufacturer of organic certified vanilla extract
14 and some other flavors, but mostly extract. On
15 behalf of FEMA, I would like to say that FEMA has
16 been working in collaboration with the OTA and
17 certifiers for many years to develop a Natural
18 Flavor Questionnaire to help ensure the integrity
19 of the organic program.

20 FEMA was founded in 1909 and is based in
21 Washington D.C. FEMA members include not only
22 flavor manufacturers but flavor users, food

1 companies, flavor ingredient suppliers, and other
2 who are interested in ensuring the supply of
3 flavoring materials. FEMA members manufacture
4 and market more than 95 percent of all flavor
5 sold in the United States and creates flavor for
6 use in a wide variety of foods and beverages.

7 FEMA has a long standing history of
8 working with regulatory authorities. FEMA
9 members create flavors for you to have a wide
10 variety of foods and beverage products, including
11 both certified under the NOP regulations. FEMA
12 supports the continued usage of non-synthetic
13 flavors in 205.605(a) on the national list. Also
14 FEMA would like to state that we generally
15 support the NOSB handling subcommittee
16 recommendation, annotation change for flavors on
17 205.605(a).

18 And also, we'd like to highlight the
19 following very important point: the supply of
20 organic flavors is not sufficient to warrant the
21 sunset of non-synthetic flavors from 205.605(a).
22 Although there has been an increase in the number

1 of organic flavors that have been developed,
2 organic flavors are not available in sufficient
3 quantities, quality, and form to satisfy current
4 demands.

5 Non-synthetic flavors should remain on
6 205.605(a) of the national list, but could be
7 subject to commercial availability if the organic
8 flavor is available in sufficient quantity,
9 quality, and form. Because there is insufficient
10 availability of organic flavors to satisfy
11 current demands, removing non-synthetic flavors
12 as a category from 205.605(a) of the national
13 list will create lasting and significant market
14 disruption in the processed organic food sector.

15 However, when organic flavor is
16 commercially available in sufficient quantity,
17 quality and form to satisfactorily function in
18 the finished organic product applications that
19 would be required by the NOSB handling
20 subcommittee recommended annotation change, that
21 organic flavor should be used. Non-synthetic
22 flavors must remain on 205.605(a) of the national

1 list even if flavors are subject to commercial
2 availability.

3 Again, we would like to say there is
4 insufficient availability of organic flavors to
5 satisfy current demands. And the removal of non-
6 synthetic flavors as a category from 205.605(a)
7 of the national list would create significant
8 market disturbances because so many processed
9 organic products utilize non-synthetic flavors
10 for which there is no organic substitute.

11 Additionally, removing non-synthetic flavors from
12 the national list puts into jeopardy the many
13 organic products already on the market that
14 currently utilize non-synthetic flavors.

15 The NOSB has at least on two other
16 occasions retained a category listing on
17 205.605(a) while adding an annotation. Any
18 regulatory action should both encourage further
19 organic development in the flavor categories, and
20 also maintain the integrity and supply of
21 processed organic food products that utilize non-
22 synthetic flavors., but cannot ignore its issues

1 of supply, quality, or functionality to utilize
2 current available organic flavors.

3 Flavors are essential to the continued
4 success of the processed organic food sector.

5 Processed organic food production has enjoyed
6 market growth over the last several years.

7 Processed organic food consumers expect that both
8 organic food products meet the federal standards
9 and also meet their taste and sensory
10 expectations. Flavors help ensure that the
11 consumers are delighted by the organic foods that
12 they consume.

13 FEMA appreciates the opportunity to
14 comment on the hard work of the NOSB. FEMA urges
15 your consideration on this important matter as
16 you finalize the non-synthetic flavor Sunset
17 Review and evaluate the NOSB handling
18 subcommittee recommendations to change the flavor
19 annotations. Again thank you for this
20 opportunity to comment and we would like to make
21 sure that we're available if you have any
22 comments or need additional assistance. Thank

1 you again.

2 CHAIR RICHARDSON: Thank you very much,
3 Victoria. I'm not seeing any questions coming up
4 from the NOSB members, and it's been certainly --
5 (Telephonic interference.)

6 CHAIR RICHARDSON: -- large body of
7 material from the flavor industry, including some
8 from your own company. So we have I think a
9 large amount of very useful information to help
10 guide our voting on this subject. It's complex.
11 Okay, thank you, Victoria. I'd now like to move
12 on to Jane Parker to speak, and she'll be
13 followed by Aishwarya Bala -- it's a difficult
14 name for Jean, Aishwarya Balasubramanian. So
15 Jane, are you there?

16 (No audible response.)

17 CHAIR RICHARDSON: Jane Parker from
18 Gourmet Garden?

19 DR. TUCKER: Jane, I don't know the area
20 that Jane is calling from. It's an international
21 number so I'm sure exactly what number off the
22 list, but Jane, are you out there?

1 CHAIR RICHARDSON: Brian says she's
2 Australia.

3 (Telephonic interference.)

4 CHAIR RICHARDSON: -- if we can't make
5 contact with Jane, we could move on to Aishwarya?

6 DR. TUCKER: Jane, if you're on, you can
7 go to the site and test us on the chat button,
8 and then I'll know what number you're calling
9 from. If you let me know what your number is.
10 Can you hear us?

11 (No audible response.)

12 DR. TUCKER: Touch your chat menu on the
13 bottom left of your screen, if you can hear me.

14 CHAIR RICHARDSON: All right, Aishwarya
15 are you there?

16 MS. BALASUBRAMANIAN: Yes, can you hear
17 me?

18 CHAIR RICHARDSON: Yes, we can hear you,
19 Aishwarya would you please state which company
20 you're from and present your comments. Thank
21 you.

22 MS. BALASUBRAMANIAN: I thank for, I

1 know my name is quite a feat. Good afternoon
2 all. First I would like the Board and everyone
3 present today for your time and the opportunity
4 to speak to you all. During our last webinar
5 here, some of you might have heard, West
6 Mathison, son of Kyle Mathison, who are organic
7 apple growers, mention the need for 1-MCP for
8 organic apples. And here is just that we stand
9 on that.

10 We at AgroFresh have collaborated for
11 over 15 years with apple growers globally to help
12 maintain post-harvest quality of apples, during
13 storage, and distribution. Our product,
14 SmartFresh is simply 1-MCP gas trapped in natural
15 sugars. Like the Mathisons, we meet a lot of
16 organic growers who understand the need for
17 SmartFresh in organic apples. And I wanted to
18 give an introduction about SmartFresh, it's
19 safety and benefits in this webinar.

20 So let me start with: what is
21 SmartFresh? As I mentioned SmartFresh is 1-MCP
22 gas molecule, stabilized in natural sugars. It

1 is used in airtight rooms, where it's similar to
2 ethylene gas used on organic bananas in banana
3 rooms. So the apples are first picked at a good
4 color and good maturity, and then is taken to
5 storage rooms where SmartFresh is mixed with
6 plain water in the closed rooms to help get 1-MCP
7 out.

8 Next, what does SmartFresh do? So
9 before we get into that, I need to let you on to
10 the basics as to what ethylene does for apples?.
11 Ethylene is a natural plant hormone, as many of
12 you know. And it's produced internally in
13 apples. So it is responsible for all the great
14 things such as color, flavor development.

15 But it is also responsible for aging the
16 fruit, and it causes the fruit to soften, become
17 mealy and rot. So for ethylene to work in
18 apples, it needs specific sites, what we call the
19 ethylene receptor sites. So ethylene goes and
20 binds to these sites and triggers production of
21 more and more ethylene.

22 So SmartFresh basically makes fewer of

1 these sites available for ethylene to bind, and
2 this slows down the production of more ethylene.
3 So it takes a longer time for apples to soften
4 and rot. The use of SmartFresh we have seen as
5 much as doubles the storage life, and since it
6 takes longer for the fruit to age, it makes
7 fresh, crisp, local apples available for
8 consumption for a longer period.

9 SmartFresh is safe. It is very
10 effective at very low levels. So in apples, if
11 you take a thousand cubic foot room, that has
12 about 7500 kilograms of apples, and we recommend
13 a level of 59.4 milligrams of 1-MCP. So when
14 used as recommended, it does not leave any
15 residue on the fruit, and it gets metabolized
16 just like ethylene does.

17 If you can Google, 1-MCP is one of the
18 most researched and well documented compounds,
19 globally, due to its non-toxic and non-persistent
20 effect in slowing down ethylene activity.

21 How are organic apples stored now? They
22 are stored and controlled in atmospheric storage.

1 But the storage life date is relatively short and
2 once they are through, they are taken out of
3 storage, there is a discernible quality loss.

4 And because the fruit tends to ripen faster and
5 it leads to softer fruit which is not ideal for
6 consumption.

7 So the wastage is not just the wastage
8 of fruit that is unavailable for us to eat, but
9 also wasting the resources used for production,
10 storage, and transit. So SmartFresh we believe
11 could help prevent this waste, and also give
12 organic growers the peace of mind that their
13 fruit will provide consumers with satisfying
14 experience long into marketing season.

15 The other thing, CA, it may not be
16 feasible for small farmers supplying local
17 markets to use CA. We worked with small farmers,
18 for example we have one, a low spray,
19 environmentally friendly orchard, and SmartFresh
20 is used on their eco apples. They consider it a
21 great tool to help provide consistent quality
22 apples for consumers, and help them keep local

1 apples in market longer.

2 So we continue to hear from organic
3 growers and they clearly recognize the benefits
4 that SmartFresh can bring. I want to conclude by
5 saying, there's no greener technology available
6 today to improve the quality of their fruit they
7 use that make local apples available longer in
8 the market place. I want to thank you again for
9 this opportunity to introduce my comments. Thank
10 you.

11 CHAIR RICHARDSON: Thank you very much,
12 Aishwarya. Are there specific questions from the
13 Board? I'm sort of hoping that Harold, you could
14 help us with a question here from your
15 perspective as an apple grower.

16 MR. AUSTIN: Yes, ma'am. I am ready.

17 CHAIR RICHARDSON: Okay.

18 MR. AUSTIN: Aishwarya, thank you for
19 your presentation. Two points of question I
20 guess. One would be, with the application of the
21 MCP-1, exactly what would be the benefit of the
22 grower? I mean we pick the apples, we put them

1 into the cold room. Could you elaborate just a
2 little bit what would that do for the storage
3 ability and the quality of the fruit coming out
4 the other side?

5 MS. BALASUBRAMANIAN: So thanks, Harold,
6 and you can call me Ash. It helps, I guess. So
7 does 1-MCP, or -- 1-MCP in SmartFresh basically
8 increases the window of storage. And again, as
9 much as double the window of storage. What it
10 does is once you put your apples in storage and
11 when they come out there are a lot of issues that
12 can happen.

13 Like, once the fruit comes out, it can
14 soften very fast. The other thing is they can
15 also develop storage scald, which is the browning
16 of the skin. There are a lot of things that can,
17 so an organic grower puts the apples inside a
18 room, storage room and when it comes out after
19 six months say, he wouldn't know what is the
20 quality of the apples.

21 So SmartFresh over 15 years, we have
22 helped apple growers protect the quality and when

1 the fruit comes out it is still crisp and fresh
2 to eat. And it undergoes the natural softening
3 process, like any other apples, but it takes a
4 slightly slower than the normal process.

5 MR. AUSTIN: Thank you, so we use it on
6 a lot of our conventional packed and stored
7 apples. Will you be coming forward with a
8 petition to add MCP-1 on the national list for
9 the handling as a material? Or is this going to
10 be a product that going to be reviewed, that's
11 going to go through one of the certifiers?

12 MS. BALASUBRAMANIAN: We are planning to
13 get a petition in as soon as possible.

14 MR. AUSTIN: Okay, and this will be
15 strictly for the warehouse use, or would there be
16 any indication that this would be also looked at
17 as field juice as well?

18 MS. BALASUBRAMANIAN: We are currently
19 looking into the warehouse use for the storage,
20 post-harvest handling. But we would be also
21 think about putting about a pre-harvest.

22 MR. AUSTIN: Okay. Thank you. It's a

1 wonderful tool if we can get it.

2 MS. BALASUBRAMANIAN: Thank you.

3 MR. AUSTIN: Thanks, Jean.

4 CHAIR RICHARDSON: Thank you, Ash. That
5 was very interesting comments and for your
6 questions, Harold. So now we come to I think,
7 Bob Blue. You are out there now. And our time's
8 gone but --

9 MS. ARSENAULT: Jean, can you hear me
10 okay? We have a question from Zea, who can't --

11 (Telephonic interference.)

12 CHAIR RICHARDSON: Okay, you have a
13 question for Ash?

14 DR. TUCKER: Hello.

15 MS. BALASUBRAMANIAN: I'm here.

16 CHAIR RICHARDSON: Aishwarya, are you
17 speaking?

18 MS. ARSENAULT: Hello.

19 MS. SWAFFAR: So can you hear me?

20 DR. TUCKER: Yes, we can hear you, Zea,
21 go ahead.

22 MS. SWAFFAR: Well my question was the

1 was the same as what Harold ended up asking which
2 is, petition is usually the way to approach this
3 first. And you didn't say whether it was a
4 synthetic gas or not, but I suspect it is. And
5 you really need to petition.

6 MS. BALASUBRAMANIAN: Thank you, Zea.
7 Yes. We are submitting it shortly. Thank you.

8 MS. SWAFFAR: Okay. That's all, thanks.

9 CHAIR RICHARDSON: Thank you, Zea. The
10 next speaker is Bob Blue. Bob, are you there?

11 MR. BLUE: Yes, I'm here. Can you hear
12 me?

13 CHAIR RICHARDSON: Yes, we can, clearly.

14 MR. BLUE: Great. So my name is Bob
15 Blue. I'm Director of Wine Making at Fetzer
16 Vineyards. I've been with Fetzer for 27 years.
17 I'm the founding wine maker of our made with
18 organic wine, which started as a Fetzer wine in
19 1990. And then in 1994 we launched Bonterra as
20 our flagship organic brand.

21 And our growth has been steady, and we
22 started modestly. We're at 400,000 cases now.

1 The wine's in 35 countries with nice accolades,
2 I'd like to think. And we work with about 35
3 organic growers, and we have about 950 of our own
4 acres. So to just give you a sense of our scope.
5 We have submitted written comments for ascorbic
6 acid, carbon dioxide, potassium acid tartrate,
7 which is cream of tartar, ozone, and sulfur
8 dioxide. All of these inputs are important and
9 we want them to continue to be available for wine
10 made under the NOP rules.

11 Of these, the most important input is
12 SO₂. Sulfur dioxide, you know, has a long
13 history use, first noted in the Roman times, but
14 more importantly in the early 19th century. It's
15 naturally occurring in fermentation, whenever you
16 have a fermentation, you get at least usually ten
17 parts per million estimate, but up to 30 parts
18 occurs naturally.

19 For us in wine making, we use it in a
20 couple of different points in time. It's very
21 important in the beginning, when we first receive
22 the grapes. And we've pressed, we're starting

1 the fermentation process. We add a little bit of
2 sulfur dioxides as an antiseptic. It's very
3 effective in killing bacteria which compete for
4 resources with the yeast, and it inhibits some of
5 the sort of weak yeast that come in with the
6 grapes.

7 It also neutralizes oxidative enzymes.
8 So in the case of something like Sauvignon Blanc,
9 where you want the wine to be very fresh, and you
10 want to preserve some of the green qualities of
11 the fruit, the sulfur dioxide actually inhibits
12 the browning enzyme and keeps the juice very
13 fresh. And then you get, it reveals that quality
14 of the Sauvignon at the end.

15 After fermentation, after fermentations
16 are complete, whether it's a yeast fermentation
17 and in the case of red, after a natural
18 malolactic fermentation, we add another small
19 amount of sulfur dioxide to stabilize the wine.
20 And then prior to bottling, in the process of
21 bottling, there's always an intake of oxygen, and
22 so adding an addition right at the very end, as

1 an antioxidant, sulfur dioxide grabs oxygen and
2 protects the wine from the oxygen molecules. And
3 then the wine can just age naturally in the
4 bottle.

5 So for us there's really just no
6 alternative to SO2. You know, over the history
7 of wine making, we've worked on sanitation and
8 temperature control, carbon dioxides to blanket
9 wines, and the use of ozones, and those sorts of
10 things to reduce the amount. And in the made
11 with category, you know we're limited to 100
12 parts per million. The national, the U.S.
13 standard is 350 parts per million and so we're
14 well under that. And I think it's very
15 responsible use and very important to the overall
16 quality of the wine.

17 Without it, it makes it difficult to use
18 barrels. So you know, when we extract wine from
19 barrels, they want to spoil very quickly and so
20 sulfur dioxide gas is used to keep the bacteria
21 load down until we can fill the barrels again.
22 And then in the aging process in the barrel,

1 that's an area where you can have spoilage very
2 easily, and in the case of sort of fresh wine,
3 making really fresh wine, especially white wines,
4 the antioxidant property is key to quality.

5 So without it, it's going to really have
6 an impact on the quality of our products, the
7 longevity of our product, which will impact us
8 economically. And all of our growers, everyone
9 will be impacted. So in closing, we ask the NOSB
10 to allow the continued use of these wine making
11 materials, especially sulfur dioxide, to ensure
12 that we can continue to produce quality wines.

13 CHAIR RICHARDSON: Great. Thank you
14 very much, Bob. I know that you've also
15 submitted written comments which I've read. So
16 I feel like you've provided us with a lot of very
17 useful information. And I'm looking to see if
18 anyone has any questions out there on the
19 computer. I don't see any, or on my email
20 calling in, so I don't see any questions but your
21 presentation is very clear and helpful. Thank
22 you.

1 MR. BLUE: Thank you.

2 CHAIR RICHARDSON: Let's now turn and
3 see who that's left out there that would like to
4 talk, that did not come in when we called them.
5 I'll work from the top down. Is Robert Larose
6 anywhere out there?

7 (No audible response.)

8 CHAIR RICHARDSON: What about Steve
9 Sprinkel?

10 (No audible response.)

11 CHAIR RICHARDSON: If you're talking,
12 you're on mute and we can't hear you.

13 CHAIR RICHARDSON: Greg Gunthorp?

14 (No audible response.)

15 CHAIR RICHARDSON: And lastly, Jane
16 Parker?

17 DR. TUCKER: Jean, Greg is on the line,
18 but maybe he's muted, and --

19 CHAIR RICHARDSON: Greg, Greg Gunthorp
20 is on the line, okay. Greg, would you like to
21 say something?

22 DR. TUCKER: He got on, but maybe he

1 dropped off again, but I don't have a 267 number
2 anymore. He was on for a little bit, but then he
3 dropped out.

4 CHAIR RICHARDSON: Okay. Thank you. And
5 then Jane Parker from Australia?

6 (No audible response.)

7 CHAIR RICHARDSON: Jane are you out
8 there anywhere?

9 DR. TUCKER: We decided it's 3 o'clock
10 in the morning in Australia, and she probably
11 decided not to join us.

12 CHAIR RICHARDSON: Yes, I can imagine.
13 Oh, that's dedication. Hopefully she sent in
14 comments in writing, and then we be sure to see
15 them. Actually I believe they did. I know I've
16 read a lot on sodium lactate and potassium
17 lactate which she was going to talk on. So, that
18 in my reading here, correct me if I'm wrong here,
19 Jenny. Seems like we've got through everybody
20 that wanted to speak on this call.

21 DR. TUCKER: I've now unmuted everybody
22 that doesn't have a name. If you are one of the

1 people that Jean just called, you had signed up
2 for public comment in advance, but did not get a
3 chance to talk, please speak up now. We'll count
4 to five. Okay, I don't think anybody wants to
5 talk.

6 CHAIR RICHARDSON: I don't think so,
7 okay, we haven't missed anybody. That's good
8 because we're trying to do this right. So in
9 wrapping up this afternoon, I'd just like to
10 thank all of you enormously for being on this
11 call for this length of time. We still have 36
12 people left on the web and 58 on audio. So we've
13 had a really good turnout for this, as we did for
14 the first webinar.

15 I'd like to comment on Kevin Engelbert's
16 statement that, how he didn't like to have just
17 three minutes at the face-to-face meeting, and I
18 agree that's tough. And we might be able to do
19 four in April when we don't have all the Sunset
20 materials to deal with, like we have this fall.

21 But we are trying to avoid those 14 hour
22 days that they used to do on the NOSB that Kevin

1 mentioned. We're trying to make sure that we can
2 expand the ability for people throughout all of
3 the NOP certifying world, and as you see we're
4 getting calls from overseas, which is fabulous.

5 And by putting on these comment, public
6 comment webinars at this point in the public
7 comment sequence that we have to deal with, and
8 I think it's going to be just great. Because it
9 means that we won't have to have 14 hour days,
10 and we hopefully can expand the time to four
11 minutes, as I say, in the Spring for the public
12 speakers. And generally we find four minutes is
13 pretty darn good.

14 And I just want to say how pleased I am
15 at how this has gone. And I hope you did too,
16 and look forward to seeing those of you who can
17 come, come to glorious Vermont. And I'll try to
18 keep the snow away from the town where you are,
19 but let it get to the mountains. And thank you
20 very much. I'll turn it back to Paul in the
21 office, at this time, Paul.

22 DR. LEWIS: Great. Thank you again, and

1 thank you for your leadership serving as Chair
2 for the Board, and for really moving us forward
3 to again, the successful webinar that we've had.
4 And again I want to thank all the Board Members
5 for being part of the call for several hours
6 today. And looking forward to meeting all of you
7 face-to-face next week as we continue our NOSB
8 meeting in Vermont. Thank you.

9 CHAIR RICHARDSON: Great. Are we done,
10 Jenny?

11 DR. TUCKER: I think we're done.

12 (Telephonic interference.)

13 DR. TUCKER: And who's that speaking?

14 MS. PARKER: Jane Parker.

15 DR. TUCKER: Hi, hello. Jane, it's
16 Jane. Jean, are you still on?

17 CHAIR RICHARDSON: I'm still on Jenny.
18 Jane, I'm Chair of the NOSB. If you have
19 comments that would be great.

20 MS. PARKER: Okay, thank you very much.
21 It's Jane Parker from Gourmet Gardens --

22 (Telephonic interference.)

1 MS. PARKER: -- sodium lactate. Thank
2 you for giving me the opportunity to talk today.

3 (Telephonic interference.)

4 MS. PARKER: -- sensitive to
5 degradation. And therefore it's difficult to
6 maintain their integrity even in a ----

7 (Telephonic interference.)

8 MS. PARKER: ---- and traditionally these
9 herbs have been preserved by drying, cooking,
10 freezing. And although these methods worked well
11 for fruits and vegetables, they result in
12 degradation of the oils in herbs and spices.

13 Inherent with spices, because of their
14 nature and depending on how they're grown, the
15 traditional methods of preservation are at high
16 risk of contamination. The contamination listed
17 is, to an extent, mitigated by the fact that
18 they're used in such small amounts. As a current
19 example we have the contamination issue --

20 (Telephonic interference.)

21 MS. PARKER: -- cyclospora, which we've
22 seen over a thousand cases in three years. And

1 what we use on the herbs and spices is actually
2 heirloom technology, which combines several
3 preparation methods. And not from the
4 preservatives, but it's growing the plants
5 correctly for the environment, harvesting it in
6 the correct season and correct time of day,
7 storing at the correct temperature, washing and
8 sanitizing.

9 And while ----

10 (Telephonic interference.)

11 MS. PARKER: ---- enough to do all these
12 things, and combine them, and that's where sodium
13 lactate comes in. It's got a really diverse
14 functionality which provides additional hurdles
15 for maintaining safety and the integrity of the
16 food.

17 If you're having spice bases infused to
18 maintain product safety, integrity by functioning
19 within a single product as an microbial agent and
20 anti-pathogen, which includes the function of
21 acidity control, buffering and water activity
22 control throughout the whole shelf life of the

1 product.

2 As an acidity control agents, the
3 product PH must remain within a critical range.
4 At high PH, microbes can pose food safety and
5 quality issues, such as several documented cases
6 of botulism in garlic stored in oil due to
7 uncontrolled PH levels. At low PH certain
8 compounds such as chlorophyll become unstable,
9 resulting in a loss of integrity.

10 Another buffer, because the natural PH
11 in raw herb and spice vary by day, by grower et
12 cetera, a buffer prevents this PH fluctuating
13 within the natural variability and keeps the PH
14 of the final product within the safety region.
15 And to achieve a buffer requires an organic acid
16 and organic salt such as sodium lactate.

17 And as a microbial, the lactic acid
18 portion of sodium lactate is part of its
19 important antimicrobial function. And lactic
20 acid is particularly known for its effectiveness
21 in controlling the growth of bacteria such as
22 Listeria. But with GG paste we need to add

1 lactic acid in the base form of the lactate
2 following the acid form.

3 The acid form provides the necessary
4 antimicrobial properties but it does not provide
5 the buffer that I talked about and the water
6 control activity, its water fighting properties.
7 Maintenance of the water activities of the
8 product within the desired range is critical for
9 the control of undesirable microbes.

10 And sodium lactate imparts many
11 different functional attributes in the product,
12 and we understand there is no other single
13 ingredient or even combination of ingredients
14 that can take its place and effectively control

15 (Telephonic interference.)

16 MS. PARKER: -- finally, over ten years
17 of research has been spent on examining replacing
18 sodium lactate with other ingredients. And the
19 result --

20 (Telephonic interference.)

21 MS. PARKER: ---- we believe that
22 putting sodium lactate in the national list will

1 give organic growers a critical antimicrobial
2 ingredient, pathogen inhibitor, to protect
3 consumers from food borne illness such as
4 listeria and botulism, contamination that
5 traditional preservatives such as sugar, salt,
6 and smoke aren't able to prevent. We also
7 believe that, as shown by our current research
8 that sodium lactate application is outside the --
9 --

10 (Telephonic interference.)

11 MS. PARKER: ---- and sincerely request
12 that this be considered. Thank you.

13 CHAIR RICHARDSON: Thank you very much,
14 Jane. Now isn't it 3 o'clock in the morning in
15 Australia?

16 MS. PARKER: No, it's 5:20, no it's just
17 after 5:00.

18 CHAIR RICHARDSON: 5:00 a.m.?

19 MS. PARKER: After 5 o'clock, yes.

20 CHAIR RICHARDSON: Oh, well that's not
21 so bad. You're a farmer, you're probably up by
22 now, that's good.

1 MS. PARKER: Yes, I'm happy to say, it's
2 light. It's bright, so it's okay.

3 CHAIR RICHARDSON: We have received
4 quite a lot of comment on sodium and potassium
5 lactate, and your presentation here today was
6 very clear and very helpful. And checking to see
7 if there are any questions from our NOSB Board
8 Members of whom are listening also on line. Are
9 there any questions --

10 MR. AUSTIN: Can I speak?

11 CHAIR RICHARDSON: Yes.

12 MR. AUSTIN: This is Harold.

13 CHAIR RICHARDSON: Harold Austin is
14 asking you a question, Jane.

15 MS. PARKER: Okay.

16 MR. AUSTIN: Jane, thank you. Thanks
17 for your presentation and the written comments
18 that you submitted. Just for clarification. You
19 tried, I believe you just mentioned, that you've
20 tried lactic acid and it does not provide the
21 functionality that you need for your process.
22 Was that correct?

1 MS. PARKER: Yes. We tried to get away
2 from sodium lactate, we tried several times and
3 tried several formulations, and tried to get away
4 from sodium lactate. And just found that lactic
5 acid on its own doesn't work. And it gives some
6 cover, but the shelf, no it doesn't give a lot of
7 cover because we're required the lactate part of
8 it, which is some, you know to do the science of
9 it. To the base part, is what does better
10 control to act as a PH buffer.

11 MR. AUSTIN: Okay, thank you.

12 MS. PARKER: The lactic acid, does
13 antimicrobial on its own, but is doesn't act as
14 a PH buffer. When the PH moves up and down
15 that's when you get a food borne illness issue.

16 MR. AUSTIN: Okay. Thank you.

17 CHAIR RICHARDSON: Great, thank you very
18 much, Jane. And so I'm a Northumbrian, so I'm
19 just on the other side of the border, so to
20 speak. Except I'm in Vermont and there you are,
21 a Scotswoman in Australia. So between us we
22 should resolve all the problems that we have in

1 front of us.

2 MS. PARKER: That sounds really good,
3 I would appreciate that.

4 CHAIR RICHARDSON: All right, great.
5 Thank you very much for your comments. I believe
6 there are no further persons that wish to comment
7 at this time. Is that correct?

8 DR. TUCKER: We believe that is true.
9 Last call for anyone signed up in advance that
10 has not spoken yet?

11 (No audible response.)

12 DR. TUCKER: I think we are good.

13 CHAIR RICHARDSON: Okay, I think we're
14 good. So I'll wish you all a good afternoon and
15 see you next week in Vermont if you're coming.
16 Thank you.

17 DR. TUCKER: Thank you.

18 CHAIR RICHARDSON: Bye.

19 (Whereupon, the above-entitled matter
20 went off the record at 3:24 p.m.)

21

22

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Comment Teleconference

Before: National Organic Standards Board

Date: 10-20-15

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



Court Reporter

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UNITED STATES DEPARTMENT OF AGRICULTURE

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NATIONAL ORGANIC STANDARDS BOARD

+ + + + +

FALL 2015 MEETING

+ + + + +

MONDAY

OCTOBER 26, 2015

+ + + + +

The Board met in the Pinnacle Room of the Stoweflake Conference Center, Stowe, Vermont, at 9:00 a.m., Jean Richardson, Chair, presiding.

PRESENT:

- JEAN RICHARDSON, Chair
- TRACY FAVRE, Vice Chair
- HAROLD AUSTIN, Secretary (via Skype)
- CARMELA BECK
- COLEHOUR BONDERA
- TOM CHAPMAN
- LISA DE LIMA
- NICK MARAVELL
- ZEA SONNABEND
- ROBERT "MAC" STONE
- ASHLEY SWAFFAR
- JENNIFER TAYLOR
- FRANCIS THICKE
- C. REUBEN WALKER

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ALSO PRESENT:

MICHELLE ARSENAULT, Advisory Board Specialist,
National Organic Program

LISA BRINES, National List Manager, National
Organic Program

EMILY BROWN ROSEN, Agricultural Marketing
Specialist, National Organic Program

PAUL LEWIS, Director, Standards Division,
National Organic Program, USDA

SAM JONES, AMS Public Affairs Specialist

MILES MEVOY, Designated Federal Officer,
Deputy Administrator, National Organic
Program

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

2 9:06 a.m.

3 MR. MCEVOY: Okay, I think we are
4 ready.

5 So, good morning. Welcome to Vermont.
6 It is such a beautiful day out there. Yes, we are
7 going to have a great day in here but it is a
8 beautiful day outside. At mid-day, there is going
9 to be a nice demonstration out in the parking lot
10 at one o'clock. So, at least we get outside and
11 outdoor access for a little while today.

12 So, looking forward to the Fall 2015
13 National Organic Standards Board Meeting. Lots of
14 good discussion, good input from all the public and
15 the public comments this afternoon and tomorrow.

16 So, at this point, I open the Fall 2015
17 National Organic Standards Board Meeting and turn
18 it over to the Chair, Jean Richardson, to run the
19 meeting from this point forward.

20 Thanks.

21 CHAIR RICHARDSON: Good morning,
22 everybody. It is really great to be here. The sun

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1 is shining, just as I planned. Today and tomorrow
2 should be perfect. Snow isn't forecast until a
3 little bit later. I know it is tough on some of
4 you from out of state but I do have extra jackets,
5 if you need any.

6 First, the agenda. There is a slight
7 change to the agenda, not in content, but we are
8 simply moving some of the material discussions that
9 relate to annotation changes from the Crops
10 Subcommittee and the Handling Subcommittee to be
11 dealt with on Thursday, instead of tomorrow or
12 Wednesday.

13 I'm getting an echo. Does everybody
14 hear the echo? No, you are not getting an echo back
15 there? Is it okay? It's okay, good.

16 So, those are just minor changes to the
17 agenda, in terms of moving some of the discussion
18 on annotations. Is there any objections to that
19 from the NOSB board members?

20 Seeing no objections, we move then to
21 the beginning of the introductions. You will
22 notice that Zea Sonnabend is not yet here. Her

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1 seat is up here next to Colehour Bondera. Her
2 plane is delayed. Actually, I think it was
3 canceled. She is stuck in Philadelphia but should
4 be here soon.

5 And then in terms of one of our members,
6 Harold Austin, as you know, fell at the NOSB meeting
7 in La Jolla at the last meeting and is still under
8 extremely serious healthcare, physical therapy and
9 so forth and is unable to travel anywhere, even for
10 just a few hours. So, unfortunately, he will have
11 to participate by phone and by video. And we think
12 we have the whole thing set up so that it will work
13 all right.

14 And I am aware of the fact that at least
15 one of our board members has some concerns about
16 the process of involving a board member by virtual
17 presence rather than actual physical presence. I
18 know that our hearts go out to Harold as he goes
19 through his horrendous recovery. I'm hoping to
20 see him next April.

21 But I would like to ask Colehour if you
22 would make the comment that you would like to make

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1 in regards to participation by virtual presence.

2 MEMBER BONDERA: Thank you. And
3 Harold, I hope it is more than a painful recovery;
4 I hope it is a successful recovery.

5 Really, with all due respect, I really
6 think it is important to be clear that, like Jean
7 suggested, we are not all on the same page regarding
8 procedure of remote participation in an NOSB
9 meeting. Really, this is about participation,
10 including voting and I think it is good to state
11 this from the beginning of our time together.

12 Harold Austin cannot be here in person.
13 Six years ago, I believe, NOSB member, Kevin
14 Englebert, could not be at a meeting and he was not
15 permitted to participate remotely.

16 I think change happens and we almost
17 roll with it but with no policy in place to permit
18 remote participation, we must work from where we
19 are now. And for me, it is vital that we are all
20 on the same page, we are all treated with respect
21 and equality. We are all different, all of us
22 around this table. We must be provided with the

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1 neutrality that allows us to all be together so that
2 we can work together with commonality.

3 And the action that is being permitted
4 with no policy or procedure in place, even though
5 there is draft verbiage in the PPM that is put
6 forth, it hasn't been fully reviewed or voted on
7 and it is not permitted in *Robert's Rules*.

8 I put it forth at the La Jolla meeting,
9 when I called a point of order when Harold had just
10 been injured that in *Robert's Rules* it says, in the
11 Eleventh Edition on page 423 regarding voting, it
12 is a fundamental principle of parliamentary law
13 that the right to vote is limited to the members
14 of an organization who are actually present at the
15 time that the vote is taken in a regular or properly
16 called meeting, although it should be noted that
17 a member need not be present when the question is
18 put. Exceptions to this rule must be expressly
19 stated in the bylaws.

20 And it is my request that our Chair, and
21 perhaps others, make a comment as to why and how
22 it was concluded that such a choice for Harold's

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1 participation in the meeting is logical and
2 justified, given the efforts to be sure that said
3 needs are a part of the public understanding and
4 transparency and not simply facilitated in
5 reaction to something that has come up. Remember,
6 Organics is more than just reaction. It has to be
7 about integrity and definition and understanding
8 that is equal and comment and we must have common
9 -- we must have organic policies in place that are
10 not reactions to problems that come up and,
11 instead, are a foundation block to be built upon.
12 And I think, from my perspective, that is vital.
13 So, thank you.

14 CHAIR RICHARDSON: The Chair's
15 response to this is that indeed we are not actually
16 bound by *Robert's Rules of Order* at this meeting.
17 They are adopted as guidelines for the NOSB. We
18 are, however, bound by FACA rules and FACA does not
19 prohibit remote attendance. In fact, it allows
20 for virtual public meetings and this is seen in
21 many, many, I can't remember how many, but about
22 80 or 90 of the FACA Federal Advisory Committees.

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1 And I believe it is my interpretation
2 that the NOSB Policy and Procedure Manual does not
3 preclude virtual attendance and participation.
4 So, all we really need to do with this, and remember
5 at the last meeting we did get advice from the
6 Office of General Counsel, that all we need to do
7 is to make sure that when, at the time to introduce
8 our member, Harold Austin, in Washington, and to
9 make sure that his comment--he can comment as
10 appropriate meeting, ask questions as needed, and
11 that his vote, if we do a hand vote, which we may
12 well be doing for many of our votes, that his hand
13 vote is also recorded. Obviously, right now, we
14 can physically see Harold but who knows exactly how
15 this system will work.

16 I know it is an unusual situation but
17 I believe in compassion over process on something
18 like this. And I believe it is really important
19 that we allow every member to participate, if they
20 can. And we all know how incredibly hard Harold
21 works, putting in many hours a week in order to
22 attend to all of his NOSB duties, even through the

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1 last year since his injury.

2 I believe that Nick Maravell wishes to
3 make a brief comment.

4 MEMBER MARAVELL: Yes, thank you,
5 Jean.

6 I just would like to share my thoughts
7 with the Board on this type of a policy. I think
8 it is fully appropriate that if a board member makes
9 a good faith effort to come to a meeting but cannot,
10 for reasons beyond his or her control, as in the
11 case of Harold, that we should accommodate that
12 board member.

13 And, for example, Zea can't be here
14 right now for reasons beyond her control. She
15 could conference in, as well, but she is making a
16 good faith effort to get here.

17 I am just a little concerned that the
18 policy not be attendance is optional at these
19 meetings--attendance in person is optional. I
20 think it is important for the organic community
21 that the members do be here, if it is at all possible
22 for them to be here. Otherwise, I would be in my

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1 combine seat right now, plugged in with a little
2 earphone saying okay, let her rip because I have
3 work to do back there. But I also have a
4 responsibility to the organic community and I take
5 that seriously.

6 So, I guess what I am saying is is there
7 some way to accommodate that intention, if the
8 Board were to agree? We could have a policy that
9 this entire meeting would be a virtual meeting, et
10 cetera. But if we establish policy, can we
11 establish it with the understanding that
12 attendance is not optional but, indeed, a good
13 faith effort that needs to be made and we will
14 accommodate conditions beyond the control of the
15 board meeting.

16 CHAIR RICHARDSON: Thank you, Nick.
17 The Policy and Procedures Subcommittee will be
18 reviewing both this issue and also the issue of
19 virtual webinars for public comment, when they
20 return to their work following this meeting.

21 I would like to turn now to the
22 introductions of the individual board members and

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1 I am going to start with you, Mac, down there. If
2 you would each just say very briefly who you are
3 and where you are from.

4 MEMBER STONE: Thank you, Madam Chair.

5 Mac Stone. I am a certified organic
6 farmer in Kentucky. We have a diverse vegetable,
7 meat, chicken, turkeys. The turkeys are beautiful
8 this year. We hatch our own Heritage turkeys.
9 And thankfully, we got a positive recommendation
10 from *Cooks Illustrated* magazine last year. So, we
11 doubled our production and they are all off and
12 running and doing real well. So that is a lot of
13 fun. They are a really fun creature to raise.

14 I represent certifiers on this Board
15 and I want to thank the certifiers for their help
16 in educating me and helping me understand the
17 nuance of the rule in the work that we do. It is
18 very different on this side of the microphone than
19 it is on the other side of the microphone.

20 And lastly, I want to give a shout out
21 to the certifiers for all the due diligence and hard
22 work and integrity that they bring to the organic

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1 seal.

2 MEMBER WALKER: I would do like Jay
3 Freedman told me my first meeting, Madam Chair, I
4 would like to move for enjoyment. Just kidding.

5 My name is Calvin Reuben Walker. I
6 serve as the Consumer Public Interest Advocate.
7 This is my last board meeting and I am very happy.
8 I am 99 percent happy to be leaving. I believe that
9 I helped make a difference. And I certainly would
10 like to thank AMS and Miles McEvoy for selecting
11 me as one of those bullet members. At another
12 point in time, during a drink, I would tell you why
13 I did not think that I would be selected. But I
14 am definitely grateful of Miles McEvoy and AMS for
15 selecting me. It has been a learning experience.

16 I represent the group public interest,
17 consumer advocates, and I have always tried to be
18 a little bit more pragmatic in my voting. The
19 consumer group, as you know, is the most vocal and,
20 to me, the most adamant group and I am proud to have
21 said that I have served. And I have tried to serve
22 somewhat the best that I could.

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1 MR. MCEVOY: Thanks, Calvin, but it is
2 not me that selected you. It was Secretary Vilsack
3 that selected you to serve on this Board. So,
4 thank you for your service.

5 MEMBER DE LIMA: Hi, I'm Lisa de Lima.
6 I serve in the retailer's seat. This is my first
7 year on the Board. I work at MOM's Organic Market.
8 I have been there for the last 17 years. We are
9 an independent retailer in Maryland and Virginia.

10 MEMBER BONDERA: Hello. My name is
11 Colehour Bondera. I am here from Hawaii, where I
12 live with my family as a farmer. I sit in a
13 producer seat and this is my final meeting of five
14 years.

15 And I think besides my jetlaggedness
16 that I encountered from traveling here this trip,
17 since it is my final meeting, I just want to comment
18 that I will probably be sure during this meeting
19 that I lay everything on the table that I want to
20 get out there.

21 As a small-scale farmer, I just want to
22 say it is not easy for small-scale producers to even

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1 be able to be certified organic and in recognition
2 that most farmers in the world are small-scale
3 farmers. And I really want to uphold the basics
4 of organics, in terms of definition.

5 Like my mother says, and most people
6 know, everything is organic. So, what must happen
7 is upholding the integrity of the basics that have
8 brought us altogether here. And I think it is
9 critical. Aloha.

10 MEMBER CHAPMAN: My name is Tom
11 Chapman. I am a senior sourcing manager for Clif
12 Bar & Company and I sit here representing organic
13 handling companies. Before Clif Bar, I worked for
14 Numi Organic Tea in organic certification.

15 This is my first year on the NOSB and
16 I also chair the Handling Subcommittee.

17 I'm not much into genealogy but my
18 father is and he tells me that I'm a distant
19 relative to Ethan Allen. So, I consider myself at
20 home here in Vermont.

21 VICE CHAIR FAVRE: Good morning. I'm
22 Tracy Favre and I serve in one of the

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1 environmentalist seats on the Board. I am
2 currently Board Vice Chair, Chair of the Livestock
3 and Policy Development Subcommittees and sit on the
4 Handling Committee.

5 My husband and I have a small
6 diversified farm in Granbury, Texas with
7 pasture-raised sheep and free-range poultry, nuts
8 and fruit orchards, bees, and a market garden.

9 I have a bachelor's of science in
10 petroleum engineering from Texas A & M University
11 but I only worked for ten months in the oil field.
12 I spent almost 20 years as an environmental
13 watershed engineer, working with clients on Clean
14 Water Act compliance issues. I am a registered
15 professional engineer in the State of Texas in
16 civil engineering.

17 I have a master's of science degree in
18 sustainable development, with emphasis in
19 agriculture from the University of London.

20 I worked for four years for Holistic
21 Management International training farmers and
22 ranchers in sustainable land management,

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1 eventually ending up as their Chief Operating
2 Officer. I am currently an organic inspector,
3 doing livestock crop and handling inspections. And
4 additionally, I have completed IOIA training in
5 livestock processing and HACCP.

6 Oh, and I almost forgot. I help my
7 husband on his small manufacturer's rep business
8 doing invoicing and web updates and that is in the
9 electronics manufacturing industry. So, a lot of
10 stuff.

11 Usually, I don't go into so much detail
12 but, recently, a group published information about
13 my background and work experience. And I can't
14 believe that they would intentionally misrepresent
15 or misconstrue my background, bless their hearts.
16 I wanted to make sure that they had the full
17 information, since they may not have done their
18 full due diligence and I wanted to make sure that
19 was in the public record.

20 MEMBER SWAFFAR: Hi, my name is Ashley
21 Swaffar. I am the Director of Policy and Planning
22 for Vital Farms. Vital Farms produces only

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1 pasteurized eggs. And then I also own a small
2 certified mixed vegetable farm in Arkansas.

3 MEMBER BECK: Good morning. My name
4 is Carmela Beck. I work for Driscoll's Strawberry
5 Associates. We are based out of Watsonville,
6 California. I am the Organic Program Manager. I
7 have been there for eight years.

8 I have spent the last eight years
9 working with organic farmers, both small, medium,
10 and large, to maintain and gain their organic
11 certification. So, it is a pleasure to be with you
12 all here today. And I sit in the producer's seat.

13 MEMBER TAYLOR: Good morning and
14 welcome. My name is Jennifer Taylor and I am the
15 granddaughter and daughter of a sharecropper.

16 At Florida A&M University, I developed
17 our state-wide Small Farm Program that provides
18 education, hands-on training, and technical
19 assistance in the areas of sustainable
20 development, focusing on organic production and
21 management strategies, transitioning to organics.

22 I grow ecology farm systems, food

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1 sovereignty, sustainable food system development
2 for underserved farming populations and their
3 communities.

4 As the member of the National Organic
5 Standards Board, our role is advocate for the
6 organic consumer, advocate for the organic
7 communities, and public interest.

8 Thank you.

9 MEMBER MARAVELL: My name is Nick
10 Maravell. I am a producer rep here on the Board.
11 We started organic production in 1979,
12 commercially, all in produce. We are in the State
13 of Maryland and now we are crops and livestock.

14 MEMBER THICKE: I'm Francis Thicke.
15 I'm from Iowa, where you can hardly swing a corn
16 stalk without hitting somebody running for
17 President. And I have an organic dairy farm there,
18 grass-based and we milk about 90 cows and we process
19 our milk all on the farm into bottled milk, yogurt,
20 and cheese, and we sell it all locally within a
21 five-mile radius.

22 And I am on one of the environmental

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1 seats.

2 CHAIR RICHARDSON: Harold.

3 MEMBER AUSTIN: Good morning. My name
4 is Harold. I am the Director of Orchard
5 Administration for Zirkle Fruit Company, a fourth
6 generation fruit business located in Selah,
7 Washington. We grow, pack, and ship organic
8 apples, pears, cherries, blueberries, and wine
9 drippings.

10 I have been involved in agriculture for
11 my entire life. I currently serve as the NOSB
12 Secretary and I sit on two handling positions on
13 the Board. I also sit on the Handling, Crops, and
14 Materials Subcommittees, as well as the Executive
15 Committee.

16 I would like to thank all of you that
17 lended your good wishes, brought all the bags of
18 goodies when I broke my femur during the spring
19 meeting. You made me help to appreciate why I am
20 here, why I am so proud of our organic family and
21 our organic community.

22 Thank you all for well wishes and thank

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1 you for allowing me to participate. Thank you.

2 CHAIR RICHARDSON: Thank you, Harold.

3 And I'm Jean Richardson. My Ph.D. is
4 in biogeography. I have a background in the
5 biological and earth sciences, soils, ecology, and
6 post-doctoral training in law; professor emerita,
7 University of Vermont, where I taught
8 environmental studies and environmental law, and
9 did research in dioxin contamination of milk and
10 dairy feed on both organic and nonorganic farms as
11 one of my pieces of research.

12 And then a piece of trivia about me; I
13 was the first girl to do the weather live on evening
14 television in Britain.

15 Last but not least, I would like to ask
16 Michelle if she would please introduce herself.
17 Are you going to do that? Okay.

18 MR. MCEVOY: Okay, good morning. I'm
19 Miles McEvoy. I am the deputy Administrator of the
20 Agricultural Marketing Services National Organic
21 Program. I have been there for six years. It has
22 been an amazing experience to represent and work

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1 to protect organic integrity.

2 So, a little piece of trivia about
3 myself is I also worked in the oil industry when
4 I was a young man. I worked on offshore oil rigs
5 off of Louisiana, just one of those itinerant jobs
6 as I was traveling around. And after that, I
7 worked in the orchards and reforestation, and let's
8 see, a salmon fishery up in Alaska. So, I did that
9 for a long time before getting my master's in
10 entomology and coming back to Washington State and
11 running the Washington State Department of
12 Agriculture's Organic Certification Program for 20
13 years or so before coming to USDA.

14 So, it has been a great ride, a great
15 time to work with organic farms and the organic
16 industry all around the world, really. And I want
17 to also introduce the staff from USDA that are here.

18 So, first of all, Michelle Arsenault,
19 who is the one that really makes this happen. She
20 has a lot of support to make this happen but she
21 is the one that actually does all the logistics and
22 handles all the things that make this come

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1 together. So, Michelle, you do an amazing job and
2 thank you so much for making this happen.

3 I would also like to introduce Dr. Paul
4 Lewis at the table back on the side here, side of
5 the room. Dr. Paul Lewis comes from EPA. He is
6 the new Standards Director for the National Organic
7 Program. He has been with the program since June
8 of this year. So, be easy on him but he is a quick
9 learner and he is doing amazing things already.
10 So, welcome, Paul, to the National Organic
11 Standards Board and this meeting.

12 I also have Dr. Lisa Brines, who is the
13 National List Manager. A lot of you know her and
14 her work that she does to support the work of the
15 Board. So, Dr. Lisa Brines.

16 And then we have Emily Brown Rosen here,
17 at the front table, who is also one of the main
18 technical support staffs that supports the
19 subcommittees and the work of the Board.

20 And then somewhere in the back of the
21 room we have Sam Jones from AMS Public Affairs.
22 So, if any media are here, he is the one to contact.

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1 I understand we will have some TV coverage here
2 today at some point. So, that completes the USDA
3 staff that are here. Thanks.

4 CHAIR RICHARDSON: Thank you, Miles.

5 And, let's see. Next I will introduce
6 Chuck Ross.

7 Let me just say a few words about our
8 wonderful Vermont Secretary of Agriculture.
9 Chuck Ross has a BA from the University of Vermont,
10 a great little university. I think, Lisa, isn't
11 your degree from there, too? Yes. And an MA from
12 the University of Washington.

13 And he was the State Director to Senator
14 Leahy for 16 years. So, he really understands how
15 the political system works in its wonderful
16 complexity. He is an absolutely excellent
17 Secretary of Agriculture. I have been in Vermont
18 for 40 years and we have never had such a great
19 Secretary of Agriculture, in large part, because
20 he really does understand the contexts of all the
21 interactions of agriculture from a much broader
22 perspective than, perhaps, his usual Secretaries

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1 of Agriculture.

2 So, he has a very balanced approach and
3 he has always been very supportive of organic
4 agriculture, local agriculture, and expanding
5 value-added in markets, both nationally and
6 internationally.

7 A trivia piece about Chuck is that he
8 is a great ice hockey player.

9 So, it is with great pleasure that I
10 would introduce you to our Secretary of
11 Agriculture, Chuck Ross.

12 SECRETARY ROSS: Thanks, Jean. I love
13 being introduced as a great ice hockey player
14 because if it is true in your mind, then it is true
15 in my mind. Just last night I played again, as I
16 do, and now I get to play with my 15-year-old son
17 and I am proud to say he aced me last night. He
18 skated around me past the front of the net and they
19 scored and I was playing defense. So, oh, well.

20 So, I feel like I have a split audience
21 so let me just pardon myself for having my back
22 largely turned to most of you who -- can I just see

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1 the hand of everybody who considers yourself a
2 Vermonter? It is interesting to know. Thank you
3 for being here. So, I will try to kind of address
4 everyone here.

5 Thank you for the invitation to come
6 speak to you and I want to thank Miles and your boss,
7 Tom Vilsack, and the support of the EOCA and, most
8 importantly, I want to also recognize an important
9 Vermonter, who is involved in the organic
10 agriculture and that is Enid Wonnacott, who has
11 been our voice right over here for years. I think
12 it is fair to say Vermont organic agriculture would
13 not be where it is but for Enid's long and very
14 important stewardship of that part of our
15 agriculture industry here.

16 But I mostly want to thank all of you
17 on the NOSB for coming to Vermont and bringing your
18 meeting here. Jean, particularly for you, I have
19 an idea that when you are a chair you get to have
20 a little influence about where some things happen.
21 So, that is great to have you and all of you come
22 to Vermont at this time of year.

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1 And it is a wonderful time of year but
2 I think it is also really important to recognize
3 that coming to Vermont makes some sense. I think
4 from the organic background, having this Board and
5 the work you do and what you represent is so
6 critically important. As I understand it, you get
7 paid really big dollars for the work you do and that
8 you put in untold hours, you do really critical
9 thinking, and are a really important voice for a
10 very important industry in Vermont.

11 Jean, thank you for the work you do as
12 its Chair. I guess I will return the compliments,
13 in part. Leadership is critical, I believe, in the
14 field of agriculture but it is certainly critical
15 on the Board. It is important to have a balanced
16 and reasoned point of view and a welcoming of other
17 voices and input. And I appreciate your effort to
18 do that. I have been in public service off and on
19 for most of my life and my father was a public
20 servant as well. And there is nothing more
21 refreshing than someone who is willing to listen
22 to differing points of view in this world of

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1 politics, of which I will suggest, given the events
2 of today, both now and in the future, there is going
3 to be a little bit of politics, a little divergent
4 voices. And you know what? That is really good
5 and I commend all of you for listening.

6 A couple of comments I would like to
7 make. First of all, I think this whole organic
8 movement, this effort, is an example of, speaking
9 of politics, the best of citizen participation and
10 political leadership.

11 We now have a \$39 billion industry
12 nationwide that has its own set of standards and
13 these standards were not created in Washington out
14 of thin air. These standards, and I am proud to
15 say, reflected the input of farmers, farmers from
16 across the country and, particularly, I might add,
17 farmers from Vermont who were very much engaged in
18 the beginning of establishing organic agriculture
19 as a viable, meaningful occupation and they spoke
20 up and they were listened to by leaders in
21 Washington from around this country but I think it
22 is important to note, while you are in Vermont, one

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1 particular leaders, and that would be Senator
2 Patrick Leahy, who I have the privilege of working
3 for.

4 That voice of you, the farmers,
5 citizens of our state and our country actually have
6 made a huge difference. You spoke up with
7 integrity. You spoke up with experience. you
8 spoke up with candor and you kept at it until you
9 were listened to and then, because you were
10 listened to, we were able to establish a whole new
11 wing in the agriculture production community
12 called organic agriculture with standards that we
13 all can understand and advance that industry.

14 And relatively speaking, given the
15 history of agriculture, it is a pretty new and very
16 important part of our economy.

17 And I would say that your voice and the
18 voice of the NOSB continues to advance and promote
19 this really important, growing industry. And when
20 I was with Senator Leahy, he used to always kind
21 of track the growth in billions of dollars of
22 activity. But I think what is also important to

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1 recognize is not only is it billions of dollars of
2 activity in the agricultural world, it is
3 supporting families with a sustainable living in
4 the agriculture arena and it is responding to the
5 consumers and their sharpening focus on what they
6 want. They want to know where their food is
7 produced, how it is produced, who is doing the
8 producing and the organic community and the
9 products you produce continue to respond to that
10 consumer demand.

11 I will tell you from my standpoint as
12 the Secretary of Agriculture from the State of
13 Vermont, this an industry that is critically
14 important and it is growing in importance. It is
15 the foundation to an evolution and leadership in
16 the State of Vermont to our community-based
17 agriculture.

18 If you are not familiar with Vermont,
19 we have for many decades been considered a dairy
20 state. We continue to have 75 to 80 percent of our
21 farm gate dollars coming from dairy, about 184 of
22 which are organic dairy farms out of about 850. We

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1 have been a dairy state but we have been
2 diversifying our agricultural base for a long time
3 and, particularly in the last 10 or 15 years in
4 organic agriculture, as a critical, let me
5 underscore critical, component of that evolution.
6 And it has helped Vermont, in my mind, become a
7 leader in what I call community-based agriculture,
8 where we actually know who is doing our production.
9 We actually are familiar with how they are
10 producing it. We know the people. We understand
11 the import of buying local, buying regionally, and
12 supporting that agricultural economy, that
13 agriculture community, that agriculture culture
14 that is so critical to a sustainable agriculture.

15 And so in my view, there is much to be
16 proud of and much to celebrate, both in Vermont and
17 beyond because this is not just a Vermont movement,
18 not just a Northeast movement and, as Senator Leahy
19 used to say, we used to be thought of as just a bunch
20 of hippies up there in the northeastern part of the
21 country that were advancing organics. No, this is
22 a nationwide and a global movement and you all are

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1 to be commended for supporting it.

2 But I want to give you one more
3 perspective, given my experience the last four and
4 a half years. I have had the privilege of being
5 the president of the national group of my
6 colleagues called NASDA, the National Association
7 of State Departments of Agriculture. And a couple
8 of lessons. One, when I started, and that is all
9 my colleagues around the country who deal with
10 agriculture policy every day, the first thing I
11 noticed is there wasn't much dairy represented.
12 And the second thing I noticed is there wasn't any
13 organic represented at that national meetings. A
14 lot of policy conversations. We would have the Tom
15 Vilsack types come the meetings from all walks of
16 agricultural life but not once did I see somebody
17 from the organic community show up among me and my
18 colleagues, whose responsibility it is to advance
19 agriculture policy across the country.

20 And when I was President, I had the job
21 of hosting a meeting like Jean has to today and I
22 used to promote our organization to help raise some

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1 money to support it and saying my colleagues are
2 important because if you are going to advance
3 agriculture policy in the United States, well,
4 where do you go? Congress, right? Well, you tell
5 me how much Congress is getting done these days.

6 Well, then if you don't get it done in
7 Congress, where do you go? You might go to your
8 governors but the governors typically have a wide
9 variety of things they need to think about in
10 advance. And so, consequently, agriculture
11 policy oftentimes falls to people like myself who
12 are dealing with it on a day-to-day basis and move
13 it through the system.

14 And what I was seeing when I was making
15 that pitch was I wasn't seeing organic agriculture.
16 But one of the things I am most proud of is I
17 actually reached out to the organic community and
18 the sustainable ag community and they came onboard.
19 The Organic Trade Association is now involved with
20 the National Association of State Departments of
21 Agriculture. Your voice is being heard in a way
22 that it hasn't been heard before and I urge you,

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1 I urge you to stay engaged because me and my
2 colleagues do make decisions. We have influence
3 and we shape the policy framework.

4 I am going to be out of a job in about
5 16 months because my governor is not running again.
6 So, I have to figure out where I am going to go next.
7 But one of the things I want to leave is a legacy
8 that the organic community be involved in the
9 national conversation about agriculture policy and
10 its future. And you have not been in the way you
11 should be and you are now. So, stay engaged.

12 Last point and this is more of a
13 warning. And that is, as we move forward in the
14 agriculture conversation and, particularly, in the
15 organic conversation, let us continue to be
16 thoughtful. Let us continue to be reasoned and
17 pursue our ag and food futures in that way. Let's
18 honor the need to have a healthy planet, have
19 healthy consumers, and a healthy industry. And,
20 this is the point, let us also honor our diversity,
21 both within the agriculture community, of which I
22 think we are going to hear differing points of view

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1 today, and within agriculture as a whole.

2 I will tell you, from my perspective as
3 being a President of the National Association and
4 dealing at that level, it is so easy to find
5 ourselves focused on the things that divide us at
6 the expense of all the things that unite us. The
7 issues of food and agriculture are too big, too
8 profound to our future, to spend all our time, all
9 our energy, all our political effort and will
10 fighting over the things that divide us.

11 There is too much to be gained, too much
12 to be learned from one another, whether it be within
13 the organic community or within the agriculture
14 community at large, to ignore and miss those
15 learning opportunities to advance agriculture and
16 food at the speed and at the rate and in the way
17 that it needs to be. I am a firm believer that we
18 have a bright future ahead of us in agriculture.
19 It is not only bright but it is necessary. An
20 organic community needs to be a big part of that.
21 We have much, much to learn, and much, much to do
22 in the years ahead.

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1 So, that would be my warning, given my
2 experience, involved in the politics of
3 agriculture. We have too much that unites us.

4 So, now I think I am supposed to done
5 one other thing.

6 CHAIR RICHARDSON: Yes and before you
7 introduce Senator Leahy via the video, I would like
8 to acknowledge the presence of Tom Berry over here.
9 Tom is in the State Director -- or is that correct
10 -- for Senator Leahy here in the State of Vermont.
11 And if you have questions or comments you want to
12 put to him, he will be here for a while this morning.

13 Do you want to say anything, Tom?
14 Great. Thank you, Tom.

15 So, Chuck, would you like to introduce
16 the Senator, the virtual presence of the Senator?

17 SECRETARY ROSS: I would be happy to,
18 Jean, and thank you. The fact that you are here
19 in Vermont and that you have a U.S. Senator who has
20 taken the time to cut a video, as some as a former
21 staff person for a senator, that is no small
22 potatoes. I will tell you people like Tom and

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1 Adrienne Wojciechowski who he works with in
2 Washington, D.C., they take time to make sure these
3 things happen. They brief the senator. He,
4 frankly, doesn't need, and I will tell you this from
5 experience, a whole lot of briefing when it comes
6 to organic agriculture because he actually pays
7 attention to this.

8 And the fact that he wants you to have
9 a video of what he has to say is significant.

10 For those of you who don't know the
11 senator, he has a great staff, Tom Berry being one
12 of them, who has been with the senator for a number
13 of years. He has other staff, both in Vermont and
14 Washington, D.C., who actually really care about
15 what happens to agriculture and organic
16 agriculture in Vermont and beyond.

17 He has been and continues to be a
18 guardian of the first amendment. He is championed
19 as that man who advances all our voices. He is,
20 without a doubt, considered an environmental
21 senator and that ranges from his deep concerns
22 about Lake Champlain to concerns about the Amazon

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1 and climate change that is occurring around this
2 world. He is an international voice of peace and
3 reason and he is a long-term voice for agriculture
4 in the United States. He has been in the senate
5 since 1974, the longest serving member to serve the
6 state of Vermont and all those years he has been
7 on the Agriculture Committee. And so it is no
8 surprise that it was he to whom the organic
9 community turned when they needed to advance
10 national organic standards, of which he is
11 considered the father.

12 And with that introduction, I would ask
13 you to just give the senator a few minutes as he
14 addresses you via video. And I thank you, myself,
15 for being here and giving me an opportunity to say
16 a few remarks.

17 SENATOR LEAHY: What a treat, and
18 especially in Vermont in the fall, to welcome you
19 all from across the country and from the Green
20 Mountain State to the National Organic Standards
21 Board Fall Meeting. I appreciate you brought your
22 2015 meeting to Stowe and to what I think is one

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1 of the prettiest settings in our state.

2 I especially wanted to recognize NOSB
3 Chairwoman, Jean Richardson. I have known Dr.
4 Richardson's exceptional contributions as a
5 professor a scientist, a researcher, environmental
6 advocate, and community leader for many years and
7 is a very close of both mine and Marcelle's. I knew
8 that well before I nominated her to serve on the
9 NOSB. So, I really wasn't surprised to see Jean
10 take on the leadership position at a time of
11 considerable challenge for your Board and to see
12 her turn away attempts to dilute the meeting of the
13 organic seal.

14 As her term as Chair draws to a close
15 with this meeting, please, all of you, join me in
16 thanking Jean for strong, open, and thoughtful
17 leadership. Heck, let's all clap for her.

18 And this year, we are celebrating the
19 Silver Anniversary of the Organic Foods Production
20 Act. Twenty-five years ago, when I was the new
21 chairman of the Senate Agriculture Committee, I
22 included this charter for the National Organic

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1 Standards and Labeling Program. I put in the 1990
2 Farm Bill. And I brought the Agriculture
3 Committee to Montpelier, my birthplace.

4 At that time, the term organic meant
5 whatever you wanted it to mean. It told consumers
6 nothing about the products. And many in the
7 Senate, back then, dismissed organics as a small
8 niche activity. They thought it was just a hobby
9 of a bunch of crunchy fringe-types up there in
10 northern New England. It's never going to amount
11 to much or have any impact within American
12 agriculture.

13 Well, the verdict seems to be in on that
14 question today. Organic product sales in the
15 United States are now valued at \$39 billion a year.
16 They posted double digit growth year after year,
17 after year.

18 But give me a moment of native
19 Vermonter's pride to note that Vermont leads the
20 way with the greatest number of organic farms per
21 capita in the United States. So, the entire
22 organic industry and the livelihoods of thousands

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1 of Americans, many of them in Vermont, are based
2 entirely upon consumers' trust that the organic
3 seal has real meaning.

4 Many of us in this room fought hard in
5 the beginning of the organic program to make sure
6 that happened. And trust in the organic seal has
7 brought us far over the past 25 years and the work
8 of the National Organic Standards Board is
9 essential to keep that promise.

10 In the United States and around the
11 world, particularly here in Vermont, consumers are
12 demanding to know what is in their food and they
13 want to know how it is produced. And policymakers
14 and producers are responding with a proliferation
15 and formal label that says it is GMO-free, or
16 contains GMOs, or cage-free, or all natural,
17 hormone-free, and many more but only the organic
18 label is built on a foundation of federal law and
19 carefully considered rules and guidance all
20 grounded by 25 years of experience and an
21 independent Board that hears the input of producers
22 and consumers and processors alike.

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1 So, over the next four days, you are
2 going to hear from some of the most dedicated and
3 experienced organic producers in the world,
4 including many here in Vermont who have advised me
5 for years. And I know you will listen closely to
6 this testimony input, as you and all of us continue
7 to fight to protect the integrity of the organic
8 label. I know how important your work is to the
9 organic sector. We all do. So, have a great
10 meeting and welcome to Vermont.

11 CHAIR RICHARDSON: Thank you very much
12 and thank you, Chuck; thank you, Tom, for being
13 here.

14 We will next take the formal
15 Secretary's report. And Harold Austin is the
16 Secretary of the NOSB and we would request that he
17 present the acceptance of the 2015 meeting summary
18 of April 2015.

19 Harold.

20 MEMBER AUSTIN: Thank you Madam Chair.
21 At this time, I would like to address the members
22 of the National Organic Standards Board. If there

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1 are any additions or questions -- for the April 2015
2 meeting held in La Jolla -- for the full summary
3 and voting of the members of the --

4 Hearing, none, I would move that we
5 accept these as the official record of the Spring
6 2015 Meeting of the National Organic Standards
7 Board of the La Jolla meeting.

8 Madam Chair, that ends the Secretary's
9 report.

10 CHAIR RICHARDSON: Thank you, Harold.
11 The wording was not entirely clear for us. It is
12 skipping every sort of almost alternative phrase.
13 So, basically it is simply the pro forma
14 presentation of the request to accept the 2015
15 meeting summary has now become the official record
16 of the April 2015 meeting.

17 Thank you, Mr. Secretary.

18 The next item in our agenda is a
19 presentation by the National Organic Program. It
20 is a report and update since our last meeting. And
21 I would ask Miles McEvoy, Deputy Administration of
22 the National Organic Program, to present his report

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1 to us. Thank you.

2 MR. MCEVOY: Okay, thanks, Jean. As I
3 said, it is nice to be here in Vermont. I have a
4 number of things to report about activities at AMS
5 National Organic Program.

6 Okay, so I am going to cover a number
7 of things today. I am going to talk about the
8 Agricultural Marketing Services National Organic
9 Programs strategic plan. I presented this at the
10 spring meeting. So, it is an update about that
11 strategic plan and some of the activities that we
12 are conducting under the auspices of the goals of
13 the strategic plan.

14 I am going to get into a little more
15 detail about perfecting organic integrity, some of
16 the things that we are doing specifically in the
17 compliance and enforcement division, then move on
18 to some topics that are more particular to the
19 National Organic Standards Board, then an update
20 on the organic integrity database and, finally,
21 some of the sound and sensible certification
22 projects that we have been conducting.

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1 First, just a quick overview of some of
2 the accomplishments over the last number of years.
3 There have been many. Former Deputy Secretary
4 Merrigan started what is called the age of
5 enforcement in 2009, which outlined the principles
6 of appropriate penalties for violations of organic
7 standards now, for the National Organic Program
8 issuing civil penalties and using our new subpoena
9 authority that we got under the 2014 Farm Bill. It
10 is fairly routine for the Compliance and
11 Enforcement Division.

12 The Pasture Rule has been a very
13 important milestone for the National Organic
14 Program. It was finalized in 2010 and implemented
15 over the next couple of years and it ensures that
16 all organic ruminant operations are pasture-based
17 operations. Residue testing is now an integral
18 part of the certification process and that helps
19 to protect organic integrity. The NOP Handbook
20 provides guidance and instructions to organic
21 operations and certifying agents. It helps
22 provide consistency in how the rules are

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1 interpreted and enforced. And many of those
2 instructions and guidances and policy memos that
3 are in the handbook are directly from the
4 recommendations from National Organic Standards
5 Board.

6 We have also increased audit
7 consistency with the 80 accredited certifiers that
8 operate around the world. Audits are now
9 regularly conducted and include a number of new
10 tools, including review audits, compliance audits
11 and other tools that ensure consistency in
12 alignment of those certifiers with the
13 accreditation and standards requirements.

14 We have had four audits conducted by the
15 Office of Inspector General. All those audits led
16 to findings that have helped strengthen NOP
17 performance.

18 In terms of international equivalency
19 arrangements, we have negotiated and implemented
20 equivalency arrangements with five countries and
21 provided a common market for organic products while
22 ensuring protection of organic standards. So, this

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1 is quite a feat now that the two largest markets,
2 the European Union and the U.S. have basically a
3 common way of trading organic products. It really
4 makes a big difference for organic producers and
5 handlers around the world to access those market.

6 We have made significant improvements
7 to the appeals process, reduced the appeals time
8 from two years to about six months.

9 We have launched the USDA Organic
10 Literacy Initiative and trained tens of thousands
11 of USDA employees around the U.S. and also around
12 the globe. So, those employees or those staff at
13 USDA now have basic understanding of organic
14 standards, of the certification requirements, and
15 that pays a lot of dividends for the agricultural
16 community.

17 We have implemented an effective
18 communication tool, the USDA Organic Insider so we
19 can communicate about USDA activities that support
20 the organic sector. We created a list of certified
21 operations and made improvements to the data
22 quality every year. And we have implemented the

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1 sound and certification concept to ensure that
2 certification protects organic integrity but does
3 that in a manner that is reasonable, that is
4 accessible, obtainable, and affordable by farmers
5 and handlers. Still a lot more work needs to be
6 done in that area but a lot of good work has already
7 been accomplished.

8 So, the NOP strategic plan has five main
9 goals. First and foremost is protecting organic
10 integrity. That is the main business of the
11 National Organic Program and guides everything
12 that we do.

13 Secondly, market access, and when we
14 talk about market access, that is not only about
15 international market access, that is about access
16 to local and regional markets ensuring that farmers
17 and handlers have the information they need and the
18 resources they need to be successful in getting
19 into the organic market.

20 Clear standards, third goal, there is
21 still a lot of work that is needed in this area.
22 There are a number of NOSB recommendations that

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1 need to be fully implemented. We have made a lot
2 of progress on clear standards but we still need
3 to complete rulemaking on origin of livestock,
4 animal welfare, aquaculture, apiculture, pet food,
5 mushrooms and there is probably a few more that we
6 will find after we finish those.

7 Utilizing technology to advance
8 organic integrity. Right now the focus of this
9 particular goal is to modernize database but we
10 want to ensure that we appropriately utilize
11 technology to protect organic integrity.

12 And finally, organizational
13 development. The NOP staff has grown to almost
14 staff members. We need to ensure that they have
15 the training and support that they need, provide
16 the quality services to the organic sector. We
17 also need to continually improve our processes
18 within the program to effectively and efficiently
19 serve the organic community.

20 So, I want to get into a little more
21 detail around protecting organic integrity. Let
22 me get all the numbers up.

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1 Okay, so here we have a comprehensive
2 overview of the ten key concepts that together help
3 to protect organic integrity. So, certification
4 is certainly the core business process around
5 protecting organic integrity but there is a number
6 of other elements as well that are very important.

7 So, first, clear and enforceable
8 standards. Farmers and handlers need to
9 understand the standards. If they can understand
10 what the requirements are, they are much more able
11 to comply with those requirements. And then they
12 also need to be enforceable. So, for certifiers,
13 in particular, the standards need to be written in
14 a way that they are enforceable. We do have some
15 work to do in that area and in certain aspects of
16 the regulations that really need to be clarified
17 and crystalized, so that they are clear of what are
18 the enforceable parts of the standard.

19 Second, we need to have an effective
20 communication system so people know what the
21 standards are or changes to the standards. So the
22 USDA Organic Insider is part of that communication

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1 network.

2 Third, transparency in regards to
3 process and changes to process. So, the NOSB
4 provides transparency in the work that they do
5 through their subcommittees, the notes from their
6 subcommittees, the proposals that they have out for
7 public comment, the public comments that they
8 receive. AMS, in our work, we provide further
9 transparency when we send out information and ask
10 for public comments on draft guidance and proposed
11 rules. A very important part of the process.

12 Fourth, certification, it is the heart
13 and soul of the verification system. We need to
14 ensure that the certification system is thorough
15 and that there are quality inspectors and reviewers
16 that are conducting the work of certification, that
17 they have the tools and the resources they need to
18 do effective certification work.

19 Fifth, an accessible and effective
20 complaint process. We want to really get the word
21 out that we have a complaint process and make sure
22 that that is an effective complaint process.

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1 Sixth, appropriate penalties for
2 violations of the standards. So, they vary,
3 depending upon the type of violation, from a
4 corrective action to civil penalties, to criminal
5 penalties for criminal violation. So, an
6 effective penalty structure is important.

7 Seventh, market surveillance, this is
8 one area that needs more attention. I would like
9 to see a more effective way that labels and products
10 that are sold in the marketplace could be reviewed
11 to ensure certification and compliance with the
12 organic standards. So, this would be part of a
13 comprehensive system to protect organic integrity
14 but we have more work to do in really creating a
15 more effective market surveillance part of the
16 program.

17 Eighth, unannounced inspections.
18 This compliments the certification process. It
19 keeps everyone on their toes and now is a regular
20 part of the process that certifiers conduct, that
21 they conduct unannounced inspections to help
22 protect organic integrity.

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1 Ninth is residue testing. We have
2 learned a lot in the last few years. Now that it
3 is a regular requirement of the certification work,
4 we have found residues that have led to enforcement
5 actions or improvements to buffer zones or handling
6 procedures. So, it is a very important component
7 of protecting organic integrity.

8 And finally, continuous improvement,
9 always looking for ways to make the system better,
10 more fool-proof to ensure that organic products
11 really are organic.

12 So we have a very effective complaint
13 process and this is the form that we have on our
14 website that illustrates the kind of information
15 that we like to receive or want to receive to have
16 that complaint process be effective. The
17 information about how to file a complaint is on our
18 website. Anyone can file a complaint at
19 NOPCompliance@usda.gov. We provide guidance on
20 what helps our compliance work. We need to receive
21 as much as information as possible about the
22 alleged violation, what type of product or

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1 operation, when and where was the product purchased
2 or the violation observed, copies of labels or
3 product lot numbers can also be very helpful.

4 All complainants are anonymous. So,
5 that is one thing to let people know that anyone
6 that files a complaint, that is not disclosed under
7 FOIA requests. So, keep that in mind if you are
8 interested in filing a complaint.

9 So all complaints are reviewed and
10 evaluated. There is a process that we go
11 through. When a complaint comes in, we first
12 determine if it is within our jurisdiction. Our
13 authority is under the Organic Foods Production
14 Act. Complaints about food safety or labor laws
15 or other violations that don't have to do with an
16 organic claim, we would refer them to the
17 appropriate authority.

18 We also get complaints that may be about
19 the organic standards themselves. So, that is
20 very important information but it may not be a
21 complaint that we investigate. For instance, we
22 may receive a complaint that carrageenan is in an

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1 organic food product. In those cases, we would
2 explain that carrageenan is on the National List
3 and we would provide information to that person on
4 potentially how to file a petition for removal of
5 carrageenan from the National List or how to stay
6 informed about standards and the National Organic
7 Standards Board process, how they can get involved
8 in the process.

9 We also review complaints to see
10 whether there is adequate evidence for additional
11 investigation. If the complainant does not know
12 when or where the product was purchased, then we
13 may not have sufficient evidence to launch an
14 investigation.

15 In other cases, the evidence provided
16 shows compliance with the regulations. For
17 instance, the label is compliant. So, there is a
18 complaint but we look at the label and the label
19 is actually a complaint label. Or the photos shows
20 animals on pasture; in those situations, we may
21 also check with the certifier, at this stage, to
22 determine whether the operations are in good

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1 standing.

2 If we do have sufficient evidence of
3 violations, then we investigate further. If the
4 operation is in the State of California, then the
5 case would be referred to the California State
6 Organic Program, where they would do the additional
7 review and investigation.

8 If the case is about a certified
9 operation, then it is referred to certifiers.
10 Certifiers then have to report back to the NOP on
11 the results of their investigation.

12 In the case of uncertified operations,
13 and this what accounts for the majority of our
14 complaints at this point, over 70 percent of our
15 complaints are about uncertified operations, then
16 the NOP Compliance and Enforcement Division
17 conducts the investigation.

18 So, I wanted to give some examples of
19 some of the enforcement actions that we have taken
20 over the last year. First, is a case where we
21 prevailed in a formal administrative complaint
22 against Ernest Miller of Stony-M Farm. This was

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1 a case involving the use of a prohibited substance.
2 The farmer claimed that the substance should be
3 allowed and that it was only a minor ingredient in
4 a fertilizer mix. The certifier did their work,
5 in terms of issuing a notice of non-compliance and
6 then, later, a notice of proposed suspension, which
7 the farmer appealed.

8 At that point, when there is an appeal,
9 we take a look at the appeal and we then eventually
10 issued an administrator's decision, which denied
11 that appeal. At that point, the operation still
12 has additional appeal rights. So, they requested
13 a hearing in front of an administrative law judge.
14 And for us to move forward with that, we have to
15 file a complaint.

16 So, we filed a complaint and we held
17 that hearing in front of the administrative law
18 judge and prevailed with a three-year suspension
19 of the land where the substance was applied.

20 The second case was with the Organic
21 Food Chain, which is a formally accredited
22 certifier who operated in Australia. The NOP's

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1 position was that this certifier willfully
2 violated the regulations for failure to meet
3 accreditation requirements. We issued a notice of
4 proposed revocation and they appealed.

5 Then AMS issued an administrator's
6 decision to deny that appeal. They then requested
7 an administrative hearing. We then filed a
8 complaint, which led to a consent decision and
9 order. So, in this case, we did not go to the
10 administrative hearing or to the administrative
11 law judge. We settled this matter with a consent
12 decision and order, where they agreed to be
13 suspended for two years, rather than go to the
14 hearing. So, at this point, this certifier is
15 suspended and in order for them to get reinstated,
16 they would have to demonstrate full compliance in
17 order to reinstate their accreditation after the
18 two-year suspension.

19 Another example where we have had a lot
20 of success around compliance is with the help of
21 the National Organic Program Handbook. A few
22 years ago, we published the instruction food needs

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1 to be certified in order to clarify the operations
2 that needed to be independently certified. Prior
3 to this publication, some certifiers were allowing
4 operations to be covered by other certification.
5 These operations were inspected but they weren't
6 independently certified. So, this instruction
7 clarified that operations that produce or handle
8 organic food products need to be independently
9 certified.

10 So after publication, we received a
11 number of complaints about auction barns that were
12 not certified, uncertified operations. We
13 conducted investigations and the result of that is
14 six of those operations obtained certification and
15 are continuing to handle organic livestock and the
16 other operations have stopped handling organic
17 livestock. So, they are all in compliance and part
18 of the outcome is that six of those operations are
19 now certified organic livestock auction barns.

20 In regards to serious violations, we
21 often work with other regulatory authorities. One
22 example was an uncertified operation that was

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1 making organic claims in Alabama. We initiated an
2 investigation in 2013 and then we worked with the
3 State of Alabama's Attorney General's Office in
4 support of their investigation of securities
5 fraud. Was the result was that last year the owner
6 accepted a plea bargain from Alabama that included
7 a 15-year prison term and fines. Not all because
8 of organic fraud but the organic violations that
9 we investigated and provided to the State of
10 Alabama supported this case.

11 In summary, the Compliance and
12 Enforcement Division received 549 complaints last
13 year and completed review and investigations or
14 enforcement actions on 390 cases. So, the number
15 of complaints that we are receiving are increasing
16 quite significantly. When I started in 2009, we
17 had less than 200 complaints that we were receiving
18 every year. So, we are getting significantly more
19 complaints that are coming in. We think that is
20 a very good thing. That means that we are getting
21 the word out to people that we have an effective
22 complaint process and this helps us to take the

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1 actions to bring more consistency and integrity to
2 the organic system.

3 Also keep in mind that part of
4 compliance and enforcement's mission is to both
5 enforce the standards, as well as protect compliant
6 operations. Some complaints are filed for
7 malicious reasons. Some complaints are against
8 competitors, so there is no real basis for it but
9 they are in a dispute. Some are filed because of
10 domestic disputes or even to discriminate against
11 certain types of farmers or operations. It is as
12 important to clear a case and close it with no
13 findings as to find violations and take appropriate
14 enforcement action.

15 When violations do occur, we have a
16 number of a tools that we utilize. Last year we
17 issued 36 cease and desist orders and issued 121
18 notices of warning. We also issued eight civil
19 penalties and fines that totaled almost \$2 million.
20 So, a lot of great work is being done by the
21 compliance and enforcement division and I think it
22 is important for people to know that.

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1 Okay, so let's now turn to the National
2 Organic Standards Board activities. As you know,
3 the National Organic Standards Board is a Federal
4 Advisory Committee which assists and advises USDA.
5 NOSB provides very critical and important
6 recommendations that help the Agricultural
7 Marketing Service develop, interpret, and
8 implement the National Organic Program. The NOSB
9 has a charter, which will be renewed next year.
10 The charter has to be renewed every two years. It
11 spells out the mission and duties of the Board.
12 The National Organic Standards Board has a
13 designated federal officer, who is the Program
14 Manager of the National Organic Program, meaning
15 myself, the Deputy Administrator of the NOP.
16 There are certain responsibilities that the DFO has
17 in terms of opening and closing the meeting.

18 The NOSB has subcommittees that do a lot
19 of the work that has been presented to the full
20 board at these meetings and a chair of the board.
21 And as a FACA, as a Federal Advisory Committee, the
22 NOSB must have opportunity for public comment.

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1 There are 15 members of the Board that
2 are appointed by Secretary of Agriculture to
3 five-year terms. There are 14 at this meeting
4 because we had one resignation over the summer,
5 Paula Daniels. So, there will be six new
6 appointees for the 2016 session.

7 Nominations for the last open position,
8 the Environmental Protection and Resource
9 Conservation position will close this Thursday.
10 So, please apply and encourage others to apply. I
11 know there is a lot of great people here in this
12 room that really, at some point, you should be
13 sitting up here. So, please apply to be on the
14 National Organic Standards Board. The more
15 applications we receive, the better.

16 So, this is just a little bit of
17 statistics on what has been happening with the NOSB
18 recommendation. So, the NOSB has made numerous
19 recommendations. By our count, there has been 174
20 practice standards recommendations over the last
21 20 years, for which AMS has addressed around 150
22 of them. There are a number of outstanding ones

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1 that include a number on aquiculture, on pet food,
2 on apiculture, on mushrooms. There is multiple
3 recommendations on animal welfare. So, this is
4 one area that AMS, the National Organic Program,
5 still has a significant amount of work to do.

6 The one thing about the recommendations
7 that is a little hard to compare is some of the
8 earlier recommendations had lots of topics that
9 were in the same recommendation. But the Board as
10 a whole, 174 recommendations, of which about 150
11 have been addressed by AMS.

12 In regards to the National List, 101
13 recommendations, 89 of those have been addressed.
14 There are some outstanding recommendations but
15 most of those are recent or are in process. There
16 are a few old National List recommendations on
17 livestock materials that we are in the process of
18 putting together a proposed rule on those. So that
19 should be coming out next year.

20 In terms of sunset, 129 reviews have
21 been completed. So that looks a little odd, since
22 there are over 200 materials on the National List

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1 of why there is only 129 reviews. But what you have
2 to keep in mind is that the previous sunset review
3 processes bundled substances into one review
4 recommendation. So, one recommendation may have
5 represented 50 different substances under previous
6 boards.

7 And we do have one outstanding
8 substance review substance that we have not
9 addressed and that is sodium nitrate, which is
10 still an outstanding item that the program needs
11 to resolve. I'm sure Zea would be happy to hear
12 that.

13 Okay, moving on to hydroponics. I know
14 the National Organic Coalition had a good
15 conversation about this yesterday but I just wanted
16 to talk a little bit about the progress that we have
17 made on the Task Force.

18 Just a little history, in 1995 the NOSB
19 recommended that hydroponic production in soilless
20 media to be labeled organically produced shall be
21 allowed of all provisions of the organic food
22 production act have been met.

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1 In 2004 they basically said the same
2 thing. They reiterated that recommendation that
3 soilless media to be labeled organically produced
4 shall be allowed if all provisions of the OFPA have
5 been met.

6 In 2005, the National Organic Program
7 confirmed that hydroponic operations may be
8 certified organic if produced in compliance with
9 the regulations.

10 So, over this time frame, there has been
11 a couple of dozen operations that have gotten
12 certified using the current regulations and are
13 certified by a number of different certifying
14 agencies.

15 In 2010, the NOSB Greenhouse
16 recommendation, the NOSB recommended that USDA
17 shouldn't allow organic crops to be produced using
18 organic methods -- using hydroponic methods.
19 Thank you, Jean.

20 So, we have different recommendations
21 over time, which in and of itself when it would not
22 necessarily be enough to stop us from moving

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1 forward but within that recommendation of
2 prohibiting hydroponics, it doesn't really clearly
3 clarify what is hydroponics and what isn't because
4 there is a continuum of different types of
5 operations that are field-based, soil-based
6 operations to more container systems that are using
7 potting soil to semi-hydroponic systems that are
8 using some kind of growing matrix with a water bath.

9 So for us to move forward with any kind
10 of rulemaking or guidance on this would be very
11 challenging without more information about what is
12 really the intent of the National Organic Standards
13 Board. So, therefore, we have created a Task Force
14 to ask the NOSB to provide us with further
15 clarification about hydroponics, organic
16 hydroponics. And we established this Task Force
17 to report on the compatibility of these systems
18 with the regulations and the Organic Foods
19 Production Act. That Task Force will provide a
20 report to the NOSB and that will be on current
21 hydroponic and aquaponic production methods used
22 in organic production and whether these practices

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1 align with OFPA and the USDA organic regulations.

2 We imagine that the report will include
3 a diversity of perspectives of those that think it
4 does and those that don't. And that will be in the
5 report to the NOSB and then NOSB will do their
6 deliberations to determine further
7 recommendations on hydroponics.

8 So, the Task Force has been appointed.
9 They will have their first conference calls within
10 the next few weeks. They will have a face-to-face
11 meeting this winter. We hope to have their final
12 report submitted to the Board sometime over the
13 summer so that there can be a proposal in front of
14 the Board for the Fall 2016 meeting.

15 The NOSB liaisons on the Task Force are
16 Jean Richardson and Zea Sonnabend and then the
17 members are a diversity of both soil-based and
18 hydroponic growers and academics and certifiers
19 from around the country. So, we look forward to
20 the work of this Task Force as we work to get more
21 information on this topic.

22 Moving on to the Organic Integrity

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1 Database. This has been a very successful
2 project. If you are familiar with IT projects, a
3 lot of times they don't go so well and they are not
4 delivered on time but this one was. The first
5 version of the integrity database was launched at
6 the end of September. The goal of the project is
7 to develop a modernized database that contains
8 up-to-date and accurate information, increases
9 supply chain transparency, and promotes market
10 visibility for organic operations.

11 Certifiers and other data users have
12 been involved in creating the database and
13 supporting the development of it, participating in
14 a user group. There are over 31,000 operations
15 that are listed in the database, with over 175,000
16 products. So, it is a large amount of data that
17 is covered under this database.

18 The capabilities of the new database
19 include certifier user accounts. This will allow
20 the certifier to upload data, new data fields which
21 will allow better research to support compliance,
22 a new scope and product taxonomy. And once

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1 everyone is using this, this will help to provide
2 a more consistent view of the taxonomy of organic
3 products, more structure, and search and higher
4 data quality. Certifiers will be able to upload
5 data in both Excel or hand enter the data online.

6 There is a new user interface. So, if
7 you go to the website, there is a new look and feel
8 to the database. It is much more accessible
9 information. In the next month, certifiers will
10 be able to log in and submit updates directly and
11 it also has public search and report functions as
12 well.

13 This you can't see very well but this
14 is basically the new template that certifiers
15 already have. It has a core of required
16 information and a range of optional data fields
17 that will be used to support future capabilities
18 of this database. The new template allows
19 certifiers to build a data export tool and provide
20 data to the NOP often so that the data will be much,
21 much more current, rather than the one time data
22 that we have had in previous years.

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1 In terms of the taxonomy of how you find
2 things, the first level is crops -- or the scope.
3 So, there will be crops, livestock, wild crops, and
4 handling at the current time. And then categories
5 within the crops scope. There will be various
6 category names, then items names, and then more and
7 more specific information as you go down through
8 the taxonomy. Multiple levels with flexible
9 options for engaging.

10 We have used both top-down and
11 bottom-up approaches. So we consulted with other
12 data creators. The national agricultural
13 statistic service with the EU, with the organic
14 trade association, with global gap, and with
15 retailer standards to build this flexible
16 taxonomy.

17 There is also a bottom-up way that this
18 has created as well. We mined the 2014 certified
19 operations and the props and the products that were
20 listed. There were over 40,000 unique items that
21 were listed. Many misspellings, many different
22 ways of spelling the same product. The same item

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1 was listed hundreds of times with small variations
2 of wording. So, over time, this is a very
3 important part of this database to stabilize and
4 standardize the names that we use for the products
5 that are in better certified organic.

6 An example of one of the products listed
7 was grape chicken apples, for instance. So, the
8 data base will help to eliminate those types of
9 products. I don't know what a grape chicken apple
10 is but I guess it is organic.

11 So, this is a view of what the database
12 now looks like on the website. Access to the new
13 system at the same link. You can get to the list
14 of certified operations. You go to the AMS home
15 page under directories in the bottom left. The
16 currently posted data is 2014 data still. This is
17 the data that we received from certifiers at the
18 beginning of 2015, which is basically their 2014
19 data. But over the next few months, we will be
20 receiving the new information from the certifiers
21 and then they will continually update that
22 information over the course of the year so the data

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1 will be much more current as we move forward into
2 the future.

3 So that is Phase 1 of the database. We
4 have Version 2 and Version 3 will be released later
5 this year and some of the things that will be in
6 the database, advanced search enhancements,
7 automated connections for the certifiers to
8 provide their data.

9 There will be certifier profiles
10 available through the database, a history of the
11 operation, in terms of when they were certified,
12 whether they were suspended or reinstated.
13 Adverse action documentation will be part of the
14 database and then, at the end of the year, we are
15 hoping to have a certificate. So, a federated or
16 federalized certificate. Right now, there is 80
17 different organic certificates that are being
18 used. It is very difficult for compliance to have
19 all these different ways that certificates are --
20 different information on different certificates
21 from different certifiers. So, the concept is to
22 have one USDA certificate that certifiers can

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1 utilize.

2 I know all the certifiers are not really
3 thrilled by this idea but, in terms of transparency
4 and compliance and trade, having one type of
5 certificate with the same type of information, I
6 think, is very important.

7 Okay, moving on to sound and sensible.
8 Sound and sensible is a concept to ensure the
9 integrity of organic food products with the sound
10 part of that phrase, but doing it in a sensible way,
11 so that we are reasonable in terms of the
12 requirements that we require of organic producers
13 and handlers so that they can be successful, so we
14 don't request ridiculous amounts of paperwork. We
15 only request what is necessary to protect organic
16 integrity.

17 So, in 2014, AMS funded 14 projects that
18 support this concept of accessible, attainable,
19 and affordable organic certification. The
20 projects have already helped over 200 farms and
21 businesses learn about the path to organic
22 certification. We have many educational

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1 resources that have been created through these
2 projects, videos, tip sheets, and workshop
3 materials that now enable us to reach thousands of
4 new farms and businesses.

5 So, these 14 projects were awarded to
6 13 different organizations. They covered the
7 breadth of the United States. All areas of the
8 United States have projects that were undertaken.
9 And then if you look at that pie chart on the lower
10 left, you will see that they also covered a variety
11 of different areas. So, certification, about a
12 third of the projects covered technical assistance
13 around certification but also things around
14 standards and implementation on the inspection
15 process, on helping about record keeping and
16 organic system plans, a lot of really good content
17 has been created. So, 75 tip sheets or fact
18 sheets, 16 trainings, and 15 information videos.
19 Now, the results of these projects are going to be
20 rolled over the next couple of months. And
21 NOFA-Vermont was one of the contractors that
22 created some of this work. They created five

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1 videos that communicate the organic value
2 proposition. And if everything works right, we
3 will play one of the videos that NOFA-Vermont did.

4 VIDEO: Certified organic means that
5 we are following a set of guidelines that the USDA
6 has set up. We are producing food in a sustainable
7 manner and that means how we grow the food and all,
8 how we take care of the land. Are we considering
9 biodiversity? Are we using pesticides? Are we
10 using herbicides? All those kind of things all go
11 into it.

12 Organic certification offers a place
13 for people to start asking questions. What does
14 organic mean? What is it that you do? What are
15 your farming practices? You know it is an
16 opportunity for us to tell consumers that it is a
17 whole farming practice.

18 One of the advantages of being
19 certified, of course, access to markets is why
20 certification was invented and it is critical and
21 being able to differentiate yourself within those
22 markets from somebody who is not organic. Most of

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1 our crop is wholesale to supermarkets. It is
2 absolutely required that we be certified organic
3 with the USDA.

4 There is a big drive to get a lot of
5 people into organic dairy and I think it worked
6 really well. A lot of people who were essentially
7 grass-based made the transition because it was easy
8 and the pay price, although it wasn't as much higher
9 than conventional as the pay price is now. It was
10 stable compared to when my father milked cows; it
11 would drop and go up. You never knew what you were
12 going to get paid.

13 You know there is this very solid
14 foundation that we stand on when we say we are
15 certified organic. We are following a certain set
16 of practices. Anyone could go look up what that
17 means, exactly. So, it just feels like this very
18 sort of open and accountable system that boost
19 customers' confidence in us as growers.

20 I mean if everyone is coming to my farm
21 and buying milk out of my bulk tank and they want
22 to know what I do, they ask me the questions. But

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1 if you are selling milk in a glass bottle, that
2 organic certification just means that the people
3 know that some third party is checking to make sure
4 I did the things that I said I did.

5 There is certainly a lot of benefits,
6 other than financial. A lot of times we will dive
7 right into the financial ones because that is going
8 to be a primary motivation for farmers to go organic
9 but there are many other benefits of organic
10 management and organic certification, including
11 consumer trust in the organic seal and
12 environmental benefits, benefits in livestock
13 health, in soil health, and quality of the food.

14 If you are only going into something
15 because you will get more profit, it makes it a
16 little harder to see the possibilities of bringing
17 more fertility onto your land and doing things in
18 a way that doesn't look as profitable initially
19 but, in the long-term, will bring you more
20 fertility and better profits.

21 I think people are intimidated by the
22 price of the certification, which is certainly a

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1 consideration. But at the moment, it is 75 percent
2 reimbursed through a government program.

3 It is a pretty extensive application
4 process. It has gone online, which is a big help
5 because our records is now kept from year to year
6 and we just have to update it.

7 The inspector calls, makes an
8 appointment and so, at that point, we just make sure
9 we have everything together. And we are keeping
10 track of all of our input. So, anything we have
11 added to the soil in terms of amendments,
12 fertilizer, anything we have used to control
13 insects or pests, or diseases, we are keeping
14 record of the timing of any of those applications.

15 We walk pretty much every inch of our
16 fields. We walk to every boundary, especially at
17 this farm. We are bordered by two conventional
18 corn farms, the railroad tracks where they spray
19 herbicides on an annual basis. And so we have to
20 measure and make sure that all of our growing areas
21 are a certain distance away from those areas, just
22 so it is considered clean and safe.

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1 I think it makes us a better farmer.
2 The documentation and the record keeping that we
3 do, I definitely wouldn't have done it, had I not
4 been required by organic certification to do it.
5 You know I might have thought in my mind, oh, yes,
6 I should write that down but it would look something
7 funny because I don't have to show it to somebody
8 else. It would look like something that got
9 laundered or whatever. But now we have about six
10 notebooks that we maintain and add to.

11 Running a business, there are
12 disciplines that are required for it to succeed and
13 I think record keeping is one of them. And so if
14 somebody is completely adverse to doing the
15 numbers, I would suggest that they become a poet
16 and not a farmer.

17 The sorts of records that farmers need
18 to have ready for their inspection are all aspects
19 of the farm, everything that gets put on the crops,
20 all of the harvests of the crops, and all of the
21 feed and medications that get used on the livestock
22 and, really, a description of the management system

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1 of the farm.

2 Record keeping is vitally important.
3 I mean if something happens or you do something,
4 you have got to write it down. Above that is
5 observation. Like you have got to pay attention
6 to all the different aspects of your farm and to
7 learn from that.

8 The best thing about certification is
9 the community of which we are a part. And it is
10 going to meetings, hanging out with all your
11 friends, commiserating about when the weather is
12 bad and patting each other on the back when the
13 weather is good. So, we are part of a greater
14 community that is trying to do good in the world.

15 MR. MCEVOY: Okay. So, really
16 excellent work has been done by a number of
17 different organizations. I think some of these
18 videos will be highlighted at the reception on
19 Tuesday night. But just think that this has
20 happened throughout the country. There is going
21 to be lots of really great resources that are going
22 to help organic farmers and the organic sector to

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1 continue to thrive and to grow.

2 So, thank you. That concludes my
3 report.

4 CHAIR RICHARDSON: Thank you, Miles.
5 Are there any questions that the board members
6 would like to ask of Miles, at this point, before
7 we go to the next item? I'm not seeing any.

8 Very well, we will turn now to my very
9 brief report of the Chair of the NOSB. Since this
10 is my home state, I will start with just a little
11 brief background.

12 So, welcome to Vermont. Despite my
13 funny accent, I have lived here for 40 years. In
14 1976, my first husband and I started a mixed
15 livestock farm in Fairfield, northern Vermont,
16 where grass was about the best thing that grew
17 there. We started from scratch. We had no barns,
18 no house. We lived in a tent with our kids in a
19 lean-to that I cooked on with a wood stove and I
20 persuaded the telephone company to put the
21 telephone on a sugar maple tree, since this was
22 before all these phones we have now. And that is

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1 where my two daughters grew up, Sarah Flack, a
2 superbly knowledgeable organic specialist that
3 most of you know. And Gwyneth Flack, my other
4 daughter, with her husband, they now produce
5 certified organic maple syrup, buck mountain
6 maple. And today, the Flack Family Farm is
7 well-known. It is organic certified of course,
8 and especially well-known for its excellent
9 sauerkraut and creamed cheese. So, we are a very
10 organic family for a very long time.

11 Now some response to some of the oral
12 and written comments that we have received over the
13 last few months. And at the last meeting, we very
14 clearly heard a demand for more time and more
15 mechanisms for public comment. And so we piloted
16 those two webinars that many of you took part in
17 as a webinar style for getting some extra public
18 comment in. And these, of course, are
19 incorporated as part of this meeting and all of the
20 materials from those webinars will, of course, be
21 available as soon as they can get transcribed.

22 Each session was attended by about 80

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1 people and there were 17 commenters on the first
2 call and 18 on the second, including one person
3 calling in from Australia, which I was pretty
4 impressed at since she had to be there at like 5:00
5 in the morning.

6 We had a lot of people contact us and
7 say they were really delighted that we have this
8 additional way to provide public comment because
9 they couldn't afford or didn't wish to come an
10 in-face meeting but needed to continue to work on
11 the farm.

12 For this meeting in Stowe, 110 people
13 have signed up for oral comment and so, if you add
14 that in to the webinar, that will be a total of 145
15 oral commenters spread out between the three hours
16 of the webinar time and almost eight hours of this
17 meeting. So, that is a total of 14 hours now
18 provided for public comment. So, that is really
19 pretty darned impressive improvement. I am very
20 pleased about it.

21 Michelle keeps data on who comes to the
22 meetings and how many people and she tells me that,

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1 on average, we have had between 74 and 90 oral
2 commenters, typically over a period eight hours at
3 our in-face meetings. And in La Jolla, the first
4 of the Sunset 17 comments, we actually had 124
5 commenters and over ten hours actually at the
6 meeting.

7 So, with this meeting here in Stowe,
8 we are already well ahead of the game and I think
9 that is great.

10 Oral comment, we have been having that
11 at five minutes on the webinar. This is to, of
12 course, to entice people to sign on. But time at
13 this meeting is only three minutes. So just
14 remember that the next time we have a webinar, that
15 you will have time for more of it, hopefully on the
16 webinars. And of course, three minutes at this
17 meeting because we have to also finish the review
18 of 200 materials.

19 So, despite some of the comments that
20 we have received, we actually have more time and
21 more oral comment. And I thought the webinar
22 format was fantastic in allowing people that can't

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1 come to the meetings to be on it and I am going to
2 be certainly, as an individual, encouraging us to
3 do these more as well in the future.

4 I also would like to thank all of you
5 for your written comments. We had 2,955 pages to
6 read. And I want you to know that at dinner last
7 night, I did learn that most everybody on this board
8 has read all almost 3,000 pages, which is kind of
9 scary. People took off an entire week last week.
10 I mentioned Lisa de Lima here said she took off a
11 week to spend the 40 hours just reading, day after
12 day. So, that is an example of what we do in terms
13 of our time. We do read the written comments.

14 Sunset review, just a reminder, sunset
15 review consists now of two meeting, two
16 opportunities for oral and written comment and all
17 materials under sunset review come from the
18 subcommittee with a seconded motion to remove, a
19 seconded motion to remove. So, that is how we will
20 be working on it when we get into our work part later
21 this week, starting tomorrow afternoon.

22 Annotations. There is a lot of

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1 confusion with annotations, apparently, I have
2 seen in the written comments. The NOSB can make
3 annotations and we are doing so. Annotations, a
4 rulemaking procedure, are now separate from sunset
5 review. So, we will vote on the sunset materials
6 and based on the public comment and comment at this
7 meeting this week as well and our view, we assume
8 that further annotations will probably be needed
9 for a number of individual materials so that when
10 each of us, as NOSB members are presenting our
11 materials or another board member, if the lead
12 person forgets to do it, we will state that we are
13 going to be presenting the material for vote but
14 we will also clearly state that we are likely to
15 be developing annotations for this material so it
16 will be back in subcommittee for new petitions or
17 annotations and these will, immediately following
18 this meeting, at the next executive meeting, these
19 annotations will be officially added to our
20 subcommittee work agendas.

21 And if any of you out there don't quite
22 understand what I just explained, feel free to ask,

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1 especially the officers of the board or Executive
2 Committee to be sure that you understand how it is
3 that we are going to do that just in the full
4 transparency as to what it is that we are doing.

5 So, I am assuming that we will bring
6 back to the April meeting a number of annotations
7 related to several of these materials that we will
8 be completing our review on this week.

9 Breaking up sunset. I found it a
10 grueling year of work and I don't know about the
11 rest of the board but I think we all did. And the
12 NOSB will be making some suggestions to the NOP
13 about breaking up sunset reviews so that we don't
14 have deal with 200 substances all at one go. It
15 is, actually, pretty ridiculous. And so we would
16 really, really appreciate NOC, for example, or some
17 groups of you out there, give us some
18 recommendations on your ideas as to how you think
19 that we could break it up in a manner that we would,
20 all of us, be able to do due deliberation to every
21 material in an appropriate manner but break it up.

22 Technical reports. There is quite a

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1 bit of written public comment and also I heard again
2 at the NOC meeting I attended for a while yesterday,
3 confusion about TRs. I emphasized in the last year
4 or so we have improved in our work with the NOP
5 enormously. Collaboration between the NOP and the
6 NOSB has definitely improved and certainly that has
7 been one of the goals of my leadership and part of
8 that is to really be pushing to get more TRs. We
9 couldn't, I don't think, have handled more than we
10 got. The NOSB can and does ask for TRs. We
11 received 39 technical reports for Sunset 17 and
12 some of those TRs covered more than one material.
13 We have already requested five TRs for the sunset
14 18 materials and we will be requesting more TRs
15 following this meeting in order to further review
16 and possibly annotate or reclassify some of the
17 Sunset 17 materials.

18 In 2014, I asked them that the NOP spend
19 \$510,576, over half a million dollars, on technical
20 reports. And so far in 2015, the NOP has spent
21 almost \$300,000 on technical reports. So, we are
22 getting them. We are asking for them, and we

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1 appreciate your push to make sure we get as many
2 as we need to do due diligence on the analysis of
3 all these materials.

4 So, this has been an absolutely
5 incredible step forward over all the other sunset
6 reviews that have taken place during the history
7 of the NOSB. It really is tremendous the amount
8 of data information and science that we have
9 received.

10 Authors of technical reports. I know
11 that there are a number of people that want to have
12 the names of the human beings that actually did the
13 technical reports. Presently, the identity of our
14 TR contractors are all available to us, the NOSB
15 and the public. They are found on the first page
16 of the technical report. That lists the
17 contractor at the bottom of the page. You will see
18 it in the footer.

19 And as with all federal contracts, the
20 contractors have to identify potential conflicts
21 of interest and go through the normal federal
22 procedures for getting a signed contract based on

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1 the RFPs. So, that is the best that I can do and,
2 personally, I think that is perfectly adequate for
3 us, based on the quality of TRs that we are now
4 getting, which are night and day improvement over
5 the TAPs of past sunset reviews.

6 Next and my final few words are to the
7 NOSB members. I know that all of you were voting
8 on a lot of materials this week. It is quite
9 stressful. I know you have read the written
10 comments. I know. I have heard telephone calls
11 and numbers of hours and responses from people.
12 Some people start the second the first comment is
13 posted, like Harold Austin, and I think Ashley
14 starts the second they start getting posted.
15 Others of us wait until we can look at the whole
16 lot all at once and take an entire week off work
17 and spend 40 hours working on it.

18 I know that each of you NOSB members
19 have worked to review all of the materials against
20 the OFPA criteria. We have discussed this many
21 times on subcommittees and in Executive. We know
22 it is not a straightforward test. It is not a

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1 simple yes and no. The reality is far more
2 complex.

3 As a person trained in science, I look
4 for a lot of facts from peer-reviewed research,
5 articles, and I assess the probabilities. But as
6 a person trained in ecosystem analysis, I also look
7 at every material as it might be applied as part
8 of a whole system, with all that implies for
9 synergy. As a person trained in law, I look for
10 equity, balancing the hardships, because whatever
11 we decide in our voting this week, NOSB members,
12 we will negatively potentially impact some
13 stakeholders and positively impact others. And we
14 consider many of these stakeholders to be our
15 personal friends and colleagues. So, it is not
16 easy.

17 One of the public comments I read in the
18 last week or so, there was a quote from Albert
19 Einstein. We can't solve problems by using the
20 same kind of thinking that we use when we created
21 them. I agree with that.

22 So, as we make our decisions, I ask all

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1 of the NOSB members to look for positive long-term
2 systems-based solutions when you look at these
3 materials that you are going to be voting on and
4 always keep the whole picture of organics in clear
5 view. Don't get lost in the process and, above
6 all, be kind and compassionate to one another.

7 So, thank you.

8 Our final presentation before the break
9 is Dr. Lisa Brines. She is the National List
10 Manager and she will present the materials update
11 and summary of new and outstanding petitions.

12 DR. BRINES: Good morning, everyone.
13 Yes, I will try and make up a little bit if time
14 here. Thanks.

15 So, as a reminder, for all materials
16 that are on the agenda for this week's meeting,
17 materials are evaluated against specific criteria,
18 which are provided for in the Organic Food
19 Production Act of 1990. And all documents the
20 Board is reviewing are aligned with those criteria,
21 including the petitions themselves, the technical
22 evaluation reports, and the NOSB checklist.

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1 There are different criteria for
2 evaluation of materials that are under review for
3 production uses, proper livestock uses versus
4 handling. And in addition, there are other
5 criteria that also apply to synthetic processing
6 aids and adjuvants that are provided for in the
7 regulations at 205.600(b).

8 So at this meeting, the Board will be
9 making recommendations on six materials that have
10 been petitioned for use in production and handling.
11 In addition, there are 198 material listings that
12 will be considered under the Sunset 2017 review.
13 And again, this is the second meeting at which those
14 sunset materials will be considered and the Board
15 will need to complete its review of the Sunset 2017
16 materials at this meeting.

17 And again, as Jean mentioned earlier,
18 some of those materials also have distinct separate
19 proposals that are under consideration for
20 annotation changes but those are not considered
21 part of the sunset process and will be considered
22 separately. As part of that review, if those

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1 separate proposals need to be considered or
2 postponed to a future meeting, that is certainly
3 an option.

4 Okay, so as far as the crop materials
5 on this meeting's agenda, there are four petitions
6 that will be considered: laminarin petition to
7 remove one of the uses of lignin sulfonate from the
8 National List; a petition to add sulfuric acid; and
9 a petition to add seaweed extracts or aquatic plant
10 extracts to the National List.

11 In addition, there are several
12 petitions that are currently under subcommittee
13 review and will be considered by the full Board at
14 a future NOSB meeting. Those include a petition
15 for aluminum sulfate, a petition to amend or add
16 a new annotation for ash from manure burning on
17 Section 205.602 of the National List, a petition
18 to add soy wax to the National List for log-grown
19 mushroom production, and a system to add squid and
20 squid byproducts to the National List as a
21 fertility input.

22 And currently, there is a technical

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1 report under development for the squid petition and
2 a technical report is under review for the crops
3 committee for aluminum sulfate.

4 Just recently, we did have one petition
5 that was withdrawn from review from the crops
6 committee, which was the petition for anaerobic
7 digestate, which has been pH adjusted with sulfuric
8 acid. We understand that that petition may be
9 revised and resubmitted to the Board at a future
10 date but the current petition is posted on the NOP
11 website for petitioned substances.

12 For livestock materials, there are not
13 petitions that will be considered at this meeting.
14 However, there are several under subcommittee
15 review. We do have a trio of materials that have
16 all been petitioned by different petitioners for
17 use in poultry litter treatment and those include
18 acid-activated bentonite, aluminum sulfate, and
19 sodium bisulfate. And in addition, there are
20 still ten aquaculture petitions that are currently
21 under review.

22 For handling, the Handling Committee

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1 will consider two petitions at this meeting.
2 First, is the petition for sodium lactate and
3 potassium lactate and, secondly a petition to amend
4 the annotation for flavors on the National List.

5 Okay, in addition, there are two other
6 petitions that are currently under subcommittee
7 review that will be considered at future NOSB
8 meetings. The first is a petition for
9 hypochlorous acid and a technical report for that
10 substance is currently posted on the NOP website.
11 And in addition, there is a petition to add oak
12 beta-glucan to Section 205.606 of the National
13 List.

14 Okay, so one reminder on voting
15 procedures. So, for petitioned substances, the
16 NOSB will typically vote on two motions. The first
17 is for materials that have not been previously
18 classified by the Board. So, those motions will
19 generally be to classify the substances either
20 synthetic or non-synthetic. That is for the
21 production or handling -- correction crop
22 production or livestock production uses. And then

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1 in addition for some handling materials, they may
2 also be classified as agricultural or
3 non-agricultural. Typically, that second motion
4 for petitions is the motion to list, remove, or
5 amend the National List.

6 And as specified by OFPA, a two-thirds
7 majority is needed for any decisive motion. So,
8 typically, we have a Board of 15 members, which is
9 ten votes but with 14 voting members, that
10 two-thirds majority is still a 10 votes that is
11 needed. So, for those 14-vote motions, that
12 includes 10 votes.

13 For sunset 2017 materials, again, this
14 includes the majority of materials that are on the
15 National List which are scheduled to sunset over
16 several dates in 2017. The complete list of 2017
17 sunset materials is on the agenda. There are
18 several sunset dates associated with those. Those
19 are published in our program handbook. The
20 earliest sunset 2017 date is in March, 2017.

21 And again, for annotation changes,
22 there are several of them being considered by the

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1 Board at this meeting. Again, those are being
2 considered separate from the sunset process. If
3 they are recommended by the Board, they will
4 proceed on a separate regulatory track but because
5 they are not tied to the sunset time line, any of
6 those annotations changes also can be considered
7 at future NOSB meetings. So, again, for those
8 materials that are currently on this meeting's
9 agenda, but for other materials, they can be added
10 to the work agenda of the Board to be considered
11 a future Board meetings.

12 A couple quick previews for the Sunset
13 2018 materials. There are 15 listings for crop and
14 handling materials, which are scheduled to sunset
15 in 2018 either in May or in November of that year.
16 So, those will start consideration by the Board at
17 the public meeting next spring and conclude their
18 review in the fall of next year.

19 And we have several technical reports
20 that are in development. None of these are
21 available just yet but we expect them to be
22 available in early 2016. Those include peracetic

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1 acid for crop use and several handling materials,
2 including carrageenan, cellulose, glucono
3 delta-lactone, and potassium hydroxide. A subset
4 of those materials are just limited scope technical
5 reports but that will be indicated on the report
6 when it is posted online.

7 And then finally, again, as I mentioned
8 earlier, all of the materials and their sunset base
9 are publicly posted in a handbook at NOP 5611. So,
10 it includes the full listing, as well as sunset
11 dates for each material on the National List.

12 And again, just a quick update on the
13 petition process. As you remember, the Board had
14 passed a series of recommendations in April 2014
15 to update the National List petition process, which
16 included several changes, some to the allowance for
17 confidential business information and a second
18 recommendation to revise the petition process to
19 make it a more streamlined process for annotation
20 changes and other changes to materials that are
21 already on the list.

22 So, we are continuing to work on those.

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1 They won't become effective until we publish the
2 updated petition guidelines in the *Federal*
3 *Register*. So, in the interim, we are continuing
4 to receive petitions that align with the current
5 petition guidelines that were published in 2007,
6 some of which do have confidential business
7 information, although in our eligibility review,
8 those materials were continuing to notify the
9 petitioners of this outstanding recommendation to
10 see if they want to make amendments based on that.

11 And that's all I have for today, unless
12 there are any questions. Thank you.

13 CHAIR RICHARDSON: Are there any
14 questions from the Board for Dr. Brines?

15 Thank you, Lisa.

16 We are going to be taking a break in just
17 a couple of seconds. I do want to point out that
18 the next presentation by Dr. Sonny Ramaswamy will
19 also be done via video live from Washington, D.C.
20 And should we have any technical difficulties with
21 that, which hopefully I don't anticipate, I would
22 like to point out that it will mean that the first

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1 few of the public commenters may be on deck by as
2 early as 15 minutes from now and that is Nicole
3 Dehne, Nate Lewis, Nate Allen, Tom Stearns. So,
4 your turn may become up earlier than you expect.
5 And so, please, it would be most appreciative if
6 you could be back in the room in time to either hear
7 Sonny, which hopefully is the case, or start your
8 public comment.

9 I will also point out we will be taking
10 a 15-minute break so we would be coming back at 20
11 minutes past 11, just five minutes late. So, that
12 is not too bad. And we will break sharply at 1:00
13 in order to go out and meet the demonstrators around
14 the issue of hydroponics. They are going to be
15 outside this conference center with speakers and
16 it would be wonderful if we could all be out there
17 to show our interest in the topic of concern to
18 them.

19 So, we will take a 15-minute break now.
20 Please, if you would, be back at 20 minutes past
21 11:00. Thank you.

22 (Whereupon, the above-entitled matter

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1 went off the record at 11:05 a.m. and resumed at
2 11:23 a.m.)

3 CHAIR RICHARDSON: Okay, I would like
4 to ask Miles McEvoy if he would please introduce
5 our next speaker. Miles.

6 MR. MCEVOY: Yes, I would like to
7 introduce Dr. Sonny Ramaswamy. He is the Director
8 of the National Institute of Food and Agriculture.
9 Dr. Sonny Ramaswamy was appointed to serve as
10 Director of USDA's National Institute of Food and
11 Agriculture in May of 2012, as part of USDA's
12 Research, Education, and Extension Mission, Dr.
13 Ramaswamy oversees the NIFA awards funds for a wide
14 range of extramural research, education, and
15 extension projects that address the needs of
16 farmers, ranchers, and agricultural producers.
17 And he has a very extensive biography but Sonny,
18 I will just turn it over to you so that you can
19 explain the things that USDA is doing to support
20 research in organic agriculture. Thank you for
21 joining us today.

22 DR. RAMASWAMY: All right. Well,

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1 thank you very much. Can everybody hear me? I'm
2 getting feedback. Could you maybe mute the
3 telephone thing there?

4 MR. MCEVOY: We can hear you pretty
5 well. I think if you just.

6 DR. RAMASWAMY: You can hear me?

7 MR. MCEVOY: Yes.

8 DR. RAMASWAMY: Okay, I'm getting a lot
9 of echoing and feedback here in my office.
10 Regardless, I will just continue on.

11 Steven, I wonder if you can go ahead and
12 mute the polycom device or whatever that is because
13 that is the one that is giving the feedback. Okay,
14 perfect. Thank you. Wow, that is so much better.

15 So, in any case, thanks for having me
16 here. I appreciate Michelle Arsenault,
17 particularly, and Miles as well accommodating me
18 to come through this medium here. I promise you
19 I will be with you when you meet in April here in
20 Washington, D.C. Unfortunately, I had to be in two
21 different places, one of which is a congressionally
22 mandated Foundation for Food and Agricultural

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1 Research and I will come back to that entity in just
2 a little bit. And we have a Board meeting here and
3 that is congressionally mandated. And so I had to
4 be here and I couldn't see myself flying out to
5 Vermont, although I really, really wanted to go to
6 Vermont this time of the year because of all the
7 wonderful colors and, of course, more importantly,
8 to be able to engage with you right there in the
9 same room and have a conversation as well.

10 So, I think we have got about 35 minutes
11 or so, per my clock on my computer here, and I want
12 to speak only for about ten minutes or so and then
13 leave a good bit of time for a conversation and I
14 look forward to this conversation myself.

15 I can tell you that we have had, the
16 National Institute of Food and Agriculture, has had
17 an excellent relationship with the National
18 Organic Standards Board itself and have had staff,
19 NIFA staff not have been engaged with you, Matt
20 Ngouajio and Steven Smith being the most recent
21 individuals that have been engaged with you.

22 And actually here, oh, gosh, about

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1 three years ago, it was when I first came onboard,
2 I met with some of you on the National Organic
3 Standards Board itself and I heard quite a bit from
4 some of you either in person or by email separately,
5 this is coming on over three years ago, about the
6 need for NIFA to step up its game in regards to the
7 support of the need for new knowledge and that our
8 organic producers across need. And so we made a
9 commitment, I, personally, made a commitment and
10 we collectively at NIFA made a commitment that we
11 are going to up our game.

12
13 So, if you look at USDA at a broader
14 level, strategic plan itself, and the research,
15 education and economics mission area, strategic
16 plan and then that sort of cascades down to NIFA
17 as a strategic plan itself, which we developed and
18 released this past year. So, all of these sort of
19 cascade down into what NIFA does. We clearly
20 articulated that from a science and education
21 perspective. And education I use in the broadest
22 of terms, both in regards to translation of

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1 knowledge into innovations of solutions that is
2 delivered, that is translated and delivered by our
3 extension folks and also the education of people
4 wanting to enter into the organic enterprises that
5 might be through, for example, our beginning
6 farmers and ranchers development initiative or
7 other initiatives that we have got. And also
8 people, young people that are studying at our
9 universities and colleges in their education as
10 well. So, we have made a commitment in our
11 strategic plan as well that we will help develop
12 and make available the knowledge that is necessary
13 for our organic production systems in America to
14 be a viable and thriving proposition.

15 And in line with that, starting, like
16 I said, three years ago, we started incorporating
17 based on input provided to us by various
18 individuals in the organic community on how do we
19 enhance our opportunities that we provide. Of
20 course, we have got the organic transitions program
21 and the Organic Agricultural Research and
22 Extension Initiative. Together, they constitute

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1 approximately about \$23 million to \$25 million per
2 year. But we also made a commitment to more
3 broadly, particularly in our flagship Competitive
4 Grants Program, Agriculture and Food Research
5 Initiative, to incorporate into the request for
6 application, funding opportunities for the organic
7 community. We did that and I will come back to that
8 in just a little bit as well.

9 So, long story short, over the last few
10 years now, we have really increased our efforts in
11 these areas. And again, we got together with Anne
12 Alonzo and Betsy Rakola and others. And in fact,
13 we have also had multiple conversations and
14 webinars and things internal to the agency itself,
15 where our own agency staff has undergone training
16 on how to support organic enterprises in our
17 portfolio funding that we offer.

18 So, if you look at our portfolio
19 funding, it is about \$1.55 billion in fiscal year
20 2015, we have got two big buckets of funds. One
21 big bucket over about \$800 million, \$850 million
22 to \$900 million is what we refer to as supporting

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1 particularly the land-grant universities,
2 providing support the experiment station and
3 cooperative extension service. And in that
4 portfolio, Matt Ngouajio did an analysis and we are
5 providing approximately about, at the land-grant
6 universities and querying what the term organic,
7 approximately about \$5 million to \$6 million per
8 year are attributable to support of organic
9 enterprises across the United States of America.
10 And then you know, if you are interested, we can
11 break it down by state as well and we can provide
12 you those data. But at the composite level, it is
13 between about \$5 million and \$6 million across the
14 United States.

15 And the other big bucket that we receive
16 is the competitive funding. In the competitive
17 funding, we have got a whole bunch of, it is about
18 \$700 million or so. There is a whole bunch of lines
19 in there, starting with the AFRI Program, the
20 Agriculture and Food Research Initiative,
21 especially Crops Research Initiative, the Organic
22 Agricultural Research and Extension Initiative,

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1 the Beginning Farmers and Ranchers Development
2 Initiative, and on and on. There is a whole slew
3 of them that we do. And in that portfolio funding,
4 it is approximately about \$25 million. In 2014
5 about \$25 million was made available in the
6 competitive grants arena. And as I said, the
7 biggest part of it, is, of course, the Organic
8 Research and Extension Initiative itself.

9 And if you just look at the AFRI
10 program, while we have received a few more grant
11 proposals, in fact if you look at where we started
12 in 2012 and tracking the data into 2013, into 2014,
13 and into 2015 itself, there has been a nice increase
14 in the number of proposals submitted to us in the
15 AFRI program worth up to about \$8 million this most
16 recent year in 2014, where we have the data. But
17 the ones that got funded, it is a very, very small
18 amount of funding that has gone to organic efforts
19 in our AFRI portfolio itself. And it is only
20 about, in fact if I look at the actual data, there
21 is a table that we have drafted, it is just a bit
22 over a million dollars. So, just about a million

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1 dollars has gone to organic enterprises.

2 And so there is a few reasons why. We
3 are continuing to encourage people to apply to us,
4 to our competitive grants portfolio. As I said,
5 we have incorporated appropriate narrative into
6 our request for applications as well. But in
7 querying folks that are potential applicants, we
8 have discovered that they would much rather go to
9 the organic Agricultural Research and Extension
10 Initiative and the Organic Transitions Program
11 because the funding rate there is well above 20
12 percent funding rate. That means at least one out
13 of five or so grant proposals do get funded.

14 In contrast, in AFRI, particularly in
15 the plants area, it is about six percent funding
16 rate. The average across the board and AFRI is
17 only about 13 percent and in plants area very
18 specifically, it is only about six percent or so.

19 Also, AFRI tends to have more of a
20 fundamental science, sort of a flavor to it. And
21 so oftentimes people that are wanting to work in
22 the organic enterprise might find themselves

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1 hard-pressed to come up with the fundamental
2 questions, although we remind them that it is not
3 necessary that you have to only undertake
4 fundamental science in AFRI. We do have a lot of
5 what I like to call as adaptive and integrative
6 research as well, research and extension that is
7 undertaken as well.

8 So, we are still trying to analyze the
9 data and encourage people to submit their grant
10 proposals to us in the organic community as well.
11 And again, as I said, because the funding rate are
12 so much higher in the other programs, particularly
13 Organic Agriculture and Food Research and
14 Extension Initiative, people aren't submitting as
15 many proposals to u.

16 The second thing that we have done just
17 as of last year is we have created a special program
18 called the CARE program within AFRI itself, the
19 Critical Agricultural Research, and Extension
20 Program, CARE, C-A-R-E.

21 This particular program is to help
22 producers meet their needs for the tools they need,

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1 for the knowledge that they need in the immediate
2 term, not some long-term fundamental science that
3 needs to happen over the next five to ten years and
4 somehow somebody comes along and translate that
5 into knowledge that is of relevance to the end
6 users. The CARE program has carved out as part of
7 our AFRI Foundational Funds, a specific
8 opportunity and I would urge you, the National
9 Organic Standards Board to please convey this
10 information, disseminate this information to the
11 organic community that might ought to look at the
12 CARE program itself as a possibility because it is
13 very explicitly meant to help undertake the
14 research and extensive efforts that result in
15 immediate term, tools and technology, the
16 knowledge that the producers can apply in their day
17 to day endeavors as well. So, that is an area that
18 you might want to encourage people to apply to.

19 And AMS has taken the lead in providing
20 the Secretary, Secretary Vilsack, we have what is
21 referred to as the white board report and I am sure
22 you know everything there is to know about the white

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1 board reports but NIFA provides information to
2 those white board reports as well and a report was
3 put together back just about a month ago, September
4 the 15th and that was sent to AMS to be inserted
5 into the report to the Secretary and it provides
6 more detailed information of some of the things
7 that I just discussed here over the last few
8 minutes.

9 The last thing I want to discuss is the
10 Foundation for Food and Agriculture Research.
11 This is a new avatar that was created by the last
12 Farm Bill. And as I said, the Board is going to
13 be meeting here this week and I am going to be
14 participating in it. And the organic community
15 might want to look at the foundation. The Board
16 has just been constituted. They have just hired
17 an Executive Director, a woman named Sally Rockey
18 who used to work for NIFA back in the old days.

19 So you might, if there are things that
20 the National Organic Standards Board has
21 discovered that are going a-begging, you might want
22 to put together concept notes, white papers on

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1 areas that you think that the Foundation for Food
2 and Agriculture Research might be able to provide
3 you additional funding.

4 Incidentally, what Congress said in the
5 Farm Bill is that the Foundation for Food and Ag
6 Research needs to be complementary and
7 supplementary to what we do and not duplicative.
8 And if the organic community feels like that they
9 are not getting enough resources being deployed,
10 you might want to think of what sorts of areas need
11 to be supported and send those concept notes, those
12 white papers, you can send them to me, I am on the
13 Board; the Secretary, Dr. Woteki, Catherine
14 Woteki; the Under Secretary for Research,
15 Education and Economics; Chavonda Jacobs-Young,
16 the Administrator for Agricultural and Research
17 Service, France Cordova, the head of the National
18 Science Foundation and the head of NIFA, i.e.,
19 myself, serve on the Board in an ex officio
20 capacity.

21 So, if you have got some ideas, send
22 them to me. You have got good representation.

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1 The organic community has good representation on
2 the Board. Nancy Kramer, she is from North
3 Carolina State University. She is on the Board as
4 well. And there are others on that Board that are
5 also deeply interested in the enterprise that you
6 all are interested in as well. So you might want
7 to go ahead and send any thoughts that you might
8 have to me.

9 The last thing I wanted to share with
10 you is the two questions that I received. And the
11 first question was whether we, NIFA, had inserted
12 the appropriate language in regards to the request
13 for applications and that is opportunities for
14 organic effort in the Agriculture and Food Research
15 Initiative. The short answer is yes, it has been
16 done. And I would encourage you to take a look at
17 it. If we need to strengthen the language, let us
18 know, please, and we will certainly strengthen the
19 language. If you go to our website at
20 NIFA.USA.gov, the very front page has grant
21 opportunities. So if you just put AFRI in there,
22 it will pull up the request for applications. Take

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1 a look at the language that we have inserted in
2 there. If it is not doing what you want it to do,
3 let us know and I promise you we will consider it
4 and, as possible, we will incorporate it as well.

5 The second thing that I wanted to share
6 with you, there was also a question about the
7 capacity-building grants that we offer up to the
8 1890, the historically black institutions, the
9 historically black land-grant universities.
10 Currently, the RFA, request for application, does
11 not include verbiage pertaining to organic. I
12 discovered it just today, as I prepared to engage
13 with you. And I have sent an email to the relevant
14 folks within NIFA that manage that program and I
15 have asked them to insert appropriate language.
16 And I can tell you I have received an email from
17 them just a few minutes ago and they are on it. And
18 the next go-round, which will come out sometime in
19 February, will include appropriate language in the
20 capacity-building grounds as well for the 1890s
21 institutions.

22 I have also had people look at our

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1 specialty grants research initiative. This is on
2 fruit and vegetables. It does not have language
3 pertaining to organics. And again, I have toggled
4 our folks to see how we can incorporate relevant
5 language not unlike what we did with AFRI itself.

6 And last but not least, the other grants
7 program that we have got is the Biotechnology Risk
8 Assessment Grants Program, the BRAG program. And
9 in it, we have one of the objective, one of the goals
10 that we want to support is in the realm of organics
11 and the RFA includes information relevant to
12 organics in there.

13 The second question that was asked of
14 me was the comments that we request on our request
15 for applications and other works that we do,
16 particularly in AFRI, are those comments to be
17 submitted within six months or after the RFA comes
18 out, immediately after issuance of the request for
19 application. The short answer is we say that we
20 would like to receive comments within six months
21 of the release dates of the request for
22 applications. And we do get a number of people

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1 submitting comments but I can tell you also that
2 we get comments throughout the year, through a
3 website we have created and that information is not
4 destroyed. It is actually utilized. And so Matt
5 Ngouajio and Steve Smith and the others of our staff
6 utilize every bit of information that is provided
7 to us through the -- the input that is provided us
8 by the organic community as well.

9 So with that, I am going to go ahead and
10 stop and see if folks have any questions.

11 CHAIR RICHARDSON: Thank you very much
12 for your comments. I know that Zea Sonnabend
13 really wanted to ask you some questions.
14 Unfortunately, she is on her way from Philadelphia;
15 her plane was canceled. So, I would like to --

16 DR. RAMASWAMY: Jean, are you going to
17 be moderating this in regards to the questions to
18 be asked? Because maybe it is all muted now. Can
19 you hear me okay? Can you hear me? Now you can?
20 Okay.

21 Dr. Ramaswamy, Zea Sonnabend would like
22 to have asked you some questions. She may need to

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1 follow-up by email, however, because she is still
2 delayed at the airport. But I know that Dr.
3 Walker, who is a research agricultural professor
4 may have some additional follow-up questions for
5 you, Calvin.

6 DR. RAMASWAMY: Okay, that works.
7 Obviously, this medium of my being here in D.C. and
8 utilizing Skype, it works to an extent. But that
9 interactivity may not be possible. So yes,
10 absolutely. I look forward to receiving an email
11 or emails from our colleagues on the National
12 Organic Standards Board.

13 CHAIR RICHARDSON: Calvin, do you have
14 any more questions?

15 MEMBER WALKER: I'll be somewhat like
16 Pontius Pilate. I have no other questions.

17 The questions that Dr. Ramaswamy had
18 addressed were the three that I submitted.

19 CHAIR RICHARDSON: Okay, thank you,
20 Dr. Walker.

21 Question from Dr. Taylor.

22 MEMBER TAYLOR: Thank you so much for

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1 your presentation, Dr. Ramaswamy.

2 We have gathered information in regard
3 to the research priorities that address issues of
4 concern and interest within the organic community
5 and also concerns of interest that have come up
6 within the Board meetings, the subcommittee
7 meetings. And we have put together a document,
8 research priorities for the 2015 year and the
9 previous Board meeting fall meeting years as well.
10 Where should this type of information be best
11 brought together before you are a committee so that
12 the relevant information that we have gathered will
13 impact the request in the request for a proposal?

14 DR. RAMASWAMY: Okay. That question
15 that came through is pretty garbled. So, Steven,
16 can you repeat the question for me, please?

17 Were you able to listen to the question?
18 Then, can you repeat it? Can somebody repeat it?
19 Because it was garbled and a lot of echoing as well.

20 CHAIR RICHARDSON: Okay, I could try to
21 repeat it. Can you hear me? Can you hear me?

22 DR. RAMASWAMY: Yes, I can hear you.

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1 CHAIR RICHARDSON: The question from
2 Dr. Taylor is that the National Organic Standards
3 Board has put together its research priorities
4 document and she would like to understand more
5 clearly where this information and recommendation
6 could be sent that would most effectively get
7 appropriate funding.

8 DR. RAMASWAMY: Got it. So, indeed,
9 every year we receive the research priorities from
10 the National Organic Standards Board and our
11 colleague at the AMS are very kind and they share
12 that with us as well. And I would say that we take
13 those research priorities and questions to heart
14 and that is incorporated into our request for
15 applications in different parts, whether it is in
16 the Organic Agricultural Research and Extension
17 Initiative, or in the AFRI program, or in the
18 Beginning Farmers and Ranchers Development
19 Program. There is different places where we can
20 incorporate those questions and priorities,
21 including, by the way, in the support of
22 experimentations and extension. So, we

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1 appreciate your providing those priorities and I
2 would say you could send them to me directly. My
3 email address is Sonny, S-O-N-N-Y, at
4 NIFA.usda.gov and I will be certain to get it out.

5 I know that Matt Ngouajio and Steven
6 Smith get it as well. And as I said earlier, AMS
7 is very, very helpful as well. So, we do get those
8 questions sent to us from different places but I
9 would ask you to go ahead and send it to me directly
10 as well. And I promise you we will look at those
11 and incorporate those as appropriate, as relevant,
12 into our priorities.

13 MEMBER TAYLOR: Thank you.

14 CHAIR RICHARDSON: A question from Dr.
15 Thicke.

16 MEMBER THICKE: Thank you for your
17 comment and your information. One of the issues
18 that the organic community is struggling with is
19 the GMO contamination of organic crops. And it can
20 undermine markets, it can disqualify products, and
21 so on.

22 And we feel like we are doing as much

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1 as we can. And I am wondering if USDA, through NIFA
2 or other research is doing anything to reduce
3 contamination from the conventional side of
4 agriculture.

5 DR. RAMASWAMY: No. Yes, well, so as
6 I said earlier, within the BRAG Program, the
7 Biotechnology Risk Assessment Grants Program, we
8 do have efforts at looking at contamination of the
9 organic production systems.

10 Your question is in regards to
11 conventional agriculture and its impacts. And I
12 know for a fact, as some of know I used to be at
13 Oregon State University back in a former life, and
14 I know for a fact that the folks at Oregon State
15 University have been working on this issue of
16 conventional versus organically produced seed
17 because that is, in Oregon, the big thing is to
18 produce seed, for example, vegetable seed.

19 And Oregon State University has
20 deployed funding from the states and the funding
21 that we send in regards to support of
22 experimentation and extension and their

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1 undertaking studies that they do this thing called
2 pinning, as they call it, that creates sort of a
3 boundary around the crops that they are growing.
4 But there is some research that is going on at
5 Oregon State University and at a few other
6 institutions as well.

7 I know that the folks at Indiana
8 University -- pardon me -- Purdue University in
9 Indiana have also started thinking of how to
10 support the organic producers not only in regards
11 to conventional agriculture seed contamination,
12 pollination and things like that but also in
13 regards to the use of pesticides for example. So,
14 you have a drift occurring and that might have an
15 impact on organically produced crops. And so I
16 know Purdue University folks have been addressing
17 it, including in the viticulture area as well.

18 So, if you wish, we could go ahead and
19 have an inventory done across the United States
20 what sort of effort is going on and the kind of work
21 that needs to mitigate the impact of conventional
22 practices on the organic. And we can get you that

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1 information if you are so interested.

2 MEMBER THICKE: That would be great to
3 have that information but it would also be good if
4 you could, in your research proposal request, have
5 some initiative to have researchers working on
6 that.

7 DR. RAMASWAMY: Yes. I understand.
8 Yes, that is a good point. And to tell you the
9 truth, I don't know if it is present portfolio
10 funding but I will certainly -- I'm looking for my
11 pen here so I don't forget this. So, I am making
12 an note of it. I'm going to ask my staff if we
13 indeed have that.

14 CHAIR RICHARDSON: Great. That is
15 very good. Are there further comments or
16 questions from the members of the NOSB?

17 Yes, question. Dr. Walker.

18 MEMBER WALKER: I have one. I think it
19 was addressed last week but I wanted to hear it from
20 Dr. Ramaswamy to share it with the group. I think
21 I talked to one of your administrators on last
22 Wednesday.

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1 We were speaking in terms of the organic
2 community needs a lot of research, needs a lot of
3 help. But many times when grants are written,
4 sometime the reviewer may not have, we believe, a
5 deep appreciation for organic. Could you speak to
6 the selection of reviewers for proposals such as
7 organic and sustainable agriculture?

8 DR. RAMASWAMY: Okay, Dr. Walker, I
9 only caught the last part of it. Can somebody
10 repeat that?

11 CHAIR RICHARDSON: Yes, okay. I will
12 try to repeat. Dr. Walker is concerned that it is
13 often not that easy to get a good quality funding
14 at universities for organic agriculture and he is
15 interested in knowing what kinds of peoples may
16 perhaps be on the review panels looking at these
17 proposals that might have a broader way of
18 understanding modern trends in agriculture. And
19 this is certainly common, a I found, at the
20 University of Vermont and all land-grant colleges,
21 getting money for organic is always much more
22 difficult.

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1 DR. RAMASWAMY: Yes, I understand.
2 So, here going back actually about three years ago
3 we asked for your help for the National Organic
4 Standards Board's help and the organic community's
5 help in a fine potential panelist forest. Not only
6 panelist, but also individuals that would do ad hoc
7 reviews, offer ad hoc reviews.

8 So, very specifically, on the question
9 in regards to impacts on food quality, that is maybe
10 it is the sensory aspects of it, maybe it has got
11 the market basket analysis aspects to it, it has
12 got the healthfulness traits of the organically
13 produced fruit, vegetables, and produce and things
14 like that. I don't know the specific answer to how
15 we go about doing it but I make a note of it.

16 Dr. Walker, we will get you a response
17 to that as well. Okay?

18 And really, needless to say, it is
19 critically important. If you could please help us
20 in helping you by unifying people that can actually
21 serve on panels that can, indeed, ask these types
22 of questions about food quality. And I don't know

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1 in the RFA is not unlike the question that was asked
2 previously about impact of conventional production
3 facilities on organic and is it in our RFAs. I
4 don't know if in our RFAs explicitly we have
5 incorporated looking at food quality issues as well
6 but again, this is something for me to toggle my
7 staff on and we will get back to you.

8 CHAIR RICHARDSON: Any further
9 questions for the Board?

10 MEMBER TAYLOR: Yes, I have one
11 question.

12 CHAIR RICHARDSON: Question. Dr.
13 Taylor has a question.

14 MEMBER TAYLOR: I'm wondering would
15 you think that it might be possible, I know I am
16 from a 1890 land-grant institution and we are often
17 heavily courted by GMO agriculture, agribusiness,
18 Monsanto, and such, are strongly with the student
19 body, strongly within the college. And I wondered
20 if it might be possible for your agency, your
21 organization, as well as the National Organic
22 Program to maybe merge on some kind of education

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1 and training capacity-building that would share
2 the information and knowledge about organic
3 farming from a different perspective and also
4 provide avenues of internship and training for the
5 farmers, for our students, coming from your agency
6 and engaging also the National Organic Program.

7 DR. RAMASWAMY: So, Dr. Taylor, I only
8 caught the occasional word in there, internships
9 and things like that.

10 If the Chair could go ahead and repeat
11 the question for me, please.

12 CHAIR RICHARDSON: Yes, the interest
13 here is to be able to further expand the
14 understanding of the kinds of agricultural
15 research that might take place by working closely
16 with the National Organic Program and with more of
17 the land-grant universities and the students so
18 there is a broader understanding of the work that
19 your organization does.

20 Dr. Taylor also is at a land-grant
21 university with all of its delights and drawbacks.

22 DR. RAMASWAMY: And so I don't know --

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1 you know we have not done an inventory across the
2 United States and looking at what are some things
3 that are going on to enhance the understanding of
4 students but I can give you examples from several
5 universities that I traveled to or that I know of
6 personally where they do have, for example, either
7 courses, experiential educational opportunities,
8 or student-run organic community supportive
9 agriculture-type endeavors. I was in Lafayette,
10 Indiana just last Friday and I got to see the
11 student-run organic farm that is out there. The
12 students that are in agriculture, or students in
13 business, students in engineering, from throughout
14 the university, there is about a couple hundred
15 kids that are part of the farm. So, it is not just
16 going and working in the soil and planting plants
17 and harvesting and all that but what they have done
18 is create a certificate program and/or actual
19 courses for which you get credits. So, that sort
20 of effort is going on at Michigan State University,
21 at Oregon State University, University of
22 Wisconsin, at University of Florida, and other

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1 places as well. But we have not taken that
2 comprehensive survey of who is doing what, how, et
3 cetera.

4 You know, along with the increasing
5 interest in food production systems and organic
6 food, et cetera, there has also been an increase
7 in the number of such courses and the number of
8 experiential opportunities and things like that,
9 too.

10 CHAIR RICHARDSON: Great. Thank you
11 very much. Any further questions? No? Okay,
12 great. I think that we would all like to thank you
13 very much indeed for being here today. I know it
14 was very difficult to fit it into your schedule.
15 We very much appreciate it and this has been a good
16 dialogue and I know that you will receive
17 additional emails and communications from members
18 of the Board as the month goes by. Thank you.

19 DR. RAMASWAMY: All right. Thanks so
20 much. I look forward to those emails and I know
21 that I have got to do my homework on two questions.
22 One is on conventional and organics, are they in

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1 our RFAs. And the second one is Dr. Walker's
2 question on the food quality type or them being
3 funded -- do we have panelists that can recognize
4 it and in our RFAs.

5 I think those are the two that I have
6 right now as my homework and look forward to
7 receiving more emails from you folks and we will
8 get back to you in short order. Okay?

9 Thanks again. I will see you at NOC in
10 April.

11 CHAIR RICHARDSON: Thank you very
12 much. And just a reminder to everybody out in the
13 audience that every year we do work hard in our
14 subcommittees to develop and identify specific
15 major items that we hear from you that are the most
16 critical in terms of necessary research
17 priorities. And it is always tough and land-grant
18 universities are getting the right kind of grant
19 money to help to work on research that involves
20 organic agriculture, as we all know if we have
21 worked in universities.

22 So, anything that you can get to us

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1 during the year will help to inform the work of the
2 materials subcommittee and Dr. Taylor was the lead
3 person in putting that document together this year
4 and we continue with that work on an annual basis.

5 At this point in the agenda, we are now
6 about to start doing public comments. And I would
7 like to begin to invite the people to come up. The
8 first person who is going to be presenting will be
9 Nicole Dehne from the NOFA-Vermont and she will be
10 followed by Nate Lewis from Organic Trade
11 Association on deck.

12 I know that Michelle has some
13 administrative, apart from wheeling chairs around
14 right now, she has some administrative comments to
15 make. She is the person that runs the time clock.
16 And Michelle, would you like to give out your
17 instructions over the mike to tell them what they
18 need to be doing?

19 MS. ARSENAULT: So, I know most people
20 in the room are old hat at this but if not, if you
21 are new, we have a timer on the podium and you will
22 see three lights green -- yellow, orange, and

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1 green. And when you start talking, I will set the
2 timer. So, you can come up to the podium and start
3 talking.

4 If you have a PowerPoint presentation,
5 I had a slide advancer here. So, I know who has
6 PowerPoint presentations. So, just look for that
7 and you can advance your own slides.

8 We had a couple of cancellations. So,
9 people that are going a little bit later in the
10 afternoon, your time may be adjusted by five or ten
11 minutes or so. So, don't leave the room with 30
12 seconds to spare.

13 CHAIR RICHARDSON: Okay, thank you.
14 The first speaker, Nicole Dehne.

15 MS. DEHNE: Okay, can you hear me?
16 Good morning. My name is Nicole Dehne. I
17 coordinate NOFA-Vermont's Organic Certification
18 Program, Vermont Organic Farmers. I would like to
19 welcome the Board, NOP staff, and audience members
20 to the Green Mountain State. Although, of course,
21 at this time of year, our mountains aren't so green
22 but I do hope that everyone gets a chance to go

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1 outside and catch some of the fall foliage before
2 it is all gone.

3 VOF has been certifying organic farms
4 and processors since 1985. This year, we will have
5 certified more than 600 organic producers in the
6 state. We are fortunate in Vermont to have a
7 thriving local and organic movement. Vermont has,
8 and I think you are going to hear this statistic
9 a few more times, but Vermont has more organic farms
10 per capita than any other state and we have
11 knowledgeable consumers that support these farms
12 by purchasing the highest percentage of local food
13 nationwide.

14 And I should warn you with these
15 statistics that, while you are here, there is no
16 shortage of delicious organic food. So, it is up
17 to you to monitor your own intake and there might
18 even come a time when you need to cut yourself off
19 or risk some serious overeating. And of course,
20 please take considerable care when sampling our
21 cheeses.

22 So, speaking of eating delicious

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1 organic food, I would like to invite everyone to
2 an event Tuesday evening from 6:00 to 9:00 here at
3 the Stoweflake in the Stowe Room and Atrium to
4 celebrate 25 years of organic certification.
5 Thanks to our wonderful sponsors, we will be
6 featuring product from Vermont Organic Growers,
7 including organic beer and wine made from organic
8 grapes -- I wanted to make sure I got that right
9 -- as well as music, dancing, and roasting
10 marshmallows.

11 So, please join us tomorrow night to
12 celebrate everything we have accomplished together
13 over the last 25 years.

14 There is a concerning lack of farmer
15 voice and participation in the national
16 conversation about the organic label. It is
17 extremely valuable to have the NOSB meeting move
18 around the country to give organic producers from
19 different regions the opportunity to get their
20 voices heard. We have made a real concerted effort
21 to get our certified producers to both attend this
22 meeting this week and also to sign up for public

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1 comments to address the Board.

2 The good news is that we have got a lot
3 of farmers that signed up. So, today and tomorrow,
4 you will be hearing them discuss the topics that
5 mean a great deal to them and their businesses.
6 Some of the topics that will be discussed include
7 about lime sulfur and copper fungicides and how
8 critical those tools are for our farmers, about the
9 importance of having moxidectin and fenbendazole
10 to use only in emergencies to improve the health
11 of their organic animals.

12 You will hear a lot about hydroponics
13 and about soil being at the heart of what it means
14 to be an organic grower. There will also be
15 growers talking about using biodegradable
16 bio-based mulch as an alternative to black plastic,
17 and about GMOs and the material subcommittee's
18 prevention strategy guidance.

19 And lastly, you will also hear from a
20 maple producer about how organic maple standards
21 need to be addressed at a national level.

22 So, I would really like to encourage the

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1 Board to make the most of the opportunity that we
2 have these farmers here to ask questions of them,
3 about how their businesses are affected by the
4 proposed changes to the rule and the National List
5 and I just want to thank the Board for the
6 opportunity to talk today and again warn you about
7 watching yourself around our cheese.

8 CHAIR RICHARDSON: Thank you, Nicole.
9 Are there questions for Nicole? Thank you.

10 The next speaker is Nate Lewis and he
11 will be followed by Nathan Allen on deck.

12 MR. LEWIS: Hello, distinguished
13 members of the Board. Thanks for this opportunity
14 to provide you with comments on your
15 recommendations and thank you for all your hard
16 work to the seemingly insurmountable challenge to
17 Sunset 2017. We are only a few hundred votes away.
18 So, hang in there.

19 My name is Nate Lewis and in my role at
20 OTA, I work directly with organic farmer members
21 and organic farmer governed organizations across
22 the country and across the world. OTA members

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1 truly guide our organization by engaging directly
2 with our comment development process and by voting
3 for our Board of Directors. It is these features
4 of our organization's transparent engagement and
5 governance, which put us in a strong position to
6 provide comments to you on the necessity of
7 substances allowed in organic farming.

8 Necessity is one of the OFPA criteria
9 for inclusion on the National List and one of the
10 factors you must consider when deciding whether to
11 recommend removal or relisting for any given
12 substance. It is critical that when assessing
13 necessity, we viewed the use of the substance
14 through the lens of commercial viability. Organic
15 farmers must be able to produce their crops in
16 sufficient quality and quantity to remain
17 financially viable and if the removal of a
18 particular substance will jeopardize a farmer's
19 financial viability, that substance is necessary.

20 Sometimes new information about health
21 or environmental risks or shifting attitudes about
22 organic production principles may outweigh

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1 necessity when considering to remove or relist
2 substances.

3 Based on OTA's role as an industry
4 organizing governed and driven directly by organic
5 certificate holders, our comments focus on
6 necessity. Organic farmers themselves are in a
7 better position than any of us to know whether they
8 could stay in business without a particular
9 substance.

10 OTA submitted the petition to remove
11 lignin sulfonate as a flotation aid because the
12 organic industry told us this substance was no
13 longer necessary. Sheds packing fruit that sink
14 in water, like pears, have modernized their
15 equipment or used alternative substance like
16 sodium silicate. Lignin sulfonate is no longer
17 necessary because it is no longer in use and its
18 removal will not affect organic businesses'
19 abilities to remain financially viable.

20 OTA supports removing ivermectin as an
21 emergency parasiticide in organic dairy
22 production. We support removing ivermectin

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1 because feedback from our organic dairy producer
2 members indicates that alternatives fenbendazole
3 and moxidectin are effective. This substance is
4 no longer necessary because alternatives exist and
5 have gained the trust of organic farmers. Its
6 removal will not affect organic businesses'
7 ability to remain financially viable.

8 In contrast, however, OTA does support
9 continuing the allowance of ethylene for
10 regulation of pineapple flowering. Organic
11 pineapple farmers who get their crops to market via
12 wholesale supply chains must produce pineapples in
13 sufficient quantity and quality to satisfy those
14 market demands and they need ethylene to do this.
15 Ethylene is necessary for these organic
16 businesses' continued financial viability and it
17 should be retained on the national list.

18 Thank you.

19 CHAIR RICHARDSON: Thank you, Nate.
20 Questions for Nate? Yes, Dr. Walker.

21 MEMBER WALKER: The views on
22 ivermectin has been kind of broad. How many was

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1 in your survey that you all did that use ivermectin?
2 I know CCOL supported the listing of all three.

3 MR. LEWIS: I think you would have to
4 refer to our written comments on the specific
5 comments. I tried not to fill up my brain with all
6 that specific detail. It was overwhelming in
7 support of removing ivermectin from our membership
8 via both the sunset survey and direct feedback from
9 our membership.

10 Nate, is that something you could look
11 up and maybe get to Calvin afterwards?

12 MR. LEWIS: Sure.

13 CHAIR RICHARDSON: Okay. Calvin, do
14 you want to follow up?

15 MEMBER WALKER: Would OTA have any
16 problem if it was approved? Because it is only
17 used for emergency situations.

18 CHAIR RICHARDSON: Calvin, your voice
19 is so sweet and quiet, we can't hear you. Could
20 you try again?

21 MEMBER WALKER: The question I had was
22 that many of these parasiticides are used in

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1 emergency situations. It is not like it is used
2 daily.

3 MR. LEWIS: Right.

4 MEMBER WALKER: And I am torn, as a
5 voter. I am looking at ivermectin, moxidectin,
6 and fenbendazole all being approved because it
7 seems like they all are needed still because they
8 are not used on a daily basis.

9 MR. LEWIS: Right. So, I suppose we
10 wouldn't be opposed to its retention on the list
11 but, in the spirit of continuous improvement, this
12 is a substance that could be removed and continue
13 to drive the process forward and maintain the trust
14 and the label.

15 CHAIR RICHARDSON: Any other questions
16 for Nate? Thanks very much.

17 The next speaker is Nathan Allen and he
18 will be followed by Tom Stearns.

19 Is Nathan here? Nathan Allen from
20 Aspire Food Group and Little Herds. Nathan, are
21 you there? No.

22 So, Tom, that means that you are up.

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1 MR. STEARNS: Six minutes, right?

2 CHAIR RICHARDSON: No, no, no. Good
3 try, though! Good try.

4 MR. STEARNS: No, I know, six minutes.

5 CHAIR RICHARDSON: Tom Stearns, take
6 it away.

7 MR. STEARNS: Good morning. It is
8 really strange to have most people over here, isn't
9 it?

10 So, Tom Stearns from High Mowing
11 Organic Seeds. Welcome to Vermont. Our farm is
12 about 20 miles from here. You could all come
13 visit, especially if the meeting gets really boring
14 for the last few days and you want to slip out. You
15 guys probably have to stay, though.

16 So, I have been growing organic seeds
17 for 21 growing seasons now, vegetable seeds. It
18 has been a long time and I have got a few thoughts
19 that I wanted to share.

20 How many people, despite a show of hands
21 have eaten organic food in their lives? Okay.
22 How many of you know that it was grown using organic

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1 seed? A couple more hands.

2 A little known fact is that most of the
3 organic food in this country is not planted with
4 organic seeds. This is an industry that is in its
5 infancy. And so we need to really take care of it,
6 nurture it, and invest in it so that we get the right
7 kind of seeds for a completely new kind of
8 agriculture that we are trying to create, the kind
9 of agriculture that organic espouses is one where
10 there is natural disease resistance, natural
11 insect resistance, natural nutrient density.
12 These are things that can be achieved through plant
13 breeding for those traits. In some cases, those
14 are also common things that are done in
15 conventional breeding but, in many cases, it is
16 very, very different. So, let's make sure we have
17 the right tool for the application that we are using
18 it for.

19 One of the things that I wanted to
20 mention is the public funding for plant breeding
21 is essential. The land-grant universities have
22 established infrastructure for doing plant

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1 breeding. My company is pretty small. For us to
2 invest in our own whole from scratch plant breeding
3 program, when there are university programs out
4 there with this infrastructure already in place but
5 lacking the funding is sort of an absurd investment
6 for us to make. So, we have been working with more
7 than a dozen universities and their plant breeding
8 programs and we have been licensing varieties from
9 them, commercializing them, and paying royalties
10 back to the university. I love doing that. Most
11 people don't like paying royalties but for us, it
12 is an investment in our own plant breeding program
13 in the public sector. So, as often as you can, make
14 sure that issues is brought to light.

15 Another issue I want to bring up is
16 around the rules for organic seeds and what is being
17 done as Europe as the sunset type of process for
18 certain varieties and certain crops country by
19 country. For example, in Europe, certain
20 countries no longer allow the use of conventional
21 seed in certain crops because there is sufficient
22 supply in the organic market. If we were to do this

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1 in the United States, it would be very different.
2 Countries in Europe are much smaller and have
3 distinct growing regions. The U.S. is a very large
4 country, so it is more challenging. But I would
5 propose looking at some possibilities like that and
6 I will tell you more later. Thank you.

7 CHAIR RICHARDSON: Wait a minute, Tom.
8 Questions on seeds or related matters for Tom
9 Stearns? Any questions from our group? I know if
10 Zea Sonnabend was here, she would be asking
11 questions but as you know, she is stuck somewhere.
12 Hopefully, she will be here later and will be sure
13 you get to talk to her. Thanks very much, Tom.

14 MR. STEARNS: Thank you.

15 CHAIR RICHARDSON: The next speaker is
16 Grace Gershuny and she will be followed by Jo Ann
17 Baumgartner.

18 Grace, are you there? Grace is also a
19 very well-known person for organic in the State of
20 Vermont and nationally. Thank you, Grace.

21 MS. GERSHUNY: Okay, yes, thank you,
22 Jean. Thank you NOSB members. It is so great to

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1 have you here in my home state.

2 And I was hoping to bring copies of this
3 book that I am just getting ready to publish for
4 all of you today but, due to a technical glitch,
5 it is not available yet. I am hoping to have them
6 here by Thursday to give out to you.

7 I wanted to say that last winter our
8 Senator, Bernie Sanders, whom you might have heard
9 of, addressed the NOFA-Vermont Winter Conference
10 and paid us the supreme compliment of calling us
11 revolutionaries. So, I am very proud to claim that
12 title. And it has taken me 15 years to write this
13 book. And I started working on it when I left the
14 National Organ Program staff, which I was on for
15 five years, and I was a principle author of the
16 first proposed rule, which, as many people realize,
17 got a resounding number of negative public
18 comments.

19 But still, you know the organic
20 industry has been a huge success. And in the time
21 since implementation, it has grown to be a huge
22 industry and yet, still, less than one percent of

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1 U.S. farmland is organic. And this is a problem,
2 in my opinion.

3 When I accepted that staff position in
4 1994, Washington, D.C. was the last place on earth
5 I ever imagined myself going. One of my goals in
6 taking that job was to help introduce more
7 organic-friendly thinking within USDA and I think
8 that has begun to happen. And I saw that
9 sanctioning of organic by its former archenemy as
10 a real turning point in the radical transformation
11 of U.S. agriculture. And even though that might
12 have been a bit of a naive vision, I think that it
13 was ironically enough undermined, not so much by
14 a recalcitrant establishment but by the activist
15 community.

16 So, as many of you know, there was a
17 great deal of public outreach at the first proposed
18 rule and much of that disturbed me deeply on a
19 personal level. Some of that story is in this
20 book. What really made me angry, though, was I
21 really saw that organic advocates, in their
22 passionate desire to have it be perfect, became the

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1 enemy of the good. And in the words of Pogo, we
2 have met the enemy and it is us.

3 Today's young food activists and
4 aspiring farmers often accept as a given that the
5 organic label has lost its meaning. They believe
6 that industrial organic is not as good as even
7 conventional. So, I have been determined to tell
8 that story. It has taken a lot of work. It has
9 taken a lot of personal grief. And I hope you will
10 read it. I have more extensive comments that I
11 have submitted with some excerpts from the
12 introduction and I thank you for your attention.

13 CHAIR RICHARDSON: Thank you very
14 much, Grace. Are there comments, questions for
15 Ms. Gershuny?

16 We look forward to seeing the book,
17 Grace, and thank you very much for your comments
18 today. They are much appreciated.

19 The next speaker is Jo Ann Baumgartner
20 from Wile Farm Alliance and she will be followed
21 by Michael Sligh.

22 MS. BAUMGARTNER: Hi. Jo Ann

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1 Baumgartner Wild Farm Alliance. We are based in
2 Watsonville, California.

3 We urge the NOSB to eliminate the
4 incentive to convert high conservation value areas
5 to organic crop land. This is occurring because
6 it is easier to convert native ecosystems than to
7 wait three years for transitioning conventional
8 land.

9 The issue is not new to the NOSB. In
10 2009, their biodiversity recommendation included
11 direction for how producers and certifiers should
12 address this issue with regard to the OSP.

13 Biodiversity conservation is a
14 foundational principle of organic agriculture.
15 Accordingly, the NOP should have barriers that
16 discourage the conversion of intact biodiverse
17 ecosystems and to crop production.

18 We are currently experiencing the sixth
19 wave of BC's extinctions in the past half billion
20 years. Unless we alter our course, it is predicted
21 that as many as 30 to 50 percent of all species may
22 be extinct by mid-century.

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1 Conversion is occurring in native flood
2 lands, grasslands, woodlands, throughout the
3 world. Conversion can cause significant soil
4 carbon emission and losses of carbon from woody
5 biomass, especially if the land is first burned.

6 Prairie habitat in Illinois, Iowa, and
7 Minnesota have declined by 99 percent, in the
8 Dakotas by nearly 50 percent. In the Palos region
9 of the northwest, they have lost 94 percent of their
10 grassland. The solution is to take cues from
11 others. Two organic European certifiers, IFOAM,
12 and many nonorganic ecolabel certification
13 programs have requirements to prevent the
14 conversion of high-conservation value areas as
15 shown here.

16 Many NOP-accredited certification
17 bodies are already versed in this type of
18 compliance because they also work for other
19 ecolabels, which use the tools and verification
20 processes for checking the constant conversation
21 of high-conservation values has not occurred. And
22 there is more.

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1 So, we encourage the NOSB to work with
2 experts that understand the nexus between organic
3 agriculture and conservation to develop a detailed
4 recommendation for rulemaking that eliminates the
5 incentive to convert high-conservation value areas
6 to cropland. At the same time, the NOSB should
7 request that NASS incorporate questions into their
8 organic certifier and farmer surveys. We would
9 like to know where new acreage is coming from. Is
10 it being converted from conventional, coming out
11 of CRP land, or from land that has no cropping
12 history?

13 Let's convert the 99 percent of
14 conventional agriculture to organic before we vow
15 any more conversion of intact ecosystems. Thank
16 you.

17 CHAIR RICHARDSON: Thank you very
18 much, Jo Ann. Questions? Yes, Calvin.

19 MEMBER WALKER: Could you make your
20 presentation available to us?

21 MS. BAUMGARTNER: Yes.

22 MEMBER WALKER: Thanks.

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1 MS. BAUMGARTNER: And I submitted a
2 longer document to the EAC Committee this summer.
3 So, I could get that to you also.

4 CHAIR RICHARDSON: Any other questions
5 for Jo Ann? Thank you for that really important
6 presentation. It is much appreciated.

7 The next speaker is Michael Sligh and
8 he will be followed by Aaron Avila.

9 MR. SLIGH: Good morning. I'm Michael
10 Sligh. I am part of the original NOSB. I am here
11 to celebrate our 25th anniversary. I think we are
12 here against all odds and because we make a
13 difference. We should take great pride in this
14 collective achievement. However, organic has
15 much more potential to offer. A world in peril
16 that we have managed to codify or reward so far.
17 You know we set out to create the same alternative
18 to agribusiness as usual, a way for famers and
19 workers to farm with dignity in concert with
20 nature, a way for consumers to get the foods they
21 crave and deserve from a trusted source. However,
22 for us to meet our full potential, we must find

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1 creative and transparent ways to pick up the pace
2 and evolve our ethic, while not violating our
3 process or our values in the pursuit.

4 We are aware of many macro challenges
5 that are facing us. Our standards are lagging
6 behind in some key areas. Other labels are
7 beginning to catch up and even lap us in some key
8 areas. We also need to do better to defend against
9 those who want to ride our coattails unfairly.

10 We also must do more to close the
11 domestic supply versus demand gap and continue to
12 insist that polluters pay. We are also aware that
13 new genetic plant breeding and synbio techniques
14 are rolling out ahead of our capacity to evaluate
15 and there is a troubling growth of utility patents
16 being used in organic seed production.

17 All this is happening because of rapid
18 growth and success but also because I think we are
19 still a little too bogged down. I strongly urge
20 that we set aside time at the next spring meeting
21 to really look at these macro issues and how can
22 we stay ahead of the curve and be all that we can

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1 be.

2 This is a very unique piece of
3 legislation that, on purpose, we established as a
4 social contract between the organic community and
5 the government. It is one based on transparency,
6 accountability, and trust. But that is a two-way
7 street and we must not allow false and personal
8 attacks against any of us who have the courage,
9 especially, to join the NOSB or maybe, insanelly,
10 to join USDA. We must speak out of that. That is
11 not to be tolerated. It cheapens our discourse.
12 It harms our integrity and we must do better. We
13 owe it to the farmers. We owe it to the workers.
14 And we owe it to the future. We can do better and
15 we must. Thank you very much.

16 CHAIR RICHARDSON: Michael, thank you
17 very much for your comments. I think that I have
18 a question. Colehour.

19 MEMBER BONDERA: Thank you. Thank
20 you, Michael, for your comments and thank you for
21 coming back to the podium. I'm sorry to force you
22 to do extra walking.

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1 My question actually is regarding
2 something you said that I think is a great idea but
3 it is about how. And so say it were at the next
4 meeting, for example, how should the NOSB be
5 scheduling time to be looking at macro issues and
6 what means would that be achievable or
7 facilitatable, or doable? I think we did a little
8 bit of it here today but I would like your thoughts
9 on it.

10 MR. SLIGH: Yes, I think we have been
11 nibbling at that. I mean I think the reality is
12 that we may need to set, occasionally, a little more
13 time. I mean it is a burden to all of us. I was
14 there. I know the burden. But at the same time,
15 if the market is outpacing us and we can't keep up,
16 we need to come up with creative strategies to get
17 ahead. Because if we don't, we are going to
18 continue to lose ground against those that may or
19 may not be fair.

20 So, I think it is coming at us quick.
21 This is about success. This is about just the
22 rapid growth that we are on. And I think it would

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1 serve us well to step back and really look at the
2 big picture and see these dynamics. Miles has a
3 huge list of challenges already. So does the Board
4 but I think it would do us well to do that.

5 CHAIR RICHARDSON: Thank you.
6 Additional questions for Michael? Thank you very
7 much. we much appreciate your comments.

8 The Chair notes for the record that Zea
9 Sonnabend has been able to arrive here from
10 California. She rode here on a horse, I think, as
11 far as I can tell. We are pleased to see her. It
12 is 12:30 on the record, she is able to be at our
13 meeting.

14 Michelle, could you update me on the
15 status of Harold? He is on the phone connection,
16 is that right, rather than visual at the present
17 time?

18 MS. ARSENAULT: We have him Skyped-in.

19 CHAIR RICHARDSON: Okay, thank you.
20 So, the record reflects he is able to be hearing
21 the public comment, which will be formulating part
22 of his information as he votes later on this week.

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1 The next speaker is Aaron Avila and he
2 will be followed by Harry Rice. Aaron.

3 MR. AVILA: Thank you. Aaron Avila.
4 I work for G.S. Long Company, a family-owned
5 consulting supply company located in the Pacific
6 Northwest. We work directly with certified
7 organic and conventional growers of tree fruit,
8 hops, wine, grapes, and berries, both large and
9 small, and have for over 30 years. Our crop
10 advisors consult on approximately 7,000 acres of
11 certified production and over 2,000 acres
12 currently in transition to organic.

13 I have worked in Washington agriculture
14 for 25 years and also currently serve as Vice Chair
15 of the WSDA Organic Advisory Board.

16 In the interest of time, I am only
17 commenting on materials that I consider most
18 important to our growers. My lack of comments and
19 other materials scheduled for sunset should not
20 imply my agreement or encouragement of such action.
21 I ask that you please also reference my full written
22 comments submitted for the April meeting.

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1 Chlorine is a necessary sanitation tool
2 across all industry. By sanitizing cutting tools,
3 this is used as a mechanism to prevent
4 cross-contamination of bacteria and fruit
5 production, such as fire blight. Additionally, it
6 supports sustainable water management by providing
7 algae control and micro emitter and drip irrigation
8 systems. Elemental sulfur is widely used for
9 disease suppression and often is a soil amendment.
10 Helping with suppression of mildew, it is a staple
11 product in organic tree fruit, grape, and hop
12 production. But the prohibition of antibiotics
13 for fire blight control and the continued allowance
14 of lime sulfur is increasingly important. The
15 removal of this product with civilian tree fruit
16 insect and disease programs.

17 Narrow range horticultural oils are
18 widely used for insect and mildew suppression.
19 They are a very important part of organic tree,
20 fruit, grape, and hop production. As I am not
21 aware of any effective replacement, the loss of
22 this will result in a higher level of pest and

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1 disease pressure throughout the course of the
2 growing season.

3 Pheromones are a cornerstone of IPM
4 practices and a staple in organic tree fruit
5 production. It would be absurd to remove these
6 important tools. The unavailability of pheromone
7 disruption and pheromone monitoring would lead to
8 a sharp increase in additional pesticide
9 applications and likely cause many to leave the
10 program altogether.

11 Coppers have always been important to
12 prevent bacterial infections in tree fruit and with
13 the removal of antibiotics for fire blight control,
14 even worse than now.

15 Potassium bicarbonate is used as a
16 mildew eradicator and other than sulfur, I am not
17 aware of any other compound that can help
18 post-infection, although sulfur can be used as an
19 eradicator, it provides a much higher risk of
20 biotoxicity to the crop.

21 Micronutrients play an important role
22 in agricultural production as well. There is much

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1 work done in this area. I support their continued
2 use in organic production, as well as their
3 proposed amended annotation. Sole deficiency
4 must be documented, period.

5 List for inerts seems prudent to allow
6 EPA safer choice to continue and finalize the
7 review process before taking a position. Should
8 this review result in the removal of those four
9 inerts, two years is not nearly enough time for
10 product manufacturers to change formulations
11 because changes in formulations would likely also
12 require new environmental impact and efficacy
13 studies as well a time to educate producers. I
14 believe a five-year period is more realistic.

15 And in closing, I would also like to say
16 that I think the notion that ideals surrounding
17 organic agriculture are somehow tied to scale of
18 operations are false and that these products are
19 important to the continued success of the certified
20 organic industry both large and small. Thank you
21 for the opportunity to be here today and to share
22 these comments with you.

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1 CHAIR RICHARDSON: Thank you very much
2 Aaron. Questions for Aaron on this presentation.
3 Any questions for him? No, no questions. Thank
4 you very much. We much appreciated your comments.

5 The next speaker is Harry Rice and he
6 will be followed by Mark Kastel. Harry.

7 MR. RICE: My name is Harry Rice and I
8 represent the Global Organization for EPA and DHA
9 Omega-3s. I will address the relisting of fish oil
10 on the National List.

11 Allegations that the fish oil industry
12 is wreaking havoc on the environment, as well as
13 allegations that fish oil is harmful and of no
14 benefit to human health are unfounded.

15 Comments concerning sustainability
16 were included in GOED's written comments but I have
17 the following to add. Contrary to what is reported
18 in the fish oil technical report, fish are not fish
19 solely for their fish oil. Fish oil is a
20 value-added byproduct. The 2015 dietary
21 guidelines advisory committee examines
22 sustainability of fish production. From the

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1 scientific report, I quote the following
2 conclusion from Part D, Chapter 5. The DGAC
3 concurs with the FAO report that consistent
4 evidence demonstrates the capture fisheries
5 increasingly managed in a sustainable way have
6 remained stable over several decades. However, on
7 average, capture fisheries are fully exploited and
8 their continuing productivity relies on careful
9 management to avoid over exploitation and
10 long-term collapse.

11 The DGAC rated this evidence as strong.
12 Contrary to popular belief, this is a positive
13 conclusion.

14 For many, the word exploit has a
15 negative connotation. In describing the state of
16 fisheries, exploit is not considered negative
17 until we talk about being over-exploited. FAO
18 defines fully exploited to mean the following, and
19 I quote, the fishery is operating at or close to
20 an optimal yield level, with no expected room for
21 further expansion.

22 According to the most recent report of

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1 the sustainable fisheries partnership, the
2 fisheries that supply 85 percent of omega-3 oils
3 just received a rating of E or higher and that is
4 on a scale from A to F. Of course, improvement can
5 continue to be made in all fisheries and these
6 rankings are an important part of the process.

7 With respect to contaminants, during
8 the fish oil refining process, the level of
9 contaminants present is reduced to levels much
10 lower than in the fish. According to the 2015
11 DGAC, the majority of wild caught species neither
12 the risks of mercury nor organic pollutants
13 outweigh the health benefits of seafood
14 consumption. The 2014 draft updated seafood
15 advice from the FDA and EPA, as well as the
16 associated risk assessment report that the
17 benefits of fish consumption outweigh any
18 potential risks. Since the level of contaminants
19 in fish is of little concern, the level of
20 contaminants in fish oil should be of even less
21 concern.

22 With respect to plant-derived

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1 alternatives, as expressed in GOED's written
2 comments, plan-based sources of omega-3s serve as
3 an inadequate alternative to marine-based
4 omega-3s.

5 With respect to human health, some of
6 the public comments I have reviewed refer to a New
7 York Times article published last spring, which
8 question the well-substantiated cardiovascular
9 benefits of fish oil. Unfortunately, the writer
10 of the article relied upon a poorly-substantiated
11 letter, not a peer reviewed article, published in
12 *JAMA* as the basis of the article.

13 In conclusion, GOED encourages the NOSB
14 to retain fish oil on the list of nonorganically
15 produced agricultural products allowed as
16 ingredients in products labeled as organic.
17 Please do not ever hesitate to contact GOED with
18 any questions related to fish oil or any other EPA
19 DHA product. We are always happy to share our
20 expertise. Thank you for your time.

21 CHAIR RICHARDSON: Thank you, Harry.
22 Questions? Tom.

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1 MEMBER CHAPMAN: How do your monograph
2 limits of PVC dioxin heavy metals compared to
3 national, foreign, or international standards on
4 tolerable consumptions of those substances?

5 MR. RICE: So, I don't think you are
6 asking for exact figures.

7 Okay, so in general what happens is we
8 look at all the strictest regulations around the
9 world. We have compiled, I guess, a large database
10 or spreadsheet and we set our limits at the
11 strictest limits around the world.

12 So, for PVCs, the State of California
13 has the strictest limit. So, that is how we do it.

14 CHAIR RICHARDSON: Question from the
15 Chair, if I may.

16 The technical report that we received
17 on fish oil included that some of the fish oil was
18 coming actually from mammals, from seals and
19 whales. To what extent do you know whether that
20 is true and what percentage that might be in the
21 fish oil supply that you are involved with?

22 MR. RICE: Yes, so I can't give you an

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1 exact percentage. We don't have any numbers that
2 deal in that area. I can tell you that we have
3 estimated that our membership encompasses 85
4 percent plus of the world's manufacturing and
5 refiners. So, it would be a very small percent.

6 CHAIR RICHARDSON: And a follow-up.
7 One of the commenters stated that 81 percent of all
8 the world's fish oil is actually used in
9 aquaculture. Does your company get involved with
10 that at all or are you involved only in the refined
11 fish oil that is used for human consumption?

12 MR. RICE: The majority of it is
13 refined for human consumption. So, very few of our
14 members are involved in aquaculture.

15 CHAIR RICHARDSON: Thank you.
16 Questions from the Board? Thank you very much.

17 MR. RICHE: Thank you.

18 CHAIR RICHARDSON: The next speaker is
19 Mark Kastel and he will be followed by Julia Barton.

20 MR. KASTEL: Thank you, Madam Chair. My
21 name is Mark Kastel. I am here today representing
22 the Cornucopia Institute and our approximately

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1 10,000 members. Certified organic farmers are our
2 primary constituency.

3 Mark Twain once said loyalty to country
4 always; loyalty to the government, when it deserves
5 it.

6 Mark Kastel once said loyalty to
7 organics always; loyalty to the NOP when it
8 deserves it.

9 We have wondered why there is not more
10 outrage on the part of people appointed to this
11 Board. We just released Cornucopia's updated
12 voting scorecard. We have been accused by one
13 political appointee on this Board of bullying and
14 intimidating. For heaven's sakes, people, all of
15 our research is based on public records. Radical
16 Cornucopia policy positions on all contested votes
17 on the scorecard were 100 percent in concert with
18 Food and Water Watch, Beyond Pesticides, Center for
19 Food Safety, Consumers Union, OCA, and other NGOs
20 -- 100 percent. Radical.

21 According the votes on the record, the
22 majority of the Board at the last meeting voted with

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1 the industry lobbyists between 9 and 33 percent.
2 Look at the slides. Have you ever seen an organic
3 farm before? When we paid for our unannounced
4 aerial surveillance, not one egg-laying operation
5 had any chickens outside. The one broiler
6 operations with 40 barns, 20,000 to 30,000 birds
7 in a barn, had not one chicken outdoors.

8 Access to pasture? Of the dairies we
9 flew over, managing as many as 18,000 head of
10 cattle, somewhere between zero and 10 percent of
11 their animals were outside of the feed lots when
12 we flew over. Organic.

13 Let's applaud the NOP and its
14 leadership. It's legacy so far, according to
15 recent USDA research, fewer farmers and fewer
16 organic agri. Why? CAFOs are producing half of
17 the organic milk today, likely. Seven organic
18 dairy farms in Texas produced more milk than the
19 hundreds of family farmers in Wisconsin, hundreds.
20 Eighty to ninety percent of the organic eggs,
21 according to the United Egg Producers Lobby, come
22 from giant CAFOs.

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1 An estimated 80 to 90 percent of organic
2 soybeans are imported from countries like China and
3 India. About 50 percent of the corn that is
4 flooding the market is from mostly former Soviet
5 bloc states. We trust these folks.

6 We received a phone call last week from
7 one of the farmer-owned organic grain
8 cooperatives. They literally cannot sell 2015
9 crop in corn and wheat. The market is flooded from
10 Romania and elsewhere.

11 Is everyone on this board 100 percent
12 confident that 100 percent of all those
13 commodities, those shiploads coming to the U.S. is
14 really organic?

15 Thank you very much.

16 CHAIR RICHARDSON: Thank you, Mark.
17 Questions? Yes, Jennifer.

18 MEMBER TAYLOR: Thank you so much for
19 all that you are doing and all of the support of
20 the organic community as well.

21 So, as you view and report the
22 information that you are reporting, what do you

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1 think the National Organic Standards Board can do
2 -- or the National Organic Program?

3 MR. KASTEL: Well, the first thing --
4 and thank you for the question. From a Board
5 member who was appointed to recommend consumers,
6 right, the first thing we can do is have the USDA
7 respect the Organic Foods Production Act so when
8 they set aside Board seats that are reserved for
9 someone who quote owns or operates an organic farm,
10 that they are truly working farmers with skin in
11 the game.

12 And then, this is not a scientific
13 panel, obviously. There is one seat designated
14 for a scientist. It is a lay panel to interpret
15 what is best for the organic community through your
16 prism, through the OFPA prism.

17 So, the Congress gave the authority to
18 this Board, not to the NOP, to choose technical
19 advisors, scientists, that you feel comfortable
20 with, that you feel are qualified to do this
21 analysis. Because you folks aren't qualified.
22 We have a couple Ph.Ds. at Cornucopia. I'm not

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1 qualified to make many of these calls.

2 But you are not able to choose them
3 yourself. The bureaucrats at the USDA are
4 choosing them for you. It is just like
5 Cornucopia's Board choosing the auditors. The job
6 of the auditors for a nonprofit or a public
7 corporation is to make sure the management is doing
8 the right thing ethically.

9 So, you folks need to choose to make
10 sure, one, that the scientists are qualified, and
11 two, that they don't have conflicts of interest.
12 In the past, some of these technical and TAP
13 reviewers have worked for agribusinesses that have
14 advocated or used some of these materials. That
15 is a conflict of interest. That is in our organic
16 Watergate report.

17 How come we can't do that scrutiny now
18 to assure there is no conflict of interest? How
19 come this Board can't? Because the program is
20 keeping the identities of the technical reviewers,
21 the scientists, secret. Has anyone ever heard of
22 a scientific paper published in any journal or

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1 anywhere else where the authors were anonymous?

2 So, those two factors could be game
3 changers in terms of the work of this board in
4 assuring to the public that the organic foods
5 protection act is properly executed.

6 CHAIR RICHARDSON: Thank you, Mark.

7 MEMBER TAYLOR: Thank you.

8 CHAIR RICHARDSON: Other questions?
9 So, Board Chair prerogative, if I may. I know you
10 mentioned that you're a 10,000 member, non-profit
11 right?

12 MR. KASTEL: That is correct.

13 CHAIR RICHARDSON: So, you technically
14 have -- it is a nonprofit organization with 10,000
15 actual members. This is member under the IRS.

16 MR. KASTEL: These are people who paid
17 dues to -- well, I shouldn't say -- dues is a tricky
18 word. These are people who have made some kind of
19 financial commitment to become members. We have
20 no minimum contribution. We have farmers that
21 have given \$30 a year; some less; and God bless
22 them, some might give \$1,000.

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1 CHAIR RICHARDSON: So, it is a
2 membership organization as defined under the IRS
3 code?

4 MR. KASTEL: We have bylaws to define
5 our classes of members and we are governed by our
6 Board of Directors.

7 CHAIR RICHARDSON: Great. Thank you
8 very much, Mark, for your presentation.

9 MR. KASTEL: Thank you, Madam Chair.

10 CHAIR RICHARDSON: It is appreciated.

11 The next speaker is Julia Barton and she
12 will be followed by Lisa Bunin.

13 MS. BARTON: Good morning. The Ohio
14 Ecological Food and Farm Association or OEFFA, is
15 a grassroots coalition of more than 3800 members
16 who work to build a healthy and sustainable food
17 system. We employ education, advocacy, and grass
18 roots organizing to promote local and organic food.
19 Our certification programs certifies over 950
20 organic producers and handlers.

21 The organic community has a track
22 record of working together to overcome challenges.

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1 While we submitted written comments on several
2 topics, there are two key challenges we wanted to
3 highlight with you today. Our hope is that there
4 is space in this forum for the discussion of these
5 issues. The first has to do with GMOs. Come time
6 ago, while training new staff, it came to our
7 attention that the NOP guide for organic crop
8 producers states that GMOCs may be used during
9 transition. At first, we thought this was a
10 mistake but later came to the understanding that
11 it stems from the specific interpretation of GMOs
12 as a prohibited method, rather than a prohibited
13 substance, particularly at a time when organic
14 producers are bearing the weight and economic
15 hardship of preventative measures against GE
16 contamination, we must have clarity on our approach
17 to this issue. The allowance of GE seed during
18 transition sends mixed signals to transitioning
19 producers, contradicts widely held understandings
20 of the rule and has the potential to damage consumer
21 confidence.

22 Allowing this practice complicates the

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1 certification process, as it is difficult to verify
2 that GE plants do not grow the following year,
3 potentially contaminating organic crops. It does
4 not serve the interests of transitioning or organic
5 producers. We specifically request a clarifying
6 statement that GE seed be prohibited during
7 transition to organic.

8 The second challenge has to do with
9 hydraulic fracturing. Farms in the 14 states in
10 which we certify are in proximity to fracking
11 wells, injection wells, and pipelines with more
12 plans for construction. We are concerned about
13 the impacts of these wells and pipelines on organic
14 producer's businesses, and on the integrity of the
15 food being produced under the organic label.

16 Dr. Ted Auch from Cleveland State
17 University recently examined these issues. Key
18 findings of his include 11 percent of U.S. organic
19 farms are within oil and gas regions of concern.
20 This has the potential to increase to 15 to 30
21 percent if more shale plays and basins are
22 exploited.

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1 Sixty to seventy-four percent of these
2 farms produce crops and seeds like California,
3 Ohio, Michigan, Pennsylvania, and Texas. Issues
4 such as soil quality, watershed resilience and
5 water rights are likely to worsen over time with
6 additional drilling. This raises important
7 questions for the organic community, such as how
8 can we address related concerns with air or water
9 pollution, water reuse systems, irrigation and
10 runoff.

11 We respectfully request the clarifying
12 statement that fracking wastewater containing
13 prohibited substances cannot be used as irrigation
14 water in organic systems. And we thank you for
15 your service.

16 CHAIR RICHARDSON: Thank you very
17 much, Julia. Comments from -- yes, Francis.

18 MEMBER THICKE: Thank for pointing
19 that out about GMOs being allowed at transition.
20 And I understand. I looked it up. It is not what
21 is in here, the ATRA publication. And talking to
22 Emily, that is a mistake, I understand. Maybe

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1 someone could clarify that from the program.

2 CHAIR RICHARDSON: I'm sorry. I'm not
3 following, Francis.

4 MEMBER THICKE: Okay, I'm sorry. She
5 referred to something in the crop production
6 handbook which was prepared by ATRA and it says that
7 GMOs are allowed during transition, which is a
8 mistake, I believe. And maybe somebody could
9 clear that up.

10 MS. BARTON: My understanding was that
11 that was in the NOP publication. Is that not
12 correct?

13 MEMBER THICKE: It was prepared by
14 ATRA.

15 MR. MCEVOY: Yes, it is in a
16 publication that is referenced on our website and
17 it is a mistake that we have been meaning to revise.
18 Yes.

19 MS. BARTON: Thank you. That is great
20 news.

21 CHAIR RICHARDSON: Thank you.
22 Questions, Board members?

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1 Thank you very much.

2 MR. MCEVOY: I think we may want to talk
3 about the fracking information that we have found
4 out. Emily, do you want to clarify that?

5 MS. BROWN ROSEN: Hi. I have looked
6 into the fracking issue a little bit and we are
7 certainly looking for more information on this
8 topic and we have consulted with EPA as to the use
9 of fracking wastewater and irrigation.
10 Basically, there is two different kinds of water
11 that is classified by EPA and the Bureau of the
12 Interior, fracking water from injected water into
13 wells that has all those, well a lot of synthetic
14 chemicals and is often contaminated; and then there
15 is what is called produced water, which is a
16 byproduct of oil and gas drilling.

17 And fracking water right now is not
18 really -- well, some states prohibit it outright
19 for irrigation and EPA has a proposed rule out to
20 prohibit it outright for irrigation for all uses.
21 So, that is under development and it is also not
22 supposed to be going into public treatment water

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1 programs, municipal treatment water.

2 The only exception is an onshore
3 disposal of wastewater from oil and gas drilling
4 is not supposed to be used on shore, except for in
5 the arid west, there is an exception to use it west
6 of the 98th meridian. So, that is where there has
7 been some concern about the waste water from oil
8 and gas drilling being used in specific water
9 districts in California.

10 So, we are still looking into this. We
11 have limited authority under OFPA to regulate
12 water but certainly, it is an issue of concern and
13 we will welcome more information as we consult with
14 the different authorities about it.

15 MS. BARTON: Is this an issue that the
16 NOSB has purview in or is this not something for
17 their discussion? It is just it is not always
18 clear to me where the line is there.

19 MR. MCEVOY: This is one of the topics
20 that we have had some preliminary talks with the
21 NOSB about putting it on their work agenda for
22 further exploration and see if there is further

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1 work that needs to happen on irrigation waters
2 abroad topic.

3 MS. BARTON: Thank you.

4 CHAIR RICHARDSON: Thank you very much
5 for your timely comments. I know there is a lot
6 of activity going on with this nationwide.

7 What I am going to do is just have Lisa
8 Bunin speak. And Albert, would you be comfortable
9 waiting to be the first one after lunch? Because
10 I hate to keep those demonstrators waiting.

11 So, Lisa. Lisa Bunin. Thank you.

12 MS. BUNIN: Good afternoon. My name
13 is Lisa Bunin. I am the Senior Organic Policy
14 Director at Center for Food Safety.

15 When Congress passed OFPA,
16 participants in early conversations about how to
17 put organic values, principles, and practices into
18 law, understood it wouldn't be perfect. It
19 couldn't be because the organic sector was still
20 evolving. But OFPAs premise was that it would
21 continuously improve as organic grew.

22 Still, skepticism and discontentment

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1 prevailed regarding federal regulation of organic.
2 UACA had little understanding of organic
3 agriculture and little desire to support a system
4 that issued agrochemicals. The Secretary of
5 Agriculture actually testified in Congress against
6 housing organic in USDA. So, when USDA took over
7 organic, it pigeonholed it as a market niche within
8 AMS.

9 Organic pioneers viewed organic
10 differently. They viewed it as a transformational
11 agricultural system and demanded checks and
12 balances I OFPA to protect its integrity. This
13 ensured that the control of organic development was
14 not taken out of their hands or evolved into a weak
15 specialty market, instead of a regenerative foods
16 system that they envisioned. Pioneers insisted
17 that OFPA create a stakeholder board, the NOSB,
18 with the authority to uphold organic principles.

19 Given continuous improvement and
20 expectations, OFPA added EPA's list of synthetic
21 inerts of non-toxicological concerns of the first
22 National List. Twenty-five years later, with

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1 EPA's inert list dissolved, the Board's Review
2 Committee substantially improved, the NOSB must
3 revisit inerts. It already screams active
4 ingredients in pesticides used in organic but
5 inerts comprise 90 percent or more of pesticides
6 and they may be more hazardous components. EPA's
7 pesticide registration does not ensure OFPA's
8 compliance because it is based upon different and
9 often incompatible standards.

10 CFS supports the NOSB's plan to review
11 inerts in clusters of related chemicals. We
12 oppose substituting alone EPA's safer ingredient
13 list without NOSB review.

14 NOP should not ask NOSB to reconsider
15 bio-based, biodegradable mulch. Unfortunately,
16 so many farmers depends on plastic mulch to
17 suppress weeds, creating mounds of plastic waste
18 but it would be worse to weaken standards to allow
19 petrochemical-based feedstock in mulch that is
20 supposed to decompose in organic fields and this
21 would violate OFPA.

22 Increasing farm fertility, farm soil

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1 fertility, and biodiversity is a foundational
2 practice of organic. Some soilless hydroponic
3 systems reduce the ecological complexity of crop
4 production to a feeding system of required
5 nutrients. This doesn't fit the definition of
6 organic production. While some may see it as we
7 are certifying the system without legally
8 established rules, others are not because they
9 don't believe that hydroponics can be organic.

10 Certification inconsistencies violate
11 OFPA, create consumer confusion and reflect poorly
12 on organic. We urge NOP to issue a moratorium on
13 new certifications and draft constructions to
14 certifiers consistent with the legal definition of
15 organic production with the NOSB's 2010
16 recommendations leading to rulemaking.

17 Thank you and thank you to the outgoing
18 members for their service.

19 CHAIR RICHARDSON: Oh, you finished on
20 time. You get the award, Jean's magic wand.

21 All right, questions for Lisa. Yes,
22 Colehour.

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1 MEMBER BONDERA: Okay, thank you,
2 Lisa, for your comments. And my question,
3 perhaps, isn't exactly something that you talked
4 about but you referred to, which is, and I am the
5 lead person on the plastic mulch and covers
6 material that we are going to be voting on
7 regarding, I guess, de-listing. But at this point
8 in time, nobody was encouraging de-listing it and
9 you made a comment in what you said regarding how
10 biodegradable mulches, I think what I heard you say
11 quite quickly was that we shouldn't be revisiting
12 that topic and you made some comment about how it
13 doesn't -- what is being pursued with that doesn't
14 meet OFPA criteria.

15 And my question is, regarding the
16 current material that is listed, plastic mulch and
17 covers in 205.601(b), does that one meet the OFPA
18 criteria and should be relisted? So, I would like
19 you to address that question regarding what is
20 currently on the books and, according to this
21 system, will probably be relisted. Thank you.

22 MS. BUNIN: That is a very tough

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1 question. Of course we understand that farmers
2 are using it quite regularly and what I would say
3 is that the research needs to go on to the research
4 agenda and alternatives really should be found. I
5 wouldn't say that that would be a substance that
6 should stay on the list for the long-term but, in
7 the short-term, I think all hell would break loose
8 if it were to be removed from the list without
9 viable substitutes at this point in time,
10 unfortunately.

11 CHAIR RICHARDSON: Thank you. Other
12 questions for Lisa?

13 Hearing none, I would like to invite all
14 of you to go outside into the parking lot, right
15 outside the entrance to the conference center,
16 where there is a demonstration in support of the
17 NOSB and its stance on hydroponics. And we will
18 reconvene here at exactly 2:15.

19 (Whereupon, the above-entitled matter
20 went off the record at 12:58 p.m. and resumed at
21 2:21 p.m.)

22 CHAIR RICHARDSON: Ladies and

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1 gentlemen, if we could get started. We do have an
2 afternoon of public comments that we will be going
3 through until 6:30 this afternoon, with one break.
4 So, I would appreciate it if everybody could please
5 take their seats now so we could get back on the
6 record. Look at that middle-aged chicken crossing
7 the road. Yes, we saw that.

8 It is 25 minutes past. So, we are five
9 minutes later than I thought we might be. So, I
10 know that I have Albert Straus up there all about
11 raring to go. And I just have to step out and go
12 and do a couple of things for five minutes or ten
13 minutes or so. But Tracy is taking over as chair,
14 so you will be up here, Albert. And so Tracy will
15 be then, as Vice Chair, taking over for a few
16 minutes and I will be back as soon as I can.

17 Go ahead.

18 MR. STRAUS: Thank for the opportunity
19 to speak today. My name is Albert Straus. I am
20 the founder of Straus Family Creamery. I grew up
21 on my family dairy farm and I have personally
22 managed it for almost 40 years and converted to

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1 organic in 1993.

2 I am here today to share my perspectives
3 a farmer who has a keen interest in upholding
4 organic integrity. It is critical that we
5 preserve consumer confidence in the organic label.
6 Since the organic pasture rule has been adopted,
7 the consistent implementation, oversight, and
8 enforcement of the rule has been problematic. A
9 key component of organic milk production is that
10 cows must spend at least 120 days on pasture and
11 must obtain at least 30 percent of their dry matter
12 intake from pasture during the grazing season.

13 In order to achieve that standard, a
14 minimum number of acres is require for each cow to
15 have adequate pasture to graze on. The
16 calculation will vary by geographical regions but,
17 in our area of coastal marine counties, the rule
18 of thumb is one acre per milking cow.

19 When organic dairy operation are
20 certified with cows per acre ratios that far exceed
21 that number, that rule of thumb, we question
22 whether organic standards are truly being upheld.

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1 Not only are these farms not meeting the
2 requirements to be organic, they are potentially
3 eroding consumers' confidence in the organic
4 label.

5 I am here to ask for stricter oversight
6 by certifiers in evaluation of organic system plans
7 and practices on organic dairies. In order to
8 maintain consumers' trust, certifiers everywhere
9 should ensure that they are checking the number of
10 cows per acre reported against the reality of the
11 pasture grown that is possible in that region. The
12 onus should be on the certifier to critically
13 evaluate this data and not just accept it at face
14 value. Additionally, I would ask that the NOP
15 audit certifiers to make sure that their
16 evaluations are accurate and in compliance with the
17 organic pasture rule.

18 Another subject I would like to talk to
19 you about is about conventional spent brewer's
20 yeast. The NOP allows yeast from nonorganic
21 sources be used as part of the feed rations for
22 organic livestock. In the NOP guidance on yeast

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1 data July 22, 2011, this yeast is approved for use
2 as a supplement without a clear definition of any
3 limitations on that amount.

4 The yeast has the potential -- I have
5 just a couple sentences.

6 VICE CHAIR FAVRE: Yes, go ahead and
7 finish.

8 MR. STRAUS: The yeast has the
9 potential to take the place of organic protein
10 feeds. The certifier, MOCA, and CCOF have come out
11 with a guidance interpretation that states if this
12 operation is feeding on organic yeast greater than
13 one percent of the ration, they must justify why
14 it is a feed supplement and not a feed ingredient
15 in the ration. I believe in this guidance and
16 believe that the national regulations should
17 reflect this policy, in order to maintain consumer
18 confidence in the integrity of organic dairy
19 products. Thank you.

20 VICE CHAIR FAVRE: Thank you, Albert.
21 Any questions for Albert? Colehour.

22 MEMBER BONDERA: Thank you for your

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1 comments.

2 My question is is there anything
3 concrete that you could suggest or saying in what
4 you said that the NOSB could take as action?

5 MR. STRAUS: On which subject?

6 MEMBER BONDERA: I almost -- I mean
7 from what I heard, it seemed like most of what you
8 were saying was certifiers, or enforcement, or the
9 NOP. But I am just wondering.

10 MR. STRAUS: So, as far as the pasture,
11 I think it is a matter of getting the certifiers
12 to understand how to evaluate pasture. And when
13 you have four plus cows per acre, when everybody
14 else has to have about one cow per acre, it causes
15 questions by not only the community but also
16 consumers.

17 As far as the brewer's yeast, the spent
18 brewer's yeast, that is something that I think is
19 a loophole that needs to be tightened up. Yeast
20 was meant to be a digestive aid or helps something
21 in the rumen for livestock. But it has the
22 potential of being a protein feed and some people

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1 are feeding 10 to 15 percent of their ration with
2 this conventional feed.

3 VICE CHAIR FAVRE: Francis.

4 MEMBER THICKE: Thank you, Albert. In
5 your region, do you think there are many dairies
6 that are less one acre per cow of grazing area?

7 MR. STRAUS: Less meaning?

8 MEMBER THICKE: Fewer acres per cow.

9 MR. STRAUS: There is a handful, yes.
10 And there is a lot of questions being asked around.
11 And I know there is a complaint procedure but I
12 don't know if anybody is really willing to go out
13 on a limb and talk about their neighbors.

14 VICE CHAIR FAVRE: Any other
15 questions? Well, I will ask one real quick.

16 Would you allow us how maybe how
17 different grazing methods have something to do with
18 the capacity of a pasture to carry more animals,
19 like a rotational grazing?

20 MR. STRAUS: Rotational grazing can
21 help a little bit but, even so, in our area, one
22 to two maybe cows per acre would be realistic. But

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1 when you get three, four, or five cows per acre,
2 it is not realistic without irrigation or any other
3 type of way to extend it.

4 VICE CHAIR FAVRE: Thank you.

5 MR. STRAUS: Thank you.

6 VICE CHAIR FAVRE: Next up is Steve
7 Wisbaum. On deck is Dave Miskell.

8 MR. WISBAUM: Good afternoon. My
9 comments concern two related issues, the
10 diminishing integrity of the organic label and
11 hydroponic production.

12 I have been purchasing and growing
13 organic food for over 40 years and I am also a
14 long-time supporter of NOFA-Vermont, The
15 Cornucopia Institute and the Organic Consumers
16 Association.

17 In the early '90s, I worked as an
18 organic inspector for a variety of certifiers
19 throughout the U.S. During this time, I helped
20 write the first IOAIA inspection manuals,
21 uncovered one of the first organic fraud cases to
22 be prosecuted by a state's attorney general, and

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1 initiated an IOIA survey of organic inspectors on
2 issues related to organic integrity. I also wrote
3 and distributed a paper called strengthening the
4 organic certification system, which outlined the
5 steps that could be taken by organic certifiers in
6 the NOP to detect and prevent organic fraud.

7 Over time, I came to the conclusion that
8 most people within the organic community either
9 simply didn't know enough about the details of the
10 certification and inspection process to understand
11 how easy it is to game the system or were simply
12 choosing to ignore the problem either to protect
13 their own limited self-interest or because they
14 feared the bad press that could come with full
15 transparency on this issue.

16 And while the NOP has obviously made
17 some improvements in their oversight of the organic
18 certification system over these past 25 years, it
19 is my sense that there still exists a significant
20 amount of organic fraud, especially related to the
21 sale of fraudulently labeled conventional products
22 by certified organic producers and processors.

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1 I also believe that this fraud is
2 continuing to place certain segments of the organic
3 industry at a significant competitive disadvantage
4 and is one of the main reasons that we are seeing
5 a steady decline in the number of organic farms in
6 the U.S., at least outside of Vermont.

7 A number of recent NOP actions have
8 further undermined my confidence in the integrity
9 of the organic label, including the NOP's continued
10 support of the certification of CAFOs that violate
11 the core organic principles of animals spending a
12 large portion of their time in healthy green
13 pastures. The NOP's change of the sunset rule that
14 reduced the incentive to find safer alternatives
15 to the materials on the national list, the shift
16 in the composition of the NOSB which will likely
17 result in serving corporate business interests at
18 the expense of the interest of consumers and small
19 family farmers.

20 And finally, the NOP allowance of the
21 certification of hydroponic tomato operations, in
22 spite of the long-held foundational tradition of

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1 organic vegetable production they have done in a
2 healthy soil ecosystem and in direct opposition to
3 the NOSB's recommendation on this issue.

4 Thank you for your work on this
5 committee and providing me with the opportunity to
6 share my views.

7 VICE CHAIR FAVRE: Good timing. Thank
8 you. Any questions for Steve? Thank you.

9 Okay, we have got David Miskell and Jane
10 Shey is up next.

11 MR. MISKELL: I have an organic
12 greenhouse greens business in Charlotte, Vermont.
13 I have been farming organically since 1972. I was
14 a member of the Vermont -- we formed the Vermont
15 Organic Farmers Certification Program, and I am
16 still certified by Vermont Organic Farmers.

17 When the move towards national
18 standards came about, my first response was oh, we
19 are letting the fox into the chicken house and the
20 fox is hungry. And I was convinced by others
21 amongst the Vermont organic farming community that
22 we have done something really different here that

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1 we have set up a structure called the NOSB and that
2 structure is going to be a community awareness
3 process and a research process to maintain the
4 integrity of the organic standards.

5 The 2010 recommendations of NOSB I
6 submitted testimony from the very beginning of the
7 NOSB addressing of this hydroponic issue. It took
8 the public input in, came out with a document that
9 reaffirmed that organic farming is totally the
10 heart of is creating living soil that is related
11 to growing the plants, growing the animals, and
12 growing people, and really healing the world. And
13 that has been my mission from day one in organic
14 farming.

15 The total reluctance of USDA and OP to
16 address the issues that were brought up by the NOSB
17 and allowance of the certifiers, certain
18 certifiers, Vermont Organic Farmers do not certify
19 hydroponic operations, to go out and certify is
20 wrong. It is a total disrespect of all the work
21 that you as volunteers do at NOSB. It was just what
22 I feared was going to happen. Money talks. The

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1 public stays below the money talks.

2 What I am working on now, and Dave
3 Chapman and I have brought this issue up, it is
4 great to see how much enthusiasm -- just one more
5 sentence.

6 We are going to be working to propose
7 a moratorium on any certification of hydroponic
8 operations in the United States or in Mexico, or
9 in Canada, or wherever they are being exported and
10 being dropped into the market. And that is until
11 the task force meets, comes out with a policy, and
12 it is reviewed by the NOSB and then it is made into
13 a rule so that the public can then make comments
14 on that.

15 Until then, there should be no
16 certification of hydroponics in the United States.

17 VICE CHAIR FAVRE: Okay, thank you
18 David. Any questions for David? Thank you.

19 Next up is Jane Shey and then we have
20 got Jake Lewin.

21 MS. SHEY: Good afternoon. My name is
22 Jane Shey. I am a policy associate for the Organic

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1 Farming Research Foundation, a national nonprofit.
2 The Organic Farming Research Foundation works to
3 foster the improvement and widespread adoption of
4 organic farming systems.

5 OFRF cultivates organic research,
6 education, and federal policies that bring more
7 farmers and acreage into production.

8 In April 2015, NOSB submitted a list of
9 research priorities that would support the organic
10 community. Priorities in this list include plant
11 disease management, soil-building practices, seed
12 purity from GMO research needs, and several
13 livestock topics.

14 OFRF recently completed the National
15 Survey of Organic Farmers, with more than one
16 thousand farmers from across the U.S.
17 participating, allowing these farmers and ranchers
18 the opportunity to provide input on challenges
19 affecting the organic community.

20 The survey asked farmers to rate
21 different topics as research priorities. We found
22 that many of the NOSB research priorities mirror

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1 the results of our survey of organic farmers.
2 Preliminary results show soil health is a top
3 priority with about 75 percent of the respondents.
4 Weed management was second, selected by about 67
5 percent of the respondents.

6 Other topics commonly rated as high
7 importance for research include fertility
8 management, determining the nutritional quality
9 and health benefits of organic food, insect
10 management, soil conservation, disease
11 management, pollinator health protection,
12 information on economics and marketing, and coping
13 with water management during draught and flooding.

14 Survey result will be used to update
15 OFRF's national organic research agenda, an
16 important roadmap for the USDA and other research
17 institutions identifying the issues most critical
18 to the success of organic farmers.

19 We want to thank NOSB for their work in
20 recent years to develop research recommendations.
21 We do encourage NOSB to work to identify research
22 needs more in advance of when NOSB recommendations

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1 are made, so that research can better inform policy
2 decisions or help growers adapt more quickly to
3 changing regulations. OFRF is committed to
4 working with NOSB and USDA as a partner to represent
5 the needs of the organic research community and
6 organic farmers.

7 The issues we raised in our comments
8 reflect our communication and work with the broader
9 organic community. Thank you for your time and
10 increased attention to research needs to help the
11 organic industry continue to grow, while
12 maintaining the standards necessary to ensure the
13 integrity of the organic certification system.

14 VICE CHAIR FAVRE: Thank you, Jane.
15 Any questions for Jane? Thank you. Good
16 comments.

17 Next up is Jake Lewin and then after
18 that, on deck is Junior Yoder.

19 MR. LEWIN: Hi, everybody. I'm Jake
20 Lewin. I'm the President of CCOF Certification
21 Services. We are the nonprofit certification arm
22 of CCOF, which is, in itself a nonprofit.

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1 I just want to give you some perspective
2 for us, as a certifier, on this process that we all
3 participate in here. We spent a lot of time
4 managing the lists that our clients use for their
5 material list in their OSP and we have a pretty good
6 idea what folks use and can turn the sunset dockets
7 into communication. And, in fact, our principle
8 job is getting written work out of farmers and it
9 is hard. And we tried really hard to get you
10 written work out of framers to inform your
11 deliberations and it is, honestly, quite tough.
12 This is process is not something that is real to
13 them when it is not a hot button issue, as we are
14 seeing, for instance, with the hydroponics. It is
15 strongly felt. But day in, day out materials,
16 people just do not conceive that this is really
17 happening.

18 And so really for us, we are torn
19 between becoming increasingly shrill about the
20 things on the list or giving you numbers about what
21 people use. And really what I am asking you for
22 is to take the numbers seriously because those are

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1 people with real lives and real businesses who just
2 simply, it might not be sinking in what is at stake.

3 So, moving on, we are doing GMO testing.
4 We have been doing GMO testing over this last year
5 and we really applaud the prevention strategies
6 document and the evidence of our testing is
7 increasingly showing that what really matters is
8 pushing greater and greater responsibility down
9 the supply chain, meaning that seed purity is going
10 to be increasingly important and something we would
11 really like to see be an integral part of the
12 program long-term. Operations need to start with
13 seeds that are free of GMO contamination, if we are
14 to have any hope of having a lack of GMO
15 contamination further down the line. We see this,
16 at this point, as really the only viable pathway
17 or at least the most important step on any other
18 viable pathway.

19 I would like to ask the NOSB to take on
20 another work item to advise the Secretary on a
21 labeling issue with the FSIS. FSIS has authority
22 over meat labels and they will not allow organic

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1 products to have a clear and simple non-GMO claim.
2 They really have to use a long GMO sentence that
3 is arbitrary, reductionist, and they can't even use
4 the term GMO, in fact. And I think it is a prime
5 opportunity for this Board to look at that and to
6 perhaps provide the Secretary some guidance on your
7 thinking on that. It has been a challenging
8 problem for us and our members, who are making
9 organic products. And this is ranging from a small
10 minority-owned business, making three meat
11 empanadas and 50 or 60 ranchers.

12 VICE CHAIR FAVRE: Thanks, Jake.
13 Questions for Jake? Nick.

14 MEMBER MARAVELL: Jake, what are you
15 finding the most prevalent crops that you are
16 testing for for GMO and which of those crops are
17 you find the most GMO contamination?

18 MR. LEWIN: In general, our focus has
19 been on livestock feed in the last year because that
20 was where we had the primary access. And so the
21 levels are higher in corn and soy but we have seen
22 some in alfalfa. Principally, the vast majority

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1 of what we see has been quite low, below what could
2 be seen as foreign government's thresholds but a
3 couple have been a little higher than that.

4 VICE CHAIR FAVRE: Thank you, Jake.

5 MR. LEWIN: Thank you.

6 VICE CHAIR FAVRE: Next up is Junior
7 Yoder, followed by Urvashi Rangan.

8 MR. YODER: Thank you for having me
9 here today. I am here representing a small
10 farmer's-owned co-op. Greenfield Farms has 180
11 members with 52 family-sized vegetable farmers;
12 four egg producers and 30-some dairy producers.

13 Personally, we farm 12 acres organic
14 vegetables that are marketed through the co-op and
15 processed organic raw sauerkraut. I am also an
16 organic inspector, thanks to the NOP for helping
17 me with the training here.

18 I'm here to comment on micro nutrients.
19 Looking at micro nutrients as a whole, I think there
20 is two major functions that we need to look at.
21 The immune functions that, in the plant, and the
22 reproductive functions, looking at the micro

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1 nutrients individually, we know that boron
2 increases the sugar breaks in the plant and the
3 fruit. Copper can prevent lodging and small
4 grains. Zinc can increase water utilization.
5 Manganese is very important for the reproductive
6 system.

7 And looking at other examples, we have
8 done a lot of research on phosphorous. If you have
9 adequate levels of phosphorous and you have minimal
10 uptake in the plant and you apply zinc, you will
11 help that, increase that phosphorous uptake.

12 So, while I think it is very important
13 to use sea minerals, compost, humates, intensive
14 cover crops, I also think that it is not economical
15 just to depend on those to increase soil levels to
16 what we need to get our deficient soils up to what
17 we need to grow healthy crops.

18 We know that clovers can increase the
19 boron levels but it is very -- takes a lot of time
20 to do that. We are currently working with the OSU
21 to do research on micronutrients and the
22 interactions it has on weed management.

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1 I would support the idea of having the
2 rule rewrote to state that a producer needs to
3 demonstrate a verifiable need in order to -- before
4 applying and in order to avoid application and
5 potential toxicity.

6 VICE CHAIR FAVRE: Thank you. Any
7 questions for Junior? Thank you for coming.

8 Next up is Urvashi Rangan, followed by
9 Terry Shistar.

10 MS. RANGAN: Hey, good afternoon
11 everybody. My name is Urvashi Rangan. I am the
12 Executive Director of the Food Safety and
13 Sustainability Center at *Consumer Reports*.

14 You know last meeting in La Jolla, we
15 were asked a question about whether we were against
16 organic and I was really surprised after, I don't
17 know, this is my 32nd NOSB meeting being asked that
18 question. And so I wanted to clarify something.
19 I appreciate a lot of your clarifications today
20 about the work we do at *Consumer Reports* and how
21 we perceive organic.

22 Our job is not to advocate for any one

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1 thing for the sake of it. Our job is to be honest
2 brokers in the marketplace and help consumers
3 understand how labels add value to the conventional
4 baseline and how they compare to one another.

5 So, we brought a couple of reports in
6 with us. Beef was the last cover story of the last
7 month, comparing organic beef to conventional
8 beef, as well as grass-fed beef, looking at grass
9 fed and organic, my colleague, Tyler, is going to
10 talk a little bit more about that later,
11 documenting the real scientific benefits of
12 organic production and even more organic and grass
13 fed production.

14 We also have a label table that compares
15 organic to a bunch of other labels across 20, 25
16 different sustainability attributes. And
17 Charlotte Vallaeys, as you know, does a lot of that
18 work for us. And this is the kind of in-depth work
19 that we are trying to provide consumers so that they
20 can make more informed decisions.

21 We have brought copies for all of you
22 in the room of every report we have done. It is

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1 worthwhile taking a look at it to see the kind of
2 work we are doing to really underscore and underpin
3 why sustainable production practices matter. And
4 that is what matters to us is making this
5 marketplace more sustainable and doing that in a
6 true way. And that is why we come here every
7 meeting with our criticisms, with our asks for
8 keeping things to be a very high bar.

9 Along those lines, we want to talk about
10 the antibiotics issue with poultry and the loophole
11 that still exists at the hatchery and on day one
12 of life. We did receive a letter from Secretary
13 Vilsack and we were happy to hear that he was going
14 to be asking you all to be making a recommendation
15 on that. So, we would appreciate knowing where
16 that is on your priority list and how that issue
17 will be addressed and we look forward to your
18 deliberation on that. Given Tyson has done it, we
19 think organic can do that, too, and get baby chicks
20 that haven't been treated with antibiotics.

21 We have also filed a complaint on a
22 certain toddler formula and it is related to your

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1 work on methionine, on lutein, on cernitin that has
2 never gone anywhere with the NOP. And that is your
3 hard work and your hard deliberation.

4 And as a result, there are products on
5 the market, including this infant formula that we
6 have submitted a complaint about that contain these
7 ingredients. We would like that to be addressed.
8 We would like your hard work to be recognized and
9 we think those things are very important.

10 Thank you.

11 VICE CHAIR FAVRE: Thank you, Urvashi.
12 Any questions for her? Thank you very much.

13 Next up is Terry Shistar and then we
14 have got Dave Chapman on deck.

15 MS. SHISTAR: My name is Terry Shistar
16 and I am on the Board of Directors of the Beyond
17 Pesticides. We have a long history of involvement
18 with organic production. Our roots are in the
19 problems of agriculture from poisoning of farm
20 workers to contaminated food, soil, air, and water.
21 We have promoted the organic model as a solution
22 to pollution.

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1 We also are concerned about inert
2 ingredients. Most consumers sight avoiding
3 chemical exposure as a reason for choosing organic.
4 Anyone who knows anything about pesticides knows
5 that inert ingredient is code for secret
6 ingredient. Do you know who regulates pesticides?
7 Well now that you know these things, how could you
8 possibly think that organic consumers would find
9 it acceptable to evaluate inert ingredients using
10 only a list developed by EPA and never subjecting
11 inert ingredients used in organic production to a
12 public process?

13 Since you are all very busy people, you
14 may not have had a chance to look at the proposed
15 list of acceptable inert ingredients I organic
16 production. The safer chemical ingredients lists
17 comprises 725 chemicals, about 92 percent of them
18 synthetic in 14 categories.

19 Most importantly, the SCIL is not just
20 one list. Chemicals on the list are rated
21 according to hazard; 64.5 percent of them have been
22 verified to be of low concern, based on

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1 experimental and model data; 8.6 are expected to
2 be of low concern, based on data; 26.3 have known
3 hazard issues and are not associated with a low
4 hazard level for all environmental and health
5 endpoints. And 0.5 percent will not be acceptable
6 for use in products that are candidates for the
7 safer choice label and currently labeled products
8 that contain them must reformulate.

9 Thus, about 27 percent of the SCIL can
10 be expected to to meet OFPA criteria. Before
11 approving the proposal that is kind of before you,
12 the NOSB must consider some important issues.

13 Listing on the SCIL does not require
14 public notice and comment is required for the
15 national list. There is no process proposed for
16 delisting from the SCIL. How much time would
17 formulators have to reformulate? The SCIL
18 process, with its lack of the orderly process
19 provided by regulation, may disrupt markets for
20 products used in organic production. The
21 subcommittee should determine which list for
22 chemicals are on the SCIL and make it public.

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1 New inert ingredients must be reviewed
2 against OFPA criteria, as has always been
3 recommended by the NOSB. The criteria for new
4 listings should be consistent with those for old
5 listings.

6 And finally, the NOSB should determine
7 how --

8 VICE CHAIR FAVRE: Go ahead and finish
9 that sentence.

10 MS. SHISTAR: Okay. The NOSB should
11 determine how a periodic review of a list of 725
12 and growing can be less onerous than review of a
13 list of 126.

14 VICE CHAIR FAVRE: Thank you.
15 Questions for Terry? Yes, Colehour.

16 MEMBER BONDERA: I am trying, Terry, to
17 follow something that you said a few times and I
18 don't know if I quite get it. But expand on what
19 you mean when you say that last sentence you said
20 that you referred to before the list is growing.

21 MS. SHISTAR: Yes, okay. List 4,
22 which is currently referred to in the National List

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1 is a static list. But the SCIL, which is proposed
2 to be the list of allowable inert ingredients in
3 the proposed annotation is a growing list and more
4 things that are constantly being added to it. It
5 has 725 chemicals on it now but there will be more
6 and more added, and not through a review that you
7 do but through EPA's own process.

8 Does that answer your question,
9 Colehour?

10 VICE CHAIR FAVRE: Go ahead.

11 MEMBER BONDERA: Yes, I guess as a
12 follow-up, can you -- I guess I am trying to wrap
13 my brain around this all but I guess part of my lack
14 of understanding is so if it is on this list and
15 we, the NOSB passed something that allows something
16 that is on that list to be used or be included in
17 something organic, then that is sort of an open --
18 we are opening a door to something that has no
19 definition or it has their definition?

20 MS. SHISTAR: Yes, essentially because
21 that list is not under the control of the NOSB, that
22 list is an EPA list that has -- and I showed on that

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1 slide, has 14 different categories. At least now
2 it has 14 categories. And so in some of those
3 categories are active categories like
4 antimicrobials. So anything -- as that proposed
5 annotation goes, anything that is on that list, the
6 SCIL list, is available to be an inert ingredient
7 in a product used in organic production. That is
8 my understanding. And if that is not right, then
9 I think you need to clarify the proposal.

10 VICE CHAIR FAVRE: Nick.

11 MEMBER MARAVELL: Yes, this is really
12 a question out of ignorance. The List 4, which is
13 what the NOSB used, I guess, theoretically still
14 continues to use, is not under the NOSB control.
15 Am I correct in that?

16 MS. SHISTAR: Right, but it is a static
17 list.

18 MEMBER MARAVELL: Right. I
19 understand it is a static list. Was it always a
20 static list? I mean it has been abandoned by EPA
21 but --

22 MS. SHISTAR: It has been static since

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1 2004.

2 MEMBER MARAVELL: Right. So, I guess
3 my question is, what was the rationale, originally,
4 for the NOSB and I am sort of looking at Emily here,
5 if she knows, for why the NOSB, at one point in time,
6 adopted List 4 at the EPA, rather than have control
7 over the inert ingredients themselves.

8 Or is there someone in the audience that
9 --

10 MS. SHISTAR: Michael Sligh could
11 probably answer that.

12 MEMBER MARAVELL: -- like Michael that
13 could answer?

14 Okay, so what Michael said is it was a
15 place to start. I will summarize what he said. It
16 was a place to start but it was not necessarily seen
17 as the end point for how -- in other words, we are
18 trying to get a program up and started and you have
19 got something there and you put it in place and you
20 keep going.

21 MEMBER SONNABEND: At the time, there
22 was really not even an organized process to do TAP

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1 reviews or TRs together for the active ingredient.
2 And so trying to achieve that for anything that
3 wasn't even disclosed publicly was just
4 impossible. And so we have relied on the EPA.

5 VICE CHAIR FAVRE: Any other questions
6 for Terry? Thank you, Terry.

7 Next up is Dave Chapman, followed by Jim
8 Gerritsen.

9 MR. CHAPMAN: Hello. So, it is time
10 for us to come to a conclusion on the issue of
11 hydroponics and organic. Like the emperor's new
12 clothes, the NOP position relies on our continuing
13 silence, in order to avoid ridicule. The 2010 NOSB
14 recommendation is completely clear in saying that
15 hydroponic production has no place in organic
16 certification. So, soilless growing is simply not
17 in keeping with the basic principles of organic
18 farming.

19 I believe the Task Force is an attempt
20 to avoid, rather than to act on the recommendation.
21 I believe that most of the people in this room agree
22 with the NOSB recommendation. Most of the organic

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1 farmers in America agree with that recommendation.
2 IFOAM, the National Organic Coalition, Cornucopia,
3 the Organic Trade Association, the Agrarian
4 Elders, the OSGATA and the Vermont Organic Farmers
5 have all issued statements in support of that
6 recommendation. Five hundred organic farmers and
7 over one thousand organic consumers have signed
8 petitions that support that recommendation. The
9 standards of 23 of the 27 member states of the EEU,
10 as well as Japan, New Zealand, and New Mexico
11 support that recommendation.

12 So, who opposes the 2010
13 recommendation? The NOP and the hydroponic
14 growers.

15 Was it ever intended that the NOP would
16 redefine the principles of organic farming? I say
17 no. They are only meant to be the referees
18 ensuring that the organic standards are enforced
19 and kept safe from corrupting economic interests.
20 That is the entire reason that the NOP was created
21 by Congress, to protect the farmers and the
22 consumers from unethical marketing, from tricking

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1 people into buying something they didn't mean to
2 buy. And now the NOP is becoming exactly what they
3 were created to protect us from. Let us stop
4 settling for certified sort of organic.

5 I have three proposals for the NOP:
6 create an immediate moratorium on certifying
7 hydroponic production until the recommendation can
8 be acted on; act quickly to create a rule that will
9 ban hydroponic growing from organic certification;
10 and connect the hydroponic growers to the USDA
11 Process Verified Program so that they can create
12 a label that will honestly offer what they grow to
13 the American people. Let them be proud of how they
14 grow and not hide it behind the organic label and
15 then let the people make their choices.

16 I call on Miles, the NOSB, and Senator
17 Leahy, and everyone here to push this issue to a
18 speedy conclusion, keeping the organic standards
19 strong and true.

20 Thank you.

21 VICE CHAIR FAVRE: Thank you, Dave.

22 Questions for Dave? Colehour.

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1 MEMBER BONDERA: Thank you, Dave, for
2 your testimony.

3 I guess I would like to ask you if you
4 could comment about or speak about your own
5 knowledge or experience with hydroponics, in terms
6 of you do do hydroponics or do you understand it
7 well enough to know that variation that you are
8 referring to of why it shouldn't be organic. I
9 wonder if you could expand on your own background
10 or experience for us.

11 MR. CHAPMAN: Yes, I didn't mention any
12 of my background because three minutes isn't long.

13 I have been an organic grower for I
14 think 35 years. I have grown in greenhouses for
15 28 years or so, always in the soil. I have many
16 close friends and associates who are hydroponic
17 growers. I have had two consultants who were
18 hydroponic growers for many years, teaching me not
19 about soil and fertility but about how to control
20 the climate for growing tomatoes. So, I do have
21 a fair amount of experience with the world of
22 hydroponic vegetable growing.

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1 Did I answer the question, Colehour?

2 VICE CHAIR FAVRE: Other questions for
3 Dave?

4 I just wanted to thank you for the
5 rousing demonstration we had earlier today. It
6 was a real treat and we appreciate it.

7 MR. CHAPMAN: Thank you. Monitors are
8 here to welcome you in their own way.

9 VICE CHAIR FAVRE: Thank you.

10 MR. CHAPMAN: Okay, thank you.

11 VICE CHAIR FAVRE: Next up is Jim
12 Gerritsen, followed by Harriet Behar.

13 MR. GERRITSEN: Hi, I am Jim Gerritsen.
14 I am an organic farmer in Northern Maine. I have
15 been farming organically for 40 years. I have been
16 certified by MOFGA for 33 years. I served on the
17 MOFGA Certification Committee as a volunteer for
18 25 years. In addition, our family is long-time
19 members of Cornucopia and I serve on the Advisory
20 Board of Cornucopia.

21 I am co-founder of Organic Seed Growers
22 and Trade Association and I serve as the President

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1 of OSGTA is the organic community's farmer-run
2 membership trade organization promoting,
3 developing, and protecting the organic seed trade.

4 What I want to talk about today is
5 another hat that I wear and I was one of those
6 farmers invited to the Agrarian Elders' gathering
7 held at Esalen Institute in Big Sur a couple of
8 years ago in the winter. At that time, and I am
9 circulating this around, the 24 farmers that were
10 there, all of whom had a minimum experience of 30
11 to 40 years growing organically, the total
12 experience in that group was 800 years of organic
13 farming. At that time, we put together a petition,
14 we sent it to Miles, stating that organic must be
15 soil-based, that hydroponics has no place.

16 What is astounding to me is there is no
17 lack of clarity on this, yet, we are degrading
18 organic integrity by allowing certified organic
19 label to be applied to hydroponics. It is not
20 right.

21 I agree with Dave Chapman that there
22 needs to be an immediate moratorium. We need to

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1 maintain organic integrity and that means not
2 allowing hydroponics. What is clear, and I'm
3 going to read this statement for the audience that
4 doesn't have access to it, here is the statement
5 that we circulated in the last week and this was
6 signed by virtually every one of the 24 farmers
7 known as the Agrarian Elders: Soil is the
8 foundation of organic agriculture. We believe
9 organic crop production must always be soil-based.
10 Therefore, crops grown from non-soil-based
11 production systems, such as hydroponics, must
12 never be considered or labeled organic.

13 So, I think this moratorium needs to
14 happen and I think it needs to happen immediately.

15 I imagine I am going to run out of time
16 but seed purity is something that my organization
17 OSGATA works with on a daily basis. We are seed
18 growers that make our livings from growing organic
19 seed and we have a very serious threat and that is
20 from GMO contamination. And we need USDA to
21 protect the private property rights of organic seed
22 growers and to prevent GE contamination from coming

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1 onto our farms.

2 VICE CHAIR FAVRE: Thank you, Jim.
3 Questions for Jim? Calvin.

4 MEMBER WALKER: Earlier today, a speaker
5 outside mentioned that The Alliance of Hydroponics
6 would be possibly a death nail of organic. This
7 kind of really struck me. I am kind of new to it,
8 to a large degree.

9 Could you interpret that?

10 MR. GERRITSEN: Yes. Among our
11 membership in OSGATA and within MOFGA, say within
12 MOFGA we have got 400 certified organic farms,
13 hydroponic production includes tomatoes, lettuce,
14 greens, and peppers. Virtually all of those 400
15 farmers are growing those crops in the soil,
16 adhering to traditional techniques of organic
17 production. If they are out-competed by
18 nonorganic fraudulent production in hydroponics
19 that is being called organic that is done in giant
20 factories like they are doing marijuana in
21 Colorado, there is now way that family farmers can
22 compete with that. It is going to be a lower

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1 quality product. And to be called organic, when
2 it isn't, it is not fair. And we need fairness of
3 the foundation of integrity in organics.

4 VICE CHAIR FAVRE: Thank you. Any
5 other questions for Jim? Thank you, Jim.

6 Next up is Harriet Behar and on deck is
7 Ed Maltby.

8 MS. BEHAR: I am Harriet Behar with
9 MOSES. On the subject of inerts, I am concerned
10 that this proposal that is before us ties the
11 National Organic Program to an EPA program that may
12 or may not be there for the long-term. We have
13 always experienced this and may or may not retain
14 its current methodology of review for the materials
15 on their list, meaning the Safer Choice Program.

16 I agree that having the NOSB review
17 every inert for placement on the National List and
18 having these inerts go through the sunset process
19 every five years is neither practical nor necessary
20 to protect organic integrity.

21 On the other hand, while the Organic
22 Food Production Act does refer to the EPA List 4

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1 as a method of evaluating inerts, there was also
2 a mandate that all synthetics be reviewed and
3 approved for use by the NOSB.

4 And also, what is the process, if there
5 are materials on this Safer Choice List that do not
6 meet the Organic Food Production Act criteria of
7 protection of environmental and human health?

8 I ask the NOSB to consider adding a
9 recommended procedure that would include an
10 opportunity for the public or the NOSB members to
11 request a TR for synthetic materials that have
12 issues brought forward that question their
13 compatibility with the OFPA and then these go
14 through NOSB review.

15 So, how to honor these various needs of
16 organic producers who need materials, workload of
17 the NOSB, and the Organic Food Production Act?
18 Another possible solution, rather than accepting
19 the Safer Choice List, could be for the NOP to
20 manage the inert list as guidance or instructions
21 to certifiers with all-natural agricultural and
22 items used as ingredients on 605(a) and (b), put

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1 in that guidance or instructions and also those
2 taken from the Safer Choice List.

3 If something gets removed from 605,
4 then it would automatically be removed from that
5 NOP approved inert list. Synthetics that are
6 currently on the Safer Choice List could be
7 reviewed with comment from the public, making the
8 case for what items might need a TR and the
9 remainder would then go on to that NOP approved
10 inert list.

11 By not having those inerts on the
12 National List, it would not be subject to the sunset
13 merry-go-round and this would not add a significant
14 workload to the NOSB but it would allow for review
15 of the problematic synthetics that we don't want
16 to have in organic.

17 And lastly, I would say that there is
18 precedent for a moratorium on hydroponics because
19 this was done with organic aquaculture. And so I
20 agree with what David Chapman said as far as the
21 moratorium on hydroponics.

22 CHAIR RICHARDSON: Thank you, Harriet.

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1 See, I'm back here again. We switched over. Any
2 questions for Harriet? Zea.

3 MEMBER SONNABEND: Thank you, Harriet.
4 I had a little trouble following it. So, are you
5 suggesting that the SCIL team still do the reviews
6 but then they get administratively managed as NOP
7 guidance? Is that what you are suggesting?

8 MS. BEHAR: I'm saying that you, the
9 NOSB, would look at that SCIL list and choose the
10 agricultural, natural items on 605(a) and (b).
11 Those would automatically move over to an
12 NOP-managed guidance list.

13 The remainder of the synthetics would
14 then also be reviewed from you with public comment
15 on which items might have issues. Those that have
16 issues would then be requested to have a TR. The
17 items that didn't have issues could then also move
18 over to the NOP guidance list.

19 But at any time, there should be a
20 procedure that if there is new information that
21 something could be requested to be reviewed again.
22 So, that list would then have, basically, your

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1 approval through the NOP and then the NOP could not
2 automatically put things on and off on their own.
3 It would all go through you as the NOSB.

4 MEMBER SONNABEND: Would not the same
5 purpose be served if the SCIL list had a section
6 dedicated to the organic review of things, which
7 would be just as public and people could still
8 request TRs through the NOSB and we would still
9 review it periodically?

10 MS. BEHAR: So, you would review their
11 organically approved list? Okay, what about
12 procedures for removing something that is on that
13 list, if some new information comes in?

14 MEMBER SONNABEND: Yes, I mean the full
15 plan is still to be worked out of that but it seems
16 to me -- I mean it has been our intent not
17 necessarily to allow every active ingredient on the
18 SCIL list and not every single thing that is already
19 on it but to annotate or designate with a specific
20 designation which things were reviewed for
21 organic, either with a symbol, asterisk of some
22 kind, or a separate section, potentially.

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1 MS. BEHAR: So, I would feel
2 comfortable with the NOSB going through that review
3 because over time, right now, we have a certain
4 criteria for the SCIL list that they say. But I
5 don't know that that methodology will be the same
6 in the future. So, again, I would always want the
7 NOSB to be able to look that over.

8 So, I think that is what you are saying.
9 And so that is better, yes.

10 CHAIR RICHARDSON: Okay, thank you.
11 Other questions for Harriet? Thanks very much.

12 The next person to present is Ed Maltby
13 from the Northeast Organic Dairy Producers
14 Association and he will be followed by Karl Hammer
15 from Vermont Compost.

16 MR. MALTBY: Good afternoon. Ed
17 Maltby from the Northeast Organic Dairy Producers
18 Alliance, not association.

19 I have been farming for 45 years and I
20 have had a new knee for the last three months and
21 had to walk 400 yards to get a cup of coffee this
22 morning because there was no coffee. Enough of my

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1 troubles.

2 And I would like to compliment Jean
3 Richardson on her chairmanship and opening the
4 whole process for not only the organic community
5 but specifically related to farmers understanding
6 the process. Thank you, Jean.

7 Hydroponics, NODPA supports the
8 position that has been put out today and we request
9 that the NOSB reiterate its support for the 2010
10 position so it no longer is a 2010 position but a
11 2015 position. That should be quite a simple thing
12 for the Board to do.

13 On the PPM changes, I may have been
14 reading the wrong part of the docket but I couldn't
15 see where the actual changes were. There is no
16 relationship to the old PPM and the new one. And
17 I think when we do change process, we must do it
18 humanely and in consideration of people but we must
19 also remember the same with certification. Just
20 because a guy is a good guy, he can't be certified.
21 It has to abide by a process.

22 I remember years ago when Kevin

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1 Englebert couldn't get to meetings was willing to
2 be on the phone and everything else. He was not
3 allowed. So, in setting precedents, we have to
4 look to the future and most FACA meetings are
5 attended by one person or two people, not by this
6 number of people. So, we want to use technology
7 but not be abused by it.

8 God, time disappears.

9 Ivermectin we recommend that be
10 sunsetted. Fenbendazole and moxidectin have a
11 five-day withdrawal period. We support the use
12 with veterinary and extra label for the goat and
13 sheep milk because fenbendazole and moxidectin are
14 not allowed for sheep and goats. Lidocaine and
15 procaine, if we look to animal welfare, we need to
16 encourage the use of those. As there is no
17 withdrawal time, we recommend 48 hours as a more
18 realistic withdrawal time, rather than having an
19 absurdly long time that producers usually lie about
20 anyway.

21 That's it.

22 CHAIR RICHARDSON: All right. Thanks

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1 very much, Ed. Questions? Yes, Francis.

2 MEMBER THICKE: Thank you, Ed. In
3 your opinion, do you think that both ivermectin and
4 moxidectin are needed on the list if fenbendazole
5 is also on the list?

6 MR. MALTBY: In looking at the use of
7 it, it is for emergency use only. I think that
8 should be stressed both to farmers and certifiers.
9 And in looking at the tools that farmers need, we
10 had a divergence of opinion amongst our members.
11 Some of them wanted to get rid of all of them because
12 they didn't need them and so slowly reducing the
13 number. That is why taking ivermectin out, which
14 I think was the intent when moxidectin was put on,
15 we are honoring the history and the workers part
16 in NOSB.

17 Our greatest concern is a lot of
18 consumers see parasiticides the same as
19 antibiotics and we want to be aware of that and also
20 aware of the fact that organic livestock is all
21 about systems. It is about prevention. It is
22 about building natural immunity and we should

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1 encourage that, rather than discourage that by the
2 use of easy treatments on an annual basis.

3 CHAIR RICHARDSON: Thank you. Other
4 questions for Ed? May I ask just a quick one?

5 On procaine, you just said that you
6 would encourage the use of lidocaine and procaine.
7 A lot of the public comment coming in seemed to
8 suggest that procaine is, essentially, not used in
9 the United States. Are you aware of it, Ed, being
10 much used amongst your farmers? We know that
11 lidocaine is but I haven't found much on the
12 procaine. What did you find?

13 MR. MALTBY: In the farmers I
14 consulted, then, no but I don't have that access.
15 And our rationale was to encourage the use of that
16 where you haven't got animal welfare standards
17 right now. We are way behind the conventional
18 livestock producers on animal welfare and we are
19 using ground there. So, we don't want to take away
20 these tools. We want them to be used on a regular
21 basis to minimize animal suffering and encourage
22 animal welfare.

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1 CHAIR RICHARDSON: Great. Thank you
2 very much, Ed.

3 The next speaker is Karl Hammer. And
4 following Karl will be Melody Meyer.

5 MR. HAMMER: Hello. I operate a
6 business in Montpelier, Vermont called the Vermont
7 Compost company. We have about 500 mostly
8 certified organic farmers who purchase compost and
9 compost-based potting soils from us.

10 I have been an organic farmer for over
11 40 years. I was certified by Vermont Organic
12 Farmers first in 1984 and we are currently
13 certified by Vermont Organic Farmers as a compost
14 facility, which includes third-party inspection.

15 My understanding about organic farming
16 was that soil was an important part of it always.
17 The injunction to feed the soil and the soil would
18 feed the plants directed us to look at the 500
19 million years of plant surface of the planet
20 interaction that we call soil.

21 It needs to be understood that
22 hydroponics is a radical departure from that

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1 system. It isn't to say it is bad but it is very,
2 very new and it contravenes half a billion years
3 of technology. And it really should not be
4 certified as organic.

5 CHAIR RICHARDSON: Thank you, Karl.
6 Questions? Yes, Zea.

7 MEMBER SONNABEND: Thank you. Since
8 you are a compost maker, perhaps you are in a unique
9 position to explain this.

10 The NOSB recommendation in 2010 did not
11 really define hydroponics but said that plants must
12 be grown in a compost-based system. In the field
13 when you see greenhouse growers growing in pots or
14 in grow bag systems, for instance, where the media
15 consists of vermiculite, peat, and maybe compost,
16 how much compost needs to be in there or how much
17 soil for you to call it a compost-based system?

18 MR. HAMMER: That is a very good
19 question, one that I am not going to be able to
20 provide an adequate answer to.

21 We frequently make media that are 80
22 percent compost by weight. We see media that are

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1 5 percent compost by weight. Obviously, those
2 media behave very differently.

3 And when we say compost, that is another
4 one of those words like love or communism that needs
5 definition. It is very specific to it.

6 Our understanding of our work, when we
7 say we make potting soils, I would rather say we
8 participate in a mystery. And many of these
9 questions about containers, this could be a very
10 long conversation, obviously, but our intent is to
11 -- let me say that we accept that the mass of our
12 knowledge is dwarfed by the mass of our ignorance
13 and that is where awe and respect for the ancient
14 systems that brought us here.

15 So, we are trying very hard to mimic and
16 allow the part we don't know into these mixes
17 because there is much more that we don't know about
18 how plants grow and about food or what might
19 constitute food. Emerging science makes that very
20 clear that there is more that we don't know than
21 what we do.

22 So, you know, a greenhouse indoors all

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1 gets very interesting to try to maintain
2 appropriate and adequate constituents that truly
3 are in sympathy with those ancient growing systems.

4 I don't know if that was an answer.

5 CHAIR RICHARDSON: Thank you, Karl.
6 And of course you know as once that Hydroponics Task
7 Force gets going, you are going to be called on as
8 an expert to tell us what soil is. So, you are
9 going to have to be prepared to come up with the
10 perfect definition.

11 MR. HAMMER: I will go home and work on
12 that. Thank you.

13 CHAIR RICHARDSON: Go home and work on
14 that. All right. Thank you very much, Karl.

15 The next speaker is Melody Meyer and she
16 will be followed by Liana Hoodes.

17 MS. MEYER: Hello, members of the
18 Board, NOP. Thank you for allowing me to comment.

19 Melody Meyer with UNFI. I have
20 actually been in the organic space for longer than
21 there was a regulation. So, I appreciate your hard
22 work. I have got a bunch of things to talk about.

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1 I am going to go a little bit fast. I submitted
2 comments that are a little bit longer for you to
3 review.

4 Biodegradable mulch is the first
5 subject. As you know, in 2014, NOSB gave the
6 recommendation allowing it and adding it to the
7 National List. That was after extensive farmer
8 comments in October 2012, one of which was a
9 supplier of Albert's Organics for 25 years, who
10 voluntarily gave up their certification in order
11 to use biodegradable mulch, which is allowed in the
12 EU standards.

13 However, the memo from the NOP required
14 that it be 100 percent bio-based, which is not
15 currently possible. And I strongly recommend or
16 support this material as an alternative to the
17 plastic mulch that is happening now because it can
18 naturally biodegrade in the fields. I think that
19 is more in line with our OFPA than the plastic.

20 This request is on the future work plan
21 for the Crop Subcommittee but it is not part of the
22 current recommendations for this meeting, which is

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1 interesting, because we are talking about
2 plastics. So, I would urge you to move that
3 forward. I think that that is a tool that organic
4 farmers need as soon as possible.

5 Ethylene gas for use in organic
6 pineapple production is my next subject. At UNFI,
7 we sell a lot of fresh pineapples. I actually did
8 a lot of work importing them in my past life.

9 We are against the motion to eliminate
10 ethylene gas in pineapple production. It is
11 really essential for inducing flowering, which
12 affects many aspects of crop planning, from the
13 cultivation, availability, quality and size of the
14 fruit. De-listing this material would make it
15 financially unfeasible for organic pineapple
16 producers in the tropics to really survive in the
17 market. It would, effectively, drive them out
18 into conventional farming, potentially, and
19 significantly reduce organic acreage in the
20 tropics.

21 I will remind you also that it is
22 allowed for pineapple flower induction by the EU,

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1 Canada, and Codex. And without this material, if
2 we de-list it, we won't have any more organic upside
3 down cake anymore. So, that is something to
4 consider as well.

5 And then lastly, eliminating the
6 incentive to convert native ecosystems into
7 organic, in order to gain more information on this
8 issue, I would urge the NOSB to send a letter to
9 NASS requesting the organic certifiers survey
10 they are going to conduct next year includes this
11 question. We need to find out what is really
12 happening, especially in the tropics, if we are
13 going out and cutting down pristine areas just to
14 get over that three-year transition period.

15 And one last thing, the CDFA. I sit on
16 the COPAC, California Organic Products Advisory
17 Committee, a small version of what you are doing.
18 CDFA is now hosting a GMO pilot, a pilot testing
19 program for GMOs in the State of California. And
20 CDFA just put out a blog post and I urge you to look
21 that up and find out more about what is happening
22 now. Thank you.

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1 CHAIR RICHARDSON: Thank you very
2 much. Questions for Melody. Thank you very much,
3 Melody. I know that you have already submitted
4 written comments, which all of us have read as well.

5 MS. MEYER: Thank you very much.
6 Thanks for all your hard work.

7 CHAIR RICHARDSON: Liana Hoodes. And
8 Liana will be followed by David Guest.

9 MS. HOODES: Good afternoon, all. I
10 am Liana Hoodes and I am speaking today as a citizen
11 not a representative of any organization and I
12 would like that corrected.

13 As always, I would like to commend you
14 all, both the NOP and the NOSB on the incredible
15 amount and substance of work that you do on an
16 ongoing basis.

17 It so disheartens me to hear that the
18 workload is nearly too massive and often just plain
19 too difficult. Solutions must be found to address
20 the NOSB workload but that cannot happen by giving
21 up your responsibility laid out in the law.
22 So-called inerts must be individually reviewed by

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1 you, the NOSB. That is your legal responsibility.

2 I know that you are listening for
3 concrete suggestions to advance your agenda today
4 but I can't help but wonder, as our federal
5 government watches what goes on here, that their
6 answers become you can't review all those toxic
7 inerts, it is just too hard; you can't review all
8 those materials, it is just too much. That is why
9 we must all demand that you and the NOP are given
10 the tools you need to get the job done.

11 The uniqueness of OFPA in the
12 regulation is the development of the most
13 transparent and safe food and agriculture system.
14 It is imperative that the NOSB retain its authority
15 and ability to review, vote, and place on the
16 National List each synthetic substance used in
17 organic.

18 No matter what USDA says, organic is not
19 just a marketing label and success is not just
20 measured in sales. I'm guessing that you share my
21 belief in organic as an ecological agriculture
22 system and a healthy food supply, as well as a major

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1 solution to climate change. Now, is the time that
2 our government acknowledge this as well and they
3 provide the resources necessary for you to get your
4 job done and uphold organic integrity.

5 The problem is not with the NOP. It is
6 with the highest reaches of the federal government,
7 which support a food and agriculture system that
8 is poisoning our health and environment. They are
9 not acknowledging the multiple health and
10 environmental and climate adaptation benefits of
11 organic. We must demand that as a government and
12 as a country, we all get to eat clean food; that
13 as a matter of economic and racial justice, we feed
14 all of our children and ourselves clean, organic
15 food.

16 All levels of government, not just the
17 NOP, must assist in transforming food and
18 agricultural production and practices to embrace
19 organic. All parts of USDA must bring every ounce
20 of scientific technical expertise to aid you in the
21 review of all materials as thoroughly and as often
22 as needed.

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1 Imagine what farmer's tools could be
2 developed if USDA would spend more than the
3 approximately three percent they spend on organic
4 research right now. And the marketplace would
5 respond by developing even more alternative
6 products, less toxic pesticides, processing aids,
7 nutrients, et cetera, if our U.S. government was
8 on this path for a sustainable food future.

9 I have attached some details to my
10 comments that go into a little more about how I
11 think that could happen. Thank you very much.

12 CHAIR RICHARDSON: Thank you, Liana,
13 for your articulate comments. They are much
14 appreciated. Are there any questions from the
15 Board members? Thanks, Liana.

16 The next speaker is David Guest and he
17 will be followed by Abby Youngblood.

18 MR. GUEST: Yes, before I start, a
19 little clarification. No one knows me as David
20 Guest. That is my given name but everybody knows
21 me as Jake Guest.

22 My name is Jake Guest. I live in

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1 Norwich, Vermont. I am an organic farmer. My
2 wife, Liz, and I grow organic vegetables, cover
3 crops, and rotational crops on 60 plus acres on and
4 near the Connecticut River. We also grow organic
5 in-ground greenhouse tomatoes, and other vegetable
6 crops in certified organic greenhouses, totaling
7 approximately 12,000 square feet.

8 I came here today to offer my comments
9 regarding the NOP's policy of allowing the organic
10 certification of hydroponically grown tomatoes and
11 other greenhouse crops. I come to this meeting not
12 only as an active organic farmer but also as a
13 long-time participant and respected voice in the
14 organic community.

15 In 1971, I participated in the meeting
16 in Westminster, Vermont that was the founding of
17 the first NOFA, the Natural Organic Farmers
18 Association. I was a founding Board of Directors
19 member and served on that Board for several years.
20 I personally organized the first and many
21 subsequent NOFA soil amendment bulk orders.

22 I am the past President and current

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1 Board member of Vermont Vegetable and Berry Growers
2 Association. And, incidentally, I personally
3 wrote the first NOFA Organic Standards. They
4 weren't very sophisticated but they were a
5 beginning, part of the beginning of a decades' long
6 process of evolution, refinement, argument, and
7 compromise within the organic community that
8 eventually resulted in the USDA organic standards
9 of today. I have been with this movement a long
10 time and I believe that I, and many other people
11 here, have earned the right to have our opinions
12 seriously considered. It think it is important
13 and necessary that groups and individuals making
14 the decisions that affect these organic standards
15 keep in mind the history of the organic movement
16 and the fundamental assumptions that have always
17 been part of that history. A basic assumption has
18 always been that what is organic starts with the
19 soil. From the very beginning over 40 years ago,
20 the term organic has always implied that
21 relationship to the soil, to real soil, soil that
22 is biologically diverse, in balance, soil that

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1 feeds the plants and feeds us and our animals.
2 Soil that is in fact alive.

3 It is my belief, and certainly the
4 belief of a vast majority of members of the organic
5 community that the NOP's allowing of the organic
6 certification, of hydroponic crop production is
7 not only an inexplicable rejection of the
8 thoroughly considered recommendations of the NOSB
9 but also a radical departure from the implicit and
10 explicit current and historical understanding of
11 what the term organic actually means. I do not
12 believe that hydroponic growing methods can ever
13 be considered organic.

14 Furthermore, I believe that the value
15 of the organic label will be cheapened when
16 consumers finally realize that these imported and
17 domestic so-called organic vegetables are actually
18 hydroponically grown. I strongly urge that the
19 NOP no longer allow hydroponically produced crops
20 to be certified as organic. Thank you.

21 CHAIR RICHARDSON: Thank you very
22 much, Jake. Questions, comments? Thank you for

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1 your articulate and passionate presentation. It
2 is much appreciated.

3 The next speaker is Abby Youngblood of
4 the National Organic Coalition and she will be
5 followed by Eric Sideman.

6 MS. YOUNGBLOOD: Good afternoon. My
7 name is Abby Youngblood and I am the Executive
8 Director of the National Organic Coalition.
9 First, I want to thank the NOSB members for the work
10 that you do on behalf of the organic community.

11 And I want to focus my comments on three
12 issues: genetic contamination, the sunset review
13 process, and lastly, I will discuss ancillary
14 substances and nutrient vitamins and minerals.

15 We know that genetic contamination has
16 been on the NOSB's radar for many years and we
17 appreciate your work on this issue. Contamination
18 is happening, despite the organic community's best
19 efforts to prevent it and organic farmers are
20 losing out. If we are not able to prevent genetic
21 contamination, it will be impossible to have an
22 organic label that is meaningful and has the trust

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1 of the public. For this reason, we disagree that
2 this issue is outside the purview of the NOP and
3 the NOSB. And we urge the NOSB to continue to
4 communicate directly to the Secretary of
5 Agriculture about the need for mandatory
6 prevention measures on the part of patent holders
7 and users of GE technology.

8 Secondly, I want to touch briefly on the
9 changes made to the sunset review process in
10 September of 2013. The new process has resulted
11 in confusion for NOSB members and the public. One
12 key problem is that the new process allows
13 subcommittees to vote on materials without these
14 decisions going to the full board. This provision
15 is not consistent with FACA rules or OFPA. So, in
16 order to have a full board vote, subcommittees vote
17 to delist a material, even when they want to keep
18 the material on the National List. This
19 convoluted process undermines the public's
20 confidence and it needs to be revised.

21 Lastly, the National Organic Coalition
22 expects that all substances used to make organic

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1 foods have either been produced organically or they
2 have been evaluated and appear on the National List
3 and only individual substances should appear on the
4 National List, not groups of substances.

5 For these reasons, we urge the NOSB to
6 remove nutrient vitamins and minerals from the
7 National List and we oppose all three proposals on
8 ancillary substances. While we appreciate the
9 Handling Subcommittee's efforts to increase
10 transparency and collect information about the
11 substances currently being used, a blanket
12 approval for substances that have not been
13 evaluated using the OFPA criteria is inappropriate
14 and, in fact, some of the ancillary substances
15 being proposed for approval are known or likely
16 carcinogens.

17 One of the reasons consumers buy
18 organic foods is to support a food system that does
19 not harm human health in the environment and we must
20 make sure the organic label is transparent and
21 lives up to the standard.

22 Thank you.

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1 CHAIR RICHARDSON: Thank you, Abby.
2 Questions, comments? Yes, Colehour.

3 MEMBER BONDERA: Okay, thank you,
4 Abby, for your comments. I actually have a simple
5 question, which is to ask you to expand on your
6 comments regarding sunset because you ended by
7 saying that what has been put forth by NOP that we
8 are trying to implement needs to be revised. And
9 I would like you to address, if you have any
10 concrete suggestions of how that could happen or
11 what it could look like. If you could expand at
12 all on that. Thank you.

13 MS. YOUNGBLOOD: So, the National
14 Organic Coalition has a white paper on the sunset
15 review process that we put out last year and we can
16 share that with the NOSB but we are advocating that
17 the process be returned to the previous process
18 that was in place. So, two-thirds vote of the full
19 Board in order to keep a material on the National
20 List.

21 CHAIR RICHARDSON: Thank you. Any
22 other questions, comments for Abby? Great.

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1 Thanks very much, Abby.

2 The next speaker is Eric Sideman and he
3 will be followed by Ib Hagsten.

4 MR. SIDEMAN: Glad you made it, Zea.
5 Now, as noted, I am Eric Sideman. I work for the
6 Maine Organic Farmers and Gardeners Association.
7 I have worked for them for 30 years, almost 30 years
8 as their staff scientist. I also served as the
9 scientist on the NOSB from 1997 to 2002.

10 I have come really with really short
11 comments. They are general comments. I am going
12 to leave the specifics up to you. I don't have to
13 do that anymore. And I also want to note that I
14 am here in the state of Bernie Sanders and so I
15 thought I would take a small swipe at capitalism
16 while I am here. In my time working for MOFGA, I
17 have seen things change and some of them are pretty
18 sad.

19 When I started working for MOFGA, we had
20 14 certified growers and every one of them knew the
21 principles of organic farming and they weren't
22 farming for the profit. They were farming because

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1 that is how they wanted to farm, that is how they
2 knew organic farming was meant to be.

3 Times have changed. We certify
4 someplace between 400 and 500 farms now in the State
5 of Maine. And a good portion of them are farming
6 because the profit or the competitive advantage in
7 the marketplace is better with an organic label.
8 And I now see that there are actually quite a few
9 commodities not only individual farmers but whole
10 commodities who would like to use the organic
11 label.

12 Miles noted these on the Board this
13 morning and so I won't go into them but I would stay
14 here and talk about some specific examples when I
15 get to them. My concern is that some of these
16 people who want to use the organic label because
17 it may do them better in the marketplace don't know
18 the principles of organic farming.

19 Organic farming started in the early
20 part of the 20th century in response to poor farming
21 practices. It was not a consumer-driven movement.
22 It was a movement driven by academics and

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1 scientists and farmers. And the reason it was
2 started, it was driven by this response to poor
3 farming practices that led to the depletion of the
4 soil and the shrinking agronomic potential of the
5 farms. It started off being called humus farming
6 and the pioneers incorporated various kinds of
7 practices in their farming that built the soil and
8 protected it from further degradation. These
9 practices included incorporating crop residues
10 into the soil, growing green manures, using
11 livestock manure wisely, composting, things like
12 that.

13 The USDA and OFPA did a fine job when
14 they wrote this into the Congressional Act OFPA and
15 when they wrote the rule. Especially in the rule,
16 if you look where they place the shall and the may
17 and the must in the rule, it shows that they knew
18 that the principle of organic farming was based
19 about taking care of the soil.

20 And so I really come here with a very
21 short request and that is that the NOSB and the NOP
22 continue on the high road, that they remember that

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1 the rules don't get changed to match practices in
2 these commodities but it is the other way around,
3 that the commodities either have to match the
4 practices or change their practices to match the
5 practices.

6 Thank you.

7 CHAIR RICHARDSON: Thank you, Eric.
8 Questions, comments? Thank you for your excellent
9 and articulate comments, they are much
10 appreciated.

11 The next speaker is Ib Hagsten and he
12 will be followed by Jay Feldman.

13 MR. HAGSTEN: Ladies and gentlemen,
14 esteemed members of the National Organic Standards
15 Board, thank you for the hard and thankless work
16 that you do on behalf of the integrity of the
17 organic program.

18 As Vice Chair of IOIA, International
19 Organic Inspectors Association, I was asked to be
20 here. Reviewing the agenda, I sent a request for
21 input from the Board and received totaling
22 conflicting perspectives on sunset products. So,

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1 now I can empathize with you.

2 Our perspectives were based on
3 different in-person inspectors yet we expect you
4 to make informed decisions based on conflicting
5 oral and written information. One product was
6 ethylene. One inspector said, let's get rid of it.
7 Yet another said, it is essential for pineapple
8 flowering and there is no alternative.

9 So, now we have to rely on you, the NOSB
10 members, your best, educated assessment. Use
11 common sense and diligence and you will be okay with
12 most of them and most of us will, too.

13 Humic acid is an essential component of
14 natural occurring soil organic matter. Although,
15 it is extracted, it is a natural occurring
16 compound. Not all farms need it, yet many soils
17 benefit through soil restoration, improvement
18 mineralization, stimulated plant growth, and
19 having seven times higher water holding capacity
20 than clay, making it key for low water uses.

21 You are challenged to limit
22 parasiticides and their potential annotations.

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1 Again, our group is divided. One inspector with
2 a certified flock of sheep stated clearly he could
3 not stay in business without ivermectin. I, on the
4 other hand, worked in the 1900s as a practicing
5 parasitologist with fenbendazole, developed and
6 marketed by Hoechst in examining 20,000 fecal
7 samples.

8 We taught the ag communities to call it
9 a dewormer as the worms in the larvae do the
10 worming. Fenbendazole is a premiere dewormer, as
11 a broader spectrum with the highest efficacy, and
12 it works strictly in the GI tract, where it is
13 placed in suspension, paste or in blocks. And once
14 expelled in the manure, it does not harm the
15 environment.

16 So, what are you to do, scrap them all?
17 If you do internal and external parasite control,
18 the lifecycle, annotations, they believe the
19 inspectors and the certifiers have to verify. The
20 computer combines, too.

21 Lastly, comments on ways to improve GM
22 prevention to improve GE purity standards, NOP

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1 guidance and GMO testing by the shareholders most
2 of these admirable in that they are added burdens
3 in a cost replacement on the organic side of
4 agriculture or problems foisted upon us by the
5 scrupulous other side of the USDA conglomerate.

6 As a person who has a split personality
7 and acts divergently is called, by definition,
8 schizophrenic. So, what is an agency with a split
9 personality called? In summary, thank you NOSB
10 members for what you do.

11 CHAIR RICHARDSON: Thank you Ib. Are
12 there questions on anything that Ib has brought up?

13 Francis, did you have -- no, okay.
14 Thank you very much, Ib.

15 The next speaker is Jay Feldman and you
16 will be followed by Alesia Bock.

17 MR. FELDMAN: Good afternoon,
18 everybody. A special shout out and thank you to
19 retiring Board members Calvin, Colehour, Jennifer,
20 Nick, and Mac, I'm sure USDA has a check waiting
21 for you as you walk out the door.

22 And also the rest of you. Obviously,

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1 the role you play is very important. I think we
2 should be celebrating organic as part of this
3 meeting before we get into the criticism of
4 organic, the continued growth of organic is the
5 solution to the poisoning of people and the
6 environment that is associated with chemical
7 intensive agriculture. However, the success is
8 wholly reliant on public trust in the market.

9 Therefore, we must ensure that the
10 NOSB's decisions and process adhere to the law in
11 meeting the standards of review in three areas, as
12 you know, adverse effects of the materials,
13 compatibility with organic practices, and
14 essentiality to production. This law and the
15 standards must be nurtured by the leadership of the
16 NOSB, the involvement of the public, and the
17 engagement of USDA. We have gotten here with clear
18 standards and reviews of materials that are subject
19 to public hearing and comment. We must build
20 public trust in the independent review
21 responsibility given to the NOSB by statute, which
22 Senator Leahy referred to this morning in the

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1 video. These decisions include materials
2 decisions for which we have submitted comments, and
3 I hope you have a chance to look at the Beyond
4 Pesticides comments, process issues that go to the
5 governance of the Board and public opportunity for
6 involvement, as well as the critical emerging and
7 emergent issues that need attention. And you have
8 heard about those GMO contamination through
9 genetic drift, contamination of farm inputs.

10 So, I would like to spend the rest of
11 my time talking about principles of process. In
12 terms of this meeting, this Board should not be
13 reversing a previous Board decision without
14 substantive justification. The inerts
15 recommendation violates this basic principle.
16 The Board voted unanimously in 2012 and previous
17 to that in 2010 twice to begin a review process of
18 inert ingredients, identified the inerts requiring
19 review, and establish a measured process of review
20 over a five-year period. The NOP published
21 procedures in 2013, albeit without public comment,
22 that prohibits annotations at sunset. Now, we are

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1 told that you are advancing an annotation at the
2 same time as sunset. Where is the petition in that
3 process? That is a process question. The NOSB
4 should not conspire to this failure process and
5 should reject the annotation proposed by the crops
6 committee. It broadens the allowed materials, is
7 reliant an EPA list not subject to public review,
8 and doesn't ensure compliance with OFPA standards.

9 Thank you.

10 CHAIR RICHARDSON: Thank you, Jay.
11 Questions? Jennifer, then Nick. Oh, Nick, okay.
12 Nick.

13 MEMBER MARAVELL: Jay, did you hear the
14 exchange between Harriet and Zea about relying on
15 the EPA list but having NOSB and NOP input?

16 MR. FELDMAN: I did hear that.

17 MEMBER MARAVELL: I don't quite
18 understand all the subtleties in that. What was
19 your takeaway on that exchange?

20 MR. FELDMAN: Well, the finding of the
21 Board, after laborious conversations of the NOSB
22 was that the Board needed to review independent

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1 materials in accordance with OPFA standards. So,
2 yes, you can rely on other mechanisms, other lists
3 coming from other agencies but, obviously, you to
4 double-check that those standards, the OPFA
5 standards are met.

6 So, that is the hitch. The current
7 language you have in front of you simply refers to
8 the list. And simply accepting a list, when the
9 statute says materials that are not of toxicologic
10 concern and you have a list of over 700 materials,
11 some of which have toxicologic concern, there is
12 a mismatch there between the standards governing
13 the safer chemicals list and the standards that
14 ensure that the Board creates a list or maintains
15 a list that is not of toxicological concern.

16 MEMBER MARAVELL: So, do you see a
17 mechanism or a way that the NOP and the NOSB could
18 constructively review the EPA list and then make
19 our decision?

20 MR. FELDMAN: Yes.

21 MEMBER MARAVELL: You do?

22 MR. FELDMAN: Yes, I think the list is

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1 a tool that can be used where it matches up with
2 OFPA. But, as Terry pointed out, there are
3 different categories within that list, which makes
4 it difficult to take, in whole, take that list and
5 basically affirm its allowance under OFPA. That
6 is not feasible. And so I think, again, the
7 language that has been proposed by the Crops
8 Committee would take us away from that process of
9 independent review, which I thought this Board had
10 agreed to, in terms of coming up with a five-year
11 plan, breaking down the list into chemicals that
12 have common mechanism of tox or same chemical
13 family. This has all been discussed. So, this
14 seems like a substantive change to me that doesn't
15 really seem justified in the proposal.

16 And besides the fact that this is an
17 annotation at sunset, even though it is being
18 called an annotation at the same time as sunset.
19 Do you see the difference there? And that is a very
20 troubling development, given the publication of
21 the *Federal Register* in 2013 on the new sunset
22 process and lack of annotation.

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1 MEMBER MARAVELL: Does the program
2 have anything --

3 CHAIR RICHARDSON: One more follow-up
4 and then we will move to Tom.

5 MEMBER MARAVELL: Does the program
6 have any comment on any of those points?

7 CHAIR RICHARDSON: Emily, do you want to
8 say anything at this point? No. Yes?

9 MS. BROWN ROSEN: Sure. I think the
10 point was that the current EPA List 4 is over 800
11 chemicals and many, many of them are of
12 toxicological concern. I think you would agree to
13 that. That is what has been reviewed and renewed
14 at every sunset for the last ten years.

15 So, we are trying to move away from that
16 to something better and something more in line with
17 organic principles. So, initially, when we
18 discussed it with EPA and talked about working with
19 them and asking them to help us with the review,
20 they did not have a mechanism. So, then the Board
21 worked forward with the proposals to review and
22 cluster on the committee.

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1 So but then, the change in thinking
2 amount the committee and the inert working group
3 was that the SCIL program came online. It has
4 identified a list of specific ingredients that seem
5 to match up pretty good with the inerts, a lot of
6 categories used as inerts and pesticides. And
7 what's more, their screening methods are extremely
8 rigorous and, in the document, there is a
9 side-by-side comparison of all the screening tests
10 they used which is, I think, even more expensive
11 than the NOC had proposed in the original proposal.
12 So, it seemed like a good match.

13 The idea, as far as oversight, I mean
14 I think we can fine tune things in this proposal,
15 as far as continuing oversight. But certainly, if
16 some kind of listing to refer as SCIL as added to
17 our list, then NOSB has oversight over that listing
18 every five years at sunset and could choose to do
19 it more frequently, if they wanted. There is
20 nothing saying you can't review sunset items more
21 often than five years to go through and highlight
22 if any problems have come along under the SCIL list.

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1 I mean we still envision petitions
2 being available on inerts and also reference to the
3 inerts of minimal risk, as well, so that the
4 manufacturers have several options, doesn't take
5 away options, and it will be a gradual
6 implementation to work toward a future change that
7 we think would be better than the current List 4,
8 which is still hopelessly out of date.

9 So, that is the thing. I don't know if
10 I exactly addressed your question but I would be
11 happy to go further.

12 CHAIR RICHARDSON: Well, this isn't a
13 simple subject by any means at all. I'm sure this
14 isn't the last we have heard about it. So, perhaps
15 we could leave it at that just now and then take
16 it up later when we get into -- we will be discussing
17 it when we get into the voting, I think, some, too.

18 Okay, I'm sorry. Jennifer, you had one
19 more question. Sorry. My apologies.

20 MEMBER TAYLOR: It kind of was covered
21 in what Nick said but I did want to hear now in
22 response to what Emily has said, how do you think

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1 we should proceed, with that additional
2 information?

3 MR. FELDMAN: Well, Emily, I think you
4 would admit there are a lot of coulds and
5 possibilities in your description. And partly I
6 think the problems we are experiencing now is the
7 lack of clarity around the procedures that we use.
8 So, I would feel more comfortable and I think the
9 community would feel more comfortable if we had a
10 clear process in front of us.

11 For instance, if you know the list has
12 26 percent materials that have toxic properties,
13 then you put that in a different category of review
14 than you would put the other list. If you know some
15 of the materials haven't been reviewed for
16 essentiality or agronomic practices, you put that
17 in a separate list.

18 So, it is not as simple as just taking
19 a list in whole and suggesting we could, would,
20 should, may. You can bring it back to sunset. We
21 all know what that means.

22 Part of the reason we are have this

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1 problem right now is because we created a temporary
2 fix. I think people did believe that List 4 inerts
3 would be reviewed, especially List 4(b) that are
4 known to be toxic but are viewed by EPA as not
5 creating an exposure scenario of concern.

6 So, given those historical problems,
7 let's get it right. I think we can get it right
8 and there is a lot of leadership on this Board that
9 can move this along in a much more prescribed way
10 that ensures adequate review.

11 Thank you.

12 CHAIR RICHARDSON: Okay, great.
13 Thank you.

14 Well, we have reached four o'clock,
15 which is our break time. I would like to know is
16 Alesia Bock there and Jim Pierce? Would it be
17 possible for you to wait 15 minutes? Okay.

18 With that, I would like us to take 15
19 minutes' break and we will start very promptly at
20 exactly 4:15. Thank you.

21 (Whereupon, the above-entitled matter
22 went off the record at 4:00 p.m. and resumed at 4:16

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1 p.m.)

2 CHAIR RICHARDSON: Okay. Are we
3 ready? Are we ready?

4 All right, the first speaker in this
5 section is Alesia Bock of AgriSystems Organic
6 Consulting and she will be followed by Jim Pierce.

7 Alesia, thank you.

8 MS. BOCK: Thank you. My name is
9 Alesia, as you said, Director of AgriSystems
10 Consulting based out of Columbus, Ohio. Thank you
11 for the opportunity to provide comments today. I
12 am here relaying feedback on behalf of several of
13 my clients who couldn't be here, as well as for
14 myself as a food industry professional and an
15 organic consumer.

16 First of all, regarding crops, we
17 support the micronutrients annotation change to
18 remove the word by testing, as proposed by the Crops
19 Subcommittee. In addition, we support relisting
20 materials on the 2017 subset crops list,
21 specifically copper sulfate and magnesium sulfate,
22 which are used to adjust input levels in greenhouse

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1 fertilizer applications. And regarding elemental
2 sulfur, we support relisting this material, which
3 is used to address powdery mildew in greenhouse
4 applications.

5 Secondly, we support the petition to
6 add sodium lactate and potassium lactate as
7 antimicrobial agents for meat and poultry products
8 and we support relisting celery powder as an
9 antimicrobial for meat and poultry products.
10 These antimicrobials are all critical to ensure
11 that natural organic uncured meat is safe for
12 consumers, since not all meat companies can afford
13 to solely use high-pressure pasteurization to
14 process meats.

15 For handling, we fully support
16 relisting all sanitizers for indirect food contact
17 surface cleaning, as listed in 205.605(b). These
18 materials are critical to ensure that food safety
19 is maintained for organic consumers. Nothing will
20 erode consumer confidence more quickly than a food
21 safety recall.

22 Finally, regarding the Spring 2015 NOSB

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1 recommendation to add acidified sodium chloride as
2 a pre- and post-teat dip for livestock in
3 205.603(a), we would ask NOP to act quickly to add
4 this to the list as soon as possible to address
5 animal welfare concerns, due to emerging issues
6 with iodine and NPE.

7 Thank you for your time.

8 CHAIR RICHARDSON: Thank you for your
9 comments. Yes, questions from Francis.

10 MEMBER THICKE: If sodium and
11 potassium lactate are on the list, will celery
12 powder be as needed on the list?

13 MS. BOCK: Right now, celery powder is
14 used to be able to convert the nitrate. Instead
15 of adding sodium nitrate for curing meats, the only
16 thing that is allowed in natural meat products is
17 to have a natural conversion.

18 MEMBER THICKE: Right. It is right
19 nitrate but --

20 MS. BOCK: It is different than the
21 preservative effect of lactate and potassium
22 lactate. Two different things.

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1 MEMBER THICKE: The lactate does
2 provide some keeping with preservation qualities,
3 right?

4 MS. BOCK: Preservation for once the
5 package is open.

6 MEMBER THICKE: I'm sorry?

7 MS. BOCK: Once the packages are open,
8 preservation.

9 MEMBER THICKE: Oh.

10 MS. BOCK: So, it is different. So,
11 the celery powder is used to convert nitrate to
12 nitrate but the sodium lactate and potassium
13 lactate are preservation systems to help control
14 listeria.

15 CAIR RICHARDSON: Francis, did you
16 follow that?

17 MS. BOCK: Sorry, I might have been
18 speaking fast.

19 CHAIR RICHARDSON: I didn't quite hear
20 you. You were speaking even faster than I do.

21 MS. BOCK: Right.

22 CHAIR RICHARDSON: Any other questions

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1 for Alesia? Thank you very much for your comments.
2 We much appreciate it.

3 The next speaker is Jim Pierce and he
4 will be followed by Alexis Randolph.

5 MR. PIERCE: Hello. I am Jim Pierce,
6 speaking to you today as a citizen, a usual suspect
7 standards conservative, materials liberal, tools
8 in the tool box, feeling the burn, card carrying
9 lumper citizen. I'm here to talk to you about deep
10 versus wide organic pineapples, internal
11 parasites, and quality.

12 Quality is like sex. It is all good and
13 it can always be better. And the improvement of
14 quality on the NOSB and at the NOP deserves an
15 organic metaphoric cigarette.

16 Preparation of documents,
17 communication for feedback focus on the results of
18 the comments, including the webinar comments has
19 all been stellar. Well done.

20 Gunnar Rundgren is a usual suspect and
21 author in the EU organic circle, who coined the
22 concept of deep versus wide organic. Deep organic

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1 is the soul, the purity intent that legitimizes and
2 protects the brand, while wide organic is the body.
3 The transition, expansion, and passion, that saves
4 farms and feeds children. These two
5 simplifications are simultaneously synergistic
6 and conflicting and, in a nutshell, it is your job.

7 The quality of your recommendations
8 this cycle is outstanding but the reality of
9 recommending to delist so many materials is
10 distressing. My concerns were mitigated upon
11 learning that your intent was to relist where
12 comments confirmed the need. That is good,
13 scriptural even. Wherever two or more are
14 gathered to use a material, it shall be relisted,
15 or something like that, if it is compatible with
16 a system of organic farming.

17 Ethylene gas, though, was proposed for
18 removal because it is primarily needed by large
19 growers. My expertise with pineapples doesn't get
20 much beyond pina coladas but there are 42 written
21 comments in support of relisting ethylene gas,
22 which I hope will carry the day.

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1 Your recommendation to delist two
2 parasiticides, ivermectin and moxidectin, while
3 relisting fenbendazole is right one. As one of the
4 original petitioners, working at the time with
5 organic practicing veterinarians, this is exactly
6 what we intended. Another longer comment would be
7 to justify the use of fenbendazole in organ
8 slaughter stock. So, good for you for beginning
9 that discussion and starting that conversation.

10 Every iteration at the NOSB leaves a
11 legacy. As this sunset pig moves through the
12 python, your legacy, to your credit, will be
13 tighter scrutiny of the materials, which is good.
14 The result will be a list of higher quality.

15 When the Pope visited America, he
16 repeatedly told leaders that their underlying
17 ultimate responsibility was to the common good of
18 the people. Mark Kastel said to give loyalty to
19 the NOP when they deserve it. I say keep thinking
20 about quality. It can always be better. Thank
21 you.

22 CHAIR RICHARDSON: Thank you, Jim.

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1 Questions for Jim? We are going to let you off the
2 hook this time. Thank you very much, Jim.

3 The next speaker is Alexis Randolph
4 from QAI and she will be followed by Stephen Walker
5 from MOSA.

6 MS. RANDOLPH: Good afternoon,
7 everyone. My name is Alexis Randolph. I am the
8 technical manager at QAI, an organic certification
9 agency. Today, I will be sharing with you some
10 organic system plan information that QAI requires
11 so that the Board can learn a little bit about what
12 organic farmers and handlers must do before using
13 materials currently on the National List.

14 This is a question from our producer
15 application about soil fertility and crop nutrient
16 management. We stress that soil fertility and
17 nutrients must be managed through the use of crop
18 rotations, covered crops, the application of plant
19 or animal materials and inspectors verify these
20 practices are being utilized to ensure the farmer
21 is not merely relying on inputs. We also inquire
22 about the effectiveness of the fertility

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1 management program and how the producer is
2 monitoring it, which may include soil or tissue
3 testing, visual observations, and comparisons of
4 yield from year to year.

5 We asked about soil erosion and
6 conservation practices used, such as terracing,
7 waterway management, wind breaks, and
8 interplanting, to name just a few.

9 Farmers describe their strategies for
10 physical and mechanical pest and weed control,
11 again, to ensure farmers are not reaching for
12 inputs from the National List unnecessarily, as a
13 reaction to problems which could otherwise be
14 resolved. These are just a few questions from a
15 15-page organic system plan document.

16 When inputs are used, we include in our
17 review most importantly, the reason for use. The
18 whole system approach to farming is evaluated
19 before any material on the National List is
20 approved by a certifier.

21 Switching to handlers, they also have
22 to complete a comprehensive organic system plan,

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1 which includes commercial availability search
2 requirements for every material on 205.606 and many
3 on 605. Before using one of these nonorganic
4 ingredients, we require handlers to identify
5 potential suppliers of organic alternatives,
6 describe characteristics of the ingredient, which
7 are essential, explain in detail why the form,
8 quality, or quantity of a potential organic
9 alternative does not work for their product or
10 processing method. Handlers also need to explain
11 how they will continue accepting to find an
12 acceptable organic alternative, including ongoing
13 R&D and contracts to secure the supply chain.

14 We obtained spec sheets for every
15 nonorganic ingredient used with full ingredient
16 disclosure, including ancillary substances. QAI
17 also thoroughly reviews all nonorganic ingredient
18 materials, such as boiler additives, pest control
19 materials, cleaners, sanitizers to ensure
20 compliance, which includes residue testing as
21 necessary.

22 QAI submitted written comments about

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1 many of the materials up for 2017 sunset. Most
2 recently, colors. Although numerous colors exist
3 in organic form, the organic petitioner, GNT,
4 confirmed that none are available in powder form.
5 Seventy-three percent of QAI clients using colors
6 are using organic colors, if available.
7 Nonorganic colors are still necessary.

8 This is the perfect example of how the
9 certification process is working. Many of QAI's
10 clients use materials on the National List as
11 producers, livestock operations, and handlers.
12 By keeping materials on the National List, you
13 allow certifiers to do our job by approving the use
14 of materials within the context of a larger organic
15 system plan.

16 I would like to thank the Board and the
17 NOP for your hard work and dedication upholding the
18 integrity of organic standards.

19 CHAIR RICHARDSON: Thank you.
20 Questions for Alexis? Great. Thank you very
21 much. We appreciate it.

22 I know you have also sent in detailed

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1 written comments which I know we have also read.
2 Thank you very much.

3 MS. RANDOLPH: Thanks. And thank you,
4 Mac, so much, for representing us. I appreciate
5 it.

6 CHAIR RICHARDSON: The next speaker is
7 Stephen Walker, to be followed by Bill Wolf.

8 MR. WALKER: Good afternoon. I am
9 Steve Walker, the Compliance Manager at MOSA
10 Organic Certification. We prepared six written
11 comments plus a table summarizing our certified
12 operations use of sunset materials. My colleague,
13 Jackie DeMinter, touched on most of these during
14 her webinar comment and today, I have thoughts on
15 the excluded methods prevention guidance.

16 Most of the 1600 operations we certify
17 are in the Midwest, the Bread Basket, and a GMO hot
18 zone. We review many GMO prevention plans and also
19 investigate contamination cases. So, we
20 certainly appreciate the various issues identified
21 and we have got some feedback.

22 Most of the cited standards refer to

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1 avoidance of contact with prohibited substances.
2 We review plans for GMO contact avoidance but we
3 usually frame GMO use as a prohibited method. The
4 NOP doesn't clearly address incidental GMO
5 contamination. In the Midwest, GMO material is
6 practically everywhere. The proposal indicates
7 certifiers should evaluate practices adequacy to
8 avoid GMO contact. Unfortunately, the strategies
9 can't be expected to prevent all contamination.
10 We encourage enforceable and realistic guidance
11 language.

12 Here are some thoughts on some of the
13 specific best practices. First, seed used on
14 organic farms must have no detectable GMO
15 contamination but we don't think it is sensible to
16 require producers to test purchased seed. That
17 burden should be on the seed suppliers.

18 For those who rent pollinators, we
19 support guidance to prevent GMO pollen
20 contamination but, with a typical forage radius
21 monitoring feral hives, is impractical and could
22 be misconstrued as encouraging removal of wild bee

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1 populations.

2 Isolating at-risk crops is a good
3 practice but can be impractical. Lack of GMO
4 contamination thresholds means suitable isolation
5 can't be determined. On the other hand,
6 establishing a threshold may hurt a strong organic
7 is non-GMO message. This Catch-22 also effects
8 handlers checking for input contamination. And we
9 wonder if requiring non-GMO handler inputs should
10 extend to ancillary substances. This creates
11 another challenge in balancing practicality with
12 non-GMO messaging. We would like clarification on
13 our role in investigating suspected GMO
14 contamination. Ubiquitous GMO presence may be
15 suspected in many responsible organic operations.
16 Clearly, we investigate suspected GMO use but we
17 need practical guidance on when investigation is
18 warranted.

19 We appreciate this effort to define
20 best practices in upholding our end of the
21 coexistence effort. These build the necessary
22 message that organic is non-GMO and has many other

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1 benefits. That is the carrot. It is better to
2 teach with kindness. At the same time, Mother
3 Nature carries a big stick.

4 Let's continue vigilance in pointing
5 out koyaanisqatsi, life out of balance, when we see
6 it.

7 CHAIR RICHARDSON: Thank you very
8 much. Questions, comments from the Board? Yes,
9 Nick.

10 MEMBER MARAVELL: You were suggesting
11 that organic seed be tested for GMO content and you
12 were suggesting that that not be paid for by the
13 person planting the seed, the organic farmer
14 planting the seed. You said it should be paid for
15 by the seed supplier. Would you talk specifically
16 what would the seed supplier test for and is that
17 seed supplier, for example, I am a seed producer,
18 am I considered, in your thinking on this, as the
19 seed supplier or if I sell that to a seed company,
20 are they the seed supplier?

21 And then what specifically would you
22 test for and then what would you do with the result?

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1 MR. WALKER: Yes, I think our main idea
2 here is that it is not practical to have each farmer
3 using an organic or a commercial availability
4 allowance to test that seed. And where I said seed
5 suppliers, what I am really getting at is pushing
6 the burden upstream or the downstream.

7 MEMBER MARAVELL: Well, I might be
8 upstream. But let me ask you, are you suggesting
9 this is only for organic seed producers or would
10 conventional seed producers who are supplying to
11 organic farmers because they can't find a suitable
12 organic variety, would they be required to test?

13 MR. WALKER: Conventional as well.
14 Again, it is about shifting the burden and having
15 the polluters pay. I think that is the angle here.
16 If it is -- there is an organic trust issue if
17 organic seed has contamination levels. We talked
18 about that some. And then certainly, there is more
19 risk with nonorganic seed.

20 MEMBER MARAVELL: And I have one final
21 question and that is one of the most invidious forms
22 of GMO contamination that could potentially affect

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1 my seed supply is dust because farms that are
2 surrounding me are not organic. When their
3 combines go through, I have got to prevent the dust.
4 Well, I can't prevent the dust if my crop is still
5 standing in the field. So, I was wondering, is
6 there a way, when you run a test, to determine
7 whether or not what you are finding is able to
8 propagate or not? In other words, if you send in
9 a sample of soybean seed or corn seed and it has
10 got dust on it from a GMO farm that was adjacent
11 to you, when you plant that out, it won't grow GMO.
12 But if you test it, because our testing procedures
13 are so accurate now, it will come out as positive
14 for GMO. Is there any way to get around that
15 problem? Because that is a very serious problem.

16 MR. WALKER: I think that is what we are
17 speaking to is practicality in the guidance. And
18 if it is a total GMO prevention of effort, I have
19 probably got GMO dust on my eyelashes right now.

20 In our written comments, we cited a
21 report from Ohio State University which I think
22 says you need a minimum of 660-foot buffer to get

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1 99 percent purity in organic corn seed. And as you
2 indicated, that is just not practical. And we did
3 some math. We said for a square 10-acre field, you
4 need 80 acres of buffer to get at that 660-foot --
5 it is an acre for every 66 feet of fence row. And
6 so 80 acres for 10 is eight times. If you have a
7 bigger field, it goes down to three times but it
8 is still not practical. So, how do you balance
9 that with an organic is non-GMO message? Let's
10 talk about these good preventive practices. And
11 we agree with most of them. We are just pointing
12 out a few exceptions here that are problematic.

13 Let's talk about all the good that we
14 do but be careful with the messaging because it
15 could be misleading.

16 CHAIR RICHARDSON: Great. Thank you
17 very much, Stephen. Are there any other questions
18 or comments?

19 Great, we will go on to the next speaker
20 which is Bill Wolf and he will be followed by Bob
21 McGee.

22 MR. WOLF: Wow. First, I want to thank

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1 you all for your dedication and your hard work. I
2 am here before you today on behalf of Wolf, DiMatteo
3 and Associates but also, more importantly, the
4 trillions of earthworms we want to encourage with
5 a restorative, organic agricultural system and I
6 want to talk about the big picture that would help
7 those guys and all of us.

8 Do we want organic agriculture to be
9 truly transformative or will we be the Luddite
10 movement of the 21st century?

11 Our vision for organic farming 40 years
12 ago was to become the mainstream progressive,
13 renewable, sustainable system that produces
14 affordable, healthy food and fiber available to
15 everyone. It would lead the way from the
16 mechanistic era to a biological cooperative method
17 that protects and regenerates our ecosystem,
18 healthy soils, plants, animals, and people.

19 We can still do this but right now, we
20 are getting stuck in the weeds. Farmers in the
21 U.S. are not embracing organic and we are importing
22 more and more ingredients. The attacks on organic

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1 from within our community, the organic
2 perfectionist circular firing squad, has provided
3 the fuel to damage the brand and the trust of the
4 public. And now many competing feel good label
5 claims are less expensive; non-GMO, local,
6 natural, all of those. The result: organic
7 products are a niche and are considered elitist by
8 many because most people can't afford them; thus,
9 choosing other alternatives.

10 So, I ask three things. One, unify and
11 promote organic instead of giving our critics
12 ammunition. Be proud. Organic is the most
13 transparent public open source standard in the
14 world from seed to table. Two, be open to
15 innovation that fits the organic philosophy.
16 Encourage biodiversity and creativity. Let's not
17 nitpick is number three. Don't reject progress
18 while waiting for the perfect. We are at risk of
19 being sidetracked.

20 When organic agriculture systems are
21 working right, it is amazing for the planet and all
22 the creatures on it. We have submitted many

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1 written comments from past meetings, as well as
2 Catherine's oral comments and they cover a range
3 of topics. I don't have time to go over all of
4 those today but biodegradable mulch is one of them.
5 Keeping the National List progressive and open is
6 another. Moving quickly to encourage pest
7 controls by implementing the EPA's safer choice
8 program, implementing the guidance document on
9 materials, promoting compost, rather than
10 restricting it by approving --

11 Thank you.

12 CHAIR RICHARDSON: All right. You
13 finished right on the buzzer, which is pretty good.
14 So, you do get the magic star for that one.
15 Questions, comments for Bill? Yes, Calvin.

16 MEMBER WALKER: A two-part question.
17 Under shirt, I believe you mentioned you have the
18 winning shirt from last Board meeting. And that
19 is a comment I guess.

20 The second question is, could you share
21 with us some ideas on we could grow more organic
22 grain in the U.S. instead of all the imports?

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1 MR. WOLF: Okay, well on the first part
2 question, I am very proud of winning this shirt at
3 the last meeting. Truly, thank you. But I wish
4 it were organic fiber. That is my only complaint
5 about that shirt.

6 The second question is a little more
7 complicated. There are a lot of good things that
8 can be done to encourage organic acreage and I think
9 part of it belongs in decisions made here and part
10 of it belongs in the entire community.

11 In terms of this whole idea of allowing
12 the most progressive, most positive available
13 tools, that is a major piece. We should be looking
14 at our decisions, partially, in terms of what
15 acreage can -- how we can encourage acreage. So,
16 how can we get more Oliver the Earthworm going?

17 And I think approving tools for
18 farmers, whether it is biodegradable mulch or more
19 viable pest controls and moving the pest control
20 program forward quickly. And on that note, I don't
21 quite understand the resistance to using the EPA
22 Safer Program as a starting point because, in fact,

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1 that is what the Organic Foods Production Act said.
2 The Organic Foods Production Act specifically
3 called out the EPA to be responsible to review
4 inerts. So, we seem to be somewhat selective about
5 where we use OFPA and where we don't.

6 I think we also should put the burden
7 on increasing the use of organic seed by requiring
8 testing of the nonorganic seed that is going into
9 the system, where there is actually no
10 requirements.

11 I think in the private sector, we could
12 be encouraging and creating a B2B transition label.
13 Organic Trade Association is working on that now.
14 I think the most important thing is to create a
15 stable standards platform.

16 This relatively new approach to sunset
17 or a standardization is one of many examples of
18 having a stable regulatory platform. Farmers I
19 know who talk to me about whether they are going
20 to go into organics say they are scared of going
21 into organic because they are not sure what the
22 standard is going to be next week or next month or

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1 next year. And so that is a real risk. Be
2 consistent. So, those are a few ideas.

3 CHAIR RICHARDSON: Francis, do you
4 have a question?

5 MEMBER THICKE: Yes, thank you, Bill.
6 I don't know if you are the right person to ask this
7 but you mentioned bio-based mulch. Do you know
8 what the ultimate state of that is on the molecular
9 level when it breaks down? If it is 10 percent
10 biological based material and 90 percent petroleum
11 based, what happens to that when it breaks down?

12 MR. WOLF: Well, the original source
13 materials originated from different forms of
14 carbon. That is where that 10 to 20 percent of the
15 bio-based mulch content, depending on which
16 manufacturer, came from plant materials and 80
17 percent, according to the OMRI report came
18 originally from petroleum based carbons. But the
19 actual polymer that is produced is very similar and
20 so it is not petroleum that is in the product. It
21 is a polymer that is manufactured and has a little
22 more flexibility -- I am not a scientist on this.

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1 I have read the papers and my understanding is that
2 at the end of the day, those two polymers are very
3 similar.

4 MEMBER THICKE: And they break down.

5 MR. WOLF: Well, they both break down.
6 The end result is a breakdown into carbon dioxide
7 and water, through biological means. And I have
8 experimented with the material myself in my own
9 gardens and then attempted to remove it, in order
10 to comply with the rule and keep my farm organic.
11 It wasn't easy. I left pieces that eventually
12 disappeared. So, perhaps, I don't have an organic
13 farm now, at least at this point.

14 The bottom line is that it is a little
15 confusing when somebody says oh, it is made from
16 petroleum. Many, many materials on the National
17 List are made from petroleum. It wasn't one of the
18 criteria that the petitioner originally evaluated
19 or the technical reviewer evaluated. It was added
20 as an annotation during the committee discussions
21 after the technical review, which today would not
22 be allowed.

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1 MEMBER THICKE: Right. I guess my
2 concern is the breakdown product. I know carbon
3 dioxide and water would be somewhat -- are there
4 residual chemicals that are not --

5 MR. WOLF: Not according to the
6 National Sanitation Foundation, the ANSI
7 standards, or all of the science that we have looked
8 at. It is the same polymer. It is just the source
9 parent material that was in question.

10 CHAIR RICHARDSON: Thank you. Zea,
11 you have a question?

12 MEMBER SONNABEND: Well, Bill, you
13 opened yourself up to this. If it is the same
14 polymer, why can't they make a higher percentage
15 from bio-based material?

16 MR. WOLF: Well, I may be overstating
17 the same polymer. The explanation that I have been
18 given was it has to do with tensile characteristics
19 and the blending. And I think that that is the
20 ideal goal, to be 100 percent bio-based. I think
21 that would be great. We are not there yet.

22 And I had the impression, my

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1 understanding, when those discussions were
2 occurring in providence, that what was being
3 approved was a standard and an annotation that said
4 we would test for the content and then five years
5 later, we would determine if we could elevate the
6 platform and say okay now, we are going to require
7 X percent because we saw that movement.

8 Does that answer what your question is?

9 CHAIR RICHARDSON: Great. Thank you
10 very much, Bill. I see no more questions.

11 MR. WOLF: Thank you.

12 CHAIR RICHARDSON: The next speaker is
13 Bob McGee and he will be followed by Linley Dixon.

14 MR. MCGEE: Good afternoon and thank
15 you for the opportunity to talk with you this
16 afternoon. My name is Bob McGee. I am the
17 President of Straus Family Creamery. Straus
18 Family Creamery was founded in 1994 and was the
19 first 100 percent certified organic creamery in the
20 country. And in 2010, we became the first creamery
21 that verified all of our farms under the Non-GMO
22 Project.

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1 And the reason I am here this afternoon,
2 like several others, is to speak in support of the
3 proposed prevention strategy guidance for excluded
4 methods submitted by the Materials Subcommittee.
5 The recommendations contained in the report will
6 give organic producers and handlers strategies to
7 prevent GMO contamination and provide certifiers
8 with guidelines for testing and sampling. At the
9 same time, we hope this is just a first step to
10 actually including testing as part of the rule.

11 As has been said many times, consumers
12 are asking more and more questions about where
13 their food comes from, what is in it and how it is
14 produced. The future of the organic system is
15 predicated on maintaining consumers' complete
16 faith and trust in the integrity of the organic
17 label. And certifiers must be equipped with the
18 tools to enforce this regulation. For us, the
19 livelihoods of the eight family farms that supply
20 us milk depend upon it.

21 In 2011, a study conducted by the OTA
22 showed that 11 percent of corn labeled as organic

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1 was contaminated. Earlier this afternoon, we
2 heard the President of CCOF Certification Services
3 say that their residue testing is showing
4 contamination in corn, soy, and now in alfalfa.
5 Clearly, our best efforts at prevention strategies
6 have not been completely successful. That is why
7 the committee's report is needed and timely but,
8 again, just a first step.

9 As noted in Appendix A of the proposal,
10 quote, testing is one of the most definite and
11 effective tools certifiers can use to evaluate
12 whether an organic operation has adequate measures
13 in place to prevent comingling with nonorganic GMO
14 crops, as well as intentional or unintentional
15 contact with GMOs. We hope that the Materials GMO
16 Subcommittee will go beyond simply a guidance
17 recommendation on sampling and testing and move to
18 rulemaking. We believe it is important to require
19 that a portion of the required residue testing be
20 for GMOs and certifiers report the results of those
21 tests, so we can know how effective it is.

22 In summary, I urge the NOP to accept the

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1 proposal, publish guidance, and then move towards
2 testing for GMOs as part of the rule. Thank you.

3 CHAIR RICHARDSON: Thank you.
4 Comments, questions? You're lucky. You are
5 getting off with no questions. Thank you very
6 much, Bob.

7 Before we got to the next speaker, just
8 a quick reminder to everybody that even though you
9 can't see Harold, he has, for the last several hours
10 been listening in on Skype and so he is still there.
11 He is still listening to the public comments.

12 The next speaker is Linley Dixon and he
13 will be followed by Rudy Amador.

14 MS. DIXON: Good afternoon. My name
15 is Linley Dixon. I am a policy analyst for The
16 Cornucopia Institute. I own 110-member CSA Farm
17 and Farmer's Market Vegetable farm in Durango,
18 Colorado. I have a master's degree in plant and
19 soil science and a Ph.D. in plant pathology. One
20 of the biggest problems facing the organic industry
21 today is that young farmers like me are not getting
22 certified. It is not because organic activists

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1 are hurting the label but because we don't identify
2 with the industrial monoculture style operations
3 that are currently getting certified.

4 I would like to testify today about how
5 the abuse of copper on some of these operations
6 allows them to get away with a lack of plant
7 diversity on their farms. I have extensive
8 knowledge of plant disease management in both
9 conventional and organic systems, as a farmer
10 researcher with the USDA ARS. I have previously
11 testified to the abuse of copper, used on split
12 organic conventional tomato operations on the east
13 coast in particular.

14 I have personally visited these
15 monoculture style operations that use weekly
16 copper sprays as their primary disease management
17 strategy on their organic crop. Sprays are needed
18 every seven to ten days because copper fungicides
19 are protectants, meaning that once infection has
20 occurred, copper has no effect on disease progress
21 in the plant. So, it must be applied to the foliage
22 before infection and reapplied as plants are

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1 exposed to the inoculate through the season.

2 Typically, each spray with a
3 copper-based fungicide results in an application
4 of one to four pounds of copper per acre, which
5 raises the topsoil concentration approximately one
6 to two parts per million every spray. Some tomato
7 farmers that I surveyed said they sprayed 12 times
8 per year, raising copper concentrations roughly 12
9 to 24 parts per million per year. Farmers admitted
10 to me that they had removed land from organic tomato
11 production after three years. Clearly, this is
12 not a sustainable practice but these operations
13 exist under the organic label and I have been to
14 them.

15 Copper, like other heavy metals, binds
16 to organic materials and to clay and mineral
17 surfaces in the soil where it denatures proteins
18 and is shown to suppress nitrogen fixation and
19 reduce earthworm counts. As an immobile heavy
20 metal, copper accumulation is irreversible. So,
21 limitations on copper use must be in the
22 regulations.

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1 In trying to reign in the copper
2 abusers, we need to be careful that we don't
3 hamstring the farmers who are using copper
4 responsibly with excessive regulations. However,
5 we feel that annotations for specific uses and
6 rates should be proposed. Most importantly,
7 certifying agents in the NOP must enforce the
8 diversity requirements of OFPA, when considering
9 whether or not to certify a farm in the first place
10 to prevent the excessive need for copper sprays in
11 tomato monocultures.

12 Critics rightly cite the use of
13 synthetic copper in organic farming is being more
14 environmentally problematic than some other
15 synthetic fungicides that are not allowed in
16 organic farming. In the search for alternatives,
17 please consider adding phosphorous acid to the
18 National List, a much safer and environmentally
19 friendly option for plant disease control,
20 particularly effective against water mold diseases
21 such as a late blight of tomato and potato, diseases
22 for which I have witnessed the overuse of copper

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1 for disease control.

2 CHAIR RICHARDSON: Thank you Linley.
3 Questions? Zea.

4 MEMBER SONNABEND: You are aware that
5 we have a petition process to petition phosphorous
6 acid or to petition an annotation change for copper
7 that could be submitted anytime?

8 MS. DIXON: Yes, I will do that. Thank
9 you.

10 CHAIR RICHARDSON: Other questions?
11 Okay, thank you very much Linley.

12 The next speaker will be Rudy Amador and
13 he will be followed by Tina Ellor.

14 Oh, I should -- may I make sure everyone
15 understands that our next speaker, his first
16 language is Spanish and he will be presenting in
17 his native language, as is appropriate. His
18 presentation on the screen will be in English and
19 he does have a translator. And therefore,
20 obviously, there will be a few more minutes' time
21 allowed in order to accommodate the necessary
22 translation. Is that right?

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1 MR. AMADOR: Just a clarification.
2 There are some folks after me that will be speaking
3 in Spanish.

4 CHAIR RICHARDSON: It is the person
5 after you. Okay.

6 MR. AMADOR: Although, I do know there
7 are some Board members that are Spanish speakers,
8 I will do mine in English.

9 CHAIR RICHARDSON: Okay, thank you.

10 MR. AMADOR: Because of the importance
11 of ethylene in pineapples, my comments are
12 basically going to be just regarding that material.

13 I work with Dole Tropical Products
14 Latin America, based in San Jose, Costa Rica. We
15 are the largest grower and exporter of organic
16 pineapple from Costa Rica, also the largest
17 marketer of organic pineapples in the U.S. We are
18 a subsidiary of Dole Food Company,
19 California-based and in Costa Rica, we operate two
20 organic farms with about 400 employees in those
21 farms.

22 We are also proud to say we are pioneers

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1 in Fair Trade organic pineapples to the U.S.
2 market.

3 I won't get in too much detail but
4 ethylene use for flower induction is the most
5 important agricultural practice for the production
6 of organic pineapples and that allows us to plant
7 harvests in every other agricultural practice
8 after flower induction. Without it, we would have
9 severe pest issues. We would have much lower
10 yields and quality issues.

11 In the Codex process, Codex application
12 Costa Rica and the UE together basically gave
13 several reasons I just selected this one. And they
14 are basically saying that without ethylene, there
15 cannot be a consistent export business for
16 pineapples in being able to plan not only
17 production but also the use of labor throughout the
18 year, with all the economic impacts of that.

19 I did bring just a few pictures. This
20 is what we are talking about, this product is
21 applied normally with a boom spreader and it is
22 applied at nighttime to avoid -- it is a volatile

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1 product so you want to do it at nighttime when it
2 is more effective. It is applied with water and
3 activated carbon. This is standard practice.

4 After application, about six or seven
5 weeks, you are going to see a bud in the plant and
6 22 to 24 weeks after application you are eventually
7 going to have a nice looking organic fruit.

8 There are alternatives which none are
9 really good environmental alternatives or economic
10 alternative. I will not get into that because I
11 have got my yellow light here.

12 The regulatory situation is pretty
13 clear. It is allowed in Costa Rica, Canada.
14 Codex is an interesting case because as early as
15 2012 it has been listed and reviewed. The U.S.
16 delegation, the Codex committee voted to include
17 ethylene. And in the United States, obviously, it
18 is allowed at the present time.

19 This is very important to us. The
20 societal impact of removing ethylene would mean
21 most likely conversion from organic to
22 conventional or for the farmers to get out of

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1 business. In the case of Dole, there is going to
2 be 400 jobs lost. That is 1600 people directly for
3 a family four. For the U.S. consumer, there will
4 be no organic pineapple purchasing options for
5 retailers/processors, a loss of an emerging
6 markets, international trade issues, conflicts
7 regarding trade. And every important also,
8 lately, the organic pineapples that I mentioned,
9 they are receiving or the farmers are receiving a
10 fair trade social premium that is managing that
11 product, for example, as shown there for adult
12 education. All those are in danger.

13 And I just wanted to end that if those
14 technical arguments don't convince you, these are
15 some of the nicest flowers in agriculture. And
16 actually, you wouldn't have your beautiful autumn
17 leaves here in Vermont if it wasn't because of
18 ethylene.

19 So anyway, thank you for your attention
20 and for the opportunity. And thank you for
21 bringing us to Vermont, Michelle.

22 CHAIR RICHARDSON: Thank you, Rudy.

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1 Questions, comments? Okay, thank you very much.

2 Our next speaker is Tina Ellor and she
3 will be followed by Johanna Mirenda.

4 MS. ELLOR: Good afternoon. I can't
5 ever get up here without thanking you guys for what
6 you do. I have some small idea but I think the
7 workload has grown, it seems, exponentially since
8 I sat on that side of the table.

9 My promise to you in my written comments
10 that if you had no questions for me, I would give
11 up the mike but there is one more material that came
12 up that I would like to address and that is the
13 cheese wax for the outdoor growers.

14 I think this is not on their radar. I
15 did a quick email while I was sitting here and asked
16 them do you need this, the people that I know, and
17 they said yes, please. And I know there is a
18 petition for soy wax. So, if we could keep cheese
19 wax on until the soy goes through the python, as
20 Jim so eloquently put it, I think it would be
21 greatly appreciated.

22 I know I visit with a lot of -- because

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1 I am a mycologist, I go on wild mushroom forays.
2 I visit with a lot of small mycology clubs and there
3 is a lot of people out there using cheese wax in
4 their very small organic outdoor log operations.

5 And the other thing I just wanted to
6 bring up quickly is that words do matter. So, I
7 know from the past, sitting in many of these
8 meetings, that I wouldn't like to see the word
9 soilless system get into the regulation in any way
10 because we were given a lot of trouble by the
11 non-plant life part of the livestock definition,
12 which would have put mushrooms into livestock,
13 which doesn't really make any sense. So, words do
14 matter.

15 So, if you have no questions, I will
16 relinquish the mike.

17 CHAIR RICHARDSON: Thank you.
18 Questions for Tina? Okay, thank you.

19 The next speaker is Johanna Mirenda
20 from OMRI.

21 MS. MIRENDA: Hi, the Board, thank you
22 for having us. My name is Johanna Mirenda. I am

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1 the Technical Director of OMRI, the Organic
2 Materials Review Institute. My comment today
3 focuses on the enforceability of the proposed
4 annotation for the listings of inert ingredients
5 at 205.601(m) for use in crop pesticides and
6 205.603(e) for use in livestock external
7 pesticides.

8 I will also provide a brief technical
9 comparison of the proposed annotation to the
10 current regulations and approved products.

11 In regards to enforceability, please
12 ensure that the specific language in the proposed
13 annotation accurately reflects the intent of the
14 subcommittees so that the requirements can be
15 accurately and consistently implemented if the
16 proposal is codified in the regulations. Part 1
17 of the proposed annotation does not make a
18 distinction between the substances eligibility as
19 an active or inert ingredient and an EPA 25(b)
20 exempt product. As written, the proposed
21 annotation would allow any substance that is
22 eligible for use in a 25(b) exempt product,

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1 including the actives.

2 Part 2 of the proposed annotation does
3 not make a distinction among the functional classes
4 that substances are grouped by on the EPA safer
5 chemical ingredient list. As written, the
6 proposed annotation would allow any substance in
7 any of the functional classes, regardless of the
8 actual inert function that it exhibits in an
9 organic approved pesticide.

10 If our understanding of these parts of
11 the proposed annotation are not in alignment with
12 the intent of the subcommittees, please provide
13 clarification in the Board's final recommendation.

14 And now please refer to your handout for
15 a technical comparison of the proposed annotation
16 with current regulations and approved products.
17 In 2011, OMRI was asked by the NOP to provide a list
18 of inert ingredients. And OMRI listed pesticides
19 for use by the Inerts Working Group. We provided
20 a non-confidential list of inerts included in OMRI
21 listed products without associating them with any
22 specific products. We have used this same data to

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1 assist how OMRI listed products might be affected
2 by the proposed annotation, which we feel is a good
3 indicator of the implications for the organic
4 pesticide industry at large. Of the approximately
5 177 synthetic inert ingredients used by OMRI listed
6 suppliers at the time, about 130 would remain
7 allowed under the proposed annotation.
8 Approximately 47 inert ingredients in use at the
9 time are synthetic do not appear on the SCIL or
10 25(b) lists and would be prohibited under the
11 proposed annotation.

12 OMRI has provided these figures to the
13 Board to assist in your review of the implications
14 of the proposed annotation. However, we do not
15 take a position for or against the proposal. Thank
16 you.

17 CHAIR RICHARDSON: Thank you, Johanna.
18 Questions? Yes.

19 MEMBER SONNABEND: This is very
20 confusion. You are assuming that SCIL is not
21 reviewing anymore products when you give this data?
22 The whole idea of the program with SCIL is for them

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1 to review all these products. So, saying they
2 would be prohibited is counterproductive.

3 MS. MIRENDA: Sorry. I guess based on
4 the products on this, the current substances in the
5 SCIL list.

6 MEMBER SONNABEND: Okay, then I am very
7 encouraged that we would only have to review 47 new
8 substances because that is not what our information
9 says. But okay.

10 CHAIR RICHARDSON: Other questions or
11 comments for Johanna? Emily, did you want to add
12 anything? No? Okay. Thank you very much,
13 Johanna.

14 The next speaker is Mark Feduke and the
15 following person would be Olman Briceno.

16 MR. FEDUKE: Good afternoon. It is
17 the latter part of the day, so I will try to bring
18 a little bit of energy. Good afternoon to
19 everyone. My name is Mark Feduke. I am the
20 Director of Operations at VLM Foods. We are an
21 importer distributor and I want to thank the NOSB
22 for providing me with the opportunity to speak with

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1 you folks and also for holding this in Stowe, as
2 it was a very pleasant drive from our office, a
3 little further north in Montreal.

4 So, I would like to begin by saying that
5 as an importer, our foreign food safety
6 capacity-building measures have been recognized by
7 the World Bank as being a leading progressive
8 strategy, given the growing consensus that food
9 safety is a critical driver of productivity in the
10 developing world and also for transitioning
11 economies. Against that backdrop, we are
12 extremely proud of the work that our partners in
13 Costa Rica are doing with respect to organic
14 pineapple production, a model that does not see
15 growers receiving a fair price for a product or
16 receiving a premium for organic product and that
17 product is then not sent north to be advanced wildly
18 in value in the global north but is, instead,
19 processed in Costa Rica with benefits accruing to
20 the local populous in Costa Rica.

21 The motion to remove ethylene gas as an
22 approved flowering agent in the production of

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1 organic pineapple doesn't make any specific
2 requirements or case for removing it this time in
3 the motion itself but the motion does state that
4 the use of ethylene gas has helped grow the organic
5 pineapple industry and allowed producers to
6 compete globally, which, in my humble opinion, I
7 think is in our collective best interest.

8 In our discussions with our partners in
9 Costa Rica, farmers and processors, we are not
10 aware of a viable alternative at this time. I
11 fully appreciate there are stakeholders who will
12 make comments otherwise and I respect their input.
13 However, looking at some of the comments that have
14 been given, there have been suggestions of using
15 alternatives which presently are not even approved
16 for organic production or there is suggestions of
17 using a water-based cold stress method, which I am
18 sure works wonderfully in other areas, however, at
19 present, it would not be economically viable in
20 Costa Rica, let alone additional concerns that we
21 have with yet an additional level of water being
22 applied, given that we are still waiting to find

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1 out what the final microbial water testing
2 requirements are going to be under the fresh
3 produce rules of FSMA, which I know that we haven't
4 really discussed at all today because that is
5 around the horizon.

6 I understand that a great deal of work
7 has been done in the FSMA space in alignment with
8 USDA, however, all these regulations are subject
9 to a much higher law, the law of unintended
10 consequences. As FDA notes, FSMA presents the
11 most sweeping update to American food legislative
12 to have been enacted over the past 70 years. And
13 if anyone in this room thinks they won't be touched
14 by FSMA, they certainly will.

15 Now, broadly speaking, we support FSMA.
16 We think it ought to provide an opportunity to level
17 the playing field but, having said that, there are
18 great concerns that have yet to be realized what
19 the true costs will be as we move forward.

20 If ethylene gas is to be removed as an
21 approved input at this time, it will promote less,
22 rather than more, organic production in Costa Rica.

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1 It will hurt farmers, large and small, and diminish
2 the overall magnitude of organic products in the
3 marketplace. And my time is up. Thank you.

4 CHAIR RICHARDSON: Thank you very
5 much, Mark. Are there any questions, comments
6 from the Board?

7 We have received, as you know, a large
8 amount of written material on this topic as well,
9 to which your comments are added. Great. Thank
10 you very much.

11 MR. FEDUKE: Thank you for your time.

12 CHAIR RICHARDSON: The next speaker is
13 Olman Briceno and he will be followed by Christian
14 Herrera.

15 MR. BRICENO: Good afternoon. A
16 former colleague of mine used to say that if you
17 are not in the table, you are probably ending up
18 in the menu. So, I am very thankful for everybody
19 to have us Costa Ricans onboard today and I
20 appreciate really the opportunity to come here with
21 a lot of stakeholders of organic production of
22 pineapple, together with me today.

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1 As I said, I am Olman Briceno. I am
2 Vice President of the Chamber of Exporters of Costa
3 Rica and I am sitting in that table, representing
4 small and medium enterprises in rural areas.

5 So, it is very simple as this. The
6 elimination of ethylene in organic pineapple
7 production compromises Costa Rica's policy led by
8 the Ministry of Agriculture, which seeks to
9 increase organic production in the country. It is
10 important also to highlight that organic pineapple
11 is grown by many small holders in regions of the
12 country with important challenges regarding
13 sustainable development goals.

14 The proposed elimination of ethylene is
15 a hard stop to the sustainable livelihoods of all
16 farmers engaged in organic agriculture. With
17 their elimination, we would also erase a unique
18 value-added proposition posted organic growers
19 that also have enticed, together with the organic
20 production, efforts that are now in my country key
21 lime markets, for example, the first carbon neutral
22 organic pineapple farm; the first industrial

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1 facility organic that is carbon neutral led by my
2 wife, which I am very proud of; also the first
3 commercial initiatives that are being carried out;
4 and also, we have various listings of comparatives
5 that are highly involved in the production of
6 organic pineapple, this, under gender equality
7 opportunity.

8 The government has also compromised a
9 lot of financial support, among other many things
10 that I can mention.

11 So, I would like to invite you over to
12 Costa Rica to look at this. And we are very
13 optimistic as Costa Ricans and very proactive.

14 I think that this proposal to eliminate
15 ethylene has also fostered a small organic
16 pineapple farmers to engage and advance on the
17 agenda on issues and expectations related to
18 policy. So, many of the small farmers now are
19 encouraged to establish a new chamber of producers
20 of organic pineapple, which has been the result of
21 all these discussions inside the country.

22 So, I am very thankful for everybody in

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1 here and I am very thankful for the members of the
2 Board that are going to continue to support the
3 organic production of pineapple in my country.
4 Thank you very much. Any questions?

5 CHAIR RICHARDSON: Thank you Olman.
6 Are there any questions? Harold has a question.
7 Harold.

8 MEMBER AUSTIN: Buenas tardes, Olman.

9 MR. BRICENO: Hello.

10 MEMBER AUSTIN: Thank you for coming up
11 and bringing your testimony for all of us to hear.

12 MR. BRICENO: You're welcome.

13 MEMBER AUSTIN: My question is on our
14 first public comment period, we heard such few
15 comments coming in from the producers themselves.
16 Is there value, I guess -- two questions. Is there
17 value to us having two public comment periods for
18 testimonies to be heard by the Board and the public.
19 And second, what happened that you guys did not get
20 the message during the first public comment period?

21 MR. BRICENO: Well, it is a good thing.
22 I believe that I cannot talk about the past why we

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1 were not there but absolutely we are here. And I
2 think that arguments that we are giving, as I
3 mentioned to you, I am very thankful for the
4 opportunity to be here.

5 Right now, I think it is a good
6 opportunity to put all the messages across and all
7 of the objective arguments and elements for a
8 comprehensive assessment of this decision to get
9 ethylene out of organic pineapple production.

10 So, talking about the past, I prefer
11 not to mention why we were not there, initially,
12 but we are here. So, any questions on the
13 technical side, we have a group of engineers,
14 agronomical people with a lot of expertise and
15 small growers that can go into the details of why
16 ethylene is so important to maintain the
17 livelihoods of so many people in our country.

18 MEMBER AUSTIN: Thank you.

19 MR. BRICENO: You're welcome.

20 CHAIR RICHARDSON: Any other
21 questions? Yes, Calvin.

22 MEMBER WALKER: I like that quote. My

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1 boss, always using that quote.

2 My question is, without ethylene gas
3 what percent of the U.S. market would be impacted?

4 MR. BRICENO: I would refer that
5 question to Mr. Christian Herrera. The quality
6 measure have more quantitative data.

7 But what I am telling you is that I
8 engage on a regular basis with the small producers
9 and what they have said, and you will hear it from
10 them today, probably I will be translating for
11 them, is that they would be out of business. All
12 right? And they will probably not go to
13 conventional pineapple because they are in organic
14 production. So, there is a big problem for them
15 with this ethylene issue.

16 All right, thank you very much, Mr.
17 Walker, for your comment.

18 CHAIR RICHARDSON: We have a question
19 from Tom.

20 MEMBER CHAPMAN: Are you aware of any
21 small producers who are not utilizing ethylene at
22 this time?

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1 MR. BRICENO: No, sir. All the small
2 producers, everybody that works with pineapple
3 organic is using ethylene at this moment.

4 CHAIR RICHARDSON: Gracias.

5 MR. BRICENO. Thank you for all your
6 questions. I have been well -- three questions.
7 That is very good. Thank you.

8 CHAIR RICHARDSON: Thank you. The
9 next presenter is Christian Herrera and to followed
10 by Nestor Ramirez.

11 MR. HERRERA: Good afternoon to you all
12 members of the Board. My name is Christian Herrera
13 and I am here honorably representing 21 grower
14 cooperative that just started at the beginning of
15 the year.

16 I am the Vice President of the Pineapple
17 Growers Chamber in Costa Rica, gladly, after being
18 the President for the last two years, and being on
19 the Board for eight years.

20 I am trying to get as brief as I can
21 because three minutes is really, really torturing
22 me since there is so much to say.

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1 I want to thank Michelle for choosing
2 such as a lovely place as this magical place. We
3 normally get to the conference in Miami and here
4 is a much, much beautiful place.

5 Let's speak about my co-op. The
6 background is in Costa Rica for the last 15 years
7 has become the first exporter of fresh fruit in the
8 world, so far, with more than 95,000 acres of
9 conventional production. Your questions, sir, is
10 that our figures now that we are not reaching the
11 2,000 acres of organic pineapple among 60 growers.
12 The colleague from Dole said they are the biggest
13 but we are not that far away from them, from their
14 volume. We are improving.

15 After 15 years and all this experience
16 for the last 15 years, we have become the best
17 technology in the world and we are supplying our
18 agronomies to worldwide in Philippines, Brazil,
19 and all Latin America and the rest of the African
20 countries.

21 We run the leadership in research,
22 since we have a lot of areas, a lot of acres to take

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1 care of and we started our first organic operation
2 and started in the year 2001 and it was one of the
3 agronomics who started that project.

4 For the last 14 years, I have been a
5 conventional expertise but now all my organic
6 colleagues are just washing my brain out because
7 organics is in the tropics. When it rains more
8 than 300 inches a year is really, really, really
9 tough.

10 The co-op was established because we
11 found a stable market with a fixed price. So, we
12 started we know whom to sell, at what price, and
13 the profit that we are going to get, if we do good
14 in the field.

15 The co-op was born. You know 21
16 growers with more than 70 years of expertise in
17 organics. We just joined all of the forces
18 together to start this production. Our target is
19 to reach a thousand acres by the end of 2016.

20 The business plan is that first the
21 market demands organic production more and more at
22 a reasonable price. If I stay taking care of just

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1 one pineapple, I can do it organically, but it is
2 going to cost 12 months of my time and nobody will
3 buy it. So, we need to be profitable business
4 within the technology available so far.

5 Pricing is a matter in organic market
6 you already know that it is very sensitive. When
7 the organic prices just go up, nobody will buy that
8 and then the fruit will stay on the shelves.

9 And it is a matter of where we are. We
10 are located in the north region of Costa Rica.

11 And then we will be around. So, for
12 anyone who has more questions, okay.

13 And the ethylene thing is, that is a
14 picture of how we spray it. Small growers have the
15 best technology, the same as the big international
16 companies. So, we have the technology of using
17 ethylene in a safe way, using the water and the
18 limestone.

19 Thank you very much. And any question?
20 I know that three minutes wouldn't make it.

21 CHAIR RICHARDSON: Thank you very
22 much. We have received a large number of these

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1 comments already in writing and I know we have two
2 sets of questions.

3 Tom, do you want to start? And then
4 Harold.

5 MEMBER CHAPMAN: Are you aware of any
6 small producers in organic that are not using
7 ethylene?

8 MR. HERRERA: Completely being the
9 President of the Board and representing my
10 industry, there is no grower in Costa Rica using
11 nothing else but ethylene gas because it is cheap
12 expensive -- very cheap, very accessible to the
13 growers and the technology is already there.

14 CHAIR RICHARDSON: Harold.

15 MEMBER AUSTIN: Thank you. You kind
16 of answered a little bit of what I wanted to say.
17 In this case, size doesn't really matter. All of
18 the pineapple producers are using this material.
19 Correct?

20 MR. HERRERA: Yes, sir, in Costa Rica,
21 they are.

22 MEMBER AUSTIN: And even the smaller

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1 growers have access to the equipment for
2 application purposes.

3 MR. HERRERA: The spring system is that
4 we use the gas mixed with kind of a limestone or
5 active charcoal as a mechanical transport agent.
6 And it is a drench application. So, so far, we need
7 to put more than 500 gallons an acre per
8 application. So, it uses a lot of water for being
9 such an extensive crop. So, considering that,
10 even the spray, regardless of how small the
11 sprinklers are or maybe 300 gallons, the small
12 tanks, they have the system, which is a homemade
13 done just to mix the gas with the active charcoal
14 or the limestone so there is going to be like an
15 absorbing agent to be sprayed and made the effect.

16 Why we need a trigger with the ethylene
17 is to adjust to the varying shape of growth and they
18 just trigger the flowering, which is something that
19 really happens in nature. But we need to spray all
20 the areas in the same time just to achieve a visible
21 harvest rate. We need to make one container take
22 12,000 fruits of organic pineapple and then we have

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1 to spray it on the same time so the harvest will
2 come at the same time. And that is what make it
3 physical.

4 Naturally, if you leave the crop for
5 three years, it might flower but randomly. Then
6 the grower should be as many like 40 years ago, they
7 went into the field just pitching while the fruit
8 is ready and that is not possible. And they market
9 the fruit all year round and is one of the biggest
10 advantages why Costa Rica is the leader because we
11 have fruit all the year round.

12 CHAIR RICHARDSON: Thank you. I have
13 got a lot of hands up here. We are running about
14 20 minutes behind, just so you know. So, make your
15 questions short.

16 Harold, you have a follow-up, then I
17 have Jennifer, then I have Nick.

18 MEMBER AUSTIN: Okay, my follow-up is
19 with the full application of the material and not
20 having to go in periodically, what impact does that
21 have on worker health, environmental impact, and
22 biological controls within your field?

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1 MR. HERRERA: Okay, labor safety,
2 very, very important question. The spraying booms
3 are operated by one operator in the tractor and the
4 sprayer is just spraying the back with the tank.
5 So, there is no direct exposure or exposition of
6 the gas within the employees. The gas must remain
7 there for many more or less like ten minutes in the
8 field just to make the trigger of the flowering.
9 So, after 15 minutes, there are no gases in there.
10 I can even be in the fields I come and remember what
11 the smell of the ethylene missed with the
12 limestone.

13 So, in labor safety we have been
14 audited, with our years in Costa Rica, we have all
15 the European and the American customers auditing
16 us every year. So, we have comply with labor
17 safety first and then the rest of the environment.

18 As far as we know, ethylene is not the
19 carbon footprint agent and is not also later
20 deploying so I think we are working with such an
21 innocuous particle. Inequity of the fruit is not
22 a matter of discussion. There is no way the

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1 ethylene we apply will show up in the residue in
2 the fruit and the consumers. It just is the same
3 thing.

4 CHAIR RICHARDSON: Jennifer.

5 MEMBER TAYLOR: Thank you. I just
6 wanted to understand what you are saying when you
7 say that all of the farmers in Costa Rica are using
8 ethylene, are you talking all of the farmers that
9 are in your cooperative or are you talking about
10 all of the farmer in the country?

11 MR. HERRERA: One hundred percent of
12 the growers in Costa Rica, which is 1250 growers
13 actively exporting to the U.S. are using ethylene.
14 I love figures. I love data.

15 MEMBER TAYLOR: Great.

16 MR. HERRERA: I apologize.

17 MEMBER TAYLOR: Thank you.

18 MEMBER MARAVELL: Is there anything
19 that you see in the future that could lead to an
20 alternative to ethylene? And I will just make an
21 example, which may not be appropriate, but is there
22 any research being done into alternative breeding

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1 that might be of value or any other alternative
2 methods? Is there anything in the works that is
3 being explored as an alternative?

4 MR. HERRERA: Now, because of this
5 point that the ethylene is someone asked to be
6 banned is the first time that we ever needed to
7 search for something else. Because for the last
8 15 years, it is the first and the biggest threat
9 and that is why we have a very big Costa Rican
10 community here because we thought that was
11 completely innocuous and it is. And it is
12 technically proven.

13 So, nobody has done research to do some
14 other choices. Research is expensive and so far,
15 the businesses are tight. Well, maybe the growers
16 and the co-op, we have a small budget to implement
17 and improve the agricultural practices being
18 applied in the field but not accurate research.

19 So, so far, there is no option and why
20 should we do more research if the molecule can be
21 used for the rest of the years.

22 We have written all the comments there

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1 and there is a proposal for using smoke. So, you
2 should be burning something. That is against all
3 the C neutral movement and we don't want to use fire
4 anymore.

5 The other thing is, just to use water.
6 Just to make a natural plant to be flowered by cold
7 water, you need almost six gallons of freezing
8 water just to make the trigger and that will mean
9 a lot of dollars per hectare in a four time period.
10 So, we are applying more water when we are just
11 almost flooding in Costa Rica, so it is completely
12 contradicting.

13 We have to by the carbon footprint, we
14 need to measure how many energy we need to reinvest
15 in our crops. Just cooling that water when we are
16 all year round about the 90 degrees, you know it
17 is nonsense.

18 CHAIR RICHARDSON: Okay, one last
19 question. Tracy.

20 VICE CHAIR FAVRE: This is as much a
21 statement as it is a question. I wanted to thank
22 you for taking the time and energy to come here.

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1 It is an important reminder to those of us on the
2 Board as we are making these decisions that there
3 is real people and real companies and families
4 impacted by these decisions.

5 I guess my question is a little similar
6 to what was asked earlier by Harold about the sunset
7 process. There was two meetings here to provide
8 commentary. I guess my thought was how dangerous
9 it might have been had there only been one comment
10 period, as there was under the old process, where
11 we might not have received these comments. And
12 having a little bit extra time to come back kind
13 of the second go-around where yes, we really mean
14 it, we are thinking about it, was that helpful to
15 you and your organization?

16 MR. HERRERA: Well, we are here in the
17 second review is because we are farmers and we are
18 in the middle of our crops. So, we are not very
19 political. You know we are in the crops.

20 So I think yes, we have one of the
21 government telling them hey, why they let this to
22 happen. They should be contacted with the USDA and

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1 we need to improve the communication within the
2 USDA and our national authorities because we rely
3 on them now. We are here and we can get direct as
4 you want. We are going to be here until Thursday.
5 So, any questions, further, for more information,
6 you know I love to talk and our growers are just
7 wanting and willing to be here in front just
8 exposing. Because you know I am the manager of a
9 co-op but we have some growers here by themselves.
10 So you want to hear their histories. Okay, thank
11 you.

12 CHAIR RICHARDSON: Thank you.
13 Gracias.

14 The next speaker is Nestor Ramirez and
15 he will be followed by Maykool Lopez.

16 MR. RAMIREZ: (Foreign language
17 spoken.)

18 INTERPRETER: Good afternoon. Thank
19 you for bringing me over to Vermont.

20 MR. RAMIREZ: (Foreign language
21 spoken.)

22 INTERPRETER: He studied agriculture

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1 from '92 to '95 from a very humble housing.

2 MR. RAMIREZ: (Foreign language
3 spoken.)

4 INTERPRETER: His studies were in
5 sustainable agriculture. That is the main area of
6 his emphasis during his studies.

7 MR. RAMIREZ: (Foreign language
8 spoken.)

9 INTERPRETER: In 2005, he started a 40
10 hectare plantation of his own.

11 MR. RAMIREZ: (Foreign language
12 spoken.)

13 INTERPRETER: He started with five
14 hectares.

15 MR. RAMIREZ: (Foreign language
16 spoken.)

17 INTERPRETER: And he now has, after
18 hard work, 40 hectares of organic pineapple.

19 MR. RAMIREZ: (Foreign language
20 spoken.)

21 INTERPRETER: This experience has
22 helped him to be an advisor in other countries

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1 outside of Costa Rica in organic plantations.

2 MR. RAMIREZ: (Foreign language
3 spoken.)

4 INTERPRETER: That is his farm in Costa
5 Rica. He is now a member of the cooperative that
6 Christian is heading.

7 MR. RAMIREZ: (Foreign language
8 spoken.)

9 INTERPRETER: He is just 15 kilometers
10 away from Nicaragua, so we are very close to it.

11 MR. RAMIREZ: (Foreign language
12 spoken.)

13 INTERPRETER: The use a spray boom to
14 make the applications of the crop with ethylene.

15 MR. RAMIREZ: (Foreign language
16 spoken.)

17 INTERPRETER: He is explaining how
18 that tank is being used to transport all the
19 ethylene that is used in the field.

20 MR. RAMIREZ: (Foreign language
21 spoken.)

22 INTERPRETER: Okay, he is transporting

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1 it in a very secured manner and has a certain type
2 of valves that secure that it is not going to have
3 any leak or any dangerous situation out of the use
4 of ethylene in the field.

5 MR. RAMIREZ: (Foreign language
6 spoken.)

7 INTERPRETER: After seven or eight
8 months of the pineapple being planted, they will
9 have the first application of ethylene in the
10 fields.

11 MR. RAMIREZ: (Foreign language
12 spoken.)

13 INTERPRETER: That is a fruit of 55
14 days post-application of the ethylene.

15 MR. RAMIREZ: (Foreign language
16 spoken.)

17 INTERPRETER: After these days, they
18 have to combat and prevent the application of any
19 pest and diseases. So, it is very complicated.

20 MR. RAMIREZ: (Foreign language
21 spoken.)

22 INTERPRETER: That is 80 days after the

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1 application of ethylene.

2 MR. RAMIREZ: (Foreign language
3 spoken.)

4 INTERPRETER: That is 100 days, 110
5 days after application.

6 MR. RAMIREZ: (Foreign language
7 spoken.)

8 INTERPRETER: And when it is ready
9 almost to harvest, they have to review the internal
10 condition of the fruits in a random way.

11 MR. RAMIREZ: (Foreign language
12 spoken.)

13 INTERPRETER: This is so important for
14 what he is going to be talking about very soon.

15 MR. RAMIREZ: (Foreign language
16 spoken.)

17 INTERPRETER: These are fruits that
18 have been harvested with a bad application of
19 ethylene. You see the different colors, right?

20 MR. RAMIREZ: (Foreign language
21 spoken.)

22 INTERPRETER: And you see that are some

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1 are more ripe than the others, the ones that are
2 in the bottom.

3 MR. RAMIREZ: (Foreign language
4 spoken.)

5 INTERPRETER: That is the internal
6 condition that is different.

7 MR. RAMIREZ: (Foreign language
8 spoken.)

9 INTERPRETER: And you see the bad
10 application of ethylene has an impact in the
11 quality of the fruit. The ones on the left have
12 been more ripened than the others on the ripe.

13 MR. RAMIREZ: (Foreign language
14 spoken.)

15 INTERPRETER: And this would happen if
16 we don't use ethylene in a correct way. It will
17 be very randomly the whole plantation will behave
18 and how it will ripen.

19 MR. RAMIREZ: (Foreign language
20 spoken.)

21 INTERPRETER: This is just how they
22 harvest the organic pineapple in the fields.

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1 MR. RAMIREZ: (Foreign language
2 spoken.)

3 INTERPRETER: The fruit is green on the
4 outside. This is how we harvest it.

5 MR. RAMIREZ: (Foreign language
6 spoken.)

7 INTERPRETER: With this color, green
8 color, it would look green on the outside but when
9 you go and look at the flesh inside, it will be very
10 nice for the consumer.

11 MR. RAMIREZ: (Foreign language
12 spoken.)

13 INTERPRETER: When he is hearing that
14 people are proposing the use of cold water for the
15 flowering of the pineapple, we have a similar
16 conditions that are present naturally in Costa Rica
17 in December, in the north of Costa Rica, where it
18 is quite cold. We are talking cold, 18, 19 degrees
19 that is how cold it gets in Costa Rica. It is not
20 that fine, you know. But then we have a very
21 awkward and random way of ripening the fruit in
22 natural conditions.

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1 MR. RAMIREZ: Gracias.

2 CHAIR RICHARDSON: Gracias. Thank
3 you. We do have a question for you. Tom.

4 MEMBER CHAPMAN: Is the ethylene
5 always applied via the boom truck equipment that
6 was shown earlier?

7 INTERPRETER: I'm sorry, I didn't hear
8 your question.

9 MEMBER CHAPMAN: Is the ethylene gas
10 always applied via that boom truck?

11 INTERPRETER: (Foreign language
12 spoken.)

13 MR. RAMIREZ: (Foreign language
14 spoken.)

15 INTERPRETER: The only way to apply
16 ethylene in Costa Rica in the fields is with the
17 spray boom.

18 MEMBER CHAPMAN: And is that equipment
19 owned by the cooperative and shared amongst the
20 farmers?

21 INTERPRETER: (Foreign language
22 spoken.)

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1 MR. RAMIREZ: (Foreign language
2 spoken.)

3 INTERPRETER: Normally, the person
4 that owns the land and the plantation owns the spray
5 boom but if he is too small, what he will do is rent
6 it from the person that has it and it will just pay
7 for the use of that service.

8 MEMBER CHAPMAN: Thank you.

9 CHAIR RICHARDSON: Other questions,
10 comments? Thank you very much. Muchas gracias.

11 INTERPRETER: Okay, thank you.

12 CHAIR RICHARDSON: The next speaker is
13 Maykool Lopez, to be followed by Cecilio Barrantes
14 Quesada.

15 MR. LOPEZ: Hi. Good afternoon.
16 Thank you very much for giving us the opportunity
17 to talk to you. My name is Maykool Lopez. I am
18 the Trade Commissioner of Costa Rica, based in New
19 York. I represent PROCOMER, the government agency
20 responsible for promoting Costa Rican products in
21 international markets.

22 I definitely would like to thank the

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1 National Organic Standards Board for giving us this
2 opportunity here.

3 I am going to comment about the impact
4 of the conventional and organic pineapple activity
5 as an economic and social engine in Costa Rica,
6 therefore the effect on the business community,
7 employment and on the people.

8 Costa Rica has thickets of genuine
9 commitment on sustainable production and
10 well-intended economic sectors like pineapple
11 growers, and indeed, the organic pineapple
12 growers. We see this will be seen as an important
13 contributor to the export diversification policy
14 and the development of the country. A change in
15 the worldwide revelations like the use of ethylene
16 in organic pineapple flowering might affect
17 hundreds of people and a good amount of the small
18 and medium-sized producers that work to
19 differentiate its product and complied with market
20 requirements to meet the most strict secure safety
21 and health standards.

22 We are talking about an organized

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1 international industry that has been able to
2 provide commercial scale and certified shipments
3 to consumers to the world. This requires the
4 implementation of a complete business model of
5 processes, programming, and logistics, as you just
6 saw. This model certainly has been implemented
7 not only by large international organizations but
8 also by small and medium-sized companies that have
9 worked with international NGOs, foreign
10 governments and enthusiasts to support the Costa
11 Rican economy, actually to support the Costa Rican
12 talent and very well educated talent.

13 Although Costa Rica has been positioned
14 as number one producer and exporter of conventional
15 pineapple to the world, it is actually the second
16 most important product being exported from Costa
17 Rica. The pineapple has reported 127 exporting
18 companies; 63 percent of them are small and
19 medium-sized enterprises that employ more than
20 200,000 employees in 2014. That actually this
21 group of people provides 89 percent of the
22 conventional pineapple to the U.S. -- to the

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1 pineapple that is being imported by the U.S.

2 Committed with the international
3 trends, the industry has worked hard to create its
4 part to the organic community. Our vision is to
5 keep promoting this community to international
6 trade shows to support our farmers. Organic
7 pineapple represents 16.4 percent of the organic
8 production of the country and it is now it takes
9 a real commercial effort to the world.

10 This is the main product in the Costa
11 Rican organic production and these growers have
12 1352 acres of cultivated and certified organic
13 pineapple.

14 Costa Rica has a track record of working
15 hard to position itself an important player in the
16 most complex and world purpose market. I really
17 would like to invite you to help us protect an
18 economic engine and actually a country that
19 protects the world.

20 Thank you very much.

21 CHAIR RICHARDSON: Thank you very much
22 for your comments. Are there questions for

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1 Maykool? Questions? Thank you. It was very
2 interesting comments and much appreciated.

3 The next presenter Cecilio Antonio
4 Barrantes Quesada. What a name! I tell you we
5 don't have those names in Vermont like that.

6 MR. BARRANTES: Hello. My name is
7 Cecilio Barrantes. Thank you very much for having
8 me.

9 Well, in order to produce organic
10 pineapples for the market, it is very important to
11 use the ethylene, used basically used to further
12 ripen the fruits. Having said that, eradicating
13 this natural compound would have a huge negative
14 impact in the agricultural sector. One of these
15 terrible consequences will be the risk of over 60
16 employees losing their jobs only in our company and
17 a very disadvantaged someone having the difficulty
18 to find a job that can sustain their families.

19 The investment of thousands of dollars
20 into this practice will catastrophic. The
21 commitment with the banks will be also an issue and
22 the end of our years in hard work will be all gone.

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1 Just know that the tendency within the next years
2 will be eating and having a nontoxic diet in all
3 of our homes. Just think about our next
4 generations.

5 Decreasing the probabilities of
6 suffering a deadly disease and boosting the quality
7 of life, we are all here for a good intentions. So
8 my question is, do you want to have a better
9 lifestyle feeding your families with
10 environmentally friendly pineapples, creating a
11 new culture of solidarity for our planet and
12 teaching the consumer that going to the supermarket
13 and buying your organic groceries is a mutual
14 interaction that is not only of great benefit, but
15 it is also contributing to a better change for our
16 society.

17 Last but not least, without the
18 ethylene, the production of thousands of farmers
19 from Costa Rica having a big responsibility with
20 their clients and also being a part of the incomes
21 of the country thanks to the great vision of each
22 and every one of them.

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1 Well, we have heard nothing. We are a
2 part of this movement, this new horizon pointing
3 to the future of more longevity but this is all
4 necessary with the help of the ethylene, being this
5 natural gas and only for all the people thinking
6 ahead of our times.

7 Thank you very much.

8 CHAIR RICHARDSON: Thank you very much
9 for your comments. Are there questions? No
10 questions? Thank you, that was very helpful.

11 MR. BARRANTES: Thank you very much.

12 CHAIR RICHARDSON: The next speaker is
13 Lynn Coody, followed by Dave Zuckerman.

14 MS. COODY: Good evening. My name is
15 Lynn Coody. I am testifying today on behalf of the
16 Organic Produce Wholesalers Coalition, which is
17 comprised of nine businesses that distribute fresh
18 organic produce across the United States and
19 internationally. Many of our businesses were
20 early participants in the organic community and
21 have continued to play an active role in shaping
22 its infrastructure. We work to express our

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1 members' ideas on the issues before the NOSB, as
2 well as to provide a conduit to the Board for the
3 voices of certified growers who supply our
4 businesses. We submitted extensive written
5 comments. So, I will touch on only a few topics
6 today that are before the Crops Subcommittee.

7 First, we support the subcommittee's
8 positions on all petitions they reviewed on
9 laminarin, brown seaweed extract, lignin
10 sulfonate, and sulfuric acid.

11 As far as annotations go, for inerts,
12 OPWC supports the direction proposed by the Crops
13 Subcommittee of using EPA's Safer Choice Program
14 to modernize the system for reviewing inerts. We
15 think this approach balances the requirements to
16 review individual inerts with a recognition of the
17 workload already borne by the NOSB and the NOP to
18 review other types of materials. Our concerns in
19 any changes made to the inerts review system are:
20 A) preserving pest control options for the use of
21 organic farmers; and B) encouraging options for the
22 reformulation of products and development of new

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1 products.

2 As far as micronutrients, we support
3 growers' use of a broader range of methods to
4 justify micronutrient use. Our written comments
5 suggest an alternative wording for the annotation
6 that focuses on verifiable site-specific
7 information as the basis for the justification.

8 On sunset materials, we submitted
9 comments from handlers and growers explaining how
10 and why they used many of the 2017 sunset materials.
11 OPWC supports relisting of many of these materials,
12 based on our finding of their continuing necessity
13 for commercial-scale production of organic fruits
14 and vegetables. We also find that a few of the
15 materials listed for crop production are no longer
16 necessary to our sector. Therefore, we support
17 de-listing of lignin sulfonate, sodium silicate,
18 and microcrystalline cheese wax.

19 Although there too many sunset
20 materials for me to discuss during public comment,
21 OPWC highlights its support for continued use for
22 ethylene for pineapple production, due to the many

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1 responses about these materials that we received
2 from pineapple growers. We acknowledge the
3 continued need for this material, as there is no
4 known alternative to its use and regulation of
5 flowering time is essential to the success of
6 production, harvest, and post-harvest practices
7 used for pineapple imported into the U.S. by our
8 members.

9 Thank you for the opportunities to
10 comment today and we thank all of the Board members
11 for their service to the organic community.

12 CHAIR RICHARDSON: Thank you very much,
13 Lynn. Lynn has already, as you know, submitted an
14 enormous number of written comments. Are there
15 any other questions from the Board at this time?
16 Thank you very much.

17 MS. COODY: Thanks.

18 CHAIR RICHARDSON: The next speaker is
19 Dave Zuckerman, organic farmer, state senator, and
20 maybe he is going to run for lieutenant governor.
21 Who knows? Dave.

22 MR. ZUCKERMAN: Thank you. And it is

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1 important running for, potentially, lieutenant
2 governor of Vermont to know a lot about pineapple
3 production in Central America. So, thank you.
4 That is a lot that I have learned today.

5 I come to you as a production farmer of
6 about 25 acres of vegetables, about a thousand
7 chickens, and 50 to 100 hogs each year, all
8 certified organic, with very diverse vegetable
9 production with respect to running a CSA, which I
10 am sure you are familiar with. And I bring that
11 up because when you have that many different crops
12 and you rotate a lot, you actually can maintain soil
13 health and you can maintain low pest populations
14 without using even many of the things that are
15 allowed for organic production. I spray almost no
16 pesticides, even, just by using row covers and crop
17 rotation. And I point that out because I feel the
18 consumers, in general, believe that organic is more
19 than today what the organic standards are allowing
20 and also that we need to continue to educate
21 consumers about sound production practices that
22 maintain soil health and, in fact, build soil

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1 health because that is really the foundation of
2 organic agriculture.

3 And so I am going to focus just on
4 bringing consumers to organic, rather than
5 bringing organic to consumers. And by that I mean
6 I hope we don't continue to change organic
7 standards to allow quote cheaper ways to produce
8 it that actually lower that soil health question
9 in the long-run. And it is up to you, analyzing each
10 piece as you go, how you come to your conclusions.

11 For me, organic in food production,
12 there is science, there is money, and there is soul.
13 And I hope that as you review what you are
14 reviewing, you apply as much soul as you do the
15 final outcome. Because when I look at my hands,
16 and I don't know if you can see them from where you
17 are, there is dirt in these fingers and that dirt
18 has nutrients, that dirt has microorganisms, that
19 dirt has soul. And when you look at something like
20 waterless production, I think you are taking the
21 soul out of agriculture. And if that is the
22 direction you want to go, then I think you are

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1 taking the soul out of organic.

2 And that is primary what I wanted to
3 speak to you today. Thank you.

4 CHAIR RICHARDSON: Thank you, Dave.
5 Questions for Dave? Thanks very much.

6 MR. ZUCKERMAN: Thank you.

7 CHAIR RICHARDSON: We appreciate your
8 comments.

9 The next speaker is Orlando Rojas,
10 followed by Sam Shaffer Joel.

11 INTERPRETER: I am going to translate
12 for Mr. Orlando. As a matter of fact, he is the
13 first organic grower that I met in Costa Rica
14 myself. So, I am very happy to be translating for
15 him right now.

16 MR. ROJAS: (Foreign language spoken.)

17 INTERPRETER: Good afternoon.

18 MR. ROJAS: (Foreign language spoken.)

19 INTERPRETER: He is Orlando Rojas from
20 Costa Rica.

21 MR. ROJAS: (Foreign language spoken.)

22 INTERPRETER: He represents a small

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1 group association. It is not a cooperative that
2 Christian is heading. It is another small
3 association of growers.

4 MR. ROJAS: (Foreign language spoken.)

5 INTERPRETER: Agronorte is the name of
6 his association.

7 MR. ROJAS: (Foreign language spoken.)

8 INTERPRETER: They are a group of 20
9 farmers with 50 hectares of organic pineapple.

10 MR. ROJAS: (Foreign language spoken.)

11 INTERPRETER: And for the last years,
12 they have been in business for ten years now and
13 they have been able to comply with all the stringent
14 requisites of organic pineapple with hard work and
15 dedication.

16 MR. ROJAS: (Foreign language spoken.)

17 INTERPRETER: What is mentioning right
18 now is that the efforts that they have done as a
19 small producers have allowed them to comply with
20 stringent standards of the U.S. and the EEU for the
21 expert of organic pineapple.

22 MR. ROJAS: (Foreign language spoken.)

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1 INTERPRETER: With this hard work for
2 the last ten years, they have been able slowly to
3 consolidate themselves as a group that can benefit
4 from the opportunities of the export markets in
5 countries like the United States and Europe.

6 MR. ROJAS: (Foreign language spoken.)

7 INTERPRETER: One of the key and
8 fundamental issues for him to be able to maintain
9 a constant volume of product has been the use of
10 ethylene in the growing of the organic plantations.

11 MR. ROJAS: (Foreign language spoken.)

12 INTERPRETER: Ethylene has been
13 fundamental for the flourishing of the organic
14 pineapple in the fields.

15 MR. ROJAS: (Foreign language spoken.)

16 INTERPRETER: As Nestor was saying,
17 that he is building upon his comment is that when
18 he is using ethylene, he is able to have a more
19 robust and more uniform fruit that complies with
20 the standards of the international markets.

21 MR. ROJAS: (Foreign language spoken.)

22 INTERPRETER: It is important for all

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1 of you to know that in the last years that they have
2 been in operation, no one, not one single person
3 has had any problems with health, safety, or
4 whatsoever, with the use of ethylene in the fields.

5 MR. ROJAS: (Foreign language spoken.)

6 INTERPRETER: Well, it is part of their
7 motto to be able to maintain a balance between the
8 production and the protection of the environment.
9 So, under those standards of this association, they
10 are mentioning the importance of the use of
11 ethylene again under these schemes.

12 MR. ROJAS: (Foreign language spoken.)

13 INTERPRETER: Today, this firm, and
14 your friends on the Board decide to take away the
15 ethylene out the production of organic pineapple,
16 it would obliterate me and all the organic producers
17 of organic pineapple in Costa Rica --

18 MR. ROJAS: (Foreign language spoken.)

19 INTERPRETER: -- to give to somebody
20 the keys of the farms of all of these people because
21 this measure make us close our businesses.

22 MR. ROJAS: (Foreign language spoken.)

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1 INTERPRETER: I say this with a lot of
2 respect. He says this with a lot of respect but
3 he is pointing out that it is important for all of
4 you to know that what we have in stake here is the
5 food on the table of their kids.

6 MR. ROJAS: (Foreign language spoken.)

7 INTERPRETER: This is not my only way
8 of thinking.

9 MR. ROJAS: (Foreign language spoken.)

10 INTERPRETER: Well, he is saying that
11 this is also the views, shared views with all the
12 members of Agronorte and that, well, he believes
13 that you should take this into consideration as
14 well.

15 CHAIR RICHARDSON: (Foreign language
16 spoken.)

17 Are there questions from the Board
18 members? Questions? No? Thank you. Thank you
19 very much.

20 INTERPRETER: Thank you.

21 CHAIR RICHARDSON: The next speaker is
22 Sam Shaffer Joel to be followed by Jerome Rigot.

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1 All right, we have lost Sam. Jerome,
2 are you there? Thank you very much.

3 MR. RIGOT: Hi. Hello, my name is
4 Jerome Rigot. I am a pollution analyst for The
5 Cornucopia Institute. I would like to make
6 general comments about the celery powder.

7 Synthetic nitrates or nitrites are
8 commonly used to cure meat. However, because
9 synthetic nitrates are not allowed in organic
10 production, celery powder is used as an
11 alternative.

12 Celery powder produced by chemical
13 intensive agriculture contains artificially
14 induced high levels of nitrates from synthetic
15 source and should be considered as a synthetic
16 compound. Specific variety of celery is selected
17 for its ability to create nitrates and the tissues
18 are grown to produce the celery powder that would
19 be used to cure organic meat products. The crop
20 is extensively fertilized with synthetic nitrates,
21 which are stored in the plant tissues. The celery
22 powder obtained from the plant particularly is

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1 basically the synthetic nitrate from the
2 fertilizer used to grow the crop. This is why we
3 suggest that celery powder should be reclassified
4 under 605(b), allowed synthetics.

5 The evaluation of celery powder must
6 take into consideration the resulting health and
7 environmental hazard associated with the use of
8 pesticide in the nonorganic production of celery.
9 Several toxic pesticides, such as neonicotinoids,
10 as well as organic phosphate and synthetic
11 insecticides are used on celery crops and their
12 residues will end up concentrated in the powder
13 used for curing organic meat products.

14 Nitrates and nitrites have no negative
15 health effects. Nitrates, when used to cure meat
16 products, are actually converted in this
17 fermentation process to nitrites, which are the
18 active components responsible for the curing of the
19 meat.

20 Under high heat conditions, like frying
21 of bacon, or high acid conditions, such as exist
22 in the stomach, nitrates will convert to

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1 nitrosamines, carcinogenic compounds.

2 However, the Handling Subcommittee did
3 not address any health concerns associated with
4 nitrates intake and none of the comments in support
5 of the use of celery powder even mention the known
6 negative health effects associated with dietary
7 intake of nitrates or nitrites.

8 Actually today, there is a WHO report
9 that came out and the report adds comparing cured
10 meat products, the least of cancer-causing agents.
11 That is just today.

12 No TR was ever compiled for celery
13 powder. A TR would help assess the safety of
14 celery powder and the availability of a viable
15 alternative, organic or not. The TR would also
16 help betterment the current availability of
17 organic celery for the production of celery powder,
18 which must be further investigated.

19 Apparently, there are no viable
20 alternatives for conventionally grown celery
21 powder and in consideration to potential hardship
22 to organic farmers, The Cornucopia Institute

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1 supports celery powder reclassification to
2 205.605(b), synthetic allowed.

3 In addition, Cornucopia calls for
4 additional research to develop a viable organic
5 alternative within the next five years.

6 Thank you for your attention.

7 CHAIR RICHARDSON: Thank you very
8 much. Any questions from the Board? Thank you.

9 MR. RIGOT: Thanks.

10 CHAIR RICHARDSON: The next speaker is
11 Dave Folino. Dave are you here? And following
12 Dave will be Mabell Rivas.

13 MR. FOLINO: Hi. My name is Dave
14 Folino and I know Jean because she inspected our
15 sugar bush a number of years ago.

16 I am an organic maple syrup producer
17 from about an hour south of here. We tap 15,000
18 maple trees and generally make between 5,000 and
19 7,000 gallons of syrup a year. But I am not here
20 to talk about my own operation.

21 What I would like to discuss is trying
22 to reduce the fragmentation of organic standards

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1 for maple syrup across the maple producing regions
2 of the United States.

3 Maple syrup is made from wild trees
4 throughout the northeastern part of the U.S. and
5 the southern northeast part of Canada. Most of it
6 is made in Canada but the United States is gaining
7 ground on Canada, in terms of worldwide production.

8 In the United States, Vermont leads
9 production followed by New York and Maine but all
10 of the prominent regions in the United States have
11 different organic rules. So, none of the
12 producers play by the same rules, if they come from
13 a different state. Things such as how big the
14 trees need to be when you tap them are different
15 and a number of other very more technical things.

16 So, even though the syrup could end up
17 in a barrel and could end up ten miles from here
18 in a big warehouse, if it comes from one of the
19 different regions, it will all be labeled organic,
20 it will all be sold probably for the same price,
21 and it will all be made under different organic
22 rules.

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1 So, my request, and I appreciate the
2 opportunity to speak to the Board, is that if there
3 could be some way that the rules could be harmonized
4 and standardized in a national way, it would even
5 the playing field for all the producers. Right
6 now, it is a big hodge-podge. Almost every
7 prominent state has their own rules. Canada has
8 different rules. Canada's are in metric system,
9 so that makes their trees happens to be that their
10 trees are smaller because the metric system, a nice
11 unit, was 7.8 inches instead of 9 inches. I mean
12 just little things like that but they make a big
13 difference.

14 That is basically what I would like to
15 ask for and any help that I could give in that
16 effort, I would be happy to do. I'm not even doing
17 this for myself. We sell almost all of our syrup
18 directly to consumers and we don't even put any into
19 a barrel and we are not too worried about selling
20 our crop.

21 CHAIR RICHARDSON: Thank you very
22 much, Dave. Are there questions, comments? Yes,

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1 Tom.

2 MEMBER CHAPMAN: To clarify, when you
3 say, and I am talking within the U.S. not about
4 Canada, when you say there are different standards
5 by different regions, you are meaning standards in
6 addition to the current NOP Organic Standards vary
7 from state to state?

8 MR. FOLINO: Yes, they do. Places
9 like Maine, Massachusetts, New York State, and
10 Vermont, all have their own rules and they all
11 differ in a lot of small ways.

12 MEMBER CHAPMAN: Related to maple
13 production or organic maple production?

14 MR. FOLINO: Organic maple production.

15 CHAIR RICHARDSON: Yes, just to
16 clarify, the Vermont Organic Farmers has what are
17 called Maple Syrup Production Guidelines because
18 there isn't a specific NOP rule that covers the
19 maple syrup. Therefore, Maine has their own and
20 New York and so on. So, there is a lack of
21 consistency in certification.

22 MR. FOLINO: That's exactly right.

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1 CHAIR RICHARDSON: So that will be
2 something I hope which will be being addressed.
3 And I am assuming that you are working with VOF to
4 bring that to the attention of the NOP.

5 MR. FOLINO: Yes.

6 MR. MCEVOY: Yes, it sounds like there
7 is one organic standard, so all of these certifiers
8 should be following the same USDA organic
9 regulations. If they have additional
10 requirements, then it is -- I'm a little lost on
11 how that is possible. So, we will talk to you and
12 get some information from the certifiers on this
13 particular topic.

14 I know that Canada, in our equivalency
15 discussions with them, we meet with them on a
16 regular basis, have requested that there are more
17 specific organic maple requirements in the U.S. for
18 purposes of equivalency. But it is like there are
19 many parts -- many things that are certified under
20 the general organic regulations, mushrooms, in
21 particular, aquiculture, where we are still
22 working on putting the recommendations from the

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1 NOSB into more of a regulatory context. But I
2 don't think the NOSB has ever looked at a standard
3 for organic maple production. They have? No,
4 they haven't. Okay.

5 So, maybe another thing for the work
6 agenda.

7 CHAIR RICHARDSON: Our work agenda
8 gets longer. Thank you, David, for your comments.
9 They are very much appreciated.

10 MR. FOLINO: Thank you very much.

11 CHAIR RICHARDSON: The next speaker is
12 Mabell Rivas, of QAI, followed by Tyler Smith.

13 MS. RIVAS: Hello, Mabell Rivas,
14 Senior Reviewer at QAI.

15 Since 1998, I have been working for
16 organic certifiers, throughput users, and
17 processors in the U.S. and Latin America. Thank
18 you for the opportunity to comment on behalf of QAI.

19 First of all, I would like to recognize
20 and thank this Board for the extraordinary that it
21 has done working through the sunset list. I found
22 the information provided in each NOSB proposal to

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1 be informative, detailed and comprehensive.

2 Thank you also for your efforts that you
3 have put into the new ancillary substances
4 proposal. We appreciate it, the general approach
5 that you have taken with it.

6 The idea of establishing function of
7 classes is a good one. It is important, however,
8 that the process for petition of additional
9 function of classes be well spelled out. Also, we
10 would like to say good job on function of classes
11 for pectin. We compared what is in the proposal
12 with the spec sheets that are in our records and
13 the function of classes proposal are accurate.

14 Let me quickly touch on the specific
15 materials that we have addressed in the written
16 comment. Flavors. We concur with OTA that the
17 level of certain flavors in organic form has
18 increased, as the industry has grown. However,
19 keep in mind that nonorganic, non-agricultural
20 flavor ingredients used in the making of organic
21 certified flavors are not, to our knowledge,
22 available. These flavor ingredients are

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1 currently be approved based on the listing of
2 flavors in 605.

3 The requirement of violating
4 commercial availability for organic flavor
5 manufacturers might not be a very sound and
6 sensible approach but more of a paper chase.

7 Tocopherols. We feel that there is not
8 enough information to tell with certainty that the
9 tocopherols are being used, although they derive
10 from natural oil, should be deemed non-synthetic.
11 Let's first finalize guidance on classification of
12 materials and then get to work on moving materials
13 from 605(b) to 605(a).

14 There are two new points that I would
15 like to make here today. First, regarding humic
16 acid. There are 17 QAI clients using humic acid.
17 Humic acid appeared to be a great tool for
18 increasing soil organic matter one of the basic
19 principle for organic farming. Based on the
20 background of discussions you have had, it appears
21 that there are some concerns related to the use of
22 synthetic extractions processes.

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1 Then, let's work on classification of
2 material final guidance and then assess whether
3 further restrictions should be applied to this
4 material.

5 And I would like to close with this
6 general comment. In the spirit of sound and
7 sensible, we encourage consistency of criteria
8 whenever possible when assessing different uses
9 for a material across the production chain. In
10 some situations, we, as a certifier, find ourselves
11 on the fence of our materials that are approved for
12 certain functions but not for others.

13 For example, ozone gas, a naturally
14 occurring substance currently allowed for the
15 cleaning of an irrigation line but not but is
16 disallowed for contacting with soil. Ethylene gas
17 might be in a similar situation. It seems that the
18 NOSB members has released it for crop production
19 but not for use in post-harvest handling.

20 CHAIR RICHARDSON: Thank you very
21 much. Questions? Tom.

22 MEMBER CHAPMAN: Can you explain further

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1 what you meant by the flavor proposal not being
2 sound and sensible?

3 MS. RIVAS: Yes. Like I said in my
4 comment, currently, organic certified flavors,
5 some type of flavors, are composed of nonorganic,
6 nonagricultural flavor ingredients. And right
7 now was as the certifiers the way we assess those
8 is based on the annotation of 605.

9 So, if we are changing the annotation
10 to request commercial availability, we are talking
11 her about organic flavor manufacturers, it may not
12 be a sound and sensible approach because those
13 flavor ingredients are not available in organic
14 form, to our knowledge.

15 MEMBER CHAPMAN: Yes. So, are you
16 speaking about the flavoring constituents' portion
17 of the flavor?

18 MS. RIVAS: Yes, I am talking about
19 organic required flavors. We certify organic
20 flavor manufacturers. Correct.

21 MEMBER CHAPMAN: And is your comment
22 specifically about the flavoring constituent

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1 portion or the non-flavoring constituent portion
2 of the flavor.

3 MS. RIVAS: For the flavor
4 constituents. Those will fall under the listing
5 of 605.

6 MEMBER CHAPMAN: So, you are saying it
7 is a paper chase or potentially paper chase for an
8 organic flavor that is organic because it is 95
9 percent organic alcohol and five percent some other
10 flavor constituent.

11 MS. RIVAS: Flavoring ingredient.
12 Correct.

13 MEMBER CHAPMAN: Okay, thank you.

14 CHAIR RICHARDSON: Other questions?
15 Thank you very much.

16 MS. RIVAS: Thank you.

17 CHAIR RICHARDSON: The next speaker is
18 Tyler Smith to be followed by Julie Weisman.

19 MR. SMITH: Good evening. My name is
20 Tyler Smith. I am an epidemiologist and
21 environmental health scientist with Consumer
22 Reports Food Safety and Sustainability Center. I

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1 oversee their food safety testing.

2 Earlier today, my colleague, Dr.
3 Rangan, mentioned our commitment to sustainable
4 agriculture and the importance of organic farming
5 to sustainability. Indeed, many of our tests have
6 repeatedly found that more sustainable, often
7 organic, food is safer or offers substantial value
8 to consumers compared to conventionally produced
9 food and we frequently recommend that consumers
10 choose organic food options, when available.

11 In fact, most recently, tests published
12 in the October issue of *Consumer Reports* found that
13 ground beef that was organic grass fed and/or
14 raised without antibiotics was half as likely as
15 conventionally produced ground beef to carry MRSA
16 or bacteria that are resistant to three or more
17 classes of antibiotics.

18 Importantly, we found that even more
19 sustainably produced beef, that is beef that is
20 grass fed and raised without antibiotics, was
21 one-third as likely as conventionally produced
22 ground beef to carry these bacteria.

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1 So, in our beef report, which is
2 available on the table out there for free, we
3 recommend that consumers choose organic grass fed
4 beef whenever possible and I encourage everyone to
5 take a look at the report.

6 We strongly believe that organic is an
7 important foundation for sustainable agriculture.
8 And indeed, we hope that the NOSB will use this
9 meeting to build upon that foundation. There are
10 several important opportunities on the agenda
11 related to what I just mentioned, although in a
12 different species. It concerns us that
13 antibiotics can be used in hatcheries in day-old
14 chicks that will be raised as organic, even when
15 research clearly links this practice to the
16 emergence and spread antibiotic resistance. And
17 we hope that the NOSB will take up this issue at
18 this meeting as we have been informed by Secretary
19 Vilsack that they will.

20 It is also important that the NOSB
21 review the safety of so-called inert ingredients
22 prior to their inclusion on the National List. The

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1 review of synthetics prior to their inclusion on
2 the National List is critical to organic integrity,
3 as well as consumer trust in the organic label.

4 We, therefore, disagree with the Crops
5 Subcommittee's proposal to replace this review
6 with the EPA's Safer Chemical Ingredients List.
7 Instead, we urge implementation of the NOSB
8 recommendation adopted unanimously in 2012 to
9 independently review synthetic materials
10 identified as inert or other ingredients in
11 pesticide products used in organic production in
12 a transparent fashion. We believe that the list
13 can serve as a way to prioritize review, as we
14 understand resources can be limited but it should
15 not be a replacement for NOSB review. Thank you
16 very much.

17 CHAIR RICHARDSON: Thank you for your
18 comments. Questions?

19 And it is my understanding that we will
20 be getting on the work agenda the day-old chick
21 issue for antibiotics.

22 MR. SMITH: Wonderful. Thank you very

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1 much.

2 CHAIR RICHARDSON: Thank you.

3 The next speaker is Julie Weisman and
4 last but not least will be Gwendolyn Wyard.

5 MS. WEISMAN: Deputy Administrator
6 McEvoy, Chairperson Richardson, and members of the
7 National Organic Standards Board, thank you for the
8 opportunity for letting me comment. And thank you
9 also for your service, especially to those of you
10 for whom this is your last meeting. I remember
11 what that feels like.

12 My name is Julie Weisman and I am
13 speaking today as a representative of Elan, which
14 is a producer of both organic and nonorganic
15 flavors and flavor ingredients, especially organic
16 vanilla. Flavorganics is a national brand of
17 certified organic flavors, flavor products for
18 home use. And along with our affiliate, Natural
19 Flavors, Inc., we have been making certified
20 organic flavors since 1997.

21 I have been an organic consumer for the
22 past 30 years and as a former NOSB member and past

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1 chair of the Handling Committee, I am intimately
2 familiar with the issue and the process that you
3 are engaged in.

4 My request is short and simple, that
5 flavors be relisted on 205.605(a) and that the
6 annotation of flavors, such as the OTA petition was
7 for, be amended to require those using nonorganic
8 flavors to demonstrate why they couldn't use an
9 organic flavor and that is really it.

10 I know it seems strange that as a major
11 supplier of organic flavors, I would be imploring
12 you to bless the continued use of an ingredient that
13 competes with my own but here is why. Flavors,
14 nonorganic flavors are essential to the continued
15 sales of the majority of organic agriculture
16 products grown and raised in the U.S. The fact of
17 the matter is that the glass half empty view is that
18 most organic certified products that use flavors
19 only 20 percent of them use organic flavors and 80
20 percent of them do not. So, if you let flavors
21 sunset, I think that would be a train wreck for this
22 industry over an item that is present in organic

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1 consumer products in concentrations of less than
2 four-tenths of a percent.

3 And the reason why is because there is
4 not a sufficient supply of all the organic raw
5 materials needed to replace those that would be
6 lost. And developing new organic ingredients,
7 which I have been involved in, is a long dance
8 between the developer and the marketplace. It may
9 be possible, theoretically to develop a process to
10 make an agreement as certified organic and that
11 doesn't mean that companies capable of making such
12 an ingredient are inclined to do so.

13 And secondly, as the previous commenter
14 pointed out, organic flavors, themselves, would be
15 at risk and I guess it is not so shocking at this
16 point but certified organic flavors do rely, to a
17 small degree in volume, but a large degree in taste
18 impact on ingredients that are considered flavors
19 non-synthetic.

20 I also think that moving them to 606 is
21 not a solution. You can ask me why later. I think
22 that the combination, as I said before, of

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1 relisting them and including an annotation is the
2 most workable solution to the problem. Thank you
3 for your time and for letting me make this comment.

4 CHAIR RICHARDSON: Thank you Julie.
5 Do we have questions for Julie? No. Thank you
6 very much.

7 The last speaker of the day, I think.
8 Is she the last one? You mean we don't have any
9 more after this?

10 Okay, Gwendolyn, you are up.

11 MS. WYARD: Good evening Madam Chair,
12 NOP staff, and ladies and gentlemen of the gallery,
13 and they are dwindling.

14 My name is Gwendolyn Wyard and I serve
15 as the Senior Director of Regulatory Affairs for
16 the Organic Trade Association. Three minutes is
17 but a fleeting amount of time and we have submitted
18 extensive written comments. So, I am going to take
19 this opportunity to just say a few words about OTA's
20 petition on natural flavors and answer any
21 questions that you may have.

22 First off, the Organic Trade

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1 Association firmly believes that the National List
2 should continue to reflect the best and least toxic
3 technology our food system has developed. We are
4 also fully committed to the development and use of
5 organic seed and to the development and use of
6 organic ingredients and processing aids that are
7 currently allow in nonorganic form.

8 It is for this reason that we submitted
9 our petition to require the use of organic flavors
10 when they are commercially available, and more
11 recently convened the OTA National List Innovation
12 Working Group.

13 In 1995, when NOSB made its
14 recommendation to allow natural flavors in organic
15 products, there were zero certified organic
16 flavors. In 1995, the Board anticipated that
17 organic flavors were possible. And, accordingly,
18 drafted additional language that would push the
19 industry to work towards the development of organic
20 flavors. Unfortunately, that part of their
21 recommendation was not adopted by NOP.

22 Regardless, today, we have over 2,146

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1 certified organic flavors and over 189 certified
2 suppliers, based the 2014 ACA survey. This
3 progress was made without any requirement to use
4 organic flavors. All use at this time is
5 voluntary. So, can you imagine where we can go if
6 our petition is adopted?

7 The Handling Subcommittee states that
8 our petition does not go far enough and that we need
9 to push the industry along the lines of the 1995
10 recommendation.

11 We absolutely agree that our work is not
12 done but I want to clarify that our petition not
13 only captures the 1995 recommendation but it
14 actually takes it a step further by requesting a
15 mandatory requirement to use certified organic
16 flavors when they are available. Keep in mind that
17 the 1995 recommendation did not require certified
18 operators to use certified organic flavors. It
19 simply required operators to demonstrate in the
20 organic systems plan, the efforts being made
21 towards the ultimate production of a certified
22 organic flavor.

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1 In 1995, certified organic flavors
2 didn't exist. So, that recommendation made sense
3 at that time.

4 But we are way beyond the days of
5 demonstrating efforts to produce an organic
6 flavor. That is so 1995. The flavor houses have
7 that covered.

8 In 2015, when over 2,000 certified
9 organic flavors are available, certified operators
10 simply need to be required to use organic flavors,
11 if they are available.

12 From here on out, we need to ramp up the
13 supply of organic flavors, get certifiers
14 additional guidance and training on carrying out
15 commercial availability requirements and bring
16 fair and consistent enforcement to the process.

17 In closing, OTA drafted a petition that
18 we believe will work within the constructs of
19 current certification system and the current
20 supply of organic flavors. To vote no on the
21 Handling Subcommittee's proposal is a no vote to
22 progress. Thank you.

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1 CHAIR RICHARDSON: Thank you
2 Gwendolyn. Questions? Tracy.

3 VICE CHAIR FAVRE: I guess I am a little
4 confused about the reluctance to vote in favor of
5 this proposal, given, as I understand, if organic
6 flavor is not available, then they are allowed to
7 use conventional.

8 So, can you speak to that a little bit?
9 We are getting comments back from some folks that
10 there is dire consequences if we do this, blah,
11 blah.

12 I don't mean to demean that. I'm just
13 saying it is a very complicated issue and I am
14 curious.

15 MS. WYARD: Explain to me one more time
16 what the reluctance is to say to adopt the proposal?

17 VICE CHAIR FAVRE: Well, we have
18 received public comment that indicates people are
19 reluctant for us to adopt this proposal because of
20 concerns about that.

21 MS. WYARD: Well, it is going to take
22 additional work. There is no question about that.

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1 It is going to take additional time and it is going
2 to take additional resources. It is going to bring
3 everybody up to a level playing field.

4 Right now, there are companies that
5 have been using certified organic flavors, and I
6 am talking we are ranging from simple extracts that
7 are just made using peppermint leaves and alcohol,
8 to more of your compounded flavors that we have
9 heard mentioned today where you have alcohol and
10 flavor constituents and organic concentrates.
11 There is a broad range of flavors and, in some
12 cases, it is going to be straightforward, but
13 everybody is going to have to do a little bit more
14 work so that everybody is at the same level. The
15 company right now is taking all the time and
16 resources to source and use organic flavors. Now,
17 everybody is going to have to do that.

18 So, I think it is the reluctance to
19 change and the additional work that it is going to
20 take but I don't think we can continue to have all
21 of these companies and all these flavors that are
22 being used by some and not others. If you look at

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1 all of the time and effort that is being spent on
2 looking for ingredients to come off of 205.606 when
3 you may only have one supplier, you know, and very
4 limited availability, this is -- you know I started
5 commenting in favor of requiring commercial
6 availability for organic flavors in 2004. This is
7 what, my 26th time being here? It is just time we
8 do this.

9 It is the right thing to do. And I get
10 that it is going to take a little extra work.

11 CHAIR RICHARDSON: Tracy, follow-up?

12 VICE CHAIR FAVRE: Yes. So, how do you
13 address the comments that we have received that for
14 certain formulations, certain flavor formulations
15 have to be used. Can you speak to that?

16 MS. WYARD: So, I have heard there are
17 some flavors that are certified organic because
18 they contain 95 percent certified organic
19 agricultural material. Now, if they are being
20 labeled as an organic flavor, there is going to be
21 some organic flavor component in there. And there
22 are some labeling issues that I believe is going

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1 to need to be addressed by NOP but it is a separate
2 issue and I really don't want to see that get in
3 the way of certified organic flavors and the
4 petition that we are submitting.

5 But what is going to happen is that this
6 requirement to use organic flavors is also going
7 to apply to the flavor houses. So the flavor house
8 right now is making a certified organic flavor and
9 they are using a natural flavor when there is an
10 organic flavor that is out there, they will have
11 to use it, too. So, it is going to push everyone
12 towards the ultimate production of an organic
13 flavor that is 99.9 percent organic. You are going
14 to have maybe citric acid or tocopherol, or some
15 of these other nonagricultural 605 ingredients in
16 there. It might never be 100 percent organic but
17 it is going to push everyone towards the ultimate
18 production of a flavor that contains close to 100
19 percent organic everything, agricultural
20 components plus organic flavors.

21 CHAIR RICHARDSON: Okay. Any more
22 questions? Michelle? Oh, Harold.

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1 MEMBER AUSTIN: Thank you, Jean.

2 MS. WYARD: Oh, good. I was going to
3 say take down my infographics so that I can see.
4 Hi, there.

5 MEMBER AUSTIN: Over here. Did you
6 ever think that you would see this day come, that
7 we would be communicating at one of these meetings
8 in this manner?

9 MS. WYARD: Absolutely.

10 MEMBER AUSTIN: I figured we would see
11 pigs fly first, but yet, here we are.

12 My question: Why do you think that the
13 NOP did not include the NOSB's 1995 recommendation
14 to require organic in the final rule?

15 MS. WYARD: Well, I think probably NOP
16 is going to be the best ones to answer that. And
17 so I am going to invite you to step in.

18 But I will take a shot at my thoughts
19 on it because I think it is important to the genesis
20 of this issue. Miles, with your permission, or I
21 can just turn it over to you.

22 MR. MCEVOY: I have no idea.

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1 MS. WYARD: Okay. Well, then I will
2 take a shot at it.

3 I don't think it was to inhibit progress
4 towards the production of organic flavors. I
5 don't think that was it at all. I think the issue
6 is that flavors were put onto the nonagricultural
7 list. The nonagricultural list was created
8 because in process products you have these minor
9 ingredients that are essential to a process product
10 but you can't get them in organic form, period,
11 because they are nonagricultural and the
12 regulations certify agricultural products.

13 So, they wrote a recommendation for
14 flavors that were put on the nonagricultural list
15 and I am envisioning the general counsel and the
16 lawyers that are looking at the rule as it is being
17 written and they are scratching their heads, going
18 we are going to require operators to write up
19 descriptions in the organic systems plan,
20 demonstrating their efforts to produce an organic
21 flavor when it is being listed as something that
22 can't be organic. I think they just ran into a

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1 technical SNAFU and did the best they could.

2 CHAIR RICHARDSON: All right, that is
3 the only answer you are going to get, Harold. And
4 I should note for the record that Harold Austin has
5 his third set of clothes on for the day. The record
6 should show the rest of us have had to stay in our
7 outfits all day. And he probably just has running
8 trunks on underneath. So, who knows.

9 MS. WYARD: Thank you everyone so much
10 for your time and all of your service.

11 CHAIR RICHARDSON: Okay, thank you,
12 Gwendolyn.

13 All right, that brings us to the end of
14 today's presentations and public comments. And we
15 look forward to seeing you again here at 8:30
16 tomorrow morning.

17 (Whereupon, the above-entitled matter
18 went off the record at 6:24 p.m.)

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UNITED STATES DEPARTMENT OF AGRICULTURE

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NATIONAL ORGANIC STANDARDS BOARD

+ + + + +

FALL 2015 MEETING

+ + + + +

TUESDAY

OCTOBER 27, 2015

+ + + + +

The Board met in the Pinnacle Room of the Stoweflake Conference Center, Stowe, Vermont, at 8:30 a.m., Jean Richardson, Chair, presiding.

PRESENT

- JEAN RICHARDSON, Chair
- TRACY FAVRE, Vice Chair
- HAROLD AUSTIN, Secretary (via Skype)
- CARMELA BECK
- COLEHOUR BONDERA
- TOM CHAPMAN
- LISA DE LIMA
- NICK MARAVELL
- ZEA SONNABEND
- ROBERT "MAC" STONE
- ASHLEY SWAFFAR
- JENNIFER TAYLOR
- FRANCIS THICKE
- C. REUBEN WALKER

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ALSO PRESENT

MICHELLE ARSENAULT, Advisory Board Specialist,
National Organic Program

LISA BRINES, National List Manager, National
Organic Program

EMILY BROWN ROSEN, Agricultural Marketing
Specialist, National Organic Program

PAUL LEWIS, Director, Standards Division,
National Organic Program, USDA

SAM JONES, AMS Public Affairs Specialist

MILES MEVOY, Designated Federal Officer,
Deputy Administrator, National Organic
Program

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

2 (8:33 a.m.)

3 CHAIR RICHARDSON: Good morning
4 everybody, I'm very pleased to start this morning's
5 meeting. A bright sunny morning, about 25 degrees
6 out there when I woke up this morning. Just
7 lovely, sorry for you folks that live in warmer
8 climates. It'll be sunny all day so take advantage
9 and zip up over the Notch at lunch time if you can,
10 because it's going to rain tomorrow and the Notch
11 is open, so it should be beautiful to see the sort
12 of leaves on the trees.

13 The first thing I'd like to do this
14 morning is introduce to you Jenny Moffitt. She's
15 the Deputy Secretary of the Department of Food and
16 Agriculture from the great state of California.
17 Jenny.

18 MS. MOFFITT: Hi, good morning, Dr.
19 Richardson. I'm glad to be here in one of my most
20 favorite states, of course besides California.
21 And to be here to speak at the National Organic
22 Standards Board.

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1 First off I just want to thank you for
2 all of your hard work and dedication. I know it
3 takes a lot of time. But I appreciate, and I think
4 the organic industry really appreciates the work
5 that you guys do on behalf of the community.

6 This past January, Governor Brown,
7 appointed me as the Deputy Secretary for the
8 California Department of Food and Agriculture.
9 But most people here in this room know me as an
10 organic farmer. Born and raised on my family's
11 organic walnut farm, I am a proud fifth generation
12 California farmer. But I'm an even more proud
13 organic farmer.

14 At CDFA, I work on policy related to
15 climate change, water, land use. But organic is
16 really where my heart is. And it's an important
17 industry to California and to CDFA. According to
18 USDA's 2014 organic survey, California is the
19 largest organic producing state with over 40
20 percent of all organic production in the nation.

21 Our 2800 California organic farmers and
22 ranchers account for 2.2 billion in organic sales.

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1 California is unique in that we are the only state
2 that has a nationally accredited state organic
3 program. As such, California is responsible for
4 adopting and upholding the National Organic
5 Standards.

6 Since 2003, the State Organic Program
7 has worked alongside organic producers and the
8 California Organic Products Advisory Committee
9 also called COPAC, to ensure consumers can trust
10 the integrity of the organic claim.

11 Often members of CDFA's COPAC are also
12 members of the National Organic Standards Board.
13 For instance, we have Tom Chapman as both a member
14 of COPAC and NOSB.

15 The State Organic Program staff and the
16 state's network of county agricultural
17 commissioners are responsible for verifying that
18 organic certification, offenders, and Farmers
19 Markets, conducting an unannounced inspections of
20 operations.

21 We also sample organic products for
22 pesticide residue testing. We conduct complaint

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1 investigations. Last year we conducted 85
2 investigations alone. And we process appeals and
3 provide due process.

4 As Melody Meyer, who is Chair of COPAC,
5 mentioned yesterday, CDFA just announced the
6 launch of a GMO testing pilot project for organic
7 products. The goal of this pilot project is to
8 gather data to determine presence, and if present,
9 the level of GMOs in organic products sold in
10 California. These results will help inform us on
11 next steps.

12 CDFA also has an Organic Input
13 Materials Program. In 2010 the state of
14 California passed legislation establishing an
15 Organic Input Material Program within CDFA's
16 Fertilizing Materials Inspection Program. This
17 legislation was designed to address concerns about
18 the integrity of fertilizing materials marketed
19 for our use in certified organic growing.

20 The organic material program registers
21 for licensing materials to be used organic crop
22 production. We maintain a list of approved

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1 organic input materials or OIM products on our
2 website. We also maintain a database that
3 includes the status of all approved and in process
4 applications.

5 All OIM labels are required to be
6 reviewed and registered with CDFA before they can
7 be marketed in California. The program's
8 scientific staff performs extensive scientific
9 review of OIM product source ingredients and
10 manufacturing processes and ensures that the
11 product meets the USDA National Organic Standards.

12 In addition, each OIM manufacturing
13 facility is inspected annually by the field staff,
14 and samples are taken at various stages of the
15 manufacturing process to validate label claims and
16 guarantees. This new program was implemented in
17 January 2012.

18 Dale Woods is here with me today, and
19 he manages the program. Currently, over 1500 OIM
20 projects are registered with CDFA and the program
21 has inspected 150 OIM manufacturing facilities.
22 The OIM program was ISO-17065 accredited just this

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1 past January by USDA AMS.

2 We're here for the rest of the week, and
3 we're happy to talk with you more about the program.
4 Pull me aside or pull Dale aside, and we'd love to
5 talk with you guys more about that. But again, I
6 wanted to thank you guys for your commitment, for
7 your time, and for your energy serving on this
8 Board. Thank you.

9 CHAIR RICHARDSON: Thank you very much
10 for your comments. Are there any immediate
11 questions from the Board? You'll be with us this
12 evening I hope?

13 MS. MOFFITT: Yes.

14 CHAIR RICHARDSON: At the reception.
15 Okay, thank you very much.

16 First of our public comment speakers
17 this morning is Maddy Monty, from NOFA Vermont. If
18 you'd like to come up Maddy? And she'll be
19 followed by Vern Grubinger. For those of you who
20 are new here today, weren't here yesterday. We do
21 have a seat up here behind Michelle Arsenault, who
22 is our -- the person who does all the work here and

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1 makes everything function actually, up near the
2 microphone.

3 If the person who's sort of on deck,
4 would like to come up there, then we can move along
5 as quickly as we can do. And each of you will
6 notice that there are little lights that come on.
7 Michelle, can you explain those lights again, I
8 can't remember exactly how they go?

9 MS. ARSENAULT: Yes, so there are three
10 lights on the timer on the podium. Red, yellow,
11 and green although it looks orange to me. The
12 orange light will come on when you have one minute
13 left of your three minutes. And it will blink
14 obnoxiously. And then when the timer goes off,
15 it's very loud and obnoxious. And you'll know your
16 time is up.

17 CHAIR RICHARDSON: Thank you.

18 MS. ARSENAULT: And there's also a
19 remote on the podium, so if you have a PowerPoint
20 presentation, you can advance your slides
21 yourself. The right and left arrows will do that.

22 MS. MONTY: Thanks. Good morning.

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1 I'm just going old school with the pad of papers
2 today. My name is Maddy Monty and I'm here today
3 on behalf of the Northeast Organic Farming
4 Association of Vermont and our roughly 1300 members
5 throughout Vermont and other northeast states.

6 I appreciate this opportunity to
7 provide comment to the Board. I'd like to share
8 comments today on two general topics including the
9 certification of hydroponic operations and GMO
10 prevention guidance.

11 NOFA Vermont supports the Board's 2010
12 recommendation that hydroponic operations be
13 prohibited from obtaining organic certification.
14 We believe the maintenance and management of
15 organic matter in the soil is the foundation of
16 organic farming.

17 And we request a moratorium on the
18 certification of any new hydroponic operations
19 until the Board is able to review the findings of
20 USDA's newly created Hydroponics Task Force. And
21 until NOP puts out a proposed rule based on the
22 Board's 2010 recommendation.

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1 The longer NOP waits to clarify this
2 policy, the more hydroponic systems will become
3 certified and the harder it will become to
4 institute a change. So again, we would like to see
5 action on that issue in accordance with the NOSB's
6 2010 recommendation.

7 Secondly, we feel the prevention of GE
8 contamination is a very critical issue to Vermont's
9 organic farmers and those throughout the country.
10 We appreciate the good work the Board has done on
11 this subject up to this point but feel that much
12 more still needs to be done.

13 The responsibility to prevent GE
14 contamination must not continue to fall solely on
15 organic producers. And we request that USDA and
16 NOP develop a Memorandum of Understanding that
17 agrees to require GE growers and patent-holders to
18 adhere to mandatory contamination prevention
19 measures.

20 And that's all I have for today, and
21 I'm happy to answer any questions that there are.

22 CHAIR RICHARDSON: Thank you, Maddy.

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1 Are there questions from the NOSB? Yes, Nick.

2 MEMBER MARAVELL: Do you have a draft
3 of such a Memorandum of Understanding?

4 MS. MONTY: I personally haven't seen
5 a draft of such an MOU, but I'd be happy to reach
6 out to our partner organizations; NOFA is a
7 participating member in the National Organic
8 Coalition. And I know that this is something that
9 they have supported in their comments as well, and
10 I'd be happy to check in with them and see if they
11 have drafted such a memo.

12 MEMBER MARAVELL: That would be good,
13 and forward it to the Board.

14 MS. MONTY: Okay.

15 CHAIR RICHARDSON: Tom has a question.

16 MEMBER CHAPMAN: I understand your
17 concerns with hydroponics. Do you have similar
18 concerns with greenhouse operations?

19 MS. MONTY: No, I wouldn't say that
20 NOFA has similar concerns about greenhouse
21 operations that are growing in soil mediums. Our
22 concerns are primarily around soilless mediums and

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1 hydroponics in particular.

2 CHAIR RICHARDSON: Thank you very
3 much, Maddy.

4 MS. MONTY: Thank you.

5 CHAIR RICHARDSON: Next speaker is Dr.
6 Vern Grubinger, and he'll be followed by Greg
7 Jackmauh.

8 MR. GRUBINGER: Good morning, I'm Vern
9 Grubinger. I'm the vegetable and berry
10 specialist, University of Vermont Extension, and
11 I've been working with organic farmers for over 25
12 years in the state and the region. And I wanted
13 to talk about the issue of copper fungicides for
14 disease control in crops.

15 Currently as it stands, as an extension
16 person making pest control recommendations for
17 some serious diseases such as leaf blight on
18 potatoes and tomatoes, which are really high value
19 crops in this region, we don't have good
20 alternatives to copper.

21 And copper is marginally effective, but
22 it's really better than anything else we can

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1 recommend. And I want to endorse your research
2 priority to seek out alternatives. But until
3 alternatives are proven, I urge you to keep the
4 fixed coppers on the list.

5 This past year, we did try and get some
6 other materials into the state that research had
7 shown as pretty effective. The EF-400 is one
8 botanical material, but we were unable to actually
9 get it registered even in Vermont, even though it
10 was 25(b) exempt, as it is supposed to be. And the
11 supply chain just isn't there.

12 There are also some new materials, the
13 copper soaps coming onto the market, Cueva and
14 others. But the efficacy isn't entirely proven.

15 So I think the tension that we have is
16 that growers don't want to use these materials.
17 They're very careful when they're applying them,
18 but we have a lot of high value profit stake, and
19 you know they're doing their best to manage them.

20 The issue of accumulation in the soil
21 comes up and I just wanted to provide some data that
22 we've collected with regard to that. We

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1 summarized the results of 17,200 heavy metal soil
2 test screens that were done at the University of
3 Vermont with pH 4.8 ammonium acetate extract.

4 And we did this after the flooding with
5 Irene; we were trying to see what kind of metals
6 might have been deposited, but it was sort of
7 fortuitous that we got a reading on copper levels
8 in the soil. And of those 17,000 farms, we could
9 only safely assume many hundreds of them were
10 organic because we had over 150 certified vegetable
11 operations during that time period from 2007 to
12 2011. And many more that are people that are
13 following organic practices including applying
14 copper for disease control.

15 So it was interesting to find that 95
16 percent of these test results had copper levels
17 below three quarters of a part per million. And
18 99 percent were below one and three quarters. So
19 that just suggests to me that we don't have a
20 widespread problem with copper accumulation
21 resulting from these materials.

22 And in my written testimony, I'll

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1 submit a newsletter article by Ruth Hazzard,
2 recently retired vegetable specialist at UMass,
3 who also crunched some data looking at the
4 background levels across the state of Mass, and
5 finding that they are only, well they range from
6 .1 to 8 parts per million.

7 But most of the soils actually could be
8 perceived as deficient in copper for vegetable
9 production. And she did some calculations about
10 how many applications of a standard material like
11 Nu Cop, fixed copper you'd have to apply. And it
12 takes quite a few applications to really get to the
13 level of concern. Thank you.

14 CHAIR RICHARDSON: Thank you very
15 much, Dr. Grubinger.

16 Questions? Francis.

17 MEMBER THICKE: Thank you. What is
18 your sufficiency level for copper considered to be?
19 And what's the toxic level considered to be?

20 MR. GRUBINGER: Well, it's a good
21 question. We don't actually have an established
22 sufficiency level because a lot of it has to do with

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1 the crop and the soil pH. So mostly we compare it
2 to background levels and try and get production
3 fields sort of at least up to the average background
4 that we find. But it's not a precise
5 recommendation.

6 And the toxicity level, we don't
7 actually have an established toxicity level. And
8 my understanding is EPA doesn't either. I've
9 looked at New York; it's astronomically large.
10 It's for a residential -- where you would not be
11 allowed to have a residential habitation, it's like
12 200 parts per million.

13 CHAIR RICHARDSON: Other questions.
14 Yes, Zea.

15 MEMBER SONNABEND: Hi. Vern, thank
16 you for your testimony. Two questions, the simple
17 one is, is there a link to that data or your
18 conclusions that you could provide to Michelle,
19 where we can see it on the internet?

20 MR. GRUBINGER: Yes.

21 MEMBER SONNABEND: And then secondly,
22 a number of people have suggested additional

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1 annotations to help limit any abuse of copper that
2 might be occurring.

3 Is there any value you think in an
4 additional annotation such as a maximum amount that
5 could be applied per year, or the one of not
6 allowing a crop, the harvesting crop to turn color
7 because of copper, or any other annotation you
8 think would be helpful? Or do you think it's
9 working okay the way it is with the accumulation
10 restriction?

11 MR. GRUBINGER: I'd be concerned about
12 the first option of an annual limitation because
13 sometimes the pressure is extraordinary. A couple
14 of years ago we had late blight infested seedlings
15 brought into the region.

16 And we had outbreaks happening you know
17 months before it was typical. So now you've got
18 a long season of control, which was really the
19 exception to the rule. So it would create problems
20 in a year like that.

21 Maybe you know an average over many
22 years would make more sense, a five or ten year

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1 period. And certainly requiring monitoring of the
2 soil to see if there's a significant change.

3 The issue of it on the fruit, I mean with
4 potatoes, not such a big deal. I think with a lot
5 of tomato growers are already going in that
6 direction if they don't want to have to be washing
7 off product. But that would get into, I guess if
8 it's just coloring, that would probably work. But
9 I wouldn't want it to be any fruit present would
10 be the ban.

11 CHAIR RICHARDSON: Other questions for
12 Dr. Grubinger?

13 (No audible response)

14 CHAIR RICHARDSON: So you're going to
15 submit the rest of -- all those materials so that
16 we can get access to them?

17 MR. GRUBINGER: Yes.

18 CHAIR RICHARDSON: Okay, that would be
19 great. Articulate as ever, fabulous, thank you
20 very much, Vern.

21 I should comment to everybody that of
22 course Harold has been online right from the very

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1 beginning. He was online before most people were
2 here in the room, so he's listening in. Even
3 though we can't physically see him. And when he
4 has a question, as yesterday, he'll let Michelle
5 know and we can help him to ask questions.

6 Unfortunately, he can't always; is the
7 connection good this morning? Yes, okay good.

8 Okay, the next speaker is Greg
9 Jackmauh, and he'll be followed by Kate
10 Duesterberg.

11 MR. JACKMAUH: Good morning. My name
12 is Gregory Jackmauh, and I am a resident of Barnet,
13 Vermont and live in pasture-based intensive
14 grazing dairy farm that has been certified since
15 2003. I graduated from Harvard college with an
16 Honors degree in Biology. And I'm a member of the
17 Cornucopia Institute.

18 My premise is simple: the word organic
19 has a meaning that has existed long before the USDA
20 began to consider the term. In my 1924 addition
21 of Webster's New International Dictionary, it says
22 organic means, acting as an instrument of nature

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1 and forming a complex self-determined unity.

2 To me and to many others here today and
3 watching from a distance, this definition is quite
4 easily understood. Organic means a naturally
5 occurring relationship between land, plant,
6 microorganism, and animal that is harmoniously in
7 balance and self-sustaining.

8 Modern agricultural processes have
9 gotten away from following an organic model
10 throughout the decades and centuries. And there
11 are those of us who passionately feel that
12 returning to an organic approach to agriculture is
13 a critical step to stabilizing our environment and
14 our planet.

15 The Cornucopia Institute on behalf of
16 organic stakeholders has been documenting flagrant
17 fraudulent activity on factory farms producing so
18 called organic meat, milk, and eggs. These
19 factory farms are allowed to operate with USDA
20 organic certification even though their practices
21 in no way resemble the definition of the word
22 organic.

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1 These farms damage the reputation of my
2 organic farm and hurt its bottom line. No amount
3 of imagination could picture these factory farms
4 to resemble a system forming a complex
5 self-determined unity. The practices of
6 monoculture and feedlot concentration necessary to
7 sustain these factory farms result in serious
8 environmental degradation, just the opposite of
9 the intended purpose of organic farming.

10 The USDA should not be in the business
11 of deciding that Daniel Webster had it wrong. They
12 should not be in the business of fighting with
13 sectors of the population over the definition of
14 a word that already has a clear meaning.

15 It's pretty simple. If your
16 agricultural product is not the output of a
17 sustainable symbiotic biological relationship
18 with the land, then it cannot be labeled organic.
19 It might be natural or anything else we all agree
20 we want to call it.

21 I think a lot of time and a great deal
22 of confusion and subterfuge has gone into the

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1 organic debate. And not surprisingly, always to
2 the detriment of those who most easily understand
3 the definition of organic and believe in its value
4 toward making us healthier and this planet more
5 habitable for all living things.

6 I ask that you turn back the clock and
7 return to the simple definition of organic and then
8 go to work to decertify those that are clearly not
9 deserving of the organic label. Thank you.

10 CHAIR RICHARDSON: Thank you.
11 Questions?

12 (No audible response)

13 CHAIR RICHARDSON: Thank you very
14 much. Next speaker is Kate Duesterberg, and
15 she'll be followed by Christie Badger.

16 MS. DUESTERBERG: Good morning.
17 Thank you, Dr. Richardson and to the entire
18 committee for the opportunity to provide comment.

19 My name is Kate Duesterberg and I'm the
20 co-manager of Cedar Circle Farm in East Thetford,
21 Vermont. My husband Will Allen and I took over the
22 management of Cedar Circle 15 years ago. We've

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1 been certified organic through BOF since 2003.

2 Ours is a community farm with a social
3 mission. Our main focus now and into the future
4 is to place regenerative agriculture clearly in the
5 minds of the public as the hope for the future in
6 terms of reversing the disastrous trajectory of
7 climate catastrophe that is due in no small part
8 to industrial farming systems.

9 We believe that regenerative farming
10 practiced on a massive scale can sequester enough
11 carbon worldwide to actually reverse climate
12 change. This is a movement that is growing
13 rapidly. For example, we attended a workshop on
14 Sunday organized by NOFA Mass whose aim was to teach
15 farmers how to make a transition to no-till organic
16 vegetable production. The interest in this topic
17 was clear by the fact that there were over 80
18 farmers present, young and not so young.

19 My hope today is to encourage you as the
20 implementers of the federal program originally
21 established to encourage more and better organic
22 farming in the U.S., to take a leadership role in

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1 helping farmers to move toward more regenerative
2 farming practices that can sequester carbon.

3 You are well aware that Vermont was the
4 first state to pass a law to label GMOs in processed
5 food products. Even though that law is still tied
6 up in the courts, it is an example of how a group
7 of dedicated farmers and conscious consumers can
8 make a difference at the policy level.

9 Organic farmers firmly believe that the
10 original decision of the Organic Foods Production
11 Act to eliminate GMOs from the defined organic
12 standards was the right decision. We are
13 committed to organic farming practices that use the
14 biology of the sun and the soil to produce quality
15 crops.

16 However, we see in the proposal for this
17 week's NOSB discussion entitled Prevention
18 Strategy for Excluded Methods that organic farmers
19 are expected to shoulder the entire burden for
20 preventing cross contamination from their
21 neighbors who are using GMOs.

22 USDA estimates that 96 percent of the

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1 corn crop in Vermont is genetically modified.
2 Corn is grown on 92,000 acres in Vermont out of a
3 total of 120,000 tillable acres across the state.
4 So it is likely that many of the organic farmers
5 are in close proximity to GMO crops.

6 Under the proposed rules they will need
7 to make sure that the timing of their sweet corn,
8 when their sweet corn tassels and pollinate does
9 not coincide with the time that their neighbors GMO
10 corn tassels and pollinates.

11 In addition, we are in a crisis in our
12 country with bees suffering from colony collapse,
13 which many researchers have determined is related
14 the neonicotinoid seed treatments that are on every
15 kernel of GMO corn seed.

16 How can we possibly prevent our bees
17 from collecting pollen from our neighbors fields,
18 especially when neither their neighbors, nor the
19 Vermont Agency of Agriculture required to share the
20 information about what kinds of GMO crops are
21 planted and what their pollination dates are?

22 The point is that the idea of organic

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1 farmers having to take on the responsibility of
2 preventing cross-contamination makes no sense.
3 The burden should most clearly be on the polluter.
4 Thank you for your consideration.

5 CHAIR RICHARDSON: Thank you very
6 much, Kate.

7 MS. DUESTERBERG: Thank you.

8 CHAIR RICHARDSON: Are there questions
9 for Kate on any of these topics?

10 Yes, Colehour.

11 MR. BONDERA: Thank you, Kate, for your
12 testimony. My question goes back to the beginning
13 of what you were talking about, and I would like
14 for you to expand a little bit on it in terms of
15 regenerative farming is what you were referring to.
16 And I'd like you to expand at least briefly on your
17 perspective of how regenerative farming is
18 associated with organic agriculture? Thank you.

19 MS. DUESTERBERG: A lot of people are
20 thinking that regenerative farming practices are
21 more than just your standard organic practices,
22 that regenerative practices have more to do with

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1 really building up the soil fertility, and rather
2 than trying to use for example tillage methods to
3 control weeds, you use better compost adding to the
4 soil to make your soil life more prolific. So that
5 that takes care of your weeds and your pests more
6 effectively.

7 And some of the things that we would
8 prohibit under the organic standards, better --
9 building up the better soil life, or some of the
10 restrictions on compost applications for example,
11 the temperature requirements and so on, go to the
12 fact that then the compost has less soil life in
13 it than it would if it were lying it earlier.

14 So there are some restrictions within
15 the USDA Organic Standard systems that prevent more
16 regenerative practices from gaining life.

17 CHAIR RICHARDSON: Thank you very
18 much. Other questions? Okay, thank you.

19 The next speaker is Christie Badger,
20 and she'll be followed by Stephanie Rodriguez
21 Hidalgo.

22 MS. BADGER: Good morning. My name is

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1 Christie Badger, and I'm speaking today on behalf
2 of the National Organic Coalition. Thank you for
3 the opportunity to be a part of this exciting
4 process, and thank you for the important work that
5 you do to further strengthen the organic label.

6 NOC appreciates how important the
7 policy and procedure manual is, and we're glad that
8 the NOSB has taken back control of what is in the
9 PPM. We believe in the substantial transparency
10 that the FACA process provides.

11 We have major concerns about the
12 changes in the PPM that seem to shift to the more
13 limited FOIA based process for providing public
14 access to NOSB documents and communications.
15 Instead of using the FACA procedures currently in
16 place.

17 We wish we could have understood the
18 issues and changes better and would respectfully
19 request that a document that shows changes, both
20 additions and deletions, is put forward. In
21 addition, we would request that changes are
22 accompanied by an explanation as to why those

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1 changes are being made. We strongly believe that
2 this is the only way to maintain transparency.

3 Regarding conflict of interest, NOC
4 recommends that the USDA and NOP require
5 subcontractors and the subcontracting agency they
6 represent, as applicable to disclose interests and
7 sign a COI form prior to signing a contract.

8 We further recommend listing the name
9 of the author writing the TR or TAP and the
10 subcontracting agency they represent on the front
11 page of the report. This affords organic
12 stakeholders full transparency when reading the
13 reviews.

14 NOC concurs with the crops subcommittee
15 that the annotation for micronutrients should
16 include other methods to determine deficiencies in
17 addition to soil testing.

18 In addition, we feel that the
19 application of synthetic micronutrients should be
20 used to address acute short-term fertility
21 imbalances in conjunction with organic practices
22 to correct deficiencies, such as crop rotation,

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1 cover cropping, and adjusting the soil pH.

2 With these points in mind, we submit
3 relisting the material but modifying -- we support
4 relisting the material but modifying its
5 annotation to read, "Deficiencies must be
6 documented through verifiable site-specific
7 methods and accompanied with a plan for future
8 correction of the deficiency."

9 In order to eliminate the incentive to
10 convert native ecosystems into organic crop
11 production, NOC requests that the NOSB put the
12 issue on their work plan and collaborate with a team
13 of conservation experts to develop a
14 recommendation to the NOP for a rule change. Until
15 such time that a rule can be put into place, NOC
16 requests that the NOSB recommend that the NOP
17 issues guidance on this issue.

18 CHAIR RICHARDSON: Thank you very much
19 for your comments. And questions from the Board?

20 Yes, Colehour.

21 MR. BONDERA: Hello. Thank you for
22 your testimony. I just want to verify two things

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1 you said. And I think I got them both right in my
2 notes, but you were requesting that the modified
3 PPM go back -- be brought back and get revised in
4 a way that you can see the changes that were made
5 and why they were made. And then it gets put forth
6 because it was put forth for review? Is that
7 accurate?

8 MS. BADGER: Yes.

9 MR. BONDERA: And my second question I
10 think should be as simple, which is that according
11 to what was said earlier in this meeting, the
12 contracting entity's name is listed on TRs. Is
13 that correct? I think that's what Jean said
14 yesterday. But you're requesting that as well,
15 the actual author -- the actual person doing the
16 work's name is included in what's presented so that
17 that information is also available?

18 MS. BADGER: Yes.

19 MR. BONDERA: Is that -- thank you.

20 MS. BADGER: Thank you.

21 CHAIR RICHARDSON: Thank you very much
22 for your comments.

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MS. BADGER: Thank you.

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CHAIR RICHARDSON: The next speaker is Stephanie Rodriguez Hidalgo, followed by Andy Jones.

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MS. RODRIQUEZ HIDALGO: Good morning. My name is Stephanie Rodriquez. I am from Costa Rica. And I work for the National Chamber of Producers and Exporters of Pineapple. Over 80 percent of the volume of Costa Rica's conventional and organic pineapple production and exports are members of our chambers. Members range from small to large growers. Next.

Pineapple production in Costa Rica is divided in three regions, Northern, Atlantic, and Pacific. Next.

I am here today to support the continued use of ethylene. Why should ethylene remain on the national list? Natural methods in forcing the pineapple to flower are known, but where condition and quantity of productions do not permit these methods to be an available solution in our country.

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1 The reason for flowering induction is
2 that production happens at once. Without this
3 condition, growing pineapples would never be a
4 profitable business. And maybe too, a grower
5 cannot estimate dates to sell his production, and
6 maybe too they cannot fulfill the demands.

7 And maybe too we cannot give a specific
8 date for harvesting otherwise. We will harvest
9 the fruit every week, which increases cost. The
10 known inclusion in the national list will
11 strengthen organic production, employment, and
12 family with first of many producers. Next.

13 At our chambers, we've met with people
14 from the sector, and they came up with the following
15 petition: "The undersigned hereby declare a
16 negative position with respect to the pending
17 motion unto the National Organic Standards Board
18 which would eliminate ethylene from the National
19 List.

20 We consider this material to be
21 critical for the production of Costa Rican organic
22 pineapples, and the non-inclusion in the National

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1 List would put our production, employment, and
2 family well-being in danger.

3 We authorize that our names and
4 petition be relayed to National Organic Standards
5 Board through the public consultation process, and
6 we strongly advocate for a negative vote and that
7 ethylene remain on the National List as a material
8 for use in floral induction for the cultivation of
9 organic pineapples."

10 The signed petition and the evidence of
11 the meeting was sent attached to the comments many
12 days ago. I am here today to personally hand you
13 the original petition signed by the organic
14 pineapple industry representatives convened by the
15 government of Costa Rica in late September. Next
16 please.

17 Representatives of the different types
18 of organizations in the sector who sign are
19 cooperative and growers associations, and small,
20 medium and large growers, supporters of organic
21 pineapple, organic certification, intensive
22 producers of organic pineapple, government

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1 representative, and industry organizations.

2 Thanks for your attention.

3 CHAIR RICHARDSON: Thank you very
4 much. Are there questions for Stephanie?
5 Questions? Yes, Harold has a question.

6 MS. ARSENAULT: And Jean, just so you
7 know. Stephanie may have an interpreter for some
8 of the questions.

9 MEMBER AUSTIN: Stephanie, thank you
10 for coming and presenting to us today. Your
11 information, that is invaluable while we make our
12 decisions.

13 My question for you is what can we do
14 different to better communicate to the organic
15 stakeholders so that we don't have a near miss such
16 as what we're experiencing with the ethylene where
17 we only have five comments for the first public
18 comment period and we've had 43 plus a lot of oral
19 testimonies today? What can we do different?

20 MS. RODRIQUEZ HIDALGO: I'm going to
21 answer is Spanish, maybe.

22 CHAIR RICHARDSON: We should note for

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1 the record that Stephanie would request some
2 assistance with translation. And Chair allows
3 this of course.

4 INTERPRETER: That's a very good
5 question, a matter of attending, since we didn't
6 know that the first hearings were held this year.
7 As a Chamber, she thought that those -- this kind
8 of process was going to be held until next year.

9 INTERPRETER: She says yes, that we
10 have to find a more direct means of communication,
11 I guess, growers, the government of Costa Rica and
12 the NOSB. So we can make more fluent
13 communication. Since it's -- we have to follow up
14 the official page of the NOSB.

15 INTERPRETER: You might think that the
16 certification and all the regulations are for the
17 U.S. organic market. But since we are the growers
18 and exporters, we should be well-communicated
19 about all the decisions because that affects the
20 production.

21 This is because 90 percent of all the
22 Costa Rican organic production comes to the U.S.

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1 markets. So we're open to hearing another way of
2 improving the communication.

3 CHAIR RICHARDSON: Thank you very much
4 Stephanie. Sorry, Calvin, you have a question?

5 MEMBER WALKER: I do. One option
6 would be, we have a NOSB Organic Insider, would that
7 be a means that they could connect with different
8 activities of NOP and NOSB?

9 CHAIR RICHARDSON: Let me ask Miles
10 McEvoy to make a comment on the question that was
11 posed also by Calvin?

12 MR. McEVOY: Yes, we have the USDA
13 Organic Insider that we encourage the folks in
14 Costa Rica to sign up for. It's in English, but
15 if any of you get it --

16 INTERPRETER: Okay.

17 MR. McEVOY: It's an email
18 communication that provides updates on what is
19 happening on organic activities in the United
20 States.

21 INTERPRETER: Yes, we're going to get
22 registered.

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1 MR. McEVOY: Yes, we'll just post it in
2 español también.

3 (Foreign language spoken).

4 I'll post it in español.

5 INTERPRETER: For the first time,
6 well, the first review of the beginning of this
7 year, not even the Costa Rican government and the
8 people that are in service knew about this.

9 CHAIR RICHARDSON: Thank you. Yes.

10 MEMBER WALKER: You mentioned that you
11 had a petition that you would like to provide to
12 the Board?

13 MS. RODRIQUEZ HIDALGO: Yes, I have
14 that, a signed petition here I'm going to give for
15 Michelle.

16 CHAIR RICHARDSON: Thank you very much
17 Stephanie. And thank you also for the
18 translation.

19 The next speaker is Andy Jones from
20 Burlington, and he'll be followed by Charlotte
21 Vallaeys. Welcome, Andy. Nice to see you.

22 MR. JONES: Thank you. And I want to

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1 thank Madame Chairwoman and the rest of the Board
2 for coming to Vermont.

3 My name is Andy Jones. I am an organic
4 vegetable grower from Burlington, Vermont. We do
5 about 25 acres of certified organic produce and
6 have been in business since 1990. And I want to
7 talk basically today about two general topics.

8 And the first is relating to the use of
9 hydroponics or not, in organic production. And I
10 want to say I support the 2010 recommendation of
11 the Board to prohibit the use of hydroponics in
12 organic production.

13 I think at its roots, this is a question
14 of integrity and credibility for the National
15 Organic Program. Our core business is CSA. And
16 over the course of the last 25 years, we've had
17 thousands and thousands of people out to the farm.

18 And people always ask, whether it's our
19 CSA members who are there every week or whether it's
20 students from the University of Vermont or various
21 other groups coming through the farm, we're in a
22 public location and we get a lot of visitors, and

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1 people say well what's the difference between
2 organic farming? And what do you focus on? And
3 why is organic farming important?

4 And I always start with the soil. And
5 I think to take soil out of organic production in
6 any fashion, is really asking for trouble and
7 undermining the credibility of the overall word,
8 organic. So I would support as I said earlier, the
9 recommendation of the Board and also ask the NOP
10 to establish a moratorium on further certification
11 of hydroponic operations.

12 I also wanted to speak briefly today to
13 the use or the issue surrounding bio-based,
14 biodegradable mulches, which I know the Board has
15 looked at in some degree.

16 I think there isn't a perfect solution,
17 but I would ask that the NOP to consider figuring
18 out a way to allow these for use in organic
19 production. As I understand it, the roadblock at
20 this point is that the bio-based component of those
21 mulches is 20 to 25 percent of the various different
22 brands that are on the market.

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1 I think it would be useful to think
2 about having some kind of ratcheting standard where
3 that would be acceptable at this point. And then
4 at five years, instead of relisting, there would
5 be another 35 or 50 percent standard. Because it's
6 not a question of is that a great material, but it's
7 a question of what the alternatives are.

8 And thousands and thousands of tons of
9 disposable polyethylene mulches that are in use and
10 that are removed from the field and that are then
11 put into a landfill, and yet small fragments of them
12 remain on all the farms. Even those who are
13 conscientious in removing them. So I would hope
14 the Board could consider that at the appropriate
15 time. Thank you.

16 CHAIR RICHARDSON: Thank you very
17 much, Andy.

18 Questions for Andy? Yes, Nick.

19 MEMBER MARAVELL: Do you have any
20 specific rationale or information that would go
21 along with your suggestion that the bio-based
22 component be increased over time? And do you have

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1 any indication the industry could meet that? Do
2 you have any indication of whether or not that could
3 be secured from non-GMO sources, et cetera?

4 MR. JONES: I don't. I know that part
5 of the activity of the NOP has been to try to set
6 standards that drive the development of certain
7 materials within -- and so I would hope -- I know
8 that the science may be challenging at this point,
9 but I think if there's a maybe if there's a carrot
10 farther down the road, that could act as an
11 incentive for industry.

12 MEMBER MARAVELL: Thank you.

13 CHAIR RICHARDSON: Thank you very
14 much, Andy. Very appreciated.

15 The next speaker is Charlotte Vallaeys,
16 and she'll be followed by Will Allen.

17 MS. VALLAEYS: Good morning. My name
18 is Charlotte Vallaeys, and I'm the Senior Policy
19 Analyst with the Consumer Reports Food Safety and
20 Sustainability Center.

21 We believe that the organic label
22 offers consumers a meaningful way to choose foods

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1 produced in a safer and more sustainable food
2 system. Consumers have every right to expect that
3 organic foods contain only ingredients that are
4 either organically produced or approved after
5 careful review to the criteria in the law and
6 regulations.

7 However, there are many examples of
8 organic foods on market shelves today that contain
9 synthetic ingredients that are not on the national
10 list or do not meet the criteria.

11 The New York Times reported two weeks
12 ago, on organic infant formula and the synthetic
13 additives that were specifically rejected by you,
14 the NOSB, in the spring of 2012. As my colleague,
15 Dr. Rangan mentioned yesterday, NOP needs to take
16 action on this.

17 But NOSB also has an opportunity to
18 address this problem at this meeting by removing
19 the very problematic nutrients, vitamins, and
20 minerals listing. Only individual nutrients that
21 are required by FDA to be in the food, meaning they
22 are essential to organic handling, should be

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1 allowed.

2 On ancillary substances, the handling
3 subcommittee has taken a step in the right
4 direction with improved transparency regarding
5 ingredients and processing aids that are used to
6 make organic processed foods.

7 Unfortunately, the handling
8 subcommittee appears to grant a blanket approval
9 to all substances currently in use. And we
10 continue to urge full review according to criteria
11 of all ingredients that end up in organic foods.

12 Fish oil fails to meet the criteria for
13 inclusion on the national list because it is not
14 essential to organic handling. There is no need
15 for fish in the production of organic milk, organic
16 yogurt, organic gummy bears, or any other food that
17 contains it.

18 Since the only reason to add it is for
19 alleged health benefits, it's important to note
20 that two recent meta-analysis studies have
21 concluded there is no association between fish oil
22 supplementation and health benefits.

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1 When celery powder was petitioned in
2 2007, the petitioner wrote, celery powder cures
3 meat without relying on synthetic nitrates and
4 nitrites. This ancient technology dates back
5 thousands of years. And yet for thousands of
6 years, celery would have been grown using organic
7 methods without synthetic fertilizers.

8 The conversation we've had with one
9 curing expert suggests that higher nitrate levels
10 in one celery powder versus another, would be due
11 to fertilizers. And we know synthetic fertilizers
12 can drive up nitrate levels in vegetables. So that
13 would be a secondary need for prohibitive
14 substance, and we don't think that's right.

15 Further concentrations for curing
16 appear to vary tremendously depending on the
17 application. More intelligence is needed so an
18 informed decision can be made.

19 And finally, phosphates, we appreciate
20 the request for a new TR and urge you to table the
21 vote until the TR is available. Thank you.

22 CHAIR RICHARDSON: Thank you very

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1 much, Charlotte. Questions for Charlotte? Yes,
2 Zea.

3 MEMBER SONNABEND: Thank you,
4 Charlotte. What would you think about allowing
5 nutrient vitamins and minerals only for food in the
6 made with organic category? Do you think that that
7 is something consumers would understand, that it
8 would be made with organic. And then would use
9 additional synthetic nutrients?

10 MS. VALLAEYS: We already have a lot of
11 work on our hands at Consumer Reports explaining
12 the difference between organic, made with organic,
13 100 organic. And we do believe a consistent
14 standard is what we're after.

15 And so considering that there are
16 really not that many individual nutrients that
17 should be reviewed and added to the national list
18 in order to meet the consistent standard of if it
19 essentially can be an organic food, we actually
20 think that the way to go forward is to remove the
21 listing for everything including made with
22 organic. And just petition the individual

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1 nutrients that are required by FDA to be included.

2 CHAIR RICHARDSON: Any other
3 questions?

4 (No audible response)

5 CHAIR RICHARDSON: Great, thank you
6 very much, Charlotte.

7 The next speaker is Will Allen, and he
8 will be followed by Stuart Follen.

9 MR. ALLEN: Thanks a lot for letting me
10 speak. And thanks for having your meeting in
11 Vermont. My name is Dr. Will Allen; I've been an
12 organic farmer for 47 years, and I've farmed in
13 several counties in California and Oregon.

14 I served on the Board of CCOF and helped
15 write their first Grower's Handbook. I founded
16 the Sustainable Cotton Project and served as its
17 Executive and Program Director for 13 years. With
18 my wife Kate and several assistants, I wrote "The
19 War on Bugs" book.

20 Since 2000, I've helped co-manage Cedar
21 Circle Farm, a 45 acre vegetable, fruit, melon, and
22 flower farm in East Thetford, Vermont on the

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1 Connecticut River.

2 Like my wife, Kate Duesterburg, I am
3 concerned about the cohabitation of organic with
4 chemical GMO farming. And the proposals that
5 organic growers are responsible for dealing with
6 what our neighbors grow and broadcast into the
7 environment.

8 Unfortunately, neither the Vermont
9 Agency of Agriculture Food and Markets, nor GMO
10 chemical farm neighbors are required to assist
11 organic growers in their effort to determine when
12 GMO corn or other GMO plants pollinate.

13 Without this data, it's hard to see how
14 an organic farmer could avoid their bees bringing
15 back GMO corn pollen to their hives or to their
16 organic corn fields. While cow corn is our only
17 GMO contaminator in Vermont, GMO sweet corn,
18 squash, and papayas are problems along with cow
19 corn in other states.

20 This is an example of the victim being
21 required to not only tolerate but ameliorate
22 actions of a trespasser. Also like my

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1 partner/wife, I'm concerned about upgrading
2 organic land management practices.

3 We are convinced that organic and
4 bio-dynamic farming strategies could have a
5 transformational impact on the excess carbon in the
6 atmosphere and the oceans.

7 Currently food and agriculture
8 worldwide and forest destruction for oil
9 production are responsible for at least 50 percent
10 of the greenhouse gases that are polluting both the
11 atmosphere and the oceans.

12 At the same time, our agricultural
13 soils are our largest planetary safe for carbon.
14 But because of bad land management strategies for
15 the last 160 years, those soils have lost 70 percent
16 of their carbon.

17 While the soil carbon loss is an
18 international tragedy, it also provides an
19 opportunity for reversing climate change and
20 provides a sink currently at about 30 percent
21 capacity, where excess atmospheric and oceanic
22 carbon can be sequestered through photosynthesis.

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1 GMO and chemical agriculture
2 strategies are incapable of significantly
3 increasing soil organic matter because synthetic
4 nitrogen-related bacteria consume most of the soil
5 organic matter, which is 58 percent carbon, and
6 return the carbon to the atmosphere.

7 Along with toxic pesticides, synthetic
8 nitrogen fertilizers also kill soil microorganisms
9 and earth worms. Conversely, organic and
10 biodynamic systems regenerate soil life with
11 constant photosynthesis which increases soil
12 organic matter and provides sugary saccharides
13 exudates that feed the microorganisms and
14 sequester carbon.

15 While we eliminated our chemical
16 dependencies in the 1960s, we continue to use the
17 soil disturbance strategies of our families and
18 neighbors. We are currently in the process of
19 altering our management strategies in moving
20 toward less and no-tillage so that we can be more
21 regenerative as farmers and sequester more carbon.

22 Organic --

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1 CHAIR RICHARDSON: Will, are you about
2 done?

3 MR. ALLEN: -- and biodynamic farmers
4 have the greatest potential to reverse climate
5 change. We feel that the National Organics
6 Standards Board should advocate for the inclusion
7 of more regenerative carbon sequester strategies
8 as part of its advisories for growers and ranchers.
9 It should also advocate for carbon credits for
10 those organic members who can demonstrate an
11 increase in soil organic matter and soil carbon.
12 Thanks a lot.

13 CHAIR RICHARDSON: Thank you, Dr.
14 Allen. Questions for Will? Yes, Zea.

15 MEMBER SONNABEND: Thank you, Will.
16 As you can imagine, all of us sitting up here are
17 very concerned about GMOs, contamination in
18 organic. Considering our limited abilities to get
19 things done, what would you suggest that we do to
20 continue to fight against GMOs?

21 MR. ALLEN: Well, I think we have to
22 have a full court press. Like what we try to do

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1 in Vermont is pass a labeling law, which we think
2 will have you know, in the long run, it inhibits
3 -- or the effect on the growth of the GMO crops.

4 You know for many of us, we're
5 surrounded by GMO growers and so -- and even though
6 our bees are not you know suffering from colony
7 collapse, we find that the bees actually are very
8 selective in where they go.

9 They don't seem to fly north; they seem
10 to stay on our farm and fly south where we farm you
11 know three blocks of land. So we haven't seen any
12 problems with our bees, but I think that you know
13 putting all the pressure on organic farmers to deal
14 with this issue when it's really a trespass issue.

15 I think, you know -- I would hope that
16 the Organic Standards Board would petition the USDA
17 to try to help farmers that are trapped in those
18 situations like we are. For a long time, we were
19 completely surrounded GMO corn.

20 And so we couldn't even grow some of our
21 heirloom corns because we knew that they would
22 pollinate and silk at the same time that the GMO

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1 corns did. So we had to -- but that meant that we
2 had to know what the corns were next door, and right
3 now you can't even find that out.

4 We found out just by finally calling
5 Pollan Seed and finding out what seeds the growers
6 in the state were growing. I mean it's probably
7 a bigger problem in California than it is here.
8 And a bigger problem in those states where there's
9 a lot more GMOs.

10 But right now, it's almost 100 percent
11 of corn in Vermont that is GMO. In fact, in 2013
12 it was 103 percent because people replanted. So
13 I mean it's a serious problem that we have to deal
14 with, and it seems like it's all put on our table
15 and nobody else has to deal with this.

16 CHAIR RICHARDSON: Thank you. Other
17 questions for Will? Thanks very much. Very
18 articulate, much appreciated.

19 The next speaker is Stuart Follen, and
20 he'll be followed by Robin Hadlock Seeley.

21 MR. FOLLEN: Good morning, my name is
22 Stuart Follen. And I am Managing Director of

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1 Central American Produce Association or CAPA,
2 which is a pineapple producer located in the
3 northern part of Costa Rica. I believe I am the
4 last pineapple guy you're going to have to talk to
5 this week, so everybody just bear with me.

6 Having said that, and it's been beat to
7 death here in the last day, I do feel the need to
8 at least mention ethylene usage in regulating the
9 flowering of pineapple. And again, I don't want
10 to beat this into the ground but I flew 3,000 miles
11 to get here for these three minutes.

12 My colleagues from Costa Rica I think
13 have done an admiral job of explaining the problem
14 over and over again, with eliminating ethylene as
15 a flowering agent.

16 And so I don't want to really beat that
17 but, and this committee itself in previous
18 testimony has stated that there were no human
19 health or environmental concerns brought to the
20 subcommittee, or to the full Board's attention.
21 And the issues previously raised were found to be
22 minimal or of no concern.

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1 So when you look at the ethylene issue,
2 I would you know, the result of your vote will
3 determine whether the organic pineapple industry
4 lives or dies in Costa Rica, or anywhere in the
5 world actually.

6 So I encourage you to demonstrate good
7 judgment and common sense when you're making your
8 decision because what you do is going to change
9 everybody's lives. So we either continue to build
10 the program or we close it down.

11 There are a number of questions given
12 by this panel that were not answered to my
13 colleagues in Costa Rica yesterday. And I might
14 be able to answer a few of them.

15 The question was asked time and again,
16 why didn't the pineapple industry respond to the
17 first round of comment? Nobody in our group, and
18 you have met 98 percent of the people in the organic
19 pineapple industry in Costa Rica right now that are
20 here, we didn't know about it.

21 As much as we're organic, we didn't know
22 about this. It wasn't until I was contacted a few

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1 weeks ago, maybe a month ago, September I believe,
2 by Lynn Coody because one of our customers buys
3 pineapple from us and she worked with them.

4 And she got a hold of us and said, do
5 you know anything about this? I said, what are you
6 talking about? And anyway, so that got the ball
7 rolling from here. I live in Portland, from
8 Portland to Costa Rica. We mobilized fairly
9 quickly, and we got on planes and got over here.
10 Thank you.

11 The second question you said, somebody
12 asked how much is organic pineapple comes, it's 98
13 percent from Costa Rica. Okay.

14 CHAIR RICHARDSON: Questions? Yes,
15 Tracy.

16 VICE CHAIR FAVRE: Thank you for
17 coming. Thank you for being here. Again, I want
18 to reiterate my standing yesterday, that it's
19 important that we do understand, that these are
20 real people with real livelihoods at stake.

21 And we've asked this in various
22 versions around the table with all the other

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1 growers, what can we do to make sure you guys have
2 the information you need? Since it has been
3 pointed out to us, you're the primary supplier and
4 we're the recipients of something like 90 percent
5 of the exports from your country?

6 MR. FOLLEN: Well, it became obvious we
7 had a problem and I kind of took it upon myself with
8 talking to Lynn, that I would stay in close contact
9 and she told me how to stay in touch with this
10 organization. So in the future, this won't
11 happen.

12 You know when you're dealing, the rest
13 of the groups from Costa Rica primarily, Dole has
14 an office here and we have an office here, but
15 nobody else has an office here. So I really, you
16 know someone's got to take the lead here, and so
17 in my view I'm going to do it. Just for our company
18 and you know pass that information down so it
19 doesn't get lost in translation so to speak.

20 CHAIR RICHARDSON: Great, there's a
21 question from Harold.

22 MEMBER AUSTIN: Well I think Tracy

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1 asked my question, and we got that answered. I
2 would just like to point out though, that I want
3 to thank you for helping us solve a problem that
4 we've dealt with for four years since I've been on
5 here. And that's a matter of how many minutes to
6 allow the speakers. We now know, one minute per
7 every thousand miles traveled.

8 (Laughter)

9 MEMBER AUSTIN: Thank you for taking
10 the time to come here.

11 MR. FOLLEN: Thank you.

12 CHAIR RICHARDSON: Thank you, Harold.
13 Any other questions? Great, thank you very much,
14 much appreciated comments and for coming here.

15 The next speaker is Robin Hadlock
16 Seeley, and he'll be followed by Nicholas Gardner.

17 MS. HADLOCK SEELEY: Good morning. I
18 appreciate the opportunity to provide public
19 comment to the NOSB today. I am Dr. Robin Hadlock
20 Seeley, a marine ecologist at the Shoals Marine
21 Laboratory in Maine. And a senior research
22 associate at Cornell University, where one of my

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1 two research foci is the sustainability of seaweed
2 harvest in Maine.

3 My comments address the Sunset Review
4 of aquatic plant extracts. The crop subcommittee
5 proposes removal of aquatic plant extracts from the
6 National List based on CFR 205.600(b)(2) criteria
7 which include, "The substance's manufacture, use,
8 and disposal do not have adverse effects on the
9 environment."

10 These extracts have no place on the
11 National List based on information from the last
12 five to ten years which renders the technical
13 report of 2006 on which prior listing decisions
14 were based obsolete. The technical advisory panel
15 document is even older, 20 years old.

16 Aquatic plant extracts are derived in
17 large part from the seaweed species, *Ascophyllum*
18 *nodosum*, also known as Rockweed, which you see on
19 the slide. The committee materials for today's
20 meeting state that these extracts are mostly
21 derived from kelp. And that is incorrect. I
22 believe they're mostly derived from *Ascophyllum*

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1 nodosum, which is a Rockweed, and not a true kelp.

2 In the technical report from 2006, no
3 evidence has been found indicating that this
4 potential over harvest impact is actually
5 occurring. But the following slides that I want
6 to show you indicate that over harvest does occur
7 in Canada and Maine, a major source of *Ascophyllum*
8 extracts, altering habitat and changing
9 biodiversity.

10 So this is the underwater Rockweed
11 forest, with the fish swimming through it. The
12 individual plants are like marine trees, and
13 provide habitat for over 150 different species
14 including birds that you see on the screen.

15 Thirty five fish species, including 25
16 species that are commercially harvested, including
17 juvenile cod which are of grave concern on the
18 northeast coast now, juvenile pollock, herring,
19 American eel, and many other species.

20 The Canadian report that was issued in
21 2013 from the government made clear that the
22 original fish habitat value of the *Ascophyllum* beds

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1 are reduced or lost together when over harvest
2 occurred.

3 And I have a clip showing -- not going
4 to show it huh? Well, what the clip would have
5 shown you had it been able to play, is a diver
6 swimming down and a transect of an uncut Rockweed
7 forest, with fish coming through it and the canopy
8 far overhead. And then going to a machine
9 harvested transect, which shows the cut seaweed
10 much shorter, great areas of bare rock. Much less
11 seaweed density and obviously a compromised
12 habitat.

13 The Canadian government report also
14 listed 14 over harvested areas in Nova Scotia and
15 this was a matter of concern from NOAA from the
16 Department of Interior, including U.S. Fish and
17 Wildlife Service and National Parks Service, many
18 private conservation groups in Maine which wrote
19 letters to the Maine state government.

20 And finally Dr. Chalker-Scott who was
21 cited in the 2006 Technical Report on "aquatic
22 plant extracts", wrote in the same report that was

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1 cited in that technical report, the marketing of
2 such products, meaning these extracts, is earth
3 friendly, and this context should be repugnant to
4 environmentally conscious consumers. Thank you
5 very much and I'll be happy to take questions.

6 CHAIR RICHARDSON: Thank you very
7 much, Dr. Seeley. Questions? Yes, Zea.

8 MEMBER SONNABEND: Thank you for your
9 testimony. We're only as good as the information
10 that is able to come in to us, and we have, we can
11 request a certain number of new technical reports
12 each year, but we reached our maximum for leading
13 up to this meeting.

14 However, I will as Chair of the Crops
15 Committee, I will be suggesting that we commission
16 a new TR for this one in the future. My question
17 is, are there any, your work is mostly in the
18 Atlantic on the east coast. And I'm wondering if
19 there has been any survey or worldwide aquatic
20 plant environments to see if over harvesting
21 happens in the Pacific, in the Baltic, and the you
22 know many other regions of the world where various

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1 seaweeds are harvested for various uses?

2 MS. HADLOCK SEELEY: As I said, I
3 believe most of these extracts are this one
4 species, Ascophyllum, which is a north Atlantic
5 species. It's harvested in the northwest Atlantic
6 and in the northeast Atlantic. I'm most aware of
7 what's happening in the northwest Atlantic. It's
8 also harvested in Scandinavia, Ireland, and yes,
9 and Scotland.

10 MEMBER SONNABEND: Okay, because as
11 you might be aware, we're dealing with sea products
12 for handling as well. There's kelp, is on the
13 National List for handling, as well as extracts
14 such as alginates, carrageenan, and then also we'll
15 be discussing at this meeting laminarin as a pest
16 control material.

17 So the whole issue of all of the sea
18 derived plants is one that we'd like to address in
19 a comprehensive way, but we have no way of knowing
20 that, as what you say that Ascophyllum being the
21 main species in these products is accurate without
22 surveying the list of all the products available

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1 to see what's in them. So I'm just wondering if
2 there are other resources we could turn to
3 regarding that?

4 MS. HADLOCK SEELEY: I'm mostly
5 familiar with the Canadian and Maine market. And
6 that I can state with fair confidence is mostly
7 Ascophyllum. You said you had other algal
8 products that you'll be considering. One of my
9 main concerns with the process at NOSB, is you're
10 dealing with common names and these species are
11 tremendously different. They really need to be
12 identified by their species name and not by the
13 general name of kelp.

14 Kelp is a common name, and can be
15 applied to many species incorrectly, I believe.
16 And when I looked up how FDA handles this, their
17 regulations list by species each species that they
18 are talking about for either approval or
19 disapproval. And I believe that's the standard
20 that you really need to follow.

21 MEMBER SONNABEND: Thank you.

22 CHAIR RICHARDSON: Thank you very

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1 much, that was very helpful any other questions?

2 Great. Thank you.

3 The next speaker is Nicholas Gardner,
4 to be followed by Kate Davis.

5 MR. GARDNER: Good morning. My name
6 is Nicholas Gardner and I'm commenting on behalf
7 of the International Food Additives Council or
8 IFAC.

9 IFAC strongly supports the continued
10 listing of xanthan gum on the National List.
11 Xanthan is an effective stabilizer, thickener, and
12 emulsifier. And is particularly important for
13 suspending ingredients.

14 Xanthan gum is used in a variety of
15 organic products from baked goods, to dairy
16 products, and dressing sauces, and condiments. It
17 is also widely used in foods for populations with
18 certain allergies and celiac disease.

19 Xanthan functions well under
20 conditions where other substances would not be
21 viable, such as a pH or at temperature extremes.
22 This critical functionality has been noted in the

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1 comments of other organic stakeholders who
2 indicate xanthan gum is widely used and cannot be
3 replaced.

4 Xanthan gum is listed in the code of
5 federal regulations as an approved food additive
6 and has consistently been shown to be safe at levels
7 consumed in food. Claimants to the contrary,
8 either result from incidents with subpopulations
9 or from anecdotal reports citing questionable
10 sources.

11 Because xanthan gum is safe, aligns
12 with organic principles, and is essential to
13 organic production while lacking organic
14 alternatives, IFAC urges that it be relisted.

15 I'll turn now to phosphates. IFAC also
16 supports the continued listing of calcium
17 phosphate, phosphoric acid, sodium phosphates, and
18 potassium phosphate. However, I would like to
19 focus today on potassium phosphate.

20 While all these phosphates are
21 essential, environmentally sound, and lack
22 alternatives, and are compatible with organic

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1 principles, due to the recommendations you do list
2 potassium phosphate. I'll focus there.

3 Potassium phosphates provide many
4 unique functions in dairy foods and beverages due
5 to their ability to stabilize proteins, promote
6 emulsification, and to disperse proteins and
7 favors, particularly in powdered products.

8 Potassium phosphates are also
9 effective at maintaining pH, which helps to ensure
10 safety in flavors in products such as yogurts.
11 They also help in the production of ultra high
12 temperature dairy products by reducing
13 sedimentation in equipment lines. Lastly, they
14 are commonly used in non-animal protein dairy
15 substitutes. Like yogurts, puddings, cheeses and
16 sauces.

17 I'd also like to address concerns about
18 potential negative health effects of phosphates.
19 Phosphates have a long history of safe use and their
20 safety has been confirmed from decades of research.
21 Studies alleging that phosphates are associated
22 with adverse health effects has not been validated.

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1 Many of these studies involved humans
2 with preexisting health conditions or animals feed
3 large amounts of phosphates, unrealistic
4 consumption. So as I'm running out of time, let
5 me conclude.

6 There are no organic alternatives or
7 practices that make the use of potassium phosphate
8 unnecessary. IFAC notes this essentiality is
9 reflected in comments from other organic
10 formulators which state that alternatives have
11 been tested and are not suitable.

12 I'd like to thank you for your
13 consideration today, and I'm happy to take any
14 questions.

15 CHAIR RICHARDSON: Question from Tom.
16 Yes, I should, you did finish almost exactly right
17 on time.

18 MR. GARDNER: And I'd just like the
19 record to show that's the first time I've gotten
20 all my comments in. So thank you.

21 CHAIR RICHARDSON: Thank you, Tom.

22 MEMBER CHAPMAN: So I have a question

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1 from your written comments.

2 MR. GARDNER: Sure.

3 MEMBER CHAPMAN: On phosphates, you
4 note that with regards to labeling all phosphate
5 compounds must be included in the ingredients list?

6 MR. GARDNER: That is correct.

7 MEMBER CHAPMAN: Is that true in the
8 case of tricalcium phosphate used as a floating
9 salt?

10 MR. GARDNER: It may be possible that
11 that would be considered a processing aid use. I'm
12 not necessarily an expert on trical. I know there
13 are some folks who will be following me that may
14 be able to answer that question. If it is used as
15 a direct food additive it will always be indicated
16 on the label. Processing aids, have a slightly
17 different labeling regulation.

18 MEMBER CHAPMAN: Are you aware of use
19 of the phosphates as processing aids?

20 MR. GARDNER: I'm not extremely
21 familiar with that.

22 MEMBER CHAPMAN: Thank you.

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1 CHAIR RICHARDSON: Thank you. Other
2 questions? Harold.

3 MEMBER AUSTIN: In your written
4 comments you guys also supported the listing of
5 sodium and potassium lactate. Could you take and
6 explain that a little bit more please?

7 MR. GARDNER: Well, we understand from
8 our members that both of those compounds are being
9 widely sold into the organic market. And that
10 there are no current replacements that would
11 provide the same functionality.

12 MEMBER AUSTIN: Thank you.

13 CHAIR RICHARDSON: Thank you very much
14 for your comments.

15 MR. GARDNER: Thank you.

16 CHAIR RICHARDSON: The next speaker is
17 Kate Davis, and she'll be followed by Wanda
18 Jurlina.

19 MS. DAVIS: Good morning. I first
20 want to thank you for your work and for thoroughly
21 listening to the wide variety of public comments
22 that you've heard today, and also yesterday.

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1 My name is Kate Davis and I am the
2 Marketing Director for the Americas for CP Kelco.
3 CP Kelco is a company that dates back to 1929 that
4 provides hydrocolloids to the food industry
5 including those for organic production.

6 Keeping xanthan gum on the National
7 List provides a multitude of options for organic
8 food producers and consumers. It's primarily used
9 as a stabilizer and thickener and is irreplaceable
10 because of these features.

11 It is pseudoplastic. It is soluble in
12 both hot and cold water. It is stable over a range
13 of pH and of temperature. It is compatible with
14 and stable in systems containing high
15 concentrations of salt. It provides excellent
16 suspension for insoluble solids and for oil
17 droplets. It is resistant to enzymatic
18 degradation. And we provide grades that support
19 natural and organic label claims.

20 Xanthan gum has been used for more than
21 40 years in food production without health or
22 safety concerns. And as part of the work that I

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1 do in marketing, it's my responsibility to listen
2 to my consumers. And what the consumers are
3 telling us, they require it in their production.

4 So we are always checking with our
5 customers, the organic food producers to
6 understand what their manufacturing needs are.
7 They tell us that this is what's important, and this
8 is why they use xanthan gum. Because it aids in
9 viscosity build, provides suspension properties,
10 and still thins for pumpability during model
11 filling in production.

12 It's useful in systems at temperature
13 extremes. And because of its cold solubility and
14 ability to withstand a range of temperatures in
15 both processing and storage, it's very useful and
16 they can produce in a variety of ways. And it's
17 used across an incredible variety of products and
18 gauge ranges. Everything from salad dressings, to
19 beverage mixes, to baked goods.

20 They understand it has a record of safe
21 use, and we request that xanthan gum be maintained
22 on the National List. Thank you.

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1 CHAIR RICHARDSON: Thank you very much
2 for your comments. Questions? Yes, Dr. Thicke.

3 MEMBER THICKE: Can you tell us about
4 the manufacture of xanthan gum, is it made from corn
5 or soy products.

6 MS. DAVIS: I'm sorry?

7 MEMBER THICKE: The manufacture of
8 xanthan gum?

9 MS. DAVIS: I think my next colleague
10 is probably better posed to answer that, as she's
11 our technical expert.

12 CHAIR RICHARDSON: Thank you. Next
13 speaker is Wanda Jurlina, and she'll be followed
14 by Cheryl Van Dyne.

15 MS. JURLINA: All right. My name is
16 Wanda Jurlina, I'm the Tech Service Manager for CP
17 Kelco. I've spent my entire career working with
18 things that thicken and gel water, for all kinds
19 of different food applications.

20 Today I'm going to talk to you a little
21 bit about xanthan gum and what it brings to
22 manufacturers of processed foods, those that are

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1 organic, and those that are not.

2 One of the things that some of the folks
3 that would like to see xanthan gum delisted have
4 said, is there are alternatives. And I'm here to
5 share with you today, that aren't alternatives to
6 xanthan gum that can provide a manufacturer with
7 the same functionality that they get from xanthan
8 gum.

9 I've picked three properties that
10 really set xanthan gum apart and put them on this
11 slide for you, along with the ingredients that
12 people say are equivalent to xanthan gum.

13 Xanthan gum has an acid stability that
14 is unmatched by something like guar. If I'm
15 looking at the viscosity that it creates in a
16 system, locust bean gum can't come close to the
17 viscosity that xanthan gum provides.

18 And if I look at suspension, whether
19 that be a nutritional component like insoluble
20 calcium, carbonate that can be added to a product,
21 or if I'm looking at suspension of oil droplets in
22 an emulsion, locust bean and guar can't match that

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1 functionality.

2 When I look at what makes xanthan gum
3 unique is it is cold soluble. So if a processor
4 of salad dressings doesn't use heat in their
5 process, they are going to be able to use xanthan
6 gum. Whereas locust bean gum wouldn't work in that
7 application.

8 It's pH stable, guar can't match that
9 pH stability in a salad dressing application and
10 give people the functionality that they need.
11 When we're looking at things like temperature
12 stability, that allows our organic producers to
13 ship a product across the states in the middle of
14 summer, or in the middle of winter and have the
15 temperature stability that need.

16 That suspension that xanthan provides
17 is unmatched in viscous systems. Nothing suspends
18 like xanthan gum in a viscous system.

19 I also put in this slide that I shared
20 with the group in April to remind everyone of the
21 different applications that xanthan gum goes into.
22 As well as some of the other ingredients that are

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1 already on the organic list, including those that
2 would like to see xanthan delisted, say, or
3 equivalent. You'll see from this information that
4 it isn't. Thank you.

5 CHAIR RICHARDSON: Thank you very much
6 for your comments.

7 MS. JURLINA: Okay, do you want me to
8 handle the one that you gave Kate?

9 CHAIR RICHARDSON: Yes, Francis does,
10 yes.

11 MS. JURLINA: Okay, so xanthan gum is
12 a polysaccharide that's produced by
13 fermentation. What that means is a bacteria in its
14 normal life cycle produces this long-chain
15 polysaccharide. In the manufacturing of xanthan
16 gum, you provide a nitrogen source, you provide a
17 carbohydrate source. That nitrogen source and
18 carbohydrate source could be basically any
19 nitrogen source or carbohydrate source.

20 So it could be a wheat syrup, it could
21 be a soy protein, it could be just an ammonia salt
22 that you're using for your nitrogen source. It

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1 could be a wheat syrup, so there's a variety of
2 different things that are used in the production
3 of xanthan gum to provide both that carbohydrate
4 and that nitrogen source that are required for
5 life.

6 MEMBER THICKE: What is the common
7 carbohydrate source?

8 MS. JURLINA: Many of the western
9 producers use corn syrup. We also see wheat syrup
10 used as well.

11 CHAIR RICHARDSON: Thank you very
12 much. Any other comments. Great. Thank you.

13 MS. JURLINA: Okay.

14 CHAIR RICHARDSON: The next speaker is
15 Cheryl Van Dyne and she'll be followed by Lori
16 Klopf. And I should just a time check. We are
17 about half an hour behind time.

18 MS. VAN DYNE: Thank you very much for
19 your time today. And I hope that we can answer the
20 questions that you may have on xanthan gum.

21 Whoops, did I turn it off?

22 Okay, so, I think I went to the end.

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1 All right, so my comments today are on xanthan gum.
2 CP Kelco is a member of Biopolymer International
3 and IFAC. IFAC is the International Food
4 Additives Council and our focus is on good science
5 and safety of our product. And as Wanda and Kate
6 have mentioned, this product has been in commerce
7 and food for over 40 years. And there's a good body
8 of science and safety information about it.

9 We urge the National Organic Standards
10 Board to consider continuing to provide the option
11 for keeping xanthan in organic production for the
12 use by producers to provide consumers with the
13 opportunity to have products that would not be
14 available otherwise.

15 The functionality of xanthan serves an
16 important growing organic market which provide
17 organic consumers with choices. Xanthan is also
18 an essential ingredient and in special dietary
19 consideration is widely used for populations with
20 allergies, celiac disease, and you know for wheat
21 replacements.

22 And xanthan is the aligned with the

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1 organic principles and it does not have an
2 alternative. Xanthan gum is used in very small
3 amounts and brings value to the producers and
4 consumers.

5 It's used alone or with other
6 stabilizers by the organic industry in a variety
7 of 95 percent organic products. And it's used by
8 organic producers in food that again provide
9 benefits that would not be available to consumers
10 for their dietary considerations.

11 Xanthan, to address the manufacturing
12 issue again, is produced in a fermentation process.
13 Fermentation is a nature based process and is used
14 commonly used in food production. Xanthan is
15 produced from natural sources. The bacteria comes
16 from nature. The agricultural input are for the
17 carbohydrates and proteins.

18 Production of xanthan gum does not harm
19 the environment. And it aligns with organic
20 principles. Because xanthan is produced through
21 a natural process, the bacteria grow the same as
22 gellan. And we mentioned this in the spring. We

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1 are asking you, the USDA, NOP, and the NOSB to
2 consider changing the listing for xanthan gum
3 205.605(a) non-synthetic.

4 CHAIR RICHARDSON: Great. Thank you
5 very much for your comments. I think you finished
6 right on time. Is that your ending? Yes, good.
7 Well you definitely get the gold star or whatever
8 it is, a little one.

9 Questions, Nick.

10 MEMBER MARAVELL: Yes, just in
11 following up on your statements that xanthan gum
12 is in accordance with organic principles. And you
13 may want to refer back to some of your previous
14 statements and testimony here today.

15 Is there any possibility that GMO feed
16 stocks, or substrates are used in the production
17 of xanthan gum that you would be providing to
18 organic processes?

19 MS. VAN DYNE: Well as you know GMO is
20 not allowed in the production. But also as you
21 know, in the U.S. it's very difficult to get
22 GMO-free nutrient medium. Kelco in particular is

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1 working towards that end in getting IP certificates
2 for our nutrient medium.

3 But also yes, it's difficult so we do
4 have statements from producers. We do PCR testing
5 and so we have a relatively good understanding in
6 our supply chain that we provide a non-GMO xanthan
7 gum.

8 MEMBER MARAVELL: And do you have a
9 tolerance or a threshold limit on, for your
10 testing?

11 MS. VAN DYNE: The PCR testing itself,
12 if we do PCR testing then that tolerance is per the
13 PCR limit of the test. I wouldn't know the PCR
14 level, sorry. And I've seen the results and it is
15 negative. Thanks.

16 MEMBER MARAVELL: So you're going for
17 a negative result.

18 MS. VAN DYNE: We're going for
19 negative, yes.

20 CHAIR RICHARDSON: Thank you very much
21 for your comments.

22 MS. VAN DYNE: Yes.

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1 CHAIR RICHARDSON: Thank you. The
2 next speaker is Lori Klopff, and she'll be followed
3 by Zareb Herman.

4 MS. KLOPF: Good morning. My name is
5 Lori Klopff and I work for ICL Food Specialties. A
6 company that produces food ingredients for both the
7 conventional and the organic food industry. Our
8 company is also a member of the International Food
9 Additives Council, and we support the comments from
10 this trade association on behalf of continued
11 listing of different phosphates on the National
12 List.

13 In my presentation I would like to
14 provide some information on why phosphates are
15 important in providing a variety of different foods
16 based on organic products.

17 Phosphates are a combination of
18 phosphors from natural ore with basic salts to
19 produce food grade pure phosphates. Phosphorus is
20 an essential element in the human body and it is
21 key to many biochemical processes. This element
22 is present naturally in many foods and the addition

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1 of phosphates to foods does not contribute
2 significantly to the overall intake of phosphorus
3 in foods.

4 Phosphates have been scientifically
5 reviewed for safety in foods by international
6 regulatory bodies and the overall scientific
7 evidence shows that they are safe for use in foods.

8 I'll now highlight some of the main
9 functions of phosphates in foods. Leavening, or
10 raising action is needed for baked goods.
11 Phosphates are common components in baking powder
12 which combines ingredients that react to form gas
13 that creates the needed texture and fluffiness in
14 foods such as cakes, muffins, waffles, batters, and
15 tortillas.

16 Also phosphates are needed in cheese
17 sauces. Cheeses naturally contain protein, fat,
18 and water. The addition of a small amount of
19 sodium phosphate helps stabilize the system and
20 provides consistency and smoothness in the cheese
21 sauce.

22 This slide shows a few examples of

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1 organic products which do contain phosphates. The
2 cheese sauces, and also dry powdered cheese sauces
3 require phosphates for smooth texture. In
4 addition some baked goods are shown here that use
5 phosphates as part of the baking powder system to
6 create products with the correct texture,
7 tortillas, the batter on the mozzarella cheese
8 sticks, and frozen waffles.

9 Two other essential functionalities of
10 phosphates are shown on this slide. Phosphates
11 are some of the most affective buffers available.
12 They are able to adjust and maintain a desired pH
13 of a food system. They are often used in coffee
14 creamers, or whiteners to prevent the fat
15 separation and to give a smooth whitened product
16 when added to this hot acidic coffee beverages.

17 A popular property in stores are the
18 variety of non-animal protein beverages often
19 marketed as milks. From sources such as almond,
20 rice, soy, coconut and more. Calcium phosphates
21 provide both the nutrient calcium as well as
22 providing a rich whitened appearance to the

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1 beverages. Some examples of these products are
2 shown in this slide.

3 In conclusion, I'd like to reiterate
4 some of the following points, phosphates offer many
5 benefits for texture and taste of organic foods.
6 They have unique functions in organic foods that
7 cannot be duplicated by other organic
8 alternatives. And we support continued listing of
9 phosphates on the National List to use where needed
10 in organic foods. Thank you.

11 CHAIR RICHARDSON: Thank you.
12 Question, Tom.

13 MEMBER CHAPMAN: I have two questions.
14 If phosphates are being used as part of the baking
15 powder would they be labeled as phosphates or be
16 labeled as baking powder?

17 MS. KLOPF: They would both, typically
18 it will say baking powder, and then in parentheses,
19 it lists each ingredient in the baking powder. So
20 it would be listed on the ingredient list.

21 MEMBER CHAPMAN: Then in the course of
22 researching this material, there's been issues

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1 raised with calcium absorption being prevented or
2 compromised. But sequestered, calcium being
3 sequestered due to the presence of phosphates. Do
4 you have any information in providing further
5 details about calcium related issues, absorption,
6 phosphates?

7 MS. KLOPF: I'm sorry, I didn't quite
8 understand your question.

9 MEMBER CHAPMAN: Nor did I understand
10 what I was asking, so. I'm going to yield to Jean
11 who'll try to ask my question better.

12 CHAIR RICHARDSON: I think what Tom is
13 trying to say, is that some of the research
14 indicated that the calcium is actually bound up,
15 is the known accessible when it's in a phosphate
16 form. Do you have any of the science that might
17 help us to understand that any better?

18 MS. KLOPF: Right. We have had
19 bioavailability studies done on these products.
20 And no, the calcium is not bound unavailably from
21 calcium phosphate.

22 CHAIR RICHARDSON: Any other

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1 questions? Great. Oh, sorry. Lisa and then
2 Zea.

3 MEMBER DE LIMA: I noticed in some
4 products, dairy products like cottage cheese for
5 example, where some brands will use calcium
6 phosphate and others don't. So could you, do you
7 have any information on necessity and why one brand
8 might use it, and another might not?

9 MS. KLOPF: Well, typically as you
10 know, they would have to meet the standard of
11 identity to be called cottage cheese. But why it
12 would be used or not would depend on the overall
13 formulation in there. And I can't recall exactly
14 right now the standard of identity, what that calls
15 for as far as phosphate levels. But there would
16 be an allowance for one type or another.

17 MEMBER DE LIMA: Can you explain this
18 standard of identity, it's one I don't know.

19 MS. KLOPF: Oh, yes. For certain food
20 products in the code of federal regulations there,
21 it's called center of identity. So in order to be
22 called cottage cheese or peanut butter or whatever

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1 you have to meet all the requirements.

2 And it does give ingredients that are
3 allowed, and certain levels. So it would need to
4 meet those you know not, you can't put anything else
5 in there other than what is allowed in that standard
6 of identity.

7 CHAIR RICHARDSON: Zea.

8 MEMBER SONNABEND: Thank you. You
9 made a statement to the effect that because foods
10 already have phosphorus in them, adding phosphates
11 didn't add to the overall consumption of phosphates
12 that a person would ingest. And I wonder what that
13 statement is based on?

14 MS. KLOPF: Okay, well there's another
15 word in there, it doesn't add significantly to the
16 overall intake of phosphorus. Phosphate or
17 phosphorus is present in all plant matter, and
18 there is in meats, and there are a number of natural
19 sources of phosphorus. So when phosphates are
20 added in foods, it's really at a very low level,
21 so it does not significantly impact the intake of
22 phosphorus.

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1 MEMBER SONNABEND: Like percentage
2 wise, compared to an overall phosphorus in a food,
3 is an added phosphate 1 percent, 10 percent, .1
4 percent?

5 MS. KLOPF: Well, of course it depends
6 very much on the food. If it's used as a buffer,
7 phosphates are very effective at low levels, so it
8 is you know less than half a percent in the food.
9 And maybe up to a couple of a percent depending if
10 you're trying to use like calcium phosphates as
11 more of a nutrient or whitening source.

12 CHAIR RICHARDSON: Calvin, question?

13 MEMBER WALKER: For my benefit, could
14 you explain again the standard, or of an entity.
15 My note says that the ingredients must meet a
16 certain level to be, that was your definition?

17 MS. KLOPF: In the standard of
18 identity, basically you must meet all the
19 requirements in the standard of identity. So you
20 can only include ingredients that are allowed.
21 And there may or may not be levels that are included
22 in the standard of identity, just depending on,

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1 each one is different. But is there are levels you
2 must meet those as well.

3 Thank you very much for your comments,
4 much appreciated. We will take Zareb Herman's
5 comments and then we will take a ten minute break.
6 Zareb.

7 MR. HERMAN: Good morning. My name is
8 Zareb Herman. I am a nutritionist and a food
9 scientist with The Hain Celestial Group. One of
10 the largest producers of organic products in the
11 world. I want to continue the discussion of
12 phosphates.

13 And Harold said, that we get a thousand,
14 we get one minute for every thousand miles travel,
15 so I traveled 2500 miles, so my comments will be
16 exactly two minutes and 30 seconds.

17 Calcium phosphates are very important
18 in organic production. The monobasic form is used
19 as a leavening agent by many companies to produce
20 hundreds of organic baked products. There is no
21 other substance on the National List that is
22 equivalent.

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1 The dibasic and tribasic forms are also
2 used in many organic products. Sodium phosphates
3 are commonly used in dairy products including some
4 organic cheeses. Our suppliers of organic cheese
5 powders tell us that sodium diphosphate is
6 essential in stabilizing the proteins and
7 preventing oil separation. There is not a
8 suitable alternative on the National List. We
9 request that sodium phosphates and calcium
10 phosphates remain on the National List.

11 I want to focus on potential health
12 concerns. Phosphates are a dietary source of
13 phosphorus which is an essential mineral for human
14 health. The recommended daily intake of
15 phosphorus for adults is 1000 milligrams per day.
16 Many Americans consume more than this amount
17 because phosphorus is found in a wide variety of
18 foods.

19 For example a four ounce serving of fish
20 contains about three hundred and fifty milligrams
21 of phosphorus. There is concern that some
22 individuals especially those with kidney disease

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1 may experience adverse health effects from
2 excessive phosphorus intake.

3 More research is needed to clarify the
4 safe upper limits for consumption but the
5 phosphates that are allowed in organic food
6 products contribute a small fraction of the
7 phosphorus in the diet. This should not affect
8 human health.

9 And finally if an individual wishes to
10 limit his intake of phosphorus, he or she can check
11 the product ingredient statement. Thank you.

12 CHAIR RICHARDSON: Thank you very much
13 for your comments. Questions? Harold.

14 MEMBER AUSTIN: Thank you, Zeb. My
15 question to you is with the calcium phosphates have
16 you looked at any potential alternatives? Are
17 there any that could possibly work?

18 MR. HERMAN: Well, when you talk about
19 alternative, you're talking about things on the
20 National List. And we have a limited National
21 List.

22 And when it comes to the monocalcium

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1 phosphate which we use as a baking powder, there
2 isn't any other leavening agent on the National
3 List that is equivalent that has the same reaction
4 rate when you're baking your product at a certain
5 temperature, and for a certain time.

6 CHAIR RICHARDSON: Tom, you have a
7 question?

8 MEMBER CHAPMAN: In follow-up to that,
9 are there equivalent products that are not on the
10 National List for the application?

11 MR. HERMAN: Well, for an organic
12 product, it has to be organic. I'm not aware of
13 any organic alternative.

14 MEMBER CHAPMAN: How about those for a
15 conventional product?

16 MR. HERMAN: For conventional
17 products?

18 MEMBER CHAPMAN: Yes.

19 MR. HERMAN: Well, not to my knowledge.

20 CHAIR RICHARDSON: Thank you, are
21 there other questions?

22 Very good, thank you very much for your

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1 comments.

2 I'd like to take only a ten minute break
3 because we are running more than about a half an
4 hour and late. So if we could come back say at 25
5 past ten? That would be really great and we can
6 maybe get caught up a little bit before lunch time.
7 Thank you.

8 (Whereupon, the above-entitled matter
9 went off the record at 10:12 a.m. and resumed at
10 10:26 a.m.)

11 CHAIR RICHARDSON: All right. Our
12 first speaker in this section of our public comment
13 will be Kris Anderson. And he'll be followed by
14 Myra Weiner.

15 MR. ANDERSON: Well thank you very much
16 for letting me speak to the Board today. I'm an
17 organic hop farmer from here in Vermont and I'm
18 going to be discussing the issue of weed control
19 in hops.

20 Yes, the main issues in any organic
21 growing system is adequate fertilization, weed
22 control and pests. And what I'm talking about

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1 primarily are the second two today.

2 Conventional hop growers in the U.S.,
3 especially, basically just use chemical desiccants
4 to kill all the plant around the bottom of their
5 plants, in their rows and the lower leaves so
6 there's nothing to grow fungus and to support
7 insect's populations. At least pest and insect
8 populations.

9 There are organic desiccants but
10 they're all really expensive and they're not that
11 affective. I've used them myself and they didn't
12 work all that well.

13 There is one other major control method
14 that's used in all of the major hop growing areas
15 of the world and that's sheep. This is the
16 traditional way that hop farmers have controlled
17 their weeds.

18 They basically leave all the grasses
19 and weeds around the base of the plant. So once
20 the plants are about four feet high, they won't eat
21 the stalk of the vine and they'll eat the lower
22 leaves. And therefore it will help improve

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1 airflow and decrease fungus and insects.

2 Right now in New Zealand, Australia,
3 where they really don't use any pesticides because
4 a lot of the fungi, which are issues for hops, are
5 not present. They use sheep as the only weed
6 control method.

7 Right now in Canada and Europe,
8 especially in organic hop farms, this is the legal
9 way that people by and large control weeds and
10 fungi.

11 Right now in Canada, and so the pictures
12 I'm showing here are from a farm just across the
13 border in Ontario, they're exclusion period for
14 sheep is about two weeks prior to harvest. They
15 make certain that the vines, when they're cut down,
16 do not lay on the ground where the sheep feces would
17 be. And that's approved by the, at least Canadian
18 Organic Standards Board.

19 In New Zealand and Australia right now,
20 the exclusion period is about four weeks prior to
21 harvest.

22 In the U.S. unfortunately, for

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1 vegetable crops, the exclusion period is 120 days.
2 There's an orchard exception for 90 days.

3 The problem is that 90 days prior to
4 harvest, my plants aren't four feet high. The
5 sheep will eat the plants. And therefore there's
6 really no benefit for having sheep in that early.

7 They tried to find a way around it in
8 Michigan earlier on this year, but their organic
9 certifier couldn't find a way around that part of
10 the rule. Same with our certifier here in Vermont.

11 So my request to the NOSB is hopefully
12 you support an exception to that 120 day sheep
13 exclusion rule for hop yards, to about 30 days, just
14 like they do in New Zealand. Or just shorter than
15 what they, which is longer than what they do in
16 Canada right now.

17 The rational for this is, is this a
18 traditional method with centuries of use for how
19 people control weeds and fungi in hop yards. It's
20 an easy method, they're easy methods to prevent the
21 vines from falling on the ground or getting
22 contaminated.

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1 The hops are not directly consumed as
2 a food anyway. They're always either having
3 alcohol in there or they're going to have been
4 boiled. Which is going to kill whatever pathogens
5 are present.

6 Thank you for listening. And have if
7 you have any questions --

8 CHAIR RICHARDSON: All right. We have
9 a question. Tracy?

10 VICE CHAIR FAVRE: As a sheep farmer,
11 I've just got a text from my sheep and they wanted
12 to know when they could get a grazing gig doing
13 hops.

14 My suggestion is that perhaps you could
15 consider a petition for this. Bring it before the
16 Board and you might get some action on it.

17 MR. ANDERSON: Okay.

18 CHAIR RICHARDSON: Tom?

19 MEMBER CHAPMAN: I have a question,
20 probably for the program. Would this be a material
21 petition or this would need to be a change to the
22 regulations?

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1 MR. McEVOY: Yes, it's an interesting
2 situation. Because the use of manure is excluded
3 in 90 and 120 days. And the question is, is sheep
4 grazing in application of manure. So it's not like
5 you're taking the tractor down the rows.

6 I think this is something that we can
7 look into at the program level. Look at
8 potentially some guidance on this.

9 We certainly would have to consult with
10 the FDA in terms of the implementation of FSMA.
11 But this is something that I think we, as the
12 program, could take a look at.

13 I'm not sure if it needs NOSB action,
14 but certain we can take a look at this and confer
15 back to the Board on this dilemma about sheep
16 grazing in hop work.

17 CHAIR RICHARDSON: Yes, Nick? Quick
18 question.

19 MEMBER MARAVELL: More of a comment.
20 This is not the first time that we've heard about
21 this issue.

22 And I think it would behoove you to talk

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1 to people who have other permanent vines or
2 orchards to see what they're applications are for
3 sheep grazing. Because I think that it could be
4 a very viable weed control strategy.

5 And the more people you have asking for
6 that strategy, well, sometimes it makes it worse,
7 sometimes it makes it better. I can't tell you
8 which.

9 CHAIR RICHARDSON: Thank you very
10 much, Kris, for your comments. My appreciated.

11 MR. ANDERSON: Thank you very much
12 everybody.

13 CHAIR RICHARDSON: Thank you. Next
14 speaker is Myra Weiner. And she'll be followed by
15 Rolf Carlson.

16 MS. WEINER: Thank you for this
17 opportunity to speak to you this morning. I'm Dr.
18 Myra Weiner. I'm a consulting toxicologist
19 presenting comments on behalf of Innophos.

20 Just some background. The inorganic
21 phosphate food additives are composed of the
22 phosphate molecule with four oxygen's. The

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1 valence of minus three cations capable of binding
2 in the food area are hydrogen, sodium, potassium,
3 calcium and magnesium.

4 As has been stated, phosphate is an
5 essential nutrient to life. It is required for
6 normal physiological functions.

7 Dietary phosphates are rapidly
8 absorbed and excreted in urine with no
9 bioaccumulation. Dietary phosphate is treated
10 and handled by the body in the same way as naturally
11 occurring phosphates.

12 Food additive phosphates have a long
13 safe history of use in foods spanning five decades.
14 The safety is based on a large database of animal
15 studies by oral administration. Primarily
16 dietary.

17 Long-term dietary studies have shown
18 the inorganic phosphates to be safe. They cause
19 no adverse effects, when feed at levels up to 0.5
20 percent in the diets in rats and dogs, over a
21 lifetime.

22 Inorganic phosphates have been shown

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1 not to be carcinogenic, genotoxic or mutagenic in
2 animal and in vitro studies. They do not cause
3 birth defects, reproductive toxicity in laboratory
4 animals at high levels through oral gavage or diet.

5 They show the same safety profile
6 regardless of the cation. Whether it's sodium,
7 potassium, calcium.

8 Because the phosphates are all similar,
9 they're regulated as a group. The U.S. FDA has
10 approved the use of phosphates by direct addition
11 to food.

12 And the select committee of the FDA
13 considers them generally recognized as safe. Or
14 grass. An indication of their high level of
15 safety. They do not present a hazard to human
16 health when added directly to food.

17 Globally, the World Health
18 Organization Joint Expert Committee on Food
19 Additives, or JECFA, concluded that a maximum
20 tolerated daily intake, or MTDI, of 17 milligrams
21 per day, per kilogram body weight, is permitted.

22 CHAIR RICHARDSON: Thank you.

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1 MS. WEINER: This slide shows --

2 CHAIR RICHARDSON: Yes, you have much

3 --

4 MS. WEINER: I'll just show you one
5 slide, because it answers a question that was
6 raised earlier on the level of phosphate added to
7 the human diet from the food additives. It's
8 roughly ten to 30 percent of the total phosphate
9 intake.

10 On the left is the daily intake
11 estimated by FDA for food additive phosphates.
12 Roughly 300 milligrams per day.

13 The recommended daily intake,
14 essential for life, is from 800 to 1,200 milligrams
15 per day. And the JECFA maximum acceptable daily
16 intake is up to 4,900 milligrams per day. Thank
17 you.

18 CHAIR RICHARDSON: Great, thank you
19 very much. Questions? Zea?

20 MEMBER SONNABEND: Thank you. On that
21 bar chart, I noticed that the average daily intake
22 per capita is data from 1975. Since 1975, far more

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1 processed food is consumed and far more processing
2 ingredients are added to that processed food.

3 And so could you give a perspective on
4 more current data of how much is consumed per capita
5 in processed food, given increased consumption of
6 processed food?

7 MS. WEINER: Well that data is being
8 reevaluated currently and I don't have a number.
9 But in general, the total phosphorus intake, from
10 both food additives and naturally occurring
11 sources, is roughly the same. And is well below
12 the maximum tolerated daily intake.

13 CHAIR RICHARDSON: Tom, you had a
14 question?

15 MEMBER CHAPMAN: So I wanted to hit on
16 the question I asked earlier about the relationship
17 between sodium phosphate and calcium
18 sequestration. Do you have any further data about
19 when calcium combines with the phosphate that it
20 reduces the combinability to absorb calcium?

21 MS. WEINER: I can't hear you.

22 MEMBER CHAPMAN: I wanted to ask about

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1 the relationship between sodium phosphate and
2 calcium sequestration. And the claim that we've
3 read in our technical reviews.

4 I think that when calcium combines with
5 phosphate, the body's ability to absorb calcium is
6 reduced.

7 MS. WEINER: Well I haven't seen that
8 claim, but based on my information, and the calcium
9 phosphate is actually providing two essential
10 ingredients or nutrients. Both calcium and
11 phosphate. So that's very important for the
12 body's balance of good nutrient and good bone
13 health.

14 MEMBER CHAPMAN: That's the case with
15 calcium phosphate. My question was about sodium
16 phosphate.

17 MS. WEINER: Sodium phosphate, again,
18 all of the regulatory agencies look at the group
19 of phosphates in the same way. By the phosphate.

20 Now they don't distinguish by the
21 cation. So they're all considered fine. And in
22 fact, a lot of the animal studies were done using

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1 sodium salts with no problem.

2 CHAIR RICHARDSON: Thank you very much
3 for your comments. Much appreciated. Our next up
4 speaker is Rolf Carlson. And he'll be followed by
5 Reed Miller.

6 MR. CARLSON: Thank you for this
7 opportunity to comment. My name is Rolf Carlson.
8 I am the vice-president for sourcing and
9 sustainability at Stonyfield.

10 We have submitted detailed written
11 comments and I will focus today on natural flavors,
12 colors and the proposal on ancillary substances and
13 microorganisms.

14 Stonyfield supports the application of
15 commercial availability to the flavors listing as
16 a way to encourage industry to move away from use
17 of natural flavors and use organic options whenever
18 possible, without being disruptive in prematurely
19 removing natural flavors from the list.

20 The OTA points out that better guidance
21 from NOP on how commercial availability should be
22 evaluated, would help to ensure a consistent and

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1 more effective approach to compliance across the
2 industry. We agree.

3 This guidance could hope to ensure that
4 there is a stronger signal for demand for high
5 quality organic flavors coming from processes
6 across the organic sector. Hopefully this would
7 lead in time to better availability of high quality
8 organic flavors.

9 We are also glad that the availability
10 of organic colors has improved to the point where
11 NOSB can consider sun setting some of them.
12 However, the NOSB should consider all aspects of
13 commercial availability before making this
14 decision.

15 We are aware of a few instances where
16 organic colors are not available and comparable
17 quality to natural options. In particular, we had
18 trouble with quality of organic black or purple
19 carrot juice extract, carrot juice extract and
20 turmeric extract. We urge the NOSB to leave these
21 three colors on the list for now.

22 Stonyfield is supportive of NOSBs

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1 efforts to conduct a more thorough review of
2 ancillary substances. Because we believe this
3 will improve the transparency of the list itself
4 and provide further assurances to consumers that
5 they can trust organic label.

6 The current proposal is a step in the
7 right direction, but there are some improvements
8 still needed. First, the term ancillary substance
9 is not commonly used or understood by the food
10 industry.

11 The NOSB should develop a
12 recommendation to NOP for definition of ancillary
13 substances. This would make it much easier for
14 companies like us to communicate with our
15 ingredient suppliers about this topic.

16 Further, NOP should develop a formal
17 affidavit that can be used across the supply chain
18 to consistently communicate and collect the rest
19 of the information that is needed to assess
20 compliance.

21 We support the recommendation that the
22 ancillary substances that fall into one of the

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1 functional classes are readily reviewed by the
2 NOSB, do not need further review in order to be
3 used.

4 To avoid unnecessary roadblocks in the
5 R&D process, it is important that any guidance
6 allows for use of particular ancillary substances
7 that may have been overlooked in the initial R&D
8 process. Provided they are consistent with known
9 functional categories.

10 We believe that the best way to manage
11 information about ancillary substances is for NOP
12 to published proposed guidance based on
13 recommendations they receive from NOSB and allow
14 for public review and comment period. Thank you
15 for the opportunity to comment.

16 CHAIR RICHARDSON: Thank you very
17 much. Questions? Tom?

18 MEMBER CHAPMAN: So I know you
19 commented on those three colors --

20 MR. CARLSON: Correct.

21 MEMBER CHAPMAN: -- that you do not
22 find as commercially available. Are there other

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1 colors, organic colors, you're utilizing
2 currently? That in your --

3 MR. CARLSON: Organic colors?

4 MEMBER CHAPMAN: Yes.

5 MR. CARLSON: Yes. We have, well you
6 know, with organic colors and flavors we had made
7 lots of progress with vanilla and beet juice.
8 Okay.

9 And during our renovation process or
10 products or development of new products and favors
11 and colors, we currently assess, if available, at
12 least three sources of organic first, before
13 turning to the natural options.

14 MEMBER CHAPMAN: So you're using
15 organic beet juice currently?

16 MR. CARLSON: Correct.

17 MEMBER CHAPMAN: Okay. Thank you.

18 MR. CARLSON: Thank you.

19 CHAIR RICHARDSON: Any other comments?
20 Great, thanks very much for your comments. Much
21 appreciated.

22 MR. CARLSON: Thank you.

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1 CHAIR RICHARDSON: Next we have Reed
2 Miller. And you'll be followed by Katrina Heinze.

3 MR. MILLER: Good morning. My name is
4 Reed Miller. I'm the owner and operator of Dwight
5 Miller & Son Orchards in Dummerston, Vermont.

6 I'm celebrating my 20th year of
7 certified organic fruit production, but we have
8 been growing fruit as a family since pre-Civil War.
9 We're well experienced in what we do as far as fruit
10 production.

11 I'm here to comment on sulfur, not
12 sulfur, calcium polysulphate. Which is liquid
13 lime sulfur. And copper.

14 And these apples that are here by the
15 pots, those are fruit that were grown this year.
16 The results that you're going to see up here on the
17 screen are actually to show you that we can grow
18 high quality. The highest quality of fruit in the
19 northeast under damp conditions without the use of
20 synthetic chemicals.

21 I have been using calcium polysulphate
22 since, well for the last 19 years. At one point

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1 I was told I was the largest user in the country.
2 I've used about 30,000 gallons on about 4,000
3 different rates. On a myriad of different crops.

4 What we've done is we've broken down
5 that product into something where we understand
6 very clearly that it's not the material, it's the
7 rate. And it's a very safe, very effective
8 material to use when it's used at the proper rate.

9 When problems can occur, it might be the
10 excessive rates that were basically attributed to
11 my forefathers generations.

12 When these compounds were used back in
13 my fathers, forefathers generation, Pre-World War
14 II, they were done using very big equipment. Lots
15 of water.

16 And nothing that can be compared to
17 today using the rates that we have electronic
18 equipment at very small rates. So we've been able
19 to break this down and to use it very safely, very
20 effectively under some conditions that would be
21 absolutely not considered good under most growing
22 conditions. Are there any questions?

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1 CHAIR RICHARDSON: Questions?
2 Harold?

3 MEMBER AUSTIN: Thank you, Reed. With
4 your use of the lime sulfur, have you seen any
5 negative impact on beneficial insects in our
6 orchards?

7 MR. MILLER: No. In fact I have a
8 friend who I have advised to use this and has done
9 it very successful as a conventional grower in the
10 Northeast and his beneficials have actually
11 expanded.

12 Again, I'm going to say that it's, you
13 can hold enough salt in your hand to kill you, but
14 sodium is essential to the human body. It's not
15 the poison, it's the rate.

16 And the rates that we use are
17 significantly less than what was previously done
18 by my forefathers. And so the compound itself I
19 think is something that has to be kept, something
20 that needs to be utilized.

21 There's a reason why it's expanding.
22 Because all it is is basically pH. We're talking

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1 about sulfur and calcium. We all need it.

2 CHAIR RICHARDSON: Other questions for
3 Reed? Thank you, Reed. Excellent, very clear
4 presentation. Very much appreciated.

5 Our next speaker is Katrina Heinze.
6 And she'll be followed by Joe Moidl.

7 MS. HEINZE: Wow. They kick you off
8 the NOSB for real.

9 Good morning. Thank you for your time
10 today. My name is Katrina Heinze, and I'm the
11 organic ambassador for General Mills and a former
12 NOSB member who served from 2007 to 2012.

13 I'd like to thank the NOP staff for the
14 public comment webinars, which gave access to more
15 folks. Both so they could comment, but more
16 importantly so they could hear what happens at
17 NOSB.

18 We took advantage of it and I know lots
19 of other folks did as well. Great practice, keep
20 going.

21 Nick, Colehour, Jennifer, Calvin and
22 Mac, it was a privilege to serve with you and I look

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1 forward to welcoming you to this side of the podium.

2 General Mills is one of the leading
3 producers of organic products in the United States.
4 Each year we serve products certified to the USDA
5 National Organic standards to over 10 million U.S.
6 households. And we're growing our organic
7 commitment.

8 This past August, as part of our
9 commitment to reducing our greenhouse gas
10 emissions, 28 percent in the next ten years, we
11 committed to increasing the organic acres from
12 which we source by 250,000 acres.

13 Since retiring from the NOSB, I've sat
14 in your audience listening to robust debate between
15 those worried that imperfect organic standards are
16 hurting consumer confidence, and those worried
17 that a drive for perfection will impeded growth and
18 limit the impact organic can have. Both are right.

19 And you, the NOSB, exist to find balance
20 between those perspectives. If it was easy or it
21 was obvious, you wouldn't be necessary.

22 The compromises between varying

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1 visions of what organic can be, decided here by you
2 and previous boards, have nurtured the growth of
3 100 million acres globally and 5 million acres in
4 North America.

5 As you make decisions, please think
6 about how to increase acres and the associated
7 environmental impact, while maintaining consumer
8 confidence. How can a continuous improvement
9 approach allow us to collectively move toward the
10 vision of agriculture we share?

11 Think about the success we had with hops
12 and annatto listed and now removed from 606. How
13 can vigorous understanding of your divergent
14 perspectives accelerate the adoption of organic
15 farming practices? Is there a long-term goal that
16 can be enabled by short-term flexibility?

17 Thank you for your service, your great
18 debates and communicating your vision so we can
19 head there together.

20 CHAIR RICHARDSON: Thank you, Katrina.
21 Questions from the Board Members? Nope, you're
22 off the hook.

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1 MS. HEINZE: Thanks.

2 CHAIR RICHARDSON: Thanks very much,
3 Katrina. The next speaker is Joe Moidl. And
4 he'll be followed by Troy Aykan.

5 MR. MOIDL: NOSB Members, thank you for
6 the opportunity to comment today. My name is Joe
7 Moidl and I lead the National Organic Community
8 within the Research and Development and Quality
9 Organization at General Mills.

10 As more households choose to buy
11 organic, we see that they are searching for foods
12 that align with their values, provide healthy
13 nourishment and taste great.

14 Increased consumer demand for organic
15 products has brought a significant increase in the
16 number of organic choices. Which is great for
17 consumers. And in turn, a collective desire, our
18 collective desire, to increase organic acreage.

19 While we respond to the increasing
20 demand for organic products, we need to recognize
21 that consumers have a choice when it comes to the
22 products they purchase and will not compromise in

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1 the need for great tasting quality products. And
2 one of those choices is non-organic.

3 Prudent and responsible use of the
4 materials on the national list can help us to
5 deliver and develop diverse portfolios of great
6 tasting organic products to meet our consumer's
7 needs.

8 That said, when developing organic
9 products at General Mills, it is our philosophy and
10 approach to use organic when possible and avoid
11 using natural flavors currently approved for use
12 as listed on 205.605(a).

13 In a small number of cases, organic
14 flavor systems don't meet consumer expectations.
15 Either at initial development or over the shelf
16 life of the product. And we will use products from
17 the approved list, 205.605 (a).

18 For this reason, we want to see more
19 organic flavor options coming to the market. And
20 believe that the proposal will do just that.

21 Adding commercial availability to the
22 natural flavor listing on 205.605(a) is

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1 responsible stewardship and supports the
2 advancement of the organic flavor industry.

3 In summary, this proposal is consistent
4 with our principles and practices at General Mills
5 and we are supportive of the initiative. Thank you
6 for your listening and your service to furthering
7 the mission of increasing availability of organic
8 goods for our consumers.

9 CHAIR RICHARDSON: Thank you very
10 much. Questions? From the Board? No questions.
11 You are a lucky guy.

12 All right, the next presenter is Troy
13 Aykan. Followed by Joe Smillie.

14 MR. AYKAN: Good morning. My name is
15 Troy Aykan. I am a food scientist and an attorney
16 with Hain Celestial Group. One of the largest
17 organic producers in the world. I also teach
18 courses in food laws and regulations at several
19 universities.

20 We strongly support the continued
21 listing of de-oiled lecithin on the national list.
22 Lecithin is one of the most widely used emulsifiers

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1 in organic foods. And some of these food
2 applications are oil in water emulsions that
3 utilize the oil lecithin.

4 There's currently only one
5 manufacturer of organic de-oiled soy lecithin. If
6 there's a shortage of organic soy beans or if the
7 one manufacturer shuts down for any reason, organic
8 de-oiled soy lecithin is likely to become
9 unavailable.

10 In addition, our company and other
11 companies produce organic products that are soy
12 free. Some of these products utilize the oil
13 lecithin from sunflower seeds or other sources.

14 These do not exist in organic form.
15 Therefore it is very important to keep the oil,
16 lecithin, on the national list.

17 I also want to make some brief comments
18 on xanthan gum. Xanthan gum is a safe effective
19 thickener that is used in many organic products.

20 In certain applications, it is superior
21 to other gums in providing the right viscosity and
22 texture when hydrated. We use it in organic cake

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1 and cookie mixes, beverages, soups, entrees and
2 personal care products.

3 We want to stress that xanthan gum is
4 very safe to consume, despite some comments to the
5 contrary. We request that xanthan gum remain on
6 the national list. Thank you.

7 CHAIR RICHARDSON: Thank you very much
8 for your comments. Francis?

9 MEMBER THICKE: Thank you. Does Hain
10 Celestial Group use any de-oiled organic, de-oiled
11 lecithin in your products now currently?

12 MR. AYKAN: Yes, we do.

13 MEMBER THICKE: Do you --

14 MR. AYKAN: Oh, that was too close.
15 I'm sorry.

16 MEMBER THICKE: Do you, at this point,
17 do you use all organic lecithin for your organic
18 products? Or do you use something conventional?

19 MR. AYKAN: We use -- I don't,
20 obviously I don't have access to our entire
21 portfolio, but whenever it's -- the organic form
22 is available we use it.

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1 It's not like we're not using non --
2 it's not like we're not using organic de-oiled soy
3 lecithin when it's applicable in form and quantity
4 and quality, we use it. Yes.

5 MEMBER THICKE: Have there been times
6 when organic has not been available in recent
7 years? Have there been times in recent years when
8 organic de-oiled lecithin has not been available
9 for you, for soy product?

10 MR. AYKAN: As far as the supply of it,
11 that I cannot really talk to the supply of it. But
12 there is some applications.

13 The quality may not be available. As
14 you guys may be aware of certain characteristics
15 of soy lecithin.

16 Let me check my research here. Just a
17 second please. There is like what's called
18 hydrophilic versus lipophilic balance. Which is
19 HLB.

20 Referred to it as it's seven for the
21 de-oiled, conventional de-oiled lecithin, as
22 opposed to four with the organic de-oiled soy

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1 lecithin. So they don't exactly work same way.
2 But in applications where we could use the organic
3 de-oiled soy lecithin, we do use it.

4 And as far as the availability, we
5 should also be concerned about the fact that there
6 are soy free products. Our non-dairy frozen
7 desserts.

8 There is no dairy, no soy. We use
9 lecithin. And we need to de-oil lecithin from
10 sunflower and other sources, which are not
11 currently available in organic form.

12 So if you were to delete de-oiled soy
13 lecithin, we would basically kill all these
14 customers demand in something soy-free non-dairy
15 frozen desserts and similar products.

16 CHAIR RICHARDSON: There's a question
17 from Nick Maravell.

18 MEMBER MARAVELL: Yes, I agree having
19 one source of lecithin organic from soy is not a
20 good thing. Do you have any suggestions on how we
21 could increase the incentives for additional
22 producers of lecithin that would be organic in

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1 nature? Yes.

2 MR. AYKAN: Yes. When you say
3 incentive, would you mean incentive as to the
4 potential manufacturers of de-oiled lecithin or to
5 the handlers? Or both?

6 MEMBER MARAVELL: Oh, I think the
7 handlers would use organic if it was available.

8 MR. AYKAN: Correct. Yes.

9 MEMBER MARAVELL: No, I'm looking for,
10 how do we get, and I'm sure the producers would
11 produce more oil crops, the organic producers, if
12 that were necessary.

13 MR. AYKAN: Yes.

14 MEMBER MARAVELL: I'm asking how to
15 make the incentive to get more people into the
16 manufacturer of the product.

17 MR. AYKAN: Yes. I believe in the free
18 market economy and the enterprises that if we make
19 it clear, that the moment we could supply with our
20 organic food industry with the same quality,
21 quantity and form of this material. Not only in
22 soy, but also from sunflower seeds and other

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1 sources.

2 If NOP to make -- would be to make a
3 press release or something, then it could be
4 representation then taken out. And some
5 entrepreneurs may see some advantage in that.
6 Getting into that kind of business.

7 It's what I think of as far as
8 incentives.

9 MEMBER MARAVELL: Do you see anything
10 that NOSB could do to help those incentives?

11 MR. AYKAN: Yes, they could.
12 Absolutely. Yes, if you were to make a statement
13 as you vote and make a commitment that, you know,
14 the moment we have available, de-oiled lecithin in
15 that similar quality, quantity and form.

16 And then this lecithin maybe sunset or
17 something or be petitioned to be sunset. You could
18 have that as some kind of statement.

19 I know that we may not get to change
20 annotations, if I understand the procedure
21 correctly with our votes, but I'm sure that there
22 could be some kind of statement or press release.

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1 I would obviously consult with the NOP for guidance
2 on that.

3 CHAIR RICHARDSON: Thank you very much
4 for your comments.

5 MR. AYKAN: My pleasure.

6 CHAIR RICHARDSON: The next speaker is
7 Joe Smillie. And he'll be followed by Larry
8 Plesent.

9 MR. SMILLIE: Hey all.
10 Congratulations on continuing a wonderful, open,
11 transparent and democratic process. It's quite
12 amazing to see it continue.

13 I do live in Vermont. And I have the
14 Vermont organic license plate.

15 I've been involved in the organic
16 movement a long, long time. I've been a
17 homesteader, a gardener, a farmer, an insect
18 consult, a fertilizer salesman, a commercial
19 composter and an orchard consultant, an inspector
20 and a certification agent. So I've sort of seen
21 a lot of different sides of this wonderful trade
22 we're all in.

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1 I'm a founding member of OTA, the IOIA
2 and a previous NOSB member. One of the wonderful
3 things that I learned, while serving on the NOSB,
4 was the law of unintended consequences. This will
5 come up a little later.

6 I concur with the Vermont Secretary of
7 Agriculture Chuck Ross, Grace Gershuny, Bill Wolf
8 and others who have pointed out the dangers of
9 polarization within our movement. We've talked
10 about it many times, it's not an old story.

11 As Katrina said, we have to balance, you
12 know, the perfect with the good. You've heard it
13 all before, you all have your views on it, I'm not
14 here to change your point of view.

15 My view is we need to change agriculture
16 from one percent to a heck of a lot more. And the
17 way we're going to do that is by making the tools
18 available to farmers and processors that they need
19 to convert those three years when they have to grow
20 organic and sell conventionally. That's a tough
21 thing for any economist to swallow.

22 The law of unintended consequences

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1 really started when OFPANA debated how we would
2 draw the line between what's organic and what's
3 not. We decided, perhaps not to our wisdom, that
4 we would draw that line between natural and
5 synthetic.

6 That was a decision that was made, it
7 was argued and that was the final decision in the
8 early days. This has led to an unintended
9 consequence that has led to what I call the
10 demonization of synthetic substances.

11 I've listened to Reed Miller, Nathan
12 Allen, Vern Grubinger and many others talk about the
13 need for these tools, which may or may not be deemed
14 synthetic. They're necessary.

15 When I was an orchard consultant, and
16 Miles will appreciate this, when we got the
17 coddling moth mating disruptive, it enabled
18 consumers to eat really good apples without worms.
19 Or without a half of worm, even worse.

20 Coddling moth mating disruptive is a
21 synthetic pesticide. That's what it is. And it's
22 a wonderful nontoxic species specific tool that we

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1 need.

2 There are many other tools. You saw
3 Reed's history of the use of polysulfur. There's
4 many, many more.

5 We need to keep these tools and sort of
6 stop the demonization of all things synthetic.
7 What's natural isn't always good. What's deemed
8 to be synthetic is not always bad.

9 That's about really all I have to say
10 about that. Let's keep the tools and the farmers
11 in processors' hands so that we can grow organic
12 and not leave it as imperfect.

13 Last two things. I was glad to see that
14 the recommendation that the CAC made. Our first
15 recommendation for standardized certificates is
16 now going to happen ten years later. That's
17 wonderful, glad to see it.

18 And also, as a co-author of Soul of
19 Soil, hydroponics is a very interesting, wonderful
20 agricultural tool. It has no place in organics.
21 Thank you.

22 CHAIR RICHARDSON: Thank you, Joe, for

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1 your comments. Questions, comments? Much
2 appreciated, thank you.

3 Next speaker is Larry Plesent of
4 Vermont Soap. And he'll be followed by Frans
5 Wielemaker.

6 MR. PLESENT: Good morning. Welcome
7 to Vermont. And thank you for this opportunity to
8 speak with you for three minutes.

9 My name is Larry Plesent and I am chief
10 formulator and CEO of the Vermont Soap Company
11 right here in Middlebury, Vermont. I did not
12 travel thousands of miles to get here.

13 I have a great job. My job is to
14 replace yucky stuff with yummy stuff. We see
15 ourselves as making food for your skin. All right.

16 Since 2003 Vermont Soap has been a
17 certified organic processor. We specialize in
18 topical body, pet and cleaning products. We have
19 brought to market over 100, over 100, certified
20 organic products.

21 Including pet shampoo, the world's
22 first organic shower gel. Soap based shower gel.

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1 Spray cleaners, foaming hand soap and even an
2 airplane, windscreen installation lubricant made
3 with organic oils.

4 Vermont Soap supports the re-listing of
5 sodium hydroxide, and its cousin potassium
6 hydroxide, with the following comments. Even
7 though literally a thousand topical use products
8 have been certified to USDA organic food standards,
9 no mention of this use of organic agricultural
10 feedstock is made on the NOSB allowables list.
11 We're kind of the black sheep of organics right now.

12 We, personal care products formulators
13 using organic ingredients, seek clarification and
14 guidance as we continue to bring to market new
15 topical organics. We need some guidance here
16 guys.

17 And the area crying for clarification
18 is in fact the use of sodium and potassium
19 hydroxide. Which is up for re-listing. Which we
20 support.

21 Sodium hydroxide is used to transform,
22 to actually crystalize organic oils, which make you

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1 dirty, into organic soap, which makes you clean.
2 No sodium hydroxide, no measurable sodium
3 hydroxide, remains in the vital product.

4 Now this is the definition of a
5 processing aid. And in fact I will read the FDA
6 definition, one of the definitions, of a processing
7 aid.

8 Definition number three. Number
9 three, a substance processing aid. A substance
10 that is added to a food for its technical or
11 functional effect in the processing, but is present
12 in the finished food at insignificant levels and
13 the residual does not have any technical or
14 functional effect on the food.

15 So in other words, we're having a
16 functional effect on the food. In this case,
17 organic coconut oil for example, to make organic
18 coconut oil soap.

19 I'll read a second definition. This is
20 the FDA's 21 CFR Part 173. Secondary direct food
21 additives, which is a kind of processing aid.

22 These are substances whose

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1 functionality is required during the manufacturing
2 or processing of a food and is not present in the
3 finished product. So therefore, to get right to
4 the point, and I thank you for this, so therefore,
5 to remedy this situation, I ask the Board to draft
6 a recommendation to NOP for guidance for certifiers
7 in the industry.

8 The guidance would clarify that sodium
9 and potassium hydroxide, when used to make
10 certified organic soap, meets the NOP definition
11 of a processing aid, thus allowing the potential
12 to create 95 percent organic soap products.

13 Because potassium and sodium hydroxide
14 cannot be pulled out of the final ingredient, like
15 --

16 CHAIR RICHARDSON: Can I shut you off?

17 MR. PLESENT: -- like raisins from
18 granola --

19 CHAIR RICHARDSON: All right.

20 MR. PLESENT: -- we ask that it be
21 classified as a processing aid. And I thank you
22 very much.

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1 CHAIR RICHARDSON: Great, that was a
2 very clear presentation. Do we have questions or
3 comments? Do you want to, you don't want to make
4 a comment? Okay. Good, thanks very much, Larry.

5 MR. PLESENT: Thank you.

6 CHAIR RICHARDSON: The next presenter
7 is Frans Wielemaker. And he'll be followed by Luis
8 Monge.

9 MR. WIELEMAKER: Thank you Chairman
10 and Michelle. Thank you for giving me the
11 opportunity to address the NOSB Board and this
12 distinguished audience. And yes, once again it's
13 ethylene that I'm going to talk about.

14 Let me introduce myself. My name is
15 Frans Wielemaker and today I'm an independent
16 consultant. I have worked banana and pineapple
17 growers in Mexico, Central and South America and
18 the Caribbean in R&D, production, quality,
19 marketing and organic certification for the last
20 36 years.

21 I'm here today specifically petition
22 for the continued views of ethylene for banana

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1 ripening and handling in the 205.605(b) category.
2 Which has already been endorsed by the
3 subcommittee. We've also sent in a written
4 petition.

5 I will here also reach out to my
6 pineapple friends who, as you know from the
7 sessions from yesterday, also want ethylene to stay
8 on the list for crop production. I also want to
9 make this lobby for the organic retailers and the
10 organic consumers in general. We need bananas and
11 pineapples to stay in stores as an organic option.

12 I sort of feel responsible for ethylene
13 being on the list, because I petitioned for it in
14 2001. We had a few struggles over the last 12
15 years, but I didn't think it would become an issue
16 again.

17 In fact, it's frightening to see that
18 every five years we have to come here and fight for
19 our livelihoods again. We need security and
20 continued approval over sensual inputs.

21 Ethylene is a natural substance. And
22 it's precisely ethylene that we need to ripen fruit

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1 and initiate flowering in pineapple.

2 So you can see how simple a molecule
3 ethylene actually is. And when you go to
4 Wikipedia, you can read about it. And it's one of
5 the most essential plant hormones that exist.

6 Since the approval of ethylene, or
7 since the approval of the NOP rules and ethylene
8 got approved, the banana and pineapple industry has
9 boomed. Today organic banana farms and organic
10 pineapple farms have increased production to about
11 28 million boxes of bananas and three million
12 cartons of pineapples.

13 CHAIR RICHARDSON: So --

14 MR. WIELEMAKER: Organic bananas were
15 hardly available in stores 15 years ago. Today
16 they are in every self-respecting store.

17 CHAIR RICHARDSON: Great. You're
18 wrapping up how?

19 MR. WIELEMAKER: Yes.

20 CHAIR RICHARDSON: Yes? Okay.

21 MR. WIELEMAKER: And Luis Monge will
22 continue.

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1 CHAIR RICHARDSON: Great, thank you
2 very much. Are there any questions? Any
3 questions? Nope. Thanks very much. Much
4 appreciated.

5 The next speaker is Luis Monge.
6 Followed by Christopher Anderson.

7 MR. MONGE: It's good to be back. I
8 lost Day 4 presenting meetings. I lost my hair
9 too. And I'm the same guy that showed the
10 pineapples and the bananas to you guys.

11 My name is Luis Monge. Now I'm living
12 in Peru. I'm a regional for Costa Rica. I'm
13 running a new organic banana exporting company in
14 Peru.

15 Why do we want the continual lecithin
16 for banana ripening. Bananas are a climatory
17 fruit, which will not ripen easily when still
18 hanging on the banana tree. At least not until
19 fully grown. And if harvested at that late stage,
20 an unworkable green life period remains for
21 shipping.

22 Bananas are harvested to enable to

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1 transport them over large distances to the market.
2 At the arrival they are put in a room into which
3 while regulated temperature and humidity, ethylene
4 gas is injected in a controlled way to reach a level
5 to 0.05 to 0.1 percent of the air content.

6 The ethylene gas, while circulating,
7 goes through all the back banana in boxes and
8 figures a natural ripening and processing in order
9 to have them ripen uniformly to a yellow stage
10 number two. At which -- sorry, at the same time
11 to be delivered to the stores.

12 This procedure is used around the world
13 in less and modern ripening facilities for both
14 conventional and organic bananas. Mangos,
15 avocados and citrus are also de-greened in a
16 similar fashion.

17 In mostly poorer countries, where this
18 ethylene gas technique is using a ripening room,
19 is not used. Ripening is done by spraying or
20 dipping bananas in a bath which has ethephon added.

21 Which is a true synthetic or even with
22 calcium carbide. Which is also a synthetic. And

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1 which emits acetylene, which is the only other
2 molecule that also ripens bananas.

3 So non-synthetic alternatives to
4 ethylene exist, and we are glad they don't. As it
5 will make the process unnatural.

6 Ethylene gas has been used for banana
7 ripening since the early '60's. I wasn't born yet.
8 And if operated correctly, nobody has even become
9 sick or have there been health issues reported.

10 In fact, it is my opinion that ethylene
11 will never again come to a sunset issue, because
12 it is, all it is, is a synthetically produced
13 natural. A category which is not in the vocabulary
14 of the NOSB, yet, but it should. At least for this
15 particular use of ethylene.

16 Finally, and to finish my presentation,
17 I want to thank the OTA, the EOIA and the OPWC for
18 their support for the continued use of ethylene for
19 both mentioned uses as they have petitioned in
20 favor.

21 CHAIR RICHARDSON: Thank you very much
22 for your comments, Luis. Are there questions?

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1 Yes, Mac?

2 MEMBER STONE: Luis, when you were here
3 a few years ago on the pineapple issue, if a grower
4 grows out of organic pineapple production, how
5 involved is chemical input in conventional
6 pineapples?

7 MR. MONGE: Thank you, Mac. Well
8 first of all I don't consider myself a pineapple
9 grower. Pineapple growers are sitting there.
10 And a firsthand answer will much better be an answer
11 by them.

12 But in my opinion, well pineapple, a
13 conventional cultivation is a high input. The
14 plane, activity. In fact, it's a whole different
15 world.

16 And all kind of allowed synthetic, a
17 molecule that's safe. Molecules, I mean
18 convention. The convention are used for sure.
19 Meaning insecticide, herbicide, a fungicide,
20 everything.

21 And so it will be a whole different work
22 for a farmer to come or to go from organic to

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1 conventional. That is not meaning that they are
2 going to be unsafe by the way.

3 I mean a pineapple cultivation, at
4 least in Costa Rica, is a very regulated industry.
5 That is a whole different thing.

6 CHAIR RICHARDSON: Thank you very much
7 for your comments. Much appreciated.

8 MR. MONGE: Welcome.

9 CHAIR RICHARDSON: The next speaker is
10 Christopher Anderson. And he'll be followed by
11 Jennie Landry.

12 All right, that person already has
13 gone. Jennie Landry, are you here? Jennie?
14 Okay, you're up next. And Jennie will be followed
15 by Jeffrey Bogusz.

16 MS. LANDRY: My name is Jennie Landry.
17 I represent DSM Nutritional Products. The world's
18 global leader in production of omega-3 EPA and DHA
19 based products.

20 DSM strongly recommends a re-listing of
21 fish oil to the national list as non-organically
22 produced ingredient in or on processed products

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1 labeled as organic.

2 Omega-3 fatty acids, primarily EPA and
3 DHA, benefit human health by contributing to
4 healthy brain development and reducing the risk of
5 cardiovascular disease. Evidence supporting
6 these benefits span past four plus decades and
7 remains favorable.

8 Organic consumers recognize the
9 benefits provided by omega-3 EPA, DHA from fish
10 oil. And should have access to products made with
11 non-organically produced fish oil. Since organic
12 fish oil currently does not exist.

13 Fish oil is a naturally sourced value
14 added byproduct of the fish meal and edible canning
15 industries. It is highly inaccurate to suggest
16 that fish oil production will contribute to global
17 extinction of the fish species as fish are not
18 caught for their oil.

19 As for the fisheries themselves, the
20 FAO publication referenced in the subcommittee's
21 fish oil recommendation overall generalizes the
22 state of the fisheries. It would be more accurate

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1 to look at individual stocks, countries and fishery
2 regions.

3 DSM only sources fish oil from
4 government regulated fisheries where provisions
5 are in place to protect fish stocks. The Peruvian
6 anchovy fishery produces the most fish oil
7 worldwide. And is also the most highly regulated
8 and sustainable fisheries in the world.

9 There have also been statements made
10 that the health risk from the consumption of fish
11 oil may outweigh the benefits of omega-3's in fish
12 oil. This is highly inaccurate and
13 unsubstantiated.

14 There are several recommendations from
15 health authorities internationally supporting the
16 consumption of fish and fish oils for their health
17 benefits.

18 According to the dangerous goods
19 advisory council, neither the risk, the mercury nor
20 organic pollutants outweigh the benefits of
21 seafood consumption. Therefore, if there was
22 minimal risk, with regards to consumption of fish,

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1 fish oil is far less of a concern because modern
2 technology reduces the level of contaminants far
3 below the levels that would be present in fish.

4 The global organization for EPA and DHA
5 sets contaminates limits based on the strictest
6 global regulations where -- which are mandatory for
7 coed members.

8 Finally, to touch on the topic of
9 organic alternatives. It has been suggested that
10 flax and chia seed oils could be considered
11 alternatives because they contain relatively high
12 sources of omega-3 fatty acids.

13 It's crucial to know that the
14 predominate form of omega-3 in these sources is
15 ALA. ALA has not been proven to demonstrate the
16 same level of benefits as EPA and DHA.

17 And while ALA can be converted to EPA
18 and DHA in the body, the rate of conversion is
19 highly inefficient. Therefore a marine based
20 omega-3's are the most economical choice.

21 In closing, DSM strongly recommends
22 re-listing fish oil to the national list. As a

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1 leading producer in omega-3 products, we
2 understand that protecting our marine environment
3 is crucial and are committed to sustainability now
4 and in the future.

5 We have leading technologies that
6 deliver safe and reliable products and trust that
7 health benefits are scientifically valid and
8 substantiated. Thanks.

9 CHAIR RICHARDSON: All right. You
10 have a question, Tom?

11 MEMBER CHAPMAN: Yes. We received
12 several comments questioning the necessity of fish
13 oil. Particularly fish oil being incorporated
14 into products where it's not inherent.

15 For example, milk glorified with fish
16 oil. Can you respond to those concerns?

17 MS. LANDRY: It's true that you don't
18 need fish oil in order to make milk or butter. It's
19 not a requirement to make those products.

20 But we feel that the benefits of omega-3
21 EPA and DHA are well recognized. And organic
22 consumers are looking for healthy products as well.

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1 And we'd like to potentially benefit
2 from omega-3's. And so they should have the choice
3 to choose those products if they are interested.

4 CHAIR RICHARDSON: Question from Lisa.

5 MEMBER DE LIMA: So is all of your oil
6 coming exclusively from Peruvian waters?

7 MS. LANDRY: It's not 100 percent
8 exclusive, but that is where the majority of our
9 fish oil is sourced from.

10 MEMBER DE LIMA: So where would the
11 remaining come from?

12 MS. LANDRY: I don't have the specifics
13 on hand. It's a natural product, so there are
14 fluctuations in terms of profiles that we're
15 looking for, for EPA and DHA.

16 We have sourced within the same fishery
17 region. All of our sources we evaluate for
18 sustainability. And have to meet minimum
19 requirements no matter where it's sourced.

20 MEMBER DE LIMA: And are your
21 sustainability requirements set by a third party
22 or those are set internally?

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1 MS. LANDRY: They are analyzed based on
2 the individual fisheries, the regulations that are
3 in place in those fisheries. And are evaluated to
4 those standards.

5 MEMBER DE LIMA: Have you all looked at
6 algae as an alternative? Not just flax or chia.

7 MS. LANDRY: Not specifically for this
8 instant for fish oil. There is algal oil that
9 could be used as a substitute under the nutrient
10 vitamin mineral category.

11 CHAIR RICHARDSON: Thank you very much
12 for your comments.

13 MS. LANDRY: Thank you.

14 CHAIR RICHARDSON: Much appreciated.
15 The next speaker is Jeffrey Bogusz. And he'll be
16 followed by Phil LaRocca.

17 And just a quick sort of time check
18 here, obviously we're not going to be finishing at
19 noon. I'd like to take all of the public comment
20 speakers before we break for lunch. So we have 16
21 more to go, including Jeffrey.

22 MR. BOGUSZ: Good morning. I'm Jeff

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1 Bogusz and I work for the Ferrara Candy Company.
2 We're a manufacturer of gummy bears and fruit
3 snacks.

4 Just began making organic versions in
5 August. And at this point in time there are
6 several items integral to our brands that are not
7 available in organic form. Others have limited
8 availability or problematic functionality.

9 Gelatin, pectin, agar, citric acid,
10 carnauba wax, shellac, flavors and colors are
11 currently all justified as being on the list. And
12 I want to take my three minutes to talk about
13 colors.

14 I've heard from some that -- someone
15 said the comment, I can go to any Walmart in the
16 United States and buy organic grapes. Surely
17 there are enough organic grapes for making colors.
18 That sounds wonderful, however there is more to it
19 than that.

20 The varieties that are grown for color
21 specific applications tend to be different than
22 those grown for food. They're not selected based

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1 upon flavors, they're selected based upon the color
2 yield.

3 And then there's also other unique
4 things like, for example beets. There are some
5 varieties that produce a color that works well in
6 a low pH product, like yogurt. There are some
7 variety of beets that produce that color that works
8 better in a high pH product, like a bakery product.
9 So there's a lot of individuality here among the
10 varieties grown.

11 In the case of perennials, it would be
12 possible for production to move to organic within
13 one year. But for items like grapes and cherries,
14 it will take at least three years to develop an
15 organic supply, if there isn't something in the
16 works right now to transition that.

17 In addition, the color yield from
18 organic crops I've heard is constantly lower than
19 conventional. And when I've challenged people as
20 to why and for specifics, I haven't really gotten
21 what I consider an adequate response.

22 What I think that this is more is almost

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1 fear. It's a matter of people aren't familiar
2 growing these crops on a large enough basis to know
3 what the yields truly are.

4 And when it comes down to it, I think
5 that what we really need is more time. So what I'm
6 going to suggest is that you go ahead and
7 pre-approve all of the colors that are on the list
8 right now, but then instead of waiting five years
9 to review them again, review them in two or three.

10 Then things that look promising, and
11 there are several that are promising, could
12 potentially be removed from the list in two or three
13 years. But that gives industry three to four years
14 to actually prove the systems out and develop the
15 supply, have multiple crop years to prove that the
16 best ways in order to do that, before it's actually
17 a specific requirement.

18 This added time is also going to allow
19 producers like us to change our labels, if
20 necessary, or to use up old packaging before a
21 change is actually required.

22 As it is right now, as I see it, I've

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1 talked to many color manufacturers and they tell
2 stories of a customer anticipating a large demand
3 for a color and then actually being stuck with that
4 color when the actual demand doesn't materialize.
5 So they're a little bit shy in terms of actually
6 going ahead and exploring their options.

7 Having a larger time window would be
8 great for everybody involved and will get things
9 off the national list sooner.

10 VICE CHAIR FAVRE: Thank you, Jeff.
11 Any questions for Jeff? Tom?

12 MEMBER CHAPMAN: Briefly. Can you, I
13 know you guys are fairly new to organic. I think
14 you said the last nine months or so. Can you
15 briefly explain your efforts to source organic
16 colors?

17 MR. BOGUSZ: So in terms of organic
18 colors, we have looked at several options.
19 Organic red carrot are actually the most promising
20 for us. But the supplier that we're dealing with
21 has a very limited supply this crop year. I'm
22 expecting that we're going to be using red carrots

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1 next crop year.

2 Orange carrot has actually been a
3 relatively unique experience with our product.
4 We've actually had problems with it actually
5 developing a metallic sheen on our finished product
6 that we don't quite understand. Sometimes it
7 happens and sometimes it doesn't. And are kind of
8 working with our supplier to understand that.

9 And have also evaluated organic
10 turmeric. And actually could use that but aren't
11 necessarily all the time. Because of availability
12 constraints in a turmeric that has been washed to
13 a level where the color or the flavor isn't going
14 to be, have an impact in our product. So sometimes
15 we're using organic turmeric and sometimes we're
16 not.

17 MEMBER CHAPMAN: Okay.

18 VICE CHAIR FAVRE: Any other questions
19 for Jeff? Thank you. Next up is Phil LaRocca.
20 Followed by Bill, excuse me, Beth Unger.

21 MR. LaROCCA: Good morning. My name
22 is Phil LaRocca. And I have been an organic farmer

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1 for 44 years.

2 The last 32 I've been the owner and wine
3 maker of LaRocca Vineyards. And I also sit as the
4 Chairman of the Board of Directors for CCOF.

5 I want to start by encouraging this
6 Board to be vigilant on the GMO issue. The organic
7 farmer seems to be put in a position of always
8 having to defend themselves.

9 And I felt earlier that Will Allen
10 answered Zea's question of, what we need to do,
11 quite well when he responded by saying, I think we
12 need to have the NOP put pressure on the USDA. And
13 the best way to do this is to put pressure on the
14 aggressor by some kind of fine or penalty.

15 People tell me, well this will never
16 happen. However, we have this, an attitude that
17 it never will happen, it never will happen.

18 But for the sake of the organic farmer
19 and the sake for the organic community, we have to
20 do something about this pollution that we're seeing
21 in the organic industry.

22 With that, briefly I want to add

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1 something. We need to also promote, which we do
2 at CCOF, that the USDA organic does mean non-GMO.

3 Recently our company, we sold some bulk
4 product and the company wanted not only our proof
5 of certification, but our non-GMO verification.
6 And so we had to argue, a waste of time.

7 And finally we blew up our CCOF logo
8 which says, organic non-GMO and more. We finally
9 convinced them that being certified organic also
10 means non-GMO. We don't need a separate
11 certification.

12 My next point, I'm going fast, is,
13 Miles, thank you for your eloquent introduction
14 yesterday. Especially regarding enforcement.

15 Because at CCOF we voted unanimously to
16 get rid of the state organic program. Felt by our
17 California organic farmers that the excess fee and
18 excess paperwork did not give us our bang for our
19 buck. That there were still problems going on.

20 The argument that people were giving us
21 was that you need them for enforcement. But after
22 hearing the fabulous job that the NOP is doing, I

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1 am more than ever convinced that we do not need this
2 California State program.

3 For those on the Board that aren't
4 familiar, we are the only state that has this
5 program. And quite frankly, I look at it as an
6 organic tax. Instead of being rewarded with what
7 we do, we have this extra tax that we have to pay.

8 My third point, which I will just want
9 to end with, I think, on a very positive note, is
10 that we have what's called the Bricmont Leadership,
11 excuse me, Bricmont Hardship Assistance Fund.

12 As far as I know, we are the only
13 organization in the country that is offering monies
14 for hardship victims that are certified organic
15 farms. And you do not have to be CCOF certified,
16 but you do need to be certified.

17 And this is across the country. We
18 have extended our period of sign up because of the
19 recent disasters. We have people coming in
20 basically for flood, fire. Obviously the drought.

21 The best way to get more information on
22 this is to go to ccof.org Bricmont,

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1 B-R-I-C-M-O-N-T, Hardship Fund. And this is open
2 to everybody here.

3 Please take advantage of it. It's one
4 of the greatest things that we do at CCOF, I think.
5 Thank you.

6 CHAIR RICHARDSON: Thank you very
7 much, Phil. Questions? From the Board Members.
8 No questions. Thanks, Phil.

9 The next presenter is Beth Unger. And
10 she'll be followed by Ron Rosmann.

11 MS. UNGER: Good morning. I'm Beth
12 Unger. I'm here representing CROPP. It's a
13 farmer owned certified organic cooperative that
14 markets products under the Organic Valley and the
15 Organic Prairie labels. We do nothing but organic
16 products.

17 I really appreciate the fact that you
18 did those webinars this year. That was pretty
19 awesome. And I, you know, I listened in on both
20 of them. I was very interested to hear all the
21 comments.

22 And I want to point to one of the

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1 comments that I felt was very eloquent. It
2 followed up on some very complete written comments.
3 And that would be by Paul Browner of DSM.

4 He commented on the use of the fish oil.
5 And answered, I thought, very well the questions
6 that the Board had presented regarding the fish
7 oil.

8 We are, of course, are in support of it.
9 And I will say that we are in support of it because
10 we have a line of milk that has omega fortification
11 through fish oil that we do because we have health
12 conscious consumers who want it. The consumers
13 want it.

14 It's not because, you know, it's like,
15 oh, that's a great idea. No, they want it.

16 The other topic is my old favorite,
17 bacon. Celery powder needs to stay on the list.
18 We heard you loud and clear. And we are taking a
19 lot of actions on that.

20 You're going to hear from some experts,
21 I am no expert, believe me. But DSM or Kerry
22 Ingredients is an expert. And they will be up here

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1 to testify in a little bit.

2 And they, you know, they've done a lot
3 of work, as the other supplier has, in terms of
4 doing trials and looking for ways to do this with
5 an organic vegetable.

6 But organic process needs are a very
7 important part of meat farmer's livelihood. It's
8 a way to use the entire animal. And that celery
9 powder is what's going to get it done.

10 We don't use sodium nitrate like Europe
11 does. So we need that.

12 And in the meantime, you know, the OTA
13 has graciously formed the National List Innovation
14 Working Group. We are going to be supporters of
15 that working group.

16 One of the top priorities on that is
17 going to be looking for organic alternatives to
18 celery powder. And so please keep it on 606 for
19 another five years. Let us get the work done. And
20 we will come back with a success story to you.
21 That's all I have for now. Thank you very much.

22 CHAIR RICHARDSON: Thank you very

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1 much, Beth. Question, Nick?

2 MEMBER MARAVELL: Yes. Could you talk
3 a little bit more about what you're doing to seek
4 alternatives? What's on the horizon, what are the
5 prospects, what areas you're going into?

6 MS. UNGER: Nick, I'd like you to ask
7 that question to the experts that are coming.
8 We're a user, you know. So we don't have any other
9 alternatives.

10 In terms of doing processed meats. And
11 that's including the bacon, the ham, the hotdogs,
12 the pepperoni, the beef jerky. And our new
13 product, the mighty bars. We're using that as the
14 so called churring agent.

15 MEMBER MARAVELL: Yes. Well I ask you
16 advisedly, because I'm also a livestock producer
17 and produce livestock products. Including things
18 like sausage and jerky. And we don't use it. But,
19 you know, we do other things.

20 So I'm just trying to figure out where
21 your critical needs are. Is it more useful in,
22 let's say pork than it is in beef?

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1 Are there ways that you can minimize
2 your reliance on the celery powder now? That's
3 where I'm trying to go with it.

4 MS. UNGER: Yes. You know, I'm also
5 not a food scientist. But there -- it's used for
6 a number of reasons. You know, it's that curing.
7 And it's also a food safety and, you know.

8 So you're looking for the technical and
9 functional effects. And also, you know, the
10 expectation of a bacon or a ham. Sorry, I wish I
11 could give you more about that.

12 CHAIR RICHARDSON: Well, maybe some of
13 the other ones coming after you could do.

14 MS. UNGER: Yes.

15 CHAIR RICHARDSON: Great, thanks very
16 much, Beth. Oh, sorry Zea.

17 MEMBER SONNABEND: Thank you, Beth.
18 You, in your written comments, you put a dollar
19 value on your sales of the fish oil fortified milk.
20 But I'm more interested in what percentage of the
21 overall milk sales is the fish oil fortified milk
22 or is it, you know, how many consumers? One in ten

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1 consumers, one in three, one in, you know, a
2 percentage as overall milk.

3 MS. UNGER: I cannot give you an
4 accurate answer. I would say it's a relatively low
5 percentage.

6 MEMBER SONNABEND: So it's small
7 compared to your general milk sales?

8 MS. UNGER: Yes. That would be
9 correct.

10 MEMBER SONNABEND: Thank you.

11 CHAIR RICHARDSON: Tom? Sorry, Beth.
12 You got one more, Beth.

13 MS. UNGER: Oh, I do?

14 MEMBER CHAPMAN: I have two questions.
15 Sorry. Can you also address the question I asked
16 a little bit earlier about necessity of fish oil
17 in products that don't have it inherently in
18 formulation?

19 So we've received a public comment
20 about whether fish oil is actually necessary and
21 meets the alpha criteria around necessity when it's
22 used in applications where it's not inherent to the

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1 product. Like milk fortified with fish oil.

2 MS. UNGER: Okay, I need a little
3 clarification, Tom. Are you asking about why fish
4 oil and not algal oil? Is that your question?

5 MEMBER CHAPMAN: I'm asking how you --
6 why you think it's necessary.

7 MS. UNGER: It's not necessary. It's
8 a consumer preference. You know, it's a line that
9 is out there for the folks that really want to have
10 the omega fortification in their products.

11 MEMBER CHAPMAN: Okay. And then I
12 have another question. Can I ask you about sodium
13 phosphate? You commented on that in your written
14 comments.

15 MS. UNGER: Yes. Yes. And so on the
16 sodium phosphate, basically I wanted to answer your
17 question about, is it on the label. And it is
18 disodium phosphate is in use at one of our
19 processing facilities in the ultra-pasteurized
20 heavy cream.

21 And the reason that it's in there is
22 it's about the type of processing that they're

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1 using. And they need it for, you know, to prevent
2 the coagulation or whatever in this tubular system.
3 So the heavy cream that comes out of that facility
4 clearly has that labeled on it.

5 I personally would prefer that they
6 could switch over to a different system like all
7 the other plants. But I think we have to be able
8 to increase our throughput and make it reasonable
9 for them to change their processing method.

10 MEMBER CHAPMAN: What would the
11 implication be on your business that sodium
12 phosphate was removed? Like obviously you
13 wouldn't be able to use that plant, is that, you
14 know, what's the --

15 MS. UNGER: Well, you know, we would
16 either not be able to produce that product at that
17 plant or the plant would have to come to the
18 realization that they need to change their
19 processing method.

20 CHAIR RICHARDSON: Thank you very
21 much, Beth. Next speaker is Curtis Bennett. And
22 he'll be followed by Seth Gardner.

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1 Oh, I'm sorry. I did I skip Ron? Look
2 at that. So I've got Ron Rosmann and then Curtis
3 Bennett.

4 MR. ROSMANN: Thank you, Jean. My
5 name is Ron Rosmann and I'm here on behalf of
6 Organic Prairie.

7 My wife Maria and I are certified
8 organic crop and livestock farmers near Harlan,
9 Iowa in the western part of the state. We've been
10 certified on our crops since 1994. Our beef since
11 '98, our pork since 2004. And we quit using all
12 pesticides in 1983. And I'm one of the founding
13 board members of the Practical Farmers of Iowa.

14 We farmed 700 acres along with two of
15 our three sons. And we are very lucky and blessed
16 to have two of our three sons farming with us.

17 We also operate a nearly mostly organic
18 restaurant in our local community of 5,000. And
19 we have a retail store on our farm. And also a farm
20 table delivery service picking up produce from
21 Western Iowa and Eastern Nebraska farmers. So we
22 have a lot on our plate.

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1 But I'll have to say, I've learned more
2 about celery powder in one week than I've known in
3 my 65 years of living, prior to this. And that's
4 not saying much. There's a lot to learn.

5 So we have 90 cows about and 40 to 50
6 sows. But we also have our own meat label
7 business, Rosmann Family Farms. So this concerns
8 us not only as a member of a Co-op, but our own
9 business.

10 So we really have the best of both
11 worlds as far as business model goals. And our own
12 business is thriving and expanding.
13 Dramatically.

14 But why do I think this is important to
15 keep celery powder? Well in Organic Prairie, 55
16 percent of all the organic pork uses celery powder
17 in its products. And as a food -- as a
18 preservative.

19 And as Beth pointed out, Kerry
20 Ingredients will be up here soon to talk about how
21 they've been experimenting with organic celery
22 powder and other vegetable alternatives. It

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1 appears to me at this time that the nitrate levels
2 are not consistent enough in organic celery powder
3 to keep the meat safe compared to conventional
4 commercial celery powder.

5 This may be due to the high levels of
6 nitrogen fertilizers used in conventional celery.
7 But the research thus far has shown that to have
8 acceptable levels of nitrates, large amounts of
9 organic celery and other vegetables have to be
10 used, which gives the meat, the vegetable, an
11 undesirable taste.

12 So we need more time. More time is
13 going to be needed to research alternatives to
14 develop organic ingredients for acceptable levels
15 of meat preservation.

16 The sunset of conventional celery
17 powder would have a devastating effect on the
18 organic meat industry. Much less of the carcass
19 would be able to be utilized and profitability
20 would lessen dramatically for the cooperative and
21 for growers such as ourselves. Thank you.

22 CHAIR RICHARDSON: Thank you very

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1 much. Questions? Yes, Nick?

2 MEMBER MARAVELL: Yes, Ron, good to see
3 you here. Do you use the celery powder in your
4 private label? In Rosmann Family Farm. Do you
5 use the celery powder?

6 MR. ROSMANN: No we do not. Because
7 unfortunately, even though we have a certified
8 organic pork operation with our own label, our
9 local slaughtering plant is not willing to go
10 organic, so we do not label our meat as certified
11 organic. Of course people know that it is.

12 So if you take away conventional celery
13 powder, we are looking into shipping our bacon and
14 hams about 130 miles to Central Iowa, to get them
15 made into celery powder bacon.

16 The logistics of that, well won't be
17 very much fun of course. Maybe we can use our farm
18 table delivery service. But we are looking into
19 it.

20 So if you take celery powder away now,
21 it's going to be even harder to do that. It's going
22 to take time. And I fully understand and

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1 appreciate that we have to keep the organic, both
2 the organic integrity and the meat safety
3 integrity, of all meats.

4 We just heard about it yesterday.
5 About meat being a carcinogen in the popular press.
6 But do we want to go back to salt pork as the only
7 way to preserve meat? I don't think so.

8 And like you say in your business, you
9 don't need celery powder for jerky or for sausage,
10 but you do need it for hams and bacon. And you know
11 bacon is, the demand for bacon is increasing
12 dramatically in this country. So we got to figure
13 out how to keep the organic integrity and the meat
14 safety of it.

15 It's just going to, like Beth said,
16 we're going to deliver, it's just going to take some
17 more time.

18 CHAIR RICHARDSON: Yes, Mac?

19 MEMBER STONE: Ron, if you're now a
20 celery powder expert this week, do you know whether
21 they're using off grade celery to make this or are
22 they growing it specifically for the powder?

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1 MR. ROSMANN: I have just learned from
2 Kerry Ingredients last evening, that they grow it
3 specifically for the powder, not for human
4 consumption.

5 So that's a whole different -- and it's
6 grown mostly in South America and in Europe. So
7 that there would be a whole different list of
8 growing protocols needed as well.

9 You know, it's just not like you go out
10 and use any organic celery for human consumption
11 and do this. It's more complicated than that.

12 CHAIR RICHARDSON: Yes, Jennifer?

13 MEMBER TAYLOR: Thank you so much for
14 your presentation.

15 MR. ROSMANN: You're welcome.

16 MEMBER TAYLOR: I just had a question.
17 What do you think has minimized the process and the
18 change previous to now?

19 Why do you think that the change has
20 been stagnant on the part of the growers or on the
21 part of the processors or wherever that change can
22 take place?

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1 What do you think has been the hindrance
2 thus far?

3 MR. ROSMANN: Well I think it's been
4 tough to develop sales for organic pork, for
5 instance, in general. Organic Prairie, you know,
6 there's not many companies producing organic,
7 making organic pork available.

8 There's very few small producers even
9 curing their own products. So that's one issue.

10 I think Organic Prairie and Kerry
11 Ingredients could better answer the question as to
12 why, you know, the specific use of different
13 preservatives is the way it is. I don't have any
14 good knowledge on that part of it.

15 But I can say after being an Organic
16 Prairie producer for many, many years now, getting
17 the organic meat business going on a large scale,
18 where you can utilize the whole carcass, which we
19 do have to do to be profitable and to be profitable
20 for the livestock farmers, that's the first goal.

21 So, you know, we need more livestock in
22 organic farm operations, there's no doubt about it.

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1 Because of the beauty of the integrated system.

2 So why it's lagging? Good question.
3 I can't really fully answer that.

4 MEMBER TAYLOR: Okay.

5 CHAIR RICHARDSON: Thank you very
6 much, Ron.

7 MR. ROSMANN: You bet.

8 CHAIR RICHARDSON: The next speaker is
9 Curtis Bennett. And he'll be followed by Seth
10 Gardner.

11 MR. BENNETT: Hi, thank you. My name
12 is Curtis Bennett. I represent Clarkson Soy
13 Products.

14 We are the pioneer of organic lecithin.
15 We began the organic lecithin journey in 1999. And
16 first made it commercially available in 2004.

17 Not one company in this room can
18 honestly say they have tried to purchase de-oiled
19 organic lecithin from Clarkson and not had the
20 order filled completely.

21 Commercial availability criteria must
22 be redefined. Every certifier in this room knows

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1 de-oiled organic lecithin is available and yet they
2 grant waivers every day to their clients to evade
3 paying more.

4 Unfair to companies that follow the
5 intent of their organic ingredients available, you
6 must use it and compete for shelf space with
7 companies granted waivers to use the rabbit holes
8 in 205.605 and 606. Unfair to organic consumers
9 who are unaware the product they are consuming with
10 the USDA organic logo contains volatile solvents.

11 Why was organic de-oiled lecithin so
12 easily dismissed by the Handling Subcommittee at
13 the spring meeting in La Jolla, to sunset. Isn't
14 it the goal and the job of the NOSB and the NOP to
15 remove items from the allowed list once they become
16 available?

17 Subcommittee voting must stop. The
18 entire NOSB must vote and be heard. I ask the NOP
19 to sunset all lecithins now and in the future.

20 Only if the rabbit holes are filled will
21 you stop over expecting to evade paying more for
22 organic ingredients.

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1 If pioneers who see 205.605 and 606 as
2 opportunities are not rewarded, no settlers will
3 follow. We feel it's the responsibility of the
4 NOSB and NOP to remove items, not continually add
5 to them.

6 Do we know when -- where soy is?
7 There's a lot of talk about an allergen.
8 Everyone's heard of the big eight allergen list.

9 Do you know where soy is on that list?
10 It's not number one, it's not number two, it's not
11 number three, it's not number four, it's not number
12 five, it's number six.

13 Number one is peanuts. Number two is
14 tree nuts, followed by dairy, eggs, fish. And then
15 you can find wheat. I forgot wheat. And then you
16 get to soy.

17 Only two percent of the public has a soy
18 allergy. Ninety-five percent of those people
19 allergic to soy have some type of intestinal
20 disorder. If they didn't have that, they wouldn't
21 have allergic reaction.

22 They're only reaction is to the protein

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1 in soy. Soy oil, soy lecithin, all highly filtered
2 products do not contain the protein. So there is
3 no allergic reaction. Thank you.

4 CHAIR RICHARDSON: Thank you. I have
5 two questions. Tracy and then Tom and then Zea.

6 VICE CHAIR FAVRE: Can you give me a
7 sense of how much sunflower lecithin there is and
8 if there are any other suppliers out there?

9 MR. BENNETT: Well, since the April
10 meeting, there are now three different processors
11 in the world that are moving towards making organic
12 sunflower lecithin.

13 One is a very small facility in Ukraine
14 that is making both liquid and powder. Followed
15 by India, followed by China.

16 CHAIR RICHARDSON: Next question is
17 from Tom.

18 MEMBER CHAPMAN: Actually I have four,
19 but they're quick. What is the marketed demand
20 currently for organic de-oiled lecithin in terms
21 of volume?

22 MR. BENNETT: Currently today the

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1 volume is ten metric tons per week. If you
2 consider the inclusion rates of lecithin in mainly
3 baked products, baking products, cookies and so
4 forth, use the de-oiled, it's somewhere at -- well
5 if your using liquid lecithin it would be 0.3 in
6 percent. Since de-oiled is a concentrate it would
7 be something two-thirds less than that in your
8 formulation.

9 So it is so minute, it has a lot of
10 benefit to the product. And that's why it is such
11 a sought-after ingredient.

12 So if you look at the sheer scale, U.S.
13 is the biggest market, followed by Europe
14 obviously. So --

15 MEMBER CHAPMAN: And now what is your
16 capacity to the supply of organic --

17 MR. BENNETT: Currently it's ten
18 metric ton.

19 MEMBER CHAPMAN: Okay, so what's the
20 market demand for organic? If we were to remove
21 this requirement and everyone had to source organic
22 lecithin, what's the size of that market?

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1 MR. BENNETT: Well globally it's five
2 percent of the total lecithin market. Is it
3 de-oiled? Then you break it down from there. Do
4 I know what the world market size is? No.

5 MEMBER CHAPMAN: Okay.

6 MR. BENNETT: But I'm telling you
7 without supporting pioneers, there will be no
8 settlers. If you look at, when is this supposed
9 to sunset? 2017, right.

10 So how much time do you have for
11 settlers to get in a line? Depending on what you
12 guys do in this room right now and what the NOP does
13 to get in line.

14 Sure there's going to be competition.
15 We want competition. It makes it more available
16 and it makes the price go down, right? That's why
17 we're here.

18 MEMBER CHAPMAN: One more. Can you
19 help me understand why, I mean you keep speaking
20 about the rabbit hole and vendors not being
21 incentivized to switch. However, commercial
22 availability criteria has been successful in

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1 several cases.

2 Chia seeds the Board has unanimously,
3 or the subcommittee has unanimously requested that
4 get removed. Industry. Everyone's agreed that
5 that's now available. However, that was on the
6 national list.

7 Companies already switched to using
8 organic chia seeds. There's several other
9 examples. Peppers, lemongrass.

10 Why is it successful in those cases and
11 why can it not still be successful here with
12 lecithin?

13 MR. BENNETT: I have no idea. I wish
14 I could answer that question.

15 I mean we first approached the NOP in
16 2006 to ask or excuse me, the NOSB, to ask that
17 organic lecithin be removed from 605 and 606. We
18 failed.

19 We came back again two years later.
20 Failed again. Came back a year later, finally got
21 the support of the NOSB to make the recommendation.

22 The NOP did not a make the requirement

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1 in 2012. Three and a half years ago that organic
2 lecithin must be used. Today there are still
3 organic certifiers allowing waivers that organic
4 lecithin not be used.

5 The commercial availability has to be
6 redefined. Because it is so loose right now.
7 Every day, every day I get an email from somebody
8 saying, hey, I need you to say that this is not
9 available. You know, from our organic certifier.

10 If I don't write that, you know, they'll
11 go to somebody else. They'll go to a trader, a
12 broker, someone that they absolutely know doesn't
13 supply this ingredient.

14 It's being followed. The criteria is
15 being followed. They get three emails the organic
16 certifier looks at and says, okay, everything has
17 been filed, here's your waiver. That's how it's
18 working now.

19 It's got to be redefined, people. This
20 is not --

21 CHAIR RICHARDSON: Zea, you have a
22 question?

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1 MEMBER SONNABEND: Thank you. Okay,
2 you have me kind of pissed off.

3 MR. BENNETT: Well, you kind of have me
4 pissed off too.

5 MEMBER SONNABEND: I'm going to try and
6 remain civil here. But I am one of the two percent
7 of people who is allergic to soy and peanuts and
8 very allergic to lecithin. And I get an
9 anaphylactic reaction when I eat soy lecithin.

10 And it has nothing to do with something
11 else wrong with my bowels. I do get an allergic
12 reaction, although not as severe from runny egg
13 yolks, which are also high in lecithin.

14 So to generalize that this is only two
15 percent of the people and that they have some bowel
16 problem is kind of pissing me off.

17 But beyond that, besides hearing from
18 you at the spring meeting, we heard from other
19 testifier's who wanted sunflower lecithin and said
20 that organic de-oiled sunflower lecithin was not
21 commercially available. And I noticed you said
22 there were companies moving towards supplying, but

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1 you did not say they are currently supplying
2 sufficient organic sunflower lecithin.

3 MR. BENNETT: One of them is.

4 MEMBER SONNABEND: Okay, one company
5 is. However, my perception from asking this
6 question over the years is that the supply is
7 fragile and has gone in and out of production and
8 up and down in availability.

9 So that being said, and the being able
10 to separate soy lecithin from sunflower lecithin
11 in the structure of what it takes to do an
12 annotation change, along with the rest of it, has
13 made us put forward the re-listing proposal. We
14 would be happy to entertain a petition to change
15 the annotation to be from sunflower sources only
16 after this sunset review is over.

17 But at the moment we're just not capable
18 of doing that. And there are many other people
19 like me, maybe two percent of the population, who
20 really have to look for sunflower lecithin in
21 products that we buy.

22 MR. BENNETT: I appreciate your

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1 comment, but I disagree. Because soy lecithin is
2 filtered. The proteins that you're allergic to
3 are removed in the processed.

4 MEMBER SONNABEND: Then I'm not
5 allergic to proteins; I'm allergic to something
6 else in lecithin.

7 MR. BENNETT: People are only allergic
8 to protein. Soy protein. That's the only
9 allergen there is in soy.

10 CHAIR RICHARDSON: Maybe we could move
11 to the next question, I think, which is from Nick.
12 Nick, do you have your question?

13 MEMBER MARAVELL: I think most of it
14 has come out already.

15 CHAIR RICHARDSON: Okay, we are now
16 more than one hour behind time. So we're going to
17 be sitting here for quite a long time. So please
18 be thoughtful about the out-of-scope questions.

19 I know all the questions are important
20 and I don't want to shortchange anybody. But I
21 would like to move on to the next speaker at this
22 time. And that's Seth Gardner.

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1 MR. BENNETT: Thank you.

2 CHAIR RICHARDSON: And Seth will be
3 followed by Cameron Harsh. Thank you very much
4 Curtis.

5 MR. GARDNER: I'll make this quick.
6 My name is Seth Gardner, I'm a dairy farmer.
7 Organic dairy farmer in East Montpelier, Vermont.

8 We milk 300 cows. We have 300 head of
9 livestock. Six hundred head altogether. I've
10 been organic since 2006.

11 Thank you for allowing people to
12 comment on all these proposed changes. I just want
13 to tell you that my goal is to speak about these
14 various substances. My goal in my life on my farm,
15 is to keep my animals as healthy as possible. So
16 this is why I'm here.

17 So I'm going to go down through a list
18 on the substances that we use or have used or
19 potentially could use on my farm.

20 The first one I'd like to speak about
21 is parasiticides. There's three here listed.
22 Ivermectin, moxidectin and fenbendazole.

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1 The proposed change, it looks like to
2 me, is ivermectin would be removed and moxidectin
3 could be removed. And fenbendazole would be the
4 one that would be left.

5 We've only used ivermectin on my farm.
6 We used it last year on two animals out of 600. The
7 reason we used ivermectin, it was available, it was
8 an emergency, we needed it. We went to the local
9 store, we bought it.

10 We followed all the withdrawal that was
11 appropriate. We used it on young animals because
12 the 90-day withdrawal on large animals of course
13 won't work, because we're milking those cows. So
14 we only used it on the young animals. We used it
15 on two.

16 And I feel that the impact on the dung
17 beetles is so minimal that that ivermectin should
18 stay on the list. Just because it is available and
19 the impact on the dung beetles is minimal.

20 So moxidectin is the same. They're
21 talking about shortening withdrawal time, which is
22 great. Then we could use it on a dairy cow.

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1 We could withhold our milk for the
2 proposed five days, then put her back in the tank.
3 That would be wonderful. Right now the 90 days
4 does not work.

5 And I just want to emphasize. When we
6 do use a parasiticide, it's only used on an
7 emergency basis. We use all the other things on
8 our farm to minimize any kind of parasites. We do
9 the rotational grazing, we clean everything
10 thoroughly, we do everything we can.

11 But in an emergency, it is fantastic to
12 have this tool. I want to emphasize that. We need
13 the tool. The animals, we want to keep them
14 healthy.

15 So going down -- whoa, it's that quick.
16 Poloxalene is the best thing for bloat. There's
17 science that's says, well it looks like it's the
18 best thing to use for bloat. We've used it
19 occasional, we want to keep it on the list.

20 The procaine and the lidocaine, it says
21 we would like -- they would like to reduce
22 withdrawal, I'm in full support of that. Reduce

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1 withdrawal time to five days. Science supports
2 it, we would like to go with that.

3 And the last thing I'd really like to
4 speak about is copper sulfate. We use it on our
5 farm routinely. We need it for our cows. They get
6 lame. Copper sulfate prevents lameness.

7 When dairy cows go lame, it is not good.
8 We keep them in the barn, we trim their feet. We
9 want to prevent lameness and copper sulfate is a
10 fantastic tool. We need all the tools we can to
11 keep our cows sound.

12 And the other, one of the points about
13 the copper sulfate is where we have too much in the
14 soil. We don't in Vermont. It's
15 copper-deficient.

16 We spread the manure far away. As an
17 organic farm, we don't concentrate the manure in
18 certain fields. We spread it in many fields all
19 over the place. That's one of the great tools we
20 have to improve soil fertility.

21 CHAIR RICHARDSON: Thank you, Seth. I
22 have a question from Tracy.

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1 MR. GARDNER: Yes.

2 VICE CHAIR FAVRE: Actually I'm
3 pulling a Tom, and it's a two-parter. The first
4 one is, if you did not have access to ivermectin,
5 could you use moxidectin?

6 MR. GARDNER: We could.

7 VICE CHAIR FAVRE: Is it available and
8 could you get it on an emergency basis?

9 MR. GARDNER: I think it's available
10 and it's a good question. It's just that
11 ivermectin has been the most common treatment in,
12 around our area. So that's when you can go to the
13 store and buy it.

14 And I think moxidectin we could get it,
15 if we had to. It's just usually on an emergency.
16 We're like oh my God. And so we run to Tractor
17 Supply or Agway, they have it. So that's why we
18 buy it.

19 VICE CHAIR FAVRE: Okay. Second
20 follow-up is about the copper sulfate.

21 MR. GARDNER: Yes.

22 VICE CHAIR FAVRE: Do you use that as

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1 a footbath or you use it as an application for
2 individual animals?

3 MR. GARDNER: Footbath.

4 VICE CHAIR FAVRE: Okay.

5 MR. GARDNER: Yes. A hoof bath is
6 effective. And if you've ever picked up a cow's
7 foot, you would rather have the cow walk through
8 the copper sulfate liquid. It's much easier on
9 everybody.

10 If you're going to start tying up cow's
11 feet and apply the copper sulfate, time consuming,
12 dangerous, et cetera, et cetera. You want to use
13 it as a preventative, which means walk through it.

14 VICE CHAIR FAVRE: And do you leave it
15 out all the time?

16 MR. GARDNER: No. We rotate it in and
17 out. Yes.

18 VICE CHAIR FAVRE: Thank you.

19 MR. GARDNER: Thank you. Any other
20 questions?

21 CHAIR RICHARDSON: Seth, thank you
22 very much for an excellent and very clear

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1 presentation. Much appreciated.

2 MR. GARDNER: Thank you very much.

3 CHAIR RICHARDSON: Thank you. The
4 next presenter is Cameron Harsh. And he'll be
5 followed by Beth Jones.

6 MR. HARSH: Good morning. My name is
7 Cameron Harsh. I'm a researcher for Center for
8 Food Safeties Organic and Beyond Program.

9 CFS supports the removal of synthetic
10 methionine from the national list. The continued
11 re-listing has inhibited the pursuit of
12 alternatives. It's removal will drive market
13 development of non-synthetic feed as desired by our
14 organic poultry producers CSF has spoken with.

15 The organic poultry industry has
16 manipulated the methionine content of feed to spur
17 high growth rates and productivity. If promoting
18 basic healthy development is the goal, then less
19 methionine is sufficient.

20 Research show that chicks fed diets
21 with low non-synthetic methionine levels have
22 lower mortality then chicks with increasing

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1 amounts of DL-methionine.

2 Synthetic methionine rich diets
3 resulted in greater and faster weight gain,
4 illustrating its role as a growth promoter.
5 Natural methionine sources are available, such as,
6 but not limited to, rice, grapeseed, alfalfa, flax,
7 peas, insects and whey.

8 Industry claims that none of these
9 alone provides an adequate replacement. This
10 argument pivots on the desire to maintain current
11 high levels achieved with synthetic sources.

12 CFS recommends prioritizing research
13 to ascertain methionine levels required to
14 maintain bird health, assessing insect proteins
15 and identifying feed formulations that combine
16 multiple plant or animal sources.

17 Parasiticides must be used only as a
18 last resort. Organics' emphasis on holistic whole
19 herd health provides a strong prophylaxis against
20 multiple animal health problems.

21 Organic regulations allow
22 parasiticides for emergency treatment when

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1 preventative strategies have not succeeded.
2 Clarification is needed as to what constitutes
3 emergency treatment and the range of preventative
4 and natural curative options that should first be
5 used.

6 Ivermectin should be removed from the
7 national list due to its toxicity.

8 CFS strongly urges, sorry, CFS strongly
9 opposes the current broad category listing of
10 nutrient, vitamins and minerals. To permit
11 substances that do not individually undergo the
12 legally mandated materials review process
13 contravenes OFPA.

14 The current listing has allowed
15 nonessential synthetic and non-organic
16 ingredients not on the national list, to be
17 illegally included in organic foods. Even
18 substances rejected by NOSB have turned up in
19 organic infant formula and baby foods without
20 penalty.

21 NOSB must ask NOP to clarify that all
22 synthetic and non-organic substances must be

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1 individually petitioned and approved by NOSB.

2 Many substances listed under 205.606
3 are produced organically in sufficient supply, as
4 described in further detail in CFS's written
5 comments.

6 NOSB should remove these substances
7 from the national list and require producers to
8 source organic forms instead.

9 CFS supports the removal of fish oil
10 because its production is incompatible with
11 organic principles. Harvesting of pelagic
12 species is contributed to global stocks being fully
13 fished or over fished.

14 Further exploitation of vital marine
15 resources is not an option for organic because of
16 the unsustainable practice endangers the marine
17 food web.

18 Contaminates in fish oil also make it
19 incompatible with organic. Analyses of
20 supplement samples have consistently found levels
21 of mercury and PCDs posing an unnecessary health
22 risk.

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1 Research also demonstrates that
2 consuming fish oils, via supplements or processed
3 foods, does not confer the health benefits
4 attributed to consuming fatty and oily fish. CFS
5 urges you to remove fish oil from the national list.
6 Thank you.

7 CHAIR RICHARDSON: Thank you very
8 much. Questions? No questions. Thank you.

9 MR. HARSH: Thank you so much.

10 CHAIR RICHARDSON: The next speaker is
11 Beth Jones. And she'll be followed by John Ashby.

12 MS. JONES: Good morning. I'm Beth
13 Jones. I'm Dr. Jones from Kerry Ingredients. And
14 I'm here to talk about celery powder and keeping
15 it on the NOSB list.

16 I want to thank you for giving me this
17 opportunity to speak to you. Kerry did submit a
18 letter to the subcommittee earlier this year on
19 this topic. And in that letter it was our position
20 that we recommend that celery powder be kept on the
21 NOP list for use in processed meats.

22 And what I want to do today, and just

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1 take a couple minutes. And I clearly get the
2 feeling there's a lot of questions on this.

3 So I'm going to leave a few more minutes
4 or minute or two extra for questions that had popped
5 up with some of the earlier speakers. And also
6 give you more time to ask me questions.

7 What Kerry Ingredients has done over
8 the years, and we started a lot of this work back
9 in 2008, of looking for an organic suitable
10 vegetable powder. And I'm using the word
11 vegetable powder because we looked at other things
12 other than celery.

13 There are other vegetables out there
14 that do contain nitrates, and so we wanted to
15 broaden that view that we were looking at and the
16 opportunity to look at other things.

17 We've looked at celery powders, we
18 looked at celery juices. We've looked at up to
19 eight different suppliers of those products in
20 organic, none of them came back consistently. And
21 all of them did have some functionality
22 difficulties.

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1 And I'm going to say functionality
2 difficulties, because it's not always just the
3 nitrate. Sometimes it is a flavor, sometimes it's
4 a color that comes through the meat. And nobody
5 wants to eat a green ham.

6 I mean when it comes down to reality,
7 we have to provide a ham or processed meat that
8 looks as the consumer wants it to look. It needs
9 to taste like the consumer expects a ham to taste.

10 And we also need to provide the
11 sufficient nitrate level for food safety. And I
12 think that's one of the topics that hasn't come out
13 earlier this morning, is the food safety component.

14 And that's really where the consistency
15 must come in on the raw material coming into an
16 ingredient supplier like Kerry. So we can provide
17 a consistent product to the meat processor so they
18 know that they have the food safety in their
19 product. And I think that's a topic that does need
20 to come out.

21 Some of the other products that we have
22 looked at, some of the other vegetables. We've

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1 looked at spinach, Swiss chard, bok choy, kale,
2 cucumber, yellow beet, lettuce powder and red beet.
3 Again, they all had issues with either not being
4 able to provide consistency or they had flavor
5 defects in the final processed meat.

6 So what does this take me to? What have
7 I learned over these seven years of working in this
8 area of trying to find an organic product to replace
9 celery powder?

10 It really comes down, in my mind, that
11 we don't know how to grow it for this application.
12 Oh my gosh. And that's really where, when Beth was
13 talking about the consortium, that's what we want
14 to do.

15 CHAIR RICHARDSON: Are there
16 questions? Questions? Yes, Nick? Quickly.

17 MEMBER MARAVELL: That doesn't sound
18 like a very positive prognosis for finding an
19 alternative to the current celery powder
20 situation.

21 MS. JONES: I actually -- okay, go
22 ahead. Sorry.

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1 MEMBER MARAVELL: And I just, let me
2 comment here. And the please take all the time
3 necessary to respond.

4 And then number two, it would appear
5 that organic celery powder will not generate what
6 you're seeking, is that -- am I correct in that
7 assumption as well?

8 MS. JONES: Correct. And I think the
9 issue -- let me first go back to, it's not a very
10 optimistic position. And I was questioned last
11 night on that. And I take a different view on that.

12 Mainly because if you go and probe the
13 suppliers that are out there for the traditional
14 processed meat market and you ask them, how do you
15 grow your celery stock. They know the specific
16 varietal they want, they know the soil conditions
17 they want, they know the climate conditions they
18 want. They know everything that they need to know.

19 We don't have that on the organic side.
20 We don't know, using the organic allowed practices,
21 what we have to have from the right varietal, the
22 climate, the soil conditions. We don't know that.

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1 And so I do think there's hope there.

2 MEMBER MARAVELL: I might interject
3 that we probably wouldn't recommend that in
4 general, for a food consumption product. Because
5 you would be putting too much nitrate into the
6 product.

7 We couldn't feed it to our animals for
8 example. It would be bad for us to feed celery like
9 that to our animals. And probably bad for people
10 as well.

11 So I think there is a problem here. I'm
12 not sure what the solution is, but I don't think
13 organic farmers generally would force that much
14 nitrates into a green --

15 MS. JONES: I'm not, because I think
16 there are -- and I think the other reason I am
17 optimistic is I have received one sample. It was
18 a small scale sample from an organic producer, that
19 I thought was very helpful. He couldn't tell me
20 how he got that. So you do you get it consistently.

21 And I think from my position, is really
22 getting back to a consistent level that we know

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1 coming in from crop to crop to crop, within a range.
2 I mean there's always range. But if we can get a
3 consistent level, we can manage that. I can't
4 manage one level here and one level here.

5 MEMBER MARAVELL: And you're not
6 looking into other areas that would not be
7 vegetable powders or vegetable solutions. You're
8 confining it to the vegetable area?

9 MS. JONES: Well in terms of what we
10 have done in the past, there are researchers we know
11 looking at other types of technologies. And we are
12 interfacing with them too.

13 CHAIR RICHARDSON: Yes, Francis,
14 question?

15 MEMBER THICKE: Are there alternatives
16 to nitrate, nitrite, nitrite for curing meat?

17 Was mentioned earlier that there was a
18 news report, a big one, that the World Health
19 Organization has talked about processed meat and
20 nitrosamines in cancer. And so is there something
21 else we could use besides nitrate, nitrite?

22 MS. JONES: If you want a cured meat,

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1 no. And I think we still need to go back to food
2 safety. And there are guidelines that we must meet
3 from a USDA perspective on the food safety of the
4 processed meats.

5 But in the uncured market, the levels
6 of the nitrites that are used are much lower than
7 what is used on the traditional side. So the
8 processors are working here.

9 We are working with them to optimize
10 food safety levels, nitrites and everything. But
11 it's a process. And are we there today? No.
12 We'll be a long way in five years.

13 CHAIR RICHARDSON: Thank you very much
14 for your comments. And for the clarification of
15 a very difficult topic.

16 Next speaker is John Ashby. And John
17 will be followed by David Will.

18 MR. ASHBY: I'm John Ashby. Thank you
19 for your work and for tolerating my behavior.

20 I love organic eggs and ham. I truly
21 like them John I am. I like them in a breakfast
22 nook and nibbled by a babbling brook. This is so

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1 good you just can't beat it. If you don't like it,
2 well don't eat it.

3 Organic has come rather far. From left
4 coast joke to foody star. But we're one percent.
5 Not 99. This isn't good. It's not sublime. In
6 our case, one just ain't so fine. Two, three,
7 four, five, six. Maybe seven. Brings us closer
8 to organic heaven. But we need some tools, some
9 compromises to keep winning our organic prizes.

10 Juices, granolas, sweeteners, candy.
11 Wonderful, tasty, nutritious, dandy. Without
12 enzymes so many will disappear, you'll be wondering
13 what happened here.

14 To consumers taste is prime. Orange,
15 strawberry, raspberry, lime. Kefir, or yogurt may
16 to you seem silly, to lose them to conventional
17 would be a dilly.

18 Make sure that flavors don't go away,
19 the petition is a way to play while the current
20 products don't go away. Not for a minute, not for
21 a day.

22 Inerts, inerts, inerts can be improved

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1 we all can say, but certainly not in a day for this
2 complex regulatory game to play.

3 Improve we should, of course you bet,
4 but make sure the farmers you don't forget. Do not
5 take any tools away, their needs must be met for
6 them to stay.

7 Is there just a few specific cases,
8 there are so many other places where 605, I know,
9 I know, is the tool that let's organics grow. So
10 let's not do Monsanto's work, I'm sure they're not
11 all actually jerks, but they want our threat to go
12 away. And not for an hour or not for a day. And
13 if we're not careful, we could end up that way.

14 So please vote things off with great
15 restraint, what we lose isn't their complaint.
16 One percent is rather pathetic, seven percent would
17 be copasetic. So we must work hard at what we know,
18 our world is better when organic grows. Thank you.

19 (Applause.)

20 CHAIR RICHARDSON: All right, I dare
21 anybody ask him a question. And if you are going
22 to do so, it needs to be in rhyme.

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1 (Laughter.)

2 MR. ASHBY: I can't tell when I was
3 rehearsing, I said out loud once, our world is
4 better when Monsanto grows. And that's like
5 telling somebody not to think about an elephant.
6 I just circle and --

7 CHAIR RICHARDSON: Well, I hope you
8 submit your written comments. They will be
9 delightful reading this evening I'm sure.

10 MR. ASHBY: Thank you.

11 CHAIR RICHARDSON: Thank you, John.
12 The next speaker is David Will. And he'll be
13 followed by Dave Marchant.

14 MR. WILL: My very first comment here
15 was to thank the Board, but having to sit through
16 three minutes of absolute brilliance, it's very
17 painful to say that after having to follow that.

18 Also on top of that, then Jena starts
19 the meeting by threatening us Southern
20 California's with very nasty four letter word,
21 rain. So it's been an interesting thing.

22 Thanks, Michelle, for putting me right

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1 after Mr. Ashby. I love the position.

2 I have a slide for you. It's
3 absolutely terrible, so I'll submit in comment for
4 you at the end.

5 But my name is David Will. I'm with the
6 Methionine Task Force Group. And after an earlier
7 speaker I think we're going to change our name to
8 the essential amino acid methionine group. Just
9 to help make sure that's clear.

10 We had promised back in Anaheim many
11 years ago that we would come and at least keep you
12 updated with the work we're doing and progress that
13 we're making. And in holding that true I am here
14 today for you to give you real brief updates.

15 Number one, we have paid for and
16 published the Can-Anderson study. It's been peer
17 reviewed and has now been submitted into three
18 journals for publication. And excerpt is up there
19 for you.

20 One is the potential of world research
21 of all of the potential amino acid replacements
22 that we could look at.

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1 Leading the list is Brazil nuts
2 followed by about eight different egg type products
3 and meat products. Then dropping down to potato
4 and corn gluten. So we're actually going to look
5 at some research further in those.

6 The second slide that we sent in is of
7 insects and their amino acid availability. We're
8 actually working with Dr. Brad Mullens at the
9 University of California at Riverside. He's an
10 entomologist.

11 We asked for a study to go out and find
12 out on manure and organic farms what sort of insects
13 and their availability is. We need to work on
14 paring this down because it came up at about a
15 quarter of a million dollars to send grad students.
16 So we're going to have to rework and look at that.

17 We've also work with AFCO on the
18 availability of including insect and insect meal
19 and chicken poultry and getting that redefined so
20 we can do so. However, we've been approached by
21 the FDA. They have serious concerns about our
22 doing this and putting that in.

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1 We're also going out to our members and
2 going to seek another round of fundraising so that
3 we can have the money to do some research, as we
4 were told that that would be the best way to do it.
5 That there wasn't really any research available
6 through the national organic program currently.

7 And then we will commit to you to come
8 back and let you know what studies we are going to
9 fund and what research we're going to do as we do
10 it. As close to live as possible.

11 And lastly, we just want to support that
12 there is -- we've heard there's going to be a
13 formation of a working group through the National
14 Organics Standards Board on methionine. We
15 obviously support that.

16 We are happy to support it with any sort
17 of needs you from us, as far as it be support,
18 experts, farmers, access to farms, access to
19 anywhere in the United States. And the best part
20 is, I have no life so I can talk for as long as I
21 want.

22 CHAIR RICHARDSON: Actually, I was

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1 just about to interrupt you. Because I have
2 noticed that --

3 MR. WILL: But I actually think that I
4 will drop to conclusion right now. Thank you very
5 much.

6 CHAIR RICHARDSON: I did notice that
7 you know. And I know that Tracy has a question.

8 VICE CHAIR FAVRE: Yes. Thanks, David
9 for taking us seriously when we say it's absolutely
10 imperative that you develop some alternatives. So
11 it's good to hear about the actions taken to work
12 on that.

13 Can you give us an idea about how long
14 it would actually take to bring something to market
15 once you identify an alternative?

16 MR. WILL: Well I think one thing I've
17 said in the past, Tracy, is I think our first goal
18 is going to be to try to come up with something
19 that's available that's not a synthetic and get
20 that going. Something in the natural or non-off
21 that list and try to come with that.

22 Again, without having an identified,

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1 I'd be taking a total shot in the dark. I know
2 there's been studies done and looked at.

3 And, you know, I know potato starch has
4 been worked on. And corn gluten, which you know
5 is not very commercially available. And they both
6 have not fared well.

7 I think that's why you see EU has moved
8 so far into the free range now of a product, versus
9 organic egg. And I think you'd have the same
10 impact here.

11 CHAIR RICHARDSON: I have Ashley and
12 then Mac.

13 MEMBER SWAFFAR: I have two questions.
14 First, can you kind of tell us a little bit why the
15 FDA would be concerned with adding insects to
16 poultry feed?

17 MR. WILL: Well, one of the concerns is
18 it's not necessary in the adding it, it's what
19 you're going to add. One of the major insects that
20 you can find on a poultry farm potentially could
21 carry salmonella with it. In just the insect and
22 its manure.

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1 And also just the bio-security point of
2 it. Depending on how we did it. You know, if
3 we're talking about ground worm in the meal versus
4 maybe a frozen or a freeze dried product.

5 So I think we first have to identify
6 what our options are. And then what, they have to
7 do some sort of risk assessment.

8 But we're all required to monitor flies
9 in our chicken house. How many times a little bug
10 lands on an index card. And if it gets above a
11 certain number then we're identified as having a
12 fly problem. So insects to them is a very dirty
13 word.

14 MEMBER SWAFFAR: And my next question
15 is, can you address the previous comment or
16 statement that methionine is the growth promoter?

17 MR. WILL: Well I think it's an
18 essential amino acid. And I don't know any amino
19 acids that are essential in the world that don't
20 promote the growth of the species that they're
21 designed and given to.

22 There is absolutely reason to try to

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1 grow a chicken to lay eggs faster. The whole point
2 of this is to grow a frame and a foundation. That's
3 why it takes us six months before we get a single
4 egg out. That is the whole point and the purpose
5 of it.

6 So if you take something away that's
7 essential, obviously you're going to have retarded
8 growth and development.

9 CHAIR RICHARDSON: Mac? Calvin?

10 MEMBER WALKER: Thanks, Dave. I was
11 also glad to hear you're in support of the organic
12 poultry working group.

13 The livestock committee did put that
14 forward to NOP. So I think we are waiting to get
15 a resolution on that when we go through a, I think
16 it was two years.

17 And the group of Mac Stone, Ashley,
18 Tracy and I. And we put forward individuals, such
19 as yourself, who are large operators and also small
20 operators.

21 And we are hoping that we can get that
22 done. Because at the last meeting the resolution

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1 was passed 15-0 in support of this particular
2 issue. Of moving the organic poultry industry
3 alone.

4 And we don't want to come back in five
5 years. I'll be off the Board for sure. But we
6 don't want this issue to continue to fester.

7 I think that this organic poultry
8 working group would be a path to help us. And I
9 was glad that you said that you all support that.

10 MR. WILL: And I appreciate your
11 support as well, sir.

12 CHAIR RICHARDSON: Thank you, Calvin.
13 Great, I think that's it for questions. Thanks
14 very much.

15 MR. WILL: Thank you very much.

16 CHAIR RICHARDSON: We'll move to the
17 next speaker, David Marchant. And the next one
18 after that is Mike Baird. Bald.

19 MR. WILL: Please John Ashby next year.
20 Please. Thank you.

21 MR. MARCHANT: Hello. My name is
22 David Marchant. I'm a local grower here of fruits

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1 and vegetables. I've been farming certified
2 organic for 25 years. And I'd like to thank you
3 for having the opportunity to speak.

4 I presently serve on the board of NOFA
5 Vermont and I'm president of the Deep Root Organic
6 Truck Farmers Association. Which is one of the few
7 international cooperatives in the country. With
8 members in Canada and here.

9 I would like to address two issues.
10 The first being the allowance of use of bio-based
11 mulch films.

12 Mulch films are rather important in
13 production in fruits and vegetables. And there
14 has been talk of allowing the use of, we are allowed
15 use for one year. And then there was concern about
16 the components.

17 But I'd like to encourage you to think
18 about what the use of plastics and the
19 environmental impact of that is in terms of
20 disposal and what not.

21 I understand that we allow -- NOSB
22 suggested the allowance of it. But there was

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1 concern about how much plant material was actually
2 in those films.

3 I would encourage you to perhaps setup
4 a system where we would encourage manufacturers to
5 try to increase that. Similar to organic seed
6 production.

7 If we had required everyone 100 percent
8 organic seed production when we first started,
9 there wouldn't be too many of us around right now.
10 We've allowed that to increase. And I would
11 suggest that as an option potentially.

12 Mulch films are definitely an important
13 part of fruit and vegetable production.
14 Especially in the North.

15 The other point I would like to address
16 is the hydroponic question. And the thing, the
17 important thing I think to think about, is
18 equivalency. We're no longer just in a single
19 market.

20 The original organic law talked about
21 making everything a level playing field. And that
22 was mainly concerned looking at states.

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1 Now it's a much different world. We
2 compete against Mexico, we compete against Canada
3 all the time. To think that we have such a
4 difference in what's allowed as being labeled
5 organic is a major concern.

6 And that also holds to the bio-based
7 mulches. Our neighbors just to the north are
8 allowed to use them, we are not. Whereas, you
9 know, hydroponics is not considered organic there.

10 So I would encourage you to really think
11 about the equivalency thing. So that's it. Thank
12 you.

13 CHAIR RICHARDSON: Great. Thank you
14 very much, Dave. Are there questions for Dave?
15 No, okay.

16 MR. MARCHANT: Okay.

17 CHAIR RICHARDSON: Thank you.
18 Appreciate you coming very much. Mike Bald next.
19 And then Anne Lazor.

20 MR. BALD: My name is Michael Bald. I
21 live in Royalton, Vermont. Thank you for your
22 work.

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1 And welcome to Vermont. Welcome to all
2 of you who have traveled far. I appreciate the
3 time to speak.

4 I've learned a lot from the comments
5 here and from the comments, and from the questions.
6 My goal today is to return that favor and to empower
7 you by sharing a concern that I have from my
8 experience on the land. It will illustrate why
9 your work is so vital, in my mind.

10 I'll save a thousand words and put up
11 a picture. This is me and this is what I do. The
12 word there, the wording is, stewardship equals
13 presence.

14 I honor the saying, the old saying, the
15 footsteps of the farmer are the best fertilizer.
16 And I take it a step further, managing invasive
17 species with a notion that the footsteps of the
18 farmer are also the best herbicide. Stewardship
19 equals presence. We need to be present on the
20 land.

21 That's myself there. I know that's
22 kind of a sketchy looking character on the side of

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1 the road, but I'm protecting a hay field behind from
2 wild parsnip that you see in the foreground.

3 I would like at the time to give a big
4 shout out to the town of Stowe, where we are now.
5 And joining other towns, like East Montpelier,
6 Woodstock, Windsor, Orford, New Hampshire,
7 Randolph, Vermont. All of these towns have hired
8 me or worked with me to do nonchemical
9 non-synthetic, non-toxic invasive species
10 management on their town forest or lands.

11 I'm working right down the road here.
12 It's happy coincidence that I'm here this week. If
13 you'd like to do a field trip, if you don't want
14 to go to high mowing seeds, come on out and see about
15 pulling Japanese barberry. Good fun.

16 So to my point. I looked at your
17 mission online and your key activities. I think
18 we have some overlaps. We both engage and support
19 the world of organic. You seek degrees of
20 standardization and consistency as well.

21 You heard about Vermont's amazing
22 organic farming community. I'm a NOFA member.

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1 It's a brilliant, wonderful thing to be part of.

2 But I want to share with you now that
3 is insanely difficult to be an organically minded
4 landowner in Vermont. Working the land in any
5 manner, a Christmas tree farm, that's a Christmas
6 tree farm underneath all the wild parsnip believe
7 it or not, that's a private farmer.

8 All of these farmers, and landowners in
9 general, whenever they try to get -- whenever they
10 seek invasive species management support, they are
11 told through USDA, NRCS that they have to use
12 chemical treatment programs only. There is no
13 funding for any other method.

14 New Hampshire, Massachusetts, do
15 whatever you want. Just get the job done. But not
16 in Vermont.

17 So what is the impact of this? I'll
18 just briefly summarize and then happy to answer
19 your questions.

20 A chemical, exclusive chemical
21 treatment program throws organic farming, or
22 organic landowners in general, under the bus.

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1 They have to pay out of their own pockets to manage
2 weeds.

3 Integrated pest management is an empty
4 shell. It exists in name only when only one method
5 is funded. Chemical treatment.

6 And finally, there is no commitment to
7 long-term stewardship of the land when only one
8 tool is used.

9 So I hope I've empowered you. I know
10 you interact with USDA colleagues. You are
11 decision makers. I've given you my take from the
12 field. I hope I have empowered you. Thank you.

13 CHAIR RICHARDSON: Thank you, Mike,
14 for your clear presentation. Questions, comments
15 from the Board? Nope. You were very clear and
16 much appreciated.

17 MR. BALD: Thank you.

18 CHAIR RICHARDSON: Thank you very much
19 for coming to the meeting. The next speaker is
20 Anne Lazor. And she'd be followed by her husband
21 Jack Lazor.

22 MS. LAZOR: Hi, my name is Anne Lazor.

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1 I live in Westfield, Vermont. We have an organic
2 dairy farm that we've been in business for 30 years,
3 at least, here. And we've been certified organic
4 since the late '80's.

5 I'm also on the Vermont organic farmers
6 review committee. So that gives me another
7 perspective.

8 Originally we were certified in the
9 '80's as some of the original dairy farmers that
10 created the standards. And so it gave us a
11 perspective on what it takes to farm organically
12 on a dairy farm. Because there wasn't anything at
13 the time when we started doing this.

14 So when the OFPA was passed, thanks to
15 our respected Vermont Senator Leahy, we had
16 concerns that given overcontrol of the organic
17 standards to the USDA would undermined the original
18 essence of organic farming. Small scale farms
19 caring for the earth and building up the soils with
20 organic matter and rock fertilizers to grow high
21 quality food without synthetic chemicals and
22 pesticides.

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1 The NOSB was designed to maintain these
2 values. Made up of farmers, scientists,
3 university researchers, well respected for their
4 experience. And in experience in organic
5 production.

6 We're hoping that in the future that the
7 organic standard -- the NOSB will continue to be
8 populated by people experienced in organic
9 production and research and farming. And that we
10 have enough farmers and people understanding
11 farming to continue to have a good influence on this
12 Organic Standards Board.

13 But more to the point, I am concerned
14 that our Organic Standards Board is not being heard
15 by the NOP and the USDA. And that the advice that
16 this Board gives to the USDA is not being addressed
17 and not heeded by the USDA.

18 And that perhaps the infiltration of
19 agribusiness, which we're well aware of that
20 agribusiness is in part and part with the USDA in
21 a lot of the positions, that it has an effect on
22 the ability of the USDA to utilize the advice of

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1 the NOSB.

2 So what I'd like to say is that the NOP
3 needs to respect the depth of knowledge and
4 experience of the NOSB members and implement their
5 decisions, not hampering their effectiveness by
6 changing the rules. Such as the redesign of sunset
7 polices and other organizational polices.

8 The creation of corporate agribusiness
9 is directly related to producing cheap food. We
10 need to change our outlook that good food costs
11 less.

12 We need to focus on the care of the
13 earth. If we support the building carb -- support
14 building carbon and organic matter in our soils,
15 as well as nurturing the soil biology form
16 earthworms to mycorrhizae.

17 If we keep our vision of healing and
18 enhancing the natural systems, we will in turn feed
19 us and future generations.

20 CHAIR RICHARDSON: Thank you, Anne.
21 Questions? Comments? Thank you very much.

22 Jack, you're up. The next speaker

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1 after Jack Lazor will be Kelly Tavaras.

2 MR. LAZOR: Thank you for giving me
3 this opportunity to stand up here and talk to this
4 great body. It's guiding organic agriculture in
5 our nation.

6 I'm probably one of the originals.
7 Probably, you know, the second oldest organic,
8 certified organic dairy farm in the country. And
9 as Anne said, you know, when we started there were
10 no standards and we flew by the seat of our pants.

11 But from the very, very beginning
12 organic to us was always about promoting life,
13 caring for the earth, caring for the soil and
14 putting that above all else.

15 And in the very beginning, our meetings
16 here in Vermont were really well attended because
17 we wrote our own standards that were done for our
18 region and we hashed it out. And it wasn't always
19 easy, but we all felt good about it.

20 And a lot has changed since, you know,
21 1990 and 2000 or 2001 when, you know, this became
22 institutionalized through the USDA.

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1 So I'm just here to remind you folks
2 that what the true meaning of organic is, and it's,
3 you know, it is certainly a lot of, you know, it's
4 sort of become a, more about process and less about
5 spirit.

6 And I would like to remind you to sort
7 of keep up the spirit of making this earth a better
8 place. Of taking carbon out of the sky and putting
9 it in the earth as organic matter. And humus. And
10 help us do that.

11 And, you know, so remember when the
12 hydroponics that, you know, it's all about soil and
13 mycorrhizae and bugs and microbes and all the good
14 stuff down there. And, you know, we get lost in
15 the little details about methionine and celery
16 powder and all that stuff.

17 And the one thing that has really,
18 really bothered me that you folks did, and it's
19 about ten years ago, is that you took cement kiln
20 dust off the list. Because apparently somebody
21 burned some tires in a cement kiln and that was a
22 bad thing.

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1 But what cement kiln dust does for me,
2 as an organic dairy farmer, is it allows me to grow
3 the very, very best nutritious high calcium, low
4 potassium feeds that I can use. And so it's okay
5 here in Vermont.

6 Everybody likes to spread wood ash.
7 And, you know, wood ashes also makes hydroxides and
8 highly alkaline materials that, you know, maybe
9 have a slightly bad influence on the soil, but you
10 can spread all the wood ash you want. You can burn
11 a tree and you can spread it on the land, but you
12 can't burn a rock and spread that on the land.

13 So I ask my certification board, well
14 can I just get a bunch of lime and make a pile of
15 wood and burn the lime myself and spread my own lime
16 so it doesn't have to come from cement kiln dust
17 place, and I can't do that either.

18 So I want to grow the very best feed I
19 can, and I feel like we get a little bit bound up
20 in being controlled by the federal government.

21 So thank you for whatever you do. And
22 remember it's all about life. Thank you.

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1 CHAIR RICHARDSON: Thank you, Jack.
2 There's a question here from Calvin.

3 MEMBER WALKER: Always like to see the
4 old guard of the old land. And I said it --

5 MR. LAZOR: Pardon me?

6 MEMBER WALKER: I always like to see
7 the old guard of the old land. It gives me a lot
8 of respect.

9 And my question to you is, where do you
10 see organic, considering the challenges we have,
11 in the next ten years?

12 MR. LAZOR: Well, I would like to see
13 organics grow. And I do have to say that bringing
14 you large scale business into organics with
15 national distribution has allowed more families
16 and people to think about, you know, it's a growing
17 industry.

18 I do believe that human greed and the
19 power of money kind of constricts us. And sort of
20 being able to balance, you know, the true meaning
21 of organic with getting the product to market,
22 keeping people in business and giving good food to

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1 people is a challenge.

2 And I'm sure you folks are doing your
3 very, very best. And it can't be easy. Because
4 you're basically controlled by an organization.
5 The agricultural marketing service that is not
6 really on our side.

7 I mean we need -- the only way we're
8 really going to improve and save the earth and
9 prevent climate change is by taking carbon out of
10 the sky and putting it into the earth. And organic
11 farming has the power to do that.

12 And do everything in your power to keep
13 it happening. And, you know, keep it moving
14 forward.

15 CHAIR RICHARDSON: Thank you for your
16 comments, Jack. And I just wanted to assure you,
17 you know me, I don't let people tell me what to do.

18 And I think all these members around the
19 Board, that you see, are good strong minded people
20 that will listen to what you say and be able to use
21 it. So thanks very much for your comment.

22 MR. LAZOR: Thank you.

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1 CHAIR RICHARDSON: The next speaker is
2 Kelly Tavaras. And our final speaker of the
3 morning will be Marty Mesh, right after Kelly.

4 MS. TAVARAS: Hi. Good afternoon.
5 My name is Kelly Tavaras and I serve as the digital
6 communications manager for the Organic Trade
7 Association.

8 On behalf of OTA I'd like to thank
9 outgoing board members. Mac Stone, Calvin Walker,
10 Colehour Bondera and Jessica Taylor for your
11 outstanding service.

12 My colleagues have already spoken on
13 specific agenda topics and you have our extensive
14 written comments. So my remarks will focus on
15 OTA's membership, our NOSB comment process and
16 sunset material review.

17 To begin I'd like to congratulate NOSB
18 and the national organic program on successfully
19 offering virtual opportunities for public
20 comments. Increasing accessibility to this
21 process is a big step forward.

22 OTA members represent the huge

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1 diversity in the entire supply chain of today's
2 organic industry. Small and large organic farmers
3 of all types, local and national organic
4 processors, regional and countrywide organic
5 distributors, retailers and so on.

6 We represent over 8,500 businesses in
7 all 50 states. And half of OTA members are small
8 businesses reporting less than a million dollars
9 in organic sales annually.

10 OTA's members are represented either
11 through direct membership or through strategic
12 partnerships with regional organic producer
13 organizations across the U.S. through our farmer's
14 advisory council.

15 If you visit ota.com you'll see clearly
16 stated information on how to become a member, what
17 the benefits of membership are. And even more
18 importantly, how we engage members in our advocacy
19 work.

20 OTA members are proud to be part of the
21 association. And the OTA member list is, and
22 always has been, open to the public.

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1 Our membership is govern by a
2 democratically elected board of directors ensuring
3 that we're accurately representing our
4 stakeholders.

5 The comments that OTA submitted to NOSB
6 are on behalf of that membership. In order to do
7 this, our regulatory staff carries out an extensive
8 engagement process with the membership so that we
9 can understand exactly how NOSB recommendations
10 will impact certified farmers and handlers on a day
11 to day basis.

12 To help facilitate a thorough comment
13 and review process for 2016 and '17 sunset
14 materials, OTA created an electronic survey for
15 each individual input under review. The surveys
16 are confidential, user friendly, available to
17 every NOP certificate holder.

18 And includes seven to ten questions
19 addressing the necessity or essentiality of the
20 national list input that's under review.

21 You have our written comments, which
22 include all the survey responses we received to

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1 date. We are proud to have collected a total of
2 470 unique responses from organic businesses
3 across the country.

4 My question to the Board is this. How
5 can we improve our survey system to help you? How
6 can we help NOSB?

7 For example, is there a better way for
8 us to report the data to you?

9 Our goal is to ensure engagement for
10 membership in our process and to effectively
11 deliver that feedback to NOSB for your
12 consideration. So please let us know how we can
13 help. Thank you so much.

14 CHAIR RICHARDSON: Thank you.
15 Questions? Questions from the Board? No
16 questions.

17 MS. TAVARAS: Thank you.

18 CHAIR RICHARDSON: Well and of course
19 we've all read the extensive written materials that
20 have been submitted by OTA, prior to the meeting.

21 MS. TAVARAS: Excellent. Thank you.

22 CHAIR RICHARDSON: Thank you. Final

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1 speaker of this morning is Marty Mesh. And, Marty,
2 you still get the same three minutes that everybody
3 else does.

4 MR. MESH: Marty Mesh. Florida
5 Organic Growers and Quality Certification
6 Services. Again, it was kind of just said that
7 thanks to Colehour or Nick, Jennifer, Calvin and
8 Mac for all the tremendous work.

9 I want to appreciate the NOP staff for
10 all the work and effort. I know Michael likes to
11 stress about misstatements of facts and trying to
12 really going after good organic community people
13 from doing public service. So my hats off to the
14 NOP staff.

15 QCS will be more vigilant about
16 submitting comments in the future. Written
17 comments.

18 As Jake was accurate in his challenges
19 about trying to get folks to weigh in about the
20 overall few materials and tools in an organic
21 farmer's toolbox. But here's a few comments from
22 our staff.

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1 Chlorine, we support it. More fun
2 stuff for me to talk about. Humic acids, QCS
3 supports retaining alkali extracted humic acids on
4 205.601(j).

5 They're widely used by QCS certified
6 organic producers due to a variety of benefits.
7 Including improve soil structure, increase
8 nutrient availability, increase root and top
9 growth and increased yield.

10 The demand for an extensive use of
11 alkali extracted products in organic production
12 can be evident by the 80 plus crop production
13 materials registered with OMRI. With OMRI
14 containing alkali extracted humic acids.

15 Microcrystalline cheesewax we support.
16 We support it. The staff raised questions about
17 the concept of soy wax products, because there
18 aren't any listed.

19 Furthermore, soy wax was viewed by QCS.
20 Contains hydrogenated soybean oil, which QCS
21 determined to be synthetic.

22 Thus we believe the soy wax would need

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1 to be, first petitioned and added to the national
2 list before it can serve as a real alternative to
3 cheesewax.

4 Micronutrients. The proposed
5 annotation, we strongly support the annotation
6 change from micronutrients listed on 205.601(j)(6)
7 from soil deficiency. Must be documented by
8 testing, to deficiency must be documented.

9 This is a sound and sensible approach
10 for organic producers to address micronutrient
11 deficiencies that may be identified in ways not
12 confined to soil testing.

13 Additionally, this annotation change
14 should also apply to 205.601(j)(5) magnesium
15 sulfate. As the current annotation states,
16 "allowed with the documented soil deficiency."

17 Alginate acid. We believe that this
18 should be reclassified as synthetic instead of
19 non-synthetic. The reason is that the extraction
20 process used to make this material involves a
21 chemical process utilizing an alkali treatment and
22 acid precipitation.

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1 Carnauba wax. There's five current
2 suppliers that this material, hazardous material,
3 as organic, according NOP's list of certified
4 operations. Given that information, it should
5 remain or be on 205.606.

6 And then we had some entities talk about
7 gellan gum that should remain on the list.

8 So in my limited time I want to talk
9 about GMOs and big picture stuff and all that kind
10 of stuff.

11 CHAIR RICHARDSON: So that was three
12 minutes, Marty. Are there questions for Marty?
13 Yes, Jennifer?

14 MEMBER TAYLOR: Thank you so much,
15 Marty, for your presentation. Could you please
16 give us some more of your time and complete your
17 presentation.

18 PARTICIPANT: That was about GMO.

19 MR. MESH: I could, is that a question?

20 MEMBER TAYLOR: Appreciate it. About
21 GMOs. Thank you.

22 MR. MESH: I'd be happy to answer your

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1 question. Really quick though.

2 I find it incredibly insulting to put
3 the, and I've always talked about the patent holder
4 should be responsible. I think it's incredibly
5 rude to put it all on the organic farmers trying
6 to void technology. That if it was chemical
7 trespass, that the prevailer of that would be
8 responsible.

9 That it should be the patent holder in
10 this case that's responsible for protecting
11 organic seed suppliers, organic farmers from
12 genetic trespass. And they should control their
13 own technology, not put it on an organic farmer to
14 prevent. So with that, let's go eat.

15 CHAIR RICHARDSON: Yes, indeed.
16 Okay, so at -- well we will reconvene here at 2:00
17 p.m. this afternoon. At 2:00 p.m.

18 And just a reminder that we will be
19 having the NOFA reception tonight. That will
20 start at 6 o'clock, in case you're headed out up
21 the Hill for lunchtime. Just so you know.

22 (Whereupon, the above-entitled matter

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1 went off the record at 12:51 p.m. and resumed at
2 2:08 p.m.)

3 CHAIR RICHARDSON: All right,
4 everybody, we are actually going to start the
5 afternoon session is as close to on time as we can
6 get, given our excellent public comment that we had
7 this morning, which meant that we did run over.
8 But I know obviously we don't have all the public
9 back yet.

10 But I just want to say, as I'll say at
11 the end of the meeting, it's been absolutely
12 fabulous to have so many Vermont producers come to
13 the meeting. I'm just really very proud of my
14 state for having such a good turnout of great guys
15 and gals.

16 Before we get into the nitty gritty of
17 the Sunset, just a reminder from Tom Stearns, of
18 High Mowing Organic Seeds. This is an open
19 invitation to people for tomorrow to do a field trip
20 for tomorrow, Wednesday from 3:00 p.m. to 5:00 p.m.
21 or Thursday from 9:00 a.m. to 11:00 a.m.

22 This is not at the time when the Crops

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1 Subcommittee is meeting, it's at the other time.
2 So, Tom would be excited and happy to show you
3 around the facilities, and explain how they do the
4 organic seeds. And Tom is back there somewhere.
5 Where are you Tom? Tom is there, red shirt on.

6 So if anyone wants to go on that, except
7 NOSB member, you're not allowed to. Or, and you
8 can RSVP him, Tom, at highmowingseeds.com. So I
9 hope that's a nice gift that you have, Tom. And
10 I wish we could have had one for everybody at the
11 beginning of the meetings. But so much work we
12 have to do, unfortunately.

13 So just a few words before we get into
14 the crops Sunset, just to get us going. First of
15 all, on conflicts of interest, let the record
16 reflect that all members had circulated to them,
17 as we have in our policy and procedure manual, the
18 conflict of interest table. For us a sort of table
19 that we send around that has every one of the
20 materials listed on it.

21 And each member is required to report
22 back to Michelle on that sheet whether or not they

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1 have a conflict of interest. No member reported
2 any conflict of interest for any material, per se.

3 But Zea would like to make a brief
4 comment about conflict of interest. And also make
5 a brief introduction, since she wasn't here on the
6 first morning, because of the plane problem. Zea.

7 MEMBER SONNABEND: Thank you. And
8 after, as many of you know, I like to personally
9 disclose my conflict of interest or lack thereof.
10 If any other Board Member wishes to do so after I
11 do it, before we start into this voting portion,
12 now would be the time to do it. So I'm combining
13 introduction and conflict of interest declaration.

14 My name is Zea Sonnabend. I'm a small
15 farmer from Watsonville, California, with 18 acres
16 of diversified fruit and an acre of vegetables for
17 seed. I hold the scientist seat on the Board
18 because of my long career in evaluating organic
19 material.

20 I work part time for CCOF, a non-profit
21 organization with 1,400 small farmers of which
22 1,000 are very small. One thousand processors,

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1 some of which are also farms. And 600 medium or
2 large farms.

3 All of the Sunset materials may or may
4 not be used by some of these CCOF clients. And many
5 of the crop input for this meeting are used by me
6 on my own farm.

7 I'm a very small voice without a big
8 media machine behind me. I'm also a small farmer
9 doing what I think is right for most farmers, large
10 and small, in my work with NOSB.

11 I have spent my entire career in the
12 non-profit sector, other than my farming
13 endeavors, which are arguably non-profit at this
14 point. I do try to do my best in evaluating
15 materials and fighting GMOs with my time, instead
16 of fighting with the USDA over Sunset. And I put
17 in way more time than I'm paid towards these
18 efforts.

19 So now, a small amount of my overall
20 voting record is being labeled as part of the
21 corporate voting bloc, ignoring the many other
22 votes that removed substance from the list, or

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1 failed to add new petitioned item.

2 And I ask, how would you all feel if
3 select things you say or do at meetings are picked
4 apart, distorted, and sponged to look negative, and
5 then broadcast over the internet?

6 Yet, the people doing this have called
7 for respect, whether any of agree with their
8 positions on any particular issue. Isn't this
9 hypocritical? I do not respect this approach, or
10 feel respect. I'm an independent thinker and
11 voter, and not part of a corporate voting bloc.
12 Thank you.

13 CHAIR RICHARDSON: Thank you, Zea. In
14 regards to materials that we will be listening to
15 this afternoon, and throughout the rest of this
16 meeting, all of these Sunset materials come to this
17 meeting to the full Board of the NOSB on a seconded
18 motion to remove.

19 The subcommittee cannot make
20 decisions, as all of you know, and as you commented
21 in your written comments. This vote was intended
22 simply to indicate the possibility of removing, and

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1 to ensure that we did get adequate comment from the
2 public. And we can see how effective that was when
3 it came, for example, to the ethylene.

4 Only the full Board can make a decisive
5 vote. And that's why we are here at this meeting,
6 to conclude our Sunset review on all of these
7 materials. None of the Sunset materials will be
8 tabled at this meeting. But any NOSB member can
9 request the need for more information, perhaps
10 another TR, or a new TR, or perhaps an annotation.

11 And any NOSB member will be able to
12 request through their subcommittee chair, to the
13 executive committee, that this material be added
14 back to the work agenda for the subcommittees to
15 review further in the spring, immediately
16 following this meeting and our next session, you
17 know, semester. So that hopefully we could bring
18 back, if necessary, further changes and
19 annotations, et cetera, to the April meeting.

20 And I hope you will follow that as
21 closely as you can do, as we go through our
22 subcommittee deliberation. In terms of procedure

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1 for presenting the Sunset material, Dr. Brines will
2 read each material into the record.

3 We are basically not going to group
4 these, just in case there's any member that, you
5 know, that has some additional comments they want
6 to make. And it's different from the vote because
7 it came up from subcommittee. They'll read each
8 material into the record, and the lead person will
9 present.

10 I am strongly urging, urging, urging
11 each person, please, lead persons, do not just read
12 out all the material we've just sent out for public
13 comment. Otherwise we'll be here until next
14 Tuesday. Please be brief, and bring in only those
15 additional types of materials that we need in order
16 to make our decisions today.

17 So, the lead person will present.
18 There will then be a discussion and a vote.
19 Voting. Voting will be slightly different to the
20 way we've done it in the last few meetings.

21 Again, in an effort not to take a huge
22 amount of time by going one, two, three, four, five,

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1 or around in a roll call, we will do it based on
2 a show of hands. And the hands will be kept up for
3 long enough to be counted. And except that any
4 NOSB person, if they wish, can request for roll
5 call.

6 We discussed the, NOSB members have
7 discussed this amongst themselves as being the most
8 efficient way to conduct the votes during this next
9 few days. I know in the past they've grouped
10 materials together for Sunset. But we're trying
11 to be more open and transparent on this for every
12 material, as you can tell.

13 Several members have been given voting
14 tally sheets. In fact, any member that wants to
15 have a voting tally sheet, as you know Michelle has
16 a whole stack of them. Michelle has them as well.

17 Each of these voting tally sheets will
18 allow several members to keep track of all of the
19 votes of all of the persons on the NOSB. And we
20 will, all of those voting tally sheets will also
21 be reviewed at the end of the meeting by Michelle,
22 in order to make sure that there are no errors.

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1 Tracy, as the Vice Chair, will announce
2 the votes, as opposed to the Secretary, who is kind
3 of long way away. And so, she will announce the
4 votes as they come up. Votes, as you know, will
5 be as required, specified in OFPA.

6 Two-thirds of the votes cast at a
7 meeting of the Board are needed in order for the
8 review to be completed from our perspective. All
9 abstentions will be recorded as such, and not
10 included in part of the total.

11 Similarly, any Board Member who recuses
12 themselves due to a conflict of interest, which we
13 have not seen, or are absent, which we don't have,
14 they shall be recorded as such. And their votes
15 will not be counted into the total number.

16 So, I know that Tracy and, or most every
17 Board Member has a copy of the vote tally sheet.
18 Yes. And as you all know, there's only 14 Board
19 Members coming up with the decisive vote numbers.
20 Are there any questions from the NOSB Board? Yes,
21 Nick.

22 MEMBER MARAVELL: Yes. I have two

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1 questions, and one sort of conflict of interest
2 thing to bring up. I have been working with NBC
3 National News to get the database of the USDA
4 certified operations out to the public.

5 And I've been informed today that
6 they're making a piece available to their
7 affiliates nationwide, stating that USDA has
8 released a list of certified operations in the
9 United States. And they spent a few minutes on my
10 farm. So I may also be on that as well.

11 But I wanted to make it clear that I did
12 not receive anything from the NOP, or any of its
13 employees. And I did that totally of my own
14 initiative.

15 Now, getting to our voting procedures.
16 The, I guess I've got a couple of questions here,
17 Jean, just for clarification. I think I
18 understood exactly what you said. But I want to
19 repeat this, that the subcommittees have made a
20 motion on all of the Sunset proposals.

21 They have also, you know, they made a
22 motion, they seconded it, and they voted. That's

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1 the only way that those proposals can come to us,
2 the full Board? Is that what I'm hearing? That
3 there's no other way that the full Board could have
4 received those Sunset proposals?

5 CHAIR RICHARDSON: That is the way that
6 we've traditionally moved things from a
7 subcommittee to the full Board.

8 MEMBER MARAVELL: Right.

9 CHAIR RICHARDSON: However, as you
10 well know, in OFPA we're not required to vote on
11 Sunset materials at all. So voting is just what
12 we've traditionally done. So we're doing what we
13 traditionally do.

14 MEMBER MARAVELL: Right. But we could
15 not have, we would not be doing this had the
16 subcommittees made a motion and voted on it, and
17 sent it to us now? That's correct? Right. Okay.

18 And then, just to clarify the number of
19 votes. We're voting on de-listing motions, that's
20 motions to remove things from the list, correct?

21 CHAIR RICHARDSON: That is what I said,
22 yes.

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1 MEMBER MARAVELL: Okay. So then, if
2 there were, in this case we have 14 members present,
3 or 14 members voting. Then if there are nine votes
4 that were to say, yes, de-list, those would be yes
5 votes that would say de-list. And there would be
6 five votes that say, no, do not de-list, then that
7 remains on the list, correct? Am I correct there?

8 CHAIR RICHARDSON: Yes. I believe you
9 should have received as part of your package a sheet
10 that looks like this, Nick, which actually gives
11 you the breakdown, so that you could look at each
12 of them in turn. It lists for the votes cast,
13 refusals, abstentions, to how do you come up with
14 a two-thirds majority. Do you have that list?

15 MEMBER MARAVELL: I've had it in the
16 past. I don't have it in front of me right now.
17 But I'm just sort of saying, I just made up that
18 example. But I'm assuming that what I just said
19 was correct.

20 If there are nine votes that say in the
21 affirmative to de-list a Sunset provision, and
22 there are five votes in the negative, not to

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1 de-list. Then would that indeed constitute a case
2 where the --

3 CHAIR RICHARDSON: It would depend if
4 there were recusals or abstentions. Again, I
5 would refer you to the list, so that --

6 MEMBER MARAVELL: No. I'm saying if
7 you've got nine affirmatives --

8 CHAIR RICHARDSON: Two-thirds is a
9 majority.

10 MEMBER MARAVELL: -- and five
11 negatives, then the proposal would fail, in effect,
12 because it did not reach a two-thirds majority.

13 CHAIR RICHARDSON: Yes.

14 MEMBER MARAVELL: Is that correct?

15 CHAIR RICHARDSON: It, two-thirds,
16 whatever the two-thirds is. Because --

17 CHAIR RICHARDSON: Well, Michelle just
18 gave me --

19 CHAIR RICHARDSON: If 14 votes are
20 cast --

21 MEMBER MARAVELL: Right. Two-thirds
22 requires ten.

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1 CHAIR RICHARDSON: -- you
2 would -- Correct. It would require ten.

3 MEMBER MARAVELL: Right.

4 CHAIR RICHARDSON: If 13 votes were
5 cast and there were two refusals, for example, then
6 it would require nine.

7 MEMBER MARAVELL: Nine. Yes.

8 CHAIR RICHARDSON: And so on down the
9 list.

10 MEMBER MARAVELL: So I was just giving
11 the example of if there were 14 cast votes, nine
12 in the affirmative, five in the negative, then a
13 particular Sunset material would remain on the list
14 under this procedure. I'm just trying to clarify.

15 CHAIR RICHARDSON: So what's the
16 issue?

17 MEMBER MARAVELL: I didn't say there
18 was. I said I was trying to clarify for my benefit.

19 CHAIR RICHARDSON: Yes.

20 MEMBER MARAVELL: Thank you.

21 CHAIR RICHARDSON: Okay. And if
22 there's any questions on that I know that Dr. Brines

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1 will correct us if we have made an error in the
2 manner in which Tracy then says whether it's, the
3 motion is passed or not.

4 And we may make some slight mistakes as
5 we go along here. But I'm sure there will be Board
6 Members that will correct us as we do the voting
7 and the vote counting. But try to be as flexible
8 and helpful to each other as we can be. Are there
9 any other questions from the Board? Colehour?

10 MEMBER BONDERA: I'm not sure it's a
11 question. But I just want to again wrap my brain
12 around this process before we get going. And I
13 think I have it down, but just to verify. We're
14 using the motions that were made at the
15 subcommittee level? We're not making motions at
16 this level? Is that correct?

17 CHAIR RICHARDSON: Yes.

18 MEMBER BONDERA: Okay.

19 CHAIR RICHARDSON: That is absolutely
20 correct. We are using those motions.

21 MEMBER BONDERA: And also, the person
22 who made the motion at the subcommittee level,

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1 because I full well know they often did not, does
2 not need to vote for the motion they made?

3 CHAIR RICHARDSON: That is correct.

4 MEMBER BONDERA: According to the
5 paradigm --

6 CHAIR RICHARDSON: Robert's Rules.

7 MEMBER BONDERA: -- that has been used
8 in this process?

9 CHAIR RICHARDSON: And also Robert's
10 Rules of Order, both. So, any person can, you can
11 make a motion. Anyone can make a motion. It
12 doesn't mean that if you've made the motion you have
13 to vote for the motion. It is simply a technique
14 for getting a question up for debate, ready for
15 debate by the group. So, yes, you are correct.

16 MEMBER BONDERA: Thank you.

17 CHAIR RICHARDSON: Okay. Are you
18 ready, Zea?

19 MEMBER SONNABEND: Yes. But I
20 believe, we're going to take the materials in the
21 order that they are on the list, I believe. And
22 so, the first thing would be to turn it over to Lisa

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1 Brines.

2 DR. BRINES: Thank you. The first
3 material on the agenda for the crops, for the, or
4 this afternoon, is alcohols, ethanol. So for each
5 of these substances I'll read the full listing into
6 the record, and then turn it back to the Board for
7 discussion.

8 The first listing on '205.601,
9 synthetic substances allowed in organic crop
10 production, under Paragraph (a) as algaecide,
11 disinfectants, and sanitizer, including
12 irrigation system cleaning systems, (1) alcohols
13 (I) ethanol. Thanks.

14 CHAIR RICHARDSON: Okay. Then
15 Francis, would you like to --

16 MEMBER THICKE: Yes, thank you. So
17 there are two alcohols, ethanol and isopropyl
18 ethanol alcohol. And we're going to do ethanol
19 first. And, as was mentioned by Lisa, it's used
20 as a disinfectant, sanitizer, and algaecide.

21 And in the two rounds of comments that
22 we had there were lots of support for re-listing

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1 it. And it's, there is the possibility of having
2 a natural fermented ethanol. And one commenter
3 asked that we should have looked down, looked to
4 see if there is sufficient natural ethanol
5 available.

6 The TR did not have that information.
7 We don't have that information. So that is
8 lacking. But the comments were overwhelmingly in
9 favor of re-listing.

10 CHAIR RICHARDSON: Is there any
11 discussion on the motion? Is there any discussion
12 on the motion? Seeing no discussion on the motion,
13 I would ask for a show of hands. If you wish to
14 remove alcohols ethanol from the National List,
15 please raise your hand. I see no hands raised.

16 Please raise your hand if you vote no,
17 that is, to keep the ethanol on the list. Yes,
18 Harold, we can see you. Okay. Thank you. Are
19 there any, I did not see any. But are there any
20 abstentions or recusals? I see none. Tracy, do
21 you want to read the results?

22 VICE CHAIR FAVRE: Zero yes, 14 no.

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1 The motion fails.

2 CHAIR RICHARDSON: Thank you. Next
3 material.

4 MEMBER SONNABEND: Lisa will talk.

5 DR. BRINES: Okay.

6 MEMBER SONNABEND: Calvin is missing.

7 CHAIR RICHARDSON: Oh, thank you. Oh,
8 okay. One absent. There you go.

9 MEMBER THICKE: We're going to have to
10 talk to those absences about raising their hand.

11 CHAIR RICHARDSON: Yes, that's true.
12 Sorry about that, folks,

13 MEMBER SONNABEND: It's great.

14 VICE CHAIR FAVRE: So the vote was zero
15 yes, 13 no, one absent.

16 CHAIR RICHARDSON: Mac.

17 MEMBER STONE: Just for the record,
18 Madame Chair, by me holding up one finger, that's
19 saying ma'am when I hold my hand.

20 CHAIR RICHARDSON: The Chair notes the
21 subtlety. Next material, Lisa.

22 DR. BRINES: Yes. Moving on, next on

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1 the agenda is isopropanol, also listed under
2 '205.601(a) as algaecide, disinfectants, and
3 sanitizer, including irrigation system cleaning
4 system, (1) alcohol, (ii) isopropanol. Thank you.

5 MEMBER THICKE: Okay. And as with
6 ethanol there was widespread support for renewing
7 this material on the list. We'll keep it simple.
8 Zea.

9 CHAIR RICHARDSON: Zea, do you want to
10 be the one that says, any discussion? Or what do
11 you want to do?

12 MEMBER SONNABEND: Is there any
13 discussion?

14 CHAIR RICHARDSON: Seeing no
15 discussion I believe we are ready to vote. All
16 those in favor of removing alcohols isopropanol
17 from the National List, please raise your hand.

18 All those in favor of, all those opposed
19 to the motion, please raise your hand. Are there
20 any abstentions or recusals? I see not. Tracy,
21 do you have the vote?

22 VICE CHAIR FAVRE: One yes, 13 no. The

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1 motion fails.

2 CHAIR RICHARDSON: Next would be
3 chlorine materials. Lisa.

4 DR. BRINES: Do you want to take these
5 three as a group, Zea?

6 MEMBER SONNABEND: Yes.

7 DR. BRINES: Okay. Thank you. So
8 next up is under '205.601 of the National List,
9 under Paragraph (a), as read before, (a)(2)
10 chlorine materials for pre-harvest use, residual
11 chlorine levels in water, in direct -- I'm sorry,
12 I'm looking at a different section here.

13 For pre-harvest use, residual chlorine
14 levels in water in direct crop contact, or as water
15 from cleaning irrigation systems applied to soil
16 must not exceed the maximum residual disinfectant
17 limit under the Safe Drinking Water Act, except
18 that chlorine products may be used in edible sprout
19 production according to the EPA label directions.

20 We're taking the three materials as a
21 group, calcium hypochlorite, chlorine dioxide, and
22 sodium hypochlorite. Thanks.

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1 MEMBER THICKE: Okay. So again, there
2 was a lot of support for renewing these materials.
3 But there was also a lot of concern about chlorine
4 in general, not only for crops, but for livestock
5 and for handling.

6 And suggestions were made that we need
7 to do more homework on chlorine. And based upon
8 those comments, it seems to be that would be good
9 for us to look to the future, maybe amongst all
10 three committees, to do some kind of a targeted
11 technical review, whereby we could look at what are
12 all the uses for chlorine, and what are really
13 needed. And kind of get that all tallied up.

14 Especially like, for example, in dairy.
15 Maybe a thing from dairy. It's in the pasteurized
16 milk ordinance. Most of the states adopt that.
17 States change things.

18 And so, it would be good to have a
19 listing of what is really needed, and what
20 alternative could be available. So I'm just
21 throwing that out in this time, just for something
22 for our committees to look at in the future.

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1 MEMBER SONNABEND: I just wanted to
2 point out that we have put this on our research
3 priorities agenda. So that research that focuses
4 on organic uses of chlorine can be done over the
5 years as we take another look at this.

6 CHAIR RICHARDSON: Anymore
7 discussion? Colehour?

8 MEMBER BONDERA: Yes. And I think
9 what Francis said, that is going to reiterate the
10 word alternative. I think it's critical in that
11 whole discussion. And that's my personal take on
12 this topic. Thank you.

13 CHAIR RICHARDSON: All those in favor
14 of removing this group of chlorine materials from
15 the National List, please raise their hand. Those
16 opposed to remove these materials from the National
17 List, please raise your hand. Thank you. Tracy.
18 Or, sorry, any abstentions, any recusals? I
19 didn't -- Show all hands.

20 VICE CHAIR FAVRE: Okay. The vote was
21 two yes, 12 no. The motion fails.

22 MEMBER SONNABEND: Next is hydrogen

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1 peroxide. So, Lisa.

2 DR. BRINES: Thank you. There are two
3 listings for hydrogen peroxide that were
4 considered by the subcommittee as a single motion.
5 The first listing is at '205.601(a), as algaecide,
6 disinfectant, and sanitizer, including irrigation
7 system cleaning systems. And also under
8 '205.602(I) as plant disease control. Thank you.

9 MEMBER SONNABEND: This one was my
10 material to work on. We did commission a new TR,
11 because the TR that had been existing on this was
12 old. And we found out some good information in
13 relation to the criteria that we used for review
14 material.

15 We have, the good parts of it is that
16 is has very little residual effect. And
17 relatively no impact on birds, humans, or fish, as
18 long as it's used according to label direction.

19 We, in public comment we got general
20 support for re-listing. And a few people pointed
21 out that it is quite toxic on contact, and should
22 be used carefully. But that was the primary

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1 concern about it. And most people supported it
2 being re-listed. Any discussion?

3 CHAIR RICHARDSON: Seeing no
4 discussion, all those in favor of removing hydrogen
5 peroxide, please raise your hand. All those
6 opposed to removing hydrogen peroxide, please
7 raise your hand.

8 VICE CHAIR FAVRE: The vote is zero
9 yes, 14 no. The motion fails.

10 MEMBER SONNABEND: Next would be soap
11 based algaecides and demossers. Lisa.

12 DR. BRINES: Soap based
13 algaecide/demossers are listed at '205.601 of the
14 National List under (a), as algaecide
15 disinfectants and sanitizer, including irrigation
16 system cleaning systems, under number 7. Thank
17 you.

18 MEMBER SONNABEND: I think this was --

19 MEMBER THICKE: Me.

20 MEMBER SONNABEND: -- Francis.

21 MEMBER THICKE: Yes. This is one that
22 the committee actually voted five to zero to on

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1 de-list. And the first time around we asked
2 questions of people who were widely using it. We
3 didn't get a lot of response.

4 And the second round of comments a few
5 people checked yes, they wanted to keep it on. But
6 nobody really gave a reason why. It often was
7 combined with other checks on other lists. And so,
8 that's where it's at now. It's been proposed to
9 be removed by the subcommittee.

10 MEMBER SONNABEND: Didn't we get a few
11 specific comments in this time?

12 MEMBER THICKE: We got, there was one
13 comment that soap did not affect the human health.
14 They're composed of molecules, natural, a comment
15 to the national environment. Well, there were a
16 few comments, yes. Do you remember some other ones
17 that I'm not thinking of?

18 MEMBER SONNABEND: Well, I remember
19 one specific comment that was in favor of keeping
20 it. Actually I remember two specific comments in
21 favor of keeping it.

22 One was, a farmer who said that they

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1 used it in, I guess they must live in a very moist
2 area. But they used it, but away from waterways,
3 and were very careful with it.

4 And the other one was for irrigation
5 system cleaning in, because there's lots of
6 different kinds of bacteria and organisms that get
7 in the irrigation lines. And this one is better
8 than some of the other choices for certain species
9 of the bacteria.

10 Unfortunately, I didn't put my finger
11 on exactly whose comment that was. But it was
12 quite a specific comment to this product.

13 MEMBER THICKE: Correct. And there
14 are several sanitizers for irrigation systems.
15 But he's saying that this was helpful for some
16 species. Yes.

17 MEMBER SONNABEND: Does anyone else
18 have discussion points? So, we'll just say that
19 I found those two comments compelling enough that
20 I'm going to change my vote out of committee to keep
21 it on. Because there was no negative information
22 about health effects, or environmental effects, or

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1 like that.

2 MEMBER THICKE: Well, there was --

3 MEMBER SONNABEND: And, does Harold
4 have his hand up?

5 MEMBER THICKE: Oh, I'm sorry.

6 DR. BRINES: Yes.

7 MEMBER SONNABEND: Okay.

8 MEMBER AUSTIN: Yes. Zea, Harold.
9 Likewise I saw a couple of those comments as well.
10 And I felt compelled enough with reading them that
11 I also am going to change my vote from the committee
12 vote, and vote in favor of keeping this on the list.

13 MEMBER THICKE: In the TR it does talk
14 about the toxicity of particular water organisms.
15 And especially if you're using it for irrigation
16 cleaning, there's a good likelihood that it's going
17 to get to the water.

18 MEMBER SONNABEND: Anymore
19 discussion?

20 CHAIR RICHARDSON: Assuming we're
21 ready for a vote, all those persons that wish to
22 remove the soap based algaecide demossers from the

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1 National List, please raise your hand. All those
2 who wish to vote --

3 What are we doing, voting yes? Oppose
4 the motion, please raise your hand. Is there any
5 desire to do a roll call on this? We're okay.

6 (Off microphone comments)

7 CHAIR RICHARDSON: Okay,
8 just -- Jennifer is calling for a roll call vote.
9 Let's do a roll call vote on this. If we could,
10 please, starting with Zea.

11 (Roll call vote)

12 VICE CHAIR FAVRE: Okay. We've got
13 eight yes, five no, one abstention. The motion
14 fails.

15 MEMBER SONNABEND: Okay. The next
16 thing is herbicides, soap based. Lisa.

17 DR. BRINES: Thank you. We're on
18 Paragraph 8, as herbicides, weed barriers as
19 applicable. The substance under (1) is,
20 herbicides soap based for use in farmstead
21 maintenance, (roadways, ditches, right of ways,
22 building perimeters) and ornamental crops. Thank

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1 you.

2 MEMBER THICKE: I'm the soap guy here
3 today. So, this one was not controversial like
4 that last one. The support was much more wide, was
5 more broad. And this being used for the herbicide
6 it was stressed real systems.

7 And so, there's less likelihood of it
8 getting into the, to contaminate for aquatic
9 organisms. The vote in the committee was zero to
10 take it off, and five to keep it on.

11 MEMBER SONNABEND: Discussion? I
12 would just note that I'm continually troubled every
13 time this subject comes up by the public comment
14 we hear, which tends to be mostly from people who
15 either want to use it directly on crops, or are
16 using it directly on crops. And they're certifier
17 isn't catching them.

18 As I thought was the case with one of
19 the comments we received this time. And so, this
20 annotation is only for roadways, ditches, right of
21 ways and building perimeters. And we wish to
22 maintain that annotation.

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1 CHAIR RICHARDSON: Ready for the vote?
2 If you wish to remove herbicides soap based, please
3 raise your hand. I see no hands up. If you wish
4 to leave this material on the list, please raise
5 your hand.

6 VICE CHAIR FAVRE: The vote is zero
7 yes, 14 no. The motion fails.

8 MEMBER SONNABEND: Next would be
9 newspaper or other recycled paper. Lisa.

10 DR. BRINES: Thank you. There are two
11 listings for newspaper or other recycled paper that
12 are under consideration for Sunset 2017. The
13 first is listed at '205.601(b), as herbicides, weed
14 barriers, as applicable. (2) mulches, (I)
15 newspapers or other recycled paper without glossy
16 or colored ink.

17 The second listing is at '205.6018, as
18 compost, feedstocks - Newspapers or other recycled
19 papers without glossy or colored inks. Thank you.

20 MEMBER SONNABEND: Colehour.

21 MEMBER BONDERA: Okay. Thank you.
22 We, at the subcommittee level combined the two, and

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1 took one vote. So that's how I'm going to proceed.
2 There really were relatively few significant
3 concerns raised regarding re-listing.

4 However, comments did come from various
5 sources regarding the opportunities to separate
6 colored and black inks, verifying the distinction
7 of harm of inks, and from one from another.

8 And really was, I think at this point
9 in time I'm not sure exactly what this process is,
10 even though Jean mentioned it. But I think, from
11 my perspective it suggests that we are due for a
12 TR on this. And I hereby would like to request that
13 that occur.

14 I don't know, like I said, that will go
15 to the subcommittee and be considered as the
16 process. So, I'm raising that. The public
17 basically supported re-listing as it was. And the
18 subcommittee did the same thing, which is fully
19 opposed to de-listing. So that's where it was at.
20 And that's all I have to add.

21 MEMBER SONNABEND: Thank you. The TR
22 request will be referred to the crop subcommittee.

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1 Discussion?

2 CHAIR RICHARDSON: There being no
3 discussion, please raise your hand if you wish to
4 remove this material from the National List.
5 Seeing none, please raise your hand if you wish to
6 leave this material on the National List. Any
7 abstentions or recusals?

8 VICE CHAIR FAVRE: The vote is zero
9 yes, 14 no. The motion fails.

10 MEMBER SONNABEND: Thank you. Next is
11 plastic mulch and covers. Lisa.

12 DR. BRINES: Thank you. The next
13 listing is at '205.605, I'm sorry, '205.601(b) as
14 herbicides, weed barriers, as applicable. (2)
15 Mulches. (ii) Plastic mulch and covers
16 (petroleum-based other than polyvinyl chloride
17 (PVC)).

18 And just for the record, there was one
19 error in the subcommittee information. The
20 listing citation at the subcommittee vote is
21 indicated as (j), but is correct in the reference
22 material as (b). Thank you.

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1 MEMBER SONNABEND: Colehour.

2 MEMBER BONDERA: Thank you. Yes.

3 This is perhaps one of the more complicated ones
4 for me at least. So it will take a few extra
5 moments. But I did want to note that while we as
6 a subcommittee were discussing this, and we could
7 possibly say this isn't related. But I think it's
8 directly related.

9 The memorandum came out from the NOP
10 regarding reconsideration of the bio based,
11 biodegradable mulch, which I think well was
12 effecting the process of the need for plastic mulch
13 and covers, in terms of discussion and final
14 decision.

15 So, since that was something that had
16 been approved, and then was coming back as needing
17 to be re-looked at. And I'll restate what I stated
18 at the last meeting regarding this, which is that,
19 and I'm not going to cite a specific experience.

20 But there was a written testimony that
21 referred to the fact that there isn't really
22 consistency by certifiers, in terms of the removal

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1 of plastic mulches. And that's, frankly, as a
2 farmer something I've observed as well.

3 But also I haven't experienced it. But
4 I have observed it on other farms. And I think it's
5 a big yellow flag of how this process happens.

6 As we know, the manufacturer, and the
7 waste from plastic mulches are the significant
8 concerns. Generally speaking the public
9 supported the re-listing, with questions on the
10 limitations towards using, you know, how can we
11 make sure that people are using other options,
12 instead of using plastic mulches, if that's become
13 habitual or a general practice in something they're
14 doing.

15 he subcommittee overall supported the
16 re-listing of the plastic mulches and covers. And
17 I think, I just want to throw in there the fact that
18 really I think that plastic mulches in my opinion
19 do not fit within organic systems.

20 They do not fit within the whole broader
21 picture of what organic means, and what are,
22 factoring in the different issues, especially the

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1 environment are regarding this. And I really
2 think that this is one material that we need to not
3 be continuously having people rely on as farmers,
4 or people who want product then.

5 So, I think that, you know, the one
6 example I come up with is, you know, like, for
7 example, the strawberries, everybody uses plastic
8 mulch now. Well, 100 years ago organic
9 strawberries, and all strawberries were organic,
10 none of them were grown with plastic mulch.

11 So I think that, yes, it's depended
12 upon. Is it essential? I think that that goes
13 back to that word of essentiality of, why are we
14 relying on something that we've survived without
15 in the past.

16 So I will be voting against re-listing
17 for those reasons. And I wanted to share that, and
18 that thinking process with you. Thank you.

19 MEMBER SONNABEND: Mac.

20 MEMBER STONE: I just want to suggest
21 that certifiers and inspectors alike work with the
22 growers. Often if it's a crop that's harvested up

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1 until winter, or late season, that wet weather's
2 difficult to remove.

3 But certifiers and inspectors alike are
4 pretty diligent in working with the growers to be
5 sure that it is removed, given the weather
6 conditions that they deal with.

7 MEMBER SONNABEND: Colehour?

8 MEMBER BONDERA: Yes. Mac, I believe
9 you. And I recognize that. Although as you read
10 in what is put forth in a public testimony, it was
11 stated, "We always use black plastic mulch when we
12 establish a vineyard. We do not irrigate.

13 And the plastic mulch is critical to us
14 getting the baby vines growing over the first three
15 years in the ground. We always take the plastic,
16 the black plastic up after it has been in for four
17 to five years." So, I hear you. But --

18 MEMBER SONNABEND: Okay. More
19 discussion?

20 MEMBER TAYLOR: I agree that plastic
21 mulch should not be a part of an organic management
22 system. And I'm working with farmers all the time

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1 that are using alternative methods. They're using
2 straw, or they're using leaves.

3 But instead of resulting on their own
4 accord, choosing not to use plastic, because they
5 see it as not having a place within the organic
6 management system. So I also support removing it
7 from the list.

8 MEMBER SONNABEND: Thank you.
9 Anymore discussion? Harold.

10 MEMBER AUSTIN: Yes. Plastic mulch I
11 think gives us a couple of benefits. One is for
12 the weed control that it's giving in assisting out
13 on the farms.

14 But it's also because of the removal of
15 that weed barrier, it's also helping enhance the
16 rodent control during the winter months as well,
17 especially in the northwest. So I'm in favor of
18 continuing to leave it on the list.

19 MEMBER SONNABEND: Anything, anyone
20 else? Okay. Just to point out that we are
21 changing the citation for the subsection in the
22 listing from, to '205.601(b), which is what Lisa

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1 read out is the correct spot on the list.

2 CHAIR RICHARDSON: Ready for the vote?
3 All those in favor of removing the plastic mulch
4 and covers from the National List, please raise
5 your hand. Those opposed, please raise your hand.
6 Any abstentions or recusals?

7 VICE CHAIR FAVRE: The vote is two yes,
8 12 no. The motion fails.

9 CHAIR RICHARDSON: Question from Mac.

10 MEMBER STONE: I would like to note
11 that there are, this is always based on that real
12 thing row cover. But there's lots of different
13 types of plastics and fabrics and things.

14 So it's a little more complicated than
15 just thin little, you know, 1.25 mil plastic. So
16 I don't know if that needs to be sort of addressed
17 in a broader view. Since I'm going off, it's easy
18 for me to say.

19 MEMBER SONNABEND: Next would be
20 ammonium soaps. Lisa.

21 DR. BRINES: Thank you. The listing
22 for ammonium soaps is at '205.601 of the National

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1 List, Paragraph (d), as animal repellants - Soaps,
2 ammonium for use as a large animal repellent only,
3 no contact with soil or edible portion of crop.
4 Thank you.

5 MEMBER THICKE: That's me.

6 MEMBER SONNABEND: Thank you, Francis.

7 MEMBER THICKE: Okay. There weren't a
8 lot of comments. There were definitely a number
9 of people who wanted to keep it on the list. There
10 were some comments that this is mostly used for deer
11 repelling. Some comments that it really doesn't
12 work anyway, but let's keep it on the list anyhow.

13 That's kind of, so we didn't see any
14 real compelling reason to take it off the list.
15 And the committee voted unanimously to keep it on
16 the list.

17 MEMBER SONNABEND: Discussion?

18 CHAIR RICHARDSON: Seeing no
19 discussion, those in favor or removing this from
20 the National List, please raise your hand. Those
21 opposed to removing this from the National List,
22 please raise your hand. Abstentions or recusals?

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1 Seeing none.

2 VICE CHAIR FAVRE: The vote is one yes,
3 13 no. The motion fails.

4 MEMBER SONNABEND: Next is ammonium
5 carbonate. Lisa.

6 DR. BRINES: Thank you. The listing
7 for ammonium carbonate is at '205.601 of the
8 National List, Paragraph (e), as insecticides,
9 (including acaricides or mite control). (1)
10 ammonium carbonate - for use as bait in insect trap
11 only, no direct contact with crop or soil.

12 Again, one correction for the record,
13 the citation in the subcommittee vote should be
14 '205.601(e), rather than '205.601(I). Thank you.

15 MEMBER SONNABEND: Colehour.

16 MEMBER BONDERA: Okay. So, I have
17 here the fact that there was -- I apologize. I'm
18 staring at my computer because my notes on
19 de-listing and re-listing are mixed up, I think.
20 So, I think that there was minimal support for
21 de-listing.

22 But frankly, there just wasn't that

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1 much input, is I think the reason that I wasn't,
2 I think my comment here is about public input. And
3 they weren't saying that they thought it should be
4 re-listed. So I think not heavily.

5 I think the input that did come
6 regarding overall essentiality of ammonium
7 carbonate, and that alternatives are possible, I
8 think were mentioned.

9 And like I already said, the
10 subcommittee vote was against de-listing, was not
11 for the de-listing of, I think that topic of lack
12 of need for me is going to result in my vote for
13 against re-listing it. But other people probably
14 have other comments. Thank you.

15 MEMBER SONNABEND: Discussion? I'll
16 call on myself, seeing no hands. This suffers
17 along with several of our other listings for having
18 a complicated name that people didn't recognize to
19 put in comment.

20 If it had said libate on the list we
21 would have gotten hundreds, if not thousands of
22 comments from livestock producers, as well as crop

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1 producers. Because it's the stuff that's used in
2 fly traps.

3 And so, I don't think we can attribute
4 the lack of public comments to anything other than
5 an obscure name for a very common input. Other
6 discussion?

7 CHAIR RICHARDSON: Okay. Ready for
8 the question. All those in favor of removing
9 ammonium carbonate from the National List, please
10 raise your hand. Those opposed, please raise your
11 hand. Any abstentions or recusals?

12 VICE CHAIR FAVRE: The vote is two yes,
13 12 no. The motion fails.

14 MEMBER SONNABEND: Boric acid. Lisa.

15 DR. BRINES: Thank you. Boric acid is
16 listed at '205.601 of the National List, under
17 Paragraph E, as insecticides (including acaricides
18 or mite control). (3) boric acid, structural pest
19 control. No direct contact with organic food or
20 crops. Thank you.

21 MEMBER SONNABEND: Discussion? Or,
22 whose material is this? Colehour. Thank you.

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1 MEMBER BONDERA: No, thank you.
2 Sorry. I was waiting for you to say my name because
3 we can't see each other. It's all good. Yes. I
4 don't have a lot to say about this one, in terms
5 of --

6 Boric acid, you know, can be used in
7 different ways, is I think the only thing worth
8 noting. It's really, it's least toxic when used
9 as bait and, you know, changing the management can
10 mean that it's not as needed.

11 I do think, as the lead person on this
12 one I would, I hereby request that an annotation
13 change be put forth that would change the listing
14 to something along the lines of, for use only as
15 bait, or in gel formulation in the listing. So I
16 make that request at this time.

17 Nonetheless, comments that came in were
18 primarily for re-listing. And it wasn't, I guess
19 one person was absent. And it was a little bit
20 divided. The subcommittee vote was primarily
21 against removing it. Thank you.

22 MEMBER SONNABEND: Discussion?

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1 Jennifer.

2 MEMBER TAYLOR: You see the
3 possibility that it could be taken back into
4 committee for a change, annotation change?

5 MEMBER SONNABEND: We can discuss
6 whether to pursue an annotation change in the
7 subcommittee after this meeting.

8 MEMBER TAYLOR: After.

9 MEMBER SONNABEND: But we can't change
10 it right now.

11 MEMBER TAYLOR: Right. I just
12 wondered if that possibility exists.

13 CHAIR RICHARDSON: Are you ready for
14 the question? All those in favor of removing boric
15 acid from the National List, please raise your
16 hand. All those opposed to removing, please raise
17 your hand. Any abstentions or recusals?

18 VICE CHAIR FAVRE: The vote is one yes,
19 13 no. The motion fails.

20 MEMBER SONNABEND: Elemental sulfur.
21 Lisa.

22 DR. BRINES: Thank you. There are

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1 three listings for elemental sulfur that will be
2 considered under the Sunset 2017 review. And they
3 were considered as a group in the crop subcommittee
4 proposal.

5 The listings are as follows,
6 '205.601(e), as insecticides (including
7 acaricides or mite control). '205.601(I), as
8 plant disease control, and '205.601(j), as plant
9 or soil amendments. And each time the listing
10 reads, elemental sulfur. Thank you.

11 MEMBER SONNABEND: Harold.

12 MEMBER AUSTIN: Thank you. During the
13 first public comment period we received 20 written
14 comments and numerous oral comments on this
15 material, that provided answers to three specific
16 questions that we had posed to the stakeholders and
17 the public for comment.

18 There was overwhelming support for the
19 continued listing of elemental sulfur for all three
20 uses from the organic stakeholders. One commenter
21 stated that a survey of their members showed that
22 it was very necessary in organic crop production,

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1 while one certifier showed that it was listed on
2 2,042 of the organic systems plans of those that
3 they certify.

4 During the second posting for public
5 comment, prior to the October, this meeting, there
6 were a couple of oral comments that were provided,
7 as well as 38 additional written comments that were
8 submitted, 26 crop producers, one certifying
9 group, three handlers, one crop advisor.

10 Two stakeholder surveys all showed
11 solid support, critical need, or other
12 miscellaneous reasons why they were in favor of the
13 continued listing of elemental sulfur.

14 One commenter from Mexico provided both
15 written and oral testimony on one of our two
16 webinars, stating that because of their water
17 source, compost, soil amendments, crop rotation to
18 increase organic matter and lower the soil pH,
19 sometimes was not enough.

20 Being able to lower the pH using
21 elemental sulfur helps to provide benefits to the
22 crop production, as well as improves their soil and

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1 favors growth and development of microorganisms
2 within the soil profile.

3 One commenter provided against the
4 listing, asked for an annotation for the use of
5 sulfur, asked us to protect workers and ensure that
6 it does not result in ecological impacts. They
7 asked us to refer this back to the subcommittee.
8 That's what I have, Madame Chair.

9 MEMBER SONNABEND: Any discussion?

10 CHAIR RICHARDSON: Seeing no
11 discussion, may we move to the vote? All those in
12 favor of removing elemental sulfur in the three
13 forms as read into the record, please raise your
14 hand. All those opposed to removing elemental
15 sulfur in its three forms from the National List,
16 please raise your hand. Any abstentions or
17 recusals?

18 VICE CHAIR FAVRE: The vote is one yes,
19 13 no. The motion fails.

20 MEMBER SONNABEND: Next is lime
21 sulfur. Lisa.

22 DR. BRINES: Thank you. There are two

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1 listings for lime sulfur that will be considered
2 under Sunset 2017. The first is at '205.601(e),
3 as insecticides (including acaricides or mite
4 control). The second is under '205.601(I), as
5 plant disease control.

6 And one correction for the record, the
7 citation in the motion vote in the crop
8 subcommittee document should read '205.601(i)(6),
9 rather than '205.601(j)(6). It is correct earlier
10 in the document under the reference section.
11 Thank you.

12 MEMBER SONNABEND: Harold.

13 MEMBER AUSTIN: Thank you. Again, for
14 both this spring and this fall public comment
15 period there were numerous comments submitted.
16 The first spring meeting there were 20 written
17 comments, plus several oral presentations that
18 were given.

19 During the second posting for public
20 comment there were 38 additional written comments,
21 plus a couple of oral testimonies. And then we had
22 one really good oral testimony today that we

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1 listened to, regarding lime sulfur.

2 Of these there were 23 organic crop
3 producers, two organic stakeholder surveys showing
4 continued use for this material. The Northeast
5 Farming Association of Vermont was in support.

6 Several commenters in support also
7 stated that the use of lime sulfur in combination
8 with horticultural oil gives them optimum control
9 of overwintering populations of San Jose scale and
10 mealy bugs, which are both quarantine pests in
11 markets that they import their crops to. So, for
12 them it was critically important.

13 One public interest group was against
14 the listing, asked that we table the vote and refer
15 this back to the subcommittee until we limit the
16 uses, specific uses of lime sulfur. That's what
17 I have now.

18 MEMBER SONNABEND: Thank you.
19 Discussion?

20 CHAIR RICHARDSON: Seeing no
21 discussion, all those in favor of removing lime
22 sulfur as listed in its two forms, two uses, please

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1 raise your hand. Lime sulfur, lime sulfur. All
2 those opposed to removing lime sulfur from the
3 National List, please raise your hand. Any
4 abstentions or recusals?

5 VICE CHAIR FAVRE: Okay. The vote is
6 one yes, 13 no. The motion fails.

7 MEMBER SONNABEND: We're on to oils,
8 horticultural. Lisa.

9 DR. BRINES: Thank you. There are two
10 listings for horticultural oils that are under
11 consideration for Sunset 2017. The first
12 reference is at '205.601(e), as insecticides
13 (including acaricides or mite control). Listing is
14 under (7) oils, horticultural, narrow range oils
15 as dormant, suffocating, and summer oils.

16 The second listing is at '205.601(I),
17 as plant disease control. (7) oils, horticultural,
18 narrow range oils as dormant, suffocating, and
19 summer oils. Thank you.

20 MEMBER AUSTIN: Okay. Horticultural
21 oils. During the 2005 Sunset review vegetable
22 oils were one of the materials that were suggested

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1 to replace the horticultural oils.

2 That was later found that these also use
3 synthetic emulsifiers, and they're not as
4 effective as the horticultural oils themselves for
5 controlling specific diseases and insects.
6 During the first public comment period there were
7 27 written comments submitted, numerous oral
8 comments.

9 When certifiers showed that
10 horticultural oils are listed on 1,041 of their
11 organic systems plans, there was an industry survey
12 that showed overwhelming support of the continued
13 use of this material.

14 During the second posting for public
15 comment there were 30 written comments submitted.
16 Of those there were 18 organic crop producers,
17 three handlers, one international comment from an
18 organic crop producer, two organic trade
19 association comments in favor, IOIA was also in
20 support.

21 There were two commenters that were
22 opposed to the re-listing. One of these again

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1 asking that this vote be tabled until these
2 materials could be annotated.

3 Commenters, both rounds helped to
4 explain how horticultural oils are used and why.
5 They also pointed out that these materials are
6 allowed for use worldwide by most organic
7 certifying bodies for use in organic crop
8 production.

9 During the last Sunset review cycle the
10 actual usages have not changed much, but the
11 overall use has gone up due to the expansion and
12 increase in organic crop production. That's what
13 I have now.

14 MEMBER SONNABEND: Thank you. Any
15 discussion? Colehour?

16 MEMBER BONDERA: Yes. I apologize,
17 Harold, but can you remind me what the suggested
18 annotations were? I apologize.

19 MEMBER AUSTIN: Hang on. Yes. The
20 suggested annotations were to table this until the
21 annotations could come forth to regulate the use
22 patterns for this material to protect workers and

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1 non-target arthropods from harm.

2 MEMBER SONNABEND: Anymore
3 discussion?

4 CHAIR RICHARDSON: Okay. Ready for
5 the vote? All those in favor of removing oils
6 horticultural in those two uses as listed, raise
7 your hand. All those opposed to removing this
8 material from the National List, please raise your
9 hand. Any abstentions or recusals?

10 VICE CHAIR FAVRE: The vote is zero
11 yes, 14 no. The motion fails.

12 MEMBER SONNABEND: We are on to soaps,
13 insecticidal. Lisa.

14 DR. BRINES: Thank you. Insecticidal
15 soaps are listed at '205.601(e) of the National
16 List as insecticides (including acaricides or mite
17 control), (8) soaps, insecticidal. Thanks.

18 MEMBER THICKE: Soap guy here. So, we
19 received a lot of comments from producers who use
20 insecticidal soaps. They're used particularly
21 for soft bodied insects. And the thing that was
22 good about it is that you can, after spraying you

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1 can, there's no residual effect, and can enter the
2 area again.

3 There was a comment by Beyond
4 Pesticides that said the listing for insecticidal
5 soaps should be annotated in a way that protects
6 non-target arthropods from harm. If this is not
7 possible, insecticidal should be de-listed.

8 We suggest this annotation, "Must not
9 be used when predators, parasitoids, or
10 pollinators are present." And the committee voted
11 unanimously to retain it on the list.

12 MEMBER SONNABEND: Discussion?

13 CHAIR RICHARDSON: Seeing none, all
14 those in favor of removing soaps, insecticidal from
15 the National List, please raise your hand. All
16 those opposed to removing it from the National
17 List, please raise your hand. Any abstentions or
18 recusals?

19 VICE CHAIR FAVRE: The vote is zero
20 yes, 14 no. The motion fails.

21 MEMBER SONNABEND: Sticky traps and
22 barriers. Lisa.

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1 DR. BRINES: Thank you. This
2 substance is listed at '205.601 of the National
3 List under Paragraph (e) as insecticides
4 (including acaricides or mite control). (9)
5 Sticky traps/barriers. Thanks.

6 MEMBER BONDERA: Okay. Sticky traps,
7 barriers. Like it says, it's the wide range of
8 traps and codings made from different materials.
9 And I do agree with the concept that there could
10 be restricted uses and/or limitations via an
11 annotation.

12 And I, as I did on a few of the others,
13 I request that the crops subcommittee reconsider
14 adding an annotation to this listing, such as, must
15 be used in a way that prevents the capture of
16 non-target animals, for example.

17 Although I do want to add, in one
18 comment it is mentioned that, you know, in addition
19 to this fact, it is mentioned that some farmers will
20 use these traps to monitor the presence of
21 beneficial insects, which many of us don't
22 necessarily see as positive. But that is what some

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1 people do.

2 So I think that, you know, that could
3 be considered a target animal, I would estimate.
4 So I think it's a little bit confusing. And that's
5 part of the reason that I think the subcommittee
6 needs to consider this possibility, and/or, like
7 I said, the wording might not be accurate.

8 I think both the public input and the
9 subcommittee were basically on the same page in
10 terms of re-listing as is. So, thank you.

11 MEMBER SONNABEND: Colehour, are you
12 prepared to bring specific wording for an
13 annotation change to the subcommittee after this
14 meeting?

15 MEMBER BONDERA: I'm happy to propose
16 specific wording.

17 MEMBER SONNABEND: Okay.

18 MEMBER BONDERA: But like, we'll have
19 to, you know, still discuss it and agree upon it
20 obviously.

21 MEMBER SONNABEND: Yes.

22 MEMBER BONDERA: But yes. I'm happy

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1 to work on that.

2 MEMBER SONNABEND: Okay. Any other
3 discussion?

4 CHAIR RICHARDSON: Seeing no further
5 discussion, ready for the vote. All those who wish
6 to vote to remove sticky traps and barriers from
7 the National List, please raise your hand. All
8 those who wish to retain this sticky traps and
9 barriers on the National List, please raise your
10 hand. Any abstentions or recusals?

11 VICE CHAIR FAVRE: The vote is zero
12 yes, 14 no. The motion fails.

13 MEMBER SONNABEND: Next up is sucrose
14 octanoate esters.

15 DR. BRINES: Thank you. This listing
16 is included at '205.601 of the National List, under
17 Paragraph (e) as insecticides (including
18 acaricides or mite control). (10) sucrose
19 octanoate esters, task numbers 42922-74-7,
20 58064-47-4, in accordance with approved labeling.

21 Just one note for the record, the
22 reference in the packet also references the listing

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1 at '205.603. But that will be considered
2 separately by the Board under the livestock portion
3 of the agenda, later this week. Thank you.

4 MEMBER SONNABEND: Francis.

5 MEMBER THICKE: Yes. Sucrose
6 octanoate esters, or SOE, are allowable in crops
7 and livestock to control soft bodied insects like
8 white flies, aphids, and mealy bugs. We received
9 some public comment, some support, not a lot of
10 comments.

11 We received one comment opposed to it
12 by Beyond Pesticides, saying that the technical
13 reviews provide insufficient information to
14 evaluate SOEs relative to aqua criteria.

15 Considering the absence of
16 information, and absence of support for
17 re-listing, we support the de-listing of SOE. The
18 committee voted zero six in favor of re-listing.

19 MEMBER SONNABEND: Discussion?

20 CHAIR RICHARDSON: Seeing no
21 discussion, ready for the vote. All those in favor
22 or removing SOEs from the National List, please

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1 raise your hand. Those opposed to removing it,
2 please raise your hand. Any abstentions or
3 recusals?

4 VICE CHAIR FAVRE: The vote is one yes,
5 13 no. The motion fails.

6 MEMBER SONNABEND: Okay. We're on to
7 pheromones. Lisa.

8 DR. BRINES: Thank you. The listing
9 for this substance is at '205.601 of the National
10 List under Paragraph (f) as insect management
11 pheromones. Thanks.

12 MEMBER AUSTIN: Okay, pheromones.
13 During the first posting for public comment for
14 this current Sunset cycle, there were numerous
15 public comments provided both in writing and oral.

16 Several certifiers provided comments,
17 one stated that they listed on 450 of their
18 producers' organic systems plans. The
19 overwhelming trend from the grower comments were
20 that they, that how necessary these were to crop
21 production processes. And that the loss of them
22 would mean the removal of many acres of organic crop

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1 production.

2 Tree fruit growers stated that this is
3 their first line of control for pests such as
4 codling moth and leaf roller. They also mentioned
5 that the use of pheromones has increased during
6 this past Sunset cycle, largely due to the increase
7 of organic crop production, and especially as
8 formulations have now been developed for specific
9 targeted pests.

10 During the second posting for public
11 comment there were 256 written comments submitted.
12 Of these there were 14 grower producer comments,
13 three handlers, one certifier providing comments
14 to inputs reviewed, two stakeholder surveys
15 showing their support for the continued listing,
16 a trade association listing support, and several
17 others that were still in favor, in support of.

18 Again, organic crop producers stated
19 how pheromones are the foundation for a safe and
20 effective control of the single most destructive
21 pest in organic apple production, the codling moth.
22 There is no effective replacement to aid in the

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1 control of the codling moth or the leaf rollers.

2 Another commenter stated that
3 pheromones have changed their entire chemical
4 usage of chemicals, not only organically, but in
5 their conventional crop production as well, for the
6 betterment of our entire industry.

7 One public interest group commented,
8 asking that, they would be okay with the listing
9 if it was annotated. The annotation they felt
10 better than the current annotation, needs to be
11 limiting, in more passive dispensers without added
12 toxicants, and only approved inert ingredients.

13 MEMBER SONNABEND: Thank you, Harold.
14 Discussion?

15 CHAIR RICHARDSON: Seeing no
16 discussion, all those in favor of removing
17 pheromones from the National List, please raise
18 your hand. All those opposed to removing
19 pheromones from the National List, please raise
20 your hand. Any abstentions or recusals?

21 VICE CHAIR FAVRE: The vote is one yes,
22 13 no. The motion fails.

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1 MEMBER SONNABEND: Now we move on to
2 Vitamin D3. Lisa.

3 DR. BRINES: Thank you. This
4 substance is included at '205.601 of the National
5 List under Paragraph (g), as rodenticides, Vitamin
6 D3. Thank you.

7 MEMBER SONNABEND: Carmela. Isn't
8 this yours? Vitamin D3? Oh, no, it was --

9 MEMBER BONDERA: I have it.

10 MEMBER SONNABEND: -- Paula's right.
11 So who did --

12 MEMBER BONDERA: Yes. I took it over
13 from Paula.

14 MEMBER SONNABEND: Oh, sorry.

15 MEMBER BONDERA: No, it's fine. It
16 was confusing. When Paula left us we passed them
17 on.

18 MEMBER SONNABEND: Okay.

19 MEMBER BONDERA: And it wasn't,
20 frankly, I wasn't really prepared the other day
21 either. I'm like, which items are mine? And I had
22 to look at two different lists, because I forgot

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1 about, that I took over some of Paula's. So, I had
2 to review what was done. But I am as prepared as
3 I am going to be for it. I haven't worked on it
4 a lot. But looking through this Vitamin D3, which
5 is used as a rodenticide, like was stated, you know,
6 the questions or comments which are stated in our
7 recommendation, or referred to at some level, are
8 things related to the potentiality of human deaths.
9 Non target toxicity is big. Like I said, children
10 or pets, you know, accidentally consuming what is
11 being used, had been placed as a rodenticide. And
12 then the question of alternatives regarding traps
13 or non-synthetic rodenticides, and their
14 effectiveness. Generally speaking, the public
15 comment was for re-listing, primarily, I mean, what
16 I wrote down was six to two. So the ratio wasn't,
17 you know, that's 75/25. The subcommittee was,
18 like it says, fully against whatever it is, opposed
19 to de-listing. So, that's what I put together.
20 I'm sure there's other additions. So, thank you.

21 MEMBER SONNABEND: Jean, did you have
22 your hand up?

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1 CHAIR RICHARDSON: May I have a
2 question? Colehour, did, when you looked into
3 this, did you find that the Vitamin D3 is really
4 only used as a last resort? In other words, the
5 farms have been doing everything from a management
6 point of view to not have it? Did you find that
7 most of them have to get specific permission from
8 a certifier to use the D3?

9 MEMBER BONDERA: I'm not going to be
10 able to respond to that as thoroughly as I'd like
11 to. I think that ideally, yes. But there's
12 definitely, you know, one of those questions of,
13 you know, to what degree that was either verified
14 or things were tried, is not always that clear.
15 So, I think your point is good though, that it's
16 not necessarily meant as the first approach. But
17 I think that, you know, habit also can mean that
18 that continues, even if used where it was used,
19 versus trying other things when you're good.

20 MEMBER SONNABEND: Okay. Mac. And
21 then I'm going to call on myself.

22 MEMBER STONE: So, at the farm level I

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1 think certifiers when they haven't seen the use of
2 this product before, then it ratchets up. Well,
3 why are you needing it now kind of thing. So with
4 food safety modernization and handling, you know,
5 the use of the traps where other animals can't get
6 to it, and all, is pretty common practice to meet
7 food safety standards.

8 MEMBER SONNABEND: I wanted to say
9 something somewhat similar, which is that in crop
10 field situations, such as this, it doesn't tend to
11 work that well. So almost always the grower will
12 have tried a lot of other things before trying this.
13 Because they know it's not going to work that well,
14 and you have to use regular mechanical traps with,
15 you know, peanut butter or something else as bait.
16 And also, clearing away habitat areas as the two
17 main lines of defense. I think it's different in
18 structural pest control situations though. But
19 that really should fall under the National List in
20 the handling portion more. And there it's the most
21 benign in the hierarchy of more troubling things
22 that could be used on the perimeters of buildings

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1 and things. And so, it's a different story there.
2 Nick.

3 MEMBER MARAVELL: Yes. Just to give
4 you anecdotal information, we list Vitamin D3 as
5 a sort of last resort on our organic system plan.
6 That's the understanding we have. We list about
7 six other things that we would do first. And
8 compare it with, and we don't use it if it doesn't
9 work in those situations. And to concur with what
10 Zea just said, it's not, in structural situations
11 the handling is probably more effective.

12 MEMBER SONNABEND: Further
13 discussion? Okay.

14 CHAIR RICHARDSON: Ready for the vote.
15 If you wish to remove Vitamin D3 from the National
16 List, please raise your hand. Those opposed to
17 removing it from the National List, please raise
18 your hand. Any abstentions or recusals?

19 VICE CHAIR FAVRE: The vote was three
20 yes, 11 no. The motion fails.

21 MEMBER SONNABEND: Okay. Copper
22 sulfate and copper fixed we could perhaps take

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1 together.

2 DR. BRINES: Okay. Great. Fixed
3 coppers are included at '205.601 of the National
4 List under Paragraph (I) as plant disease control.
5 (2) Coppers, fixed, copper hydroxide, copper
6 oxide, copper oxychloride, includes products
7 exempted from EPA tolerance. Provided that,
8 copper-based materials must be used in a manner
9 that minimizes accumulation in the soil and shall
10 not be used as herbicides. The second listing for
11 copper sulfate also at Paragraph (I), number (3).
12 Copper sulfate - Substance must be used in a manner
13 that minimizes accumulation of copper in the soil.
14 Thank you.

15
16

17 MEMBER SONNABEND: Okay. I'm the lead
18 person on this one about these two. You know,
19 copper, as everyone knows, has been controversial
20 over the years. It's not the safest material of
21 those that we have to use to produce organic crops.
22 And there's been a lot of discussion on the

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1 annotation, and whether it's really effective, and
2 assures the necessary safety in its use, and in not
3 leading to copper accumulation. There are issues
4 been raised concerning overuse and abuse,
5 concerning worker safety concerns, concerning
6 acute toxicity if used outside of the label
7 directions. But in general, when used in a manner
8 that follows the label directions, and is
9 appropriate for the site specific conditions, with
10 most of the testimony we've heard is that is has
11 not led to accumulation in the soil. This includes
12 our survey after the first posting of certifiers.
13 Well, not survey, but we posed the question in the
14 first posting of whether they had, whether they
15 were enforcing the annotation, and what they were
16 seeing as a base, based on that. And most of the
17 certifiers responded that it was in use by a very
18 lot of their clients. And that they were requiring
19 some sort of monitoring plan. And that they had
20 not issued, they had, no one reported any instances
21 of accumulation in the soil that led to a
22 decertification or suspension. And a few of them

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1 had issued a non-compliance for not having a
2 suitable monitoring plan. But presumably those
3 would have been corrected before a suspension
4 occurred. And what we also know about copper is
5 that soils vary extremely widely in what happens,
6 in their amount of natural copper in them, and what
7 happens to them when copper is added. And so, many
8 soils are naturally deficient in copper. Many
9 soils have enough going on in the soil biologically
10 that they, copper is able to be assimilated into
11 humus or rendered, well, buffered enough by the
12 soil situation that we do not see accumulation
13 occurring, including a fairly large dataset, as we
14 heard from Dr. Grubinger this morning. So, we
15 have, we did not request a new TR. But there was
16 a fairly recent TR which did address the NOSB
17 criteria. And we considered a few different
18 possibilities of additional annotations in the
19 subcommittee level. But none of those rose to the
20 top as an additional annotation that we wish to put
21 on this thing. In the public comment for this time
22 a few additional annotations have been proposed.

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1 It was suggested that we do a crop by crop necessity
2 analysis. And it suggested that we somehow take
3 some steps to limit situations of overuse of
4 copper. None of the suggestions so far has been
5 specific enough to me to work as an additional
6 annotation. But anyone who does have specific
7 language, who wishes to petition for such
8 afterwards could lead us to take it up again. And
9 so, after discussing it in the subcommittee we have
10 voted unanimously to not remove it from the
11 National List, among those who were present at the
12 meeting. And not change the annotation beyond the
13 one that is on there currently. Discussion?
14 Colehour?

15 MEMBER BONDERA: Yes. I think it's
16 worth noting that at the subcommittee level there
17 was abstention in terms of reaching a conclusion,
18 based in part on what you just referred to of the
19 annotation discussion. So --

20 CHAIR RICHARDSON: Oh, yes.

21 MEMBER BONDERA: I just wanted to
22 remind everybody of that fact. Because I think

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1 that what you say is completely accurate, that this
2 is very complicated, and there's lots of options.
3 And so, in terms of how, you know, coming up with
4 the wording or addressing this is not so simple.
5 And we could pursue an annotation via a petition
6 process. I personally think that we, the NOSB
7 should be pursuing an annotation via the
8 subcommittee level. But you're going to ask me
9 back, will I write it? And I haven't come up with
10 any verbiage either. So I'm not going to be
11 volunteering to lead that, just because I'm saying
12 that I think we need it. Thank you.

13 MEMBER SONNABEND: Thank you for the
14 correction, Colehour. I was looking at my notes,
15 reading abstain as absent, which are very close
16 together, both physically and in word. Harold.

17 MEMBER AUSTIN: Thanks, Zea. As we
18 heard in the spring meetings, both in written and
19 then at oral testimony, the northwest has a lot of
20 deficiencies, actually, with copper. Copper is
21 also a main material that those comments told us
22 for controlling corundum blight in their cherries,

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1 as well as now with the loss of antibiotics, it is
2 the primary defense for the organic tree fruit
3 growers in the Northwest, protecting their crops
4 from overwintering fire blight bacteria. So it's
5 widely used, and widely relied upon, at least up
6 in the northwest from the comments that we received
7 from the spring. And then a few of the written
8 comments and oral testimony this year on the fall,
9 for the fall meeting.

10 MEMBER SONNABEND: Anymore
11 discussion? Jean.

12 CHAIR RICHARDSON: Was there a
13 discussion in the subcommittee of trying to come
14 up with an annotation which would allow a better
15 understanding of the geographical regional
16 variation in the copper levels that are already
17 there in the soils, where the impact may be higher
18 in some of these coppers in one area as opposed to
19 other?

20 I mean, we heard this morning that in,
21 from Dr. Grubinger, that in this area that he works
22 in the, it's not an issue. However, obviously in

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1 some parts of the country it may be an issue. So
2 was that discussed as a potential annotation in
3 subcommittee?

4 MEMBER SONNABEND: No. Because we
5 don't even know how to get a handle on which parts
6 of the county it is problematic in, versus others.
7 You know, most of us are from, on the subcommittee
8 are from copper deficient areas.

9 Out of five people there are four from
10 the West, and then Francis. And then Francis
11 didn't really mention if it's a problem in his area.
12 But we're kind of short of subcommittee members for
13 doing a lot of investigative work.

14 MEMBER THICKE: I could mention too
15 that if we're going to look at regional
16 differences, we should also look at difference in
17 the soils, and their ability to be able to buffer.

18 MEMBER SONNABEND: Jennifer.

19 MEMBER TAYLOR: I see within your
20 annotation you might be able to look at cultural
21 --

22 MEMBER SONNABEND: Louder, please.

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1 MEMBER TAYLOR: Cultural management
2 strategies as well. It might be something that you
3 could look at in the annotation.

4 MEMBER SONNABEND: Anyone else?
5 Okay.

6 CHAIR RICHARDSON: Ready for the
7 question. All those persons who like to remove the
8 two coppers, fixed and sulfate, from the National
9 List, please raise your hand. All those who would
10 like to see the two coppers remain on the National
11 List, please raise your hand. Any abstentions or
12 recusals?

13 VICE CHAIR FAVRE: The vote is two yes,
14 12 no. The motion fails.

15 MEMBER SONNABEND: Okay. We'll move
16 to hydrated lime. Lisa.

17 DR. BRINES: Thank you. The listing
18 for hydrated lime is at '205.601 of the National
19 List, Paragraph (I) as plant disease control. (4)
20 hydrated lime. Thank you.

21 MEMBER SONNABEND: Okay. Thank you.
22 Well, hydrated lime is a little, fairly simple

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1 material. It is an essential component in the
2 manufacture of lime sulfur. And also Bordeaux
3 mix, which would be copper sulfate mixed with
4 hydrated lime.

5 It's used to control a variety of pests
6 in a variety of crops. And has been used for 200
7 years or more with no established record of
8 developing resistance to it that we could find.

9 The commenter, there was support for
10 this material. And I did not, I must have breezed
11 by it. But I didn't see specific points raised in
12 opposition to this material. Perhaps someone else
13 on the subcommittee captured that.

14 But we didn't get a great many comments
15 on it, only a few. Because people, it's an easy
16 thing to take for granted because it's usually part
17 of something else, some other mixture which is
18 often tank mixed at home, but could be bought as
19 a separate product. So, is there any discussion
20 concerning hydrated lime?

21 CHAIR RICHARDSON: Ready for the vote?
22 All those in favor of removing hydrated lime from

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1 the National List, please raise your hand. All
2 those opposed to removing hydrated lime from the
3 National List, raise your hand. The chair notes
4 one absence. Are there any abstentions or
5 recusals?

6 VICE CHAIR FAVRE: The vote is zero
7 yes, 13 no, one absent. The motion fails.

8 MEMBER SONNABEND: Potassium
9 bicarbonate. Lisa.

10 DR. BRINES: Thank you. Potassium
11 bicarbonate is listed at '205.601 of the National
12 List under Paragraph (I) as plant disease control.
13 Number (9) potassium bicarbonate. Thank you.

14 MEMBER SONNABEND: I believe that's
15 Harold.

16 MEMBER AUSTIN: Correct. Okay. For
17 potassium bicarbonate there was a limited scope TR
18 done on January of this year. This limited scope
19 TR looked at two specific evaluation questions.

20 It asked about the actual substances or
21 products that might take the place of this
22 material. It also asked about alternative

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1 practices that would make this material
2 unnecessary.

3 While the limited scope TR did a good
4 job of identifying the possible alternative
5 materials or practices, further clarification the
6 subcommittee felt was needed around the efficacy
7 of those possible replacements, and identification
8 under which conditions or scenarios the materials
9 under review might possibly be the best
10 replacement, or give better control.

11 During the first public comment period
12 both written and oral comments at the La Jolla
13 meeting, organic producers helped to add a little
14 bit of clarity to those questions. In part organic
15 producers response was that this material was still
16 very necessary in organic crop production,
17 especially as part of a resistance management
18 process for mildew.

19 Several certifiers stated that this
20 material was extensively still used, and showed up
21 on numerous of their clients' organic systems
22 plans. The organic producer comments also helped

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1 to inform us that in different scenarios, and under
2 different conditions potassium bicarbonate might
3 be the best material to us, while at another time
4 one of the alternatives might work best for the
5 control of the specific disease targeted.

6 During our second public comment period
7 there were 26 written comments. Fourteen of those
8 were from producers in support of the continued
9 listing, as well as three handlers, one trade
10 association, IOIA.

11 One certifier listed inputs reviewed.
12 One university member was in support, one crop
13 advisor, two stakeholder surveys showing its
14 continued usage and need.

15 Because of its unique mode of action one
16 comment stated that it helps in resistance
17 management where it can be a problem, which was also
18 heard in the first round of public comments.

19 One public interest group was not in
20 support of the re-listing, stating that potassium
21 bicarbonate did not fit into any categories listed
22 under 65 17(c)(1)(e)(1) of OFPA. That's it.

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1 MEMBER SONNABEND: Thank you.

2 Discussion? Okay.

3 MEMBER BONDERA: Sorry.

4 MEMBER SONNABEND: Colehour.

5 MEMBER BONDERA: Harold, and I
6 apologize. I'm going back to ask you further on
7 a comment that you just cited. But did you look
8 into that question that you just quoted at all,
9 after, upon review, in terms of whether or not
10 potassium bicarbonate fits within the OFPA section
11 cited?

12 MEMBER AUSTIN: At this point it's a
13 material that's been listed, has been listed since
14 its inception on to the National List. I defer to
15 the program if they have any clarification on that,
16 or not.

17 DR. BRINES: Clarification on the
18 question, Colehour. The question is whether the
19 substance meets the OFPA criteria?

20 MEMBER AUSTIN: Exactly. What the
21 position for not supporting the listing was that
22 under that particular section, that citation,

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1 which limits the types of synthetic materials that
2 are allowed in organic production, copper and
3 sulfur compounds, toxins derived from bacteria,
4 pheromones, soaps, horticultural oils, fish
5 emulsions, treated seed, vitamins and minerals,
6 livestocks, parasiticides and medicines, and
7 production aids. That's what they were referring
8 to in that public comment.

9 DR. BRINES: Right. I would have to go
10 back to the original review. My initial reaction
11 is that it was probably considered as a mineral,
12 which is one of the allowed categories under OFPA.
13 But it would, as part of the review process when
14 the NOSB recommended that material, it would have
15 been subject to that review.

16 And also, as the rulemaking process we
17 do verify the eligibility of the material in review
18 of the Board recommendation for proposing to add
19 a material to the National List.

20 MEMBER BONDERA: Thank you.

21 MEMBER SONNABEND: Discussion,
22 anymore?

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1 CHAIR RICHARDSON: Ready for the
2 question? All those in favor of removing
3 potassium bicarbonate from the National List,
4 please raise your hand. Those opposed to removing
5 potassium bicarbonate from the National List,
6 please raise your hand. Any recusals or
7 abstentions?

8 VICE CHAIR FAVRE: The vote is one yes,
9 12 no, one abstention. The motion fails.

10 MEMBER SONNABEND: Next is aquatic
11 plant extracts. Lisa.

12 DR. BRINES: Thank you. This listing
13 appears on '205.601 of the National List, under
14 Paragraph (j) as plant or soil amendments. Number
15 (1) Aquatic plant extracts (other than
16 hydrolyzed). Extraction process is limited to the
17 use of potassium hydroxide or sodium hydroxide.
18 Solvent amount is limited to that amount necessary
19 for extraction. Thank you.

20 MEMBER SONNABEND: That would be
21 Carmela.

22 MEMBER BECK: So, there was public

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1 comment support in favor or re-listing aquatic
2 plant extracts. It's in active use by the trade.
3 And continues to be considered necessary to the
4 production of fruit and vegetables.

5 The subcommittee identified in our
6 proposal concern about potential seaweed over
7 harvesting. And we appreciate the written and
8 oral public comment presented on this topic.

9 As Zea indicated earlier today, the
10 subcommittee will prioritize the request for a TR
11 to determine potential future Board action on this
12 topic across subcommittee.

13 MEMBER SONNABEND: Discussion? Jean.

14 CHAIR RICHARDSON: This is one of
15 several materials that are presently on the list
16 that I have a bit of a problem with, you know, as
17 a person trained in biogeography. I sort of hate
18 to see all of these kelp and seaweed-y words being
19 used on the National List with an amazing lack of
20 clarity.

21 And I think it is time for all of these
22 materials to be, all the materials that are sort

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1 of aquatic, seaweed types, and so forth, to be
2 returned -- not returned obviously, we're going to
3 vote on them today. But that all of them should
4 be re-looked at.

5 And each of the appropriate
6 subcommittees, as we come to them during this week,
7 crops is just one of them, and there should be
8 clarification as to what it is we mean by the
9 seaweed that's named.

10 Because kelp is just a broad word that
11 applies to an enormous range of specific plant
12 species that are available in aquatic ecosystems.
13 And they should be referred to by their Latin names
14 at all times, so that we're clear as which ones that
15 we're encouraging use of.

16 Especially given the situation in
17 regards to the marine ecosystems, and the impact
18 of human usage on them over the last decade or so.
19 So, it's a hard one for me to be able to vote yes
20 or no on.

21 MEMBER SONNABEND: I would agree with
22 what Jean has said. Although I'm clear on voting

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1 to keep this on the list. But both the written and
2 oral comment brought up some very significant
3 issues that we have to look at in requesting a new
4 TR for these.

5 One is proper reference to the Latin
6 name, and perhaps limiting it to not all the Latin
7 names of all the possible aquatic species, where
8 some are much more prone to be over harvested, and
9 much slower regrowth than others.

10 And secondly was the issue in the
11 written comments concerning the arsenic
12 accumulation in some of the species in some of the
13 harvested areas. And we're going to have to ask
14 the TR to do a survey worldwide. Because so far
15 we've really only heard from Maine and Canada
16 harvest interests.

17 But of course, the seaweeds and related
18 species are worldwide produced and harvested. And
19 some of these may be far more sustainable than
20 others. And so, we have to take a look at all these
21 issues. And the crops subcommittee will take this
22 up. Anyone else have discussion?

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1 CHAIR RICHARDSON: Ready for the
2 question? All those in favor of removing aquatic
3 plant extracts from the National List, please raise
4 your hand. Those who wish this material to remain
5 on the National List, please raise your hand. Any
6 abstentions? Any recusals? No absences. A roll
7 call vote has been requested by Ms. Taylor. We
8 will do a roll call vote, starting from Calvin.

9 (Roll call vote)

10 VICE CHAIR FAVRE: All right. The
11 vote was five yes, six no, three abstentions. The
12 motion fails.

13 MEMBER SONNABEND: Okay. Humic
14 acids. Lisa.

15 DR. BRINES: Thank you. This listing
16 is at ' 205.601 of the National List, Paragraph (j)
17 s plant or soil amendments. (3) Humic
18 acids - naturally occurring deposits, water and
19 alkali extracts only. Thank you.

20 MEMBER SONNABEND: That would be
21 Carmela.

22 MEMBER BECK: So, there was

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1 substantial public comment support in favor of
2 re-listing humic acids. Humic acids are in active
3 use by the trade, and continue to be considered
4 necessary to the production of fruit and
5 vegetables.

6 There was some subcommittee concern
7 regarding over reliance on the material in the
8 absence of adequate soil building practices. The
9 subcommittee might discuss potential annotation if
10 applicable.

11 MEMBER SONNABEND: Discussion?
12 Francis.

13 MEMBER THICKE: I have some concerns
14 about such widespread use of humic acids in organic
15 farming, mining and adding them. Keeping in mind
16 that a major constituent of regular organic matter
17 is humic acid. And we should be creating it in situ
18 by our farming practices, not having to mine it and
19 put it on the soil.

20 MEMBER SONNABEND: Further
21 discussion? Colehour.

22 MEMBER BONDERA: Yes. I just wanted

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1 to repeat what also was, did come up in public
2 comment, and we did discuss at the subcommittee
3 level to some degree, regarding the -- I'm trying
4 to find the right word.

5 But the manner of extraction of the
6 humic acids is, you know, either synthetically
7 extracted or, the types of extractions used, the
8 materials used for extractions was a significant
9 component.

10 And we even cite, and I don't know if
11 there's any updates at all, in terms of
12 classification of materials, final guidance
13 issues, like the synthetically extracted humic
14 acids.

15 They're not allowed in Japan. I think
16 these are significant components of making the
17 determination, and what is listed as it's listed.
18 Thank you.

19 MEMBER SONNABEND: Harold.

20 MEMBER AUSTIN: Yes. In a lot of the
21 written comments that we received in the spring,
22 and then several for this meeting, a lot of the tree

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1 fruit growers, especially in the Northwest, cited
2 comments and support of continued listing of the
3 humics.

4 Those growers are dealing with organic
5 matter that's less than one percent. So for them,
6 even though they're using compost, and they're
7 using other materials, it was brought to our
8 attention that the continued use of humic acid for
9 them was pretty critical in the establishment of
10 the soil health and microbial activity.

11 MEMBER SONNABEND: Okay. I'd like to
12 add to that, that we heard really a lot of public
13 comment concerning all different ways that people
14 use it. But key among them was in the transition
15 period, while they're still trying to build up
16 their soil organic matter.

17 During that three years when they're
18 starting from scratch they find it a particularly
19 useful tool to use extracted humic acids. And one
20 other thing that was touched on briefly in public
21 comment is, because of it, humic properties when
22 used in foliar spray, it really helps the plants

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1 absorb the other nutrients that you're putting on
2 with it.

3 So, we, for instance, use a fish product
4 in a base of humic acid to help the plant take it
5 up better. Any other discussion? Jennifer.

6 MEMBER TAYLOR: What we need to look a
7 little bit more into how the process of making it,
8 that we could distinguish a synthetically made one,
9 versus --

10 MEMBER SONNABEND: Okay. There are,
11 well, there are four forms that humic acid get, five
12 forms that humic acids get onto organic ground.
13 One is compost itself contains a certain amount of
14 humic substances, although very small amounts, and
15 tightly bound in the humus particles themselves.
16 But that would be, you know, the most traditional,
17 slowest way.

18 Then there's pure mined humate
19 material, which is called leonardite, and probably
20 some other mineral names too. And comes from mines
21 throughout the United States, although mostly in
22 the west. And way more in the United States than

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1 in other countries.

2 Then, for extracting humates they will
3 extract the mined materials with water at the most
4 simple method, with alkali, such as we're talking
5 about in the National List listing. And the alkali
6 is usually potassium hydroxide. Or with other
7 naturally occurring minerals such as potassium
8 carbonate.

9 And those would be the extracted humic
10 acids that we're talking about. These were, the
11 alkali extraction was extensively reviewed when
12 this was put on the National List. And of course,
13 the mined humates would be allowed without, because
14 they're non synthetic, without having to go on to
15 the National List.

16 And I should also mention that we do now
17 have equivalency with Japan. And so, the use of
18 extracted humic acids does not affect trade with
19 Japan.

20 CHAIR RICHARDSON: Looks like we're
21 ready for the vote. All those in favor of removing
22 humic acids from the National List, please raise

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1 your hand. Removing. All those opposed to
2 removing from the National List humic acids. Any
3 recusals or abstentions? Seeing none.

4 VICE CHAIR FAVRE: The vote was four
5 yes, ten no. The motion fails.

6 MEMBER SONNABEND: Thank you. Next is
7 lignin sulfonate. And we're going to do the Sunset
8 review at this time. And if it remains on the list
9 after the vote, then we'll consider the petition
10 to remove separately on the last day. But this
11 will be a Sunset vote to remove or renew. Lisa.

12 DR. BRINES: Thank you. And there are
13 two listings for lignin sulfonate that are under
14 review by the crops committee. So we'll take them
15 up separates, consistent with the crops
16 subcommittee proposals.

17 So the first listing is at '205.601(j)
18 as plant or soil amendments. (4) lignin
19 sulfonate chelating agent, dust suppressant. And
20 for clarification, this is not the listing that's
21 impacted by the petition later on the agenda.
22 Thank you.

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1 MEMBER SONNABEND: Okay. This is
2 Carmela's.

3 MEMBER BECK: So there was public
4 comment support in favor of re-listing lignin
5 sulfonate as a chelating agent and dust
6 suppressant. Lignin sulfonates are in active use
7 by the trade, and continue to be considered
8 necessary.

9 MEMBER SONNABEND: Thank you.
10 Discussion? Okay. Just a reminder that this is
11 not the one the petition is for. And this is the
12 one out of subcommittee that we recommend
13 re-listing.

14 CHAIR RICHARDSON: Those in favor or
15 removing lignin sulfonate from the National List,
16 please raise your hand. As I, specifically as a
17 chelating agent, dust suppressant. Those opposed
18 to removing the lignin sulfonate as a chelating
19 agent from the National List, please raise your
20 hand. Are there any abstentions or recusals? And
21 I see no absences.

22 VICE CHAIR FAVRE: The vote is seven

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1 yes, seven no. The motion fails.

2 MEMBER SONNABEND: Before we move on I
3 just have to say --

4 MEMBER CHAPMAN: I would like to call
5 for a voice vote.

6 MEMBER SONNABEND: A roll call vote?

7 CHAIR RICHARDSON: Voice vote, a roll
8 call vote has been called by Tom. We will start
9 with Mac.

10 (Roll call vote)

11 VICE CHAIR FAVRE: All right. Thank
12 you for that correction. We had eight yes, six no.

13 MEMBER SONNABEND: Are we moving on?
14 Okay.

15 VICE CHAIR FAVRE: All right. This is
16 what happens when you put amateurs in charge of
17 counting votes. All right. We have consensus
18 among the Board. It's seven yes, seven no. The
19 motion fails.

20 MEMBER SONNABEND: Okay. I find this
21 very distressing that it came out of committee
22 unanimous. There was no public comment against,

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1 for removing it. And yet, seven people voted to
2 remove it without one word of explanation in the
3 discussion to the public. That is irresponsible
4 of my fellow NOSB members who voted to remove it.

5 So now we're going to move on to the
6 other lignin sulfonate. Shame on you. The next
7 material is lignin sulfonate. Lisa has already
8 read it. Or have you?

9 DR. BRINES: Not yet.

10 MEMBER SONNABEND: Okay. So, Lisa.

11 DR. BRINES: Thank you. The second
12 listing for lignin sulfonate is at '205.601 of the
13 National List under (1), as floating agents in
14 post-harvest handling. (1) lignin sulfonate.
15 Thank you.

16 MEMBER BECK: All right. So there was
17 100 percent public comment support in favor of
18 removing lignin sulfonate for use as floating agent
19 from the National List. Lignin sulfonate for use
20 as a floating agent are no longer in use by the
21 trade. And it's therefore no longer considered to
22 be necessary.

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1 MEMBER SONNABEND: Thank you. Is
2 there discussion? Or would anyone like to explain
3 themselves retroactively, so I know it's right on
4 the cover sheet? Jean, and then Harold. Carmela
5 already spoke about it.

6 CHAIR RICHARDSON: Okay. So,
7 commenting on lignin sulfonate as a floating agent,
8 post-harvest handling. And also in the one
9 before. Lignin sulfonate is one of those
10 materials that, well, Jean doesn't really like it
11 all.

12 Because it is a, it comes as a byproduct
13 from the pulp and paper industry process. And I
14 have just never been comfortable with the extent
15 to which there are a wide range of residues
16 potentially in lignin sulfonate.

17 MEMBER SONNABEND: Harold.

18 MEMBER AUSTIN: Okay. Lignin
19 sulfonate for this particular usage, as a floating
20 agent, has really pretty much been mothballed by
21 the producers, both organically and
22 conventionally, just because they're, it's been

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1 used to transport pears when they're packing it,
2 to get them to float, so they could go up over the
3 packing line.

4 Most of the packing houses now have gone
5 to a boatless water conveyor system, set of belts
6 within their packing facilities. So the need for
7 this particular use has really pretty much gone
8 away. So I'm going to vote in favor of removing
9 this when we come to a vote.

10 MEMBER SONNABEND: More discussion?
11 I'd like to ask Jean what she bases that opinion
12 about residues in the lignin sulfonate on.

13 CHAIR RICHARDSON: I didn't bring all
14 my notes on this one with me. And I believe I
15 commented on it also at the last meeting. Is that
16 byproducts of the pulp and paper industry find,
17 that produce the pulp is, waste materials is
18 produced from a large number of the different
19 pulping processes.

20 And some of those pulping processes are
21 worse than others. But all of them have the
22 potential to come, to include things like dioxins,

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1 for example, which from research that I did a number
2 of years ago are not indicated as being that super
3 healthy. Endocrine disrupters. And there are a
4 range of others that remain in. And I don't have
5 them in front of me today. And I apologize.

6 MEMBER SONNABEND: Anymore
7 discussion? Tracy.

8 VICE CHAIR FAVRE: I'll only add that
9 we looked at this pretty extensively as part of the
10 aquaculture materials and livestock. And that's
11 where I think some of these opinions have been
12 formed as far as the manufacturing process of the
13 material.

14 MEMBER SONNABEND: Okay. Any other
15 discussion?

16 CHAIR RICHARDSON: There being no
17 further discussion, all those in favor of removing
18 lignin sulfonate as a floating agent in
19 post-harvest handling, please raise your hand.
20 Anyone wishing to leave this material on the
21 National List, please raise your hand. Any
22 abstentions? Any recusals? And no absences.

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1 VICE CHAIR FAVRE: The vote is 14 yes,
2 zero no. The motion passes.

3 MEMBER SONNABEND: Thank you. We will
4 now consider the petition to have been resolved as
5 well. Right? Yes. Okay.

6 CHAIR RICHARDSON: Next, is there any
7 desire to take a ten minute break?

8 VICE CHAIR FAVRE: Sure.

9 CHAIR RICHARDSON: Okay, a bathroom
10 break. There you go. That's what we're asked
11 for. There will be a ten minute break. And then
12 we'll return back and complete the crops Sunset
13 materials before we break for the evening. Thank
14 you.

15 (Whereupon, the above-entitled matter
16 went off the record at 4:15 p.m. and resumed at 4:25
17 p.m.)

18 CHAIR RICHARDSON: All right, we are
19 ready to continue and complete the Sunset 17 on the
20 crops materials. And the next material, Zea, if
21 you would take it over, please. If you would like
22 to talk, if you could go outside that will be fine,

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1 but not in here.

2 MEMBER SONNABEND: Okay, everyone,
3 we're reconvened. Helps to have a loud voice.
4 Our next item is magnesium sulfate. Lisa?

5 DR. BRINES: Thank you. The listing
6 for magnesium sulfate is at section 205.601 of the
7 National List under Paragraph j as plant or soil
8 amendment. Five magnesium sulfate allowed with
9 the documented soil deficiency. Thank you.

10 MEMBER BECK: So there was substantial
11 public comment support in favor of relisting
12 magnesium sulfate. It is in active use by the
13 trade and continues to be considered necessary to
14 the production of fruit and vegetables.

15 As Marty mentioned today, the
16 subcommittee could look at changing the annotation
17 if applicable to read deficiency must be
18 documented.

19 MEMBER SONNABEND: Okay, is there any
20 discussion, particularly among people who want to
21 vote it off and explain why before we have the vote.

22 CHAIR RICHARDSON: I am seeing no

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1 discussion. Harold, stop laughing. Okay. I am
2 seeing no discussion on this material. We move to
3 a vote. All those who wish to remove magnesium
4 sulfate from the National List, please raise your
5 hands and have an answer as to why you're doing it.

6 All those who wish to leave this
7 material, magnesium sulfate, on the National List,
8 please raise your hand. Are there any abstentions
9 or recusals. No absences, okay good.

10 VICE CHAIR FAVRE: There is one yes,
11 thirteen no's, the motion fails.

12 MEMBER SONNABEND: Okay, next is
13 micronutrient. Lisa?

14 DR. BRINES: Thank you. There are two
15 listings for micronutrients that will be
16 considered as a group under 205.601(j) as plant or
17 soil amendment, six micronutrients not to be used
18 as a defoliant, herbicide, or desiccant.

19 Those made from nitrates or chlorides
20 are not allowed. Soil deficiency must be documented
21 by testing. I soluble boron products, II or two
22 sulfates, carbonates, oxides, or silicates of

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1 zinc, copper, iron, manganese, mallipattinam,
2 selenium and cobalt. Thank you.

3 MEMBER BECK: So once again, there was
4 substantial public comment support in favor of
5 relisting micronutrients. The proposed
6 annotation change will be discussed on Thursday.
7 Micronutrients are in active use by the trade and
8 they continue to be considered necessary to the
9 production of fruits and vegetables.

10 MEMBER SONNABEND: Discussion? I'll
11 start. A couple of our public commenter seemed
12 confused that the first sentence of the
13 subcommittee review had a list of micronutrients
14 that was not the same as the one in the actual
15 National List reference.

16 And that included nickel and chromium
17 which are not on the National List. So I'm
18 wondering if we can strike those two words from the
19 subcommittee review portion to make it consistent?

20 CHAIR RICHARDSON: I believe that the
21 ruling from the NOP is that this is not a
22 substantive change and we can do that.

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1 MEMBER SONNABEND: Thank you. And do
2 we have to take a vote to do that, or do we have
3 general consensus, because I didn't notice this
4 discrepancy until public comment came in.

5 CHAIR RICHARDSON: Is there general
6 consensus on the Board that we can make this
7 non-substantive change to remove these two
8 materials from this list? Say again which two they
9 are, they are?

10 MEMBER SONNABEND: Nickel and
11 chromium.

12 CHAIR RICHARDSON: Nickel and
13 chromium.

14 MEMBER MARAVELL: I assume this was
15 just a mistake. Yes, that's fine.

16 DR. BRINES: If I could clarify, I
17 think the proposal had listed chromium and nickel
18 just as examples of micronutrients that are used.
19 I don't think specifically in the text it indicated
20 that those were for use in organic production, but
21 was more generally talking about micronutrients.

22 MEMBER SONNABEND: I understand that,

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1 but some members of the public appear to think that
2 it would allow them.

3 CHAIR RICHARDSON: Are we ready for the
4 vote? Jennifer.

5 MEMBER TAYLOR: CID thinks that it
6 might be possible for an annotation for this,
7 anything to have the user maybe refer to their
8 organic system plan of use cultural practices that
9 also may improve the health of the soil or the
10 system or any kind of annotation to use?

11 MEMBER SONNABEND: It has an
12 annotation currently, soil deficiency must be
13 documented by testing, and we're proposing a change
14 to that which will be discussed Thursday.

15 Additional changes to the annotation
16 would have to go back to the subcommittee and be
17 discussed.

18 CHAIR RICHARDSON: Ready for the
19 question? All those who wish to remove
20 micronutrients as read into the record from the
21 National List, please raise your hand. All those
22 who wish to leave micronutrients on the National

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1 List, please raise your hand.

2 Any absences or recusals? Mac, I
3 didn't see your hand. Okay. His hand is there,
4 okay. No abstentions, no recusals, no absences,
5 thank you.

6 VICE CHAIR FAVRE: That was zero yes,
7 fourteen no, the motion fails.

8 MEMBER SONNABEND: Liquid fish
9 products, Lisa?

10 DR. BRINES: Thank you. The substance
11 liquid fish products is currently listed at Section
12 205.601 of the National List under Paragraph j as
13 plant or soil amendments.

14 Number 7, liquid fish products can be
15 pH adjusted with sulfuric, citric, or phosphoric
16 acid. The amount of acid used shall not exceed the
17 minimum needed to lower the pH to 3.5. Thank you.

18 MEMBER BECK: So once again, there was
19 substantial public comment support in favor of
20 relisting liquid fish products. Liquid fish
21 products are in active use by the trade and continue
22 to be considered necessary to production of fruit

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1 and vegetables.

2 The subcommittee identified in our
3 proposal concern regarding the sustainable
4 harvesting of fisheries. We plan to address our
5 concerns with the TR request.

6 MEMBER SONNABEND: Discussion?
7 Tracy? Tracy?

8 VICE CHAIR FAVRE: This is one I've
9 really kind of gone back and forth on. I
10 definitely think it's an important tool for
11 farmers, but I'm also concerned about the
12 environmental impact, so I'm glad we're going to
13 see the TR. And while I'm going to vote to keep
14 it on the National List, I do have some reservations
15 about it.

16 MEMBER SONNABEND: Jean?

17 CHAIR RICHARDSON: As with all the
18 other, the fish, liquid fish, seaweeds, all that
19 from the ocean, I also have ongoing serious
20 concerns about them.

21 I have to admit and disclose that I
22 definitely use the liquid fish products in my

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1 gardens, and it's great and it works just super.
2 And so the idea of actually voting against it, I
3 know I would get into a lot of trouble from a large
4 number of stakeholders.

5 But it's really quite difficult for me
6 on this just because we don't really have, I think
7 as of yet, adequate information to really fully
8 address the range of marine aqua system issues that
9 come from this. So I'm glad that we're going to
10 be pursuing it in more detail in the crop
11 subcommittee in the next session.

12 MEMBER SONNABEND: Tracy?

13 VICE CHAIR FAVRE: Just to follow up,
14 I neglected to mention that we've discussed sort
15 of amongst ourselves when we were struggling with
16 some of these issues a discussion about the fact
17 that it seems more important, it has one purpose
18 in crops and a different one, for instance in
19 handling, even though it's still a sea product.

20 And so there is sort of a sense that
21 maybe we need to look at this more as a systems
22 approach and comprehensively rather than, you

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1 know, one specific use at a time and see if we can
2 get a better sense for a comprehensive approach to
3 it. So hopefully we'll get some feedback. You're
4 looking confused.

5 MEMBER SONNABEND: Do you mean trying
6 to combine fish in handling with fish in crop?

7 VICE CHAIR FAVRE: No. Just sort of
8 looking at the overwhelming impact of the
9 harvesting of sea products, whether it's seaweed
10 or fish or fish products, and sort of try to wrestle
11 some of that around. I know that didn't sound very
12 articulate, I'm sorry.

13 MEMBER SONNABEND: Jean?

14 CHAIR RICHARDSON: Did you get any data
15 in the crop subcommittee when you were working on
16 this or from additional public comment? I
17 certainly didn't see any on the actual amount of
18 liquid fish that is utilized in this aspect of the
19 fish byproducts that come from marine ecosystems?

20 MEMBER SONNABEND: Carmela, can you
21 address that?

22 MEMBER BECK: Well, the question is how

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1 much is utilized? No, I don't know that. We've
2 got, like, number of products that are out there.

3 MEMBER THICKE: It's pretty widely
4 used in the Midwest for organic production.

5 MEMBER SONNABEND: And I'll call on
6 myself. Not only is it extremely widely used, I
7 think we had it on over 1,000 organic system plants.
8 But there's a worldwide shortage of fish this
9 summer when people were really, for fertilizer
10 because most of it goes into fish meal to feed
11 farmed fish. And the suppliers were scrambling
12 around to find enough supply. Harold?

13 MEMBER AUSTIN: Thanks. Yes, it's in
14 the northwest it's used quite a bit as well, both
15 on full-ear and out on the ground, and I think by
16 the quest to gather more information, to look down
17 the road at this material, I think shows that we're
18 hearing the public comment, we're seeing the
19 concerns, but we're also addressing the fact that
20 this is a widely used material that organic growers
21 have and handlers have developed their businesses
22 as part of their tools. And so I think looking

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1 further at this I think it's imperative that we have
2 to do that. And I think this is the right approach
3 to take.

4 MEMBER SONNABEND: Tom?

5 MEMBER CHAPMAN: I have a question for
6 my colleagues, probably mostly the ones that sit
7 on both the handling and the crops committees. But
8 in the handling committee there were several issues
9 raised related to environmental concerns of fish
10 harvesting. I wanted to know or understand how
11 that's different than here, since that's not been
12 discussed in detail.

13 MEMBER SONNABEND: You mumbled at the
14 end. Could you review that last --

15 MEMBER CHAPMAN: How that's different
16 than the fish products used for crop production
17 since that wasn't given in much detail.

18 MEMBER SONNABEND: What do you mean,
19 different?

20 MEMBER CHAPMAN: Are there any
21 difference in the environmental concerns between
22 the fish products used for human consumption and

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1 the fish products used for crop production?

2 MEMBER SONNABEND: Yes, there are a
3 number of differences. As we heard in the fish
4 oil, it's strictly byproduct of certain species
5 that are caught for other purposes or caught in nets
6 when they're trying to get other fish.

7 And fish for fertilizer, it's a
8 different type of byproducts. Often it's the
9 byproduct after they're getting the fish ready for
10 human consumption and then they have the heads and
11 the tails and the bones and everything. And then
12 they ferment that or hydrolysis that.

13 There is some amount of catching fish
14 specifically for fish fertilizer, but much less
15 prevalent than for fish oil. And they are fairly
16 different set of things to look at. I mean, there
17 are similarities of course, but there's
18 differences.

19 MEMBER CHAPMAN: Can I follow up with
20 you? So if I understand it, they're both
21 byproducts from the fishing industry?

22 MEMBER SONNABEND: Not exclusively in

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1 the case of fish fertilizers. I believe that there
2 are some, you know, like, anchovies and the lower
3 food chain levels of fish that might be caught to
4 make more fertilizer, but I'm not positive about
5 that which is why we would need a TR. Jean?

6 CHAIR RICHARDSON: So while I will be
7 voting in favor of this, I do so with extreme
8 reluctance and in anticipation of us being able to
9 come up with some good information in the next few
10 months which will allow us if necessary to
11 readdress this in some form or other, whether it's
12 an annotation or a petition to do something else,
13 I don't know. But I just want you to know that
14 prior to my vote here.

15 MEMBER SONNABEND: Lisa?

16 MEMBER DE LIMA: I just want to put out
17 there that I'm in the same boat as Tracy and Madam
18 Chair, that I'm very uncomfortable with this, but
19 I'm going to vote for now to keep it on the list
20 until we get more information.

21 CHAIR RICHARDSON: It looks like we've
22 finished discussion on this matter. All those in

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1 favor of removing liquid fish products as plant or
2 soil amendments, et cetera, from the National List,
3 please raise your hand. Those opposed to removing
4 the liquid fish products from the National List,
5 please raise your hand. Any abstentions,
6 recusals? And I note no absences. Thank you.

7 VICE CHAIR FAVRE: Vote was one yes,
8 thirteen no, motion fails.

9 MEMBER SONNABEND: We are on to vitamin
10 B1, C, and E which we will take together. Lisa?

11 DR. BRINES: Thank you. These
12 substances are included at Section 205.601 of the
13 National List, Paragraph J as plant or soil
14 Amendment 8, vitamins E1, C, and E. Thank you.

15 MEMBER BECK: So there was some public
16 comment support in favor of relisting vitamins B1,
17 C, and E. These vitamins are in use by the trade
18 and continue to be considered necessary to
19 production of fruit and vegetables. The
20 subcommittee requested a TR but it was not issued
21 until after our proposals were posted. To date,
22 the TR has not been reviewed or accepted by the

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1 subcommittee.

2 MEMBER SONNABEND: Discussion? I
3 will just say that this is one, the uses of these
4 things are not -- they're transparent. And of the
5 three, the most widely used by far is the
6 tocopherols Vitamin D as a stabilizer and other
7 microbial products and blended products. And so
8 it's there in dozens and dozens of OMRI products
9 if not more than dozens. But you don't see it on
10 the surface because it's not something that anyone
11 just goes out and applies by itself.

12 CHAIR RICHARDSON: I'm seeing no
13 discussion, so we'll move to a vote. Those who
14 wish to remove vitamins B1, C, and E from that
15 National List, please raise your hand. Those
16 opposed to removal of vitamin B1, C, and E from the
17 National List, please raise your hand. Any
18 abstentions, recusals? And no absences, thank
19 you.

20 VICE CHAIR FAVRE: For which?

21 MEMBER SONNABEND: Keeping it on the
22 list. Yes.

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1 VICE CHAIR FAVRE: Vote is one yes,
2 thirteen no, the motion fails.

3 MEMBER SONNABEND: Now I'm sure
4 everyone has been waiting for ethylene gas. Lisa?

5 DR. BRINES: Thank you. This
6 substance is included at Section 205.601 of the
7 National List at Paragraph K as plant growth
8 regulators, ethylene gas for regulation of
9 pineapple flowering. Thank you.

10 MEMBER AUSTIN: Oh boy, here we go.
11 Okay, during our first public comment period for
12 ethylene, there were five comments submitted.
13 Most in favor, those opposed bringing the issue
14 that material was used primarily by larger growers
15 while smaller growers we didn't hear from and they
16 don't rely upon it. So they question the necessity
17 of it. There were no human health or environmental
18 issues or concerns that were brought to the
19 subcommittee during this sunset review cycle that
20 had not been previously discussed and addressed in
21 previous sunset reviews.

22 Following the La Hoya meeting, the

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1 subcommittee, during our discussions and stuff, we
2 were still concerned about the lack of actual
3 stakeholder crop producer responses. We didn't
4 feel like we heard back from the growers. Did they
5 still find this to be necessary to production?
6 Have they done work with the alternatives, and were
7 those viable? So during this cycle, the second
8 posting for public comment, we've heard that first
9 of all that those growers hadn't heard about the
10 first posting for public comment.

11 We got 42 comments in response this
12 time, most favorable for relisting. They pointed
13 out that the lack of participation was from a lack
14 of communication and their not knowing it. There
15 were two public interest groups that were opposed
16 to the relisting. Comments showed wide range of
17 grower sizes from small to large growers that
18 actually use this material. We heard that the last
19 day and a half in oral comments substantiating
20 that.

21 We've received a petition today, plus
22 there were also comments in the written public

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1 comments about that co-op and the petition to keep
2 this material listed. Okay, one of the comments
3 or one of the concerns in the past has been about
4 alternatives: were there any, have they been looked
5 at? We've received multiple comments back that
6 they have looked at alternatives. The
7 alternatives have not been working for them.

8 OPWC also included in their comments
9 that there was one trial showing three five acre
10 farms that attempted to farm pineapples without
11 ethylene and they failed from a commercial
12 standpoint. So we had an overwhelming show of
13 support this round of the public comments coming
14 out. Like I said, we had 43 comments this period,
15 42 comments this period, and what did we hear from
16 them?

17 We heard from 30 organic producers with
18 written comments, 4 manufacturers, 3 organic
19 stakeholders that were all in support. And we
20 heard from the ten oral testimonies in the last day
21 and a half showing how important it was and that
22 without this material staying on the National List,

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1 that it would pretty much mean the end to the
2 organic pineapple production in Costa Rica.

3 MEMBER SONNABEND: Thank you.
4 Discussion? Francis?

5 MEMBER AUSTIN: I would like to make
6 the first comment on the lighter side. The
7 observation that Harold looks like he's up in the
8 sky booth calling the football game. Thanks to
9 Nick for that.

10 (Laughter.)

11 MEMBER SONNABEND: Discussion? Nick?

12 MEMBER MARAVELL: Yes, this is for both
13 Harold and Colehour. We know that what the
14 situation is from the Costa Rican growers. Did we
15 hear from growers from any other countries,
16 including the United States, that had a different
17 message or didn't have a message at all? In other
18 words, do you feel we've heard from everybody that
19 is affected? I know that Costa Rica is probably
20 the largest producer that's concerned here with the
21 U.S. market. But what have we heard from other
22 producers in other countries?

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1 MEMBER AUSTIN: The only other
2 comment, Nick, that we heard back was from one
3 consulting doing, and he didn't specify which other
4 countries. But he did say that it was used
5 elsewhere. But we didn't get any specifics on
6 that.

7 MEMBER SONNABEND: Harold, we did hear
8 from one in Mexico, the one you just cited with the
9 trial. That was in Mexico.

10 MEMBER AUSTIN: Yes. Okay, so we had
11 two comments back.

12 MEMBER SONNABEND: Colehour?

13 MEMBER BONDERA: Yes, I can respond to
14 that in terms of at the subcommittee level I did
15 state that I do grow pineapples on my farm in
16 Hawaii. And if you are direct marketing the
17 pineapples, especially if you're small scale and
18 you're not trying to export them, that,
19 essentially, I have plenty of myself and plenty of
20 neighbors in Hawaii who do not use ethylene gas.
21 So we did discuss that at the subcommittee level.
22 It wasn't testimony, it was discussion.

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1 MEMBER SONNABEND: I'll call on
2 myself. Nick, in answer to your question and also
3 to address another point that I think this
4 situation raised. When this was originally put on
5 the National List ten years ago I believe, or
6 longer, 2001, we did not have verbal comments from
7 anyone flying up to speak to us in oral comment.

8 But we received written comments from
9 a number of other countries, mostly South American
10 countries, rather than other pineapple growing
11 regions, which are extensive in places like India
12 and the Philippines, and I think Malaysia or
13 Indonesia, you know, some Asian countries because
14 those do not typically go to the United States,
15 whereas the South American ones do.

16 And we did get statistics, both
17 verbally where the gentleman said Costa Rica
18 supplies 98 percent of U.S. pineapples, and in
19 written comment there was one that fed 83 percent
20 of U.S. pineapples and named Mexico, Guatemala, and
21 one or two other South American countries as the
22 balance.

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1 What this leads, what the problem leads
2 to is that when Harold and anyone else goes to
3 research the public comment record from those days,
4 all that is really available is the transcript of
5 the meeting. And if nobody showed, because it was
6 before the days of regulations.gov, and so written
7 comments came in and they were available for people
8 to see at the time, but finding them now would be,
9 like, totally impossible.

10 So the transcript of the meeting only
11 discussed what happened in general terms and the
12 issues, but didn't say we got 14 comments from this
13 country and, you know, this many comments from the
14 other. So this is something that we hope to
15 correct for future boards because it has been very
16 difficult on a few of these things where issues were
17 well aired in the past, but we don't have access
18 to that.

19 And so the fact that people came
20 verbally and it's in the transcript was very
21 helpful. Harold summarizing the exact numbers of
22 comments we got was very helpful. And because none

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1 of this information we received was in the original
2 posting, we'll prepare a cover sheet. The post
3 meeting cover sheet will summarize some of the
4 input that we heard during the meeting so that the
5 future Board and members of the public who wish to
6 look back on it have a better documentation of what
7 happened.

8 MEMBER MARAVELL: Thank you, Zea, for
9 that.

10 MEMBER SONNABEND: Colehour?

11 MEMBER BONDERA: Yes, I want to take a
12 few minutes of our time to put in the record a
13 slightly different set of perspectives on this
14 topic of ethylene gas and pineapples than has been
15 presented. And I honestly do not think that
16 somebody could argue that I could have or should
17 have asked these as questions to the people while
18 they were testifying. But honestly, I think it's
19 more perspective than question/answers.

20 And I just want to talk about organics
21 for a second and think about creating an organic
22 system that's reliant on a synthetic and how, from

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1 my perspective and experience, that's not my role
2 or goal and sitting here on the NOSB. That's
3 something I'm trying to, I mean, that's one of the
4 reasons that we have Sunset, but if you read off,
5 but you don't want to be dependent upon a synthetic.

6 And I think that frankly and
7 truthfully, I live in Hawaii. And where did Dole
8 have their pineapple production 20 years ago? It
9 wasn't in Costa Rica. Not at all. If you listen
10 to the testimony and you listen to the numbers of
11 years that those people were talking about, not one
12 of them mentioned any 20 years ago. There was no
13 organic pineapple or export industry in the country
14 of Costa Rica 20 years ago.

15 Dole, the company, moved it from Hawaii
16 where they had all of their, they're called
17 plantations in the State of Hawaii, operations,
18 producing pineapples, organic pineapples and
19 otherwise from Hawaii because it was too costly for
20 the company, Dole, to Costa Rica. That is what
21 happened. I'm speaking about reality, not my
22 opinion. And all of those people who worked for

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1 those all went out of work. So if we're considering
2 the impacts on families and the impacts on people,
3 it all happened in the State of Hawaii.

4 And they all moved to, it all got moved
5 to Costa Rica. And I think that that dependency
6 on a market, which is the United States depending
7 on organic pineapples being imported into the
8 country from Costa Rica which, like I just said and
9 it's the truth, I'm not hypothesizing, moves when
10 they aren't making enough money, then what's going
11 to happen to those people who've become dependent
12 on it in the country of Costa Rica, which I
13 understand these people are still here right now
14 listening to me, and we heard their testimony,
15 they're relying on this, will we destroy them?

16 No, but will a company that moves
17 destroy them? So I want us to think about that
18 dependency issue, but I also want us to think about
19 what we saw in some of those pictures because I
20 think that was critical.

21 That was monoculture. And I
22 understand organic systems very well. I live in

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1 one and I work in them and I do things in them.
2 Organic systems aren't about monoculture. But
3 what we saw in those pictures was monoculture, and
4 that's the system that's not just created, but
5 these families are dependent on.

6 And I'm going to wrap up in a second,
7 but I just want to make a couple more quick
8 comments. I already mentioned the fact that small
9 scale direct operators which primarily isn't
10 what's happening in Costa Rica pineapple
11 production, like me, for example, I'm direct
12 selling my pineapples. I don't need them at one
13 time to go on a container to be shipped somewhere.
14 And so I think that these factors relate to the
15 concept of seasons.

16 I grew up on a farm in Oregon. We had
17 seasons. I live in Hawaii, we have different
18 seasons, just like in Costa Rica. We have two
19 seasons, not four. We have rainy and wet season.
20 But realistically and honestly, organics is trying
21 to imitate conventional and it's trying to say all
22 products that you want are available 24/7 around

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1 the world. And organics needs to really look to
2 be unique and different and stand out from
3 conventional, not just imitate the systems that are
4 in place.

5 And I think that we don't need to be
6 relying on imitation and people making a little bit
7 more money, that's not our goal or our role. I'm
8 not concerned. Sitting on the NOSB, I'm not
9 worried about how much money is being made. That's
10 not one of our decision factors.

11 And I really think that for that reason,
12 even though I already know that I will not, my vote
13 will not be the end of the day, the result, I'm not
14 going to vote in support of continuing relying on
15 ethylene gas for inducing the flowers of pineapples
16 so that they can be more easily exported by these
17 companies to the stores, so they could be
18 distributed to people instead of having them rely
19 on more seasonality and functionality, and/or to
20 wrap it up, to be paying those people in Costa Rica
21 more money for more work to be managing those
22 pineapples on the ground and the company not making

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1 as much profit.

2 So I just want to put those thoughts out
3 there because they are reality, and they I think
4 really should be affecting our decisions about this
5 kind of question. Thank you.

6 MEMBER SONNABEND: Francis and then
7 Nick.

8 MEMBER THICKE: I just want to explain
9 why I'm going to abstain, because I don't want to
10 vote against all these people whose livelihood we
11 heard about, depends upon it, but I can't really
12 vote for this kind of a system that depends so
13 heavily on growth regulators to produce that kind
14 of -- I think it's against organic principals.

15 MEMBER MARAVELL: I want to echo what
16 Colehour and Francis just said, and I will probably
17 abstain as well. This, in my opinion, is creature,
18 if you will, that we created here at the NOSB. Not
19 us personally, but previous NOSB Boards.

20 And there are a lot of these things that
21 seem like it was a good idea at the time. However,
22 this is also a situation where I would strongly

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1 advocate for a time limit on this because I don't
2 see, if we would seriously ever want to consider
3 breaking this cycle and having a production system
4 that is more compatible with organic principals,
5 then we should phase it out. And this would be, in
6 my opinion, an excellent example of where a time
7 limitation would be called for.

8 CHAIR RICHARDSON: Yes, I think this is
9 actually a very difficult one to vote on. I agree
10 completely with what Colehour said. And I also
11 would express my serious concern about
12 monoculture, monoculture everywhere, and
13 especially when I look and remember Costa Rica from
14 40 and 50 years ago.

15 Monoculture isn't good, we all know
16 that. We absolutely know that, and yet we, as Nick
17 said, have created a situation in Costa Rica where
18 monoculture and the demands of whoever it is, Whole
19 Foods, you name it, any of the big distribution
20 companies, they want those pineapples all at once
21 at a certain time. So we're part of a global
22 system, and this is placed unusual and unfortunate

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1 pressure, I think, on organic producers as well as
2 conventional producers.

3 So I will be voting to keep the ethylene
4 because, you know, we've all got us into this
5 position. It's not a single person that's done
6 this. They didn't do this thing out of
7 vindictiveness. I believe that the test would be
8 that yes, this is necessary as a way for the organic
9 farmers to produce this commodity. But it's a
10 commodity based approach, it's not an ecosystem
11 approach.

12 And I would like our colleagues and
13 friends who so thoughtfully came from Costa Rica
14 who are still presently here in the room to hear
15 the message that we believe, I should speak for
16 myself, I believe that we should be as organic
17 certifiers and inspectors going out onto these
18 farms, be looking for the necessary bio-diversity
19 which is absolutely critical for the long term
20 sustainability of all of the agroecology
21 ecosystems that we should be looking at when we do
22 our organic certification.

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1 And this would give us an almost classic
2 situation that we have developed here in Costa Rica
3 over the last very few years to have the systems
4 that we have here in place. But in the meanwhile,
5 I will vote for the ethylene to remain as it is.

6 MEMBER SONNABEND: Okay, I'm going to
7 call on myself, and then Harold I believe had his
8 hand up. I do think that those people who are
9 interested in getting this off the list in the
10 future should learn a lesson that we learned from
11 how painful it was with tetracycline, and not put
12 the cart before the horse, and immediately call on
13 the trade and call on the research community by
14 putting this on our research priorities for the
15 future so that the research needs can be
16 articulated and the research kicked off.

17 We didn't hear anything in the
18 testimony about alternatives that seem to have any
19 viability whatsoever. And that investigation
20 needs to start right away if this is going to come
21 off. And so being we're so not there yet, I don't
22 see a time limit as appropriate for this time. But

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1 hopefully in five years, we could be further along
2 with a research on the alternatives to that. Okay,
3 Harold?

4 MEMBER AUSTIN: Okay. Thanks, Zea.
5 I think one of the things I would like to point out
6 is that 20 years ago NOFA was just becoming into
7 place, the National List was just becoming to be
8 outlined, and there was some pretty organic savvy
9 people 20 years ago that were helping to put all
10 of this into place, and there's a reason why.

11 They were looking to the future of what
12 organics, not was at that moment but what organics
13 potentially had the ability to become. While I
14 agree with some of Colehour's comments that we have
15 to look at the means and the wet methods that
16 they're using to farm these things, I think we have
17 to also look at the diversity which now represents
18 what organic production, organic handling, organic
19 sales are all about, and that is there are those
20 farmstead type of sales.

21 But there's also that commercial viable
22 side that we have to rely on that the consumers have

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1 grown to become accustomed to. They want to see
2 a supply, they want to see pineapples that are
3 available for processing, they want to see
4 pineapples that are available at specific times of
5 the year. There's a lot of people besides these
6 growers in Costa Rica that our decisions will
7 impact in a negative way if we de-list this
8 material. So I think we're taking a practical
9 approach.

10 I think looking for this as a research
11 priority down the road I think makes absolute
12 sense, and I think we all agree that we didn't like
13 some of the pictures that we saw. I'm completely
14 right there with everybody else. But I also think
15 we have to understand, organics today is not what
16 organics was 20 years ago. And I think we will
17 better serve the organic community if we remember
18 to keep that in front of us and not try to live 20
19 years in the past, but live for the future and where
20 organics potentially could go. And this is a great
21 material that we could use to try to use as a
22 catalyst to take us to that next step.

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1 MEMBER SONNABEND: Tracy?

2 VICE CHAIR FAVRE: I would like to
3 appreciate, say I appreciate the comments from my
4 colleagues here on the Board. Colehour in
5 particular, I thought your comments were cogent and
6 articulate, and I appreciate the perspective that
7 you have particularly living on Hawaii and
8 recognizing the history that sort of led to this
9 situation. This is a struggle. This is a tough
10 one because we're trying to balance principals
11 versus livelihoods and this is where it gets always
12 sticky.

13 I actually am glad to hear Zea
14 articulate the need to get it on a research
15 priority, because I think that's probably going to
16 be the most socially responsible and humane, if you
17 will, move us out of this problem. And so I will
18 vote to support relisting this material, but would
19 like to see us find an equitable way to phase it
20 out.

21 MEMBER SONNABEND: Discussion, any
22 further? Nick?

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1 MEMBER MARAVELL: Yes. I mean,
2 streptomycin and tetracycline, we did have
3 deadlines, we did extend them with an eye on the
4 research activity. And I'm just saying that I
5 think this bill is a good candidate for moving in
6 that way. But that's just my opinion.

7 MEMBER SONNABEND: Anyone else?
8 Jennifer?

9 MEMBER TAYLOR: I wonder if the
10 consumers, folks that are really, you know,
11 enjoying their organic pineapples, if they knew
12 that their pineapples were put under an ethylene
13 gas environment to enhance ripening, how fast would
14 they buy it, or how fast would they actually want
15 it, how fast would they want to give it to their
16 children? So I think that's something that we need
17 to consider too as we consider other information.

18 MEMBER SONNABEND: More discussion?
19 Okay, I think we're ready to vote.

20 CHAIR RICHARDSON: Okay, ready to
21 vote? Is there any request for a roll call or do
22 we just, are we happy with the show of hands? Yes

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1 it goes, okay. All those in favor of removing
2 ethylene gas as described from the National List,
3 please raise your hand. All those opposed to
4 removing ethylene gas from the National List,
5 please raise your hand. Abstentions? Recusals?
6 And I note no absences.

7 VICE CHAIR FAVRE: We have three yes,
8 nine no, two abstentions, the motion fails.

9 MEMBER SONNABEND: Next is sodium
10 silicate.

11 DR. BRINES: Thanks. Sodium silicate
12 is included at Section 205.601 of the National List
13 at Paragraph L as floating agents in post-harvest
14 handling, two sodium silicate for tree fruit and
15 fiber processing. And one correction for the
16 record, the citation in the subcommittee vote
17 motion should read as 205.601(l) rather than
18 205.601(j). Thank you.

19 MEMBER BECK: So the subcommittee
20 proposed to de-list sodium silicate as a floating
21 agent in post-harvest handling for tree fruit and
22 fiber processing primarily because there was no

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1 public comment received in favor of this material
2 during our spring 2015 meeting. Additionally,
3 float list mechanized systems were noted as an
4 alternative. However, for our current meeting we
5 did receive two comments discussing sodium
6 silicate.

7 One commenter supports relisting for
8 use as a pear float. The commenter stated that
9 removal will prevent small business from
10 converting to organic packing due to the high cost
11 of equipment to do it without. Additionally, the
12 OTA mentions that they conducted direct outreach
13 to suppliers of sodium silicate for pear floating
14 agents. They state the following.

15 It appears as though the material is
16 still in use by some smaller conventional pear
17 packing facilities in the Pacific Northwest.
18 These facilities have switched to sodium silicate
19 due to increased regulation on the use of lignin
20 sulfonate. Removing sodium silicate at this time
21 would eliminate the possibility of these smaller
22 facilities with older style packing lines in

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1 engaging in the organic industry.

2 The Board needs to consider the
3 potential impact on smaller packing facilities
4 should both lignin sulfonate and sodium silicate
5 be removed from the National List for use as a pear
6 floating agent. This material could still be in
7 use by the trade and therefore continues to be
8 considered necessary.

9 MEMBER SONNABEND: Discussion?
10 Colehour?

11 MEMBER BONDERA: Carmela, in that what
12 you just read, did it say in the first little clause
13 conventional operations? Is that right? That's
14 what I heard you say, and it's hypothetically or
15 potentially could be used by organic but it
16 specifically says conventional small packing
17 facility?

18 MEMBER BECK: Correct.

19 MEMBER SONNABEND: We did hear from one
20 organic pear grower or packer who used it, which
21 means there probably are more out there. Jean, did
22 you have your hand up?

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1 CHAIR RICHARDSON: Yes, I'm not clear
2 why the subcommittee when, it reviewed this, why
3 they voted unanimously apparently to remove, that
4 would be their recommendation. It's still not
5 clear to me. You list compatibility with organic
6 agriculture, I would appreciate a bit more
7 specificity.

8 MEMBER SONNABEND: You want to address
9 that?

10 MEMBER BECK: I mean, my understanding
11 was again, there was no public comment in favor,
12 and so there was an understanding that it was no
13 longer needed by industry.

14 MEMBER SONNABEND: Similar to
15 ethylene. Tom?

16 MEMBER CHAPMAN: I think we also
17 received six checklists from farmers that said they
18 use the material. I said I think we also received
19 six checklists from farmers saying they use the
20 material.

21 MEMBER SONNABEND: Harold?

22 MEMBER AUSTIN: Yes, I originally

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1 voted against, you know, I was in favor of the
2 subcommittee proposal to remove this from the
3 National List. Our basis there was that it was no
4 longer needed, just similar to the sulfonate, that
5 it wasn't a need. The packers weren't using it
6 anymore. But evidently there are still some
7 smaller processors that are still using this
8 material.

9 They switched from the lignin sulfonate
10 over to this. So I'm going to change my vote and
11 I'm going to vote in favor of keeping this one on
12 the list for the time being.

13 MEMBER SONNABEND: Jean?

14 CHAIR RICHARDSON: So crop
15 subcommittee folks, you've listened to me why not
16 about lignin sulfonate which I voted against
17 earlier. This one does not appear to have the same
18 type of negative impact on the organic system plan
19 as lignin sulfonate would do in my mind. And is
20 that what you found, that it was just simply the
21 fact that you hadn't got enough feedback from
22 enough growers to determine if it was really

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1 needed? Did it meet the OFPA criteria?

2 MEMBER SONNABEND: Yes. Personally,
3 I didn't see any issues with it. It was just a
4 question of lack of public comment. And I, like
5 Harold, am going to change my vote to renew it
6 because I feel like it will put small growers at
7 a disadvantage to the larger growers. And I feel
8 like that's something we shouldn't do without more
9 opportunity for input. And I do also want to point
10 out that one of its uses is in fiber processing,
11 and we didn't hear from that community either, but
12 we may be cutting out a whole use that people just
13 were not aware of was up for Sunset in fiber
14 processing. So I'm changing my vote as well as
15 Harold.

16 CHAIR RICHARDSON: Seeing no more
17 discussion, I believe we're ready for the vote.
18 All those in favor of removing sodium silicate as
19 a floatation agent for tree fruit and fiber
20 processing, please raise your hand. All those
21 opposed to removing this material from the National
22 List, please raise your hand. Any abstentions or

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1 recusals? And I note no absences.

2 VICE CHAIR FAVRE: That was two yes,
3 twelve no, the motion fails.

4 MEMBER SONNABEND: 5:15 and we're on to
5 that very juicy subject of EPA list for inerts.
6 Lisa?

7 DR. BRINES: Thank you. And my
8 understanding is that the Board will take up both
9 listings at 205.601 for crop use as well as 205.601
10 for livestock use at the same time.

11 MEMBER SONNABEND: Okay.

12 DR. BRINES: Heads nod for the record.
13 All right. The current listing at 205.601(m)
14 reads as follows, as synthetic inert ingredients
15 as classified by the Environmental Protection
16 Agency for use with non-synthetic substances or as
17 synthetic substances listed in this section and
18 used as an active pesticide ingredient in
19 accordance with any limitation on the use of such
20 substances, one EPA list four inerts of minimal
21 concern. Thank you.

22 MEMBER SONNABEND: Okay. I guess I'll

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1 take the lead from crops and present this, and then
2 whoever is the lead in livestock could supplement
3 what I say. Well, as you know, it's been some years
4 now since the EPA came to us and said that List 4
5 was no longer in use and therefore the citation in
6 the federal rule needed to be changed. And we've
7 been working on it ever since, or not always me but
8 the Board has been working on it ever since along
9 with the department.

10 We have come to a solution that we feel
11 is achievable from all of the interested government
12 agencies, as well as the Board members who have
13 worked on it which is to work with the EPA Safer
14 Choice program formerly known as Design for
15 Environment. We need to have a vote on the
16 relationship before anything further can happen.
17 With the next steps, as I outlined in the report,
18 we can't have an MOU with the Safer Choice program
19 until it's voted on by the NOSB.

20 We can't do the data call in for federal
21 register notice until it's voted on by the NOSB.
22 And so we decided to go ahead and try and pose the

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1 annotation change for this meeting because so many
2 people complained about the delay which is, it's
3 been delayed for years now. And while we do have
4 the option and I would like to hear in discussion
5 if people want to delay this even further and take
6 the annotation change back for future work, even
7 though we will fully discuss it tomorrow.

8 But there is a chance that we may
9 withdraw it or table it, I mean not tomorrow,
10 Thursday, we may withdraw it or table it. And I
11 would like to be informed on people's thinking
12 towards that decision if it needs so much more work
13 before going forward.

14 Keeping in mind that we did put it
15 forward without all the exact procedural details
16 being worked out because some of those can't be
17 worked out until the MOU is signed. And secondly,
18 the time line can't get more specific until the MOU
19 is signed.

20 But the issue of how much oversight the
21 NOSB has over the process and how the items that
22 are reviewed will be referenced on their list

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1 because we have discussed, you know, having an
2 asterisk type symbol, or possibly a separate
3 section of their list, or these type of procedural
4 details, we decided to go through it forward with
5 a proposal for an annotation change before this is
6 fully worked out because that's what the department
7 needed to have happen in order to get the ball
8 rolling to do this.

9 So I've been assured by the department
10 that nothing will happen on this for six months if
11 we do retract it, except we might do a little more
12 talking about it. But we won't start the program.
13 So in the meantime, we do need to renew the EPA list
14 for inert listing while we figure out exactly how
15 the new program will be crafted. And that's what
16 the motion is before us.

17 Just as an aside, I should mention the
18 NPE is in the last paragraph I included here. I
19 had ready to go and voted on by the committee a
20 discussion document concerning the time line and
21 intention to phase out the NPEs, to go forward at
22 this meeting.

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1 However, it was not accepted to go
2 forward by the NOP because the agenda was so full
3 here, and you can see that we're having to rush
4 through a number of materials and issues and we felt
5 we should devote more time to it.

6 But because this is inevitably going to
7 come to pass, I put it in the main proposal that
8 it's a good time to start reformulating now because
9 it is eventually going to come to pass, very likely,
10 since the Safer Choice program has already told us
11 that they will not have the NPEs on their list, and
12 yet we do want these things to -- the companies that
13 use them to have time to reformulate them.

14 So I guess that's what I have to say for
15 now. We can talk a lot more about the annotation
16 on Thursday, but I would like people's initial
17 thoughts and discussions on this. First Tracy or
18 whoever livestock wants to add.

19 VICE CHAIR FAVRE: Yes, actually your
20 discussion very much paralleled the discussion
21 that we had in livestock. Thank you for your work
22 on developing this proposal and giving us at least

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1 a springboard to start from. The livestock
2 committee is in agreement that this is the best way
3 to address the list for inerts going forward. And
4 in fact, we were kind of stymied on how to move
5 forward prior to this proposal because it is such
6 a big elephant to eat. So we did support and sign
7 on and vote on the proposal as put forward by the
8 crops committee.

9 MEMBER SONNABEND: Discussion? Jean?

10 CHAIR RICHARDSON: Yes, Tracy, do you
11 have any feeling as to whether or not we have,
12 should we wait for Thursday to have the discussion
13 on the proposed annotation change, or do we have
14 any, I mean, do we have all the language that we
15 need that we think for that or should we just wait?

16 VICE CHAIR FAVRE: You mean wait from
17 today until Thursday or what?

18 CHAIR RICHARDSON: No, I mean, we're
19 going to vote on sunset today. But Zea was looking
20 for some indication as to whether or not we need
21 to have some preliminary discussions as to whether
22 we're going to be having enough language to do the

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1 annotation.

2 MEMBER SONNABEND: I mean, I'm
3 comfortable with moving forward the annotation
4 change because I have confidence that we, along
5 with the inerts working group, can work out a
6 procedure, the procedural aspects which will
7 include sufficient NOSB oversight and reporting
8 to the NOSB and include a time line that's realistic
9 and works for industry members and public interest
10 stakeholders.

11 Other people do not have confidence in
12 us to do that, as we've heard from the public. And
13 so if some of those are sitting here on the Board
14 and feel like it should be delayed while we work
15 out some of the finer points, then that's fine.
16 It's very unlikely to come back as a proposal to
17 go back to the 2012 recommendation.

18 VICE CHAIR FAVRE: I'll only add that
19 in our discussions, we did recognize that there
20 were details to be worked out. But, you know, like
21 Zea said in her discussion, some of the details
22 literally can't be worked out until you move it

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1 forward.

2 So without having the proposal in
3 place, I think we're just delaying the inevitable,
4 and some of the details are just inevitably going
5 to have to be worked out as the process moves
6 forward. And in our discussion, we did have some
7 concerns about how do we ensure that, but I think
8 that from my remembrance and from my personal
9 perspective, I have confidence that we could put
10 some safeguards in place to make sure that
11 oversight is sufficient.

12 MEMBER SONNABEND: Anyone else have
13 discussion points to raise? Francis?

14 MEMBER THICKE: I do have some concerns
15 after hearing the comments in the last few days.
16 But I think we should just move ahead with this
17 sunset proposal now and wait for this kind of stuff
18 until later when we have that come up.

19 MEMBER BONDERA: Anyone else?
20 Colehour?

21 MEMBER BONDERA: Yes. I just want to
22 ask you to clarify because I'm 99 percent sure I

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1 understand, but I would rather be 100 percent.
2 There's two different, two separate things to be
3 considering.

4 One is a sunset vote which is scheduled
5 for today, and one is an annotation change on this
6 which has been scheduled for Thursday. They're
7 separate items and there's been some discussion
8 about combining it or did we decide today? And I
9 personally think that we need to keep them very
10 separate, honestly. And I think how that
11 annotation change discussion goes, you know, how
12 fast we get through that I think should be a
13 different thing to address. Thank you.

14 MEMBER SONNABEND: Okay. They are
15 very separate and the votes will be two different
16 days, but certain people are understandably
17 uncomfortable renewing the terminology of EPA List
18 4, and so I just want to make it clear that we're
19 trying to go forward at the same time that we are.

20 CHAIR RICHARDSON: Seeing no more
21 discussion, I would ask those of you who are in
22 favor of the motion to remove the EPA List 4 inerts

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1 of minimal concern from the National List, please
2 raise your hand. All those opposed to removing the
3 EPA list for inerts of minimal concern from the
4 National List, please raise your hand. Any
5 abstentions or recusals? And no absences. Thank
6 you.

7 VICE CHAIR FAVRE: That was two yes,
8 twelve no. The motion fails.

9 MEMBER SONNABEND: The last one on 601
10 is microcrystalline cheese wax. Lisa?

11 DR. BRINES: Thank you. This
12 substance is included at Section 205.601 of the
13 National List under Paragraph O as production aids,
14 microcrystalline cheese wax, cast numbers
15 64742-42-3, 8009-03-08, and 8002-74-2 for use in
16 log grown mushroom production, must be used without
17 either ethylene propylene copolymer or synthetic
18 colors. Thank you.

19 MEMBER SONNABEND: Colehour?

20 MEMBER BONDERA: Thank you. Like Lisa
21 said, it's used in log grown mushroom production.
22 There is a non-GMO soy alternative wax that I can't

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1 tell you when, or if, or how it will be available,
2 but I think that that's been some of the discussion
3 in terms of, you know, maybe we can de-list this
4 microcrystalline cheese wax because of that.

5 It seems like, to me at least, it's
6 unclear that the sufficient availability. There
7 wasn't a lot of public comment. We had a little
8 bit. There was some, one comment, and I'm not
9 quoting it, but I remember reading it I think about
10 the soil one's already available. So I think that
11 adds to the confusion from my perspective,
12 especially when hearing mushroom testimony that,
13 you know, there isn't another, we need to stick with
14 this possibility.

15 Public comment was mostly in support of
16 relisting. At the subcommittee level the vote was
17 divided with abstentions and yeses and nos and
18 absences, almost fleshing out the number of people
19 when we took that vote. So it's not a clear, simple
20 topic to really anybody, but I think frankly that's
21 because not many of us are dealing with mushrooms,
22 honestly. But that's all I needed to say. Thank

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1 you.

2 MEMBER SONNABEND: I'll call on myself
3 first. One public comment I clearly heard today
4 was that the soy wax contains, has been determined
5 by a certifier to be synthetic, and that clearly
6 means that it would need to be petitioned. And so
7 we couldn't just vote this off and have it be used.
8 It would have to be petitioned and added first.
9 Other discussion?

10 CHAIR RICHARDSON: There being no
11 discussion, I would ask you, for those members who
12 would like to remove microcrystalline cheese wax
13 from the National List, please raise your hand.
14 For those who would like the microcrystalline
15 cheese wax to remain on the National List, please
16 raise your hand. Any abstentions or recusals? No
17 absences noted.

18 VICE CHAIR FAVRE: The vote was one
19 yes, thirteen no. The motion fails.

20 CHAIR RICHARDSON: The next group of
21 materials we're going to look at, Zea, the 205.602
22 materials. I would like to ask perhaps that the

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1 chair takes these as a group and acts as the lead
2 person. Would that be possible, or do you want to
3 take every single one of them separately?

4 MEMBER SONNABEND: What did you say?
5 That the lead people, to just do them all at once?

6 CHAIR RICHARDSON: Do them all at once,
7 but --

8 MEMBER SONNABEND: But have one person
9 lead them all?

10 CHAIR RICHARDSON: -- they have
11 different lead people.

12 MEMBER SONNABEND: Yes.

13 CHAIR RICHARDSON: So how would you
14 like to do that as a chair?

15 MEMBER SONNABEND: Well, I'm willing
16 to propose doing them all at once, have Lisa read
17 them all at once, and then ask the will of the Board
18 if they want to pull one off separately and if not,
19 do them all at once. How does that sound? Lisa,
20 205.602.

21 DR. BRINES: All right. I will read
22 all seven substances that are under consideration

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1 for Sunset 2017 under Section 205.602,
2 non-synthetic substances prohibited for use in
3 organic crop production. We have A, ash from
4 manure burning, B arsenic, D lead salts, E
5 potassium chloride unless derived from a mine
6 source and applied in a manner that minimizes
7 chloride accumulation in the soil, F sodium
8 fluoaluminate mined, H strychnine, and finally I
9 tobacco dust, nicotine sulfite. Thank you.

10 MEMBER SONNABEND: Okay. At the
11 outset of this I just want to make it very clear
12 to everybody that if you vote yes on removing these,
13 then they become allowed. If you want to keep them
14 prohibited, which they're on the prohibited list,
15 you vote no. Okay? It's a little backwards.

16 Next I will ask if anyone wants to
17 single out any one of these to be dealt with
18 separately. Okay, none. Hearing that, then I'll
19 ask if anyone has any discussion points on any of
20 the seven items that are proposed on 205.602.
21 Colehour, you want to say something? Yes.

22 MEMBER BONDERA: Yes, sorry. Thank

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1 you for waiting. I apologize. One of those is one
2 that I was lead on, and I just want to comment about
3 it very briefly. I don't think we need to go
4 anywhere with it but it's ash from manure burning.
5 And the reason I want to comment on it is because
6 we are also considering a petition to, which we're
7 not going to consider at this meeting, to add ash
8 from manure burning to the list.

9 And I just wanted to make people aware
10 that that is a topic that's going to be coming up.
11 That is a material that is going to be coming up
12 again for consideration in the future. That's my
13 only comment. Thank you.

14 MEMBER SONNABEND: Any discussion on
15 any of the other materials in this group?

16 CHAIR RICHARDSON: Okay, it looks like
17 we are ready for the final vote of the day, and that
18 is to vote on a list of the 205.602 prohibited
19 non-synthetic substances, ash from manure burning,
20 arsenic, lead salts, potassium chloride, sodium
21 fluoaluminate, strychnine, tobacco dust.

22 If you would like, let's see, if you

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1 want to remove these prohibited substances from the
2 National List, please raise your hand. If you want
3 to leave these materials on the National List as
4 prohibited substances, please raise your hand.
5 Are there any abstentions or recusals? And no
6 absences noted. Thank you.

7 VICE CHAIR FAVRE: The vote was zero
8 yes, fourteen no, the motion fails.

9 MEMBER SONNABEND: This concludes the
10 crop subcommittee Sunset 2017 portion of the
11 agenda.

12 CHAIR RICHARDSON: Well done,
13 everybody. Thank you ever so much. You did a
14 terrific job. We will meet here again tomorrow
15 morning at 8:30 promptly and start then. You're
16 all cordially invited together with your wives,
17 children, and associated significant others and
18 friends to come to a jolly good party which will
19 start shortly after 6 o'clock in the atrium here
20 in the resort.

21 (Whereupon, the above-entitled meeting
22 went off the record at 5:34 p.m.)

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UNITED STATES DEPARTMENT OF AGRICULTURE

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NATIONAL ORGANIC STANDARDS BOARD

+ + + + +

FALL 2015 MEETING

+ + + + +

WEDNESDAY
OCTOBER 28, 2015

+ + + + +

The Board met in the Pinnacle Room of the Stoweflake Conference Center, Stowe, Vermont, at 8:30 a.m., Jean Richardson, Chair, presiding.

PRESENT

- JEAN RICHARDSON, Chair
- TRACY FAVRE, Vice Chair
- HAROLD AUSTIN, Secretary (via Skype)
- CARMELA BECK
- COLEHOUR BONDERA
- TOM CHAPMAN
- LISA DE LIMA
- NICK MARAVELL
- ZEA SONNABEND
- ROBERT "MAC" STONE
- ASHLEY SWAFFAR
- JENNIFER TAYLOR
- FRANCIS THICKE
- C. REUBEN WALKER

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ALSO PRESENT

MICHELLE ARSENAULT, Advisory Board Specialist,
National Organic Program

LISA BRINES, National List Manager, National
Organic Program

EMILY BROWN ROSEN, Agricultural Marketing
Specialist, National Organic Program

PAUL LEWIS, Director, Standards Division,
National Organic Program, USDA

SAM JONES, AMS Public Affairs Specialist

MILES MEVOY, Designated Federal Officer,
Deputy Administrator, National Organic
Program

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Adjourn

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

2 8:33 a.m.

3 CHAIR RICHARDSON: Okay. It's just a
4 couple of minutes after 8:30, and we'd like to get
5 this exciting day started. This is Tom's day
6 today. He's been looking forward to this for
7 weeks, haven't you, Tom? So just remember to keep
8 your voice close to the microphone -- you have a
9 sweet voice, not like mine -- so that people can
10 follow along. And we're going to deal with all of
11 the sunset handling materials today. We'll take
12 a break after a couple of hours of work. All right.
13 Tom?

14 MEMBER CHAPMAN: Thank you, Madam
15 Chair. I hope I can run this meeting as
16 efficiently and effectively as you have. I'm told
17 if I get done by 3 p.m. we get free seeds from High
18 Mowing, and if we get done by 4 p.m. happy hour is
19 on Jean. Sorry, Harold. I think that's 1 p.m.
20 your time, but it's happy hour somewhere.

21 So we have over a hundred materials to
22 vote on the sunset. The Handling Committee has

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1 done a herculean job at reviewing and analyzing
2 these materials that are 106 pages of proposals.
3 This speaks to the NOSB members' dedication to the
4 organic community and the review process set forth
5 by OFPA. It was an unfair task, but it was
6 answered. And I do implore the program to work
7 with the NOSB to better split up materials in future
8 years.

9 Despite all this work, we have asked
10 lead reviewers to keep their reviews brief and
11 concise. If material garners greater discussion
12 than anticipated, I may call upon the lead reviewer
13 to provide a more complete synopsis. I will start
14 at 205.605(a) and proceed to 605(b) and conclude
15 with 606. Any questions from the Board at this
16 time? Seeing none, we'll get started. Dr.
17 Brines, will you start with alginic acid?

18 DR. BRINES: Yes, thank you. The
19 following material is listed at Section 205.605 of
20 the National List, nonagricultural, non-organic
21 substances allowed as ingredients in or on
22 processed products labeled as organic or made with

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1 organic-specified ingredients or food groups under
2 (a), non-synthetics allowed. I'll read the full
3 listing, but the first proposal is just for alginic
4 acid. The full listing reads as acids, alginic,
5 citric, produced by microbial fermentation of
6 carbohydrate substances, and lactic.

7 MEMBER CHAPMAN: Thank you. Tracy?

8 VICE CHAIR FAVRE: Thanks, Tom. Good
9 morning, everybody. Alginic acid is derived from
10 harvested wild seaweeds. Public comment was mixed
11 about alginic acid. Those in favor of its
12 re-listing note its long history of use with no ill
13 effects on either human digestion or on the
14 ecosystem due to sustainable harvesting, and
15 assert that the properties imparted by alginic acid
16 are central for some processed food formulations.

17 Those opposed expressed concerns
18 regarding the concentration of heavy metals in the
19 wild harvested seaweed and the fact that alginic
20 acid is used primarily to enhance texture in foods
21 and is, therefore, not compatible with OFPA
22 criteria. We did come to the conclusion in the

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1 Handling Subcommittee, after looking at the draft
2 classification of materials, that we are
3 recommending an additional proposal for alginic
4 acid to reclassify it to 205.605(d). Thank you.

5 MEMBER CHAPMAN: Thank you, Tracy.
6 Any discussion from the Board at this time? Jean?

7 CHAIR RICHARDSON: Tracy, yesterday we
8 had discussions on the aspects of alginic acid, for
9 example, that deal with ground seaweed. Did you
10 get much comment relative to whether or not we
11 should be having concerns about the seaweed?

12 VICE CHAIR FAVRE: You mean in regards
13 to over-harvesting?

14 CHAIR RICHARDSON: Yes.

15 MEMBER SWAFFAR: Yes. We did,
16 actually, have comments, both in regards to
17 over-harvesting and the possible ecosystem
18 degradation that were raised as issues of concern.
19 Additionally, as we were discussing yesterday,
20 several of us have expressed a need to look at some
21 of the sea products in a more systems-based
22 fashion. And while we'll have our vote on sunset

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1 today, we'll probably have continued discussions
2 about sea products going forward.

3 CHAIR RICHARDSON: So did this, in any
4 way, impact your -- in subcommittee, it was voted
5 on by everybody, one was absent, to retain it on
6 the list. Did your new information that you got
7 in since the last period suggest that you might
8 change your position on this?

9 MEMBER SWAFFAR: Me personally?

10 CHAIR RICHARDSON: Your analysis.

11 MEMBER SWAFFAR: No, I don't think so
12 at this time. I mean, it's used in a wide range
13 of products and, again, before we make some
14 decisions that are sort of piecemeal in regards to
15 the approach for this, I'm inclined to vote it
16 through and then evaluate kind of a global position
17 on this as we move forward.

18 MEMBER CHAPMAN: Any further
19 discussion?

20 CHAIR RICHARDSON: Seeing no further
21 discussion, do you want to do this or do you want
22 me to do it?

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1 MEMBER CHAPMAN: Seeing no further
2 discussion, we'll move to a vote. We'll be using
3 the hand vote method again. All those in favor of
4 the motion to remove alginic acid vote aye. All
5 those opposed, vote nay. All those abstaining?

6 VICE CHAIR FAVRE: Okay. Vote is 2
7 yes, 11 no, 1 abstention. The motion fails.

8 CHAIR RICHARDSON: For the record, I'm
9 reminded to note that Harold is present.

10 MEMBER CHAPMAN: Next item for review
11 and vote is the motion to remove acids, citric and
12 lactic. Dr. Brines?

13 DR. BRINES: Thank you. These
14 materials are also listed under Section 205.605(a)
15 as acids, alginic, citric, produced by microbial
16 fermentation of carbohydrate substances and
17 lactic. Thank you.

18 MEMBER CHAPMAN: Ashley?

19 MEMBER SWAFFAR: So combining the
20 citric and lactic acid, they are very widely-used
21 in food processing for various actions, including
22 pH control. And there was lots of public comment

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1 in the spring and fall meeting supporting the
2 re-listing, but there was one concern over the
3 acids and their listing, thinking that they should
4 be listed as synthetic. I looked at that and
5 didn't feel that was a factor. And based on the
6 majority of public comment, the subcommittee
7 believes this material should be re-listed.

8 MEMBER CHAPMAN: Thank you, Ashley.
9 Any further discussion? Seeing none, we'll move
10 to a vote. All those in favor of the motion to
11 remove acids, citric and lactic, say aye or raise
12 your hand. All those opposed? Abstentions?

13 VICE CHAIR FAVRE: There is 2 yes, 12
14 no. The motion fails.

15 MEMBER CHAPMAN: Next on the list is
16 attapulgate. Dr. Brines?

17 DR. BRINES: Thank you. This material
18 is listed at Section 205.605(a) of the National
19 List as attapulgate as a processing aid in the
20 handling of plant and animal oils. Thank you.

21 MEMBER CHAPMAN: Jean?

22 CHAIR RICHARDSON: This is one of

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1 several filter aids that we've looked at over the
2 last few months. We've not received very much
3 comment on attapulgitites since the last meeting.
4 One of the comments says that this material does
5 not seem to be used and it could, in fact, be allowed
6 to sunset. Maybe it's not necessary. Another
7 group could not find anyone that was specifically
8 using it that replied to their survey.

9 However, many of the limited number of
10 comments we received note that there was no
11 negative reason to remove it from the list. In
12 subcommittee, we had voted to leave it on the list.
13 I would still suggest that there's no real reason
14 to take it off the list with a negative reason that
15 it may be being used out there and we simply have
16 not identified that person, or that organization,
17 or it may be being used in combination with some
18 of the other filter aids, which are sometimes used
19 together since attapulgitite, bentonite, and kaolin
20 are very similar in the manner in which they have
21 been used.

22 MEMBER CHAPMAN: Any discussion on

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1 this item?

2 MEMBER STONE: Do we know if it has
3 unique properties different than bentonite and
4 kaolin, necessarily?

5 CHAIR RICHARDSON: No, it does not
6 appear to have any unique qualities that are
7 different from some of the other ones. It was
8 originally petitioned to be used in organic plant
9 and vegetable oil filtration.

10 MEMBER CHAPMAN: Any further
11 discussion? Seeing none, we'll move to a vote.
12 All those in favor of the motion to remove
13 attapulgite say aye. Raise your hands. All those
14 opposed? All those abstaining?

15 VICE CHAIR FAVRE: That was 3 yes, 11
16 no. The motion fails.

17 MEMBER CHAPMAN: Next on the list is
18 bentonite. Dr. Brines?

19 DR. BRINES: Thank you. This
20 substance is listed at Section 205.605(a) as
21 bentonite. Thanks.

22 MEMBER CHAPMAN: Jean?

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1 CHAIR RICHARDSON: Bentonite is one of
2 those filter aids. This one is used to clarify
3 wine, so it kind of seems necessary. It has
4 received, we didn't receive a lot of comment on it,
5 but we do know that it is used and that it appears
6 necessary in the wine filtration industry.

7 MEMBER CHAPMAN: Any further
8 discussion? Seeing none, we'll move to a vote.
9 All those in favor of the motion to remove bentonite
10 raise your hand. All those opposed? Abstaining?

11 VICE CHAIR FAVRE: Vote is zero yes, 14
12 no. The motion fails.

13 MEMBER CHAPMAN: Next is diatomaceous
14 earth. Dr. Brines?

15 DR. BRINES: Do we want to follow the
16 order? Then we'll go to calcium carbonate next,
17 Tom?

18 MEMBER CHAPMAN: Yes.

19 DR. BRINES: Okay. Thank you. The
20 next substance is listed at Section 205.605(a) of
21 the National List and is listed as calcium
22 carbonate. Thanks.

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1 MEMBER CHAPMAN: Jean?

2 CHAIR RICHARDSON: Calcium carbonate.
3 Again, we didn't get an enormous amount of public
4 comment coming in since the last meeting. This is
5 the dough conditioner dietary supplement. It is
6 quite broadly used. It is supported by industry
7 and by several of the certifiers, one of which
8 indicates, for example, that it's a common carrier
9 in feed additive. I see no reason to do anything
10 different than the vote we had in subcommittee,
11 which was a unanimous vote to leave it on the list.

12 MEMBER CHAPMAN: Any further
13 discussion? Seeing none, we'll move to a vote.
14 All those in favor of the motion to remove calcium
15 carbonate vote aye. All those opposed?
16 Abstaining?

17 VICE CHAIR FAVRE: That is zero yes, 14
18 no. The motion fails.

19 MEMBER CHAPMAN: Next is calcium
20 chloride.

21 DR. BRINES: Thank you. This
22 substance is listed at Section 205.605(a) of the

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1 National List as calcium chloride. Thanks.

2 MEMBER CHAPMAN: Ashley?

3 MEMBER SWAFFAR: Okay. Calcium
4 chloride can be obtained from extraction of
5 non-synthetic brines. Public comment was fairly
6 limited with some in favor of re-listing noted it
7 can be used as a firming agent in beans and brine
8 vegetables and aids in gelling for some pectins.
9 One commenter cited concerns regarding the
10 potential for contaminants in the ingredients, and
11 suggested sending the proposal back for
12 subcommittee. It was a unanimous vote to retain
13 it on the list.

14 MEMBER CHAPMAN: Any further
15 discussion?

16 MEMBER THICKE: You mentioned that it
17 can be extracted as a non-synthetic. Do you know
18 if it would be adequate or what would happen if it
19 were taken off the list?

20 VICE CHAIR FAVRE: Seventy-five
21 percent of the calcium chloride is manufactured
22 through a chemical process.

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1 MEMBER THICKE: But I'm talking about,
2 I'm talking about organic, what percent is organic
3 of the total demand of calcium chloride?
4 Twenty-five percent? Probably not, huh?

5 VICE CHAIR FAVRE: Well, 25 percent of
6 the supply is potentially from some other process,
7 but we don't know.

8 MEMBER THICKE: Okay.

9 MEMBER CHAPMAN: Any other question?

10 MEMBER BONDERA: I'm just curious if
11 you could expand at all, Tracy, regarding the
12 comment on impurities that you said that came in,
13 if you all discussed that, and how that played out
14 in terms of affecting the vote? Thank you.

15 VICE CHAIR FAVRE: We actually did not
16 discuss that in subcommittee. It was mentioned in
17 one of the public comments, and there was one table
18 that included some details, but that was the extent
19 of the information.

20 MEMBER THICKE: Emily just clarified
21 for me it's actually not on as a non-synthetic.

22 MEMBER CHAPMAN: Any further

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1 discussion? Seeing none, we'll move to a vote on
2 this item. All those in favor of the motion to
3 remove calcium chloride from the National List
4 raise your hand as an aye. All those opposed?
5 Abstaining?

6 VICE CHAIR FAVRE: That was zero yes,
7 12 no, 2 abstentions. The motion fails.

8 MEMBER CHAPMAN: Next on the list is
9 dairy cultures.

10 DR. BRINES: This substance is listed
11 at Section 205.605(a) of the National List as dairy
12 cultures. Thanks.

13 MEMBER CHAPMAN: All right. Dairy
14 cultures widely used in the processing of dairy
15 products. While the NOSB Handling Subcommittee
16 notes that separate listings for dairy cultures is
17 redundant with the microorganisms listing,
18 subcommittee found no issue with continued
19 listing. The substance satisfied OFPA criteria.
20 There was wide support in this round of public
21 comment for this listing. Any further discussion?

22 MEMBER BONDERA: Yes. I'm sorry to

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1 ask you, I don't know if you need to repeat that
2 but clarify it was discussed at the subcommittee
3 level that this is a redundant listing and
4 unnecessary, but we don't want to de-list it, just
5 maintain status quo, or I don't understand the
6 logic behind what you said.

7 MEMBER CHAPMAN: Yes. So dairy
8 cultures is subsumed under the microorganisms
9 listing. At this time, we felt there was no harm
10 to continuing its separate listing on the list, as
11 well. This is true of some other substances that
12 appear on the list. Seeing no further discussion,
13 we'll move to a vote on dairy cultures. All those
14 in favor of the motion to remove dairy cultures from
15 the National List raise your hand. All those
16 opposed? All those abstaining?

17 VICE CHAIR FAVRE: The vote is zero
18 yes, 14 no. The motion fails.

19 MEMBER CHAPMAN: Dr. Brines,
20 diatomaceous earth?

21 DR. BRINES: Thank you. This
22 substance is listed at Section 205.605(a) of the

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1 National List as diatomaceous earth, food
2 filtering aid only. Thanks.

3 MEMBER CHAPMAN: Jean?

4 CHAIR RICHARDSON: Diatomaceous earth
5 is widely used throughout the organic industry as
6 a food filtering aid, for example in syrups,
7 including, of course, maple syrup. And there is
8 no objection noted in the public comments that came
9 in to remove it from the list.

10 MEMBER CHAPMAN: Any further
11 discussion? Seeing none, we'll move to a vote.
12 All those in favor of the motion to remove
13 diatomaceous earth raise your hand. All those
14 opposed? All those abstaining?

15 VICE CHAIR FAVRE: Vote is zero yes, 14
16 no. The motion fails.

17 MEMBER CHAPMAN: Dr. Brines, enzymes?

18 DR. BRINES: Thank you. This
19 substance is included at Section 205.605(a) of the
20 National List as enzymes, must be derived from
21 edible non-toxic plants, non-pathogenic fungi, or
22 non-pathogenic bacteria. Thanks.

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1 MEMBER CHAPMAN: Lisa?

2 MEMBER DE LIMA: Enzymes are used as a
3 processing aid used to carry out
4 naturally-occurring biological processes. Over
5 both the comment periods, there was overwhelming
6 support to retain enzymes on the list both by
7 organizations and industry. There was one
8 organization that questioned whether enzymes
9 needed to be reclassified and wanted to see an
10 annotation to define those that had not undergone
11 synthetic chemical change. They also commented
12 that a review of ancillary substances should
13 include all substances, including those already on
14 the National List. In subcommittee, we voted
15 unanimously to retain.

16 MEMBER CHAPMAN: Any further
17 discussion?

18 MEMBER BONDERA: Thank you, Lisa.
19 Based on that input you got from the public, is the
20 subcommittee considering those reflections in
21 terms of further review, as you described?

22 MEMBER DE LIMA: We looked at the

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1 classification in using the draft guidance. We
2 didn't believe it did. And as far as the
3 ancillaries, I think that's a question still up
4 because we haven't figured out what direction we're
5 going to be going on. I think we'll have more
6 information once we get to the ancillary proposals
7 tomorrow.

8 MEMBER CHAPMAN: Any further
9 discussion? Hearing none, we'll move to a vote.
10 All those in favor of the motion to remove enzymes
11 from the National List raise your hand. All those
12 opposed? Abstentions?

13 VICE CHAIR FAVRE: Vote was 2 yes, 12
14 no. The motion fails.

15 CHAIR RICHARDSON: Could I ask, for the
16 record, the reasons for Jennifer and Colehour
17 voting to remove, so that I can have some
18 clarification?

19 MEMBER TAYLOR: I think that it should
20 be taken back to the committee and re-evaluated
21 individually and not grouped together, and that
22 wasn't an option that the committee wanted to

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1 consider.

2 VICE CHAIR FAVRE: Jennifer, just FYI,
3 the program is directed as we're not allowed to
4 bring sunset materials back to committee. So we
5 have to vote on them here. However, we can bring
6 it up as an issue in committee with the next meeting
7 then.

8 MEMBER BONDERA: In response to your
9 question, Jean, I think that it, from my
10 perspective, comes down to due diligence and
11 whether or not we, as a committee, the NOSB, are
12 doing our full job of fully reviewing what we're
13 considering. And when public comment is coming in
14 that there could have been chemical change on
15 specific sub-items that might make something
16 synthetic, for example, and when I ask about it,
17 it's not been something that the subcommittee has
18 been able to consider or look at or review, I feel
19 like, even though the NOP is telling us we can't
20 use certain processes to make decisions like Tracy
21 was just explaining to Jennifer, I think that my
22 vote is to point out the fact that I do not feel

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1 comfortable voting for something to be re-listed
2 on what Tom introduced this as an extensive list
3 that's pretty cumbersome, honestly, with items on
4 it that aren't even clear, you know, if we have all
5 the information we need. And that's the reason for
6 my vote, the way it was.

7 I do want to comment that I don't know
8 that we're going to have time today to go around
9 the entire table for everybody's vote, aye or nay,
10 on every single item, which I'm happy to do. But,
11 you know, just because I'm going to vote out of sync
12 with the rest, this could take a long time if we're
13 going to explain each vote.

14 MEMBER CHAPMAN: Thank you. Next on
15 the list, Dr. Brines, is flavors.

16 DR. BRINES: Thank you. This
17 substance is included at Section 205.605(a) of the
18 National List as flavors, non-synthetic sources
19 only and must not be produced using synthetic
20 solvents and carrier systems or any artificial
21 preservative. Thanks.

22 MEMBER CHAPMAN: Thank you. These

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1 substances are used to recreate flavors in
2 products. Review of the original
3 recommendations, historical documents, public
4 comments on this substance revealed that the
5 substance met OFPA criteria. No new points were
6 raised this round of public comment, and there was
7 wide support for the renewal, coupled with the
8 proposed annotation recommended by the
9 subcommittee. The proposed annotation is on the
10 agenda for Thursday. The Handling Subcommittee
11 recommends the renewal of flavors on the National
12 List.

13 Any further discussion? Seeing none,
14 we'll move to a vote. All those in favor of the
15 motion to remove flavors from the National List
16 raise your hand. All those opposed?
17 Abstentions?

18 VICE CHAIR FAVRE: The vote is 1 yes,
19 12 no, 1 abstention. The motion fails.

20 MEMBER CHAPMAN: Next on the list is
21 kaolin. Dr. Brines?

22 DR. BRINES: Thank you. This listing

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1 is included at Section 205.605(a) of the National
2 List as kaolin. Thanks.

3 MEMBER CHAPMAN: Jean?

4 CHAIR RICHARDSON: Kaolin is another
5 one of those filter aids, a clay-based filter aid,
6 which does not necessarily appear to be used
7 widely, but it is used and is supported by industry.
8 And we don't have negative reasons for why it should
9 not be on the National List. The vote in
10 subcommittee was six to keep it on the list and one
11 person was absent. I would suggest that we still
12 leave it on the list.

13 MEMBER CHAPMAN: Any further
14 discussion? Seeing none, we'll move to a vote.
15 All those in favor of the motion to remove kaolin
16 from the National List raise your hand. All those
17 opposed? Abstentions?

18 VICE CHAIR FAVRE: The vote was zero
19 yes, 14 no. The motion fails.

20 MEMBER CHAPMAN: Next on the National
21 List is magnesium sulfite. Dr. Brines?

22 DR. BRINES: Thank you. This

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1 substance is included at Section 205.605(a) of the
2 National List as magnesium sulfate, non-synthetic
3 sources only. Thanks.

4 CHAIR RICHARDSON: Magnesium sulfate,
5 we did not get a great deal of comment on this
6 material. It is a non-synthetic source material
7 which is used both as a dietary supplement and also
8 to enhance flavor production in tofu. Tofu
9 producers believe that it is necessary to their
10 industry. The vote in subcommittee was unanimous
11 to leave this material on the list.

12 MEMBER CHAPMAN: Any further
13 discussion? Seeing none, we'll move to a vote.
14 All those in favor of the motion to remove magnesium
15 sulfate from the National List raise your hand.
16 All those opposed? Abstentions?

17 VICE CHAIR FAVRE: The vote was 2 yes,
18 12 no. The motion fails.

19 MEMBER CHAPMAN: Next on the list is
20 nitrogen. Dr. Brines?

21 DR. BRINES: Thank you. This
22 substance is included at Section 205.605(a) of the

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1 National List and reads as nitrogen, oil-free
2 grades. Thanks.

3 MEMBER DE LIMA: Nitrogen is used to
4 reduce oxidation and it's used in the
5 flash-freezing of foods. Over both the comment
6 periods, all comments were in favor of re-listing
7 and it was a unanimous vote in subcommittee.

8 MEMBER CHAPMAN: Any further
9 discussion? Seeing none, we'll proceed to a vote.
10 All those in favor of the motion to remove nitrogen
11 from the National List say aye, raise your hand.
12 All those opposed? Abstentions?

13 VICE CHAIR FAVRE: The vote was zero
14 yes, 14 no. The motion fails.

15 MEMBER CHAPMAN: Next is oxygen. Dr.
16 Brines?

17 DR. BRINES: Thank you. This listing
18 is at Section 205.605(a) of the National List and
19 reads as oxygen, oil-free grades. Thanks.

20 MEMBER CHAPMAN: Lisa?

21 MEMBER DE LIMA: Oxygen can be used for
22 modified atmosphere packaging. We had very little

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1 public comment over both periods. The second
2 comment period we had support from one producer,
3 and one organization suggested we de-list it due
4 to lack of support. But we didn't find anything
5 in the negative that it would be contrary to OFPA,
6 and so it was passed unanimously in subcommittee.

7 MEMBER CHAPMAN: Any further
8 discussion on this item? I'll note that it's also
9 used in the brewing industry for yeast health.

10 MEMBER BONDERA: I'm sorry. It's used
11 in the brewing industry what?

12 MEMBER CHAPMAN: For yeast health.
13 Colehour?

14 MEMBER BONDERA: Yes, I think that's a
15 slightly interesting comment, Tom. But I'm also
16 interested in what I referred to before, which is
17 if there is no public input, even, like, in some
18 cases where even one comment seems to be
19 influencing people to vote to maintain something
20 on the list. But if there is or isn't, I just
21 wonder how that is affecting the decision of the
22 subcommittee to maintain because what I heard from

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1 Lisa was, if I got it right, that there had been
2 not really input to maintain it on the list, but
3 we should just because it's there.

4 MEMBER DE LIMA: There was one
5 manufacturer that wrote in in the second comment
6 period in support, and there was one comment from
7 an organization that said because there was no
8 support, because that was based on the first public
9 comment period versus the second public comment
10 period, which did have one manufacturer in support.
11 And like I said, there were no negative points
12 brought up by anybody indicating it was --

13 MEMBER CHAPMAN: Colehour, can you
14 help me understand why you'd be opposed to oxygen
15 in organic systems?

16 MEMBER BONDERA: Yes, I'm happy to.
17 I'm not opposed to oxygen in organic systems. What
18 I was trying to raise or ask, and I think, in this
19 particular case, like Lisa just elaborated, it's
20 not specifically the case, but if there is no use
21 for something and there is no shown, or
22 demonstrated, or commented on need, that's where

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1 oftentimes there's no reason not to de-list
2 something.

3 Again, in this particular case, it
4 doesn't apply, but I was again hearing the
5 suggestion that why not leave it on the list just
6 because? And that attitude and approach concerned
7 me in terms of the list being ever-expanding
8 whether or not -- in this particular case, I don't
9 think it applied. So it was more a general
10 comment, but I think I was trying to raise the
11 yellow flag of, you know, why would we maintain
12 things on the list if there's no use?

13 MEMBER DE LIMA: I mean, I would still
14 say that for something like oxygen, which is so
15 benign, that, with 198 materials sunseting,
16 people probably aren't thinking to comment on the
17 really non-controversial materials and that, if we
18 did vote it off, I assume we would hear from
19 manufacturers that are using it for packaging.
20 That would be the danger I see in voting it off.

21 MEMBER CHAPMAN: Tracy?

22 VICE CHAIR FAVRE: I just would like to

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1 suggest that we ought to be very cautious of
2 demonstrating hubris and assuming that everybody
3 is watching with bated breath every move that we're
4 doing on this board and would take the time and
5 effort to write in. I think the example of
6 ethylene is a real good example of that where there
7 are people that are busy doing their jobs and may
8 or may not comment on it.

9 If we had a controversial material that
10 had a lot of negative consequences that we didn't
11 receive any feedback on, I might be inclined to
12 remove it. But to Lisa's comment, for something
13 benign, I don't think we should ever make the
14 assumption, just because we got no comments, that
15 it's not used. I think there's probably lots of
16 producers and manufacturers and growers out there
17 that use materials all the time that are not
18 completely plugged into this process and this
19 community at this level.

20 MEMBER CHAPMAN: Colehour, I have a
21 follow-up question on a statement that you made.
22 You noted that it's an ever-expanding list. Can

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1 you provide me some details to that statement? Has
2 it increased over what period of time, or has it
3 decreased in size?

4 MEMBER BONDERA: No, I was actually
5 simply referring to the more general comments that
6 there's so many items on the list and it takes so
7 much time to deal with them. And whether or not
8 the list is ever-expanding, I don't feel like I need
9 to retract that comment, but I feel like, you know,
10 I'm not going to be able to cite data showing a
11 progression over a history. And depending on what
12 history you want to look at, I'm positive it has
13 increased.

14 So I think, depending on how you look
15 at the data, you're going to see that it has
16 increased, no matter how you look at it. But I'm
17 not going to sit here and try to cite numbers
18 because that wasn't my point. My point was we
19 shouldn't be spending our time on things that don't
20 need time. That was my point.

21 MEMBER CHAPMAN: Thank you. Seeing no
22 further discussion, we'll move to a vote on this

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1 item. All those in favor of the motion to remove
2 oxygen from the National List raise your hand. All
3 those opposed? Abstentions?

4 VICE CHAIR FAVRE: The vote is zero
5 yes, 14 no. The motion fails.

6 MEMBER CHAPMAN: Next on the list is
7 potassium chloride. Perlite. Dr. Brines?

8 DR. BRINES: Yes. Next, we'll take up
9 perlite, which is listed at Section 205.605(a) of
10 the National List. And the listing reads as
11 perlite, for use only as a filter aid in food
12 processing. Thank you.

13 MEMBER CHAPMAN: Jean?

14 CHAIR RICHARDSON: Filter aid. Is
15 only used in food processing as another one of those
16 filter aids. It is made from amorphous volcanic
17 glass, which I always find quite interesting. We
18 received public comment again that it is used in
19 beer filtration. So, obviously, it's pretty
20 important for different places. There was no
21 public comment opposed to the re-listing, and it
22 was voted six to keep it on the list in

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1 subcommittee. One person was absent. I still
2 recommend that we leave it on the list.

3 MEMBER CHAPMAN: Any further
4 discussion on this item? Seeing none, we'll move
5 to a vote. All those in favor of the motion to
6 remove perlite from the National List raise your
7 hand. Those opposed? Abstentions?

8 VICE CHAIR FAVRE: The vote was zero
9 yes, 14 no. The motion fails.

10 MEMBER CHAPMAN: Next is potassium
11 chloride. Dr. Brines?

12 DR. BRINES: Thank you. This
13 substance is included at Section 205.605(a) of the
14 National List as potassium chloride. Thanks.

15 MEMBER CHAPMAN: Tracy?

16 VICE CHAIR FAVRE: Yes. Potassium
17 chloride is a commonly-occurring natural mineral,
18 generally recognized as GRAS. It's used as a
19 flavor enhancer, flavoring agent, nutrient
20 supplement, pH control, and stabilizer thickener.
21 Very little public comment, but was generally in
22 favor of continued listing of potassium chloride.

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1 One group did urge the NOSB to restrict
2 supplemental vitamins and minerals to only those
3 required by law. The vote was unanimous to retain
4 it on the list.

5 MEMBER CHAPMAN: Further discussion?
6 Seeing none, we'll move to a vote. All those in
7 favor of the motion to remove potassium chloride
8 from the National List raise your hand. All those
9 opposed? Abstentions?

10 VICE CHAIR FAVRE: The vote was zero
11 yes, 14 no. The motion fails.

12 MEMBER CHAPMAN: Next on the list is
13 potassium iodide. Dr. Brines?

14 DR. BRINES: Thank you. This
15 substance is included at Section 205.605(a) of the
16 National List and reads as potassium iodide.
17 Thanks.

18 VICE CHAIR FAVRE: Potassium iodine,
19 commonly used as synthetic forms of iodine in trace
20 mineral supplements. Public comment was
21 generally in support of the material. One group
22 did urge the NOSB to restrict supplemental vitamins

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1 and minerals to those required by law. Another
2 group suggested an annotation as a sanitizing agent
3 and as a source of iodine when required by law. The
4 vote was unanimous to retain it on the list.

5 MEMBER CHAPMAN: Any further
6 discussion? Colehour?

7 MEMBER BONDERA: So is the
8 subcommittee intending to consider that suggestion
9 from the public in terms of -- I'm not going to quote
10 what you said. Sorry. But, yes, an annotation
11 that limits the ones that are required, to the ones
12 that are required by law? I'm just curious what
13 the subcommittee's thinking is from that comment.

14 VICE CHAIR FAVRE: Actually, in my
15 case, I didn't review the public comments until
16 after our last subcommittee meeting, so we haven't
17 had a chance to discuss this with the subcommittee.
18 Certainly, there would be nothing that would
19 prevent us from bringing it up at subcommittee if
20 the members so feel that we need to look at that.
21 But at this time, there hasn't been any discussion
22 in regards to it.

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1 MEMBER CHAPMAN: Jean?

2 CHAIR RICHARDSON: So might I suggest,
3 Tracy, that you sort of put a placeholder on that
4 so that we could, or to the Chair, Tom, that you
5 put as a placeholder on the potassium iodide so at
6 the next meeting of the Handling Subcommittee, we
7 could review that to determine if we need to proceed
8 with any form of annotation?

9 VICE CHAIR FAVRE: Yes, I will. Thank
10 you.

11 MEMBER CHAPMAN: Noted. Any further
12 discussion on this item? Seeing none, we'll move
13 to a vote. All those in favor of the motion to
14 remove potassium iodide from the National List
15 raise your hand. All those opposed?
16 Abstentions?

17 VICE CHAIR FAVRE: The vote was zero
18 yes, 14 no. The motion fails.

19 MEMBER CHAPMAN: Thank you. Next on
20 the list is sodium bicarbonate. Dr. Brines?

21 DR. BRINES: Thank you. This
22 substance is included at Section 205.605(a) of the

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1 National List as sodium bicarbonate. Thanks.

2 MEMBER CHAPMAN: Harold?

3 MEMBER AUSTIN: Thanks, Tom. Sodium
4 bicarbonate is used as a leavening agent. It is
5 baking soda. It's also used in baking powder. It
6 can be used as an anti-caking agent or as a
7 stabilizer, helping to maintain the appearance in
8 foods such as pancakes, biscuits, muffins,
9 crackers, and cookies. Also used in self-rising
10 flour. It's approved for use in the European
11 Union, IFOAM, Canada, Japan, and it's also allowed
12 by Codex. There was not a new TR for this sunset
13 review period.

14 We had numerous comments, both in
15 writing and orally, that were in support of the
16 continued listing of this material as it still
17 seems to be very necessary and essential as a
18 leavening agent. There were no comments against
19 the re-listing of this compound.

20 MEMBER CHAPMAN: Any further
21 discussion of this item? Seeing none, we'll move
22 to a vote. All those in favor of the motion to

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1 remove sodium bicarbonate from the National List
2 raise your hand. All those opposed?
3 Abstentions?

4 VICE CHAIR FAVRE: The vote was zero
5 yes, 14 no. The motion fails.

6 MEMBER CHAPMAN: Next on the list is
7 sodium carbonate. Dr. Brines?

8 DR. BRINES: Thank you. This
9 substance is included at Section 205.605(a) of the
10 National List as sodium carbonate. Thanks.

11 MEMBER CHAPMAN: Harold?

12 MEMBER AUSTIN: Okay. Sodium
13 carbonate, also called washing soda or soda ash.
14 It's also used as a leavening agent in organic
15 handling. It's used as an anti-caking agent or as
16 an acid regulator or as a stabilizer. It's
17 essential for characteristic color and baking of
18 German pretzels and lye rolls. It gives pretzels
19 and lye rolls that distinctive brown crust without
20 burning. It's also used in the making of ramen
21 noodles. It can be used as a neutralizer in
22 butter, cream, fluid milk and ice cream. Other

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1 uses also include the processing of olives prior
2 to canning and can be found in many Coca-Cola
3 products.

4 The two previous sunset reviews did not
5 find any environmental or human health concerns
6 with this material. Through both periods of
7 public comment on this sunset review, there was
8 overwhelming support of the continued listing of
9 this material as being essential for organic
10 handling. There were no comments against the
11 re-listing.

12 MEMBER CHAPMAN: Thank you. Any
13 further discussion on this item? Seeing none,
14 we'll move to a vote. All those in favor of the
15 motion to remove sodium carbonates from the
16 National List, raise your hand. All those
17 opposed? Abstentions?

18 VICE CHAIR FAVRE: The vote was zero
19 yes, 14 no. The motion fails.

20 MEMBER CHAPMAN: Next on the National
21 List is waxes, carnauba wax. Dr. Brines?

22 DR. BRINES: Thank you. This

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1 substance is included at Section 205.605(a) of the
2 National List as waxes, non-synthetic carnauba wax
3 and wood resin. Thank you.

4 MEMBER CHAPMAN: At this time, we'll
5 just consider the vote on carnauba wax. Zea?

6 MEMBER SONNABEND: We're going to take
7 these separately because there's just slightly
8 different issues to point out. Carnauba wax is a
9 natural extract or exudate from the tree Copernicia
10 cerifera or Copernicia prunifera. It is, when it
11 was originally reviewed, it was done so by the crops
12 committee because it was considered post-harvest
13 handling and all the waxes were reviewed together
14 just under one heading, wax. And wood resin and
15 carnauba were what was approved for the National
16 List. But because it was the crops committee,
17 there was never a vote taken on whether it was
18 agricultural or non-agricultural. And so when it
19 got transferred in the rule-writing process over
20 to the handling section, it was just placed on
21 605(a) without that vote ever having been taken.

22 So, therefore, we feel that it is

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1 important to have that vote and to consider then
2 the annotation change to move it over to the proper
3 list where it belongs, which is 606. So we'll do
4 that as a separate annotation after the sunset
5 process, but, in the meantime, we're going to
6 consider renewing it, as we do for sunset, under
7 this review.

8 We did commission a technical report
9 to look at the classification, to look at ancillary
10 substances and because the original TAP was
11 extremely sketchy. So we found in the TR that
12 there is some organic carnauba on the market. We
13 couldn't get accurate information about whether
14 there's enough to meet the demand to take it off
15 the list entirely, and so we will entertain the
16 annotation change.

17 We looked into the ancillary substances
18 and it appears that this wax is almost always
19 combined in formulated products with other waxes,
20 plus other substances, which some of which are on
21 the National List and some of which may be
22 considered ancillary, and that the raw material of

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1 carnauba itself did not come into those
2 formulations with anything we could identify as
3 ancillary substances. And in the two rounds of
4 public comment, while we got criticism that we
5 should include an ancillary substance chart, there
6 were not specific suggestions of which things were
7 ancillary substances in raw ingredients, and we
8 have not been able to find any. And so we're going
9 to have to leave that to the reviewers of the
10 formulated products to determine compliance. But
11 we do know that OMRI and others have approved
12 certain formulations with all things on the
13 National List and so that it is possible to be
14 compliant on these waxes.

15 We got pretty general support for
16 renewing this, whatever category it's in. People
17 didn't object to whatever category it's in. But
18 one point brought up frequently in the public
19 comment, especially from the public interest
20 groups, was the desire for labeling of the fruit
21 and vegetables that have been waxed.

22 It's pretty clear that consumers do not

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1 expect their produce to be waxed. And probably,
2 if it was explained to them sufficiently what it
3 was waxed with in an organic situation, they would
4 be fine with it, but there isn't really the
5 opportunity to explain that. And labeling, while
6 it is a requirement for containers, is not
7 necessarily a requirement for signage in stores or
8 for individual fruit stickers and the like.

9 So we looked into whether we could put
10 an annotation, such as labeling, through and the
11 Department told us that we could not. And so,
12 therefore, we are urging voluntary labeling for
13 produce coatings at the store level and are not
14 putting forward an additional labeling annotation
15 at this time.

16 MEMBER CHAPMAN: Any further
17 discussion on this item? Jean?

18 CHAIR RICHARDSON: Zea, two questions.
19 Did you receive any public comment suggesting that
20 there are human health issues related to it? And
21 also could you clarify the extent of its necessity
22 in organic production?

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1 MEMBER SONNABEND: No, no public
2 comment about human health that I was able to find
3 in two rounds. And its necessity, it is a
4 transpiration blocker and, therefore -- I mean,
5 it's also used for cosmetic purposes for shine.
6 But the main function is really to retard
7 evaporative loss from fruit peel in citrus and in
8 apples and other fruits and in some vegetables. So
9 to the point that something needs to travel to get
10 into the distant market and then be around on a
11 store shelf, yes, it's very much necessary. If you
12 want to restrict organics to local sales, then
13 maybe not so much necessary.

14 MEMBER CHAPMAN: Jean?

15 CHAIR RICHARDSON: I wanted to
16 follow-up. So it's not grown. It's harvested?
17 Wild?

18 MEMBER SONNABEND: There are some
19 certified organic plantations, but it almost all
20 comes from Brazil.

21 CHAIR RICHARDSON: So it's planted and
22 then grown under conventional production

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1 typically?

2 MEMBER SONNABEND: The non-organic
3 forms are conventional, yes. But I don't know
4 about wild harvest, if that also occurs.

5 MEMBER MARAVELL: Yes, Zea, I was
6 wondering if either you or the department could
7 elaborate a little bit more on the restrictions
8 that we're under with regard to making an
9 annotation on labeling of the waxes? So, I mean,
10 just for my edification.

11 MEMBER SONNABEND: That has to be the
12 Department, not me.

13 MR. MCEVOY: So the question is about
14 requiring or recommending a requirement that --

15 MEMBER SONNABEND: That waxed fruit be
16 labeled at the point of sale.

17 MR. MCEVOY: Right. So the authority
18 on the Organic Food Production Act is about organic
19 labeling, so to require labeling on an organic
20 product is further labeled with some other material
21 would be outside the scope or the authority of the
22 Organic Food Production Act.

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1 MEMBER MARAVELL: Whose authority
2 would it be under?

3 MR. MCEVOY: I would expect FDA.

4 MEMBER MARAVELL: And if the Board were
5 to make a recommendation to move in that direction,
6 then the Secretary is authorized under the statute
7 to coordinate with the other secretaries. Is that
8 something that could be brought up for inter-agency
9 coordination?

10 MR. MCEVOY: Yes, that's certainly a
11 possible, if the Board made a recommendation in
12 that regard, that we could forward that
13 recommendation to FDA and work with them to see if
14 that's a possibility. I think it might be a better
15 route for us to explore where that authority lies
16 and, if it is with FDA, have them present and to
17 address that as a possible outcome.

18 MEMBER MARAVELL: So, Zea, if you feel
19 that's a productive route to go, perhaps that could
20 be a continuing part of this discussion that we
21 could --

22 MEMBER SONNABEND: I would be happy to

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1 bring that back to the Handling Subcommittee to see
2 what we could do in that regard. And this applies
3 to all three of the wax products.

4 MEMBER CHAPMAN: Any further
5 discussion on this item? Seeing none, we'll move
6 to a vote. All those in favor of the motion to
7 remove waxes, carnauba wax, from the National List
8 raise your hand. All those opposed?
9 Abstentions?

10 VICE CHAIR FAVRE: The vote is zero
11 yes, 13 no, one abstention. The motion fails.

12 MEMBER CHAPMAN: Next on the list is
13 wood rosin, sic resin.

14 DR. BRINES: Thank you. Yes, the
15 current listing on the National List is under
16 Section 205.605(a). The listing currently reads
17 as follows: waxes, non-synthetic, carnauba wax and
18 wood resin. Thank you.

19 MEMBER CHAPMAN: Zea?

20 MEMBER SONNABEND: Okay. This has
21 many things in common with the previous wax.
22 However, this one clearly is in need of a technical

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1 correction and for the spelling of wood rosin,
2 which is actually a different substance than wood
3 resin, and the TR points that out clearly. We
4 quoted it in the beginning of the review so that
5 it's very clear to the people who need to do that
6 technical correction. And once again, this is a
7 component of usually-formulated coating materials
8 because a combination of shellac, carnauba, and
9 rosin for different purposes is what works best.
10 We were unable to find any ancillary substances
11 that came with the raw material, but there may be
12 some added to formulations.

13 We heard input from a number of
14 interested parties that wanted this kept on the
15 list because it is used in the wax formulations.
16 But unlike carnauba, it is not ever produced
17 organically because it's a byproduct generally,
18 rather than grown solely for that purpose.

19 Same issues apply concerning labeling.
20 And we will, once again, take the labeling back to
21 the committee, and general support with the
22 provisional concern about labeling.

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1 MEMBER CHAPMAN: Any further
2 discussion on this item? Jean?

3 CHAIR RICHARDSON: Did you receive
4 additional comment that would indicate that there
5 were any health impacts from the use of this resin?

6 MEMBER SONNABEND: No.

7 MEMBER CHAPMAN: Any further
8 discussion? Colehour?

9 MEMBER BONDERA: Thank you. I
10 apologize if I missed this, which, I'm not sure if
11 I did or not. But if I did, I'm sorry. I'm just
12 curious about some of the comments that we received
13 regarding methods of extraction or annotation
14 restricting extraction approaches on this.

15 MEMBER SONNABEND: Extraction of wood
16 rosin? I don't, I don't recall seeing anything
17 specific to wood rosin.

18 MEMBER BONDERA: Okay. Maybe you're
19 right. Actually, maybe that was back to carnauba.
20 Okay, thank you.

21 MEMBER CHAPMAN: Any further
22 discussion of this item? Seeing none, we'll move

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1 to a vote. All those in favor of the motion to
2 remove waxes, wood rosin, from the National List
3 say aye, raise your hand. All those opposed? All
4 those abstaining?

5 VICE CHAIR FAVRE: The vote is zero
6 yes, 13 no, one abstention. The motion fails.

7 MEMBER CHAPMAN: Next on the list is
8 yeast. Dr. Brines?

9 DR. BRINES: Thank you. This is the
10 final material included at Section 205.605(a) of
11 the National List. The listing reads as yeast,
12 when used as food or a fermentation agent, yeast
13 must be organic if it's end use is for human
14 consumption. Non-organic yeast may be used when
15 equivalent organic use is not commercially
16 available. Growth on petrochemical substrate and
17 sulfite waste liquor is prohibited. For smoked
18 yeast, non-synthetic smoke flavoring process must
19 be documented. Thanks.

20 MEMBER CHAPMAN: Zea?

21 MEMBER SONNABEND: Thank you. Okay.
22 Yeast. This review is mercifully short compared

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1 to some of our previous discussions about yeast on
2 the NOSB. We did, in the first posting, survey the
3 industry to find out how much progress was being
4 made on the use of organic yeast for all the
5 different ways in which yeast is used. That's a
6 good example of the National List process working
7 because, leading up to the change in 2010, it was
8 no commercial availability requirement towards use
9 of organic yeast. There are dozens, if not
10 hundreds, of forms of yeast and different purposes
11 that yeast is used for, and there would need to be
12 a specific organic farm for each particular use.
13 So over the years that it's been reviewed, many of
14 these strains of yeast and many of these uses have
15 been able to be filled by organically-grown yeast
16 but not quite all of them.

17 So the commenters in the first round of
18 publication indicated that the forms of yeast that
19 are not yet available organically include Torula
20 yeast, nutritional yeast for livestock feed,
21 gluten-free yeast, fresh yeast, and some types of
22 wine yeast. One supplier suggested that dry yeast

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1 could be removed from the list while other forms
2 stayed, but this is a distinction that it would be
3 very, not the top of our priority list for an
4 annotation change to try and make it this time.
5 I'll put it that way. We would entertain a
6 petition for that, if someone wants to.

7 We took a look at the ancillary
8 substances in yeast. We posed the question in the
9 first posting information is sought on why any
10 ancillary substances in yeast do not meet the
11 review criteria in the organic rule. The only
12 answer we got or only comment that addressed that
13 was questioning VHT in terms of human exposure but
14 no specific answers on the review criteria that we
15 used. So we are proposing renewing yeast at this
16 time.

17 MEMBER CHAPMAN: Any further
18 discussion? Seeing none, we'll move to a vote.
19 All those in favor of the motion to remove yeast
20 from the National List, raise your hand. All those
21 opposed? Abstentions?

22 VICE CHAIR FAVRE: The vote is zero

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1 yes, 14 no. The motion fails.

2 MEMBER CHAPMAN: That concludes the
3 sunset review of 205.605(a), and we'll proceed to
4 205.605(b), starting with acidified sodium
5 chlorite. Dr. Brines?

6 DR. BRINES: Thank you. This
7 substance is included under Section 205.605(b),
8 synthetics allowed. The listing reads as
9 acidified sodium chlorite, secondary direct
10 antimicrobial food treatment and indirect food
11 contact surface sanitizing, acidified with citric
12 acid only. Thank you.

13 MEMBER CHAPMAN: Ashley?

14 MEMBER SWAFFAR: Acidified sodium
15 chlorite is used as a processing aid, for example
16 as carcass washes. Comments stated that it is an
17 extremely valuable tool in their food safety
18 programs. And based on the overwhelming majority
19 of public comment in both meetings in support of
20 re-listing, the subcommittee felt this should be
21 renewed. And I will point out that one comment
22 stated we should consider an annotation change, and

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1 we can discuss this at the subcommittee level if
2 this is something that we would like to pursue.

3 MEMBER CHAPMAN: Zea?

4 MEMBER SONNABEND: Just a question for
5 Ashley. What annotation change was suggested?
6 Because I don't recall seeing that.

7 MEMBER SWAFFAR: One group said that
8 the listing for ASC should be annotated no
9 detectable residue may be present in the final
10 food. We can discuss that.

11 MEMBER SONNABEND: Thank you.

12 MEMBER CHAPMAN: Any further
13 discussion? Seeing none, we'll move to a vote.
14 All those in favor of the motion to remove acidified
15 sodium chlorite from the National List, raise your
16 hand. All those opposed? All those abstaining?

17 VICE CHAIR FAVRE: Calvin, I'm sorry,
18 I didn't see your vote.

19 MEMBER CHAPMAN: Is that a no vote?

20 VICE CHAIR FAVRE: Thank you. We had
21 one yes, 13 no, zero abstentions. The motion
22 fails.

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1 MEMBER CHAPMAN: Next on the list is
2 alginate. Dr. Brines?

3 DR. BRINES: Thank you. This
4 substance is included at Section 205.605(b) of the
5 National List as alginates. Thank you.

6 MEMBER CHAPMAN: Tracy?

7 VICE CHAIR FAVRE: Yes. Alginates
8 occur naturally in seaweed, mainly in the form of
9 sodium, potassium, calcium, and magnesium salts
10 with alginic acid. They are unique in that they
11 form gels or act as coatings or thickeners without
12 requiring heating, thereby making them ideal for
13 applications where food is sensitive to
14 temperatures.

15 Public comment was mixed in regards to
16 alginate. Those in favor of its re-listing note
17 its long history of use with no ill effects on human
18 digestion or ecosystem due to harvesting and assert
19 the properties imparted by alginates are essential
20 for some processed food formulations. Those
21 opposed express concern regarding the
22 concentration of heavy metals in wild harvested

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1 seaweed and the fact that alginates are used
2 primarily to enhance texture in foods and,
3 therefore, not compatible with OFPA criteria. One
4 commenter urged de-listing unless they have
5 allowed uses for which they are essential. This
6 is, again, a sea product where we have some concerns
7 expressed in regards to over-harvesting and
8 potential ecosystem impact. We had a unanimous
9 vote of those present to not remove alginates, but
10 we did have three absent at the time of the vote.
11 And since it is so widely used for some key
12 applications, I am still inclined to leave it on
13 the list until we come up with more of a
14 systems-based approach for how to deal with sea
15 products.

16 MEMBER CHAPMAN: Thank you. Any
17 further discussion of this item? Yes?

18 MEMBER BONDERA: That comment that you
19 just made, Tracy, regarding essentiality resonates
20 with me, and I'm just curious if or how it would
21 be determined that the product is essential. By
22 who? I'm not sure how to wrap my brain around that

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1 concept in this example or in this case. I don't
2 know if you have any thoughts on that.

3 VICE CHAIR FAVRE: Well, just like we
4 determine essentiality from others that have used
5 products and sent in comments that it's important
6 to their process. In particular, given the fact
7 that it has unique applications for
8 low-temperature products, I think that's an
9 indication to me.

10 MEMBER CHAPMAN: Zea?

11 MEMBER SONNABEND: Colehour, at the
12 spring meeting, not so much this meeting but the
13 spring meeting, we heard very specific public
14 comment, verbal and written, about the
15 applications that alginates are used for and are
16 considered essential. But I don't recall the
17 details right now of what those were, but I do know
18 that we received that input.

19 MEMBER CHAPMAN: Colehour?

20 MEMBER BONDERA: Yes, thank you, Zea.
21 I guess, as a follow-up, my question was how and
22 who would be determining that essentiality in terms

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1 of use versus necessary need, and, in this case,
2 again, I'm not sure how to determine that or wrap
3 my brain around it. Thank you.

4 MEMBER CHAPMAN: We'll go to Tracy and
5 then Jean. Tracy?

6 VICE CHAIR FAVRE: Just in response to
7 that, the TR did indicate that there were some
8 unique properties.

9 MEMBER CHAPMAN: Jean?

10 CHAIR RICHARDSON: Tracy, just to
11 clarify, this would be one of the large group of
12 materials that we'll be looking at how to deal with
13 in terms of its derivation from ground seaweed?

14 VICE CHAIR FAVRE: Yes.

15 MEMBER CHAPMAN: And I have one
16 specific comment from the first listing that said
17 it's effective for supporting structure and
18 stabilization and thickening of products in an
19 acidic environment. The majority of our products
20 are acidic. Provides stability in calcium
21 environments, such as yogurts and other dairy
22 products. Zea?

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1 MEMBER SONNABEND: In response to
2 Colehour, I just want to say we did discuss this
3 thoroughly at the subcommittee level because I went
4 into this questioning why we had so many gums on
5 the list or thickening agents and I really wanted
6 to try and tease out the difference between the
7 different ones and their uses. And so we did look
8 into this fairly extensively at the subcommittee.

9 MEMBER CHAPMAN: Any further
10 discussion? The Handling Subcommittee notes the
11 request for further review of marine items.
12 Seeing no further discussion, we will move to a
13 vote.

14 CHAIR RICHARDSON: Was Harold able to
15 hear the discussion during that period when you had
16 up a funny thing or not?

17 MEMBER AUSTIN: No, I was not.

18 CHAIR RICHARDSON: So for how long was
19 Harold not at the meeting?

20 MEMBER AUSTIN: We had just started
21 talking about the alginates, and then you all left
22 me.

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1 CHAIR RICHARDSON: So, Harold, let me
2 ask you a question. Have you read the materials
3 and public comment relative to alginates?

4 MEMBER AUSTIN: I have, Jean, and I'm
5 comfortable to vote at this time.

6 CHAIR RICHARDSON: Is there any
7 objection to Harold voting, even though he hasn't
8 been present for the last few minutes? I see no
9 objection. Okay, Tom?

10 MEMBER CHAPMAN: We'll move to a vote
11 on this item. All those in favor of the motion to
12 remove alginates from the National List, raise your
13 hand. All those opposed? All those abstaining?

14 VICE CHAIR FAVRE: The vote was 2 yes,
15 11 no, one abstention. The motion fails.

16 MEMBER CHAPMAN: Next on the National
17 List is ammonium bicarbonate. Dr. Brines?

18 DR. BRINES: Thank you. This
19 substance is included on Section 205.605(b) of the
20 National List as ammonium bicarbonate for use only
21 as a leavening agent. Thanks.

22 MEMBER CHAPMAN: Harold?

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1 MEMBER AUSTIN: Okay. Thanks, Tom.
2 Ammonium bicarbonate is used as a leavening agent.
3 It has critical functionality in certain cookie and
4 cracker baking. Used in baking where yeast is not
5 used. It cannot be used in moist baked goods. It
6 helps provide certain characteristics, textures,
7 such as in crackers, as well as aids in controlling
8 of cookie spread during baking.

9 I'd also point out that both of the
10 ammonium carbonates are the only leavening agent
11 that are completely eliminated through the baking
12 process and there currently, according to the
13 comments received, there currently are no organic
14 alternatives to these materials.

15 They're approved for use widespread in
16 various other countries. During the original TAP,
17 previous sunsets, and during both postings for this
18 round of sunset review for both public comment
19 periods, there were no concerns raised of
20 environmental or human health concerns or issues
21 at this time. All public comment for both postings
22 were in favor of continue keeping these materials

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1 on the National List.

2 MEMBER CHAPMAN: Any further
3 discussion on this item? Seeing none, we'll move
4 to a vote. All those in favor of the motion to
5 remove ammonium bicarbonate from the National List
6 raise your hand. All those opposed?
7 Abstentions?

8 VICE CHAIR FAVRE: The vote is zero
9 yes, 14 no, zero abstentions. The motion fails.

10 MEMBER CHAPMAN: Next on the list is
11 ammonium carbonate. Dr. Brines?

12 DR. BRINES: Thank you. Similarly,
13 this substance is included at Section 205.605(b)
14 of the National List and reads as ammonium
15 carbonate, for use only as a leavening agent.
16 Thank you.

17 MEMBER AUSTIN: Okay. Ammonium
18 carbonate. It's used in the baking of flat-baked
19 goods, such as cookies, crackers. It's often
20 referred to as baker's ammonia in cooking recipes
21 and by chefs. It's also used in the baking of bread
22 sticks, cookies, crackers, because it helps them

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1 to be both lighter and crispier. It's also used
2 in many traditional Greek cooking recipes.
3 They're heat activated, so they do not rise until
4 they're put into the oven and the baking process
5 starts. And, again, like ammonium bicarbonate,
6 ammonium carbonate also is completely eliminated
7 during the baking process.

8 Again, there are no organic
9 alternatives that have been stated. Widely
10 recognized for use. Considered GRAS by the FDA.

11 This one, during the first posting for
12 public comment, we did not receive any comments
13 specifically for this material. During the second
14 posting, we received two comments, one from a
15 handler and one from a producer, that were in
16 support of the re-listing of this material. One
17 public interest group did not support the
18 re-listing simply because there was a lack of
19 showing any support during the first round of
20 public comments.

21 I would point out that both of these
22 materials have been looked at together in the past

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1 in previous sunset reviews, and so there may be a
2 little bit of confusion from the organic handlers
3 just considering both of these materials
4 interchangeable, one versus the other. So I'm
5 thinking that that's probably why, originally, we
6 did not get a lot of public comment coming back in
7 from it.

8 Other than that, we had three comments,
9 two in support of re-listing and one not just
10 because there wasn't enough support.

11 MEMBER CHAPMAN: Any further
12 discussion of this item? Seeing none, we'll move
13 to a vote. All those in favor of the motion to
14 remove ammonium carbonate from the National List
15 raise your hand. All those opposed?
16 Abstentions?

17 VICE CHAIR FAVRE: The vote was zero
18 yes, 14 no, zero abstentions. The motion fails.

19 MEMBER CHAPMAN: Next on the list is
20 ascorbic acid. Dr. Brines?

21 DR. BRINES: Thank you. This
22 substance is included at Section 205.605(b) of the

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1 National List and reads as ascorbic acid.

2 MEMBER CHAPMAN: Tracy?

3 VICE CHAIR FAVRE: Ascorbic acid is a
4 vital nutrient necessary for humans and other
5 primates. It's added to many foods to restore
6 vitamin C lost during processing. Some FDA
7 regulations require vitamin C fortification, which
8 is often achieved with ascorbic acid. It's used,
9 it's manufactured using a culture process from
10 dextrose.

11 Public comment was divided with some
12 comments -- I should remark that the primary source
13 of vitamin C is ascorbic acid. So public comment
14 was divided. Some commenters remarking that it's
15 being used primarily as a preservative and,
16 therefore, not consistent with organic agriculture
17 production. However, the majority of comments
18 strongly supported re-listing, stating the
19 ingredient to be critically essential to
20 maintaining nutrients and freshness in their
21 products.

22 The vote was unanimous to retain

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1 ascorbic acid on the National List.

2 MEMBER CHAPMAN: Any further
3 discussion on this item? Seeing none, we'll move
4 to a vote. All those in favor of the motion to
5 remove ascorbic acid from the National List raise
6 your hand. All those opposed? All those
7 abstaining?

8 VICE CHAIR FAVRE: The vote is zero
9 yes, 14 no. The motion fails.

10 MEMBER CHAPMAN: Next on the list is
11 calcium citrate. Dr. Brines?

12 DR. BRINES: Thank you. This
13 substance is included at Section 205.605(b) of the
14 National List and reads as calcium citrate.
15 Thanks.

16 MEMBER CHAPMAN: Ashley?

17 MEMBER SWAFFAR: Calcium citrate has
18 many uses, including a pH adjuster, and used during
19 cleaning and sanitizing products. We received
20 very few comments, but we did receive some from
21 handlers stating that they support the re-listing.
22 The subcommittee was unanimous in support for

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1 re-listing, and one comment did suggest an
2 annotation change, and we can discuss this at the
3 subcommittee level if this is something that we'll
4 be pursuing.

5 MEMBER CHAPMAN: Any further
6 discussion? Jean?

7 CHAIR RICHARDSON: Ashley, can you
8 clarify what was the annotation change that was
9 being suggested?

10 MEMBER SWAFFAR: So the commenter said
11 many, if not all, of the citrates are prohibited
12 by 205.600(b)(4), preservative, flavors, color
13 enhancement, nutritional fortification, and the
14 use of calcium citrate should be restricted to uses
15 that are in compliance with 205.600(b)(4).

16 MEMBER CHAPMAN: Any further
17 discussion of this item? Tracy, did that
18 commenter provide any information about this
19 substance -- Ashley -- this substance is used as
20 an adjuvant or a processing aid? Because that's
21 what that section applies to.

22 MEMBER SWAFFAR: No.

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1 MEMBER CHAPMAN: Thank you. Any
2 further discussion? Seeing none, we'll move to a
3 vote. All those in favor of the motion to remove
4 calcium citrate from the National List raise your
5 hand. All those opposed? Abstaining? Zea?
6 Zea, we didn't get -- is that a no vote or an
7 abstention?

8 VICE CHAIR FAVRE: The vote was one no,
9 13 -- excuse me. One yes, 13 no, zero abstentions.
10 The motion fails.

11 MEMBER CHAPMAN: Next on the list is
12 calcium hydroxide. Dr. Brines?

13 DR. BRINES: Thank you. This
14 substance is included at Section 205.605(b) of the
15 National List and reads as calcium hydroxide.
16 Thanks.

17 MEMBER CHAPMAN: Jean?

18 CHAIR RICHARDSON: Calcium hydroxide
19 is used in aluminum-free baking powder and
20 clarifies sugar from molasses and is a necessary
21 conditioner in the making of the corn for
22 tortillas. It appears to be quite necessary in a

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1 number of industrial applications, food
2 applications. No alternatives have been
3 identified. It does not appear to have negative
4 human health impacts, and the public comment
5 supports its continued re-listing and in
6 subcommittee it was unanimously voted to be
7 retained on the list. Nothing further seems to
8 indicate that we should take it off the list.

9 MEMBER CHAPMAN: Any further
10 discussion of this item? Seeing none, we'll move
11 to a vote. All those in favor of the motion to
12 remove calcium hydroxide from the National List
13 raise your hand. All those opposed? Those
14 abstaining?

15 VICE CHAIR FAVRE: The vote is zero
16 yes, 13 no, one abstention. The motion fails.

17 MEMBER CHAPMAN: Next on the list is
18 calcium phosphates. Dr. Brines?

19 DR. BRINES: Thank you. This
20 substance is included at Section 205.605(b) of the
21 National List and reads as calcium phosphates,
22 monobasic, dibasic, and tribasic. Thank you.

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1 MEMBER CHAPMAN: Harold?

2 MEMBER AUSTIN: Thank you, Tom. All
3 three of the calcium phosphates are used as
4 leavening agents in organic handling. They're
5 used as dough conditioners, yeast food, and/or as
6 expanding agents. Considered to be a critical
7 component in baking powder, aluminum-free.
8 Monobasic also could be used as a buffer, a firming
9 agent, a sequestering agent, and is popular in
10 pancake mixes, usually in combination with sodium
11 bicarbonate. Also can be used in baking goods,
12 such as cookies, cakes, potato chips, and also
13 sometimes used as a firming agent in canned fruits
14 and vegetables.

15 Dibasic calcium phosphate is used to
16 enrich flour, noodle products, and in both dry and
17 cooked forms of breakfast cereals. It is often
18 used as a dough conditioner and can be added as a
19 thickening agent for various cheese products.

20 Tribasic calcium phosphate is an
21 anti-caking agent, buffering agent, provides very
22 critical function as a free-flow aid in

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1 finely-powdered salt and other seasonings used in
2 baking. Also serves as a food source for yeast and
3 bread-making. It can be used as an anti-caking
4 agent, dry powder, such as spices. Also as a
5 thickener, stabilizer, and a sequestering agent in
6 many dairy products.

7 The original TAP and the previous
8 sunsets and previous public comment and historical
9 information looked at did not raise any human
10 health or environmental concerns or issues in the
11 past and found these materials to be of low toxicity
12 and low environmental contamination concerns.

13 During our first cycle of public
14 comment period, this time we received 11 comments,
15 mostly in support. There were a couple of concerns
16 raised which I'll delve into here in just a little
17 bit.

18 During the second posting for public
19 comment, we received 14 additional comments,
20 supported by three oral comments, as well, that we
21 received yesterday. We had one trade association
22 survey that showed that these are still very

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1 essential. One certifier stated that there were
2 some used that they certify. Two stakeholders
3 stated that there's still a strong need for these
4 materials. Six handlers in support, one
5 international inspectors association in support.

6 One commenter also stated that calcium
7 phosphates are used in several of their plant-based
8 organic beverages as a source of calcium. Another
9 stated that they're used in their organic crackers
10 and have yet to find an organic alternative that
11 would work suitably for them.

12 One commenter, providing both written
13 and oral statements, stated that, while concerns
14 have been raised by some commenters on the
15 accumulative health impact, the safety of
16 phosphates is also supported by international
17 regulatory authorities, such as the U.S. FDA,
18 European Commission, Health Canada, Food Standards
19 of Australia, New Zealand, and many others.

20 Additionally, the joint FAO/WHO Expert
21 Committee on Food Additives, an international
22 scientific body responsible for evaluating the

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1 safety of food additives, has reviewed phosphate
2 additives numerous times over the past 50 years and
3 has consistently found them to be safe and suitable
4 for use in food.

5 This commenter also raised concerns
6 about some of the studies that were being
7 referenced, stating that these were not peer
8 reviewed and challenged the validity of some of the
9 information put forth. There was also an oral
10 testimony yesterday by Dr. Myra Weiner that stated
11 that dietary studies show how safe and
12 non-carcinogenic the phosphates are and
13 accumulative levels were very low in comparison to
14 the daily intake needs. They asked that calcium
15 phosphates continue to be allowed until we can
16 properly review the TR, as requested, the
17 scientific literature that is both complete and
18 thorough.

19 And part of this is we had two public
20 interest groups and one trade association not in
21 favor of re-listing at this time, stating that the
22 use of inorganic forms of phosphates as a whole

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1 caused by an overall increase of usage has raised
2 some human health concerns.

3 The subcommittee at this time has
4 requested a new technical evaluation report to help
5 provide a more detailed and non-partial
6 information on this material for us to review. We
7 are ready to take up this discussion on phosphates
8 in a more detailed frame as a whole once we have
9 received a TR and can have this discussion in the
10 spring.

11 We need to cautiously, be cautious in
12 our approach but thoroughly look at the concerns
13 that have been raised and then revisit these
14 materials when we're better informed to have a
15 transparent decision and discussion.

16 MEMBER CHAPMAN: Any further
17 discussion of this item?

18 MEMBER MARAVELL: Yes. There's been
19 some requests from the public commenters that the
20 materials, in general, be tabled until we're able
21 to review the technical review that's coming in.
22 Could I just get clarification why that is an option

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1 that we are not considering?

2 CHAIR RICHARDSON: I would ask McEvoy
3 to please provide us with clarification as to why
4 we are not tabling any of these sunset materials
5 at this time. Is it due to rulemaking or what might
6 be the reason?

7 MR. MCEVOY: Sure. Yes, this is the
8 second meeting for sunset review of these 2017
9 materials, and so, in order for us to complete the
10 work that we need to do in terms of renewing these
11 substances after the Board completes their review
12 of these substances, we need the Board to complete
13 their review at this meeting. There's nothing
14 that precludes the Board from taking up these
15 substances in the future, but this is the second
16 meeting and the meeting where we need the Board to
17 complete their review of the 2017 substances.

18 MEMBER CHAPMAN: So we have Nick as a
19 follow-up, then Zea, then Harold. Nick?

20 MEMBER MARAVELL: So could I just get
21 some additional information on how the Board would
22 proceed if the Board wanted to bring up the issue

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1 of these phosphates? I'm not quite sure, some of
2 these procedures are new to me, what would be the
3 process that the Board would engage in.

4 MR. MCEVOY: Well, the Board creates a
5 work agenda in conjunction with the program for
6 what they're going to work on in the next semester
7 or the next time frame. And so if the Board wants
8 to take up these particular issues and look at
9 phosphates in particular, you can request to put
10 that on the work agenda for additional
11 consideration.

12 MEMBER MARAVELL: Would that be a Board
13 petition, or what would be the mechanism?

14 MR. MCEVOY: The mechanism is the
15 mechanism that exists for any particular topic that
16 the Board would like to consider. So there are
17 items that go on the work agenda that are from
18 petitions. There are items that go on to the work
19 agenda because of sunset review time frames.
20 There's items that go on the agenda because of a
21 request from a program, and there are items that
22 go on the agenda from requests from the Board

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1 themselves.

2 So if this is something that the Board
3 wants to take on as additional work, then it gets
4 brought forward by the subcommittee to the
5 Executive Committee, and there's a discussion of
6 the Executive Committee for the final work agenda
7 for the next semester, the next time frame. So
8 it's the same process that we've had in place for
9 many years.

10 MEMBER MARAVELL: Well, I'm a little
11 unclear what motion the Board would make on this
12 matter.

13 MEMBER CHAPMAN: So if I can follow-up,
14 Nick, the Handling Subcommittee requested a TR for
15 all phosphates to look at the accumulated health
16 effects. Our intention was to wait for that to
17 come back, review it, and then, at that point, if
18 additional action was necessary, to add phosphates
19 as a whole to the work agenda to then spur
20 proposals, much like we have on Thursday that have
21 come up. A couple from the Handling Committee are
22 the reclassifications and the annotation changes.

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1 Given our last executive call, we
2 thought it was prudent to actually request
3 phosphates be added to the work agenda prior to the
4 TR. So that request has been made to the Executive
5 Committee, and it's in this process right now.

6 MEMBER MARAVELL: So, for example, an
7 annotation change could be proposed and voted on
8 by the Board at the next meeting, for example?

9 MEMBER CHAPMAN: For example, that's a
10 possibility or even a recommendation to remove the
11 material.

12 MEMBER MARAVELL: Oh, okay. But that
13 would be on a separate track because we've already
14 done the sunset approval but --

15 MEMBER CHAPMAN: It would be a proposal
16 separate from sunset.

17 MEMBER MARAVELL: Yes, okay. I just
18 need to be clear.

19 MEMBER CHAPMAN: Next, Zea and then
20 Harold.

21 MEMBER SONNABEND: Okay. I have two
22 points. And, Miles, correct me if I'm wrong, but

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1 I believe we were told recently by the department
2 that we can do a sunset review shorter than five
3 years if we wish to move some things up so that we
4 can spread up our workload for five years from now
5 again. So we could consider doing another, you
6 know, doing a proactive sunset review, if we will,
7 in six months or a year from now, right?

8 MR. MCEVOY: Yes, we've had some
9 discussions about that. I think we need to think
10 about that in more depth because the sunset review
11 process has to occur within that five-year time
12 frame, and so these substances that are being
13 reviewed at the current time are not renewed yet,
14 right? So there's already been a number of votes
15 to complete the review of a number of these
16 substances. Sometime next year, the AMS will
17 publish a Federal Register notice to renew these
18 substances, and then they'll be renewed starting
19 at the sunset date, which is actually not until
20 2017, and that's when the five-year time frame
21 begins.

22 So if you did a sunset, an additional

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1 sunset review between now and when the new time
2 frame starts, it probably would not count. So
3 those are, I think we just need more time to
4 consider that request of reviewing these
5 substances through a sunset review process between
6 now and the next sunset date.

7 MEMBER SONNABEND: However, if we take
8 up something for a future annotation change, like
9 in six months or a year, then that will reset the
10 sunset clock for that period when that rulemaking
11 is done on an annotation change.

12 MR. MCEVOY: Yes, that's correct.
13 When there's a proposed rule and the final rule for
14 any kind of change to a substance annotation, then
15 that resets the five-year time frame.

16 MEMBER SONNABEND: Okay. So my next
17 point is more broad, but it applies to the
18 phosphates. There's a lot of information about
19 food and food hazards that comes out in the press
20 all the time. It seems that every time we have an
21 open public comment period or sometimes just
22 coincidentally right before a meeting we get these

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1 broad, sweeping press reports concerning food
2 hazards. Before the last meeting, there was a very
3 generalized one about how all gums and thickeners
4 led to gut inflammation. I don't know if people
5 recall this in the spring. But if you looked back
6 at it, if you looked at the details of the study
7 that it was based on and the article, it was
8 extrapolation from one very narrow study about one
9 inflammation situation, saying that if this gum
10 caused that then all gums probably do, and all gums
11 probably do is what's picked up by the press.

12 In the last six months, we've recently,
13 very recently had an article about cured meat
14 causes cancer. Well, I didn't have time to go back
15 to the citation of the original study because this
16 was so recent, but the popular press articles did
17 not say what about cured meat caused cancer. And
18 when you got to the bottom of the article, they said
19 you don't really have to stop eating bacon, you just
20 have to eat less bacon. Well, this is not what
21 people consider evidence exactly, and so we need
22 to do more investigation of these things.

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1 And so the claim that phosphates
2 cumulatively are bad for you may be right, but we
3 have no idea of how much phosphate needs to
4 accumulate, how many servings of something this
5 means, and all of the necessary details that you
6 would need to make an informed decision about this.

7 And so there is one simple way in our
8 personal life to deal with this, and that is eat
9 less processed food. And I'm sorry if that offends
10 food manufacturers. But the world is a big, scary
11 place in the world of food, and so, while we
12 evaluate the evidence, we need time to look into
13 these things. That's why we commissioned a TR.
14 But because we can't tell if, you know, if you eat
15 14 cups of yogurt a day you're getting too much
16 phosphates, or if you eat a typical serving of one
17 yogurt every week, that's too much.

18 So we need to take a better look at it,
19 and I'm not prepared to not proceed with sunset
20 because of this lack of detail in our input. But
21 we are taking it seriously, and we will take a
22 further look at it. Same thing with the processed

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1 meat causes cancer thing so everyone can still eat
2 some bacon, if not all the bacon they want.

3 MEMBER CHAPMAN: Harold?

4 MEMBER AUSTIN: Yes, I just wanted to
5 let everybody know that, during our subcommittee
6 conversations on all the phosphates, calcium
7 phosphates included, we took the comments leveled
8 on the accumulative effect of them very seriously,
9 and that's what prompted us to ask for the TR and
10 ask for this to be added to our work agenda for the
11 spring.

12 As we saw yesterday, we see that there's
13 other sides of the science being presented. So I
14 think we need to move cautiously. I think we still
15 need to support these materials for the time being
16 until we can make a validated decision based off
17 of the information provided to us once we receive
18 the TR. And then we can make a decision based off
19 the facts in a clear, concise way that's
20 transparent and can lead us forward. Whether we
21 annotate or we choose to remove them at that point
22 in time yet to be determined, but that's a decision

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1 that we need to decide in the future. Today, we
2 need to focus on the sunset. So thanks, Tom.

3 MEMBER CHAPMAN: Jean?

4 CHAIR RICHARDSON: Yes. In a way, I'm
5 just reiterating what Zea and Harold have just said
6 is that we took this issue of the potential
7 accumulative impacts of the phosphates very
8 seriously, and I had thought that I would vote
9 against this material. But I just don't feel that
10 I really have enough scientific data to support
11 removal at this time, and I take very seriously the
12 need for us to have a really high-quality technical
13 report that would allow us to fully evaluate the
14 potential health effects on a cumulative basis.

15 So it seems like keeping it, for
16 everybody to bear in mind that we will be looking
17 at this in great detail on our work agenda
18 immediately following this meeting.

19 MEMBER DE LIMA: I just want to
20 follow-up on something. An oral commenter
21 suggested that maybe the phosphates were in certain
22 products due to the FDA's standard of identity, and

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1 that is not the case for the products that I was
2 asking about.

3 MEMBER CHAPMAN: Harold, I noted in
4 your review you said that calcium phosphate was
5 used in an enriched flour. Do you know if that was
6 due to an FDA requirement for the enrichment of
7 flour?

8 MEMBER AUSTIN: That I do not, Tom.

9 MEMBER CHAPMAN: Zea?

10 MEMBER SONNABEND: If you look in the
11 nutrient vitamins and minerals TR, it does say the
12 requirements for enrichment, and it does not
13 include the calcium phosphate. It's B vitamins
14 mostly.

15 MEMBER CHAPMAN: Thank you. Any
16 further discussion on this item? Okay. I know I
17 encouraged quickness and efficiency, but on these
18 items, that's to ensure we have enough time on these
19 items that we truly need a thorough discussion on.

20 But seeing no further discussion, we
21 shall move to a vote on this item. The motion is
22 to remove calcium phosphates, monobasic, dibasic,

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1 tribasic, from the National List. All those in
2 favor of removing calcium phosphates from the list
3 raise your hand. All those opposed? All those
4 abstaining?

5 VICE CHAIR FAVRE: The vote is 2 yes,
6 10 no, 2 abstentions. The motion fails.

7 MEMBER CHAPMAN: Next on the list is
8 carbon dioxide. Dr. Brines?

9 DR. BRINES: Thank you. This
10 substance is included at Section 205.605(b) of the
11 National List and reads as carbon dioxide.
12 Thanks.

13 MEMBER CHAPMAN: Lisa?

14 MEMBER DE LIMA: Carbon dioxide is used
15 in modified atmosphere packaging. It's used in
16 the freezing of foods, carbonation of beverages,
17 as an extracting agent, and also as pest control
18 in grain and produce storage. Over both the
19 comment periods, all public comment that we
20 received was in favor of re-listing. This
21 includes organizations and industry.

22 MEMBER CHAPMAN: Thank you. Any

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1 further discussion on carbon dioxide? Seeing
2 none, we'll move to a vote. All those in favor of
3 the motion to remove carbon dioxide from the
4 National List raise your hand. All those opposed?
5 Abstaining?

6 VICE CHAIR FAVRE: Zero yes, 14 no.
7 The motion fails.

8 CHAIR RICHARDSON: At this time, I
9 would like to suggest that we take a short break.
10 If you'll return back here in 15 minutes, we'll
11 start promptly again. And I imagine that the
12 afternoon ones or the ones that we get to later on
13 606 will take us quite a bit longer to get through
14 as individuals than the ones we've been zipping
15 through this morning.

16 (Whereupon, the above-referenced
17 matter went off the record at 10:26
18 a.m. and went back on the record at
19 10:50 a.m.)

20 CHAIR RICHARDSON: All right. The
21 lobbying can stop now. Everybody can go back to
22 their seats.

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1 We will move along with the agenda, and
2 we are not -- we won't be finished by lunch, because
3 I'm not going to pay for it. So feel free to ask
4 all of the discussion you want, Board members. Are
5 we all back to our seats?

6 All right. I will turn this back over
7 to the Chair of the Handling Committee. Tom, I
8 think we are up to chlorine materials.

9 MEMBER CHAPMAN: Yes. One of the
10 members has asked to speak. Mac Stone?

11 MEMBER STONE: Mr. Chairman, just for
12 the record, as yesterday when I hold my hand with
13 one finger up, that means yes, sir. If I hold a
14 different finger up, you can interpret it any way
15 you'd like.

16 MEMBER CHAPMAN: Thank you. I am also
17 waiting for Colehour to vote with the Shaka.

18 CHAIR RICHARDSON: I would ask that
19 those comments be deleted from the record.

20 MEMBER CHAPMAN: Yes, Jennifer.

21 MEMBER TAYLOR: Thank you. Listening
22 to the comments that we had going around the table

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1 in response to issues like essentiality and
2 comments from the public, and how we can increase
3 those kinds of comments from the public, I do think
4 that it is very important -- it's unfortunate that
5 Miles isn't here right now -- but that it's
6 important that we get that docket system in place
7 or set up another alternative system, so that we
8 can continually collect information from the
9 public, and when it's time for our vote we're not
10 resting on one response or two, or not enough
11 response and assuming that we are missing folks.
12 So we are actually having an annual year-long open
13 docket.

14 I think that will really help our
15 process and help our evaluation of the material
16 successfully.

17 CHAIR RICHARDSON: The Chair notes a
18 general comment from Dr. Taylor in regards to the
19 need to have a public docket just for a reminder
20 to all of us on the Board and the NOP, that the
21 broader publics would like to see an open docket
22 that would allow us to receive ongoing public

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1 comment. This isn't directly related to handling
2 per se, but it is a general comment to be noted in
3 the record.

4 Thank you, Jennifer.

5 Back to Tom.

6 MEMBER CHAPMAN: Chlorine materials,
7 Dr. Brines.

8 DR. BRINES: Thank you. This listing
9 is at Section 205.605(b) of the National List and
10 reads as follows, "Chlorine materials,
11 disinfecting and sanitizing food contact surfaces,
12 except that residual chlorine levels in the water
13 shall not exceed the maximum residual disinfection
14 limit under the Safe Drinking Water Act. Calcium
15 hypochlorite, chlorine dioxide, and sodium
16 hypochlorite."

17 Thanks.

18 MEMBER CHAPMAN: Ashley?

19 MEMBER SWAFFAR: The chlorine has many
20 uses as a sanitizer, and the majority of public
21 comment was in support of the relisting of
22 chlorines, stating it was essential and

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1 alternatives were not as effective. And I will
2 point out that many industry-specific applications
3 require that chlorine materials be used, and that's
4 mandated by federal laws.

5 One commenter did state that we should
6 request a limited scope TR to discover what is
7 required by federal law. And as Francis said in
8 crops, we may look at this across all committees.
9 I think that's a great idea, and we will be taking
10 that up in subcommittee. And the subcommittee
11 unanimously felt chlorine should be relisted.

12 MEMBER CHAPMAN: Any further
13 discussion on this item? Colehour?

14 MEMBER BONDERA: Thank you. Thank
15 you, Ashley. For the sake of clarity, since I'm
16 not on the Handling Subcommittee, and it sounded
17 like from your comment just now you were talking
18 about this subject, as we are all aware, may well
19 be crossing subcommittees, in which case it would
20 be something that somehow the Executive
21 Subcommittee would figure out how this were
22 pursued.

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1 I'm curious from your comments if a
2 decision has been made that it would be taken up
3 or looked at, or if you are just stating that you
4 think it should be? It's a suggestion from you or
5 if there has been a decision at the subcommittee
6 level that it, indeed, will be?

7 Thank you.

8 MEMBER SWAFFAR: We haven't talked
9 about it in committee, because it came up in this
10 round of public comment. So we will be discussing
11 it at our next committee meeting.

12 MEMBER CHAPMAN: Real quick, we also
13 noted it as a research priority for the program.
14 So if that's a follow up, Colehour, I'll go back
15 to you. If it's not, then Zea, then you.

16 MEMBER BONDERA: It's a follow up.

17 MEMBER CHAPMAN: A follow up. Okay.
18 Colehour, then Zea.

19 MEMBER BONDERA: Yeah. I think that,
20 you know, I am aware of these things going on.
21 However, it is, I think as I suggested, unclear to
22 me when/if/how/when it is all going to be happening

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1 at whatever level. And I think everybody might
2 have their opinions, but I'm just curious how it
3 would actually take action versus ideas.

4 And I'm not specifically saying that to
5 you, Ashley, but as a follow up I'm just wondering
6 how the Executive Subcommittee would handle or
7 will -- plans to handle, or might handle even, this
8 subject area when it is coming from various
9 subcommittees. And I'm just not sure how or when
10 it would be put on what agenda.

11 Thank you.

12 CHAIR RICHARDSON: Colehour, if I can
13 take a shot at answering it, I think you have raised
14 a very interesting point in terms of things that
15 are cross-listed in different ways on different
16 subcommittees. So here is how we have planned to
17 try to make it work.

18 Every subcommittee chair, after this
19 meeting, based on input at this meeting, will have
20 a list of materials that they would like to have
21 on the work agendas for the individual
22 subcommittees. And all of those will go, as in the

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1 normal process, to the Executive Committee at the
2 first meeting following this, which I can't
3 remember the date that it is, but it's in early
4 November.

5 So all of these suggestions that we are
6 going to be looking for annotations, petitions,
7 possible decisions, or asking for technical
8 reports, whatever may come to the Executive
9 Committee to be discussed. They will have been
10 sent in in writing, so -- and, of course, we
11 copy -- as you know, everything that goes to the
12 Executive goes to all of the Board, all of the NOSB
13 members at the same time. And of course all of our
14 executive subcommittees, as you know, because you
15 sit in on all of them, are open to all of the other
16 Board members sitting on it.

17 So everybody should know right away
18 which are all of the materials of concern that we
19 are going to try to look at, so that they can be
20 put onto the -- not only onto the individual work
21 agendas of each of the individual subcommittees,
22 but in addition to that we definitely have to

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1 address the fact that there are several materials
2 that cross subcommittees. And chlorine materials
3 is one of the main ones; hence, one of the reasons
4 why we have them put onto our research agenda.

5 I don't -- right off the top of my head,
6 I can't tell you exactly how we are going to be doing
7 it, but it will be that each of those subcommittee
8 chairs, and the lead people on the chlorine
9 materials and each of the subcommittees, will be
10 in constant communication with each other via email
11 as they begin to develop different work product
12 documents as we go through the next few months.

13 So, and it will all, obviously, be open
14 and transparent to all members of the subcommittee
15 and NOSB as we are working on that. Does that sort
16 of make you a bit more comfortable as to how we are
17 going to proceed? Because we are pretty serious
18 about being able to, you know, really look at all
19 of these materials and all of the newest
20 information that has come out.

21 MEMBER CHAPMAN: Thank you.

22 Any -- Zea?

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1 MEMBER SONNABEND: I wonder if this
2 would be an appropriate moment to ask Ashley or
3 Emily, or their department, for an update about
4 electrolyzed water, which is mentioned in here.

5 MR. McEVOY: Sure. Electrolyzed
6 water, let's see, we had some information from a
7 couple of years ago that different certifiers were
8 looking at electrolyzed water or hypochlorous acid
9 in different ways. So it went into our material
10 review process within the National Organic
11 Program, which is described in one of our policy
12 memos. I can't remember the exact number, but
13 there is a policy memo that describes that there
14 is a discrepancy between certifying agents or
15 material review organizations about whether a
16 material is allowed or not, then we gather the
17 information from the various organizations and
18 make a determination.

19 In this particular case, I think it was
20 in the summer of 2014, we issued a policy memo that
21 said that electrolyzed water was not on the
22 National List, and, therefore, was not allowed.

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1 After the publication of that, we received a lot
2 of additional information about electrolyzed
3 water, the production of it and hypochlorous acid,
4 and found that hypochlorous acid is the active
5 ingredient in many of these chlorine materials.

6 So once you put the sodium hypochlorite
7 or calcium hypochlorite into a water solution, and
8 that's the way that it's used in all applications,
9 it dissociates into hypochlorous acid and some
10 other things. Dr. Brines could certainly help me
11 with the technical parts of this, but that's the
12 basic concept is that hypochlorous acid is the
13 active ingredient that is causing the sanitation
14 effect.

15 So based on this additional information
16 that we received, we issued a memo in late summer
17 that clarified that hypochlorous acid, or this
18 electrolyzed water, is a form of chlorine that is
19 allowed under the existing listing.

20 We are still asking for the Board
21 to -- there is a petition for hypochlorous acid,
22 so we still are asking for the Board to continue

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1 the review of this, so that this can be more clearly
2 clarified in the future. But that's I guess the
3 background on electrolyzed water.

4 MEMBER SONNABEND: Clarification,
5 Tom? So, then, can I just ask the Chair that after
6 this vote the coversheet of the recommendation or
7 proposal or whatever include this updated fact,
8 that this would include electrolyzed water while
9 we are reviewing the petition, as I understand it?

10 MEMBER CHAPMAN: Yes. I will include
11 along the lines of what we have written in the
12 proposal, and I will read it just so everyone is
13 aligned on this.

14 "The Handling Subcommittee feels
15 electrolyzed water and hypochlorous acid should be
16 allowed under the current listing for chlorine
17 materials, the National List. Electrolyzed water
18 devices generate active ingredients that are
19 equivalent to other chlorine materials on the
20 National List.

21 "The Handling Subcommittee believes
22 the National List could be clarified in this matter

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1 and is reviewing a petition to explicitly add
2 hypochlorous acid to the National List."

3 Any further discussion? I'm going
4 to -- before I go to you, I am going to ask for one
5 clarification of what I just read.

6 Ashley, did you see any comments in the
7 public comment this period about that statement on
8 electrolyzed water or hypochlorous acid?

9 MEMBER SWAFFAR: I did not.

10 MEMBER CHAPMAN: Colehour?

11 MEMBER BONDERA: Yeah. Thank you. I
12 don't want to go on about this for very long, but
13 I just want to say that, from my perspective, even
14 though I understand well enough that there are
15 requirements that chlorine materials do have to be
16 used for certain circumstances and in certain ways
17 and on certain things, that I have -- I think in
18 the end I am going to end up voting against
19 relisting, not because I think that it's not going
20 to -- this isn't going to be relisted, but to point
21 out the fact that this hasn't been, like we have
22 already talked about, dealt with thoroughly

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1 enough.

2 And from the comments that were
3 referred to, you know, there's cases where, you
4 know, what is legally required isn't clear in the
5 listing, and also, you know, what other materials
6 could be used for the same effects, where it isn't
7 legally required to be using chlorine in certain
8 ways is also not there. And so I feel like there
9 is a lot of question marks from my perspective, and
10 I feel uncomfortable as an NOSB member, you know,
11 just leaving the door open for whatever is being
12 used, and whatever is wanted is fine because it all
13 fits in this broader category. I think the broader
14 category is nice, but it's not very specific or
15 looked at very specifically.

16 And I really -- I can't tell about this
17 chicken and egg question in terms of, yeah, we are
18 going to look at that in the future, but let's renew
19 the sunset now, because we are -- we don't have any
20 choice, like the NOP tells us.

21 And so it seems like it's this big
22 spiral, and so I just -- I feel a little bit lost

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1 with the process, but more so I feel like, you know,
2 yeah, maybe in the future that will be done, but
3 what are we doing now.

4 MEMBER CHAPMAN: Any further comments?
5 Harold?

6 MEMBER AUSTIN: Thanks, Tom. I think
7 also we should point out that with the
8 implementation of the FDA's Food Safety
9 Modernization Act, that's going to impact all
10 entities in agriculture, whether you're organic or
11 conventional, handling, or produce. And we don't
12 know how significant those impacts are going to be
13 at this point.

14 So that is one of the other things where
15 I think that is going to have to be part of our
16 consideration down the road, too, the impact of
17 that ruling and what that means to organic
18 producers as well as organic handlers.

19 MEMBER CHAPMAN: Further comments?
20 Seeing no further discussion on this item, we will
21 move to a vote. The vote is on all the chlorine
22 materials as a grouping. All those in favor of the

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1 motion to remove chlorine materials -- calcium
2 hypochlorite, chlorine dioxide, sodium
3 hypochlorite -- raise their hand. All those
4 opposed? Abstentions?

5 VICE CHAIR FAVRE: That was two yes, 12
6 no. The motion fails.

7 MEMBER CHAPMAN: Next is ethylene.
8 Dr. Brines?

9 DR. BRINES: Thank you. The listing
10 for ethylene is at Section 205.605(b) of the
11 National List and reads as, "Ethylene allowed for
12 post-harvest ripening of tropical fruit and
13 degreening of citrus."

14 Thanks.

15 MEMBER CHAPMAN: Lisa?

16 MEMBER de LIMA: So ethylene over both
17 the comment periods the majority of comments were
18 in favor of relisting with no change to the
19 annotation. There was one public interest group
20 that commented that they thought it should be
21 removed, because they believe ethylene is not
22 compatible with organics or essential.

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1 The subcommittee voted unanimously to
2 retain it on the list.

3 MEMBER CHAPMAN: Any further
4 discussion? Colehour?

5 MEMBER BONDERA: Thank you. Yeah.
6 One of my favorite topics. I really appreciate it.
7 I think the only thing I want to say is continuous
8 improvement -- and I'm just not sure that I see
9 synthetic ethylene gas going off the list if we
10 aren't seeking continuous improvement in a system
11 that is dependent upon it.

12 MEMBER CHAPMAN: Any further
13 discussion? Seeing none, we will move to a vote.
14 All those in favor of the motion to remove ethylene
15 from the National List raise your hand. All those
16 opposed? Abstentions?

17 VICE CHAIR FAVRE: The vote was three
18 yes, 11 no. The motion fails.

19 MEMBER CHAPMAN: Next on the National
20 List is ferrous sulfate. Dr. Brines?

21 DR. BRINES: Thank you. The listing
22 for ferrous sulfate is at Section 205.605(b) of the

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1 National List and reads as, "Ferrous sulfate for
2 iron enrichment or fortification of foods when
3 required by regulation or recommended independent
4 organization."

5 Thank you.

6 MEMBER CHAPMAN: Thank you. Tracy?

7 VICE CHAIR FAVRE: Ferrous sulfate
8 provides iron needed to the body to produce red
9 blood cells. It is used to treat or prevent iron
10 deficiency anemia.

11 Public comment was divided, was
12 actually pretty limited, though, with some
13 supporting ferrous sulfate remaining on the list
14 while others spoke to the fact that ferrous sulfate
15 should only be used in products that, by law,
16 require fortification.

17 One commenter suggested ferrous
18 sulfate should be phased out or at least updated
19 with the annotation for iron enrichment or
20 fortification of foods when required by law. It
21 was a unanimous decision in handling to retain the
22 material on the National List.

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1 MEMBER CHAPMAN: Any further
2 discussions? Lisa?

3 MEMBER de LIMA: I just want to ask that
4 it get added for our discussion back in
5 September -- the annotation.

6 MEMBER CHAPMAN: So noted.

7 MEMBER SONNABEND: Yeah. I couldn't
8 hear you there.

9 MEMBER de LIMA: I just want to make
10 sure that we were going to discuss the annotation
11 possibility in subcommittee.

12 MEMBER SONNABEND: An additional one
13 besides what already says required by law?

14 MEMBER de LIMA: No. I was wrong, Zea.
15 I missed that. Thank you.

16 MEMBER CHAPMAN: Noted again. Jean?

17 CHAIR RICHARDSON: I mean, I don't
18 know, I'm going to put you on the spot, Tracy. Did
19 we ever look at this phrase where it says just -- it
20 says "required by regulation," which is, you know,
21 okay, so they have to do it, or recommend it,
22 brackets, independent organization. Did you talk

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1 about what the heck that meant?

2 VICE CHAIR FAVRE: I actually did,
3 luckily. There are -- and I don't have my notes
4 here in front of me on the specific organizations,
5 but there are certain organizations that make
6 recommendations for added health benefits, but
7 that are not raised to the level of regulation
8 and -- but those same organizations are the ones
9 that govern some of the other nutrients, vitamins,
10 and minerals, and things like that that we are
11 seeing in products.

12 CHAIR RICHARDSON: So maybe Lisa is not
13 so wrong in saying maybe we should look at this at
14 least to give some thought to what that actually
15 means, because there is certainly in the literature
16 recommendations that -- for the use of ferrous
17 sulfate in women of different ages,
18 post-menopausal and otherwise, as to whether or not
19 it should really be deemed required.

20 So I just really don't fully understand
21 or recommend it. And I think that we should just
22 kind of talk about it in the subcommittee. Whether

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1 we put it on as a work agenda or not, I do think
2 that we should think it through a little bit more.
3 I mean, I'm going to vote to keep it on, obviously,
4 but I just think that it's a little bit odd the way
5 it's written, because it doesn't just limit it to
6 required by law.

7 MEMBER CHAPMAN: Tracy.

8 VICE CHAIR FAVRE: Yeah. I'm actually
9 supportive of looking at the recommended
10 annotation, which is a little -- well, not a little
11 more, it's potentially significantly more
12 restrictive. And I do think it is substantially
13 different than the current annotation, and we do
14 need to discuss it.

15 MEMBER CHAPMAN: I am going to go with
16 Francis, and then Nick.

17 MEMBER THICKE: I would point out that
18 there are a lot of advertising organizations that
19 might be thinking they fit under here, too.

20 MEMBER MARAVELL: I was just going to
21 ask for a little bit of history on this. This is
22 I think a phrase that got in at sort of the very

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1 beginning, and it was meant to apply to certain
2 professional organizations composed of medical and
3 dietitian experts. But I'm real foggy on that.
4 So is there any additional expertise on how that
5 originally came about many years ago?

6 MEMBER CHAPMAN: Zea?

7 MEMBER SONNABEND: I'll try, but I
8 don't know exactly how helpful I'll be. The
9 general category nutrient vitamins and minerals,
10 which we will discuss in a little while, there was
11 some discussion originally about specific
12 organizations that might be accepted.

13 But recognizing that the TAP review is
14 limited and the NOSB didn't really know all these
15 organizations, only certain examples were given in
16 the discussion, but when it came time to codify the
17 regulation, it was left somewhat vague.

18 Now, this didn't even end up in the
19 nutrient vitamins and minerals listing on the
20 National List, and this is where I get foggy. I'm
21 not sure why it ended up here, but I do think ferrous
22 sulfate might have been -- it would be included

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1 under nutrient vitamins and minerals.

2 So, in some sense, it is a duplicative
3 listing, if that is there. But then it may have
4 been approved afterwards with a different board
5 composition or different discussion, so I don't
6 remember the specifics of this exact one.

7 MEMBER CHAPMAN: Emily?

8 MS. BROWN ROSEN: Yeah. My
9 recollection is like Zea's. There was a -- it is
10 a little bit duplicative. I'm not sure how -- why
11 it ended up with this specific annotation in the
12 regulation. But if you go back to the original
13 documents from '95/'96, the nutrient vitamin and
14 mineral one, they talk about also accessory
15 nutrients, which is where all that language was
16 mentioned. So I think it sort of got -- partially
17 got translated into the regulation.

18 MEMBER CHAPMAN: Thank you. Any
19 further discussion? I do want to note that for the
20 export of flour and bread to Canada, enrichment is
21 a requirement period, and iron is one of those
22 required enrichment materials. So removal of

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1 ferrous sulfate may prevent the export of American
2 bread products to Canada -- flour products.

3 Any further discussion? Seeing none,
4 we will move to a vote. All those in favor of the
5 motion to remove ferrous sulfate from the National
6 List raise your hand. All those opposed?
7 Abstentions?

8 VICE CHAIR FAVRE: The vote was zero
9 yes, 14 no. The motion fails.

10 MEMBER CHAPMAN: Next on the list is
11 glycerides, mono and di. Dr. Brines?

12 DR. BRINES: Thank you. This
13 substance is included at Section 205.605(b) of the
14 National List and reads as glycerides, mono and di,
15 for use only in drum drying of food.

16 Thanks.

17 MEMBER CHAPMAN: Jean?

18 CHAIR RICHARDSON: So this is one -- I
19 don't really have a strong feeling on this one. We
20 discussed it considerably in the Handling
21 Subcommittee. It has extremely limited use.
22 It's allowed only in the drum drying of food, not

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1 extensively used.

2 However, from the public comment that
3 we have received from industry and those that use
4 it, they find it to be of a high level of necessity
5 for those areas such as potato -- mashed potato,
6 that type of thing. They find that to be more
7 useful to them than some of the alternatives, which
8 include spray drying, freeze drying, fluidized bed
9 dryers, or air lift dryers. And freeze drying can
10 be sometimes acceptable to drum drying is what we
11 are told, but the preferred mechanism is to use the
12 glycerides.

13 There isn't a lot of evidence that
14 suggests that it has unacceptable human health or
15 environmental impact. Internationally, the
16 glycerides, mono and diglycerides, are permitted
17 on the Canadian permitted substances list as
18 non-organic ingredients, classified as food
19 additives, but there is -- with the additional
20 annotation, again, for use only in drum drying of
21 products.

22 And it says also organisms from genetic

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1 engineering are excluded. "Documentation is
2 required and shall be produced from an organic
3 source unless not commercially available" is the
4 international identification.

5 We obviously -- we have industry
6 supporting retaining it. We don't have a large
7 number of comments on it. We do have some of
8 the -- our consumer groups recommending that it be
9 removed as a potential for health problems, and
10 also in regards that being a potential for
11 alternative.

12 So, again, I don't have a super strong
13 feeling on this. You kind of have to make up your
14 own mind on it. The subcommittee, after
15 considerable discussion and looking at all of the
16 materials, did vote unanimously to keep it on the
17 list.

18 MEMBER CHAPMAN: Any further
19 discussion on this item? Calvin?

20 MEMBER WALKER: Could you all share
21 with me, what are some of the organic alternatives?

22 CHAIR RICHARDSON: The organic -- or

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1 the alternative mechanisms, it's not -- they are
2 not organic materials, they are mechanisms, such
3 as you would spray dry the material, you would
4 freeze dry the material, such as the potatoes.
5 You'd have fluidized bed dryers or air lift dryers.
6 You could freeze it.

7 These are some of the alternatives
8 which have been suggested, but not necessarily
9 found to be as functionally the same as the drum
10 drying mechanism using the glycerides.

11 MEMBER CHAPMAN: To follow up on that,
12 Calvin, when you think of a freeze-dried product,
13 it's like space food, and a drum-dried product is
14 like the dried fruit you find a trail mix?

15 MEMBER WALKER: Which is the most
16 prevalent.

17 MEMBER CHAPMAN: I mean, they have
18 different applications, but, you know, those two
19 substances are fairly different. They are both
20 dried fruit products, but they are different.

21 Any further discussion on this item?
22 Seeing none, we will move to a vote. All those in

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1 favor of the motion to remove glycerides, mono and
2 di, from the National List, raise your hand. All
3 those opposed?

4 The Chair is going to call for a roll
5 vote on this, roll call vote. And we will start
6 with Mac, since we missed Mac last time.

7 MEMBER STONE: No, sir.

8 MEMBER WALKER: I'm voting yes to
9 remove.

10 MEMBER de LIMA: No.

11 MEMBER BONDERA: Yes.

12 CHAIR RICHARDSON: Yes.

13 VICE CHAIR FAVRE: No.

14 MEMBER SWAFFAR: No.

15 MEMBER BECK: No.

16 MEMBER TAYLOR: Yes.

17 MEMBER MARAVELL: Yes.

18 MEMBER THICKE: Yes.

19 MEMBER AUSTIN: No.

20 MEMBER CHAPMAN: No.

21 MEMBER SONNABEND: No.

22 MEMBER CHAPMAN: Sorry, Zea.

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1 VICE CHAIR FAVRE: We had six yes,
2 eight no. The motion fails.

3 MEMBER CHAPMAN: All right. Next on
4 the National List is glycerin. Dr. Brines?

5 DR. BRINES: Thank you. The substance
6 is at Section 205.605(b) of the National List and
7 is listed as glycerin produced by hydrolysis of
8 fats and oils.

9 Thanks.

10 MEMBER CHAPMAN: Jean?

11 CHAIR RICHARDSON: All right.
12 Glycerin. We've had lots of discussion on
13 glycerin over the last few months, and so I probably
14 won't go on too long with this one. We voted in
15 subcommittee unanimously to retain it on the list.

16 However, because of all the additional
17 discussion around the issue of glycerin, the
18 Handling Committee is proposing to remove glycerin
19 from 205.605(b) and put it on 606. And so we
20 already have that on our work agenda, and we will
21 be addressing that.

22 Let's see. The glycerin has been

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1 indicated by industry to be critically essential.
2 And I don't have notes here that tell me what the
3 objections were to leaving it on this -- on the list
4 at the present time. But, as I say, it will be
5 moved to 606.

6 MEMBER CHAPMAN: Point of information.
7 We have already voted on that. It's not on the work
8 agenda. It's actually with the program for
9 rulemaking.

10 Any further discussion on this item?
11 Tracy?

12 VICE CHAIR FAVRE: I handled this for
13 the proposal, Jean, and the only thing I would add
14 is that the reason for suggesting for removal was
15 to encourage more use of organic glycerin, putting
16 it on 606 being a pathway to do that.

17 MEMBER CHAPMAN: Any further
18 discussion? Seeing none, we will move to a vote.
19 All those in favor of the removal of glycerin from
20 the National List raise your hand. All those
21 opposed? Abstentions? Thank you, Harold.

22 VICE CHAIR FAVRE: The vote was zero

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1 yes, 14 no. The motion fails.

2 MEMBER CHAPMAN: Next on the list is
3 hydrogen peroxide. Dr. Brines?

4 DR. BRINES: Thank you. Hydrogen
5 peroxide appears on Section 205.605(b) on the
6 National List as hydrogen peroxide.

7 Thanks.

8 MEMBER CHAPMAN: Ashley?

9 MEMBER SWAFFAR: Hydrogen peroxide has
10 many uses as a sanitizer. The majority of public
11 comment was in support of relisting, and one
12 commenter stated that its advantage is its
13 non-toxic residue. The subcommittee unanimously
14 felt hydrogen peroxide should be relisted.

15 MEMBER CHAPMAN: Any further
16 discussion? Seeing none, we will move to a vote.
17 All those in favor of the motion to remove hydrogen
18 peroxide from the National List raise your hand.
19 All those opposed? Abstentions?

20 VICE CHAIR FAVRE: The vote was zero
21 yes, 14 no. The motion fails.

22 MEMBER CHAPMAN: Next on the list is

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1 magnesium carbonate. Dr. Brines?

2 DR. BRINES: Thank you. This
3 substance is included at Section 205.605(b) of the
4 National List and reads as magnesium carbonate for
5 use only in agricultural products labeled "Made
6 with organic specified ingredients or food
7 groups." Prohibited in agricultural products
8 labeled "organic." Thanks.

9 MEMBER CHAPMAN: Jean?

10 CHAIR RICHARDSON: Magnesium
11 carbonate appears to be one of those materials that
12 we could in fact remove from the National List. It
13 is only in -- made with organic, not inorganic. It
14 is specifically prohibited in organic, and
15 oftentimes we sort of bypass things and just say,
16 well, it is only in -- made with organics, so we'll
17 leave it on.

18 This would be one of the ones where I
19 see that there is not only -- there does not appear
20 to be any necessity based on the information that
21 we have received from the public. But in addition
22 to that, we have received several comments from the

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1 public, from several different groups, public
2 interest groups, recommending removal of this
3 material in this second round of information that
4 we have received.

5 One of the statements that we received
6 from -- I think it was from one of the certifiers
7 says that it is sometimes found as an additive in
8 salt, but magnesium carbonate has been deemed to
9 have a negative impact on label claims. So, and
10 it was in subcommittee we did vote to -- unanimously
11 to remove this from the list, and such would still
12 be my recommendation based on all of the new public
13 comment that we have received.

14 MEMBER CHAPMAN: Any discussion on
15 this item? I would like to note that magnesium
16 carbonate is an alternative flow agent to
17 tricalcium phosphate for salt, but because of that
18 label claim is not commonly used. But with its
19 removal, and then our review -- you know, it makes
20 the need for tricalcium phosphate higher.

21 Any further discussion on this item?
22 Seeing none, we will move to a vote. Again, the

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1 subcommittee here -- Jean, correct me if I'm
2 wrong -- recommended removal unanimously?
3 Correct.

4 So the motion to remove magnesium
5 carbonate, all those in favor of the motion to
6 remove magnesium carbonate raise your hand. All
7 those opposed? Abstentions?

8 VICE CHAIR FAVRE: The vote was 14 yes,
9 zero no, zero abstentions. The motion passes.

10 MEMBER CHAPMAN: Next on the list is
11 magnesium chloride. Dr. Brines?

12 DR. BRINES: Thank you. This
13 substance is included at Section 205.605(b) of the
14 National List and reads as magnesium chloride
15 derived from seawater.

16 Thanks.

17 MEMBER CHAPMAN: Jean?

18 CHAIR RICHARDSON: Okay. Magnesium
19 chloride. This is a little bit messy in some ways,
20 inasmuch as it looks as though it really ought to
21 be moved into 605(a) based on the public comment
22 that we have received, not only during the first

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1 comment period but also during the second comment
2 period.

3 It is a material that is used as a
4 processing aid, especially in firming up my
5 favorite food product -- tofu. And the public
6 generally appears to be agree that it should be
7 reclassified as a non-synthetic and moved to
8 605(a).

9 So the Handling Committee will be
10 working on this material following this meeting in
11 order to recommend that it be reclassified as
12 non-synthetic, and we may also -- it would be my
13 suggestion that the work agenda also
14 include -- that we consider an annotation, quote,
15 "that it is used as a coagulant in making tofu,"
16 since that is the primary way -- think that it is
17 used for, and it is apparently of a high level of
18 necessity in American tofu manufacturing.

19 That's basically -- let's see. Yes.
20 Several organizations and certifiers recommended
21 an updated TR, and also that it be classified as
22 non-synthetic. A large number of comments on

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1 that.

2 So we -- I would suggest that what we
3 do is we vote to keep it on the list this time, but
4 that we work on it right away in the Handling
5 Subcommittee, and that it go on our work agenda as
6 soon as we can get that done.

7 MEMBER CHAPMAN: Thank you, Jean.

8 Any further discussion on this item?
9 Seeing none, we will move to a vote. All those in
10 favor of the motion to remove magnesium chloride
11 from the National List raise your hand. All those
12 opposed? Abstentions?

13 VICE CHAIR FAVRE: That was zero yes,
14 14 no. The motion fails.

15 MEMBER CHAPMAN: Next on the list is
16 magnesium stearate. Dr. Brines?

17 DR. BRINES: Thank you. The substance
18 is included at Section 205.605(b) of the National
19 List as magnesium stearate for use only in
20 agricultural products labeled "Made with organic
21 specified ingredients or food groups."
22 Prohibited in agricultural products labeled

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1 "organic."

2 Thanks.

3 MEMBER CHAPMAN: Jean?

4 CHAIR RICHARDSON: Magnesium stearate
5 only in -- made with specifically prohibited in
6 agricultural products labeled organic. Again,
7 this is one of those materials that I don't have
8 a super strong feeling on in terms of whether it
9 stays on the list or not. And we did receive a fair
10 amount of comments on this, especially from the
11 Food Additives Council, you know, IFAC, as well as
12 several certifiers, explaining where it is being
13 used.

14 Some organizations, the public
15 interest groups sort of remain neutral on this, and
16 one of the organizations stated that because it's
17 in a "made with" category it is really not an issue
18 in terms of impacting organic integrity.

19 The International Food Additive
20 Council, however, sort of asked that into the
21 record we sort of state the following. "While we
22 appreciate that the Handling Subcommittee has

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1 recommended the substance for relisting, the
2 meeting materials" -- that's the ones that went out
3 for the first or the second posting -- "still give
4 the inaccurate impression that the substance was
5 removed from Codex due to safety concerns."

6 So that is not a correct statement. It
7 was not removed from Codex due to safety concerns,
8 but there was quite a bit of discussion in Codex,
9 which is in the IFAC materials that they submitted
10 to us, to go into sort of the -- you know, the
11 minutia of the bureaucracy of how these things are
12 worked on at the GSFSA level.

13 I further should comment that magnesium
14 stearate is considered grass and was confirmed as
15 such at the international level on the review
16 panel. IFAC is not aware of any organic
17 alternative to magnesium stearate, and they
18 strongly encourage the NOSB to relist the material.
19 Failure to relist would significantly impact and
20 limit the range of organic supplements that
21 are -- that remain in high demand amongst
22 consumers.

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1 It is used typically, you know, as
2 that -- as a flow agent, an anti-caking, in many
3 of the nutrient supplements that you might buy in
4 those jars, and so forth.

5 So it is sort of -- in subcommittee, the
6 vote was unanimous to leave it on the list with the
7 observation that because it's only made with
8 ingredients -- only in made with products and not
9 in organic -- labeled organic that it does not
10 affect the integrity of the organic label.

11 MEMBER CHAPMAN: Thank you, Jean. Any
12 further discussion on this item? Seeing none, we
13 will move to a vote. All those in favor of the
14 removal of magnesium stearate from the National
15 List raise your hand. All those opposed?
16 Abstentions?

17 VICE CHAIR FAVRE: Vote was one yes, 13
18 no. Motion fails.

19 MEMBER CHAPMAN: The next item is
20 nutrient vitamins and minerals. Dr. Brines?

21 DR. BRINES: Thank you. This
22 substance is included at Section 205.605(b) of the

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1 National List as nutrient vitamins and minerals,
2 in accordance with 21 CFR 104.20, nutritional
3 quality guidelines for foods.

4 Thanks.

5 MEMBER CHAPMAN: Thank you. Zea?

6 MEMBER SONNABEND: Thank you. This
7 one may take a bit more time than some of the others,
8 because it is quite a complex issue.

9 I am going to talk first in presenting
10 the issue, and then I will wait for discussion to
11 be called and talk about my discussion points in
12 there.

13 Because this has such a long history
14 that is a bit convoluted, we have summarized the
15 history of this in the review. In 1995, the NOSB
16 first added nutrient vitamins and minerals to the
17 National List with the following annotation.
18 "Accepted for use in organic foods for enrichment
19 or fortification, when required by regulation or
20 recommended by an independent professional
21 organization."

22 As we already brought up, the text from

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1 that meeting mentions one or two of those
2 organizations, but the NOSB at the time did not have
3 the resources to find out what those independent
4 organizations might be and the scope of their
5 recommendations.

6 So when the final rule was published in
7 2000, it came out with the current annotation
8 instead that referred to 21 CFR 104.20. It was
9 recognized pretty early on that that was not really
10 an accurate citation, and that the current listing
11 should change, and was different -- that the
12 listing was different than the NOSB
13 recommendation.

14 So, in 2007, the NOP provided an
15 interpretation of this regulation that mistakenly
16 concluded that this 104.20 allowed a wide variety
17 of nutrients that were not limited to just vitamins
18 and minerals.

19 So, in 2010, the NOP met with FDA to
20 clarify the meaning of this particular CFR listing,
21 and they issued a memo to the NOSB in 2010 that
22 explained the clarification.

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1 Then, in 2012, they published a
2 proposed rule with the intent to change the
3 citation rule from 104.20 to 21 CFR 101.9, and for
4 infant formula, 21 CFR 107.100 and 107.10.

5 They received a lot of comments on this
6 and ended up going to final rule, but the final rule
7 retracted from what the proposed rule said and went
8 back to the original listing.

9 And, in the meantime, the NOSB had done
10 a sunset review in which they proposed broadening
11 the list even further, and they got so many comments
12 on the listing -- the proposal out of committee that
13 it was retracted before it got to the Board, and
14 the existing annotation was allowed to keep in
15 sunset.

16 So the Handling Subcommittee
17 now -- well, as a result of the proposed rule, made
18 it clear that what is known as accessory nutrients
19 had to be petitioned. Many of these were
20 petitioned, and in 2012 and 2013 this Board did take
21 up those petitions, and many of those were not
22 recommended to be allowed. A few of them were, but

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1 many were turned down. The ones that are turned
2 down are still in commerce, because no action has
3 been taken on those NOSB recommendations.

4 So, in 2014, the Handling Committee
5 commissioned a new technical report, and this was
6 completed in February 2015. It is very useful
7 because it clarifies a lot about which substances
8 are actually required by law and for what purposes,
9 as well as characterizing all of the different
10 vitamins and minerals and addressing the OFPA
11 criteria about them. So it is clear that this
12 listing somehow needs to change.

13 We, on the Handling Committee, have
14 worked on a discussion document to -- that may come
15 forward at the next meeting, with several options
16 of ways to change it, including limiting those that
17 are only required by law, limiting the whole
18 category to made with organic ingredients groups
19 only, putting -- what we found from the TR is that
20 some of these are non-synthetic actually and really
21 should be on 605(a) and not 605(b). And so part
22 of the annotation change might have to be to add

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1 some to 605(a).

2 And the Committee was not in agreement
3 about a proposal at this time, which is why we
4 decided to move forward with a discussion document.
5 However, that discussion document was not accepted
6 for this meeting by the NOP because the agenda is
7 so full at this time.

8 Well, I don't want to reiterate all of
9 the OFPA criteria, but, in general, the
10 alternatives to the nutrient vitamins and minerals
11 that are added is for people to get their vitamins
12 and minerals from food and/or to choose extra
13 supplements rather than having food that has these
14 supplements in it.

15 There are non-synthetic supplements
16 such as yeast and other nutritive herbs and things
17 that can provide some vitamin minerals. And we do
18 understand and have taken into consideration that
19 soils have been depleted on time -- over time and
20 even with organic management may be far more -- less
21 rich in vitamins and minerals than they were, say,
22 50 years ago or in the past.

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1 We took a look at the ancillary
2 substances, but realized that there are so many of
3 them, particularly in the vitamins, that we are not
4 prepared to bring forward an ancillary substance
5 proposal at this time. Once we work out the ones
6 on the table, then we will proceed to bring forth
7 some of the other materials that -- for ancillary
8 substances.

9 And I will stop there for the discussion
10 portion.

11 MEMBER CHAPMAN: Thank you, Zea.
12 Miles?

13 MR. McEVOY: Yes. Just a point of
14 clarification. The chronology that you talked
15 about was very complete and accurate, except for
16 there was no final rule that was issued. It was
17 an interim rule that was issued in September of
18 2012, which means that the proposed rule that came
19 out in January of 2012 is still on the table. We
20 never finished the rulemaking.

21 Now, the reason why we issued an interim
22 rule is because, basically, we ran out of time

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1 because of the sunset date that was occurring in
2 2012. So what the interim rule did was continue
3 the listing as listed, but that proposed rule is
4 still on the table and still under consideration
5 for final rule action by AMS.

6 MEMBER CHAPMAN: Any discussion? I
7 will start with Nick, then Jean.

8 MEMBER MARAVELL: Yeah. Just a quick
9 follow up. For those of us who don't quite get into
10 the minutia of rulemaking, what is the distinction
11 between an interim rule and having a proposed rule
12 pending at the same time? And is there terminology
13 called an interim final rule as well?

14 MR. McEVOY: Yeah. I think this
15 is -- maybe this is an interim final rule. But what
16 it does is it is effective, but it does not take
17 the proposed rule off the table.

18 MEMBER CHAPMAN: Zea, do you have a
19 clarification?

20 MEMBER SONNABEND: This is a question
21 for Miles. And so what, then, is the status of the
22 petitioned infant formula items like lucene and

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1 lycopene and all of that at this time?

2 MR. McEVOY: Well, those petitions
3 that were recommended for addition to the National
4 List, like DHA and ARA, we have not initiated
5 rulemaking on those, to add those to the National
6 List. Those petitions that were not recommended
7 for addition to the National List of course we will
8 not engage in rulemaking to -- on those items,
9 because they were not recommended for addition to
10 the National List.

11 So AMS's work is to finalize the rule,
12 based on the proposed rule that was issued in
13 January of 2012. We have not completed that work.

14 MEMBER SONNABEND: But I guess I mean,
15 what about those things that were not voted to be
16 added to the National List but are still in
17 commerce?

18 MR. McEVOY: Right. We are not taking
19 rulemaking action to add those to the National
20 List.

21 MEMBER SONNABEND: How about getting
22 them out of commerce?

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1 MR. McEVOY: The interim final rule is
2 the rule that is in effect, which has the same
3 citation as previously to the 21 CFR 104.20. So
4 there was no change in terms of the allowances of
5 these substances. So we have to complete that
6 rulemaking.

7 MEMBER CHAPMAN: Nick, is it a follow
8 up to this?

9 MEMBER MARAVELL: And just to complete
10 this discussion, so that an interim final rule does
11 not ever expire or need to be changed until it is
12 superseded. Is that correct?

13 MR. McEVOY: Yeah. That's my
14 understanding.

15 MEMBER CHAPMAN: Jean?

16 CHAIR RICHARDSON: Zea, some of the
17 public comments suggested that we, instead of
18 having a blanket group like this, that we look at
19 each of them separately. In terms of the research
20 that you did in putting together this extensive
21 analysis that you did for these, how do you feel
22 about that? It sort of seems to make sense to me.

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1 MEMBER SONNABEND: Okay. I will
2 launch into my personal opinion on this discussion.
3 I'm going to quote first. "Some folks trust to
4 reason; others trust to might. I don't trust to
5 nothing, but I will hope it comes out right."

6 I believe that this is going to be an
7 unsolvable problem from our Board at this point.
8 I am going to try my best -- if this is retained
9 in the sunset process, I am committed to working
10 on a discussion document to lead to a proposed
11 annotation change.

12 My personal opinion is to go back to the
13 original NOSB recommendation and leave it only to
14 those required by law, which is the infant formula
15 section, and it's Vitamin A and Vitamin D in milk,
16 and very few others. Iron, as Tom mentioned, for
17 enrichment claims, and very few others, which we
18 do finally have access to some of that in the TR.
19 And require that everything else be petitioned.

20 Supplemental to that, I do think -- you
21 know, I personally think this is what the made with
22 organic category was created for, that consumers

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1 should be able to choose if they want their food
2 fortified with synthetics or not. And if it's made
3 with organic, then they can assume -- you know, they
4 can have confidence in all of the organic portions,
5 and then knowingly choose the synthetic vitamins.

6 I did not hear support for that from the
7 consumer groups, but if we put that out in a
8 discussion document we may hear some people in
9 support of that.

10 I do think that our previous actions are
11 being stonewalled. I do not blame Miles or Emily
12 or anyone in the NOP. I think it is coming from
13 corporate pressure from higher up in the USDA. I
14 have no evidence of this -- after all, I am a
15 scientist -- but I know mumbo-jumbo when I hear it.

16 And, therefore, I am going to vote
17 against renewing this at sunset and try to
18 take -- try to encourage those people who need to
19 petition for Vitamin A and D, and the like. And
20 I'm sorry, Kelly and Beth and Albert, but try to
21 accelerate those petitions as much as possible,
22 because I can almost guarantee from past experience

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1 that if we do vote this off, it's not going to end
2 up off by 2017, just like sodium nitrate still isn't
3 off.

4 And so I think there will be time to
5 create the petition and to get it through for those
6 things that really need to be and are required by
7 law.

8 So that is my full opinion at the
9 moment.

10 MEMBER CHAPMAN: Next, I have
11 Colehour.

12 MEMBER BONDERA: Yeah. I haven't been
13 involved in these detailed discussions. Frankly,
14 I am not on the Handling Subcommittee, but I just
15 want to say that I concur with what I just heard
16 Zea say, because my biggest concern and question
17 from reviewing this information has been -- I
18 hesitate I guess where the -- essentiality isn't
19 exactly the right word, but, you know, which things
20 are necessary and in what ways and how these are
21 all grouped together.

22 But after what Miles said, after this

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1 discussion here, it's even more clear to me that,
2 you know, yeah, we approve -- we renew some sunset,
3 and then it sits there for five more years being
4 allowed, and the other stuff that we are doing, as
5 a committee, may or may not get acted upon and, like
6 Zea said, may or may not be, because NOP or NOP staff
7 isn't taking action, but it may be blocked other
8 ways.

9 And so, from my perspective, the action
10 that is appropriate is to delist, and alternatives
11 of process do exist, so I just wanted to say I am
12 right there. We are together.

13 Thank you.

14 MEMBER CHAPMAN: Jean?

15 CHAIR RICHARDSON: Remember my opening
16 comments? I said that we are going to balancing
17 the hardships here, and sort of an issue of equity
18 almost in what we're looking at, because I would
19 like to point out to everybody that the Voting
20 Subcommittee was in fact unanimous to leave it on
21 the list.

22 And so the message that we sent out to

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1 the trade and industry and users of these materials
2 was that despite the -- and I should be sure
3 everyone understands we spent a lot of time on this
4 in the Handling Subcommittee, and it is not simple.
5 As Zea said, it's very complicated.

6 But certainly in terms of the public
7 getting adequate information, they will have been
8 assuming that we were probably not going to take
9 the step of removing, and yet based on the public
10 comment that has come in since then, and further
11 analysis, it is certainly -- several of us will be
12 voting to remove.

13 So just a cautionary statement.

14 MEMBER CHAPMAN: Nick?

15 MEMBER MARAVELL: Yes. Thank you,
16 Zea, for giving us that background and your
17 personal opinion. I just want to continue on with
18 the process a little bit more, because I, too,
19 intend to vote to delist.

20 However, I would like to get some
21 understanding from the program that a
22 recommendation, fully approved by the full Board

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1 to delist at sunset, would have what legal -- and
2 a mandatory impact, if any, on the decision of the
3 Secretary.

4 MR. McEVOY: Sure. When the NOSB
5 makes a recommendation to remove a substance from
6 the National List, then we have to go through
7 rulemaking to implement that. So the first step
8 is to develop the proposed rule to propose that the
9 substance comes off the National List, and that
10 would be followed by opportunity for public
11 comment, and then the issuance of a final rule.

12 MEMBER MARAVELL: Could the Secretary
13 decide not to follow the advice of the NOSB and
14 issue a proposed rule to delist?

15 MR. McEVOY: Right. The Secretary
16 could decide not to issue a proposed rule based on
17 the recommendation.

18 MEMBER MARAVELL: Thank you.

19 MEMBER CHAPMAN: Zea.

20 MEMBER SONNABEND: I do just want to
21 clarify to those not on the Handling Committee that
22 many of the things under this category are on the

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1 National List individually already. So ascorbic
2 acid, tocopherol, ferrous sulfate, there are a
3 number of calcium minerals, many of these things
4 are already on the National List. So if we voted
5 down -- you know, the key ones that need to be
6 petitioned are Vitamins A and D in milk and -- or,
7 I don't know, A is in fruit juice I think.

8 But the infant formula ones, which
9 could possibly come in as a group, or we could also,
10 within the NOSB, try for an annotation change
11 specific to infant formula one.

12 MEMBER CHAPMAN: Okay. So I am going
13 to speak, and then I have I guess Jean, Harold, and
14 Tracy.

15 So I have a question for those who are
16 thinking of delisting this item. Have they
17 thought through the impacts this would have if
18 manufacturers who use -- organic manufacturers who
19 use vitamin supplementation choose to then drop
20 organic and what size of impact that would have on
21 the organic industry as a whole and the farmers that
22 supply those products?

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1 I'll leave you guys to percolate on that
2 question as I go to the next. Jean?

3 CHAIR RICHARDSON: I was kind of going
4 to ask that question. Zea, could we
5 accomplish -- again, I am sitting here worried
6 about this, the fact that we voted unanimously to
7 leave it on the list. And so the message that we
8 have sent out there so far is that we are not going
9 to remove it.

10 So I'm struggling here to say, could we
11 accomplish the same thing by working on it right
12 away in the subcommittee in terms of the necessary
13 annotations?

14 MEMBER SONNABEND: First of all, Jean,
15 you didn't bring this up when we were talking about
16 seaweed and fish for the Crops Committee, which
17 were unanimous out of committee and people wanted
18 to remove them at the spur of the moment.

19 But, yes, I am committed to working on
20 it, if it stays on the list. But I do feel that
21 there is a certain amount of stonewalling of it
22 going on. And that might happen, whether we take

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1 it off or try to leave it on and fix it, but I'll
2 work on it either way for the rest of my term. But
3 I bet you it is not fixed by the end of my term.

4 MEMBER CHAPMAN: Harold?

5 MEMBER AUSTIN: As one of the two
6 handlers sitting on the Board, I am going to be in
7 support of the continued listing of this class for
8 the time being. We have had lengthy discussions
9 about this I think ever since we got onto the Board,
10 Zea.

11 And I think Jean puts forth a valid
12 point that the motion coming out of the
13 subcommittee was unanimously in support of it. I
14 think we are going to catch the producers and
15 manufacturers off guard, those handlers that have
16 been using this classification, these materials,
17 and I think that would be a huge disservice to throw
18 them this type of a curveball or blindside at this
19 juncture.

20 I think part of the solution is to
21 continue and to move forward working on the
22 discussion document and finding a course of action

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1 that we can take this and carry it through,
2 hopefully before our group retires next fall.

3 It is a complicated issue, but it is one
4 that has been going on for a while. And I think
5 if we move to delist at this point in time, we are
6 doing a big disservice with all of the energy and
7 efforts that have already been put into it up to
8 this point.

9 So I'm going to be in support to
10 continue to keep them on the list at this time.

11 MEMBER CHAPMAN: Tracy?

12 VICE CHAIR FAVRE: Actually, I agree
13 with the comments that have been made by Jean and
14 Harold and others. Just an observation. Has
15 anybody else noticed that the squirrely listings
16 of groups of materials were the ones that caused
17 problems, like inerts and sapients and vitamins and
18 minerals and things like that?

19 I am actually in favor of individual
20 listings. However, just like with ethylene,
21 we've got producers that are relying on this. And
22 whether they are big producers or small producers,

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1 the basic tenet for me is the same. It is -- I think
2 it's unfair to jerk the rug out from underneath
3 without some clear indication about what we intend
4 to do.

5 I personally will vote in favor of
6 continued listing, but I definitely want to see an
7 annotation to limit it to those required by federal
8 regulations, and then encourage petitions for the
9 individual materials.

10 MEMBER CHAPMAN: So I am going to go to
11 Miles, and then Nick.

12 MR. McEVOY: Yeah. Just to add a
13 little bit more to AMS's plans around rulemaking
14 on this. So when we issued the proposed rule in
15 2012, we got a substantial amount of comments.
16 This is a significant rulemaking action, because
17 it has a lot of impact on all of the operations that
18 are utilizing nutrient vitamins and minerals in
19 their products currently.

20 And then, because of the number of
21 comments, we did not finish the final rule before
22 the sunset date and had to go to the interim rule,

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1 which also we received a number of comments on that
2 as well.

3 Subsequent to that, there are a number
4 of recommendations that came in from the NOSB on
5 these types of products on an individual basis.
6 And so incorporating that into a final rule, both
7 the new recommendations and the old proposal, is
8 a substantial amount of work.

9 What we have done is, in the interim
10 timeframe, is focused on some other rulemaking
11 actions. So for next year there is a number of
12 things from older NOSB recommendations on
13 aquaculture, agriculture, pet food, animal
14 welfare. I think that's the plan is to have those
15 things very well -- long origin of livestock as
16 well.

17 But we do have these outstanding
18 actions on nutrient vitamins and minerals, as well
19 as sodium nitrate that we also need to get to. They
20 are not on the immediate work plan for the National
21 Organic Program because of these other rulemaking
22 priorities, but we are certainly going to take that

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1 on as soon as we have the -- as soon as these other
2 rulemaking actions move forward. These are the
3 next in line for action by the Department.

4 MEMBER MARAVELL: Yeah. Just to
5 continue the process along a little bit more here,
6 given that an action to delist voted on by the full
7 Board is advisory and not mandatory for the
8 Secretary, and given that the Secretary has
9 discretion here and could phase in any changes that
10 would be subsequent to another proposed
11 rulemaking, I think you could take the sentiment
12 of the Board, which is nobody here wants to disrupt
13 the strain of commerce or pull the rug out from
14 anybody, and we never have.

15 What we are looking for is, you know,
16 to provide some very specific -- more specific
17 guidance. As Tracy was saying, we run into these
18 problems when we just say, "Ah, yeah. There's a
19 whole group out there of things." And so we are
20 just doing our due diligence and trying to correct
21 things.

22 So I would respectfully ask that we be

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1 allowed, if we do vote to delist this, or whether
2 we don't vote to delist this as a decisive action,
3 that we perhaps would want to pass a resolution to
4 state that we -- you know, this is an effort to
5 correct the situation that needs to correcting, as
6 Zea has so eloquently pointed out. And we have no
7 intention whatsoever of pulling the rug out from
8 anybody, and that any changes must be deliberate
9 and phased in, so as to minimize any market
10 disruption.

11 MEMBER CHAPMAN: I'll go with Mac, then
12 Zea.

13 MEMBER STONE: Well, I'm not willing to
14 play chicken with the Secretary. I feel like we
15 should keep -- if we keep the ball in our court,
16 then we're in control of the conversation and
17 making a better decision over time of how to dissect
18 this conversation into a workable plan.

19 MEMBER SONNABEND: Yeah. I don't know
20 about playing chicken with the Secretary, because
21 I don't think he pays attention to us on a daily
22 basis. But I do consider my vote a protest vote

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1 for the 20 years of the Secretary ignoring the NOSB
2 recommendations.

3 And realizing that it will not probably
4 change things, and there will be enough time for
5 everyone to come into compliance and for the
6 necessary things to be petitioned and
7 individualized, but if we don't start now to make
8 our intentions and desires clear to the Secretary,
9 then it will be another five years.

10 MEMBER CHAPMAN: Any further
11 discussion on this item? As a handling company
12 that utilizes these materials, two years would not
13 be a sufficient amount of time for us to change a
14 product. A plan change for us is a minimum of 18
15 months. And I do fear the impact this would have
16 on the organic community, if companies like mine
17 came to the conclusion that we would not be
18 competitive without use of these products.

19 We are a large purchaser of organic
20 products, and the effects that has on the
21 marketplace when someone exits it is fairly
22 dramatic, as has happened with dairy companies who

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1 have chosen to go natural. And that effects real
2 lives, so keep that in mind as you consider this
3 vote.

4 Any further discussion? Jean?

5 CHAIR RICHARDSON: I am sort of
6 persuaded that we ought to do what the general
7 consensus looks like it's headed towards, which is
8 that we should really be working on it in
9 subcommittee, and that we may have the best option
10 to write something which is crisp and clear,
11 clearer than perhaps some of the rulemaking.

12 And given the fact that we have not
13 really indicated to the manufacturers out there
14 that we were likely to take this off the list,
15 although, as we all know, it takes a long time for
16 anything to happen in D.C., that we ought to leave
17 it on the list and be working on it in subcommittee
18 rather than all of us protesting what we really feel
19 we want to do.

20 MEMBER CHAPMAN: Any further
21 discussion? Seeing none, we'll move to a vote on
22 the item.

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1 MEMBER SONNABEND: Request a roll call
2 vote.

3 MEMBER CHAPMAN: Yes. So we will move
4 to a roll call vote. I believe we will start with
5 Lisa in this case. And the motion is to remove
6 nutrient vitamins and minerals. A yes vote is to
7 remove; a no vote is to remain.

8 MEMBER de LIMA: No.

9 MEMBER BONDERA: Yes.

10 CHAIR RICHARDSON: No.

11 VICE CHAIR FAVRE: No.

12 MEMBER SWAFFAR: No.

13 MEMBER BECK: No.

14 MEMBER TAYLOR: Yes.

15 MEMBER MARAVELL: Yes.

16 MEMBER THICKE: Yes.

17 MEMBER AUSTIN: No.

18 MEMBER SONNABEND: Yes.

19 MEMBER STONE: No, sir.

20 MEMBER WALKER: Yes.

21 MEMBER CHAPMAN: No.

22 VICE CHAIR FAVRE: The vote was six

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1 yes, eight no. The motion fails.

2 MEMBER CHAPMAN: Next on the list is
3 ozone. Dr. Brines?

4 DR. BRINES: Thank you. The listing
5 for ozone is included at Section 205.605(b) of the
6 National List and reads as ozone.

7 Thanks.

8 MEMBER CHAPMAN: Thank you. Ashley?

9 MEMBER SWAFFAR: Ozone is used for a
10 disinfectant in post-harvest treatment for
11 produce. Almost all comments came in in support
12 for relisting of ozone, stating that ozone is an
13 important tool for sanitation, and the
14 subcommittee unanimously felt that ozone should be
15 relisted.

16 MEMBER CHAPMAN: Thank you. Any
17 discussion on ozone? Hearing no discussion on
18 ozone, we will proceed to a vote. All those in
19 favor of the motion to remove ozone from the
20 National List, raise your hand. All those
21 opposed? Abstain? The Chair notes the absence of
22 Colehour.

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1 VICE CHAIR FAVRE: Jennifer, I didn't
2 see your vote.

3 MEMBER TAYLOR: I will vote to keep it.

4 CHAIR RICHARDSON: Could you state
5 your vote out loud, Jennifer, so folks can hear?

6 MEMBER TAYLOR: Yes. I would vote to
7 have it remain on the list.

8 CHAIR RICHARDSON: Jennifer voted to
9 have it remain on the list.

10 VICE CHAIR FAVRE: We had zero yes, 13
11 no, one absent. The motion fails.

12 MEMBER CHAPMAN: Next on the list is
13 phosphoric acid. Dr. Brines?

14 DR. BRINES: Thank you. The substance
15 is included at Section 205.605(b) of the National
16 List and reads as phosphoric acid, cleaning of food
17 contact surfaces and equipment only.

18 Thanks.

19 MEMBER CHAPMAN: Ashley?

20 MEMBER SWAFFAR: Phosphoric acid is
21 used for cleaning food contact surfaces, and
22 several commenters stated that phosphoric acid is

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1 critical in our food safety program. There was one
2 commenter that had concern that phosphoric acid
3 could pose environmental concerns, but stated
4 because its use is slightly different from other
5 materials, there may not be a more compatible
6 substance on the list, and they encourage us to seek
7 safer alternatives.

8 The subcommittee unanimously felt
9 phosphoric acid should be relisted.

10 MEMBER CHAPMAN: Any further
11 discussion of this item? Seeing none, we will
12 proceed to a vote. All those in favor of the motion
13 to remove phosphoric acid from the National List
14 raise your hand. All those opposed?
15 Abstentions?

16 VICE CHAIR FAVRE: Jennifer, I didn't
17 see your vote.

18 MEMBER TAYLOR: I'm sorry. I voted to
19 have it removed.

20 MEMBER CHAPMAN: She voted yes.

21 VICE CHAIR FAVRE: You did?

22 MEMBER CHAPMAN: Jennifer Taylor voted

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1 to remove, and the Chair notes Colehour is absent.

2 VICE CHAIR FAVRE: Okay. We had one
3 yes, 12 no, one absent. The motion fails.

4 CHAIR RICHARDSON: All right. I think
5 Tom would just keep going, but I am going to cut
6 him off now, now that he is on a roll.

7 I'd like to take a break now for lunch
8 of 75 minutes. If you'd come back -- what does that
9 bring us to? 1:00. 1:30. See, I can't do math
10 anymore. 1:30 back to start again. 1:30.

11 (Whereupon, the above-entitled matter
12 went off the record at 12:13 p.m. and resumed at
13 1:46 p.m.)

14 CHAIR RICHARDSON: All right,
15 everybody. We can get started. We will be able
16 to continue on with the Handling Subcommittee,
17 their presentations on the handling materials.

18 And I will, at this point, first ask for
19 some clarifications on conflict of interest from
20 Dr. Brines that came up following a statement that
21 Tom made this morning and ask for that
22 clarification from Dr. Brines on the record,

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1 please.

2 DR. BRINES: Sure. Thank you. So
3 there was -- the question was whether a user of
4 material that is on the National List would have
5 a conflict of interest in discussing their voting
6 on that particular material.

7 And as the Board members are appointed
8 as representatives, being a user of the material
9 on the National List does not present a conflict
10 of interest. If, however, a member were a producer
11 of one of the materials on the National List and
12 had a stake about whether that material was listed
13 or delisted, that would constitute a conflict of
14 interest, but using a material on the National List
15 is not a conflict of interest.

16 Thank you.

17 CHAIR RICHARDSON: Thank you, Lisa. I
18 will turn the meeting now over to the Chair of the
19 Handling Subcommittee, Tom Chapman.

20 MEMBER CHAPMAN: Thank you. And I am
21 just going to read my conflict of interest
22 statement that I provided to the Board, as well as

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1 the program.

2 There are materials on the October 2015
3 NOSB meeting agenda that are in use or have been
4 considered for use in Clif Bar & Company's supply
5 chain. Clif Bar & Company is not a seller,
6 exclusive buyer, nor do any of these materials
7 directly or disproportionately benefit me or a
8 person associated with me.

9 They do not impair my objectivity in
10 representing handlers, nor do they have the
11 potential to create an unfair competitive
12 advantage. And so they do not mount to a conflict
13 of interest per the 2013 NOP memo on conflict of
14 interest.

15 Thank you.

16 And I'm acknowledging that Harold
17 Austin is also part of the meeting.

18 And with that, we will return to the
19 agenda. And I believe the first material we have
20 is potassium acid tartrate. Dr. Brines?

21 DR. BRINES: Thank you. This material
22 is included at Section 205.605(b) of the National

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1 List as potassium acid tartrate.

2 Thank you.

3 MEMBER CHAPMAN: Jean?

4 CHAIR RICHARDSON: Thank you. This
5 material is a byproduct of the wine-making
6 industry. It is used in baked goods. There is
7 general broad support for this material. It is one
8 of those sort of cream of tartar type materials.
9 Some of us might use it in our kitchens, although
10 I actually don't.

11 But, anyway, it is strongly supported
12 to be retained on the list as a leveling agent,
13 considered to be necessary, or I think they use the
14 word essential but necessary for many businesses.
15 A number of certifying entities, agencies, like the
16 CCOF, stated that they had a number of users that
17 use this material in their production.

18 Fetzer Wines indicate that it is
19 necessary for wine production, and without out you
20 would get tartrate crystals in the wine. That
21 would not be a good thing.

22 Beyond Pesticides stated that we

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1 should -- the Handling Subcommittee should
2 consider reclassifying this material as a
3 non-synthetic and move it to 605(a). And so this
4 will be one of the items that we will -- that I would
5 request that the Chair of the Handling Subcommittee
6 puts this on our agenda to look at and consider when
7 we go into our next session of working after this
8 meeting.

9 The Voting Subcommittee was unanimous
10 to keep this material on the National List, and I
11 haven't seen any evidence coming into us in the last
12 comment period to suggest anything other than
13 putting it on the list.

14 Thank you.

15 MEMBER CHAPMAN: Any further
16 discussion on this item? Seeing none, we will move
17 to a vote. All those in favor of the motion to
18 remove potassium acid tartrate raise your hand.
19 All those opposed? Abstaining?

20 VICE CHAIR FAVRE: That was zero yes,
21 14 no. The motion fails.

22 MEMBER CHAPMAN: Next on the list is

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1 potassium carbonate. Dr. Brines?

2 DR. BRINES: Thank you. The listing
3 for potassium carbonate on the National List is at
4 205.605(b), and it is listed as potassium
5 carbonate.

6 Thank you.

7 MEMBER CHAPMAN: Jean?

8 CHAIR RICHARDSON: Potassium
9 carbonate -- this material is used in the Dutch
10 alkali process for processing cocoa and chocolate
11 to reduce acidity, and in soft drinks and
12 confections, and is a buffering agent in making
13 wine and mead. And, as I noted in my earlier
14 comments, it is used to tenderize tripe. My Dad
15 used to love that.

16 We received some, but not a lot, of
17 public comment. A number of both certifiers and
18 producers stated that they have no alternatives.
19 I have -- I count three or four of those. And,
20 alternatively, Beyond Pesticides suggested that it
21 may not be an essential material, although based
22 on the input that we had from producers who are

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1 using it it does seem to be used.

2 In subcommittee, we had a unanimous
3 vote to leave it on the National List, and I don't
4 see any particular reason to take it off at this
5 point.

6 Thank you.

7 MEMBER CHAPMAN: Any further
8 discussion on this item? Seeing none, we will move
9 to a vote. All those in favor of the removal of
10 potassium carbonate from the National List raise
11 your hand. All those opposed? Abstentions?

12 VICE CHAIR FAVRE: That was one yes, 13
13 no. The motion fails.

14 MEMBER CHAPMAN: Next on the list is
15 potassium citrate. Dr. Brines?

16 DR. BRINES: Thank you. This
17 substance is listed at Section 205.605(b) of the
18 National List as potassium citrate.

19 Thank you.

20 MEMBER CHAPMAN: Jean?

21 CHAIR RICHARDSON: Potassium citrate
22 is an alkaline salt manufactured by adding

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1 potassium bicarbonate and potassium carbonate to
2 citric acid, so it's an alkaline salt used as a pH
3 adjuster primarily.

4 It should be noted that this material,
5 potassium citrate, can be used to replace some of
6 the phosphates in processing. And so over time
7 this perhaps may be more critical to us, inasmuch
8 as we are looking at phosphates with a bit of a fine
9 attention to detail over potential health effects.

10 The public comment broadly supported
11 keeping this material on the list from both OTA and
12 the consumer groups, and there was no strong
13 indication that this should be removed from the
14 list. The Voting Subcommittee was a unanimous
15 vote to keep this material on the list, and I have
16 seen nothing in public comment coming in that would
17 suggest that we should do other than leave it on
18 the list at this time.

19 Thank you.

20 MEMBER CHAPMAN: Any further
21 discussion? Seeing none, we will move to a vote
22 on this item. All those in favor of the motion to

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1 remove potassium citrate from the National List
2 raise your hand. All those opposed?
3 Abstentions?

4 VICE CHAIR FAVRE: The vote was one
5 yes, 13 no. The motion fails.

6 MEMBER CHAPMAN: Next on the list is
7 potassium phosphate. Dr. Brines?

8 DR. BRINES: Thank you. This
9 substance is included at Section 205.605(e) of the
10 National List as potassium phosphate for use only
11 in agricultural products labeled "Made with
12 organic specified ingredients or food groups."
13 Prohibited in agricultural products labeled
14 "organic."

15 Thank you.

16 MEMBER CHAPMAN: Jean?

17 CHAIR RICHARDSON: Potassium
18 phosphate -- this is one of the phosphates that
19 Harold and I have spent a lot of time looking at
20 over the last few months. I won't repeat all of
21 the comments that Harold Austin made earlier over
22 calcium phosphate, but many of the comments that

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1 he made and read into the record apply also to the
2 potassium, and then subsequently to the sodium
3 phosphate that I will be looking at later on.

4 The potassium phosphate is only on the
5 list for made with organic, and it is prohibited
6 in agricultural products labeled "organic." So,
7 therefore, it does not necessarily directly impact
8 the organic label. It does -- it may, however,
9 have some potential health effects as we have
10 discussed at some length already today, and others
11 may wish to comment on this in a minute or two.

12 I should note that it is -- has been
13 determined to be grass, that it is used as an
14 efficient pH buffering to many products, and it
15 also provides some potassium and phosphorous to the
16 product, both of which are materials that the body
17 needs.

18 Several of the industry people have
19 commented that there are no organic alternative
20 substitutes or practices that would make these
21 substances unnecessary.

22 One of our consumer groups states the

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1 following. "The NOSB should seek to eliminate the
2 use of inorganic phosphates in organic food. If
3 it's not totally possible to eliminate them, the
4 listing should be annotated to eliminate uses
5 prohibited by 205.600(b)(4)."

6 As you know, we are requesting -- we
7 have requested a technical report, which we should
8 have in a few weeks' time, and that will enable us
9 to evaluate this and all of the other phosphates
10 as a group in order to determine if any further
11 annotations or petitions might be needed.

12 Again, though, I do comment that it is
13 in the "made with" category. There are some of the
14 businesses that told us that without this you would
15 get an impaired mouth feel for some of the foods
16 that are presently on the market as processed
17 foods, and they would prefer to see it listed on
18 the list.

19 I don't have a strong feeling for this
20 one, obviously, because it's only in the "made
21 with" category. And as you can see from -- if you
22 have looked at our subcommittee vote, it as a

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1 scattered vote. Three said yes, remove; two said
2 no, don't remove; and one abstained; and one was
3 absent. So it is one of those ones for which
4 discussion and perhaps a roll call vote may be
5 needed.

6 MEMBER CHAPMAN: Thank you.

7 MEMBER de LIMA: So, in subcommittee,
8 I had originally voted to remove, and this was
9 before we decided in subcommittee that we were
10 going to ask for a TR and look into reevaluating
11 all of the phosphates as a group.

12 So I'm going to switch my vote to retain
13 it, so that we can look at everything at once and
14 make sure we can annotate properly.

15 MEMBER CHAPMAN: I have a question for
16 Jean. The commenter who referenced Section
17 600 -- 205.600(b), did they make mention to the use
18 of this material as a processing aid or adjuvant?

19 CHAIR RICHARDSON: No.

20 MEMBER CHAPMAN: Any further
21 discussion? Colehour?

22 MEMBER BONDERA: Yeah. I'm sorry.

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1 Jean -- and I apologize if you already said it -- but
2 was there public opposition to the relisting that
3 I missed when you presented?

4 CHAIR RICHARDSON: Yes. It's one of
5 the phosphates.

6 MEMBER CHAPMAN: Any further
7 discussion? Seeing none, we will move to a vote
8 on this item. All those in favor of the motion to
9 remove potassium phosphate from the National List
10 raise your hand. All those opposed? Any
11 abstentions?

12 VICE CHAIR FAVRE: Okay. The vote I
13 had was two yes, nine no, three abstentions. The
14 motion fails.

15 MEMBER CHAPMAN: Thank you. The next
16 item is sodium citrate. Dr. Brines?

17 DR. BRINES: Thank you. This
18 substance is included at Section 205.605(b) of the
19 National List and is listed as sodium citrate.

20 Thanks.

21 MEMBER CHAPMAN: Sodium citrate?
22 Ashley?

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1 MEMBER SWAFFAR: Sodium citrate is
2 used as an emulsifier in dairy products to keep fats
3 from separating, and in cheese-making where it
4 allows to melt without becoming greasy.

5 All public comments received was in
6 support for the relisting of sodium citrate,
7 stating there is not any -- there are no other
8 alternatives, and it is essential.

9 The subcommittee unanimously felt
10 sodium citrate should be relisted.

11 MEMBER CHAPMAN: Thank you. Any
12 discussion on this item? Seeing none, we will move
13 to a vote. All those in favor of removing sodium
14 citrate from the National List raise your hand.
15 All those opposed? Abstentions?

16 VICE CHAIR FAVRE: The vote was zero
17 yes, 14 no. The motion fails.

18 MEMBER CHAPMAN: I failed to note that
19 we just passed the halfway point with this group.

20 Next item is sodium hydroxide. Dr.
21 Brines?

22 DR. BRINES: Thank you. Sodium

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1 hydroxide is included at Section 205.605(b) of the
2 National List and reads as sodium hydroxide
3 prohibited for use in live peeling of fruits and
4 vegetables.

5 Thank you.

6 MEMBER CHAPMAN: Jean?

7 CHAIR RICHARDSON: Sodium
8 hydroxide -- specifically prohibited, please note
9 that for live peeling of fruits and vegetables. It
10 is a caustic material. It is used as a processing
11 aid that is particularly important in pH
12 adjustments to the production of pretzels and
13 chocolate.

14 It is often also used as a cleaning
15 agent, but it is documented that it has to be
16 followed by a rinse, if it is going to be used for
17 that use. It has quite a broad range of uses, and
18 we -- and it can also be used in making -- the hominy
19 corn maize kernels being reconstituted to make
20 grits.

21 We have not received anything that
22 really would suggest us taking this from the list.

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1 We do know that it is broadly used. We didn't get
2 a lot of comment on this. And the subcommittee
3 vote was to keep it on the list by unanimous vote
4 at that time, and I can't see a specific reason,
5 or based on anything that has come into us, why we
6 should not just leave it on the list at this time.

7 MEMBER CHAPMAN: Any further
8 discussion? Seeing none, we will move to a vote.
9 All those in favor of the motion to remove sodium
10 hydroxide raise your hand. All those opposed?
11 Abstaining?

12 VICE CHAIR FAVRE: The vote was zero
13 yes, 13 no, one abstention. The motion fails.

14 MEMBER CHAPMAN: Next on the list is
15 the sodium phosphate. Dr. Brines?

16 DR. BRINES: Thank you. This
17 substance is included at Section 205.605(b) of the
18 National List as sodium phosphates for use only in
19 dairy foods.

20 Thanks.

21 MEMBER CHAPMAN: Jean?

22 CHAIR RICHARDSON: Thank you. Sodium

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1 phosphates -- again, another one of this phosphate
2 group that, as you know, we are going to be taking
3 back to subcommittee. And we have the technical
4 report that we are going to be reviewing.

5 And just in response to some of the
6 questions that I received sort of in the last few
7 hours from people who have provided us with
8 comment, the clarification on that technical
9 report, we have asked specific questions, very
10 directed and focused, based on the public input and
11 public comment that we received after the first set
12 of public comment on this material over the summer.

13 So the TR is going to be -- is
14 being -- the folks writing it are supposed to be
15 specifically answering these directed questions.
16 So it's not just like a general, what do you think
17 of phosphates, guys? It's very -- it's focused on
18 what it is that we're looking for from a human
19 health point of view.

20 We received this study on phosphates
21 for use only in dairy food, and we did receive a
22 considerable amount of public comment on these

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1 materials. Let's see. This is -- we received
2 suggestions to remove from a number of the consumer
3 groups. Quite a lot of it is based on the human
4 health aspects.

5 And one of the human health aspects from
6 sodium phosphates specifically is one that comes
7 from an older TR that it says the toxicity of sodium
8 phosphates is generally related to sequestration
9 of calcium and subsequent reduction of ionized
10 calcium. And that is one of the sets of questions
11 that we are going to try to clarify in the TR that
12 we have asked for.

13 A number of industrial uses of this
14 material in processed foods are as follows. It is
15 essential in making processed organic cheeses.
16 Another company says it is essential in the
17 production of yogurt smoothies, inasmuch as the
18 sodium phosphate ionizes in solution which helps
19 prevent excessive protein -- protein interactions,
20 protein-to-protein interactions in the base that
21 would result in curd formation and helps to keep
22 this an edible product for the consumer.

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1 Without this material, this product may
2 have to be discontinued. This same processor goes
3 on to say, "We are glad the subcommittee has taken
4 the steps of commissioning a technical review to
5 better understand the potential health effects of
6 cumulative phosphate intake that might result when
7 people eat multiple products containing sodium
8 phosphate and other phosphates as additives."

9 In response to the subcommittee's
10 question, this company states -- we asked,
11 remember, if it was on the -- is it on the ingredient
12 panel or does the consumer have any idea of knowing
13 it there. This consumer stated that sodium
14 phosphate is listed on the ingredient panel of the
15 product.

16 Okay. Let's see. We have received
17 other comment from producers saying sodium
18 phosphates work as emulsifiers to provide smooth
19 texture and also stabilizes the proteins and
20 prevents separation of oil in certain kinds of
21 cheese powders.

22 There is not a suitable alternative to

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1 this material. And so, therefore, there is a
2 strong industry request that this material at this
3 time stays on the National List.

4 In subcommittee, our vote was one
5 person voted to remove, four voted to keep it on
6 the list, and one abstained.

7 MEMBER CHAPMAN: Thank you, Jean.

8 Any further discussion on this item?
9 Colehour?

10 MEMBER BONDERA: Thank you. I guess I
11 just want to put in the record the fact that I am
12 going to be voting against the relisting of this
13 item, and I think it goes along, like Jean said
14 before, on these phosphates, because I personally
15 think, based on my experience and observation, that
16 this process that we are -- we, the NOSB, are going
17 through and not being able to review items and
18 annotate and have the information before
19 relisting, I think is baroque and cumbersome and
20 dysfunctional.

21 And I think that I need to file a protest
22 vote, and then that would -- for that reason, I will

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1 be voting against it, even though I understand the
2 needs that Jean just explained.

3 Thank you.

4 MEMBER CHAPMAN: Jean?

5 CHAIR RICHARDSON: Just a
6 clarification. On the annotation, while I
7 appreciate Colehour's perspective, and I think
8 that I thought the same way not so long ago, but
9 I have come to realize that what happens is that
10 if we sit at this meeting and come up with a
11 brilliant annotation, as we certainly could
12 sitting around this table, based on what we now know
13 after today's meeting, however, if we did that
14 annotation right now and attached that to the
15 sunset document right now, which is the way we used
16 to do it, the broader public that are not here
17 present at this meeting today would not know what
18 we were doing. And, therefore, we would have
19 failed in our duty to be transparent.

20 And so I actually think that what we are
21 doing by saying we are going to take it back to
22 subcommittee and come back and send out yet

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1 again -- out to the public further potential
2 changes or not, as it may be, allows a broader range
3 of transparency to a broader range of the public,
4 to give us yet more public comment.

5 MEMBER CHAPMAN: Nick?

6 MEMBER MARAVELL: What we used to do
7 when I joined the Board is we would come up with
8 annotations on the second day, and we would go out
9 on the third day, and sometimes the fourth and the
10 fifth, for more public comment.

11 And I believe in those early days we
12 were also trying to stream this. We had a camera
13 and all of the proceedings and everything we did,
14 including the screen with proposed new language,
15 was on the internet. And we would try to be very
16 responsive to the public, and, indeed, as we have
17 seen here, sometimes -- for example, the issue of
18 ethylene -- we totally changed the committee
19 recommendation right here.

20 Well, we were able to do that in the past
21 during the meeting with public input. So I think
22 there are multiple ways to go about this. The way

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1 you have described is one way, but we used to do
2 it differently.

3 MEMBER CHAPMAN: Colehour?

4 MEMBER BONDERA: Thank you. And thank
5 you, Nick, for your comment. I think in response
6 to what you said, Jean, I don't disagree either.
7 I think that, like you said, that's one way to do
8 it. I do think that, you know, the
9 conceptualization of having two sessions for
10 hearing a sunset item could and should be ample
11 time, in my opinion.

12 And I know there is always reasons why
13 it's not -- to have requested, have received a TR,
14 have prepared an annotation, have gone through that
15 process, including with sufficient public input.

16 And, frankly, if for some reason it's
17 not, which I could understand that as well, then
18 I think that administratively there needs to be
19 something in place so that these things could be
20 postponed to a third meeting, which has been
21 eliminated. And so there isn't that option or
22 opportunity in terms of us not voting on these

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1 sunset items and incorporating that.

2 And so I just am saying that the process
3 is -- from my perspective, like you said, maybe it
4 can be figured out, but it doesn't settle very
5 smoothly.

6 Thank you.

7 MEMBER CHAPMAN: Miles?

8 MR. McEVOY: Yeah. Just a point of
9 clarification. There were a couple of meetings
10 where we did do live streaming of the meeting. I
11 think we did that twice. But there was no way for
12 the folks that were seeing the meeting through live
13 streaming to actually provide public comment.

14 So, but that was done at a few meetings.
15 The cost of that was very high, and actually not
16 very many people, in terms of the usage data, were
17 actually looking at the live streaming. So for
18 that reason, we stopped doing that.

19 But now we are actually looking at maybe
20 doing that again, in terms of the live streaming
21 component, because the cost of that has come down
22 significantly. So --

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1 MEMBER CHAPMAN: Nick, then Colehour.

2 MEMBER MARAVELL: No. There was no
3 interactivity, and I didn't mean to imply that.
4 However, we all have these cell phones. And if
5 something went out over the screen, people in the
6 audience would hear from the field. So, I mean,
7 there was an imperfect but not transparent way to
8 get some feedback.

9 And perhaps we were operating more in
10 the, what should I say, the old days when things
11 happened in the room so to speak. But I'm just
12 saying that there are other ways to do it, and I'm
13 glad to hear that you are considering opening this
14 up, so that people can see it live. I think that
15 would be great.

16 MEMBER CHAPMAN: Colehour?

17 MEMBER BONDERA: Thank you, and thank
18 you for entertaining this process. I apologize
19 for taking up extra time.

20 However, I do think what Jennifer
21 Taylor presented to us earlier is worth bringing
22 back up again, because when I was Chair of Policy

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1 Development Subcommittee we did -- and I'm not
2 quoting exactly, but it has been a good two and a
3 half years. So it isn't last week or anything.

4 We did make a fully supported
5 recommendation that the whole NOSB voted for to
6 have an open docket, so that there was public input
7 possible all the time, so we weren't waiting for
8 some three-week window in some theoretical future.

9 And I really encourage the NOP to really
10 put out the energy to make it so that that open
11 docket, so that the public can be providing input
12 to things in a more continuous manner, is more
13 accessible. So I will repeat that, because I think
14 that could directly affect these kind of processes
15 as well.

16 Thank you.

17 MEMBER CHAPMAN: Any further comments?
18 I would like to say while there may have been
19 advantages to past processes, these materials all
20 got listed somehow via some of these past processes
21 that we are now having the difficult time of trying
22 to work out now. So there are shortcomings and

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1 advantages to every meeting process.

2 Any further discussion? Seeing none,
3 we will move to a vote on this item. All those in
4 favor of removing sodium phosphates from the
5 National List raise your hand. All those opposed?
6 All those abstaining?

7 VICE CHAIR FAVRE: Okay. I have a vote
8 of two yes, 11 no, one abstention. The motion
9 fails.

10 MEMBER CHAPMAN: Next on the list is
11 sulfur dioxide. Dr. Brines?

12 DR. BRINES: Thank you. The substance
13 is included at Section 205.605(b) of the National
14 List as sulfur dioxide, for use only in wine labeled
15 "made with organic grapes," provided that total
16 sulfite concentration does not exceed 100 parts per
17 million.

18 Thanks.

19 MEMBER CHAPMAN: Sulfur dioxide is
20 used in wine labeled with "made with organic
21 grapes." Limited public comment was received,
22 most noting that the substance was critical for

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1 certain wine producers. Others noted that since
2 it was limited to the "made with organic" category
3 it did not threaten the organic integrity.
4 Substance meets OFPA criteria and its limited use.

5 Any further discussion on this item?
6 Seeing none, we will move to a vote. All those in
7 favor of removing sulfur dioxide from the National
8 List raise your hand. All those opposed? Those
9 abstaining?

10 VICE CHAIR FAVRE: Calvin, I didn't see
11 you. What did you do? I had zero yes, 14 no, no
12 abstentions. The motion fails.

13 MEMBER CHAPMAN: Next on the list is
14 tocopherols. Dr. Brines?

15 DR. BRINES: Thank you. The substance
16 is included at Section 205.605(b) of the National
17 List and reads as tocopherols derived from
18 vegetable oil when rosemary extracts are not a
19 suitable alternative.

20 Thank you.

21 MEMBER CHAPMAN: Tracy?

22 VICE CHAIR FAVRE: Okay. Tocopherols

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1 are used as antioxidants in feed, animal feed and
2 foods, and are manufactured in liquid and powder
3 forms. Commonly extracted from distillates of
4 vegetable oils.

5 Public comment was divided on the
6 relisting of tocopherols, with some comments
7 staying that the material's primary use as a
8 preservative was, therefore, inconsistent with
9 organic production. According to one commenter,
10 synthetic tocopherols are less bioavailable than
11 natural versions.

12 Additionally, some commenters asserted
13 that non-synthetic tocopherols are commercially
14 available and should be used instead of synthetic.
15 However, the majority of comments were strongly in
16 favor of relisting, saying that tocopherols are
17 critically essential to maintaining food safety,
18 preventing rancidity, and providing nutrients to
19 their products.

20 Some comments stated the use of
21 rosemary oil, which is a potential alternative,
22 imparted off flavors or fragrances to their

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1 products that were not acceptable to consumers.

2 Some comments addressed the issue of
3 ancillary substances and stated that due to the
4 myriad formulations required for some technical
5 and functional effects they would not be in favor
6 of restrictions on ancillary substances used in
7 tocopherol formulations.

8 And I just want to add, we did receive
9 some feedback in regards to the question of -- given
10 the feedback on the commercial availability of
11 non-synthetic tocopherols, the Handling
12 Subcommittee sought input on how reclassification
13 of tocopherols to 205 -- from 205(b) to 205(a) would
14 impact organic growers.

15 One commenter warned of the
16 inconsistent supply of non-synthetic tocopherols
17 and urged the Board to leave the current listing.

18 The vote in committee was unanimous to
19 retain the listing on the National List.

20 MEMBER CHAPMAN: Any further
21 discussion on this item? Zea?

22 MEMBER SONNABEND: Thank you. This is

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1 one that we are going to take up a reclassification
2 and a suggestion after this meeting, after
3 sunset -- at least one commenter pointed out that
4 tocopherols could be used -- you know, there are
5 some applications and uses and supplies of
6 non-synthetic tocopherols, but there
7 was -- because it's not even on the list as a
8 non-synthetic, it's not clear that non-synthetic
9 can be even used.

10 And there are one or two other items
11 where this is the case, too, where we have all just
12 assumed all along that if it's on the synthetic list
13 you could use a non-synthetic form, if you could
14 find it. Carbon dioxide is another one like this.

15 So I think we may be wanting to
16 entertain whether we should put it on both 605(a)
17 and 605(b) and specify a different use on -- you
18 know, because my impression from the public
19 comments is for certain things there seems to be
20 enough supply, but for other uses there isn't.

21 And so I think that's something we need
22 to at least look at. I'm not saying I have decided

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1 or that we should, but something we should at least
2 look at whether it's appropriate for both lists.

3 MEMBER CHAPMAN: Any further comments?
4 Tracy?

5 VICE CHAIR FAVRE: I actually agree
6 with the idea of putting it in both places, because
7 we could potentially be putting some producers in
8 a pickle if they have a technical or functional
9 effect that they can't get from a natural.

10 And so the idea of having it clearly on
11 both places would sort of avoid some of these issues
12 like we have been having today. I mean, the
13 vitamins are another example that we talked about
14 earlier. So I would support having it in both
15 places.

16 MEMBER CHAPMAN: Any further
17 discussion? Colehour?

18 MEMBER BONDERA: I mean, I hesitate,
19 but just to follow up with what Zea and Tracy said,
20 were those requests to the subcommittee to add it
21 to the work agenda of the subcommittee? And was
22 that approved, or were those just comments and that

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1 might or might not happen? I'm sorry. The
2 process wasn't that clear.

3 MEMBER CHAPMAN: Zea?

4 MEMBER SONNABEND: We have already
5 brought this up to the Department and the Executive
6 Committee, that -- and not about us double listing,
7 but an annotation change or a classification change
8 for our future work plans.

9 MEMBER CHAPMAN: It is already on the
10 agenda. Yes. Colehour?

11 MEMBER BONDERA: Thank you. I hereby
12 request that the double listing be added to the work
13 plan as well of the subcommittee.

14 Thank you.

15 MEMBER CHAPMAN: We will consider it
16 part of the same substance. I think it was added
17 to the work plan as reclassification, and so that
18 would include classifying it twice or classifying
19 it just once.

20 Any further discussion? Seeing none,
21 we will move to a vote. All those in favor of the
22 motion to remove tocopherols from the National List

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1 raise your hand. All those opposed? Any
2 abstentions?

3 VICE CHAIR FAVRE: The vote is four
4 yes, nine no, one abstention. The motion fails.

5 MEMBER CHAPMAN: Thank you. Next on
6 the list is xanthan gum. Dr. Brines?

7 DR. BRINES: Thank you. This is the
8 final material under consideration for Section
9 205.605(b) of the National List, and the listing
10 is xanthan gum.

11 Thank you.

12 MEMBER CHAPMAN: Zea?

13 MEMBER SONNABEND: Yes. And you will
14 have to excuse my somewhat gasping from air, but
15 I'm having an allergic reaction from lunch,
16 probably due to lecithin and not tocopherols.

17 Okay. Xanthan gum is a polysaccharide
18 derived from microorganisms through fermentation.
19 It is used as a thickener and stabilizer. We have
20 received information that it is non-synthetic and
21 that it is produced similar to gel and gum, and we
22 have had some public commenters disclose a

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1 manufacturing process that might lead us to think
2 it's non-synthetic.

3 We have decided to send this out for a
4 TR on the question of manufacturing before we take
5 a vote on this for reclassification. So it is on
6 our future work plan, after we look at the results
7 of the TR.

8 Information was brought up about
9 potential harm to premature infants, citing
10 several linked articles after the first posting.
11 I did look these all up, and it seemed to be one
12 specific incident that happened in a plant that
13 made a product containing xanthan gum, one of
14 several plants that the company used in one
15 product.

16 It seemed very inconclusive from all
17 the reports I could find on the internet whether
18 the problem came from xanthan gum or from other
19 ingredients or from outside contamination of this
20 one factory. And as we have been told since then
21 from the public comment that came in from this
22 meeting, this company reached an agreement with the

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1 investigating authorities that is sealed, and so
2 we can't find out what the reason is.

3 But there was no reason for me to
4 conclude that it actually came from the xanthan
5 gum, in general, rather than a specific
6 contamination issue of a batch or a plant or
7 something.

8 And there is also no replication of this
9 type of concern, other than this one incident. So
10 the only ancillary substance identified for
11 xanthan gum is guar gum, which is already on the
12 National List.

13 MEMBER CHAPMAN: Any further
14 discussion? Jean?

15 CHAIR RICHARDSON: I think this is one
16 I didn't do enough homework on. Zea, can you
17 remind me why this is necessary.

18 MEMBER SONNABEND: Yes. It is used
19 particularly in low temperatures where heating is
20 not involved, because it keeps things in suspension
21 at low temperatures, and that it is used in lesser
22 quantities than the other gums, which allow the

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1 products to comply with the 95 percent organic
2 rule.

3 So, in other words, one of the reasons
4 we are seeing more organic guar and organic locust
5 bean gum, and things reformulated to include those
6 instead of xanthan, is because you need quite a bit
7 of it, and then it would bump them over the five
8 percent. Whereas, this can be used in lower
9 quantities.

10 MEMBER BONDERA: I guess it's a follow
11 up to that. I'm not sure, because my question was
12 regarding essentiality. And I can't tell if your
13 comment, Zea, answers that it's essential in cases
14 where the producer doesn't want to make a certain
15 volume or something.

16 MEMBER SONNABEND: Okay. You know,
17 essentiality is a very subjective determination.
18 And so I will say what I said before, several times
19 I think, if you don't mind runny salad dressing,
20 then, no, it's not essential. But if you want your
21 salad dressing to stay thick on the store shelves,
22 then, yes, it is essential. If you don't like that

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1 it's in it, make your own salad dressing.

2 So, but for a product that is thick and
3 in suspension and looks like salad dressing on the
4 store shelves, most manufacturers would consider
5 it essential.

6 MEMBER CHAPMAN: Any further
7 discussion?

8 MEMBER SONNABEND: And that's an
9 oversimplification. I'm aware of that. But that
10 is the best example I can give.

11 MEMBER CHAPMAN: I would like to note
12 that this is already on our work agenda for
13 reclassification.

14 Seeing no further discussion, we will
15 move to a vote on this item. All those in favor
16 of the motion to remove xanthan gum from the
17 National List raise your hand. All those opposed?
18 Sorry. Back to those -- start over, so she can get
19 it. All those opposed to the list?

20 All right. I'm going to start over
21 from scratch, just to make sure it's clear. Sorry,
22 everyone.

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1 The motion is to remove xanthan gum from
2 the National List. All those in favor of removing
3 xanthan gum raise your hand. All those opposed?
4 Any abstentions?

5 VICE CHAIR FAVRE: That was five yes,
6 eight no, one abstention. The motion fails.

7 MEMBER CHAPMAN: Thank you. I
8 apologize for that. I just really want to have
9 Jean buy us all drinks, if we get done by 4:00.

10 Okay. Moving on, that concludes
11 205.605(b), and we will start with 205.606.
12 Harold?

13 MEMBER AUSTIN: Hey, Tom, before we
14 move on, point of clarification.

15 MEMBER CHAPMAN: Yes.

16 MEMBER AUSTIN: Back on potassium acid
17 tartrate, I believe Tracy read into the record that
18 the motion passed, rather than failed. So I just
19 wanted to make that clarification.

20 VICE CHAIR FAVRE: Okay. Thank you.

21 MEMBER CHAPMAN: Tracy, can you reread
22 the vote on that one?

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1 VICE CHAIR FAVRE: Yes. The vote was
2 zero yes, 14 no. The motion failed.

3 MEMBER CHAPMAN: Okay. Let the record
4 reflect that that is the official vote.

5 VICE CHAIR FAVRE: Thank you, Harold.

6 MEMBER CHAPMAN: Moving on, so next is
7 205.606. Dr. Brines?

8 DR. BRINES: We are moving on to 606,
9 non-organically produced agricultural products
10 allowed as ingredients in or on processed products
11 labeled as organic, (a) casings from processed
12 intestines.

13 Thank you.

14 MEMBER CHAPMAN: Jean?

15 CHAIR RICHARDSON: Before we start on
16 the casings per se, I'm sorry to put you on the spot,
17 Emily, but there may be some people in the room that
18 don't really know the history of how these 606s got
19 onto the list, and I would appreciate if you could
20 help remind us in roughly what year 606s came onto
21 the list. And if at that time when they were being
22 put onto the list, did they consider the OFPA

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1 criteria?

2 MS. BROWN ROSEN: The 606 -- well, the
3 606 materials were all mostly added I think -- well,
4 the original ones were all added in 2007 after there
5 was the determination from the Harvey lawsuit that
6 it did not include specific agricultural
7 ingredients and they needed to be individually
8 listed.

9 As far as OFPA criteria, I can't really
10 say -- I mean, the Board did their -- I think, you
11 know, it was the first time it was done. I believe
12 that's what they considered when they -- they
13 looked mainly at commercial availability and, you
14 know, necessity. But I believe that they
15 considered all the criteria. I'll have to look back
16 at that.

17 MEMBER SONNABEND: Clarification.

18 MEMBER CHAPMAN: Yes, Zea.

19 MEMBER SONNABEND: There were four on
20 the -- for 606s on the list when it first came out,
21 maybe five. They were gums, kelp, lecithin, and
22 pectin. The others were added after

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1 Harvey -- well, no, the shellac was added before
2 Harvey, but I think the rest of them were added
3 after.

4 MEMBER CHAPMAN: Does that answer your
5 question, Jean?

6 CHAIR RICHARDSON: Yes. If I can,
7 then, go on to casings. I'm the lead person on
8 that. Casings are used -- they are processed
9 intestines. Did we read that? Yes, we did.

10 They are processed intestines from both
11 organic and non-organic animals, and one of the
12 reasons why it's a challenge to remove this from
13 the list at the present time is that at the moment
14 when you do -- when you go to slaughterhouses, for
15 any of you who, like myself, have done a number of
16 slaughterhouse inspections, the intestines are not
17 separated between organic and non-organic
18 slaughter stock at the time of slaughter. They all
19 go into one large vat typically, and are then
20 subsequently processed at a later point.

21 And at the moment, even though we think
22 there is an awful lot of organic animals out there,

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1 there are really not a large number of organic
2 animals out there relative to the non-organic
3 animals that are being slaughtered. And so,
4 without this separation, it means that there is in
5 fact no availability of intestines that come from
6 only organic animals.

7 And so the availability just isn't
8 there commercially. And the use of putting the
9 sausage meat into casings is a critically important
10 component of being able to utilize the whole
11 animal, as we have heard in testimony both at this
12 meeting and in written testimony that has come in.

13 There is some suggestion that you could
14 use synthetic collagen, for example. That was one
15 of the comments that came in. And it's sort of
16 interesting because some of the certifying
17 agencies prohibit the use of collagen casings
18 unless it's obviously peelable. And some entities
19 suggest that you have collagen casings, so there
20 is a little bit of a debate out there as to how we
21 should deal with casings.

22 But all of those producers that are

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1 generating organic meats that need to be turned
2 into sausage or the equivalent, all find that
3 processed intestines are in fact a necessity.
4 Everyone would like there to be organic ones, and
5 certainly, again, this is something that we can
6 encourage from our records here today, sort of how
7 to begin the process of separating when they have
8 large numbers of organic animals coming in.

9 These intestines are washed in pure
10 water with no chemicals and salted in straight salt
11 and water, no other ingredients. No other
12 processing aids are used. And so while it is true,
13 yes, these are from a mix of organic and non-organic
14 animals, I believe that the most reasonable thing
15 is to leave casings on the National List.

16 And the vote reflects that in our
17 subcommittee vote we had six persons voted to keep
18 them on the list, one person abstained.

19 MEMBER CHAPMAN: Any further
20 discussion on this item? Miles?

21 MR. McEVOY: I think we have something.

22 Lisa?

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1 DR. BRINES: Just a quick I guess
2 question for Jean. You had mentioned the
3 alternative synthetic collagen and divergent
4 opinions among certifiers on these for that
5 substance. I wasn't clear if that was what you had
6 meant.

7 CHAIR RICHARDSON: Yes. One
8 certifier said that they prohibited collagen
9 casings. Another one said that they would suggest
10 that we had an annotation to include collagen
11 casings.

12 DR. BRINES: Okay. I think we'll look
13 into those comments. We want to make sure to
14 ensure consistency among certifiers evaluating
15 materials for the National List.

16 Thank you.

17 MR. McEVROY: A little slow this
18 afternoon after lunch. But the question about
19 what happened in 2007 with the 606 materials.
20 Prior to the addition of the many materials to 606,
21 the 606 list was an open-ended list, sort of like
22 the commercial availability for seeds, where there

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1 is hundreds of varieties of seeds that can be used
2 in non-organic form, if organic seeds are not
3 available. That was the case before 2007 in the
4 Harvey lawsuit.

5 So there were a few materials on 606,
6 but the practice by certifiers prior to 2007 was
7 that any agricultural ingredient could be
8 determined to be not available in organic form and
9 used in the process for organic food before 2007.

10 So when the list was expanded in 2007,
11 it actually was an incredible restriction in terms
12 of the numbers of materials that could be used in
13 non-organic form, because there are hundreds, if
14 not thousands, of agricultural ingredients that
15 are not on 606, and by the action taken in 2007 were
16 no longer able to be used in processed organic
17 foods.

18 MEMBER CHAPMAN: Thank you. Any
19 further discussion on this item? I had a question
20 for Nick as a meat processor. I believe you
21 mentioned in public comment that you have sausages.
22 I was curious to know if your attempts to find

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1 organic casings and what is your opinion of the
2 market, or how the market could be encouraged.

3 MEMBER MARAVELL: Right. I have, you
4 know, have been in touch with a few processors. I
5 am not in touch with any organic processors,
6 because there is not an organic beef processor in
7 my state. The ones I have been in touch with out
8 of state do not have access to an organic product
9 for casings.

10 And what Jean says has been my
11 experience because I go and I visit the slaughter
12 floor to make sure everything is just lumped
13 together.

14 Now, in my case, we use a small
15 processor, and they usually on any given day, all
16 they'll do is process our beef. So, in that case,
17 they would be getting organic intestines. But
18 they save them up, and the truck just comes once
19 a week, and so the next day they are processing
20 somebody else's and they all go into the bucket.
21 And then it just goes all into the truck, and then
22 whatever they do with it from the truck.

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1 So I would love -- well, the truth of
2 the matter is, I can only speak from my experience
3 in my state, and maybe a few of the surrounding
4 states. There is just not enough organic beef,
5 and, you know, I could sell much, much more organic
6 beef. The demand is there, but the production is
7 not there. So that's anecdotal.

8 MEMBER CHAPMAN: Thank you. Any
9 further discussion on this item? Jean?

10 CHAIR RICHARDSON: Just a
11 clarification. There is no source that I could
12 find in any of my research of any organic casings
13 anywhere in the world.

14 MEMBER CHAPMAN: Thank you. Any
15 further discussion? Seeing none, we will move to
16 a vote on this item. All those in favor of removing
17 casings from the National List raise your hand.
18 All those opposed? Abstentions?

19 VICE CHAIR FAVRE: That was zero yes,
20 14 no. The motion fails.

21 MEMBER CHAPMAN: Next on the list is
22 celery powder. Dr. Brines?

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1 DR. BRINES: Thank you. The substance
2 is included at Section 205.606 of the National List
3 as, b) celery powder.

4 Thanks.

5 MEMBER CHAPMAN: Thank you. Celery
6 powder is used in a variety of processed meats, such
7 as hotdogs, bacon, ham, corned beef, pastrami,
8 pepperoni, and salami, to provide cured meat
9 attributes without using prohibited nitrate
10 products. I use the parentheses around "cured"
11 because products must still be labeled "uncured"
12 due to other regulations.

13 Celery powder is manufactured from
14 celery which is cleaned, macerated, physically
15 separated, and the liquid is concentrated by
16 evaporation, heated, and vacuum dried, but no other
17 chemicals or preserving agents are used in the
18 manufacturing process. And celery powder is
19 typically standardized to a specific nitrate
20 content.

21 Current attempts to find a suitable
22 organic version have not yet been successful from

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1 the industry, and no comments were received from
2 industry or manufacturers of celery powder that
3 they carried this product in an organic form.

4 Several ranchers, meat processing
5 companies, trade associations, certifiers, and an
6 ingredient processor wrote in in support of
7 continued listing. Comments were received from
8 interest groups in opposition stating that the
9 product was a vehicle for synthetic nitrates and
10 that nitrates pose human health concerns, but did
11 not present any new evidence about celery powder
12 or nitrate content therein.

13 One retailer noted organic celery
14 powder was commercially available but did not
15 provide any sources. Other comments were
16 received, neutral in nature, but raising similar
17 concerns, including one mentioning a Guardian
18 article published on October 26th that speaks to
19 an IARC finding that links consumption of processed
20 meats to cancer.

21 However, the IARC report is general to
22 processed meats and does not distinguish between

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1 type, pure, organic versus non-organic, or other
2 attributes, and does not mention celery powder.

3 There has been one point of unity in
4 this throughout the community, and that is the
5 calling to find an organic alternative to
6 conventional celery powder and that this is a
7 priority. While the Handling Committee did not
8 add this as a research priority in time for this
9 meeting agenda, we have heard the community loud
10 and clear, and we will be asking, or at least I will
11 be asking, the Administrator to add this to the
12 list, given the unanimous request from the organic
13 community.

14 The Handling Subcommittee recommends
15 celery powder remain on the National List, given
16 the unavailability of functional organic version
17 or alternatives, low usage level, and its necessity
18 in the manufacturing of traditionally cured meat
19 products. This material satisfies the OFPA
20 evaluation criteria.

21 And we will open this up for discussion.
22 Colehour, then Zea. Zea first.

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1 MEMBER SONNABEND: Okay. I couldn't
2 quite understand one of the last comments you made,
3 but was it that the Handling Committee should
4 discuss putting it in our research priorities for
5 the future, to research celery powder?

6 MEMBER CHAPMAN: Yes. And I made
7 that --

8 MEMBER SONNABEND: Okay.

9 MEMBER CHAPMAN: -- as a personal
10 request to the Administrator.

11 MEMBER SONNABEND: I very much support
12 that, and particularly perhaps growing organic
13 celery with a lot of sodium nitrate, since that is
14 still allowed, might get them there.

15 MEMBER CHAPMAN: Maybe in a hydroponic
16 situation.

17 (Laughter.)

18 Colehour?

19 MEMBER BONDERA: Thank you. Yeah. I
20 guess part of my comment or question was going to
21 be to ask you to either repeat or expand upon what
22 the goals of the research would be for, in terms

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1 of, frankly, if the research identified ways to
2 produce organic celery that did meet the necessary
3 criteria, then what?

4 What happens with that research or what
5 are the results? Or, therefore, we're going to
6 hope that people are going to start doing it, and
7 the demand will be there to not use something that
8 is already on the list, or that it would be delisted
9 five years from now because of availability? Or
10 I just want to hear that -- the next step of the
11 thinking that you were referring to.

12 MEMBER CHAPMAN: The goal would be to
13 find an organic alternative to the conventional one
14 currently in usage. The demand is clearly there,
15 since there is such a high usage of celery powder
16 in organic and cured meats. And so it would be to
17 replace that conventional product.

18 MEMBER BONDERA: Yes. I mean, it
19 makes sense, I guess as a follow up -- and we don't
20 need to revisit it -- I wonder, especially -- not
21 specifically, but, you know, Nick's anecdotal
22 evidence regarding the casing discussion. And

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1 like Jean said, the organic meat is happening, and
2 the casings are there, but they are getting
3 combined with non-organic and not getting
4 separated.

5 I'm not sure it's true in the celery
6 powder case, but I'm just wondering if we are going
7 to switch out of what is happening. You know, some
8 of those things that need to happen are -- I guess
9 I'm bringing up that example, because that one
10 already exists to some degree, like Nick described,
11 but the industry isn't implementing that
12 separation of the organic casings versus the
13 non-organic casings, even though it already does
14 exist. You can't argue that it doesn't exist,
15 because, you know, the organic meat is processed.

16 And so I'm just trying to mesh together,
17 okay, will it really happen, even though it's
18 happening, is the reason I'm bringing it up in the
19 celery powder example. And so I'm just wondering
20 this through out loud. Thank you.

21 MEMBER CHAPMAN: Yes. I'm going to
22 respond to that, and then I'll go to Zea. In the

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1 case of Nick's operation of casings, actually, I
2 don't think organic casings exist, organic
3 intestines exist. They are not being captured or
4 made into organic casings. And from reading your
5 website, I don't think your processor is certified
6 as organic either, so as they get --

7 MEMBER MARAVELL: No, he's not. My
8 processor is not certified. As I said, we don't
9 have --

10 MEMBER CHAPMAN: Yes. So as they get
11 slaughtered, they lose that status probably, or as
12 they get processed they lose that status.

13 MEMBER MARAVELL: Absolutely.

14 MEMBER CHAPMAN: So that's one thing.
15 On the other end, so your issue there is the
16 intestines exist and they are not get turned into
17 casings. Here, the celery in the form that we need
18 it does not exist, and that's what the research
19 would be to find.

20 Zea, then Tracy, then Ashley.

21 MEMBER SONNABEND: I mean, the
22 research also -- I was somewhat joking about the

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1 celery -- was sodium nitrate, because there may be
2 other alternative crops that are high in nitrate,
3 or alternatives to nitrate high things that could
4 cure.

5 And, in that vein, I did notice that
6 yesterday, Nick, when you responded to one of the
7 public comments said that you cured meat without
8 celery powder. And so I'm curious to hear how you
9 cure the meat and how well it keeps and things like
10 that.

11 MEMBER MARAVELL: No. We make sausage
12 without celery powder. It is uncured. So, and
13 let me just say, my customers will not touch
14 anything that has got a preservative of any sort.
15 They don't care whether it's organic or not
16 organic. So I have a finicky group.

17 So basically just think about our
18 sausage as ground meat with spices in it. But we
19 do add salt and vinegar, which does have some
20 preservative value that my customers, you know, do
21 not object to.

22 And we advise our customers -- we

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1 deliver it as a frozen product, and we advise our
2 customers not to keep it defrosted for more than
3 two weeks. And we advise them that the easiest
4 thing to do, because we sell it in links,
5 some -- some do like it unstuffed, if you
6 will -- bulk, but, you know, just cut off one or
7 two links at a time and leave the rest frozen. But
8 that's how we deal with it.

9 So there is an alternative, if you want
10 to deal with a frozen product. But the product is
11 different, if you don't cure it. And we are only
12 doing beef.

13 Now, we have mixed beef with pork, and
14 that seemed to work out all right for our customers.
15 But once we had liverwurst made up, which we have
16 never been able to get made up again because our
17 processor, even though I requested an uncured
18 product, cured it anyway. And we could not really,
19 in good conscience, move it anymore. We did have
20 some people who were interested in buying it,
21 but -- so you don't cure.

22 MEMBER SONNABEND: And you don't make

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1 bacon or ham.

2 MEMBER MARAVELL: No. Although there
3 is something called beef bacon, but that's totally
4 different. No, and we might get into ham and into
5 pork. And if we do, I'm not really sure how to
6 handle it, and that's one of the issues I would have
7 to discover.

8 MEMBER SONNABEND: Thank you.

9 MEMBER CHAPMAN: Ashley? Or, sorry,
10 Tracy?

11 VICE CHAIR FAVRE: We had a public
12 commenter yesterday talk about some of the research
13 that they have done trying to find ways to
14 consistently make a repeatable amount of nitrates
15 in celery. And I got a pretty strong impression
16 that this is an issue that they are trying to
17 resolve.

18 I think she stated pretty clearly that
19 they are not there yet, but they are trying to make
20 some progress and need some time.

21 So I don't agree with your basic
22 premise, Colehour, on this, about it's available

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1 and it's just not being used.

2 I agree with Tom's comment, this is a
3 totally different deal, and I do think that putting
4 it on as a research priority is probably going to
5 send a good message, I hope, that this is an issue.
6 Clearly, the public comment and the debate about
7 it will indicate that as well.

8 And I'm in support of relisting or
9 continued listing of celery powder, but putting
10 people on notice that we are going to need to look
11 at some alternatives and to get moving on that.

12 MEMBER CHAPMAN: Ashley?

13 MEMBER SWAFFAR: Yes. I was reading
14 in the comments, and there were several comments
15 in there that said some of the research that they
16 had started on their own. And as an industry
17 group, I think that they are getting our message,
18 you know, because a lot of us are a little uneasy
19 about keeping this on the list.

20 And I think, you know, these industry
21 groups that they are putting together to do their
22 own research is really important. I have had a

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1 little experience with a substance like that
2 before.

3 MEMBER CHAPMAN: I'm going to make a
4 comment and then go back to Zea. We keep speaking
5 of solutions, too, as potentially -- or it keeps
6 coming up in public comment that the solution might
7 be just additional nitrate content on the plants.
8 And I think that is just a short-sighted view of
9 the range of possible solutions. It could also be
10 better genetic stock and bred stock that has
11 been bred -- specifically, celery that has been
12 bred specifically for this content. And I think
13 it speaks, to a degree, to the lack of organic seed
14 options available to our farmers. That's an area
15 that could use additional research, I know. It's
16 close to my company's mission.

17 Zea?

18 MEMBER SONNABEND: I also just wanted
19 to point out that a fairly decent number of public
20 comments we got from farmers who feel that this is
21 critically important, and able for them to utilize
22 their whole animal and process parts of it that

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1 ordinarily would have to go to waste, if there
2 wasn't the opportunity to cure them and sell the
3 cured meat product.

4 And this is something that I find
5 compelling, to keep it on the list while we try and
6 do the research to find an alternative to this.

7 MEMBER CHAPMAN: Yes. There were
8 eight ranchers that specifically commented.

9 I'll go with Nick, then Francis.

10 MEMBER MARAVELL: I can see that with
11 pork, but my experience with beef is that we have
12 been able to do it without it. So I'm just going
13 to add that anecdote.

14 MEMBER CHAPMAN: Can I ask Nick a
15 question on that before? So you've been able to
16 do corned beef, bacon, pepperoni, salami,
17 pastrami, ham?

18 MEMBER MARAVELL: No. We've been able
19 to do jerky and sausage. And if we wanted to do
20 beef bacon, we could do beef bacon. But we are
21 dealing in a frozen product, and the taste and the
22 texture -- well, not so much the texture, the taste

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1 and the visual is going to be pretty much
2 acceptable.

3 I am not an expert with pork, and I think
4 this is a problem with pork. I don't have a
5 solution there.

6 MEMBER CHAPMAN: Thank you. Francis?

7 MEMBER THICKE: My specialty when I
8 went to graduate school was in salt fertility, and
9 nitrogen in particular. And, to me, I don't
10 understand why we could not make a comparable
11 product in organic. Celery is celery. Nitrogen
12 is nitrogen. You basically have two nitrogen
13 trials. I don't understand why they couldn't
14 duplicate that in organic.

15 Now, we might argue whether or not
16 that's ecologically a good idea, but I can't
17 understand why we couldn't duplicate that in an
18 organic production system.

19 MEMBER CHAPMAN: Thank you. Any
20 further discussion on this item? Seeing none, we
21 will move to a vote. The motion is to remove celery
22 powder from the National List. All those in favor

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1 of removing celery powder raise your hand. All
2 those opposed? Abstention?

3 VICE CHAIR FAVRE: The vote was five
4 yes, nine no. The motion fails.

5 MEMBER CHAPMAN: Next on the list is
6 chia. Dr. Brines?

7 DR. BRINES: Thank you. This
8 substance is included at Section 205.606 of the
9 National List under, c) chia, *Salvia hispanica* L.
10 Thank you.

11 MEMBER CHAPMAN: Chia seeds: It's
12 widely agreed that they are available in organic
13 and should be removed from the National List at this
14 time. There was a unanimous recommendation from
15 the Handling Subcommittee to remove this item.

16 Is there any further discussion?
17 Seeing none, we will move to a vote. All those in
18 favor of removing chia seeds from the National List
19 raise your hand. All those opposed?
20 Abstentions? And the Chair notes that Francis is
21 absent.

22 VICE CHAIR FAVRE: The vote was 13 yes,

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1 zero no, zero abstentions, one absent. The motion
2 passes.

3 MEMBER CHAPMAN: Next item on the
4 National List are colors. We are going to read
5 colors as one grouping. Dr. Brines?

6 DR. BRINES: Yes. Thank you. And
7 unless there are objections, I will forego the
8 pigment cast number, just for clarity, although
9 they are in the written proposals for the record.

10 So the listing is under Section
11 205.606(d), colors derived from agricultural
12 products must not be produced using synthetic
13 solvents in carrier systems or any artificial
14 preservative.

15 The listings are: 1) beet juice
16 extract color; 3) blackcurrant juice color; 4)
17 black/purple carrot juice color; 5) blueberry
18 juice color; 6) carrot juice color; 7) cherry juice
19 color; 8) chokeberry aronia juice color; 9)
20 elderberry juice color; 10) grape juice color; 11)
21 grape skin extract color; 12) paprika color, dried
22 and oil extracted; 13) pumpkin juice color; 14)

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1 purple potato juice; 15) red cabbage extract color;
2 16) red radish extract color; 17) saffron extra
3 color; and, finally, 18) turmeric extract color.

4 Thank you.

5 MEMBER CHAPMAN: Thank you. These
6 were listed in the agenda and the public request
7 for documents as part of two motions, one in favor
8 of a grouping and one in favor of delisting the
9 grouping.

10 At this time, it is the Chair's
11 recommendation that we vote on each one
12 individually, and that's why they were read as a
13 whole, as there may be changes based on public
14 comment as it came in. But that will be a decision
15 for the Board.

16 And now I hand it over to Jean to give
17 the introduction.

18 CHAIR RICHARDSON: I think this is one
19 of Mac's originally, and then he couldn't have time
20 to do it, so I got it.

21 And, I'll tell you, all right, colors,
22 there's lots of them. As you saw, we've got 17 to

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1 look at and -- but the first go-round, when we did
2 our first meeting on this and got the first set of
3 public comment, it began to look as though the
4 availability of the colors in an organic form was
5 consistently good for a large group.

6 And so initially what we ended up doing,
7 based on the input we got at the first meeting, was
8 to suggest that we could have 13 of them in one
9 group, and with a strong recommendation to remove
10 and have four that -- where it looked like there
11 really was not organic availability at the present
12 time.

13 However, with the second set of public
14 comment, it became quickly apparent that it's all
15 over the place, and it's much -- it's not as simple
16 as that.

17 And so if you would be patient with me,
18 if you haven't been looking at colors day and night
19 and keeping you awake, then let me go through and
20 give you a sense of the public comment out there,
21 so that -- because it would be my
22 recommendation -- I agree with Tom -- that we need

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1 to look at each one and vote on each one separately,
2 because there are separate little nuances with each
3 of them in terms of the reality of the availability
4 in a form that is not just quantity but is also
5 quality in the colors that are available in the
6 industry at the present time.

7 I will comment in the context, however,
8 that there is absolutely no question that industry
9 is very clearly aware of the fact that all of these
10 colors will probably be able to go away from this
11 list within the next five years, because there
12 really is a huge effort to seek organic materials.

13 So we have one of the -- and I'm just -- I
14 mean, I'm not going to cover every single public
15 comment, because we had a lot, but I am going to
16 make sure you've got a good cross-section. So we
17 have one certifier, a large certifier, that says
18 that because of the variability, seasonal
19 availability of both quantity and quality of these
20 colors that they would recommend that all of the
21 colors that are listed there, the 17 of them, should
22 remain on the list.

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1 There are, similarly, some of the
2 producers that have said the same thing, that
3 sometimes they can get materials and other times
4 they may not be available in the quantity or quality
5 that they need.

6 Some of the colors are complicated to
7 get the right kind of color, and one of the ones
8 that keeps coming up over and over again that you
9 will see is sort of pulling out to say do -- can
10 we leave this one on the list would be black/purple
11 carrot.

12 So black/purple carrot becomes one of
13 the ones that quickly shows up as having a wide
14 range of consistent lack of reliability in the
15 marketplace. You'd think there would be lots of
16 organic carrots, but apparently the black/purples
17 and the carrots are some of the harder ones to get
18 hold of.

19 One of the major companies ran through
20 a whole list of the colors that they thought they
21 really needed, and that included beet and
22 blackcurrant, and yet another company stated

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1 that -- I'll pull it out -- stated that the -- so
2 many pieces of paper. What did I do with it?
3 Stated that the beet and the blackcurrant are
4 widely available, and that they bring them in from
5 Europe in particular where -- ah, yes, I found
6 it -- that the organic red beets are contract farmed
7 across Europe.

8 And they are sourced from Netherlands
9 and Germany, and, similarly, let's see, the red
10 beets and also the blackcurrants are available and
11 the -- and because the European Council Regulations
12 do not include blackcurrant and beet, it indicates
13 that these are not exempt from being organic, and,
14 therefore, there is plenty of them available.
15 However, other of our United States companies state
16 that that is not the case in their experience.

17 And it comes to blueberry. This one
18 major company I'm looking at now says that
19 blueberry is not readily available. They also
20 found that both carrot and cherry are not available
21 in either the quantity or quality that they want.

22 It does appear that chokeberry,

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1 elderberry, grape, in its two forms, is mostly
2 always available. But when it comes to pumpkin and
3 red cabbage, those two seem to be consistently not
4 readily available in organic form.

5 So so far we've got, therefore, like
6 there's four of them that I began to identify -- the
7 black/purple carrot, the carrot, the pumpkin, and
8 the red cabbage. And I don't know about the
9 cherry, but they don't seem as consistently
10 available in this set of public comments.

11 Purple potato and red radish, while one
12 company says they are available, another company
13 says they have no trouble getting as much as they
14 want.

15 A major trade organization suggests
16 that turmeric still is a problem, not because it's
17 not available organically, it is available
18 organically, but the turmeric sometimes creates an
19 off flavor in the food.

20 So if you like turmeric flavor along
21 with your color, then that's great. I actually
22 like turmeric, so I would be okay, but some of you

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1 others might not be. However, it is available
2 organically, so that is something that I assume
3 could be worked on.

4 This major trade association also
5 listed red cabbage as being problematic, and they
6 listed beet juice despite, as I say, that other
7 company that says it's available.

8 The International Association of Color
9 Manufacturers, IACM, I mention them because they
10 are actually making these colors -- don't usually
11 mention the groups by name -- they recommend that
12 all of the colors are not really commercially
13 available as organic, and they would recommend that
14 they all stay on the list.

15 Some of the dairy companies say we need
16 to keep all of them, because there is a seasonal
17 variability in their availability. The
18 Association of Dressings and Sauces say they need
19 blackcurrant, and that is not readily available.

20 I'm sure Tom probably put this onto a
21 matrix, and he is going to tell us the answer to
22 all our questions in just a minute.

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1 Other major certifiers, said that the
2 trouble is that none of the organic colors are
3 currently available in powder form, which is
4 required for some of the food applications. Some
5 will be available in liquid form but not powder.

6 Additionally, some are using shades of
7 the color, such as fruit punch or mango yellow,
8 which are combinations of colors, some of which are
9 available organically and some are not. So you can
10 see the plot thickens without any xanthan gum
11 maybe.

12 All right. So, again, another company
13 saying that organic black/purple carrots and
14 carrot juice are not available readily. More to
15 go. Don't worry. In fact, there is quite a bit
16 of consistency in the black/purple carrot, the
17 carrot, pumpkin, and the turmeric.

18 Red cabbage is a problem, because the
19 red colors do not provide a long-lasting color.
20 They begin to fade in the product over time. So
21 it sort of goes like a brownish color rather than
22 red, and consumers, as we know, are a fickle bunch.

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1 They want things pure, but they want them colorful.

2 That was my addition. That was not in
3 the report. Sorry. Very bad, Jean.

4 One of the consumer groups says we
5 should just remove all of these, because the colors
6 should be available, and conventional production
7 is full of chemicals. Another consumer group,
8 similarly, states remove all of these, because the
9 production under conventional agriculture does not
10 meet the OFPA criteria.

11 Further, that it would be a strong
12 incentive to the organic industry and farmers. If
13 we were encouraging farmers to produce more
14 products for color as opposed to just the food, you
15 would, therefore, have plenty available, and that
16 this would provide an incentive to the organic
17 industry to work with them.

18 Another company -- yes, another -- all
19 of the public interest groups believe that they
20 should be removed as they are all grown using
21 chemical-intensive agriculture inputs.

22 Let's see. It's the reliability of the

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1 color is stressed, and the hue of the color, that
2 is also raised by many of the companies.

3 Let's see. The issue of 205.600(b)(4)
4 is also raised by one of the public interest groups
5 to say that 600(b)(4) prohibits the use of
6 synthetic processing aids or adjuvants whose
7 primary use is as a preservative or to recreate or
8 improve flavors, colors, textures, or nutritive
9 value.

10 All right. So executive summary here.
11 On the one hand, processes need a consistent supply
12 of color. And if we remove all of them, they feel
13 that we will negatively impact the production of
14 their commodity that they are producing and there
15 would be a lack of availability of these organic
16 processed foods that have the color in, because the
17 market demand would decline.

18 On the other hand, if we keep this
19 exception there, and if we -- let's see, how did
20 I have that. No. How do I put this. If we remove
21 them from the list, we will provide an incentive
22 to organic farmers who might want to get into the

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1 organic colors business, but at the moment they
2 can't compete with cheaper conventional
3 production.

4 So win some, lose some. It is
5 definitely not a simple decision for us to make
6 here, so whichever way you vote you are going to
7 upset some of your friends out there. I believe
8 that's -- I mean, it's obvious there's plenty of
9 comment, so I think maybe I will let -- turn it over
10 to you to get some more from the rest of the Board
11 before we go on.

12 MEMBER CHAPMAN: Thank you, Jean.
13 Clearly, you spent a lot of time on this item and
14 did thorough research. So much, much appreciated.

15 I believe Mac had a point.

16 MEMBER STONE: First, I'm really glad
17 I begged off of this one and I owe you two bottles
18 of wine, not one.

19 MEMBER CHAPMAN: It's a bottle of wine
20 per color.

21 MEMBER STONE: I can't get wine in all
22 these colors.

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1 I was taking notes. The thought was
2 we'll vote on these individually and my head
3 started spinning and my pen stopped working. I'm
4 not sure just which. I'm just really concerned
5 that we have good information to start
6 cherry-picking and deciding which ones can or
7 cannot get.

8 One of the initial comments you made was
9 it seems the trend is that in another five years
10 all of these will be able to be in organic. And
11 I'm just going to suggest that we give them a little
12 more time and not think that we have good
13 information to start picking and choosing which
14 ones to remove from the list.

15 MEMBER CHAPMAN: Zea.

16 MEMBER SONNABEND: Okay. As a
17 layperson to food formulations, this is one of the
18 most difficult for me to evaluate commercial
19 availability issues on. And I don't really feel
20 like we got specific enough good public comment on
21 this because people just said we need the color or
22 we don't need the color.

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1 What I would have wanted people to
2 say -- and I'm holding up these three candies
3 here -- is to go down our list and give us a color
4 that equates, put a little color sample in. Choke
5 cherry makes this color and purple carrot makes
6 this color and Aronia makes this color. Then we
7 will know that it's really a different color for
8 all these so-called colors and then to then say,
9 "Little Johnny has to have this color because he
10 won't pick this color if it's not this color."

11 I mean, seriously, they all looked like
12 red or yellow or something. And if we just keep
13 one red, one purple, one yellow, isn't that
14 commercially available? We didn't get specific
15 information about why you have to have an exact
16 shade of something and they couldn't use a
17 different shade that was organic.

18 I feel comfortable with Jean's analysis
19 in the subcommittee of the ones that really aren't
20 available and not removing that group we decided
21 not to remove. But on the others, I feel like I
22 have to abstain.

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1 MEMBER CHAPMAN: Other discussion?
2 Harold.

3 MEMBER AUSTIN: This is a complicated
4 issue. There is no doubt about it. I think if you
5 look at the public comments that we got back it's
6 changed even for me the materials I would choose
7 to have left on the list and the ones that I would
8 like to remove. So it's definitely confusing.

9 I'm also tending to lean with Mac that
10 we should give the stakeholders a little bit more
11 time and make sure that what we do we do with a lot
12 of knowledge. And I know on the subcommittee we
13 went back and forth on these issues.

14 But public comment, Jean, I think you
15 nailed it when you said it was all over the place
16 because it was. And it was really hard to get a
17 good read on what's really available and what's
18 not.

19 Right now, I'd almost be a proponent of
20 listing them all again. There's a couple I think
21 I would lean towards removing. But do we really
22 have enough knowledge to do that in a clear process

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1 moving forward. I'm not so sure we do.

2 MEMBER CHAPMAN: I'll say something
3 and then Jean and Tracy. I share the concerns that
4 have been said here. I don't feel like there's
5 enough information and I'm a bit torn on this issue
6 myself.

7 On one end, I feel like these can and
8 should be produced organically. Whether they are
9 today, it doesn't seem to be clear at least in the
10 availability or the form needed by manufacturers.

11 And I have a concern that we often think
12 that this is a manufacturer's decision when in
13 reality they're trying to produce a product that's
14 95 percent plus organic that competes in a
15 marketplace that has threats from natural and
16 non-GMO. And when you have a non-GMO candy next
17 to an organic candy that's half the price of the
18 non-GMO price, which is the consumer going to
19 choose? They're both candies. It's not like it's
20 a health decision.

21 But do you want the organic side to that
22 product, the 95 percent of this fruit to be organic

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1 or do you want it to be non-GMO? Right. And if
2 it's a non-GMO sugar cane, what does that mean when
3 non-GMO sugar cane is not out in the marketplace?
4 That's what I'm struggling with.

5 Jean.

6 CHAIR RICHARDSON: I did spend a heck
7 of a long time going through all of these. And
8 while it's not simple, I think that it is really
9 important for us to send an encouraging message
10 back to both processes, farmers, consumers and
11 those companies that are trying to produce these
12 organic colors that we want to support organic
13 color product. We want to support the farmers that
14 are growing the vegetables to produce the organic
15 material to give to the organic color processing
16 companies so that they can meet the demands for the
17 colors.

18 If we don't eliminate a whole bunch of
19 these off this list, I think we're not sending the
20 correct message. We're not encouraging the
21 farmers. We're not encouraging the organic color
22 companies. And we are also not noting the concern

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1 from all of the consumer groups that say, "Hey,
2 these are all being produced with conventional
3 methods. And do they really meet ARFA
4 (phonetic)?"

5 So when I have gone through it over and
6 over again I think it's slightly different from the
7 last bunch we went through when we worked on it in
8 the previous set of public comments. I've
9 identified that we probably still don't have enough
10 beet juice, black-purple carrot juice, cherry
11 juice, pumpkin, red cabbage and I guess if they
12 don't like the taste of turmeric we could leave
13 turmeric on the list. But otherwise I think we
14 could in all honestly based on my research remove
15 from the list the rest of them.

16 MEMBER CHAPMAN: Tracy, then Nick.

17 VICE CHAIR FAVRE: I am very torn. I
18 sort of feel like this discussion is actually
19 making it worse for me rather than better. As
20 we've been sitting here talking, I was thinking
21 about an organic inspection I did where there was
22 a couple who was doing a salad dressing and they

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1 had both natural and organic. What they found is
2 when they started sourcing some of their organic
3 products it was like apples to apples apparently
4 on the product description. The formulations were
5 slightly different. When they got them in, they
6 actually had to reformulate some of their recipes
7 as a result because functionally they worked
8 different.

9 That concerns me a little bit. If
10 we're making an assumption that you can substitute
11 an organic cherry juice or organic cherry color for
12 a convenient cherry we can't necessarily make that
13 assumption. I mean certainly we can do it and
14 maybe that would be the right thing. But that
15 doesn't necessarily mean that there will not be an
16 impact on the formulator.

17 I'm really torn what to do here. I also
18 believe pretty strongly that we need to move
19 towards there. And I really, really would like us
20 to have formulations that are made with organic
21 colors. Candidly, I'm still not exactly sure what
22 I'm going to do.

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1 MEMBER MARAVELL: I would like to make
2 the comment that when you're dealing with natural
3 products, agricultural products, you change the
4 supplier whether they're conventional or organic.
5 You can run into that issue because climate, exact
6 variety, breeding stock, etc.

7 But the further point I wanted to make
8 is that we seem to making things hard for ourselves.
9 We're boxing ourselves in all the time. And I
10 would again -- and you're going to hear this
11 probably coming out from me a few more times -- say
12 this would be an ideal situation where if we could
13 establish a reasonable transition period with a
14 deadline or whatever and put the industry on notice
15 in a cooperative way that this is where we want to
16 go and we don't want to create hardship for anybody.
17 But we're serious about wanting to go there.

18 Somehow we get it caught into these all
19 or nothing things. And that's not where we want
20 to be. And that's not where the industry wants to
21 be. I'm suggesting that we reconsider
22 establishing phase out periods or deadlines or

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1 whatever you want to call them. I can see that I
2 haven't gotten very far with that suggestion.

3 MEMBER CHAPMAN: Next I had Lisa and
4 then Zea and then Colehour.

5 MEMBER DE LIMA: Jean, I have a
6 question for you. When you were reading public
7 comment, I thought I heard you say elderberry,
8 chokeberry and one other that you thought could be
9 removed. Did I get that backwards?

10 CHAIR RICHARDSON: Thanks.

11 MEMBER CHAPMAN: Zea.

12 MEMBER SONNABEND: My question was to
13 ask Jean to repeat that list beyond the four that
14 we already agreed on which essentially the
15 traditional ones. I only caught black-purple
16 carrot, cherry and turmeric. Right.

17 CHAIR RICHARDSON: So the four that we
18 already had were the beet juice, the black currant,
19 the pumpkin and the red cabbage. So I'm suggesting
20 that we add to that group to leave on turmeric and
21 cherry.

22 MEMBER SONNABEND: And I thought you

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1 said black-purple carrot.

2 CHAIR RICHARDSON: And the
3 black-purple carrot, yes. Correct.

4 MEMBER CHAPMAN: Miles.

5 MR. MCEVOY: I would just like to
6 remind the Board of the criteria you should be using
7 for making this determination. So I would ask Lisa
8 Brines to remind you what the criteria is for things
9 on 206. Thanks.

10 DR. BRINES: Right. I think this just
11 would be helpful in terms of for any materials that
12 are recommended for removal the basis by which NLT
13 will consider the recommendation because we have
14 to ensure that those recommendations meet the
15 criteria. So in general in order for substances
16 to be added to 205.606 of the National List, the
17 Board had made a determination at the time it was
18 recommended that the nonorganic form of the
19 substance is necessary for the use in organic
20 handling and has also looked at current and
21 historical industry information about how or why
22 the substance cannot be obtained organically in the

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1 appropriate form, quality or quantity to fulfil an
2 essential function and is assumed for organic
3 handling.

4 So in terms of the Sunset review it
5 would be helpful in terms of rulemaking to make a
6 change that the basis for any recommendation also
7 be reflective of those criteria. Thank you.

8 MEMBER CHAPMAN: Thank you. Any
9 further discussion on this item? Colehour.

10 MEMBER BONDERA: Sorry, I didn't
11 get -- Yes, I just really heard what Nick said and
12 I actually agree. But what I was thinking and I
13 was thinking again after he said it was I just see
14 this as a really good opportunity frankly for a
15 range of NOSB perspectives to -- I was already
16 writing down the words collaboration and
17 compromise in terms of coming to a conclusion that
18 like Tracy said is not an easy set of variables and
19 choices.

20 And I hear what Lisa is saying. But I
21 think I just see that we should work from where
22 we're at. And if we're able to determine with

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1 enough verification that a product, a material, is
2 available and we feel comfortable about it, then
3 I think that we should use this opportunity to
4 delist those items.

5 So I really encourage us all to try to
6 work together and come to a conclusion that isn't
7 one extreme or other, but rather is somewhere in
8 the middle. That's my comment.

9 MEMBER CHAPMAN: Mac.

10 MEMBER STONE: Just based on what Lisa
11 just reminded us, there already is a hardship based
12 on the nature of 206. These food processors would
13 much rather find it in organic form. It's much
14 easier than justifying using the nonorganic form.
15 And there's already incentive. It's been
16 mentioned the trend is going this way. I just hope
17 that we don't make any harder than it is already
18 because they're actually trending that way
19 already.

20 MEMBER CHAPMAN: I had a statement and
21 then we'll go to Tracy. Talking about this and
22 taking Nick's comments, I'm generally not a fan of

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1 the expiration date because I felt like it hasn't
2 been effective in the past where it's been used.
3 Although I kind of feel like it would be more
4 effective here. Although I also see Miles staring
5 at me saying no, the program has stated that that's
6 not an option for us.

7 Keeping that all in mind, I was trying
8 to think of what is another method that might be
9 effective or has evidence of efficacy that's been
10 similar. And one that just came to mind is
11 flavors. It's always nice for one NOSB to put a
12 mandate on the next NOSB.

13 What happened with flavors from the
14 last NOSB they reviewed flavors and made a
15 statement that the next NOSB who reviewed this
16 category should not renew it in its full form. And
17 that's hopefully what happens when we review the
18 annotation change on Thursday and we add commercial
19 availability to the category of flavors.

20 I wonder if there's an opportunity to
21 take a similar action here where colors get
22 renewed, but a statement gets added that this NOSB

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1 recommends that the next NOSB do not renew all
2 colors in the same form. And in the next five
3 years, the industry must find a way to solve this
4 issue. Tracy and then others.

5 VICE CHAIR FAVRE: First, just to
6 comment on that. It does sort of feel like
7 kicking the can down the road to the next person.
8 I appreciate that. Believe me. I would sort of
9 like to have that solution.

10 Again, what Lisa said about industry's
11 feedback, it's a little bit confounding because in
12 some cases we've had one group say these are
13 absolutely available and the other one say it's
14 absolutely not. So the question I want to pose
15 is really to Jean. Did you have one, two, three,
16 four or whatever number of colors that somebody in
17 your opinion or enough somebodies said it is
18 available organically even if you had some
19 opposition? So we would have a preponderance of
20 evidence saying that there are some definitely
21 available in organic form. And those are the ones
22 you've read.

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1 CHAIR RICHARDSON: Yes.

2 VICE CHAIR FAVRE: So that was black
3 and purple, cherry. Those are not available,
4 okay. So which ones were available again? Give
5 me those again.

6 CHAIR RICHARDSON: The rest of the
7 list.

8 VICE CHAIR FAVRE: So we've got four
9 that are not available and the rest.

10 CHAIR RICHARDSON: No. The ones that
11 appear to be inconsistently available are either
12 in quantity or in quality, the right kind of color
13 hue, are beet juice, black current juice,
14 black-purple carrot juice, cherry juice, pumpkin,
15 red cabbage and turmeric.

16 VICE CHAIR FAVRE: And you feel that
17 there is a preponderance of evidence suggesting
18 that the rest are consistently and with consistent
19 quality available in organic form.

20 CHAIR RICHARDSON: Yes, based on a wide
21 scattering of large enough processor groups saying
22 that. If they were to get their act together so

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1 to speak, yes, all the other ones would be
2 available.

3 MEMBER MARAVELL: Zea, what happened
4 on carrageenan? We did make a statement. No, no.
5 Keep a straight face here. We did make a statement
6 and there was responsiveness from the industry to
7 start reformulating. And what we did was we
8 approved carrageenan with an annotation which did
9 not get implemented.

10 But we did make a statement, did we not,
11 that we didn't feel that this was going to be
12 approved again in another five years? And I don't
13 know whether we just made that statement in a formal
14 resolution or not.

15 And then I know with regard to the
16 methionine we've made a formal statement. I'm
17 picking up on Tom's suggestion here that we made
18 a formal statement that we want to see the industry
19 find natural sources of methionine. That was a
20 resolution that we actually passed.

21 Do you recall what happened?

22 MEMBER SONNABEND: It was carrageenan.

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1 It was an informal statement, not a Board
2 resolution. And it is going to end up coming back
3 in four years instead of five years. We've already
4 commissioned the TR for it because the new Sunset
5 process makes us have to reconsider things earlier.
6 So it will be a four year review essentially.

7 MEMBER MARAVELL: And I know some of us
8 made informal statements to industry not part of
9 the meeting. And I think there was a real desire
10 to cooperate.

11 MEMBER SONNABEND: Yes, almost every
12 item though when we review it and wish we could move
13 away from it, we made some sort of informal
14 statement that we would like to move away from.
15 And in fact we're going to be taking a number of
16 things off the list, especially in 606 from five
17 years ago.

18 So our intention to move away from
19 things is working. The industry is looking for
20 organic sources and finding them in many cases.

21 MEMBER CHAPMAN: I have a question for
22 Jean. You said all the colors were available that

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1 you just read. Does that include powdered forms
2 of those?

3 CHAIR RICHARDSON: I don't have an
4 answer to that question.

5 MEMBER CHAPMAN: Tracy.

6 VICE CHAIR FAVRE: It might be worth
7 just reminding us that since this is on 606 it's
8 subject to commercial availability.

9 MEMBER CHAPMAN: That's correct. All
10 items on 606 are subject to commercial
11 availability. Francis.

12 MEMBER THICKE: I would suggest to move
13 forward and look at that first group of 18. And
14 it looks like you've maybe identified 14 that we
15 vote in groups to start with. Do we want to vote
16 on those first 14? We can debate how many we want
17 to vote on. Is there a consensus on some of them?

18 CHAIR RICHARDSON: We can do it one by
19 one. I think we should do it one by one.

20 MEMBER THICKE: Okay.

21 CHAIR RICHARDSON: Take each color one
22 by one.

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1 MEMBER CHAPMAN: Any further
2 discussion?

3 Can I say that would it be a true
4 statement that the Board is fairly aligned with us
5 adding a statement no matter what the outcome is
6 to some of these colors that the future NOSB does
7 not or takes a strong view at the efforts of the
8 industry to formulate these products out and find
9 organic alternatives? Any objections to that?

10 That would not be in the motions. I
11 don't believe it's a substantial change. Is that
12 correct?

13 MR. MCEVOY: Yes.

14 MEMBER CHAPMAN: Okay. Unless
15 there's further discussion on this item, then it's
16 my recommendation that we -- Mac.

17 MEMBER STONE: I hear the conversation
18 about sending a message, but also feel like
19 that -- Jean, I appreciate all the work and I don't
20 want to discredit the work. I just think it puts
21 a lot of pressure on you to help us get it right.
22 I think the industry has already sent a message that

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1 we're already doing pretty good.

2 We're going to potentially take a lot
3 of these off today. I just want to make sure that
4 they know we appreciate that they're going in this
5 direction already, not just that they need to do
6 better.

7 MEMBER CHAPMAN: Tracy.

8 VICE CHAIR FAVRE: Just sort of
9 thinking through the 606, the commercial
10 availability proposition here. So it seems to me
11 that we might not trust the commercial availability
12 function in that we say we've got to take it off
13 because even if it's available organically they
14 won't use it.

15 That tells me we don't really kind of
16 trust the inspection process or the certifiers to
17 ensure that there is commercial availability
18 verification on an inspection. Actually, that's
19 sort of beyond the scope of what we're talking about
20 here.

21 So if these materials are available
22 organically, then they have to use them in organic

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1 form. So they don't have the option of using them
2 through conventional methods. And their
3 certifier and their inspectors should be
4 responsible for ensuring that the commercial
5 availability is a true test instead of just a token
6 gesture. That's helped clarify things for me a
7 little bit.

8 MEMBER CHAPMAN: Francis.

9 MEMBER THICKE: If that works as well
10 as organic seeds, it probably doesn't work real
11 well because people can just get three sources that
12 say they don't have them and then move on and use
13 conventional.

14 MEMBER CHAPMAN: Tracy.

15 VICE CHAIR FAVRE: But that speaks to
16 the process of commercial availability checks
17 rather than whether or not it should be on a list
18 that allows for commercial availability if you
19 follow my drift.

20 MEMBER CHAPMAN: Nick.

21 MEMBER MARAVELL: Again we're dealing
22 with a natural product here. I'll just move over

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1 to seed for just a second because I'm not a person
2 who buys colors. But there are years when I can
3 get organic seed that I want and other years when
4 I can't because of crop failure. And the same
5 could happen and it's sometimes very regional
6 specific.

7 A lot of the seed will come out of Oregon
8 or South Dakota or whatever and they had a crop
9 failure. I'm not going to be able to get that seed
10 in organic form.

11 There's always a twist in every one of
12 these. And let me just ask the program for a
13 second. Suppose we were to require organically
14 sourced colors and there was a crop failure. Does
15 the program have a way to accommodate industry in
16 those situations? Would they have to do without
17 colors or would they be able to source from -- If
18 we took this action, if we took these colors off
19 606, but there was a crop failure, is there any way
20 for the program to accommodate industry on it?

21 MR. MCEVOY: There are the temporary
22 variance provisions in the regulations. But I

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1 don't believe they apply to substances. So I don't
2 think that would be an available variance for
3 organic colors completely not being available.

4 MEMBER MARAVELL: So the variances
5 just apply to practices.

6 MR. MCEVOY: Right.

7 MEMBER CHAPMAN: Any further
8 discussion?

9 Seeing none, unless there's an
10 objection, what we'll do is move down the list of
11 colors as it is listed in the National List
12 alphabetically and vote on them one by one.

13 Sorry. Zea, did you have -- You do not, okay.
14 She's gone. She said she's going to abstain.
15 Seeing no objection to that, I'm going to ask Dr.
16 Brines to help me out with that list. Can you tell
17 me again alphabetically? And I'm going to ask my
18 vote counters if you are prepared since I know this
19 isn't on the vote sheet this way. Are you ready
20 for 17 votes?

21 All right. Are they individual on the
22 voting sheets? Oh, look at that. Great. With

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1 that, we will start with the motion to remove color
2 beet juice extract color. All those in favor to
3 remove color beet juice extract from the National
4 List raise your hands. Beet juice extract color.

5 (Show of hands)

6 To remove beet juice extract color.
7 Okay. What's the -- So all the motions for sunset
8 are to remove. We're going to vote on all 17
9 substances in a row. Correct.

10 CHAIR RICHARDSON: I know it looks as
11 though beet juice may or may not be widely
12 commercially available. I happen to think that
13 there's enough of it. But most people do not
14 necessarily think that. I happen to be voting to
15 get rid of beet juice. But that doesn't mean that
16 you guys have to vote the same way as I do.

17 (Laughter)

18 MEMBER CHAPMAN: All right. No
19 problem. So right now we're going to vote on just
20 beet juice extract color. And the motion is to
21 remove.

22 (Vote taken by show of hands)

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1 VICE CHAIR FAVRE: I have the vote of
2 six yes, five no, two abstentions. The motion
3 fails.

4 MEMBER SONNABEND: Before we move on,
5 maybe I missed this when I was out of the room.
6 But, Jean, did you say why this was one you
7 recommended keeping and then you voted against it?

8 CHAIR RICHARDSON: This is a challenge
9 for me because there appears to be plenty of it
10 available in Europe. But on the other hand, most
11 of the U.S. companies, they say that that doesn't
12 necessarily make it fully commercially available
13 to them. So it's just one of the ones where I feel
14 that I can't vote to keep. But you shouldn't
15 necessarily do what I suggest on this one.

16 MEMBER SONNABEND: No, of course not.
17 But I thought I had read that this was one of the
18 ones that it was dry versus liquid issue. One or
19 the other was available and the other wasn't.

20 MEMBER CHAPMAN: I don't think that was
21 clear in the comments. The dry comment came I
22 believe from DNT stating no color was available in

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1 dry form. Then there was a couple of companies that
2 wrote in stating that. I believe Stonyfield and
3 Global Organics both spoke to the availability of
4 beets for their applications.

5 Tracy.

6 VICE CHAIR FAVRE: Just a
7 clarification for the record. The vote was six
8 yes, six no, two abstentions. The motion still
9 fails.

10 MEMBER CHAPMAN: The next item is
11 colors black current juice color. The motion is
12 to remove.

13 (Vote taken by show of hands)

14 VICE CHAIR FAVRE: We have a vote of
15 three yes, six no, five abstentions. The motion
16 fails.

17 MEMBER CHAPMAN: The next item is
18 colors, pumpkin juice color. The motion is to
19 remove.

20 (Vote taken by show of hands)

21 VICE CHAIR FAVRE: We have a vote of two
22 yes, 11 no, one abstention. The motion fails.

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1 MEMBER CHAPMAN: The next item is red
2 cabbage extract color. The motion is to remove.

3 (Vote taken by show of hands)

4 VICE CHAIR FAVRE: That was two yes, 11
5 no, one abstention. The motion fails.

6 MEMBER CHAPMAN: The next item is
7 black-purple carrot juice color. The motion is to
8 remove.

9 (Vote taken by show of hands)

10 VICE CHAIR FAVRE: Two yes, 10 no, two
11 abstentions. The motion fails.

12 MEMBER CHAPMAN: The next item is
13 blueberry juice color. The motion is to remove.

14 (Vote taken by show of hands)

15 VICE CHAIR FAVRE: I have five yes,
16 eight nos, three abstentions. The motion fails.

17 MEMBER CHAPMAN: The motion is correct
18 or that was correct.

19 VICE CHAIR FAVRE: The count wasn't
20 right though.

21 MEMBER CHAPMAN: Five.

22 VICE CHAIR FAVRE: Five yes, three

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1 abstentions.

2 MEMBER CHAPMAN: Five yes, six no,
3 three abstentions.

4 VICE CHAIR FAVRE: Six nos. I'm
5 sorry. Six nos. I said eight. Yes, six nos.

6 MEMBER CHAPMAN: The next item is -- Do
7 you want a roll call vote on the last one?

8 There's been a call for a roll call vote
9 on the blueberry juice color.

10 (Roll call vote taken)

11 VICE CHAIR FAVRE: I have five yes,
12 five no, four abstention. The motion fails.

13 MEMBER CHAPMAN: The next item is
14 colors, carrot juice color. The motions is to
15 remove.

16 (Vote taken by show of hands)

17 VICE CHAIR FAVRE: The vote is four
18 yes, seven no, three abstentions. The motion
19 fails.

20 MEMBER CHAPMAN: The next motion is to
21 remove colors, cherry juice color from that
22 National List.

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1 (Vote taken by show of hands)

2 VICE CHAIR FAVRE: The vote is three
3 yes, nine nos, two abstentions. The motion fails.

4 MEMBER CHAPMAN: The next motion is to
5 remove chokeberry/aronia juice.

6 (Vote taken by show of hands)

7 The Chair is going to call for a roll
8 call vote on this one.

9 VICE CHAIR FAVRE: Guys, just give me
10 a little bit longer before you lower your hand if
11 you would for me please.

12 MEMBER CHAPMAN: All right. We'll
13 start with Richardson, Jean.

14 (Roll call vote taken)

15 VICE CHAIR FAVRE: The vote was seven
16 yes, five no, two abstentions. The motion fails.

17 MEMBER CHAPMAN: The next item is
18 elderberry juice color. The motion is to remove.

19 (Vote taken by show of hands)

20 VICE CHAIR FAVRE: The vote was seven
21 yes, five no, two abstentions. The motion fails.

22 MEMBER CHAPMAN: The next item is

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1 colors, grape juice color. The motion is to
2 remove.

3 (Vote taken by show of hands)

4 VICE CHAIR FAVRE: The vote was seven
5 yes, five nos, two abstention. The motion fails.

6 MEMBER CHAPMAN: The next item is grape
7 skin extract color. The motion is remove.

8 (Vote taken by show of hands)

9 VICE CHAIR FAVRE: The vote was six
10 yes, six no, two abstentions. The motion fails.

11 MEMBER CHAPMAN: The next motion is for
12 colors, paprika color. The motion is to remove.

13 (Vote taken by show of hands)

14 VICE CHAIR FAVRE: The vote was five
15 yes, seven no, two abstentions. The motion fails.

16 MEMBER CHAPMAN: The next item is for
17 colors, purple potato juice. The motion is to
18 remove.

19 (Vote taken by show of hands)

20 VICE CHAIR FAVRE: The vote was five
21 yes, seven no, two abstentions. The motion fails.

22 MEMBER CHAPMAN: The next item is

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1 colors, red radish extract color. The motion is
2 to remove.

3 (Vote taken by show of hands)

4 VICE CHAIR FAVRE: The vote was six
5 yes, six no, two abstention. The motion fails.

6 MEMBER CHAPMAN: And the next item is
7 saffron extract color. The motion is to remove.

8 (Vote taken by show of hands)

9 VICE CHAIR FAVRE: That was seven yes,
10 five no, two abstentions. The motion fails.

11 MEMBER CHAPMAN: And finally colors,
12 turmeric extract color. Motion is to remove.

13 (Vote taken by show of hands)

14 VICE CHAIR FAVRE: That was three yes,
15 nine no, two abstentions. The motion fails.

16 CHAIR RICHARDSON: So what do you
17 think? All the colors stay on the list. You're
18 supposed to be happy now out there. But I think
19 everyone got our message. So now I think we might
20 just take a short 15 minute break.

21 It is now 4:10 p.m. So that would be
22 4:25 p.m. We'll get back and we'll finish up the

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1 rest of the list in no time at all. Off the record.

2 (Whereupon, the above-entitled matter
3 went off the record at 4:08 p.m. and resumed at 4:28
4 p.m.)

5 CHAIR RICHARDSON: Back on the record.
6 Tom.

7 MEMBER CHAPMAN: The next item on the
8 agenda is dillweed oil.

9 CHAIR RICHARDSON: Please note that
10 Harold is still here.

11 MEMBER CHAPMAN: Dr. Brines.

12 DR. BRINES: Thank you. This listing
13 appears on Section 205.606 of the National List
14 under E, Dillweed Oil CAS number 8006-75-5.
15 Thanks.

16 MEMBER CHAPMAN: Dillweed oil is
17 available in organic. It also meets the
18 definition of a natural flavor and so can be used
19 under that annotation. I had no comments
20 supported relisting. This item should be removed
21 from the National List. The subcommittee
22 unanimously voted to have this item removed. Is

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1 there any further discussion?

2 Seeing none, we'll move to a vote on
3 dillweed. The motion is to remove.

4 (Vote taken by show of hands)

5 VICE CHAIR FAVRE: That was 14 yes,
6 zero no. The motion passes.

7 MEMBER CHAPMAN: The next item is fish
8 oil. Dr. Brines.

9 DR. BRINES: Thank you. This item
10 appears on Section 205.606 of the National List
11 under F, Fish Oil, Fatty Acid CAS numbers
12 10417-94-4 and 25167-62-8, stabilized with the
13 organic ingredients or only with ingredients on the
14 National List Sections 205.605 and 205.606. Thank
15 you.

16 MEMBER CHAPMAN: Jean.

17 CHAIR RICHARDSON: Yes. Another
18 simple one now, fish oil. Here we have obviously
19 from a commercial availability point of view fish
20 oil is not commercially available in organic form.
21 And so therefore it is appropriately on 606. And
22 the NOP does not presently have production status

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1 for aquiculture at this time. So obviously that
2 isn't going to change in the immediate near future.

3 Over the several years, fish oil has
4 however become increasingly used as a supplemental
5 material added to a wide range of foods to increase
6 the content of Omega-3 fatty acids. There are some
7 sources of medical literature that indicate that
8 the fish oil's benefit to human health by
9 contributing to healthy brain development,
10 improving cardiovascular disease, diabetes,
11 inflammation, etc., and other scientific data
12 that says that fish oil is overrated.

13 Fish oil is used in a wide variety of
14 food products, bread, pies, cereals, yogurt,
15 cheese products, frozen dairy products, etc., in
16 very small quantities. The fish oil used in these
17 foods that we're looking at today constitutes only
18 a tiny portion of the fish oil's produced since 81
19 percent of the fish oil goes worldwide to feeding
20 livestock, pigs, aquiculture, etc.

21 The challenge for us on the fish oil is
22 that the production of fish oil today is some of

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1 the conservative criteria, such as the
2 biodiversity. As some of our public commenters,
3 especially those sort of in the public interest
4 group area, state that production of fish oil today
5 often violates the fundamental tenants of organic
6 food production to promote ecological balance and
7 conserve biodiversity.

8 That's just one example of many kinds
9 of comments that we had from a broad range of public
10 interest groups raising concerns about the use of
11 fish oils in the feeds that we get nowadays. And
12 there were many of those groups. And they had a
13 broad range of comments like that.

14 For example, here's another one. Most
15 fish oil for human consumption comes from the lower
16 levels of the marine food chain such as mackerel,
17 salmon, sardine and herring. But fish oils also
18 come from deep sea fish and top level predators
19 including cod, pollock, swordfish, etc.

20 There is some implication that fish
21 oils, the harvesting of the fish oils, is having
22 a negative impact on a broad range of the marine

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1 trophic levels in a range of geographic areas in
2 the world. We can say with reasonable certainty
3 that in some parts of the world, such as Peru, there
4 may well be a control. In other parts of the world,
5 that is not the case.

6 It's not simple as you understand I know
7 when it comes to understanding the impact of fish
8 oils. Only a tiny percent is coming to these food
9 additives that we're adding in to processed
10 products.

11 Typically, the fish oil is not coming
12 from fish which are collected only for fish oil,
13 although again there's a broad range of opinion on
14 that depending on which of the public comments you
15 look at.

16 The public comments that come from the
17 companies that product the fish oil strongly
18 indicate and provide a statement as to the
19 significant need to have Omega-3, EPA and DHA fatty
20 acids. And in recent years, they state that
21 technology has emerged that allows food
22 manufacturers to add fish oil to foods and to allow

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1 fish adverse consumers to be able to reap the
2 benefits of Omega-3 without eating fish.

3 And, of course, there are many consumers that
4 are very happy to have this fish oil added to their
5 food when they may not otherwise get the fish oil.
6 They could take it as separate fish oil supplements
7 which is another point that was brought up by other
8 groups.

9 We did receive extensive commentary,
10 written comments, on the measurement of
11 environmental contaminants in the fish oil
12 supplements. And these are highly scientific
13 documents that help us to see that there is a wide
14 range of contaminant potential in some fishes, but
15 that the ones that are used in the fish oil
16 supplements have undergone extensive purification
17 so that the consumers could have a high level of
18 confidence in the fish oil that goes into the
19 additives, the fish oil supplements.

20 The issue of necessity comes to light
21 when we also look at bouncing off the -- setting
22 aside just the health benefits assuming that there

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1 may or may not be health benefits depending on which
2 medical science you look at. I take a supplemental
3 fish oil every day. I'll disclose that for the
4 record.

5 But setting aside the health benefits
6 controversy, fish oil may or may not be a necessary
7 ingredient in organic foods. And that was raised
8 by a number of the public interest groups that would
9 ask that we would remove this material from the
10 list.

11 The companies that produced them, of
12 course, and many of the processors would say that
13 we should not rush to delete the fish oils because
14 they believe that the health benefits outweigh any
15 potential contaminant impact and again reminding
16 us that there is no organic fish oil available.

17 This is one of these things that you are
18 just going to have to come to your decisions on for
19 yourselves. Board Members, I don't have a perfect
20 recommendation for you. You should note that in
21 subcommittee we had a divided vote of the people
22 that were there. Two said yes to remove, four said

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1 no and one person was absent.

2 MEMBER CHAPMAN: Thank you, Jean. Any
3 further discussion on this item? Colehour.

4 MEMBER BONDERA: Thank you. Thank
5 you, Jean. I guess your fish oil supplement isn't
6 organic. Sorry. We'll work on that.

7 My question is actually not
8 specifically to you, Jean. But you can either
9 answer or perhaps other handling subcommittee
10 members are willing to respond. And my question
11 is based on the public input that we've received
12 in this round has that influenced any of the
13 subcommittee members' thinking or reflections on
14 this. And might have any of them either changed
15 their position or reinforced their position based
16 on what has come forth in the second round of public
17 commentary for this Sunset consideration? That's
18 my inquiry.

19 And like I said, I don't know if you want
20 to respond, Jean, or if other members are willing
21 to. Thank you.

22 MEMBER CHAPMAN: Lisa.

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1 MEMBER DE LIMA: Not really an answer
2 to your question. My mind was already made up
3 before hearing public comment. I don't think it's
4 compatible from an environmental perspective and
5 I question the necessity as well. I was one of the
6 ones who voted yes to removing in subcommittee.
7 And I'm still going to vote that way now.

8 MEMBER CHAPMAN: Zea.

9 MEMBER SONNABEND: I struggled with
10 this and thought long and hard about it. I was one
11 of the ones who voted to keep it coming out of
12 committee.

13 And I can't say that solely the public
14 comment changed my opinion. But we voted on this
15 one before we took up the issue of nutrient,
16 vitamins and minerals. This is not a vitamin or
17 a mineral, but it is a nutritional additive, a
18 fortification if you will.

19 In the course of studying that other
20 issue mostly, my thinking came around to
21 nutritional fortification of something should be
22 a choice that a consumer can make independent of

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1 putting it into the product.

2 Like Jean, I take a supplement and the
3 supplement that I take I look very carefully at the
4 label to see if it has a statement about heavy
5 metals, that it's been screened to see if it meets
6 a voluntary standard, to see if they disclose where
7 the fishery is, all of the things that we're talking
8 about in evaluating it.

9 But I just don't see that when you're
10 buying a product that has it just automatically in
11 it that you have all that access to all that
12 information. So you're basically your decision
13 then on trust of the company name or the brand name
14 of that company.

15 I feel that my number one concern is
16 that it doesn't seem to be necessary to producing
17 the product, 6517(c)(1)(A)(ii). While it's not
18 harmful to human health, the jury is still out in
19 the environment and from overfishing issues. And
20 I don't feel like we're equipped to regulate it to
21 only a fishery that has a certain amount of control
22 over it because we don't have enough information

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1 on the other fisheries like we've gotten on the
2 Peruvian regulated fishery. And it might give
3 unfair advantage to one company over another with
4 the source there or not source there.

5 So after deliberating on all of that,
6 I have decided to change my vote and vote against
7 this continuing, a vote to remove it.

8 MEMBER CHAPMAN: Tracy.

9 VICE CHAIR FAVRE: It is quite
10 unfortunate that we're doing this immediately
11 after the colors when we were all so stressed and
12 confused about colors. It feels like a little bit
13 more like the more you start the worse it stinks
14 on this one.

15 But I'm sort of torn on this one. I am
16 concerned about the environmental impact. I'm
17 also concerned about the market disruption if we
18 suddenly make something not available that has
19 already gone into products. And while I agree it's
20 not essential, there is a certain amount of
21 consumer expectation now where it's in products.

22 Also if we do take it off we have a

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1 couple of things contextually that we need to
2 consider. The first is that if aquiculture
3 standards come out and they approved and put into
4 effect, we will essentially have organic fish oil
5 potentially. So in some ways the question is moot
6 in regards to that.

7 The other thing is if rulemaking ever
8 is completed on the DHA, the only supplement that
9 you could use for Omega-3s would be DHA algal oil
10 which is in limbo land I guess. So regardless I'm
11 a little conflicted about what's the best thing to
12 do here which doesn't offer anybody by way of
13 guidance. But there it is.

14 MEMBER CHAPMAN: I'll go and then Zea.
15 It's my opinion that we need to be consistent in
16 our evaluation of these substances. The
17 environmental concerns of fish oil for handling
18 products are identical to the environmental
19 concerns for liquid fish products in farming which
20 this Board just voted to renew by a vote of 13 in
21 favor of it remaining on the list.

22 We can't pick and choose which products

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1 have environmental concerns. And these are real
2 concerns. I think there is a need to reevaluate
3 the approach and use of marine products and organic
4 products at a holistic level including at the farm,
5 at the ranch, and in the handling facility and the
6 processor.

7 And it's my opinion that fish oil could
8 be annotated to further improve the listing. But
9 at this point all we can consider is to remove it
10 or not. Removing it now will (1) not resolve the
11 root concerns we have with fish oil. However, if
12 we wait to further annotate it we have the potential
13 to create a market for sustainable fish oil that
14 we all want to see.

15 (2) Consumers have a choice. They can
16 choose to buy products fortified with fish oil and
17 they can choose to buy products not fortified with
18 fish oil.

19 (3) Tracy mentioned this. We could
20 stun what is a nearly emerging organic seafood
21 industry and a byproduct that will be critical to
22 make them profitable as soon as possible.

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1 And (4) lastly, it puts organic
2 products at a disadvantage when on shelves next to
3 natural and non-GMO products for further health
4 advantages at a lower cost. Is this small
5 supplement that we could help make a better market
6 for it to further annotation at a later time better
7 than that 95 percent of the product that's organic
8 that will no longer be available?

9 I struggle with that myself. This is
10 one of the hardest materials on the list. I'll
11 leave it there. Now, Zea.

12 MEMBER SONNABEND: A couple of points.
13 First of all, if we vote it off now, this is not
14 a sudden change. People will have a year and a half
15 to still sell products until it actually sunsets
16 in 2017. That time could be used to educate people
17 as to fish oil supplementation versus having to
18 have it in their product.

19 Second of all, I completely disagree
20 with Tom's contention that any consumer who is now
21 buying organic with fish oil will switch to
22 nonorganic milk because it's next to it on the

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1 shelf. I think our organic consumers are smarter
2 and devoted to organic. And we saw no data to
3 support that someone would just buy conventional
4 milk or whatever you called it, natural milk
5 instead of organic milk.

6 Yes, I would be happy if instead of this
7 it was allowed and made with organic and not
8 completely organic. But that is not on the table.

9 MEMBER CHAPMAN: I have Harold.

10 MEMBER AUSTIN: It's a difficult
11 discussion. It really is. Public comments could
12 sway me either way. But sitting on this Board as
13 one of the two handler reps, we do have stakeholders
14 out there that have got formulations that are in
15 place using this material not just as an additive,
16 but also as an ingredient more than just for the
17 Omega-3s.

18 Some people can't eat fish. And I know
19 they can take a supplement. But we've got
20 stakeholders that have got products out there,
21 materials out there that have been formulated with
22 this.

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1 I think Tracy hit on a little bit that
2 at some point in time if we get the aquiculture
3 standards in place, if we can ever get to a point
4 where we've got a decision on that, that will help
5 clear up part of this issue that we're having this
6 discussion on today. I'm torn, but I'm still going
7 to support the continuation of keeping this on the
8 National List at this time.

9 But I think we need to send a message
10 to those individuals that this is a difficult one.
11 If it should stay on the list, it's definitely one
12 of those ones that's not going to probably be there
13 forever.

14 MEMBER CHAPMAN: Lisa.

15 MEMBER DE LIMA: To Tom's point about
16 maybe being able to annotate it so that we could
17 require sustainability around fish oil, I think
18 it's a nice idea. But it sounds really, really
19 hard in practice. Even when you're just looking
20 at single species like I do when I'm sourcing for
21 the retail store, it's really hard.

22 And there's a lot of different

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1 definitions of sustainability and what's rated
2 green, what's rated yellow, what's red and I think
3 it would be a huge challenge for us to be able to
4 come up with something that the rest of the
5 sustainable fish industry hasn't come to an
6 agreement on.

7 MEMBER CHAPMAN: Tracy.

8 VICE CHAIR FAVRE: I am just sort of
9 thinking through logistics. And again I'm still
10 conflicted about how to vote here. But if we vote
11 fish oil off the list, it sunsets in 2017. We have
12 aquiculture standards that come in and come into
13 place. And eventually we have organic fish oil
14 again. Then we've got almost this roller coaster
15 ride for producers where it's off for a while
16 potentially with some sort of gap depending on when
17 the standards get into place and then an
18 opportunity to reformulate with it again. I'm
19 kind of wondering what to do about that.

20 MEMBER CHAPMAN: Ashley.

21 MEMBER SWAFFAR: I'm really on the
22 fence and a lot of what Tracy said is exactly how

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1 I feel. I really think that aquaculture is going
2 to come. That will be our classes like fun times.
3 And I would really worry about the handlers that
4 wrote in and said that they use fish oil in a lot
5 of milk formulations and things like that.

6 If that would go away, who knows when
7 we'll get aquaculture. Maybe there will be a gap
8 there. And I think that's part of a market that
9 consumers could be very confused on.

10 MEMBER CHAPMAN: Zea.

11 MEMBER SONNABEND: Now I'm thinking if
12 81 percent of the fish oil goes to aquaculture have
13 they petitioned this for organic fish that is
14 coming down the pike? And if they haven't, then
15 they have to use organic fish oil to feed those
16 organic fish, don't they? Or what?

17 So I don't think maybe organic fish oil
18 will be on the market because if they have to have
19 100 percent organic feed for those organic fish
20 they have to give them all the fish oil.

21 MEMBER CHAPMAN: Tracy.

22 VICE CHAIR FAVRE: There is a provision

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1 for phasing in from nonorganic to organic and the
2 provision for fish meal. So there is that sort and
3 addresses it a little bit.

4 MEMBER CHAPMAN: I can't speak to the
5 price of products that exist, but in terms of
6 agricultural land based products, generally food
7 ingredients get a premium over feed ingredients.
8 So food ingredients get a premium or feed
9 ingredients if there's a shortage. Mac.

10 MEMBER STONE: So we take a spoonful of
11 cod liver oil this morning. But if the food
12 processors/manufacturers say they're adding these
13 product it's not cheap or easy and the market forces
14 are telling them that they're sell more milk if they
15 put these things in it or yogurt or whatever it
16 might be.

17 I don't know if it's necessary, but if
18 you ask the marketing people then I think they're
19 calling for more milk which means more cows which
20 means more farms. And I guess I'm okay with that.

21 CHAIR RICHARDSON: I'm a consumer rep
22 on the Board. And of course I have two sets of

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1 consumers out there. One set of consumer wants us
2 to remove the list because of the concerns, maybe
3 some real, maybe some exaggerated. It's hard to
4 know from the literature. There's a wide range of
5 literature on this because of concerns of a
6 combination of environmental, marine concerns and
7 also for a potential of contaminants that remain
8 in the less purified forms of fish oil.

9 And then on the other hand, you have
10 those consumers that say fish oil is really good
11 for you because it's healthy and it's going to do
12 something good for me and my kids. So I'd like to
13 see it in the milk and the cookies and all the other
14 things.

15 Both those sets of consumers are out
16 there which further adds to the conflict that we
17 feel in deciding whether we should keep this or
18 remove this material. So for all of us it's a
19 really difficult decision to come to. I don't have
20 a perfect answer for it.

21 I do know that when you purchase your
22 fish oil in whatever form you're going to take it,

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1 a liquid form or a pill form or whatever it is, you
2 always spend a lot of time looking for the forms
3 that have been the most highly purified. You look
4 for some sort of annotation that then says we're
5 going to put some sort of requirements in an
6 annotation as to not only how pure it is or the test
7 levels or the oceans or the area that it comes from
8 or that fact that it shouldn't come from some of
9 the mammals which are included in the fish oil and
10 the TR which I didn't like to see as you know. But
11 it also included some seals and whales which seems
12 to me like an odd thing to see in fish oils instead
13 of mammals.

14 There were a lot of issues that were
15 raised from a consumer's point of view from both
16 aspects for us to consider as we deliberate on this.
17 It's not just necessity although that certainly
18 comes into it. But it is also a matter of fact
19 consumer choice. If they choose to have fish oil,
20 then there are other places they can get it other
21 than just as a food additive.

22 MEMBER CHAPMAN: Any additional

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1 discussion on this item? Harold.

2 MEMBER AUSTIN: I want to go back that
3 it's not just an additive. It's the ingredient
4 that's being used. So it's something that's part
5 of a formulated material for texture. You look at
6 the gummy confections. It's in part of our written
7 document, Jean, where it's actually used as part
8 of their formulation product

9 It's not for the addition of the fish
10 itself but as an ingredient that has consistency,
11 texture. I'm not sure exactly what all they're
12 using it for. But they specifically said that it's
13 an ingredient used in the gummy confections, gummy
14 nutritional supplements, jelly beans, etc.

15 We do have stakeholders that are using
16 it in different ways for different reasons. So I
17 think we have to be cognizant of that.

18 MEMBER CHAPMAN: Tracy.

19 VICE CHAIR FAVRE: Jean, when you were
20 doing your research, I can't remember if you've
21 answered this question. So pardon me. But did
22 you get a sense of what percentage of fish oil is

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1 from fish caught specifically for that purpose
2 versus that which is a byproduct of other fishing
3 products?

4 CHAIR RICHARDSON: No, I didn't get a
5 really clear sense of that.

6 MEMBER CHAPMAN: Any further
7 discussion?

8 Seeing none, we'll move to the vote.
9 The motion is to remove fish oil. It came from the
10 subcommittee with the vote of two yes, four no, one
11 absent.

12 (Vote taken by show of hands)

13 VICE CHAIR FAVRE: The vote was eight
14 yes, five no, one abstention. The motion fails.

15 MEMBER CHAPMAN: Next item on the list
16 if fructooligosaccharides (FOS). Dr. Brines.

17 DR. BRINES: Thank you. This
18 substance appears at Section 205.606 (H)
19 Fructooligosaccharides, CAS number 308066-66-2.
20 Thank you.

21 MEMBER CHAPMAN: I will refer to this
22 product by its short name, FOS. FOS is one of two

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1 inulin fiber products on the 606 list. It is a
2 nondigestible, soluble prebiotic fiber. Little
3 new information was provided since the first
4 reading, but it included some new companies
5 speaking to the unavailability of FOS. Comments
6 from interest groups repeated the earlier comments
7 that the substance was not agricultural. But upon
8 reviewing the draft guidance, NOP 5033, on
9 agricultural/nonagricultural classification,
10 based on the information contained in the new
11 technical review, the handling committee continued
12 to believe the agricultural classification was
13 correct.

14 The material satisfies OFPA criteria.
15 And the handling subcommittee recommended its
16 renewal. Retention of this material was part of
17 a justification for the later recommendation to
18 remove the second inulin product on the list.

19 Open it up for discussion. Jean.

20 CHAIR RICHARDSON: Could you clarify
21 how widely used it is and tell me whether it's
22 necessary?

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1 MEMBER CHAPMAN: So it's used in
2 several forms as a soluble, prebiotic fiber flavor
3 enhancement. And it's used in yogurt, infant
4 foods, bake goods, beverages and other dairy
5 products.

6 CHAIR RICHARDSON: So what if it wasn't
7 there.

8 MEMBER CHAPMAN: It's a liquid form of
9 inulin, a short chain. Presumably you would have
10 to find another suitable fiber product.

11 Any further discussion on this item? I
12 have Mac, then Zea.

13 MEMBER STONE: I am still kind of
14 bothered by this. It's a bulking agent, but then
15 it's indigestible. It seems like those are not
16 quite really where we want to go. Or that is where
17 we go.

18 MEMBER SONNABEND: And like Jean, I'm
19 having trouble with soluble, prebiotic fiber and
20 why like bran wouldn't work that was organic or oats
21 or other fiber things that you could put in your
22 muffin.

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1 MEMBER CHAPMAN: But those don't
2 provide a quality that is used in bake goods,
3 moisture and it's also used in yogurt which bran
4 and oats would be different.

5 MEMBER SONNABEND: Okay. But how
6 about the dried orange pulp which is coming up which
7 they said was also used for moisture in bake goods?

8 MEMBER CHAPMAN: Fibers are often used
9 for moisture retention, yes.

10 MEMBER SONNABEND: So how is it
11 different than an agricultural material like dried
12 orange pulp?

13 MEMBER CHAPMAN: This is also an
14 agricultural material. But dried orange pulp is
15 in a dried form, not a liquid form and it has a
16 different functional basis for its usage.

17 CHAIR RICHARDSON: Can you clarify why
18 the agricultural basis of it?

19 MEMBER CHAPMAN: How we determined it
20 was agricultural?

21 CHAIR RICHARDSON: Right.

22 MEMBER CHAPMAN: There are two common

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1 methods to produce FOS. One is from inulin and one
2 is from sucrose. Inulin derived FOS is found in
3 chicory, artichoke, agave and other plants.
4 Chicory inulin is extracted from the source
5 material via water extraction. The resulting
6 inulin undergoes a partial and schematic
7 hydrolysis using an enzyme, inulin. The
8 hydrolysis breaks the long chain inulin into
9 shorter chain FOS.

10 So inulin is a series. It's a sucrose
11 molecule connected with a whole long chain of
12 fructose molecules which can range from I think two
13 to 60. And the FOS is the chains between two and
14 ten. The specific range and it has a specific set
15 functionality characteristics.

16 The second form of production is from
17 sucrose where sugar cane or the possibility of
18 sugar beets extracted and fermented with a
19 bacteria. The cells are mobilized for high surety
20 of FOS and can accomplished by creating beads of
21 that item in calcium alginate. The cells are again
22 the subject of hydrolysis enzymatically and then

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1 transfer the fructose chains onto the sucrose
2 chains.

3 I see Emily raising her hand.

4 MS. BROWN ROSEN: I just want to bring
5 up a point I don't think is in your summary, but
6 was in the petitions originally was that both of
7 those substances were, one of the purposes of them
8 in the dairy products, as a prebiotic. So that
9 enabled them to make an enhanced structural,
10 functional claim about enhanced calcium absorption
11 of the product. And that's the main reason it's
12 being added. That was the justification.

13 CHAIR RICHARDSON: It's so much fun to
14 talk to Tom. Why can't I just have it from organic
15 sugar cane or sugar beet? Then it could be
16 organically produced from the organic sugar cane
17 or sugar beet of which there is plenty available
18 organically.

19 MEMBER CHAPMAN: Of sugar cane. Not
20 of sugar beet. I don't have the answer off the top
21 of my head on that one. I do know the producer
22 commented the first time under I think it was the

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1 market size availability issue on the sugar cane
2 production method. Chicory inulin is the primary
3 form of inulin and it's not available in organic
4 form.

5 Any further discussion on this item?

6 Seeing none, we'll move to a vote on
7 removing fructooligosaccharides from the National
8 List.

9 (Vote taken by show of hands)

10 VICE CHAIR FAVRE: Eight yes, six no.
11 Motion fails.

12 MEMBER CHAPMAN: The next item on the
13 National List is galangal frozen. Dr. Brines.

14 DR. BRINES: Thank you. The substance
15 is included at Section 205.606 of the National List
16 under I, Galangal Frozen. Thank you.

17 MEMBER CHAPMAN: Galangal frozen, this
18 product appears to be available in organic and we
19 have received no further comments speaking to its
20 unavailability. The item should be removed from
21 the National List and it was voted to be removed
22 unanimously from the subcommittee. Any further

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1 discussion on this item?

2 Seeing none, we'll move to a vote on
3 removing galangal from the National List.

4 (Vote taken by show of hands)

5 VICE CHAIR FAVRE: The vote is 14 yes,
6 zero no. The motion passes.

7 MEMBER STONE: Actually, that's 13 yes
8 and one yes, sir.

9 VICE CHAIR FAVRE: Thank you for that
10 clarification.

11 MEMBER CHAPMAN: The next item on the
12 National List is gelatin. Dr. Brines.

13 DR. BRINES: Thank you. This
14 substance is included at 205.606 of the National
15 List under J, Gelatin, CAS number 9000-70-8.
16 Thanks.

17 MEMBER CHAPMAN: Zea.

18 MEMBER SONNABEND: Thank you.
19 Gelatin can come from cows, swine or fish. It's
20 used in a lot of products as a clarification or
21 fining agent as a stabilizer or thickener and in
22 capsules. It may either be an ingredient or a

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1 processing agent.

2 There is starting to be some organic
3 gelatin available from cows. But there definitely
4 is not from fish from reasons we just discussed.

5 In the public comments, we didn't get
6 that much on gelatin, but clearly we got people who
7 need gelatin. And the fish gelatin is not
8 available. And there doesn't seem to be a
9 consistent or abundant enough supply of organic
10 gelatin for all the uses.

11 Some people express concerns over the
12 use of animal gelatin from conventionally raised
13 animals and the level of contamination that might
14 be present from conventional practices. However,
15 there is no specific new evidence that such gelatin
16 has been identified as harmful in the organic food.

17 We didn't end up doing an ancillary
18 substance proposal for this which we said we were
19 probably going to do. We sort of ran out of steam
20 because we were rather overworked this summer.

21 But one of the ancillary substances is
22 sodium hexametaphosphate which is used for

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1 cross-linking which I don't really know what that
2 means. But we may once we work out ancillary
3 substances be bringing a proposal for this at a
4 future time.

5 MEMBER CHAPMAN: Any further
6 discussion on this item?

7 MEMBER MARAVELL: Just anecdotal
8 comment that it appears that beef bones anyway
9 which are now en vogue or all in fashion are being
10 saved from grass fed and from organic animals and
11 being so identified.

12 So I'm just saying that there's a trend
13 to spread and save organic bones. And we sell out
14 all the time our bones. And we have processors
15 wanting to buy bones. So there is a market there.

16 MEMBER CHAPMAN: Any further comments?
17 Discussion?

18 Seeing none, we'll move to a vote. The
19 motion is to remove gelatin from the National List.

20 (Vote taken by show of hands)

21 VICE CHAIR FAVRE: That was three yes,
22 nine no, two abstentions. The motion fails.

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1 MEMBER CHAPMAN: The next item are
2 gums, arabic, carob bean, guar, locust bean.
3 These will be heard as one item. Dr. Brines.

4 DR. BRINES: Thank you. The substance
5 is included at Section 205.606 of the National List
6 at K as gums, water extracted only, arabic, guar,
7 locust bean and carob bean. Thanks.

8 MEMBER CHAPMAN: Zea.

9 MEMBER SONNABEND: Thank you. This
10 listing for gums has four different names that
11 refer to three different products, because locust
12 bean and carob bean are two names for the same
13 botanical plant. It is, I think. unfortunate.
14 This is one of the very early ones, as I mentioned,
15 that was put on the National List from the
16 beginning. And it's sort of unfortunate that it's
17 on there in a combined listing. But these items
18 have very wide variety of uses as binders and
19 thickening agents in a very wide variety of foods.
20 What the problem becomes is that guar and locust
21 bean gum are pretty common now in organic form,
22 whereas gum arabic is absolutely not available.

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1 I, who am a diligent label reader
2 because of my allergies, only saw organic gum
3 arabic on one product for the first time in the last
4 month and have never seen it before. While I think
5 we're getting close to removing guar and locust
6 bean the work that would be involved in the
7 cumbersome process of separating these things on
8 the National List and only removing some of them
9 has prevented me from doing this, but we would
10 entertain future petitions to remove those two of
11 the gums.

12 But in the meantime because gum arabic
13 is necessary and has some different
14 characteristics than the other two, I'm
15 recommending keeping them on the list. Public
16 comments were generally favorable, although of
17 course they pointed out, too, the dangers of
18 conventional agriculture, the alternatives that
19 come from seaweed or microorganisms to make gums
20 and the fact that a combination of gums is often
21 needed in a product rather than just one single gum.

22 MEMBER CHAPMAN: Thank you. Francis.

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1 MEMBER THICKE: We used on our dairy
2 processing for a saucer product we use organic guar
3 gum and locust bean gum. And we don't use arabic.
4 But I think you're right. They should be separated
5 out because we never had any trouble getting these
6 other organic.

7 MEMBER CHAPMAN: Any other discussion?
8 Colehour.

9 MEMBER BONDERA: From what I heard
10 these should be separated, but we would await a
11 public system to do, or we could pursue it from
12 inside the NOSB.

13 MEMBER CHAPMAN: Zea.

14 MEMBER SONNABEND: Someone in NOSB
15 totally could do it. I have my priority list for
16 the next semester, and this has just not risen to
17 the top. But someone else is welcome to do it.

18 MEMBER CHAPMAN: Any further
19 discussion? Colehour.

20 MEMBER BONDERA: I apologize. I am
21 not sure I do or don't understand the system very
22 well. But I hereby request that this go back to

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1 the subcommittee or go to the subcommittee with a
2 request to put on their internal work agenda to
3 pursue that change that we just discussed. Thank
4 you.

5 MEMBER CHAPMAN: I will raise that with
6 the subcommittee. Any further discussion on this
7 item?

8 Seeing none, we'll move to a vote. The
9 motion coming from the subcommittee is a motion to
10 remove gums, arabic, carob bean, guar and locust
11 bean from the National List.

12 (Vote taken by show of hands)

13 VICE CHAIR FAVRE: That was zero yes,
14 fourteen no. The motion fails.

15 MEMBER CHAPMAN: The next item on the
16 national list is inulin-oligofructose enriched.
17 Dr. Brines.

18 DR. BRINES: Thank you. This
19 substance is included in Section 205.606 of the
20 National List under L, Inulin-oligofructose
21 enriched, CAS number 9005-80-5. Thank you.

22 MEMBER CHAPMAN: Inulin-oligofructose

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1 enriched is the second of the inulin products on
2 the National List. It's a nondigestible
3 carbohydrate that's used to increase calcium
4 availability and adsorption as a soluble dietary
5 fiber and is a noncaloric sweetener. It also has
6 functional effects on texture in food. It's used
7 in many foods including yogurts, bake goods,
8 candies, jams and other dairy products.

9 The oligofructose is another name for
10 FOS, the same item that we just voted upon. So this
11 is in essence inulin enriched with FOS. Organic
12 inulin is available from agave from some suppliers
13 out of Mexico. Given the availability of organic
14 inulin and the separate listing for FOS,
15 information from certifiers of operations that
16 they have switched to organic inulin and the
17 absence of information on the lack of availability,
18 no comments seeking for this item remain.

19 The handling subcommittee recommends
20 this item can be removed from the National List at
21 this time. Is there any further discussion?

22 Seeing none, we'll move to a vote.

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1 (Vote taken by show of hands)

2 VICE CHAIR FAVRE: The vote was 14 yes,
3 zero no. The motion passes.

4 MEMBER CHAPMAN: The next item is kelp.
5 Dr. Brines.

6 DR. BRINES: Thank you. This
7 substance is included at Section 205.606 of the
8 National List at M, Kelp, for use only as a
9 thickener and dietary supplement. Thanks.

10 MEMBER CHAPMAN: Tracy.

11 VICE CHAIR FAVRE: Kelp is a term for
12 seaweeds belonging to the group algae phaeophyceae
13 in order of laminariales. It's been very
14 confusing for the listing as we've discussed both
15 in public comments and various discussions among
16 the Board that this gives us a wide range and we're
17 not very clear about which version of kelp we're
18 talking about. But it does generally refer to the
19 seaweeds belonging to the brown algae.

20 There are some other edible kelps in
21 different families, sometimes called kombu,
22 sometimes not. Again, it points out the point of

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1 needing to be a little more clear on specific Latin
2 names.

3 Public comment was mixed, with some
4 citing the importance of material and long history
5 of use, while others expressed concerns regarding
6 the accumulation of pollutants and heavy metals and
7 the potential for overharvesting. One group
8 suggested the Board consider an annotation
9 requiring testing for contaminants and suggested
10 the handling subcommittee investigated while wild
11 crafted, organic kelp would be available.
12 Finally, one commenter suggested the consideration
13 of kelp as a flavoring meaning to expand its
14 annotation from specifically for use only as a
15 thickener and dietary supplement.

16 As we've discussed on various other
17 products, again with the sea product like this, it
18 feels like we're sort of picking and choosing with
19 the difficulty with being consistent with our
20 application. So, again, we've had discussions
21 about maybe having more systems approached, global
22 conversation if you will about the sea products.

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1 Thank you.

2 MEMBER CHAPMAN: Any further
3 discussion on this item? Jean.

4 CHAIR RICHARDSON: An amusing piece of
5 trivial, but maybe not so trivial, is that the cows
6 for example the kelp that you give them, it has to
7 be organic in their feed. But for humans
8 apparently, okay, it's not. Just want to mention
9 that.

10 I have a great deal of trouble voting
11 to keep this word kelp on the list because it lacks
12 the necessary scientific basis. We don't know
13 what the Latin names of all the species are, and
14 it's broadly used differently and interpreted
15 differently in different parts of the world. And
16 it includes many, many hundreds and hundreds of
17 species.

18 I realize that whatever happens we are
19 going to take all these seaweedy, fish things back
20 to the subcommittee and determine more
21 holistically for across all the subcommittees how
22 we can best deal with them. But it's very hard for

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1 me to vote to keep something with such an incredibly
2 broad, non-specific category. I know that's how
3 it was put it, but scientifically I tell I just
4 don't know that I can do it.

5 MEMBER CHAPMAN: Thank you. Francis,
6 then Zea.

7 MEMBER THICKE: I was going to say the
8 same thing Jean did that recently it's become
9 required to have organic kelp for livestock and I
10 can buy it by the 50 pound bag of pellets and not
11 have any trouble with availability. So I don't
12 know if anybody can clarify that why we need to have
13 it available in 606 for humans.

14 MEMBER CHAPMAN: Zea.

15 MEMBER SONNABEND: I can't clarify
16 that, but I can clarify one point Jean made which
17 is the woman from Cornell who testified about the
18 ascophyllum overharvesting yesterday, I talked
19 with her after at the break.

20 She did make it clear to me that the word
21 kelp scientifically does mean laminariales.
22 That's the exact order that Tracy mentioned. And

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1 that all scientists do understand when you say kelp
2 that means that. And that also they grow a foot
3 a day. So there isn't the overharvesting problems
4 that there is with species of ascophyllum she was
5 talking about in most situations where it's
6 harvested from.

7 So I realize that the vernacular kelp
8 doesn't just refer to the scientific name. But
9 scientifically what it says here is correct
10 according to this one thing.

11 MEMBER CHAPMAN: So I have I think
12 Emily wants to speak and then Nick and then Jean.

13 MS. BROWN ROSEN: The reason it has to
14 be organic for livestock feed is that it's class
15 here is agricultural. And livestock does not have
16 an allowance for commercial availability of
17 agricultural items. So that's where it is from.

18 MEMBER CHAPMAN: Thank you. Nick.

19 MEMBER MARAVELL: Speaking up on
20 behalf of livestock farmers and my herd, don't take
21 our organic kelp away and give it to humans.

22 MEMBER CHAPMAN: Ashley.

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1 MEMBER SWAFFAR: I have a question on
2 the handler scientist. Do you know if the kelp
3 that's available in organic form for livestock can
4 even be used in the forms that handlers are using
5 it?

6 MEMBER CHAPMAN: I don't know the
7 answer to that question. I will make the same
8 comment that I made before as Nick makes an
9 interesting point. I don't believe we got a good
10 amount of data on availability of organic versus
11 nonorganic and the market demand.

12 But human-consumed foods can generally
13 afford a higher price than feed. So if the
14 availability is not there, then you may not be able
15 to buy your kelp anymore by the pallet-load.

16 MEMBER MARAVELL: And I might add that
17 the price of kelp goes up and down during the year
18 depending on its availability. It doesn't go up
19 and down a whole heck of a lot, but it's not like
20 this constant price. So I know there are minor
21 availability issues.

22 MEMBER CHAPMAN: But I have no

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1 information. Zea.

2 MEMBER SONNABEND: I did not see public
3 comment this round concerning organic kelp in
4 particular like whether it was a form that they
5 needed for their thickening agent that didn't exist
6 organically or whether they couldn't get organic.
7 Did I miss some, Tracy or anyone? Was there
8 specific comment that I didn't notice?

9 VICE CHAIR FAVRE: No, I didn't see
10 anything specifically. Most of the comments I
11 received were from the first round.

12 MEMBER CHAPMAN: Anything further?
13 Lisa.

14 MEMBER DE LIMA: Question for Jean.
15 If it did have the scientific name, then would you
16 lean towards keeping it on there because it would
17 be up to the inspector to verify that they're unable
18 to get it organically and thereby are using the
19 nonorganic? And right now they just can't do due
20 diligence is what you're saying.

21 CHAIR RICHARDSON: Well, I'm still not
22 convinced that when the word kelp is used. I

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1 understand the laminariales group pretty well.
2 But it's being gathered and harvested and comes in,
3 that doesn't necessarily mean that all the stuff
4 that's in that group called kelp is going to be in
5 fact in the laminaria group. It's going to be a
6 broader range of things.

7 So I don't think that we've really been
8 sufficiently specific in saying that by this we
9 only mean these species. If it had the Latin
10 names, I'd feel a lot more comfortable about it
11 because I don't think you can just sort of say it's
12 just laminaria because that isn't really how it's
13 practically done in the field when the fishermen
14 go out. Ah, it's all kelp. I mean we haven't been
15 as fussy about it as we ought to be.

16 And I know that some of the kelp, some
17 of the individual laminaria that are those nice
18 broad ones with those spikes, they grow really fast.
19 I've seen them bombing it on the coast of Maine.
20 It grows incredibly fast in season bays. So it is
21 possible and it could be encouraged to be actually
22 grown under organic conditions when we have of

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1 course the aquatic standards all passed and so
2 forth.

3 I think I just want to see the Latin
4 names for all these seaweeds. That's what I want
5 to see to be sure that we can verify that actually
6 it is in the right group when we go out there and
7 look at it. We know that the seaweeds all over
8 these shores all over the place are all being
9 differentially overharvested in different areas.

10 MEMBER CHAPMAN: Mac.

11 MEMBER STONE: I guess I'm having
12 trouble. If it is readily available organic for
13 livestock feed, it seems like it would be available
14 for human feed. I guess if it does stay on the list
15 that maybe when the committee is looking at all
16 these things a little translation of this is used
17 only as a thickener and dietary supplement. It
18 doesn't say or. So that means it would have to have
19 a dual purpose. A little translation of that
20 annotation.

21 MEMBER CHAPMAN: Yes. And I'm
22 similarly concerned that you consume human feed.

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1 MEMBER STONE: You were in Kentucky
2 last year.

3 MEMBER CHAPMAN: Tracy.

4 VICE CHAIR FAVRE: So might we consider
5 this being something that we wanted to add
6 hopefully a fairly quick work agenda item to add
7 some Latin names for clarity for that. Would you
8 be comfortable with that? Do we need to do that
9 as a subcommittee?

10 CHAIR RICHARDSON: I see that as part
11 of that general discussion that we're going to have
12 to look at various forms to decide if we need TRs
13 for this range. It's like you said. The whole
14 system look at all these fish products to be sure
15 that we're asking the right sort of questions and
16 if necessary have a TR which looks like we would
17 do and also to have some annotations.

18 MEMBER CHAPMAN: Any further
19 discussion on this item? Colehour.

20 MEMBER BONDERA: I apologize for my
21 ignorance and unpreparedness. Jean, maybe you or
22 somebody else can clarify for me or maybe Lisa can.

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1 This item which is 606 M in which there is a
2 statement in your recommendation that suggests the
3 confusion might need to lead to changes in what
4 these different list things, et cetera, are.

5 We are not voting on this one on it's
6 completely separate from 606 Y. Okay. They are
7 totally different even though the words in here are
8 the same.

9 It depends on what -- I'm sorry.

10 (Off microphone comment)

11 Right, but wakame is listed as -- maybe
12 I'm not reading it right -- I guess there is some
13 confusion. It doesn't say it is that, right? So
14 it's just the confusion is the problem, not that
15 it is wakame.

16 VICE CHAIR FAVRE: Yes.

17 MEMBER BONDERA: It refers to wakame.
18 It's not saying it is wakame.

19 VICE CHAIR FAVRE: Right. When I was
20 doing the research on the different varieties
21 trying to look at kombu versus wakame versus kelp
22 even the literature is a little confused about it.

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1 So I had to keep digging a little further to find
2 out which specifically was being referred to.
3 And, yes, it is confusing.

4 MEMBER BONDERA: So this one M is not
5 wakame.

6 MEMBER BONDERA: That's correct.
7 This one is called kelp. There's a separate
8 listing for wakame.

9 MEMBER CHAPMAN: Mac.

10 MEMBER STONE: I am going to vote to
11 keep this on because I can trust the processors and
12 certifiers to use the organic version because
13 they're required to if it's available. And if it's
14 readily available, the system still works rather
15 than make a decision if there is a slight difference
16 and we were to take away a tool.

17 MEMBER CHAPMAN: Any further
18 discussion on this item?

19 Seeing none, we'll move to a vote. The
20 motion comes from the subcommittee to remove kelp
21 from the National List.

22 (Vote taken by show of hands)

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1 VICE CHAIR FAVRE: That was four yes,
2 eight no, two abstentions. The motion fails.

3 MEMBER CHAPMAN: Next on the list is
4 konjac flour. Dr. Brines.

5 DR. BRINES: Thank you. Konjac flour
6 is included at Section 205.606 of the National List
7 under N as Konjac Flour, CAS number 37220-17-0.
8 Thank you.

9 MEMBER CHAPMAN: Konjac flour is used
10 in traditional Asian foods for its consistency and
11 thickening capabilities. It comes from a yam
12 called the elephant yam. There is some foreign
13 availability, but searches of products grown
14 aboard is somewhat difficult as equivalency
15 agreements are not searchable in the organic
16 integrity database. And I will take this moment
17 to encourage the program to continue to invest in
18 the organic integrity database including
19 researching equivalencies as part of that system.

20 One processor spoke in support of this
21 material as a potential or future product
22 development. And a trade association spoke in

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1 support of the material noting that the foreign
2 supply concerns provided no data. And they had
3 noted that they had not investigated those supply
4 ordinance specifically.

5 This motion comes with a recommendation
6 from the subcommittee to remove this item from the
7 National List. Any further discussion? I should
8 say it was a split vote four yes, three no. Zea.

9 MEMBER SONNABEND: I thought I was the
10 lead on this one since I wrote this part.

11 MEMBER CHAPMAN: I'm so sorry. I had
12 it on my name.

13 MEMBER SONNABEND: Nonetheless, I
14 guess those people who voted to remove it went to
15 those websites and thought that was a reliable
16 supply of organic sourcing. I did not feel that.
17 However, I guess it's also not widely used in
18 organic food because we didn't hear very much
19 public comment on it.

20 But I feel like this is a valuable item.
21 Konjac flour, if it starts being used, maybe it's
22 a soluble prebiotic fiber that diabetics can use.

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1 I mean, I know diabetics could use it because it
2 doesn't cause a blood sugar spike which is the main
3 reason that it is widely used in weight loss
4 supplements.

5 MEMBER CHAPMAN: Any further
6 discussion on this item?

7 Seeing none, we'll move to a vote of
8 removing konjac flour from the National List.

9 (Vote taken by show of hands)

10 VICE CHAIR FAVRE: That was nine yes,
11 five no. Motion fails.

12 MEMBER CHAPMAN: The next item on the
13 National List is lecithin, de-oiled.

14 DR. BRINES: Thank you. The substance
15 is included on Section 205.606 of the National List
16 under O, Lecithin, de-oiled. Thank you.

17 MEMBER CHAPMAN: Zea, this time I'll
18 let you read your own material.

19 MEMBER SONNABEND: Okay. Lecithin is
20 a very widely used ingredient in food, emulsifier
21 dispersing agent and to reduce hydration property
22 of powders in water and milk products. It occurs

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1 naturally in several foods such as egg yolks and
2 soybeans.

3 Historically, it's been produced
4 commercially from primarily soybeans. But there
5 are now alternative sources available from
6 sunflower, canola and other crops.

7 In 2009, the NOSB corrected the listing
8 for lecithin by removing lecithin bleached from
9 205.605(b) and adding it to 205.606 in the de-oiled
10 form only. This also corrected the terminology in
11 how lecithin is referred to.

12 Fluid form of lecithin widely available
13 from organic soybean, but the defiled form we heard
14 conflicting testimony at the spring meeting and at
15 this meeting. We heard that there was a supplier
16 of organic defiled soy lecithin who has had plenty
17 of organic lecithin for the last two years. That
18 commenter stated that the resistance is mostly a
19 matter of convenience and price.

20 Many companies who use lecithin however
21 stated there was consistency of supply issues, that
22 they were reluctant to rely on just one supplier

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1 for such an important ingredient. And there are
2 unique functionalities that are not achieved
3 either by liquid lecithin or other powder lecithin.
4 So they need to have the particular nonorganic
5 lecithin.

6 Furthermore, there was no public
7 comment at the spring meeting that sunflower or
8 other lecithins were available as organic. The
9 commenter here yesterday said that they are moving
10 towards organic sunflower lecithin which did not
11 convince me that there is organic sunflower
12 lecithin readily available, preferably from more
13 than one supplier.

14 I think progress is being made in moving
15 forward towards organic lecithin. And a petition
16 could be refiled to let lecithin into soy and other
17 forms of lecithin and to remove the soy lecithin
18 potentially. But this was beyond the scope of me
19 being able to tackle in a sunset review. And as
20 someone who would rely on the sunflower lecithin
21 or non-soy lecithin I feel that this needs to stay
22 on the National List.

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1 MEMBER CHAPMAN: Do we have any
2 discussion of this item? Mac.

3 MEMBER STONE: I spoke with several
4 certifiers and they said there is various uses at
5 different times of the year, availability and
6 different forms. So it was expressed to me that
7 there's reason to keep it on 606.

8 MEMBER BONDERA: I'm sorry. I didn't
9 hear your last clause. There's what on 606? I'm
10 sorry.

11 MEMBER STONE: To keep this material
12 available on 606.

13 MEMBER CHAPMAN: So I have Francis and
14 then Jean, then myself.

15 MEMBER THICKE: I think that the
16 suppliers that we have of defiled lecithin are sort
17 of in a catch-22. They've been on hold for a while
18 here and now saying they can supply the U.S. market
19 with soy lecithin. But until it's taken off 606
20 they really are caught because people are buying
21 it elsewhere because it's conventional.

22 And they also told us they could gear

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1 up substantially in that there are other plants
2 around the world that are coming online for soy and
3 more than one plant for sunflower. So it seems to
4 me that we need to take initiative to get this thing
5 going so that they can gear up and we can keep going
6 forward.

7 MEMBER CHAPMAN: Jean. Do you want to
8 respond to that, Zea?

9 MEMBER SONNABEND: Yes, the more than
10 one plant for sunflower was not necessarily online
11 yet. He said they're moving towards it.

12 MEMBER THICKE: Correct. But there's
13 almost two years before sunset.

14 MEMBER CHAPMAN: Jean.

15 CHAIR RICHARDSON: Yes. Zea, do you
16 think that this would be one of those ones that we
17 should send to the subcommittee so that we could
18 propose an annotation to separate the two forms?
19 Because I think what you're saying is it makes
20 logical sense it would be better to have the
21 lecithin separated into soy as opposed to
22 sunflower.

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1 Yes. So we will ask the Chair to bring
2 that one up as well.

3 MEMBER CHAPMAN: I also want to note
4 that the one plant that the commenter noted was in
5 Ukraine which is a country in the midst of a civil
6 war and occupation. Not exactly a country I'd say
7 has strong availability requirements.

8 Any further discussion?

9 MEMBER SWAFFAR: I'd just like to say
10 I support going back to subcommittee with that
11 annotation change.

12 MEMBER CHAPMAN: Yes.

13 MEMBER MARAVELL: Yes, I think we
14 should recognize that there might be a variety of
15 oil seed crops, not just sunflower, but canola and
16 others. When you go back to subcommittee on this
17 make it flexible enough because I'm sure if we
18 expand the market the American producers will come
19 up with a supply.

20 MEMBER CHAPMAN: Yes.

21 VICE CHAIR FAVRE: Just one brief
22 comment in response to Francis' comment, I actually

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1 agree with you except that, given that it's on 606,
2 this company that says they're waiting for demand,
3 if they provide the product in organic form and it's
4 commercially available, producers are required to
5 use it. So I don't know that taking it off 606 is
6 truly a barrier to him having increased demand,
7 because the demand would be there anyway.

8 MEMBER THICKE: I wonder about if
9 they're really using it. And I want to first of
10 all thank Tom for this nice clip art here. But then
11 I look on the box and it's organic. But there are
12 two listings for lecithin, and one is starred that
13 it's organic and one is starred that's not organic.
14 I'm not sure exactly why that would be. One is
15 starred and one is not starred, yes.

16 MEMBER CHAPMAN: It's an excellent
17 question. They're both subingredients of an
18 ingredient that we purchase. I can't answer your
19 question at this time. But I'd be happy to follow
20 up with my product development team and get back
21 to you.

22 Any further discussion?

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1 Seeing none, we'll move to a vote. It
2 comes to us from the subcommittee as a motion to
3 remove lecithin de-oiled from the National List.

4 (Vote taken by show of hands)

5 VICE CHAIR FAVRE: The vote is five
6 yes, nine no. The motion fails.

7 MEMBER CHAPMAN: Thank you. And I can
8 actually answer that question now. I looked at the
9 ingredient panel further. The product that does
10 not have organic lecithin has country of origin as
11 Europe. And Europe has an equivalency with the
12 U.S. Europe does not require organic lecithin.

13 Moving on the list, lemongrass.

14 DR. BRINES: This substance is
15 included at Section 205.606 of the National List
16 at P as Lemongrass Frozen. Thank you.

17 MEMBER CHAPMAN: Lemongrass -- this is
18 very short -- frozen, sufficient supply. Should be
19 removed. Any further discussion on this item?

20 Seeing none, we'll move to a vote to
21 remove lemongrass frozen from the National List.

22 (Vote taken by show of hands)

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1 VICE CHAIR FAVRE: The vote is 14 yes,
2 zero no. The motion passes.

3 MEMBER CHAPMAN: Next on the list is
4 orange pulp, dried.

5 DR. BRINES: This substance is
6 included at Section 205.606 on the National List
7 under Q as Orange Pulp, Dried. Thanks.

8 MEMBER CHAPMAN: This substance is
9 also known as citrus fiber. We received no comments
10 the first round. This round received a comment
11 from the producer and patent holder of this
12 product. So there is only one manufacturer of this
13 product.

14 He made a fairly convincing argument in
15 the web-based testimony that this product is not
16 commercially available in organic. And they did
17 say that the product is used in organic
18 applications. However, no member of the industry
19 spoke up in support of this material.

20 This item comes to us from the
21 subcommittee with a recommendation to remove.
22 I'll open it up for further discussion at this time.

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1 Harold.

2 MEMBER AUSTIN: Sitting on this Board
3 as a handler representative because we did have
4 testimony asking us to keep this during the oral
5 testimony, I'm going to go ahead and change my vote
6 as this came out of subcommittee and support its
7 continued listing.

8 MEMBER CHAPMAN: Any further
9 discussion? Yes, Zea.

10 MEMBER SONNABEND: I also thought that
11 the written input from the manufacturer was very
12 well-crafted and a thorough explanation which we
13 like to see in public comment. And I think they
14 mentioned how many customers they had or gave some
15 indication of how much volume was going out into
16 the organic community.

17 So I'm also going to change my vote to
18 keep it on the list.

19 MEMBER SWAFFAR: I'm also going to
20 change my vote. I believe we heard in the
21 webinar -- that manufacturer was on there -- in the
22 entire year's worth of orange juice or oranges that

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1 they process would take them not even an hour in
2 their plant to make pulp. And there wasn't enough
3 down time to make that worth it to do an actual
4 organic run. And the supply wasn't there to match
5 what our organic stakeholders need.

6 It made a lot of sense. I think they
7 gave some really great public comment.

8 MEMBER CHAPMAN: I'm somewhat on the
9 fence on this item because I agree that there's no
10 question that this product is not commercially
11 available in organic. My problem comes with the
12 fact that our only source of input on this is the
13 manufacturer of it. And I know industry spoke up
14 in support.

15 However, I guess if you look at it that
16 way, if no one is using it and it remains on the
17 list, then what harm could it do? Nick.

18 MEMBER MARAVELL: It does say that the
19 constituent parts do seem to be available in
20 organic form if you wanted to create.

21 MEMBER CHAPMAN: In our writing,
22 that's what we wrote. But both the written and

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1 public comment made it quite clear that if you
2 summed up the entirety of the Florida orange crop,
3 it would not even amount to a half of day's run for
4 them to produce this product.

5 MEMBER MARAVELL: Thank you for that
6 clarification.

7 MEMBER CHAPMAN: Yes. Jean.

8 CHAIR RICHARDSON: Do we have any idea
9 why we didn't get anything from trade to let us know
10 how much this is being used?

11 MEMBER CHAPMAN: The first run we also
12 threatened to remove it which why I think we got
13 the comment from the manufacturer. Any further
14 discussion?

15 Hearing none, we'll move to a vote.
16 This comes as a motion to remove orange pulp, dry
17 from the National List.

18 (Vote taken by show of hands)

19 VICE CHAIR FAVRE: I have five yes,
20 seven no, two abstentions. The motion fails.

21 MEMBER CHAPMAN: Next on the list is
22 orange shellac. Dr. Brines.

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1 DR. BRINES: Thank you. This
2 substance is included at Section 205.606 of the
3 National List under R, Orange Shellac, Unbleached,
4 CAS number 9000-59-3. Thanks.

5 MEMBER CHAPMAN: Zea.

6 MEMBER SONNABEND: Okay. Orange
7 shellac is a purified product of the natural resin
8 lac which is the hardened secretion of the insect
9 Kerria lacca. It's used in the coating for fruit
10 and vegetables as well as a confectionary glaze.
11 A new TR was requested for this to provide updated
12 information and to look at ancillary substances.
13 Similar to other waxes, it is primarily used in
14 combination with carnauba and wood rosin.

15 There is the same concern about
16 labeling and consumers would be especially eager
17 to know that their oranges are coated with beetle
18 juice along with tree resin. But most public
19 comment was in favor of keeping the coatings on the
20 National List. And new information was not
21 provided of concern about the criteria.

22 No ancillary substances were suggested

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1 for the raw ingredients. But ancillaries may be
2 used once it is formulated with the other coating
3 agent.

4 MEMBER CHAPMAN: Any additional
5 discussion on this item? Jean.

6 CHAIR RICHARDSON: Is the main purpose
7 of this as with the other waxes? I mean the main
8 purpose of this is really to make them look pretty,
9 shiny, attract the consumer.

10 MEMBER SONNABEND: The main purpose in
11 general is transpiration blocker to make them stop
12 losing moisture as fast. And then they keep
13 better. This one though is more shiny which is why
14 it's used in confectionary as well.

15 CHAIR RICHARDSON: So this one is a
16 little bit different then, Zea, from the other
17 inasmuch as it's not used really just for the
18 prevention of the transpiration. It's more as a
19 decorative, something nice to have on it.

20 MEMBER SONNABEND: Well, I think it's
21 more that --

22 CHAIR RICHARDSON: Is it necessary?

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1 MEMBER SONNABEND: That depends. I
2 mean the cloudy nature of the other two -- they
3 differ somewhat, in that I'm forgetting the TR
4 exactly. But they make the fruit look unnaturally
5 dull. And so to bring it back to what it should
6 look like, you want to put the shiny one in with
7 it.

8 I don't know. Are people going to buy
9 an orange if it looks all coated with rosin compared
10 to nice and shiny? I do feel that to make the
11 formulated wax products all at least two or three
12 of the waxes are necessary.

13 MEMBER CHAPMAN: I also like the notes
14 of used in confectionary glaze as well.

15 Any further discussions on this item?

16 MEMBER SONNABEND: I'll just add one
17 point that of the commercial formulations out there
18 far more of them are the combination of carnauba
19 and shellac, and the wood rosin is used less
20 frequently.

21 MEMBER CHAPMAN: Any other discussion
22 on this item?

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1 Seeing none, we'll move to a vote. It
2 comes to us as a motion to remove this item, orange
3 shellac, unbleached from the National List.

4 (Vote taken by show of hands)

5 VICE CHAIR FAVRE: The vote is zero
6 yes, 13 no, one abstention. The motion fails.

7 MEMBER CHAPMAN: Next on the list is
8 pectin, non-amidated forms only. Dr. Brines.

9 DR. BRINES: Thank you. The substance
10 is included at Section 205.606 of the National List
11 under S, Pectin, Non-Amidated Forms Only.

12 MEMBER CHAPMAN: Zea.

13 MEMBER SONNABEND: Okay. Pectin is
14 extracted from citrus and pomes fruit, but there
15 is no organic source yet of extracted pectin. It's
16 used as a gelling agent for jams, preserves,
17 fillings and other product. It's a very desirable
18 ingredient in organic food because it allows food
19 to gel with less sugar than would be used without
20 it. And the excess sugar has potential for more
21 new negative human health effects than pectin.

22 It was widely supported in public

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1 comment from users especially at the first posting.
2 And we got some additional comment, but not a lot
3 for this meeting. No negative comments were
4 received with substantive information on why
5 pectin would not meet the criteria.

6 Ancillary substances used in pectin
7 include sugar and dextrose for standardizing
8 products and trisodium citrate or other salt
9 buffers as described in the 2015 TR. And a
10 separate ancillary substance proposal will be
11 considered.

12 MEMBER CHAPMAN: Any further
13 discussion on this item?

14 Seeing none, we'll move to a vote of
15 removing pectin, non-amidated forms only from the
16 National List.

17 (Vote taken by show of hands)

18 VICE CHAIR FAVRE: That was zero yes,
19 14 no. The motion fails.

20 MEMBER CHAPMAN: Next on the list is
21 peppers, chipotle chili.

22 DR. BRINES: Thank you. This

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1 substance is included at Section 205.606 of the
2 National List under T, Peppers, Chipotle Chili.
3 Thanks.

4 MEMBER CHAPMAN: Sufficient supply and
5 should be removed. Any further discussion?

6 Seeing none, we'll move to a vote for
7 removing peppers, chipotle chili, from the
8 National List.

9 (Vote taken by show of hands)

10 VICE CHAIR FAVRE: That was 14 yes,
11 zero no. The motion passes.

12 MEMBER CHAPMAN: The next item on the
13 list is seaweed, Pacific kombu. Dr. Brines.

14 DR. BRINES: Thank you. This
15 substance is included at Section 205.606 of the
16 National List under U, Seaweed, Pacific Kombu.
17 Thanks.

18 MEMBER CHAPMAN: Thank you. Tracy.

19 VICE CHAIR FAVRE: This is another one
20 of our problem children in the sea products, kombus
21 and edible kelp belonging to the family
22 Laminariaceae. Public comment was mixed, with

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1 some citing the importance of the material and long
2 history of use again, while others expressed
3 concerns regarding the accumulation of glutants
4 and heavy metals and potential for overharvesting.

5 One group suggested the Board consider
6 an annotation requiring testing for contaminants
7 and suggests the handling subcommittee investigate
8 whether wild crafted organic would be available.
9 Again, I think this is another one of those products
10 where we need a global approach and some
11 clarification around which family is included.

12 I should note that the Board was
13 unanimous. Well, six no for removal, one absent
14 in the subcommittee vote.

15 MEMBER CHAPMAN: Any further
16 discussion of this item? Jean.

17 CHAIR RICHARDSON: In essence this is
18 a duplicative listing since we've already voted on
19 kelp, and it's in the Laminaria group.

20 MEMBER CHAPMAN: It has a different
21 annotation or no annotation where the other one is
22 annotated to specific usages. Mac.

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1 MEMBER STONE: This says it's 90
2 percent cultivated or farmed. Do we know if that's
3 organic, certified, cultivated farming and only 10
4 percent is not available?

5 VICE CHAIR FAVRE: No, I don't know
6 that.

7 MEMBER CHAPMAN: Any further
8 discussion?

9 Seeing none, we'll move to a vote on
10 seaweed, Pacific kombu. The motion comes to us as
11 a motion to remove seaweed, Pacific Kombu, from the
12 National List.

13 (Vote taken by show of hands)

14 VICE CHAIR FAVRE: The vote is one yes,
15 11 no, two abstentions. The motion fails.

16 MEMBER CHAPMAN: The next item is
17 starches, corn starch native and sweet potato.
18 We'll be concerned with these at the same time.
19 Dr. Brines.

20 DR. BRINES: Thank you. These
21 substances are included under 205.606 of the
22 National List under V, Starches, as (1) corn starch

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1 native and (2) sweet potato starch for being a
2 thread production only. Thanks.

3 MEMBER SONNABEND: Starches are used
4 in many foods as thickeners, formulation aids,
5 bulking agents and moisture adsorption agents.
6 Corn starch is generally made from special strains
7 of corn that are high on amylose and amylopectin.
8 Sweet potato starch is specifically used as a
9 formulation aid for bean thread production.

10 There is an organic corn starch on the
11 market, but it is not suitable for all uses. And
12 I describe a little bit about the type of corn
13 starches, the type of corn, which is a special
14 strain of corn that is grown for this purpose and
15 it has to be non-GMO because it has to be identity
16 proved for the high amylose content. So it is not
17 genetically engineered. I'm sure it is tested to
18 make sure it's high enough in amylose and therefore
19 free of GMOs.

20 We heard from a supplying company and
21 a trade association that there isn't enough supply
22 of organic moldy corn starch or the special, very

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1 high amylose content or strains with this property.

2 No public comments were received
3 concerning other criteria other than a concern over
4 GMOs in corn starch. We have heard for this
5 meeting a suggestion that corn starch be annotated
6 to list those specific properties which someone may
7 want to do in the future. Or a petition could come
8 in for that. But it's not on my priority work plan
9 to work on. I don't even know what moldy corn
10 starch except it's moldy instead of molding. But
11 I'm sure Tom knows because he knows that kind of
12 thing.

13 MEMBER CHAPMAN: Any further
14 discussion on this item? Emily.

15 MS. BROWN ROSEN: I believe the molding
16 refers to they use that starch to make molds for
17 gummy bears and other kinds of confections.

18 MEMBER CHAPMAN: That's correct.

19 MEMBER MARAVELL: I'm hoping to learn
20 something here. Zea, why does it say corn starch
21 and then in parentheses, native, just out of
22 curiosity?

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1 MEMBER CHAPMAN: I can help with that
2 one. So there are multiple forms of corn starch.
3 You can have a modified starch. Native is an
4 unmodified starch.

5 MEMBER SONNABEND: That's right. I
6 remember now. The modified starch has been
7 treated with some amount of chemicals and is not
8 acceptable in organic.

9 MEMBER CHAPMAN: Any further questions
10 on this?

11 Seeing none, we'll move to a vote of
12 removing starches, corn starch native, and sweet
13 potato.

14 (Vote taken by show of hands)

15 VICE CHAIR FAVRE: The vote was two
16 yes, 12 no. The motion fails.

17 MEMBER CHAPMAN: All right. The final
18 three. Turkish bay leaves. Dr. Brines.

19 DR. BRINES: Thank you. The substance
20 is included in Section 205.606 of the National List
21 under X, Turkish bay leaves. Thanks.

22 MEMBER CHAPMAN: Thank you. Turkish

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1 bay leaves, no new information since the last
2 meeting. One comment to note, that the supply is
3 fragile. But market data reports a fairly robust
4 supply with multiple product origins.

5 I was the lead on this material and
6 reached out to three spice companies that noted
7 multiple countries of origin. And no supply
8 issues with Turkish bay leaves. But they also
9 chose not to submit public comments here.

10 The handling subcommittee recommended
11 removal of this item by a vote of seven to zero.
12 Any further discussion? Mac.

13 MEMBER STONE: I just wanted to take
14 the opportunity before we get to the very end that
15 there were several products that graduated off of
16 606 here today. And I think it's a testament, too,
17 that 606 works because certifiers and processors
18 and growers are working to achieve. There is
19 incentive to source and grow organic products and
20 meet the needs of 606. Just before we got to the
21 end, I just wanted to thank certifiers in that 606
22 works as messy as it is.

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1 MEMBER CHAPMAN: Any further
2 discussion of this item?

3 Seeing none, we'll move to a vote of
4 removing Turkish bay leaves from the National List.

5 (Vote taken by show of hands)

6 VICE CHAIR FAVRE: That was 14 yes,
7 zero no. The motion passes.

8 MEMBER CHAPMAN: The next is wakame
9 seaweed. Dr. Brines.

10 DR. BRINES: Thank you. This
11 substance is included at 205.606 of the National
12 List under Y as Wakame Seaweed, Undaria
13 pinnatifida. Thanks.

14 MEMBER CHAPMAN: Thank you. Tracy.

15 VICE CHAIR FAVRE: Okay. The final of
16 our problem children, wakame edible seaweed. Most
17 often served in soups and salads. Native to cold,
18 temperate coastal regions, but has
19 recently -- Coastal regions of Japan, Korea and
20 China -- but has recently expanded to New Zealand,
21 the United States, France, Great Britain, Italy,
22 Spain, Argentina and Australia.

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1 Just as a note of trivial it was
2 nominated as one of the ten worst invasive species
3 in the world. So I don't think we have an
4 overexploitation problem.

5 It was actually petitioned back in
6 2007. The petitioner stated that while other
7 organic seaweeds were available they did not
8 provide the same flavor profile and could not be
9 used in incident for which it was being petitioned
10 as an ingredient. Hence, a new variety.

11 Public comment did suggest concerns
12 over overharvesting and ecosystem degradation.
13 One commenter did object to continued listing of
14 wakame citing that all nonorganic agricultural
15 ingredients should be eliminated from the National
16 List. One group did suggest the Board consider an
17 annotation requiring testing for contaminants and
18 suggests that the handling subcommittee
19 investigate whether wild crafted, organic would be
20 available.

21 The motion to retain was six to retain
22 on the list and one absent.

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1 MEMBER CHAPMAN: Any additional
2 discussion on this item?

3 Seeing none, we'll move to a vote of
4 removing wakame seaweed from the National List.

5 (Vote taken by show of hands)

6 VICE CHAIR FAVRE: That was one yes, 12
7 no, one abstention. The motion fails.

8 MEMBER CHAPMAN: The last item is whey
9 protein concentrate. Dr. Brines.

10 DR. BRINES: Thank you. This last
11 item is on Section 205.606 at Z, Whey Protein
12 Concentrate. Thanks.

13 MEMBER CHAPMAN: Thank you. Really
14 simple on this one again. Sufficient supply of
15 this item should be removed from the National List.
16 Any further discussion?

17 Seeing none, we move to a vote on
18 removing whey protein concentrate from the
19 National List.

20 (Vote taken by show of hands)

21 VICE CHAIR FAVRE: That was 14 yes,
22 zero no. The motion passes.

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1 MEMBER CHAPMAN: That concludes 2017
2 sunset review for handling materials. I'm going
3 to climb under the table and turn the chair back
4 over to Jean.

5 (Applause)

6 CHAIR RICHARDSON: All right. Just
7 one more day tomorrow. We'll meet back here at
8 8:30 tomorrow morning. Board Members, we are
9 meeting downstairs in the main lobby at 6:30 p.m.
10 Oh, 6:40 p.m. See you tomorrow at 8:30 a.m.,
11 everybody. Off the record.

12 (Whereupon, the above-entitled matter
13 went off the record at 6:17 p.m.)

14

15

16

17

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22

UNITED STATES DEPARTMENT OF AGRICULTURE

+ + + + +

NATIONAL ORGANIC STANDARDS BOARD

+ + + + +

FALL 2015 MEETING

+ + + + +

THURSDAY
OCTOBER 29, 2015

+ + + + +

The Board met in the Pinnacle Room of the Stoweflake Conference Center, Stowe, Vermont, at 8:30 a.m., Jean Richardson, Chair, presiding.

PRESENT

- JEAN RICHARDSON, Chair
- TRACY FAVRE, Vice Chair
- HAROLD AUSTIN, Secretary (via Skype)
- CARMELA BECK
- COLEHOUR J. BONDERA
- TOM CHAPMAN
- LISA DE LIMA
- NICK MARAVELL
- ZEA SONNABEND
- ROBERT "MAC" STONE
- ASHLEY SWAFFAR
- JENNIFER TAYLOR, PhD
- FRANCIS THICKE, PhD
- C. REUBEN WALKER, PhD

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ALSO PRESENT

MICHELLE ARSENAULT, Advisory Board Specialist,
National Organic Program

LISA BRINES, National List Manager, National
Organic Program

EMILY BROWN ROSEN, Agricultural Marketing
Specialist, National Organic Program

PAUL LEWIS, Director, Standards Division,
National Organic Program, USDA

SAM JONES, AMS Public Affairs Specialist

MILES MEVOY, Designated Federal Officer,
Deputy Administrator, National Organic
Program

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Adjourn

1

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

2

8:34 a.m.

3

CHAIR RICHARDSON: Good morning

4

everybody. Good morning, and it's positively hot

5

out there this morning. I think it's like 54

6

degrees Fahrenheit, above normal temperature for

7

this time of year.

8

Okay, so this morning, we're going to

9

go into livestock, and they don't have as many

10

materials as the other two committees, and there's

11

not much up for removal, so I would imagine it'll

12

go quite quickly. And so at this time, I will note

13

for the record that Harold Austin is present from

14

his desk out there on the West Coast in the late

15

--- well, middle of the night basically, and I will

16

turn over the meeting at this point to the Chair

17

of the Livestock Committee, Tracy Favre.

18

VICE CHAIR FAVRE: Good morning, thank

19

you. We'll just go ahead and jump right in. Our

20

first material this morning is alcohols ethanol,

21

which happens to be mine. Dr. Brines?

22

DR. BRINES: Thank you. This

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1 substance is included at Section 205.603(a) of the
2 National List as disinfectants, sanitizer and
3 medical treatments as applicable under 1(I),
4 ethanol disinfectant in sanitizer only, prohibited
5 as a feed additive.

6 VICE CHAIR FAVRE: Okay, thank you.

7 Public feedback for this material was
8 generally in favor of continued listing. The most
9 common uses were for disinfection of the teat prior
10 to ---- and prior to testing for bacteria and for
11 general disinfection. Those that expressed
12 concerns for re-listing cited concerns regarding
13 the possibility of GMO sources and questioned
14 whether sufficient research had been done on
15 alternatives.

16 Do we have any discussions on this
17 material? Seeing none, all those in favor of
18 removal of ethanol from the National List signify
19 by raising your hand. Okay, that's all right.
20 You want --- you had a question, Jennifer?

21 MEMBER TAYLOR: If the Committee is
22 going to address any of those issues that were

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1 brought up about the GMO ---

2 VICE CHAIR FAVRE: Well that had come
3 up in public comment, and we had not --- I mean we
4 did do the review in committee, but we did not
5 discuss it and at this time, probably won't be
6 bringing it back to committee for that.

7 MEMBER TAYLOR: Thank you.

8 VICE CHAIR FAVRE: Are we ready to
9 vote? Okay, all those in favor of removal of
10 ethanol from the National List please signify by
11 raising your hand. Those opposed to delisting?
12 Okay. Abstentions? Okay. Tom?

13 MEMBER CHAPMAN: One yes, 12 no, one
14 abstention. The motion fails.

15 VICE CHAIR FAVRE: Okay next up on our
16 list is isopropanol. Dr. Brine?

17 DR. BRINES: Thank you. The substance
18 is included in Section 205.603(a) of the National
19 List as disinfectant, sanitizer and medical
20 treatments as applicable under 1(ii), isopropanol
21 disinfectant only.

22 VICE CHAIR FAVRE: Calvin?

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1 MEMBER WALKER: Thank you Madam Chair.
2 I'll follow suit the way you just did, be very
3 brief. Isopropanol is used as a disinfectant
4 only. In 2010 the full Board voted to renew this
5 material. The Subcommittee as well voted 6-0 with
6 two abstentions to renew this material, and we had
7 a very broad support in the first comment period,
8 and the second comment period, for relisting this
9 particular material. And some of the entities in
10 support were CCOF Crop, IOIA, OPWC, AOD, WODA and
11 Dr. Hugh Karreman.

12 VICE CHAIR FAVRE: Discussion?

13 MEMBER THICKE: Just a clarification
14 that we voted to relist it, not remove it in full.
15 It's confusing because nowadays yes is the new no.

16 VICE CHAIR FAVRE: Yes, that's true.
17 Thank you.

18 Any discussion? Okay seeing none, all
19 those in favor of removal of isopropanol please
20 raise your hand. Those opposed to removal?
21 Abstentions? Okay. Tom?

22 MEMBER CHAPMAN: One yes, 12 no, one

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1 absent. The motion fails.

2 VICE CHAIR FAVRE: Okay next up on our
3 list is aspirin. Dr. Brines?

4 DR. BRINES: Thank you. This
5 substance is included at Section 205.603 of the
6 National List under (a)(2), aspirin approved for
7 healthcare use to reduce inflammation. Thanks.

8 VICE CHAIR FAVRE: Jean?

9 CHAIR RICHARDSON: Thank you. There
10 was the broad support expressed for keeping aspirin
11 on the National List, and this also reflects the
12 vote in Subcommittee. There was unanimous support
13 for keeping aspirin on the list, and no comment
14 indicates otherwise. Thank you.

15 VICE CHAIR FAVRE: Any discussion on
16 aspirin? Okay, seeing none, those in favor of
17 removal of aspirin from the National List, please
18 raise your hand. Those opposed? Abstentions?
19 Okay. Tom?

20 MEMBER CHAPMAN: Zero yes, 13 no, one
21 absent, motion fails.

22 VICE CHAIR FAVRE: Okay, moving right

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1 along. Next up is atropine. Dr. Brines?

2 DR. BRINES: Thank you. Atropine is
3 included at the National List at Section
4 205.603(a)(3) as atropine CAS number 51-55-8.

5 Federal law restricts this drug to use
6 by or on the lawful written or oral order of a
7 licensed veterinarian in full compliance with the
8 AMDUCA and 21 CFR Part 530 of the Food and Drug
9 Administration regulations. Also for use under 7
10 CFR Part 205, the NOP requires (1) use by or on the
11 lawful written order of a licensed veterinarian,
12 and (2) a meat withdrawal period of at least 56 days
13 after administering to livestock intended for
14 slaughter and a milk discard period of at least 12
15 days after administering to dairy animals.
16 Thanks.

17 VICE CHAIR FAVRE: Thank you, you're
18 going to get your workout in livestock today.
19 Jean?

20 CHAIR RICHARDSON: Thank you. Yes,
21 atropine is rarely used. It is a highly controlled
22 administered by a veterinarian only, given as an

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1 antidote for organophosphate poisoning as an
2 anti-spasmodic. We received broad support to keep
3 this on the list, and that is also reflected in the
4 vote of the Subcommittee, unanimous vote by the
5 Subcommittee to keep this on the National List.

6 VICE CHAIR FAVRE: Okay. Is there any
7 discussion? Seeing none, all those in favor of
8 removal of atropine, raise your hand. Those
9 opposed? Abstentions? Okay. Tom?

10 MEMBER CHAPMAN: Zero yes, 14 no.
11 Motion fails.

12 VICE CHAIR FAVRE: Next up is biologics
13 vaccines. Dr. Brines?

14 DR. BRINES: Thank you. This
15 substance is included at Section 205.603 (a) of the
16 National List as (4) biologics vaccines. Thanks.

17 VICE CHAIR FAVRE: Jean?

18 CHAIR RICHARDSON: Biologics
19 vaccines, there is broad support for keeping
20 biologics vaccines on the National List, and this
21 is reflected in the vote of the Subcommittee, a
22 unanimous vote to keep them on the list.

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1 VICE CHAIR FAVRE: Okay, discussions?
2 Is this thing on? Okay. All those in favor of
3 removal of biologics vaccines please raise your
4 hand. Those opposed? Abstentions? Okay. Tom?

5 MEMBER CHAPMAN: Zero yes, 14 no. The
6 motion fails.

7 VICE CHAIR FAVRE: So clearly the key
8 to moving through Committee votes quickly is to do
9 it first thing in the morning. Next up is
10 butorphanol. Dr. Brines?

11 DR. BRINES: Thank you. This
12 substance is included under Section 205.603(a) of
13 the National List under (a)(5), butorphanol, CAS
14 number 42408-82-2.

15 Federal law restricts this drug to use
16 by or on the lawful written or oral order of a
17 licensed veterinarian in full compliance with the
18 AMDUCA and 21 CFR Part 530 of the Food and Drug
19 Administration regulations. Also for use under 7
20 CFR Part 205, the NOP requires (1) use by or on the
21 lawful written order of a licensed veterinarian,
22 and (2) a meat withdrawal period of at least 42 days

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1 after administering to livestock intended for
2 slaughter and a milk discard period of at least
3 eight days after administering to dairy animals.
4 Thanks.

5 VICE CHAIR FAVRE: Thank you. Jean?
6 Oh, excuse me. Colehour?

7 MEMBER BONDERA: Thank you. So yes,
8 butorphanol is used for preoperative pain control
9 in animals. We did not have very much public
10 comment. The Subcommittee was all for relisting.

11 I do want to share that I think that some
12 time was spent with the concerns regarding
13 interpretations or --- interpretations is the
14 wrong word, where or how the law and the wording
15 allows for the use, because it's an extra label use,
16 it's not permitted if you read the label, and that
17 is --- you've got to dig through a lot of papers
18 and history. I think -- thanks to Emily Brown
19 Rosen, we were able to identify and find those
20 references, but I think it's frankly was cumbersome
21 and very bureaucratic and not at all easily
22 accessible in our discussions or conversations as

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1 to what we were referring to or how it was
2 permitted.

3 You know, it's an off label or extra
4 label use, it's only permitted in the context of
5 valid veterinarian client-patient relationship,
6 including with limited treatments, and the health
7 of the animal has to be threatened or suffering or
8 death might result from the failure to treat. So
9 I think that this all seems a little bit trivial
10 or a side issue, but I think from my experience
11 going through this process, frankly it was, like
12 I already said, it wasn't that simple to be --- at
13 least for me, as the lead person, able to grab my
14 hands on it and say this is why and how that we can
15 point to in legal reference. So like I already
16 said, that was where it was at, and the Subcommittee
17 all was behind it. Thank you.

18 VICE CHAIR FAVRE: Before we move on to
19 discussion, I'm going to ask Emily Brown Rosen to
20 provide just a little bit of description of that
21 so not only for those of us that are not in the
22 Committee, but into the record we have some

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1 understanding of how that works.

2 MS. BROWN ROSEN: Right, well this a
3 renewal of an item that was put on the list in 2007,
4 I believe, was the first proposed rule on all these
5 livestock medications, and NOP did consult with FDA
6 at that time, and we double-checked this time too,
7 because it's confusing to the public that it's not
8 on the label or if you go on the website for the
9 products, they're not labeled for livestock.

10 But it's just --- you know, not all
11 animal drugs are registered for every species, but
12 there is a provision called AMDUCA which
13 veterinarians -- if it has a registration for one
14 drug, under the veterinary discretion it can be
15 used on other animals. So we did reconfirm that
16 butorphanol is approved for livestock use.

17 VICE CHAIR FAVRE: Thank you for
18 helping us understand that. Any discussion on
19 butorphanol? Mac?

20 MEMBER STONE: I have a generic
21 question. Is this twice the withdrawal time for
22 a couple of these materials that go back to '95 the

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1 early days, or --- I'm just curious how that ---
2 I like it and I'm glad, I'm just curious where it
3 came from.

4 MS. BROWN ROSEN: This --- these were
5 --- since this drug does not have a withdrawal time
6 on the label I don't believe, it's twice the
7 withdrawal time --- at the time that this was
8 proposed by NOSB, they proposed to go by the FARAD,
9 the Food Animal Residue Avoidance Database, which
10 is the reference that the veterinarians used for
11 these drugs that are on the extra label use, so it's
12 twice the withdrawal for that.

13 VICE CHAIR FAVRE: Any other
14 discussion? Okay, all those in favor of the motion
15 to remove butorphanol from the National List, raise
16 your hand. Those opposed? Abstentions?

17 MEMBER CHAPMAN: Zero yes, 14 no. The
18 motion fails.

19 VICE CHAIR FAVRE: Thank you. Next up
20 is chlorhexidine. Dr. Brines?

21 DR. BRINES: Thank you. This
22 substance is included at Section 205.603(a) of the

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1 National List under (a)(6), chlorhexidine allowed
2 for surgical procedures conducted by a
3 veterinarian, allowed for use as a teat dip when
4 alternative germicidal agents and/or physical
5 barriers have lost their effectiveness. Thanks.

6 VICE CHAIR FAVRE: Thank you.
7 Francis?

8 MEMBER THICKE: Thank you. We
9 received quite a few comments on the need to keep
10 chlorhexidine on the list, as well as --- well, I
11 should maybe mention first, it was briefly
12 mentioned, it's used as a sanitizer for
13 veterinarians for material -- for equipment, as
14 well as it can be used for a teat dip when other teat
15 dips have failed. And so there were comments to
16 keep it on for that use.

17 But there were also some concerns about
18 the environmental effects of manufacturing
19 chlorhexidine as well as the health effects from
20 exposure to using it. So it should remain as the
21 teat dip of last resort as was suggested, and which
22 is the case anyway. And so it was moved --- it was

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1 supported 6-0 to keep it on the list. 5-0, I'm
2 sorry. No, I had the wrong --- I had my pages mixed
3 up here. 6-0, okay. All right. Got you. In any
4 case, it was unanimous.

5 VICE CHAIR FAVRE: Any discussion on
6 chlorhexidine? Okay. Seeing none, all those in
7 favor of removal of chlorhexidine from the National
8 List, please raise your hand. Those opposed?
9 Abstentions?

10 MEMBER CHAPMAN: One yes, 13 no. The
11 motion fails.

12 VICE CHAIR FAVRE: Okay, chlorine
13 materials. Dr. Brines?

14 DR. BRINES: Thank you. We'll take up
15 all of the chlorine materials as a group as listed
16 at Section 205.603(a) under (a)(7), chlorine
17 materials, disinfecting and sanitizing facilities
18 and equipment. Residual chlorine levels in the
19 water shall not exceed the maximum residual
20 disinfectant limit under the Safe Drinking Water
21 Act, (1) calcium hypochlorite, (2) chlorine
22 dioxide, and (3) sodium hypochlorite. Thanks.

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1 VICE CHAIR FAVRE: Ashley?

2 MEMBER SWAFFAR: Chlorine has many uses
3 as a sanitizer. The majority of public comment was
4 in support of the relisting of chlorine stating it
5 was essential and alternatives were not effective.
6 And I will point out that there are
7 industry-specific applications that require
8 chlorine materials as mandated by federal law.

9 One commenter did state that we should
10 request a limited scope TR to discover what is
11 required by federal law, and as Francis said in
12 Crops and I said in Handling, we may look at this
13 across all committees to determine if we want to do
14 a combined TR, and the Subcommittee unanimously
15 felt that chlorine should be relisted.

16 VICE CHAIR FAVRE: Okay, discussion?
17 Colehour?

18 MEMBER BONDERA: Yes, I just want to put
19 on the record that I will be changing my vote and
20 doing a protest vote in regard to this, knowing that
21 it will not be influencing the outcome, but instead
22 because I, again, cannot clearly see how all of

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1 these ifs ands and buts in terms of, we could, we
2 should, we might look at the legal requirements and
3 incorporate them into the process and/or seriously
4 and honestly review the alternatives, will be
5 happening and this won't just be another sunset item
6 that remains on because that's the way it was.

7 So I just think the changes are being
8 bumped to the hypothetical future, and I don't see
9 a mechanism in place that will ensure that, so thank
10 you.

11 VICE CHAIR FAVRE: Thanks for your
12 comments. Anybody else? Okay, seeing no further
13 discussion, those in favor of removal of chlorine
14 materials --- Dr. Brines?

15 DR. BRINES: Yes, just I guess one
16 comment on process. Thank you, Colehour, for your
17 comments in terms of the evaluation of the material.
18 It may be preferable to abstain from the vote rather
19 than cast a vote which is not aligned with the OFPA
20 criteria, which are the criteria that the Board
21 should be using to evaluate substances against the
22 National List. Thank you.

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1 VICE CHAIR FAVRE: Colehour?

2 MEMBER BONDERA: Thank you, Lisa. I
3 actually considered that and appreciate your input.
4 However, I think that my recommendation is to send
5 this back to Subcommittee, and that has been
6 declared as not an option, and so I feel like you're
7 right about the process, but just because I'm forced
8 to vote does not mean that I should abstain, which
9 means I don't have enough information.

10 If I have to vote at this moment, which
11 like I've already stated, I do not think should be
12 the way it's managed, then I think I will use my
13 voting power to make a statement versus abstention,
14 which like I said is insufficient information,
15 because I do feel like we all have insufficient
16 information, and I will predict that there's going
17 to be very few or zero abstentions on this. So
18 thank you.

19 VICE CHAIR FAVRE: Any other
20 discussion? Seeing none, those in favor of removal
21 of chlorine materials from the National List,
22 please raise your hand. Those opposed?

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1 Abstentions?

2 MEMBER CHAPMAN: Two yes, 12 no. The
3 motion fails.

4 VICE CHAIR FAVRE: Okay, next up,
5 electrolytes. Dr. Brines?

6 DR. BRINES: Thank you. The substance
7 is included under Section 205.603(a) of the
8 National List under (a)(8), electrolytes without
9 antibiotics. Thanks.

10 VICE CHAIR FAVRE: Calvin?

11 MEMBER WALKER: Electrolytes, used as
12 an animal welfare issue to me and the Subcommittee.
13 When animals are dehydrated, we want to make sure
14 that they return to health as soon as possible. In
15 2010, the full Board voted 14-0 with one absent to
16 retain this material, and the second comment
17 period, Beyond Pesticide, Aurora Dairy, OTA, IOIA,
18 CCOF recommended relisting this material, and MOSA
19 in their survey showed that there was over 50 plus
20 producers using this material.

21 VICE CHAIR FAVRE: Okay, any discussion
22 on electrolytes? Seeing none, those in favor of

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1 removal of electrolytes from the National List,
2 please raise your hand. Those opposed?
3 Abstentions?

4 MEMBER CHAPMAN: Zero yes, 14 no. The
5 motion fails.

6 VICE CHAIR FAVRE: Thank you. Next up
7 is flunixin. Dr. Brines?

8 DR. BRINES: Thank you. The substance
9 is included under Section 205.603 of the National
10 List under (a)(9), flunixin, CAS number 38677-85-9
11 in accordance with approved labeling, except that
12 for use under 7 CFR Part 205, the NOP requires a
13 withdrawal period of at least two times that
14 required by FDA. Thanks.

15 VICE CHAIR FAVRE: Okay. Ashley?

16 MEMBER SWAFFAR: So flunixin is used
17 for reducing pain and fever. Several commenters
18 wrote in support of the relisting and the
19 Subcommittee unanimously felt flunixin should be
20 relisted.

21 VICE CHAIR FAVRE: Any discussion on
22 flunixin? Mac?

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1 MEMBER STONE: Maybe this is --- can be
2 answered later when we leave, but it says, the
3 flunixin's counterclockwise spin of light
4 absorption. I'm really curious about what that
5 means.

6 MEMBER SWAFFAR: That was from the TR.

7 MEMBER MARAVELL: That was put in to see
8 if you were still awake.

9 VICE CHAIR FAVRE: Any other
10 discussion? Seeing none, those in favor of removal
11 of flunixin, raise your hand. Those opposed?
12 Abstentions?

13 MEMBER CHAPMAN: One yes, 12 no, one
14 abstention. The motion fails.

15 VICE CHAIR FAVRE: Okay, next up,
16 furosemide. Dr. Brines?

17 DR. BRINES: Thank you. This
18 substance is included under 205.603 of the National
19 List under (a)(10), furosemide, CAS number 54-31-9.
20 In accordance with approved labeling except for use
21 under 7 CFR Part 205, the NOP requires a withdrawal
22 period of at least two times that required by the

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1 FDA. Thanks.

2 VICE CHAIR FAVRE: Ashley?

3 MEMBER SWAFFAR: Furosemide is a
4 diuretic and used for treatment of edema and
5 hypertension. There were some comments this time
6 that stated they were in support of the relisting.
7 A lot of those were checklist type comments, but I
8 will say the original petitioner did comment in the
9 spring that this could be sunsetted and there are
10 natural compounds that could be used in its place
11 such as coffee. The Subcommittee did feel that
12 furosemide could be delisted at this time.

13 VICE CHAIR FAVRE: Any discussion?
14 Francis?

15 MEMBER THICKE: I'd just say as a dairy
16 farmer, I've never heard of anybody using this
17 material. Well maybe, you know, I live in a little
18 limited world, but it's basically for cows that have
19 a calf and they have udder edema, swollen udder, and
20 what we tend to use is warm water massage and
21 peppermint oil and milking the cow completely so if
22 --- I don't think --- I don't know if people are

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1 using it. The comments seem to reflect that.

2 VICE CHAIR FAVRE: Any further
3 discussion? I'll just add that in committee, I
4 actually voted against removal of this material,
5 but after seeing the comments and hearing from
6 someone who could potentially be using it, I'm going
7 to change my vote to delist.

8 Okay, those in favor of removal of
9 furosemide from the National List, please raise
10 your hand. Those opposed? Abstentions? Okay
11 Tom.

12 MEMBER CHAPMAN: 14 yes, zero no. The
13 motion passes.

14 VICE CHAIR FAVRE: Okay, next up is
15 glucose. Dr. Brines?

16 DR. BRINES: Thank you. This
17 substance is included under Section 205.603 of the
18 National List under (a)(11), glucose. Thanks.

19 VICE CHAIR FAVRE: Calvin?

20 MEMBER WALKER: This is another
21 material I happened to pick that was brought up
22 support. The previous Board, 2010, no one objected

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1 to relisting this material. The Subcommittee
2 voted unanimously to keep this material. Public
3 support, the first round sand the second round
4 included the same host of entities such as Beyond
5 Pesticides, CCOF, MOSA. MOSA has shown in their
6 survey there was 10 producers using this material,
7 and IOIA also supported the relisting.

8 VICE CHAIR FAVRE: Thank you, Calvin.
9 Any discussion? Seeing none, those in favor of
10 removal of glucose from the National List, please
11 raise your hand. Those opposed? Abstentions?

12 MEMBER CHAPMAN: Calvin, I didn't see
13 your vote.

14 MEMBER WALKER: Keep it on the list.

15 MEMBER CHAPMAN: Zero yes, 14 no. The
16 motion fails.

17 VICE CHAIR FAVRE: Okay next up is
18 glycerin. Dr. Brines?

19 DR. BRINES: Thank you. This
20 substance is included under 205.603 of the National
21 List, under (a)(12), glycerin, allowed as a
22 livestock teat dip; must be produced through the

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1 hydrolysis of fats or oils. Thanks.

2 VICE CHAIR FAVRE: Okay, that's mine.
3 Glycerin, wide variety of uses. For livestock,
4 it's primarily seen as a component in a teat dip,
5 particularly one commenter remarked that it's
6 particularly good for cold weather. Public
7 comment was heavily in favor of continued listing
8 of this material, as glycerin is the main component
9 of many teat dips and provides unique emollient
10 properties which prevents chapping and damage to
11 udders. Because of the complexity surrounding the
12 classification of glycerin due to multiple
13 manufacturing processes, one group did urge the
14 Materials Subcommittee to take up the issue of
15 classification of materials made by fermentation.
16 The vote in Subcommittee was 5 to retain it on the
17 list, one abstention. Any discussion on glycerin?
18 Tom?

19 MEMBER CHAPMAN: Was there any
20 discussion to require an agricultural form that's
21 now a requirement under handling?

22 VICE CHAIR FAVRE: No.

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1 MEMBER CHAPMAN: Or proposed under
2 handling?

3 VICE CHAIR FAVRE: No, there wasn't
4 that discussion. Any other conversation? Okay,
5 those in favor of removal of glycerin from the
6 National List, please raise your hand. Those
7 opposed? Abstentions?

8 MEMBER CHAPMAN: Zero yes, 14 no. The
9 motion fails.

10 VICE CHAIR FAVRE: Okay. Next up,
11 hydrogen peroxide. Dr. Brines?

12 DR. BRINES: Thank you. The substance
13 is included under Section 205.603 of the National
14 List under (a) (13), hydrogen peroxide. Thanks.

15 VICE CHAIR FAVRE: Okay. Calvin?

16 MEMBER WALKER: This is one of the
17 materials that have a very, very high support among
18 all stakeholder groups. Hydrogen peroxide is used
19 as a cleaning agent on contact surfaces such as
20 equipment, calf pails, bottles, utensils. In
21 2010, no one objected to relisting this material,
22 and this time the same group, Cornucopia, Beyond

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1 Pesticides, Aurora, Organic Dairy, Bio Safety
2 Systems, IOIA, and MOSA, and their survey showed
3 that over 40 producers were using this material.
4 And CCOF also stated support of this material.

5 VICE CHAIR FAVRE: Any discussion on
6 hydrogen peroxide? Okay, seeing none, those in
7 favor of removal of hydrogen peroxide, please raise
8 your hand. Those opposed? Abstentions?

9 MEMBER CHAPMAN: Zea I didn't get your
10 vote. Zero yes, 14 no, the motion fails.

11 VICE CHAIR FAVRE: Okay, next up is
12 iodine. Dr. Brines?

13 DR. BRINES: Thank you. There are two
14 listings for iodine on the livestock section of the
15 National List, so they'll be considered by the Board
16 as a group. The first listing is included at
17 Section 205.603 of the National List under (a)(14),
18 iodine. The second listing is under Section
19 205.603 of the National List under (b) as topical
20 treatment, external parasiticide or local
21 anesthetic as applicable. Three, iodine. Thank
22 you.

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1 VICE CHAIR FAVRE: Jean?

2 CHAIR RICHARDSON: Thank you. We had a
3 great deal of discussion on iodine in the
4 Subcommittee over a long period of time, not because
5 of the iodine itself, which is strongly supported
6 widely across all of the community of all
7 stakeholders, but because of the manner in which the
8 iodine itself is complexed into a variety of
9 iodophors where the surfactants are mixed with
10 molecular iodine to enhance water solubility and
11 sequester the molecular iodine for extended release
12 in the disinfectant product.

13 So in other words, they add something to
14 make it stick a bit and last longer, and one of the
15 materials which is used to do this is in this large
16 group which is generally referred to in the lay
17 literature as just NPEs, and there was considerable
18 discussion as to whether or not we should be working
19 to develop a separate annotation that would limit
20 the use of iodine in a teat dip form to formulations
21 that had no NPEs.

22 We nonetheless --- and we may well come

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1 back to you in April with a separate proposed
2 annotation that iodine should not be used -- only
3 without the NPE and broader groups of some of these
4 excipients. That does of course raise issues for
5 all the other excipients, so it's not going to be
6 as simple as we might like it to be, but nonetheless,
7 aside from that one potentially very serious issue,
8 for which we received quite a bit of public comment,
9 the Subcommittee strongly supports the continued
10 use of iodine in both the listings at 603 (a) and
11 603 (b), and it was unanimously supported to keep
12 it on the National List.

13 VICE CHAIR FAVRE: Discussion? Not
14 going to touch that one, huh? Okay, those in favor
15 of removal of iodine from the National List, please
16 raise your hand. Those opposed? Abstentions?

17 MEMBER CHAPMAN: Zero yes, 14 no. The
18 motion fails.

19 VICE CHAIR FAVRE: Okay. Next up,
20 magnesium hydroxide. Dr. Brines?

21 DR. BRINES: Thank you. This
22 substance is included under Section 205.603 of the

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1 National List under (a)(15), magnesium hydroxide,
2 CAS number 1309-42-8. Federal law restricts this
3 drug to use by or on the lawful written or oral order
4 of a licensed veterinarian in full compliance with
5 the AMDUCA and 21 CFR Part 530 of the Food and Drug
6 Administration regulations. Also for use under 7
7 CFR Part 205, the NOP requires use by or on the
8 lawful written order of a licensed veterinarian.
9 Thank you.

10 VICE CHAIR FAVRE: Okay. Ashley?

11 MEMBER SWAFFAR: Magnesium hydroxide
12 is primarily used as an antacid. There were lots
13 of comments that wrote in -- commenters that wrote
14 in for support of the relisting, stating that it
15 helps with grass tetany and bowel function
16 problems. There were no comments received that
17 wanted magnesium hydroxide delisted, and the
18 Subcommittee felt that this should be relisted.

19 VICE CHAIR FAVRE: Okay, any
20 discussion? Seeing none, those in favor of removal
21 of magnesium hydroxide, please raise your hand.
22 Those opposed? Abstentions?

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1 MEMBER CHAPMAN: Zero yes, 14 no. The
2 motion fails.

3 VICE CHAIR FAVRE: Okay, magnesium
4 sulfate is our next material. Dr. Brines?

5 DR. BRINES: Thank you. This
6 substance is included under Section 205.603 of the
7 National List under (a)(16), magnesium sulfate.
8 Thanks.

9 VICE CHAIR FAVRE: Ashley?

10 MEMBER SWAFFAR: Magnesium sulfate is
11 used to treat conditions stemming from a magnesium
12 deficiency or as Epsom salts to treat inflammation
13 and abscesses in livestock by soaking the affected
14 area. There was broad support from commenters to
15 relist this material, and the Subcommittee felt
16 this material should be relisted.

17 VICE CHAIR FAVRE: Okay, any discussion
18 on magnesium sulfate? Seeing none, those in favor
19 of removal of magnesium sulfate, please raise your
20 hand. Those opposed? Okay, we need a
21 clarification. Jennifer, how do you vote? Okay,
22 Jennifer votes to remove. Okay, abstentions?

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1 Okay.

2 MEMBER CHAPMAN: One yes, 13 no, the
3 motion fails.

4 VICE CHAIR FAVRE: Next up is oxytocin.
5 Dr. Brines?

6 DR. BRINES: Thank you. This
7 substance is included under Section 205.603 of the
8 National List under (a)(17), oxytocin, use in
9 post-parturition therapeutic applications.
10 Thanks.

11 VICE CHAIR FAVRE: Calvin?

12 MEMBER WALKER: Yes, another material
13 with broad support. None of the stakeholders'
14 groups opposed relisting. It is used in uterine
15 contraction when animals are birthing, the female
16 at least, and there's some difficulties with the
17 little one coming through the birth canal. So this
18 is important material. Beyond Pesticide, Aurora
19 Dairy, IOIA, CCOF, and MOSA show that some of their
20 producers were using this material.

21 VICE CHAIR FAVRE: Okay, any discussion
22 on oxytocin? Seeing none, those in favor of

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1 removal of oxytocin from the National List, please
2 raise your hand. Those opposed? Abstentions?

3 MEMBER CHAPMAN: Zero yes, 14 no. The
4 motion fails.

5 VICE CHAIR FAVRE: Okay, next up are the
6 parasiticides, and we're actually going to read the
7 listing all as one, but we will be voting on them
8 separately. Dr. Brines?

9 DR. BRINES: Thank you. These
10 substances are included under Section 205.603 of
11 the National List under (a)(18), parasiticides
12 prohibited in slaughter stock, allowed in emergency
13 treatment for dairy and breeder stock when organic
14 system plan approved preventative management does
15 not prevent infestation.

16 Milk or milk products from a treated
17 animal cannot be labeled as provided for in subpart
18 (d) of this part for 90 days following treatment.
19 In breeder stock, treatment cannot occur during the
20 last third of gestation if the progeny will be sold
21 as organic. It must not be used during the
22 lactation period for breeding stock.

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1 One, fenbendazole, CAS number
2 43210-67-9, only for use by or on the lawful written
3 order of a licensed veterinarian. Two,
4 ivermectin, CAS number 70288-86-7 and (3)
5 moxidectin, CAS number 11350-06-5 for control of
6 internal parasites only. Thank you.

7 VICE CHAIR FAVRE: Thank you, Dr.
8 Brines. Francis?

9 MEMBER THICKE: So the parasiticides
10 have a long and convoluted history here, and I'm not
11 going to cover it all, but just briefly, that
12 ivermectin was the first one that was approved by
13 NOSB in 1999. Moxidectin was second in 2004,
14 although it took a while for it to actually get on
15 the list, and fenbendazole in 2008.

16 And just from the technical review, some
17 points --- highlights. Fenbendazole is actually
18 the last one on the list, is considered to be the
19 most benign environmentally as far as the residual
20 effects to the environment in the manure and also
21 for milk withdrawal.

22 Ivermectin is the one that was first

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1 voted on, and that one is considered to be the most
2 harsh environmentally. The biggest concern has to
3 do with killing dung beetles and other
4 soil-dwelling animals you might say. Moxidectin
5 is not supposed to be so bad for those dung beetles,
6 but it's not good for aquatic life. But if you look
7 at a well-managed pasture, which you should have on
8 an organic farm, the soil is the thing where it gets
9 to, and the manure should not get to the water.

10 So overall, what the committee did is we
11 voted to remove ivermectin, and we had a mixed vote
12 for moxidectin, and I'm going to mention that my own
13 vote was against moxidectin, just to get comments,
14 because we weren't certain about the use pattern,
15 okay, we got a lot of good comments. And we were
16 unanimously in favor of keeping fenbendazole.

17 And the comments we got were all over the
18 board, but a lot of people said they need all three
19 of them. We had though a lot of targeted comments
20 that said --- I think well thought out and
21 well-argued comments, that said that ivermectin and
22 moxidectin have similar modes of action, and so we

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1 really only need one of those, and if we have
2 moxidectin and fenbendazole on the list, that we
3 have two modes of action, and so we have a backup
4 in case of resistance.

5 And I think that the committee was
6 thinking along those lines, and I certainly am now
7 after hearing the comments. I did not see any
8 really good argument for keeping both ivermectin
9 and moxidectin. We did get comments that we need
10 both, but I looked closely to see why we need both,
11 and nobody really made the case why we need both that
12 I could see, unless I missed it. So on the
13 overview, my recommendation is that we keep
14 fenbendazole on the list, and we keep moxidectin on
15 the list, and we remove ivermectin.

16 VICE CHAIR FAVRE: Thank you, Francis.
17 Discussion? Zea?

18 MEMBER SONNABEND: I have a question,
19 and I'm not maybe as up on this subject as I should
20 be, but I was there for when ivermectin was put on
21 the list, and I seem to recall a lot of concern,
22 especially from sheep producers, that the other

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1 substances didn't work as well, and so I'm wondering
2 if you heard from sheep producers particularly
3 regarding their parasites and whether they needed
4 that as a choice.

5 MEMBER THICKE: Well, we've heard that
6 there's some difficulties with, again, like what
7 it's recommended to be used for and what it can be
8 used for, and there's problems with fenbendazole,
9 as it has to be --- by the rule, it has to be
10 recommended by a veterinarian, the other two do not.
11 And so all those come into play. And moxidectin is
12 only allowed on the list for internal parasites and
13 not external parasites, and it's ironic because
14 it's a pour on, and so if you pour it on, you're going
15 to control the external parasites.

16 So what I'm getting is that moxidectin
17 does fill that need for sheep and goats if it's used
18 --- and we're going to consider later a proposal to
19 change those annotations so that moxidectin can be
20 for both internal and external parasites. So what
21 I've seen is that with moxidectin and fenbendazole,
22 that we have coverage for small animals as well.

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1 MEMBER SONNABEND: Follow up question
2 to that?

3 VICE CHAIR FAVRE: Go ahead.

4 MEMBER SONNABEND: So there was a
5 sentence in here, and I've lost it now, but
6 something about we may allow sheep wool to be sold
7 after administering these?

8 MEMBER THICKE: That is going to be --

9 MEMBER SONNABEND: Could you explain
10 that?

11 MEMBER THICKE: That is going to be
12 considered in the proposal later. Now, sheep that
13 are treated cannot --- the wool cannot be used as
14 organic, but that will be addressed in the proposal
15 later on, and we can talk about that then.

16 MEMBER SONNABEND: Thank you.

17 VICE CHAIR FAVRE: Okay, Jean first, and
18 then Mac.

19 CHAIR RICHARDSON: Thank you. This
20 isn't easy, and one of the reasons why it's not easy
21 is that there's a certain little bit of confusion
22 in the way the materials are sort of listed, and I'll

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1 be discussing later on in the presentation of the
2 discussion document on some proposed change
3 annotations for these three materials in regards to
4 the withholding period of time, and also the fact
5 that at the present time, moxidectin is listed for
6 control of internal parasites only, and it will be
7 certainly our recommendation in the proposal coming
8 back in the spring that it would be used both
9 internal and external, and we would also be
10 recommending a shortening of the withholding period
11 of time which was established for ivermectin, which
12 has a much longer withholding period than is
13 necessary for either fenbendazole or moxidectin.
14 And I shall be voting to keep both fenbendazole and
15 moxidectin, and as I say, we've discussed these at
16 incredible length on the Subcommittee.

17 I am challenged to know what to do with
18 ivermectin, and one of the reasons is is that
19 looking at all the public comment that's come from
20 across the country is that in the West especially,
21 and especially amongst sheep producers, ivermectin
22 is the one material that is commonly used. They

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1 don't use the fenbendazole typically, and I think
2 it's really related to the fact that you were -- in
3 order to use the fenbendazole, you're going to be
4 working with a veterinarian, and you're only using
5 the ivermectin when you've got an emergency
6 situation so heck, it's much easier to go to the
7 store and get the ivermectin than wait for the vet
8 to come. And I actually remember when I raised
9 sheep here in Vermont, it was much more sensible for
10 us to have the ivermectin on hand than to go out
11 working through the veterinarian.

12 So the bottom line is that we're only
13 using the --- you've got to have good farm grassland
14 management and pasture rotation and count of --
15 fecal counts and be looking for sheep breeds, for
16 example, not so serious for cattle breeds, but for
17 breeds of animals which are much more parasite
18 resistant, and, you know, that's sort of the
19 foundation.

20 And you're only going to be using these
21 in any case for an emergency. So assuming you're
22 only using it in extremely rare cases, you're not

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1 going to be using very much ivermectin, so perhaps
2 on organic farms, the dung beetles are not being as
3 negatively impacted as they would be on a
4 conventional farm. And we certainly did see slides
5 that Kent Henderson showed us, I think that was on
6 the webinar where there was a buffalo herd, and all
7 the dung was sitting there on the ground in large
8 piles to show us, you know, he was trying to
9 demonstrate the extent to which you could get an
10 excessive amount of dung accumulating. Great
11 pictures, and everyone loves dung beetles of
12 course.

13 But on most farms, it's going to be used
14 extremely rarely, so we fare in suggesting that we
15 take ivermectin off the list when we know it's only
16 going to be used in an emergency, and we know that
17 it is the most common material that's used out west
18 for sheep farms, and we know that our competition
19 coming from New Zealand and Australia will have been
20 treated with ivermectin.

21 And this is before I answer, I think
22 Zea's concern for the fact that it would be nice to

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1 be able to use the sheep wool, whether the animal
2 has had ivermectin or not. So we certainly need to
3 take this extremely seriously. I think the
4 fenbendazole, which came along much later, could be
5 well used in the West, it just typically isn't, and
6 a veterinarian thing, I think, is the catch. In the
7 East, especially in the Northeast, it tends to be
8 somewhat more used than it is in other areas, and
9 I noticed from the public comment that there was
10 definitely an East/West difference in the way in
11 which ivermectin was --- the kind of public comment
12 we got on ivermectin as opposed to the other
13 materials.

14 So perhaps --- and I'm just throwing
15 this out, because here's Jean has been pushing to
16 get rid of the ivermectin, because we don't really
17 need three of them I don't think, but we don't know
18 if the annotations are going to go through. The
19 annotations would include probably not having a
20 veterinarian used for --- and that's part of the
21 discussion document, not this discussion really,
22 but I think that the annotation, based on public

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1 comment, will be suggesting that we not have a
2 veterinarian have to be involved for the use of
3 fenbendazole, and so therefore the fenbendazole
4 would be more easily available to farmers that want
5 to use it, whether you're dairy or sheep or goats.

6 And there has been an issue raised by
7 some of the commenters that the --- about the ---
8 let's see, it's haemonchus contortus I think, I
9 don't have my notes right in front of me. One of
10 the happy little elements that we don't want, a
11 suggestion that moxidectin doesn't get to it. But
12 in actual fact, if you look at the technical report,
13 haemonchus contortus is impacted and killed by
14 fenbendazole, so there's a little bit of confusion
15 amongst the farmers as to what the three different
16 parasiticides can do.

17 And I noticed that also in comments from
18 certifiers and from farmers differentially between
19 the East and the West, and certainly there's a big
20 difference between sheep farmer comments and dairy
21 farmer comments, because the issue of parasites is
22 far greater for sheep farmers than for others. So

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1 I'd be interested to know what the rest of the
2 committee feels about the ivermectin especially, if
3 we eliminate it before we've made the possible
4 annotation changes at the spring meeting.

5 VICE CHAIR FAVRE: Mac?

6 MEMBER STONE: Thanks, Jean. That
7 gets to some of my questions here. So I feel like
8 I'll know better what to do today --- I feel like
9 I need to move them all forward without knowing a
10 little more about the potential annotation change.
11 So if it's not too confusing, maybe let's discuss
12 the potential annotation discussion with each of
13 these as we go through, because as a sheep farmer,
14 you know, you can have an outbreak pretty quick, and
15 I'd like to have access to something that is on the
16 store shelf and I don't have to call the vet, and
17 some of that kind of stuff. So is it possible that
18 we could sort of look at --- I like the annotation
19 recommendations, but I'm still --- they're sort of
20 jumbled together at this point in my mind.

21 VICE CHAIR FAVRE: Francis?

22 MEMBER THICKE: I wonder if we should

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1 hold the vote until after the discussion on the
2 annotation changes. We can't do that?

3 CHAIR RICHARDSON: We're not --- we
4 don't have a proposal today, we only have a
5 discussion document.

6 MEMBER THICKE: Right.

7 CHAIR RICHARDSON: There won't be a
8 proposal until the Spring. We have to complete
9 sunset before we can ---

10 MEMBER THICKE: Well what I'm saying,
11 before we discuss the --- if we could have a
12 discussion on the discussion document before we
13 have this vote, because it would clear up some of
14 these questions that Mac has. I have another
15 comment, too, I'm only thinking of it.

16 CHAIR RICHARDSON: Well, I think a lot
17 of what I've just been saying is really sort of the
18 central part of what's in the discussion document.

19 MEMBER THICKE: Right, we should really
20 sum up. The key points are that moxidectin would
21 be allowed for both internal and external
22 parasites, and we'd take away the long --- proposing

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1 to take away the long withdrawal period of 90 days,
2 but we probably couldn't do that with ivermectin,
3 we could do that with moxidectin and fenbendazole.
4 And we're suggesting taking away the veterinarian
5 requirement for the veterinarians to prescribe it.

6 And I want to make one more comment about
7 the use of ivermectin in some cases, and I think that
8 it's often out of habit, and often out of tradition.
9 This is what's been on the list and this is what
10 they've been using. We heard a dairy farmer speak
11 earlier and he said, well I went down to TSC and
12 that's what was there and I just got it. And I
13 actually got it -- went to TSC in my -- Tractor
14 Supply Company in my town, and moxidectin was right
15 next to agrimectin. And so it's there, it just --
16 we're just used to grabbing one thing I think, and
17 that shouldn't limit us.

18 VICE CHAIR FAVRE: Jean?

19 CHAIR RICHARDSON: Yes, I just want to
20 be clear. Mac, is the ivermectin needs the lengthy
21 withholding, so that --- and I can't tell you off
22 the top of my head what the proposal would look like

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1 for the spring, but the withholding however for
2 fenbendazole will be drastically shorter because
3 the withholding as it is right now of the 90 days
4 et cetera, that was really established for
5 ivermectin, and then it was just picked up by the
6 other two, so to speak, without really looking at
7 the FARAD and analyzing whether you needed that
8 length of time.

9 So from a farmer point of view, the
10 withholding, if they do have to use it, it would be
11 beneficial for them to be using fenbendazole and not
12 to be using the ivermectin, so it would be an
13 incentive. And if we were to get rid of the need
14 to involve the veterinarian for the fenbendazole,
15 similarly, that would be --- help it to be more the
16 material to reach for in that emergency. Now
17 again, I'm saying is that these are only used ever
18 in emergencies. They're not used on a prophylactic
19 basis as they are on conventional farms.

20 MEMBER CHAPMAN: I move to suspend the
21 rules of the agenda to consider the discussion
22 document on parasiticides at this time.

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1 VICE CHAIR FAVRE: I have a motion. Do
2 I have a second?

3 MEMBER STONE: Second.

4 VICE CHAIR FAVRE: Okay, all those in
5 favor of suspending the agenda to ---

6 MEMBER SONNABEND: Could you repeat the
7 motion, sir?

8 MEMBER CHAPMAN: This motion is to
9 suspend the rules of the agenda to consider the
10 discussion document on parasiticides at this time.
11 It's just a motion to reorder.

12 VICE CHAIR FAVRE: Yes, all we're doing
13 is moving the discussion document up into
14 discussion. So I have a motion and a second, all
15 those in favor of allowing discussion of the
16 discussion document, please raise your hand.
17 Okay, I think we're good with simple majority.

18 MEMBER MARAVELL: I just have a point of
19 clarification. Do we have a motion on the floor
20 already? So do we have to do something? You guys
21 figure it out.

22 MEMBER CHAPMAN: The motion on the

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1 floor remains, we're just considering a different
2 item.

3 VICE CHAIR FAVRE: Yes.

4 MEMBER CHAPMAN: And we'll come back to
5 it in the agenda, reordering the agenda.

6 VICE CHAIR FAVRE: We have nested
7 motions at the moment. We have a motion within a
8 motion.

9 Okay. I would just like to contribute
10 a comment in that first of all, I know way too much
11 information about dung pat preparation for
12 scientific studies after reading the technical
13 articles from Kent Henderson that was provided as
14 part of the public comment. I have sheep, I'm very
15 fortunate that I have a parasite-resistant breed
16 that so far I have not had to do any de-worming of
17 any sort, but I do recognize that to Mac's point,
18 sheep seem to be sort of fragile and go from healthy
19 to dead very quickly if you're not careful. My vet
20 actually told me the number one and number two
21 killers of sheep in Texas are parasites and coyotes,
22 predators, in that order, so, yes.

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1 So this is a pretty serious issue. I
2 was struck by the comments of one of the presenters
3 for public comment, where he did allow us how that
4 he could get moxidectin, and Francis has confirmed
5 that as well.

6 That was my big concern is, you know,
7 like me, I live in a small town. If I had a parasite
8 problem, yes I have a vet, but a small producer can't
9 always afford to have a vet come out at the drop of
10 a hat any time something goes wrong, and it would
11 sure be great if you could run down to Tractor Supply
12 like I do and have it. But to find out that it's
13 over the counter -- the one concern that I did have
14 about fenbendazole is the veterinary requirement,
15 but also it's an injectable versus a pour-on, and
16 -- but I think most of us that have livestock have
17 become proficient with doing injections if we need
18 to.

19 Oh, it's also an oral? Okay. Okay.
20 So --- and I'm very fortunate that I have a pretty
21 good dung beetle population on my property, and I
22 wouldn't want to see them impacted by the decisions.

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1 But some of the technical papers that we
2 received as part of public comment did actually
3 demonstrate to me pretty effectively that in a
4 well-managed pasture where it's used only in
5 emergency situations, the impact is not significant
6 on dung beetles. However, having said that, I'm
7 still going to be in favor of removal of ivermectin.
8 Okay, do we want to have a discussion on the
9 discussion document? Jean, since you wrote that,
10 do you want to kind of give at least a very brief
11 overview, maybe a summary?

12 CHAIR RICHARDSON: Yes. Well, do you
13 -- we're going to be discussing it, so do you want
14 me to be sort of reading into the record the various
15 public comments?

16 VICE CHAIR FAVRE: Yes, let's do that.

17 CHAIR RICHARDSON: Okay. I was hoping
18 I could do this later and get it fresh in my brain.
19 Keeping everything all together you know is hard at
20 my age.

21 We --- there's some present confusions
22 in the present annotation language. I'm going to

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1 start there I think. Fenbendazole is the most
2 environmentally benign and it's annotated to
3 require written order of the licensed veterinarian,
4 that's an important aspect to keep in mind.
5 Ivermectin and moxidectin do not require a
6 veterinarian.

7 We did --- and we sent out some
8 questions, as you know, in order to get information
9 for this discussion document that we could use in
10 the spring to bring back a proposal to you. We got
11 a large amount of response for all of the questions
12 that we proposed. Excellent, actually, really,
13 really, really good comments from the public from
14 all over the country have given us an enormous body
15 of material that we can work on to come up with I
16 think a really good proposal for the spring, and one
17 of the questions we asked was whether or not all or
18 some of these materials, the parasiticides, should
19 be on written order of a licensed veterinarian.

20 There were very few suggestions that we
21 would continue to have a written order of a licensed
22 veterinarian. As I recall, I'm not going to try to

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1 list all of them, because we did have a lot of
2 comments. The certifiers feel like it would be
3 much easier to track the use of the parasiticide if
4 there was a written order of a licensed veterinarian
5 so that when the inspector goes around, they could
6 review the vet bills and see when it was being used,
7 and that would give them a clear understanding of
8 which animal by ID number had been -- on the health
9 records had been cared for by a veterinarian and the
10 parasiticide had been used.

11 Farmers, however, have a much different
12 view of it because it is often not just a hassle,
13 but also an added expense in the marginal profit
14 that we get on our farms to be bringing in a vet when
15 you want to determine whether or not the fecal egg
16 count on the farm has reached the point where you
17 need to do some de-worming of some animals.

18 And so from the farmer's perspective,
19 the idea that any of these --- the fenbendazole
20 would be on the written order of a licensed
21 veterinarian, that is an anathema to them, and it
22 would seem --- and of course as you know,

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1 conventional farms don't have to work with a
2 veterinarian to use parasiticides.

3 There was, however, quite a lot of the
4 public comment that indicated that farmers should
5 be spending more time actually doing parasite egg
6 counts in order to determine if the breeds of sheep
7 or goats, especially, that they have are such that
8 they're beginning to build up parasite loads which
9 would require a dewormer, and usually this, as you
10 know, takes place in the earlier months or first
11 year of life more typically.

12 And so, you know, farmers should be
13 obviously being encouraged to be looking at fecal
14 egg counts, and also to be looking for dung beetles.
15 I can't wait to tell inspectors at the IOIA that one
16 of their jobs is going to be as an inspector is go
17 out and count dung beetles, however, that should be
18 quite a riot. As an inspector myself, because I
19 like that, but then, you know, I'm a strange person
20 when it comes to things like dung beetles.

21 So I think that the --- I think, based
22 on the public comment, we'll be suggesting in the

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1 proposal that we don't need to have veterinarian for
2 any of the --- and I'm just going to continue to
3 assume all three are still on the list --- for any
4 of the three of these materials.

5 When it comes to moxidectin, it is
6 presently listed for control of internal parasites
7 only. When it was put on the list, it appears that
8 the moxidectin, which is fairly widely used as a
9 pour on, again, under emergency situations only,
10 and that when it's used to control internal
11 parasites, it will also de facto control external
12 parasites, as we found from the literature and
13 material that's come in to us from veterinarians
14 especially.

15 So this for control of internal
16 parasites only phraseology that was in the original
17 annotation for the moxidectin was written based on
18 incorrect information at the time based on the
19 half-life of the moxidectin in the soil. And so I
20 think based on, again, all of the public comment
21 that we've had come in, that moxidectin should not
22 only remain on the list but also that the annotation

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1 for control of internal parasites only should be
2 removed so that it could be used internally as well.

3 We had on the next questions, we had on
4 the --- one of the questions that we posed in our
5 --- I'll go through some of the questions. When we
6 sent this out to public comment, we asked about the
7 milk withholding period, and if so, how many days
8 should the milk withholding be, and we did get back
9 an enormous amount of comment on the withholding
10 period for milk.

11 At the present time, there's a 90-day
12 withholding, but there seems to be wide consensus
13 that the 90 days is much too long as a withholding,
14 one, because it may motivate a producer to withhold
15 the needed treatment because of the severe economic
16 consequences of a 90-day withdrawal, and secondly,
17 fenbendazole and moxidectin have no milk withdrawal
18 time for use in conventional production. However,
19 it is important to note for ivermectin that the
20 lengthy withdrawal period of time is still
21 indicated in terms of the label use under FARAD.

22 So for --- if you're going to be using

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1 fenbendazole or moxidectin with the -- on dairy,
2 then you would be able to have a considerably
3 reduced period of time, withdrawal period. One
4 veterinarian stated that fenbendazole is not in the
5 milk after three days, and so, you know, you're
6 starting with the three days --- I don't think we
7 would go that low, but if it's no longer in the milk
8 after three days, then that gives us one point at
9 which we could start to reduce the withholding for
10 in milk animals, and 14 days is recommended as the
11 length that would be good for beef. So --- and
12 those are with fenbendazole, and it would be similar
13 I think in moxidectin. Again, I have to fully
14 analyze all these materials before we take it back
15 to, you know, when we'll go back to Subcommittee and
16 re-look at it.

17 So we've had suggestions of five-day
18 withdrawal for the parasiticides moxidectin and
19 fenbendazole, and even from groups that are more
20 consumer-oriented. They see that this need -- you
21 would be taking care of the animal because you must
22 control parasites obviously. If you have an animal

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1 with parasites, you can't just let them be in
2 misery. So you do have to be able to help them by
3 some form of parasite control. And I should
4 comment that there are obviously homeopathic and
5 other forms of parasite control that are also used
6 by many farmers, like the Crystal Creek
7 alternative, for example. But again, this is only
8 in emergency situations we're looking at.

9 One of the questions we posed was,
10 should minimal use of parasites be allowed in
11 organic slaughter stock such as permitted under the
12 Canadian organic standards, where there's one
13 treatment for slaughter animals under one year old,
14 and two treatments for older animals, and if they
15 have more treatments than that, that's when they
16 lose their organic status?

17 I did not see much positive feedback
18 from any part of the stakeholder group to adopt that
19 Canadian organic standard, and many of them
20 commented that it would be much too hard for the
21 farmer and the certifier to track this in and out
22 kind of use and keep track of all the individual

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1 animals, and so that may not be one of the items that
2 we would bring forward in a proposal in the spring.

3 The third question that we posed for
4 public comment was, should sheep fleece and wool be
5 allowed to be certified organic even if the use of
6 parasiticides was necessary at some point in the
7 animal's life? There was broad support for that
8 from our stakeholders all over the country, because
9 obviously as you know, we're at a serious
10 disadvantage from a market point of view, never mind
11 anything else, by not being able to sell sheep
12 fleece and wool as organic. And this would have a
13 positive impact not only for the farmers, but also
14 in terms of the supply of materials for fiber. So
15 farmers and a broad range of certifiers and
16 veterinarians and so on felt that even if the
17 animal's meat could not be used as slaughter stock,
18 that the sheep fleece may be able to be used after
19 the use of parasiticides.

20 There was, however, some
21 recommendations for a withholding length of period
22 of time for the sheep fleece usage, that it wouldn't

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1 be the same as for milk, it wouldn't be three days
2 or something, it would be a longer period of time.
3 And there were a number of different lengths of
4 different days proposed for us to look at and review
5 when we take this back to Subcommittee.

6 I've already covered the moxidectin, we
7 think it should be used both internal and external.
8 I've already covered the veterinarian one. So we
9 did put out these five questions. Let's see if I've
10 covered what needs to be covered.

11 We had excellent feedback from
12 veterinarians. So here's one on sheep fleece, for
13 example, from a veterinarian. Should sheep fleece
14 be allowed? Yes, if an extended withdrawal time
15 was observed. So for --- if they used moxidectin
16 and fenbendazole, a withholding time of 14 to 30
17 days should be -- would be appropriate. Ivermectin
18 should not be allowed and should be removed from the
19 list of allowed synthetic treatments for organic
20 livestock. This is from a veterinarian out in the
21 Midwest.

22 So --- do you want me to read more of

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1 these? I mean, there's vast amounts of them, so,
2 but I could --- maybe I should just leave it to
3 answer questions. So that's sort of the general
4 gist of where we're heading. Francis, do you think
5 that's giving us enough to --- from a discussion
6 point of view? Mac?

7 MEMBER STONE: No, thank you very much,
8 and that helps sort of frame today's conversation
9 very much because it digs a little deeper into the
10 discussion and input to that discussion helps a lot
11 today.

12 VICE CHAIR FAVRE: Tom?

13 MEMBER CHAPMAN: I would like to hear
14 from the other members of the Livestock
15 Subcommittee on their thoughts on this if we were
16 to not sunset ivermectin at this time, but plan to
17 have it be removed when these annotation changes
18 occur. So it would be a joint proposal to remove
19 ivermectin as well as make the annotation change,
20 that way it would occur all at the same time in rule
21 making.

22 MEMBER STONE: I won't be here, but that

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1 sounds logical because we will learn more in another
2 set of public comment around those discussions. I
3 was just saying that that sounds logical based on
4 there's going to be another set of public comment,
5 a little deeper dive into it, which helps for today
6 again I think.

7 VICE CHAIR FAVRE: So just so we're
8 clear, Tom was asking the question how the Committee
9 would feel about voting on ivermectin today,
10 potentially leaving it on today so that it could be
11 combined with an annotation change that we would
12 bring in the spring, with a potential vote for
13 removal depending on public comments. Colehour?

14 MEMBER BONDERA: I think I understand;
15 however, for clarification sake Tom, those would be
16 totally, completely separate proposals. One would
17 be changing annotations, and a separate one would
18 be removal of something from the list. So you were
19 saying could we consider--could the Subcommittee
20 consider proposing or petitioning that we remove
21 ivermectin from the list somehow in a--it wouldn't
22 be in direct association, but somehow related to our

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1 work with annotation issues. I'm pretty sure
2 that's what I've heard.

3 VICE CHAIR FAVRE: Yes, you're--

4 MEMBER BONDERA: So they both go
5 forward at the same time to the Secretary for
6 action.

7 VICE CHAIR FAVRE: Zea, and then
8 Harold.

9 MEMBER SONNABEND: I have two questions
10 and maybe I should know this, but I don't. One is
11 it doesn't work with veterinarians that you could
12 just have the veterinarian come out once a year, and
13 then they would give you a prescription for enough
14 parasiticide for the whole year, or do you have to
15 have them come out every single time you need to use
16 it?

17 MEMBER THICKE: I think you would have
18 to have them come out and prescribe it at the time,
19 that's kind of what a prescription would be. But
20 I think there's another point, too, is that when
21 farmers have been--livestock producers been around
22 the circle a few times and have done fecal count,

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1 they can see an animal and see the symptoms and know
2 what they are, and I know when I have calves, I can
3 tell if they have any kind of wormy thing. And
4 another point I want to make, too is I don't use any
5 of these parasiticides. There are a couple of
6 companies that make some natural things they've
7 researched the FDA has not approved. One company
8 called their original product ParAttack, and the
9 FDA told them they couldn't use that name because
10 it implied that it controlled parasites. And so
11 they changed the name, but they don't necessarily
12 kill the parasites, but they help the animal expel
13 them, and I find that when I have calves that are
14 looking like they have parasites, I use these
15 products, and they come out of it. So I guess that
16 we need to look at there are natural alternatives
17 out there, and that we need to try to find some way
18 to encourage that kind of use. Go ahead.

19 MEMBER SONNABEND: Sure, but I would
20 think that you know, the phraseology working with
21 a veterinarian on this means that you don't call a
22 different vet each time you have a problem; you have

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1 a regular vet, and so the regular vet could know you
2 well enough to trust that you'd recognize the
3 symptoms and use it in a responsible manner rather
4 than have to call them every time.

5 MEMBER THICKE: But then why couldn't
6 they just do it on their own? It's a over counter
7 drug, all these are, anybody can buy them in the
8 store--

9 MEMBER SONNABEND: Okay. Okay. So my
10 second question is if this seems to be your general
11 proposal to vote off ivermectin but keep the other
12 two, then why is the vote out of committee to remove
13 moxidectin, too?

14 VICE CHAIR FAVRE: Francis, he did
15 speak to that, but I'll let him answer it.

16 MEMBER THICKE: We did it in part to try
17 to get some comments, because sometimes if we don't
18 get people's attention, we don't get the comments
19 we need. And we did, it did work, we got a lot of
20 comments that helped us--no actually that's true,
21 we needed to start out ivermectin and moxidectin,
22 and we needed to know, and I don't think we would

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1 have gotten those comments if we hadn't pushed a
2 little bit. And we were uncertain for that matter
3 also, we didn't know what's out there and what the
4 needs are.

5 VICE CHAIR FAVRE: Okay. Harold?

6 MEMBER AUSTIN: Did the Subcommittee
7 take and look or turn up anything as far as--because
8 both moxidectin and ivermectin are in the same
9 chemical classification as far as mode of action.
10 So you've got one being used internally, one being
11 used topically; was there any concern about
12 resistance management from two chemicals from the
13 same chemical classification with the same mode of
14 action?

15 VICE CHAIR FAVRE: I think I'll let Lisa
16 take a stab or--we did actually discuss that, and
17 actually wondered whether we needed both of them for
18 that reason. When we were first having the
19 discussion about whether all three were needed, I
20 think initially we did actually consider whether or
21 not we needed just fenbendazole, and I for one
22 strongly argued against having just a single

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1 parasiticide for concerns regarding to developing
2 of resistance, and I like the idea that we have two
3 different drugs from two different classes that
4 work in slightly different modes of action.
5 Francis, do you want to add to that? Okay.
6 Harold, follow up?

7 MEMBER AUSTIN: Yes, follow up. Do we
8 know which is the older of the two materials between
9 those two materials on moxidectin and ivermectin?

10 VICE CHAIR FAVRE: It's my
11 understanding that ivermectin has been around for
12 a very long time; moxidectin is a relatively newer
13 formulation and it did come on to the list later.
14 Nick, did you have a question or comment?

15 MEMBER MARAVELL: Yes, I did. Are we
16 done with this portion of the discussion, because
17 I'm going to consider--

18 VICE CHAIR FAVRE: Well, let me go
19 around the room. Do we have any more questions or
20 comments in regards to the discussion document?
21 Carmela?

22 MEMBER MARAVELL: I was just saying on

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1 this issue of resistance in the class of chemicals,
2 it was my understanding there was a slight
3 difference between ivermectin and--they are in the
4 same class, but there was a slight difference
5 between them, and I did want to ask the Committee,
6 I effect following up on Harold's question, what did
7 you gather any information about the relative
8 resistance that already exists to these
9 parasiticides?

10 VICE CHAIR FAVRE: Francis or Jean, do
11 you want to address that, and if not, I mean--

12 CHAIR RICHARDSON: Well, ivermectin is
13 typically not used in dairy, so it's mostly used in
14 the sheep/goat group. There seems to be some
15 resistance to the ivermectin in some parts of the
16 country, and it really depends on a combination of
17 factors. The breed of the sheep, the extent
18 of--the range of ailments that they're infected
19 with, et cetera. So there is some obvious immunity
20 with ivermectin in some areas, highly variable
21 geographically and depending on the breed of
22 animal. As I say, not really typically used in

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1 dairy, and therefore you don't sort of see that
2 information there. The issue with the moxidectin
3 is again that you're not able to use it internally
4 at the present time, only externally, so therefore
5 you're not comparing apples and apples when you look
6 to--and fenbendazole is a little more--is a newer
7 parasiticide. And it's my understanding that when
8 they put moxidectin on the list, the idea was that
9 that would allow ivermectin to sunset, but because
10 of that external annotation, that that hasn't
11 happened, at least that's one of the reasons. So
12 it's not a simple question that you're asking, but
13 obviously there appears to be a considerable
14 efficacy right now with fenbendazole; the
15 assumption is that, especially seeing it on
16 conventional farms, is that you'll see the same
17 functional improvement with moxidectin as well.

18 VICE CHAIR FAVRE: Carmela, did you
19 have a question?

20 MEMBER BECK: So I am extremely
21 reluctant to want to remove materials from the
22 National List if there's still an identified need

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1 and it still meets OFPA criteria, and so there was
2 mixed public comment, mostly in favor of removal,
3 but I did see general comments in favor of keeping
4 it. So I'm wondering two things. One, I'm
5 wondering if Mac can speak to now the removing
6 ivermectin and feeling comfortable with that from
7 your perspective, and I'm also wondering about the
8 individual on the Subcommittee who voted in favor
9 of it, if their opinion has changed since public
10 comments been issued.

11 VICE CHAIR FAVRE: Mac, you want to
12 address that?

13 MEMBER STONE: Sure. So if the
14 Committee comes back as we've discussed with this
15 proposal in the spring, if ivermectin has a 90-day
16 withdrawal, that's a decision that the
17 farmer/rancher would make, versus the shorter
18 withdrawal of a similar acting product. The
19 certifiers are going to be very active in monitoring
20 all of that aspect of it. So my inclination,
21 especially if there is an East/West sort of a
22 cultural difference, like we have--I haven't seen

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1 a dung beetle in Kentucky in years; we don't have
2 them. In fact, I might haul some dung home from
3 Texas sometime, but I'd be inclined to, if I were
4 on the Board in the spring, I'd be inclined to not
5 take away a tool that is a rescue only so that
6 farmers and ranchers would have access and make
7 their own decisions with their certifiers. Based
8 on the annotation changes that are being proposed,
9 I still would sort of lean towards not taking that
10 tool away, which I intend to do today and not take
11 tools away and let this work out in the spring.

12

13 VICE CHAIR FAVRE: I would like to make
14 a comment, and then Francis. I recently went to a
15 hair sheep association meeting at Langston
16 University in Oklahoma, where they had been doing
17 some research on parasite resistance in three
18 different breeds of hair sheep, which was funded by
19 a USDA grant by the way, so thank you. It was
20 interesting, I think they're in year three of the
21 study, and they're finding that while individual
22 animals amongst different breeds are showing a

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1 certain amount of resistance, and that's looking at
2 packed cell volumes and fecal egg counts and all
3 sorts of things, the aren't finding that there's
4 inheritability so far in the results, which they
5 were a little reluctant to even disclose because
6 what that means is you might have resistance among
7 individual animals, but they're not able to
8 predictably inherit the resistance, despite the
9 fact that that seems logical that they would. So
10 parasite resistance is a very complex issue; I
11 believe it's as much about management as it is about
12 the animals, and one of the things that occurs to
13 me as part of this discussion is if we leave the
14 withdrawal time significantly longer for
15 ivermectin than the other two, we might be
16 self-limiting on the use of ivermectin to Mac's
17 comment, and that if you have an animal that's
18 resistant to a parasite that moxidectin doesn't
19 work on, you'd probably do that first because you'd
20 have the ability to a shorter withdrawal time, but
21 then if it's a matter of saving the animal's life,
22 you still might go to ivermectin if nothing else

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1 works. So that's just something to think about.
2 And I think it was Francis had his hand up, and then
3 Jean, and then Nick.

4 MEMBER THICKE: I've got a question for
5 Mac. Do you suppose speaking of tools that
6 moxidectin would be an inadequate tool as compared
7 with ivermectin? I mean, do we need both tools?
8 It's like if you're working on your combine, and you
9 need a 960 inch wrench, and you look and you've
10 got--have a Snap On 960 inch and you have a Craftsman
11 one, do you need them both, and you need to lug them
12 both around the field?

13 MEMBER STONE: Yes, absolutely.
14 Sometimes you need open end, and sometimes you need
15 a box end wrench, right?

16 MEMBER THICKE: They both have it.
17 They both have it.

18 MEMBER STONE: So but no, I think--so
19 even in emergency use, because sheep are
20 problematic animals in general, that you need to
21 have that tool available. Resistance to the
22 compound is much less likely because there's a lot

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1 of resistance in conventional flocks, and some
2 people are losing control all together because
3 they've already run through their resistance of all
4 of these products. So to me, it's a little bit
5 about access and what your TSC has available and
6 some of that kind of stuff. So but I would--two
7 different modes of action are definitely in play;
8 I could debate whether the ivermectin and the other
9 one both need to be, but again, that's a tough
10 decision based on access and a farmer/rancher's
11 particular situation.

12 VICE CHAIR FAVRE: Okay Jean, then
13 Nick, then Calvin.

14 CHAIR RICHARDSON: Yes, and I think
15 that it's particularly important at this point
16 where we're thinking about removing an important
17 tool is to note the big difference between the
18 eastern and western United States and between sheep
19 as opposed to dairy, and the fact that in the West,
20 they really have not caught on to using
21 fenbendazole, for example, and the fact that
22 there's confusion, sometimes even between

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1 veterinarians as to whether or not one of the main
2 ones that they want to control, which is this
3 haemonchus contortus element, there's not a
4 understanding that the fenbendazole addresses that
5 as well as the ivermectin, and yet the ivermectin
6 is building up some immunity as we can assume.

7 So I think that--and many of the
8 comments that we got of course were from dairy
9 producers, so where this issue is not as great as
10 it is with regard to ivermectin, which is rarely
11 used on a dairy farm. So there's a lot of little
12 moving parts for us to look at. I think if we end
13 up, since we're sort of still on this discussion
14 document, if we're standing out a lot of detail in
15 the proposals, we may well begin to sort of
16 re-educate folks out West, so to speak, to say you
17 know, here's another tool that you can actually be
18 using, and then can start working with it even
19 before we perhaps make these annotation changes. I
20 think also I should just mention that lungworm is
21 another parasiticide that we need to consider which
22 of those three are best addressing that or what

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1 combination with natural alternatives.

2 VICE CHAIR FAVRE: Nick, and then
3 Calvin.

4 MEMBER MARAVELL: I have a two part
5 here. The first is to take on a question about the
6 use of parasiticides for sheep for the harvest of
7 the wool; in your asking of that question, did you
8 get a sense of whether or not people in favor of that
9 would use the parasiticide just once twice, or was
10 there any concept of how often that would be a
11 permitted practice? And then I have a second.

12 CHAIR RICHARDSON: Use of
13 parasiticides really amongst the sheep/wood
14 producers, if they're organic, they can't use it
15 prophylactically; they can't use it on a regular
16 basis. They can only use it in an emergency, just
17 as in any other situation. So I mean they'll still
18 have to identify those sheep that no longer become
19 slaughter stocks that are viable, so they'll--right
20 now what happens is, as you probably know, and
21 that's why there's so little wool on the market, is
22 that once they've identified animal number 35 is no

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1 longer organic slaughter stock, therefore the wool
2 from that animal can't right now be organic. And
3 so that animal may still get sheared every year for
4 the next 10 years, and it's only had one dose of
5 ivermectin, for example, then it seems like a
6 remarkable, awful hardship in that situation where
7 the sheep may live for many years, and even though
8 it's never going to be slaughter stock to eat, it
9 could still have been selling year after year its
10 wool, and there's a lot of support for that to take
11 place as imagined, especially in the western United
12 States, if that answers your question.

13 MEMBER MARAVELL: Right, but my
14 question was you could treat that same sheep that
15 lived 10 years on a emergency basis once a year 10
16 times; is that--I was just wondering if there was
17 any concept of how that would be--

18 CHAIR RICHARDSON: That would be
19 unlikely. If you did treat it, it would be once;
20 there would still be a withholding, so you're still
21 not going to be able to give the animal a
22 parasiticide one day and then shear it and sell the

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1 wool as organic the next day. There will still be
2 a withholding. But yes, it would not happen
3 continuously throughout the year. And of course
4 obviously, these sheep farmers, in addition,
5 they're still doing pasture rotation in a large
6 area, and the large area they have for the animals
7 to graze in in their pasture, depending from East
8 to West, will reduce the likelihood of re-infection
9 in the same season.

10 VICE CHAIR FAVRE: Calvin, and then
11 Ashley.

12 MEMBER MARAVELL: Okay. All right.

13 MEMBER WALKER: This is my last day on
14 the Board, so I'm going to get out of a lane with
15 no repercussions. I do support keeping all three
16 of the parasiticides. The Western Organic Dairy
17 Producers Alliance, TOM, of 250 organic dairy
18 farmers in Indiana, Texas, Washington, Oregon,
19 Utah, California asked that we keep ivermectin on
20 the list. There was a beef farmer in California
21 asked that ivermectin also be kept on the list. I
22 use it; it saved my dog's life, Hercules, with

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1 heartworms, and the other reason I'm keeping it is
2 because the livestock group has very few materials
3 on the National List, and this material is only used
4 in an emergency situation. It's not something that
5 you give to your animals or inject every day. So
6 based on that, I will be voting to keep all three
7 on the list.

8 VICE CHAIR FAVRE: Ashley?

9 MEMBER SWAFFAR: I'm going to change
10 lanes from my traditional lane. So when I got on
11 this Board, I didn't know every substance on the
12 National List, but ivermectin was the one that just
13 shocked me that it was on the list, just because you
14 know, growing up around a lot of conventional farms,
15 I mean that stuff is everywhere, and I was just
16 absolutely shocked. And then coming from the
17 poultry industry we have nothing; we use natural
18 alternatives; they work; we manage our levels. So
19 just because we remove ivermectin, they still have
20 two parasiticides and they have natural
21 alternatives. Don't forget that, because those do
22 work. So I'm still going to keep my vote to remove

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1 ivermectin.

2 VICE CHAIR FAVRE: Nick?

3 MEMBER MARAVELL: Yes, the other thing
4 I wanted to mention is anecdotal. We don't use
5 parasiticides, but we run beef, and we did
6 participate in USDA sponsored on farm research with
7 the Greenbelt Agricultural Research Center and in
8 a breeding program to breed resistance to parasites
9 plus management practices. And it was successful.
10 I'll just put a little note there, but when the lead
11 researcher left to go elsewhere, USDA literally
12 pulled the plug on his 17 years of research and his
13 semen collection, and sold his herd of brute calves
14 and bulls to auction, which I thought was most
15 unfortunate because what I'm suggesting here is
16 that with some attention to detail, we can move away
17 from parasiticides, and I urge the study that you
18 were referencing in that they try to go over a
19 longer period of time, because we did find it was
20 inherited, and we have never had to treat any
21 animals born on our farm for parasites.

22 VICE CHAIR FAVRE: I think that the

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1 research is continuing, they just gave us an update
2 on the three-year benchmark of it. Okay, so what
3 do we think, are we ready to vote? We beat the horse
4 dead rather than beat the dead horse?

5 MEMBER MARAVELL: Are we voting on
6 accepting the discussion document, or are we voting
7 on the motion? Just tell me what I'm voting on.

8 VICE CHAIR FAVRE: Yes, we don't have to
9 vote on the discussion document. All right. All
10 right. So, everybody with us out there? You all
11 haven't given up on us, huh? Okay, don't forget the
12 dung beetle. Okay, all right. So, first up is as
13 a reminder, we're voting on these separately. So
14 the first up for the vote is fenbendazole. Those
15 in favor of removal of fenbendazole, please signify
16 by raising your hand. Those opposed?
17 Abstentions?

18 MEMBER CHAPMAN: Zero yes, 14 no; the
19 motion fails.

20 VICE CHAIR FAVRE: Okay. Next up for
21 vote is ivermectin. Those in favor of removal of
22 ivermectin, please signify by raising your hand.

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1 Those opposed? Abstentions?

2 MEMBER CHAPMAN: I have 6 yes, 4 no, 4
3 abstentions; the motion fails.

4 VICE CHAIR FAVRE: Finally, we have
5 moxidectin. Those in favor of removal of
6 moxidectin, raise your hand. Those opposed?
7 Abstentions?

8 MEMBER CHAPMAN: Zero yes, 12 no, 2
9 abstentions; the motion fails.

10 VICE CHAIR FAVRE: Mac?

11 MEMBER STONE: I do have one footnote,
12 for those of you that have dung beetles, I heard a
13 story on public radio that they navigate using the
14 Milky Way, that when they block their access to the
15 Milky Way with this little helmet thing, they roll
16 the dung balls in this funny pattern and when they
17 had access to the Milky Way, they rolled the ball
18 in a straight line back to their nest.

19 VICE CHAIR FAVRE: Okay, those of you
20 that were following that, yes you can block the
21 aliens from probing your brain if you will wear a
22 foil helmet.

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1 CHAIR RICHARDSON: And on those
2 profound observations, we will take a 15-minute
3 break, and be back at about 25 minutes to 11 to
4 continue with livestock.

5 (Whereupon, the above-entitled matter
6 went off the record at 10:16 a.m. and resumed at
7 10:35 a.m.)

8 CHAIRMAN RICHARDSON: All right, if we
9 could all take our seats. I think that we're ready
10 to continue on with the livestock materials.

11 And we do have an enormous amount of
12 stuff to get through today. So, if you would take
13 your seats, I'll be able to turn the meeting back
14 over to the chair of the Livestock Subcommittee in
15 order to continue the material.

16 VICE CHAIR FAVRE: Thank you, Jean.
17 Our next material to discuss this morning is
18 Peracetic Acid. Dr. Brines?

19 DR. BRINES: Thank you. This
20 substance is included at Section 205.603 of the
21 National List under (a)(19), Peroxyacetic/
22 Peracetic Acid, CAS Number 79-21-0, for sanitizing

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1 facility and processing equipment. Thank you.

2 VICE CHAIR FAVRE: Thank you. So,
3 Peracetic Acid is used as a disinfectant. It's a
4 relatively new development.

5 Quite often it was acetic acid and
6 hydrogen peroxide before. They both have a longer
7 history of use in livestock production. But, more
8 recently Peracetic Acid has gained in favor.

9 Public comment was overwhelmingly in
10 support of relisting Peracetic Acid. Noting that
11 the material is more effective with longer efficacy
12 than chlorine. And is critical to proper
13 sanitation in human and animal health.

14 One commenter did ask that when the NOSB
15 reviewed the material, determine whether it's still
16 necessary. And I think I'm confident that we've
17 answered that question.

18 Is there any discussion on Peracetic
19 Acid?

20 (No audible response.)

21 VICE CHAIR FAVRE: Seeing none, those
22 in favor of removal of Peracetic Acid, signify by

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1 raising your hand.

2 (Pause.)

3 VICE CHAIR FAVRE: Those opposed?

4 (Pause.)

5 VICE CHAIR FAVRE: Abstentions?

6 (Pause.)

7 MEMBER CHAPMAN: Zero yes. Fourteen
8 no. The motion fails.

9 VICE CHAIR FAVRE: Okay. Next up is
10 Phosphoric Acid. Dr. Brines?

11 DR. BRINES: Thank you. This
12 substance is included at Section 205.603 of the
13 National List under (a)(20), Phosphoric Acid.
14 Allowed as an equipment cleaner provided that no
15 direct contact with organically managed livestock
16 or land occurs. Thanks.

17 VICE CHAIR FAVRE: Jean?

18 CHAIRMAN RICHARDSON: Yes.
19 Phosphoric Acid is widely used. And it is widely
20 support from the community of all stakeholders.

21 And it was voted unanimously in
22 Subcommittee that it should remain on the National

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1 List.

2 VICE CHAIR FAVRE: Any discussion on
3 Phosphoric Acid?

4 (No audible response.)

5 VICE CHAIR FAVRE: Seeing none, those
6 in favor of removal of Phosphoric Acid, please raise
7 your hand.

8 (Pause.)

9 VICE CHAIR FAVRE: Those opposed?

10 (Pause.)

11 VICE CHAIR FAVRE: Abstentions?

12 (Pause.)

13 MEMBER CHAPMAN: Zero yes. Fourteen
14 no. The motion fails.

15 VICE CHAIR FAVRE: Next up is
16 Poloxalene. Dr. Brines?

17 DR. BRINES: Thank you. This
18 substance is included at Section 205.603 of the
19 National List under (a)(21). Poloxalene. CAS
20 Number 9003-11-6.

21 For use under 7 CFR, Part 205, the NOP
22 requires that Poloxalene only be used for the

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1 emergency treatment of bloat.

2 VICE CHAIR FAVRE: Francis?

3 MEMBER THICKE: There really isn't much
4 more to say. It's used for acute bloat. And for
5 beginning bloat other things can be used. But this
6 is for emergency use only.

7 So, there weren't a lot of comments on
8 it. But, there was support for relisting it.

9 VICE CHAIR FAVRE: Okay. Discussion?
10 Colehour?

11 MEMBER BONDERA: Yes, thank you.
12 Francis, I don't know if you can remind me, or expand
13 on, I thought that we had a comment from Dr. Karreman
14 regarding delisting on this item if I recall in
15 review.

16 That's why I ended up voting to delist.
17 And I'd like you to comment on that --

18 MEMBER THICKE: Yes.

19 MEMBER BONDERA: And/or update if you
20 --

21 MEMBER THICKE: I'm sorry. Dr. Hugh
22 Karreman did say olive oil and other vegetable oils

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1 can be used.

2 However, he said -- indicated that often
3 you have to treat with these oils before it gets to
4 the point of the animal getting, you know, ready to
5 die. It's very fast.

6 And normally what people do, is when
7 they get that far is, they pull their pocket knife
8 out and stick it in their stomach and let the air
9 out. And so, his point I think is that there's very
10 lit -- there's a very little window where this
11 material actually could be use -- would be used.

12 VICE CHAIR FAVRE: Any further
13 discussion? Nick?

14 MEMBER MARAVELL: Yes. I'm not quite
15 following here. So, that there are natural
16 alternatives and equally as effective, but if we
17 don't get there in time, we pierce the rumen and
18 release the pressure.

19 So, what would make this, you know,
20 preferable to using the natural alternative? Was
21 there some -- did I miss something in that?

22 MEMBER THICKE: I think the drawback

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1 would be you'd have a hole in the cow's rumen.

2 MEMBER MARAVELL: No, but I -- what I
3 was hearing is that -- is the Poloxalene any more
4 effective? In other words, you could have that
5 hole either way is what I, you know?

6 Well, all right, so I don't understand.
7 We don't have the problem. I don't understand.

8 VICE CHAIR FAVRE: I'm just going to
9 offer an observation that we need to be careful
10 about arbitrarily removing materials that got onto
11 the list for a particular reason. There may be some
12 alternatives out there.

13 But, particularly in the case of acute
14 bloat, I think that would warrant having something
15 for emergencies. And I'd hate to see us
16 arbitrarily remove it just because we think it's not
17 needed anymore.

18 Nick, I understand your -- Francis?

19 MEMBER THICKE: I guess bloat is
20 something as you know, that comes on quickly. And
21 the at symptoms you can just get the cow awake in
22 the field where it's causing it.

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1 And you can walk them around. And you
2 can put maybe a tube down the -- its throat. And
3 you can do things. But as it gets worse and worse,
4 you have to use more and more drastic measures.

5 And this -- apparently this Poloxalene
6 is something that will be effective even when you
7 get to the point where the oils won't be effective.

8 MEMBER MARAVELL: Okay.

9 MEMBER THICKE: Yes.

10 MEMBER MARAVELL: That's what I was
11 asking. Thank you.

12 MEMBER THICKE: Okay. Sorry.

13 MEMBER MARAVELL: Thank you.

14 VICE CHAIR FAVRE: Thank you. Okay,
15 any further discussion?

16 (No audible response.)

17 VICE CHAIR FAVRE: All right. Those in
18 favor of removal of Poloxalene, signify by raising
19 your hand.

20 (Pause.)

21 VICE CHAIR FAVRE: Those opposed?

22 (Pause.)

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1 VICE CHAIR FAVRE: Abstentions?

2 (Pause.)

3 MEMBER CHAPMAN: Zero yes. Thirteen
4 no. One abstention. The motion fails.

5 VICE CHAIR FAVRE: Okay. The next step
6 is Tolazoline. Dr. Brines?

7 DR. BRINES: Thank you. Tolazoline is
8 included at Section 205.603 of the National List
9 under (a)(22), Tolazoline. CAS Number 59-98-3.

10 Federal law restricts this drug to use
11 by or on the lawful written or oral order of a
12 licensed veterinarian in full compliance with the
13 AMDUCA and 21 CFR Part 530 of the Food and Drug
14 Administration Regulations.

15 Also for use under 7 CFR Part 205, the
16 NOP requires (1) use by or on the lawful written
17 order of a licensed veterinarian; (2) use only to
18 reverse the effects of sedation in analgesia cause
19 by Xylazine; and (3) a meat withdrawal period of at
20 last eight days after administering to livestock
21 intended for slaughter and a milk discard period of
22 at least four days after administering to dairy

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1 animal.

2 Thanks.

3 VICE CHAIR FAVRE: Francis?

4 MEMBER THICKE: Yes. Tolazoline is
5 use in conjunction with Xylazine, which is the next
6 material that we're going to look at.

7 Xylazine is used as a sedative and pain
8 killer and muscle relaxant and in bio-dip. And
9 Tolazoline is used to reverse the effects of
10 Xylazine.

11 So, we had some comments in favor. They
12 were basically, I think, all in all that we don't
13 have much reason to remove it.

14 VICE CHAIR FAVRE: Discussion?

15 (No audible response.)

16 VICE CHAIR FAVRE: Seeing none, those
17 in favor of removal of Tolazoline, raise your hand.

18 (Pause.)

19 VICE CHAIR FAVRE: Those against?

20 (Pause.)

21 VICE CHAIR FAVRE: Abstentions?

22 (Pause.)

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1 MEMBER CHAPMAN: One yes. Thirteen
2 no. The motion fails.

3 VICE CHAIR FAVRE: Next up is Xylazine.
4 Dr. Brines?

5 DR. BRINES: Thank you. This
6 substance is included at Section 205.603 of the
7 National List under (a)(23), Xylazine. At CAS
8 Number 7361-61-7.

9 Federal law restricts this drug to use
10 by or on the lawful written or oral order of a
11 licensed veterinarian in full compliance with the
12 AMDUCA and 21 CFR Part 530 of the Food and Drug
13 Administration Regulations.

14 Also for use under 7 CFR Part 205, the
15 NOP requires (1) use by or on the lawful written
16 order of a licensed veterinarian; (2) the existence
17 of an emergency; and (3) a meat withdrawal period
18 of at least eight days after administering to
19 livestock intended for slaughter and a milk discard
20 period of at least four days after administering to
21 dairy animals.

22 Thanks.

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1 VICE CHAIR FAVRE: Okay. Colehour?

2 MEMBER BONDERA: Thank you. Let's
3 see, where to start with this one? It's pretty
4 simple.

5 And I realized at this meeting in the
6 last process that I keep writing down myself a note.
7 And Lisa just repeated it, as to the understood
8 definition of the word emergency is interesting.
9 Especially since she just read that.

10 And it said you must have a licensed
11 veterinarian recommendation. And then the next
12 line is, and you must have an emergency.

13 And so, I feel like that that word is an
14 interesting word that keeps getting used. That's
15 interesting.

16 Like, Francis stated, Xylazine is the
17 sedative, a painkiller, a muscle relaxant. It's
18 used in conjunction with Tolazoline.

19 I think that we worked through the
20 issues of the history of this process in terms of
21 where its use is permitted. Public comment as well
22 as Subcommittee vote were in support of the

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1 relisting in general.

2 And I think that the only other thing
3 that I want to add to this is to make sure it's in
4 the record that I strongly feel that in the future
5 within the NOSB, that the two items, Xylazine and
6 Tolazoline should be considered and reviewed either
7 by the same person or in more -- in some methodology
8 that would allow associated reviews.

9 Because you know, when we're talking
10 about them, it's hard to talk about them separately.
11 Because they aren't needed or used separately.

12 And so, I want to make that note. But
13 otherwise, thank you.

14 VICE CHAIR FAVRE: Discussion on
15 Xylazine?

16 (No audible response.)

17 VICE CHAIR FAVRE: Those in favor of
18 removal of Xylazine from the National List, please
19 raise your hand?

20 (Pause.)

21 VICE CHAIR FAVRE: Those against?

22 (Pause.)

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1 VICE CHAIR FAVRE: Abstentions --
2 Jennifer, is that an abstention or an against? I
3 can't -- okay, abstentions?

4 (Pause.)

5 MEMBER CHAPMAN: Zero yes. Fourteen
6 no. The motion fails.

7 VICE CHAIR FAVRE: Okay. Next up for
8 discussion is Copper Sulfate. Dr. Brines?

9 DR. BRINES: Thank you. This
10 substance is included at Section 205.603(b) of the
11 National List as topical treatment, external
12 parasiticide or local anesthetic as applicable, (1)
13 Copper Sulfate. Thanks.

14 VICE CHAIR FAVRE: Thank you. Copper
15 Sulfate, we've had lots of conversations about
16 Copper Sulfate since my time on the Board.

17 Primarily used as a walkthrough
18 footbath to help control and prevent hoof related
19 diseases in dairy cattle and sheep. Usually it's
20 a 5 to 10 percent Copper Sulfate solution.

21 Concerns using -- about using Copper
22 Sulfate include the -- primarily the disposal of the

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1 Copper Sulfate solution. It's quite often dumped
2 into the lagoon with other manure and then at some
3 point applied to the land.

4 It's interesting, in public comment
5 we've had several people in oral testimony as well
6 as written, state that they haven't seen the Copper
7 accumulation that has been expressed by some
8 people. Particularly I think in western States
9 where the soils are slightly Copper deficient.

10 In some cases it hasn't been a problem
11 at all. But nevertheless, that has been one of the
12 concerns about accumulation of Copper Sulfate.

13 We did ask -- Zinc Sulfate was actually
14 recommended for inclusion on the National List at
15 the spring meeting. And while it's not yet through
16 rulemaking, hopefully that will give producers an
17 opportunity at some point to maybe switch it up some
18 time.

19 There actually are some studies that
20 show a combination of zinc and Copper Sulfate
21 combined, thereby reducing reliance on both. And
22 the percentage of both has actually be more

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1 effective than one over the other.

2 One group opposed an -- group proposed
3 an annotation require soil testing to monitor for
4 Copper accumulation.

5 Comment was also received refuting the
6 TR statement that there are no non-synthetic
7 alternatives to Copper Sulfate. In particular a
8 hydrated line was put forth as an alternative to
9 control fungal diseases in cows and sheep.

10 The vote coming out of Subcommittee was
11 yes -- one yes to remove, five no, two absent. Do
12 we have any discussion on Copper Sulfate?
13 Colehour?

14 MEMBER BONDERA: Yes, thank you. I
15 hereby request that the suggested annotation be
16 considered by the Livestock Subcommittee as
17 something to add to future work plan. Thank you.

18 VICE CHAIR FAVRE: Just on clear. The
19 annotation requiring soil testing?

20 MEMBER BONDERA: Yes, thank you.

21 VICE CHAIR FAVRE: Okay, thank you.

22 Any other discussion on Copper Sulfate?

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1 (No audible response.)

2 VICE CHAIR FAVRE: Seeing none, those
3 in favor of removal of Copper Sulfate from the
4 National List, please raise your hand.

5 (Pause.)

6 VICE CHAIR FAVRE: Those opposed?

7 (Pause.)

8 VICE CHAIR FAVRE: Abstentions?

9 (Pause.)

10 MEMBER CHAPMAN: Zero yes. Thirteen
11 no. One abstention. The motion fails.

12 VICE CHAIR FAVRE: Okay. Next up is
13 Formic Acid. Dr. Brines?

14 DR. BRINES: Thank you. This
15 substance is included at Section 205.603(b) of the
16 National List. And reads as (2) Formic Acid, CAS
17 Number 64-18-6. For use as a pesticide solely
18 within honey beehive. Thanks.

19 VICE CHAIR FAVRE: Colehour. That was
20 yours, right?

21 MEMBER BONDERA: Yes. Thank you.
22 Right, so Formic Acid is used to control varroa and

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1 tracheal mites in bees. I want to pull it over
2 here, but I'm trying to do too many things on my
3 table.

4 But, like I put forth in the
5 recommendation via communication with the largest
6 honey producer in the State of Hawaii who I'm not
7 going to declare a conflict of interest of being
8 friends with, but I know fairly well.

9 You know, in the state of Hawaii he's
10 able to, he has the land space to be producing large
11 volumes of certified organic honey. Not all of his
12 honey is organic.

13 But, that is his ideal. He's fourth
14 generation beekeeper. And he stated to me, like I
15 said, I put forth there that without Formic Acid,
16 his 4,000 hive operation would completely no longer
17 be able to be certified organic, having worked and
18 tried all of the other possibilities.

19 So, despite the fact that I am not
20 thrilled and do not generally encourage the listing
21 or relisting or dependency on synthetics, you know,
22 we didn't get a lot of comments on this. And you

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1 know, the Subcommittee was supportive of not
2 removing from the list.

3 I am left feeling like this is something
4 that we have to recognize that if the bees die, we're
5 not going to go very far. So, thank you.

6 VICE CHAIR FAVRE: Tom?

7 MEMBER CHAPMAN: So, Colehour, if you
8 could clarify this product -- is this livestock
9 product really dependent upon a synthetic like
10 ethylene to pineapple?

11 MEMBER BONDERA: Yes, but -- and I don't
12 really want to get into the open conversation that
13 you're almost opening the door for in terms of
14 realistically and honestly. They're
15 extraordinarily different.

16 This is frankly an external
17 parasiticide, a local anesthetic like it states,
18 like Lisa read. This is to deal with honeybee hives
19 when the problems that I already referred to, varroa
20 and tracheal mites are permitted in.

21 And to very briefly respond to your
22 comment, it's -- ethylene gas in pineapples is just

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1 to induce flowering. That is why it's used.
2 That's not in response or dealing with an
3 uncontrollable problem that you're having, that
4 you're responding to in "emergency" fashion.

5 So, yes, but no.

6 MEMBER CHAPMAN: Thank you.

7 VICE CHAIR FAVRE: Any other
8 discussion?

9 (No audible response.)

10 VICE CHAIR FAVRE: Those in favor --
11 Harold?

12 MEMBER AUSTIN: I agree with Colehour.
13 I think it's critical material needed for the
14 beekeepers. I've had a lot of exposure with our
15 local beekeepers up here.

16 Although they may not be organic, some
17 of them, but they definitely rely on this material
18 in their hives for treatment of the parasites that
19 attack the bees for varroa mite, tracheal mite.
20 So, I think it's definitely one of those materials
21 for the beekeepers that it's essential.

22 And without the pollinators, a lot of

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1 our crops aren't going to exist. So, I'm going to
2 be in full support of this material staying on the
3 list.

4 VICE CHAIR FAVRE: Any other
5 discussion?

6 (No audible response.)

7 VICE CHAIR FAVRE: Okay. Seeing none,
8 those in favor of removing Formic Acid, please raise
9 your hand.

10 (Pause.)

11 VICE CHAIR FAVRE: Those opposed?

12 (Pause.)

13 VICE CHAIR FAVRE: Abstentions?

14 (Pause.)

15 MEMBER CHAPMAN: Zero yes. Fourteen
16 no. The motion fails.

17 VICE CHAIR FAVRE: Next step is
18 Lidocaine. Dr. Brines?

19 DR. BRINES: Thank you. This
20 substance is included at Section 205.603 of the
21 National List under (b)(4), Lidocaine, as a local
22 anesthetic. Use requires a withdrawal period of 90

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1 days after administering to livestock intended for
2 slaughter. And seven days after administering to
3 dairy animals. Thanks.

4 VICE CHAIR FAVRE: Jane?

5 CHAIRMAN RICHARDSON: Yes, Lidocaine
6 is a simple, topical treatment. It's important in
7 the humane treatment of animals undergoing minor
8 surgery or for dehorning for example in cows.

9 And it is very broadly supported by all
10 members of the organic community. And in
11 Subcommittee the vote was unanimous to keep
12 Lidocaine on the National List.

13 We will be addressing the issue of
14 perhaps reducing the withholding period in a few
15 minutes when we get to that discussion document.

16 VICE CHAIR FAVRE: Thank you. Any
17 discussion on Lidocaine?

18 (No audible response.)

19 VICE CHAIR FAVRE: All those in favor of
20 removal of Lidocaine, please raise your hand.

21 (Pause.)

22 VICE CHAIR FAVRE: Those opposed?

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1 (Pause.)

2 VICE CHAIR FAVRE: any abstentions?

3 (Pause.)

4 MEMBER CHAPMAN: Zero yes. Fourteen
5 no. The Motion fails.

6 VICE CHAIR FAVRE: And just a point of
7 clarification. We did have Iodine in the list as
8 next. But when we did the vote last time, we did
9 it for both listings. So that's why we got to skip
10 it.

11 Okay. Next up is Lime Hydrated. Dr.
12 Brines?

13 DR. BRINES: Thank you. This
14 substance is included at Section 205.603 of the
15 National List under (b)(5), Lime Hydrated. As an
16 external pest control not permitted to cauterize
17 physical alterations or deodorize animal waste.
18 Thanks.

19 VICE CHAIR FAVRE: Hold on a second.
20 You caught me asleep at the wheel here for just a
21 minute.

22 Hydrated Lime, produced primarily by

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1 heating Calcium Carbonate which results in a Quick
2 Lime. It can be caustic if inhaled. Respiratory
3 protection should be used during application.

4 We did have limited public comment on
5 this. Citing the essentiality of the material for
6 controlling external parasites and for control of
7 foot infections.

8 The Subcommittee was unanimous in its
9 decision to retain Hydrated Lime on the list. Any
10 discussion? Francis?

11 MEMBER THICKE: I just want to say that
12 we should be encouraging use of Hydrated Lime in
13 place of Copper Sulfate for hoof or foot pads.

14 VICE CHAIR FAVRE: Yes, thank you. Any
15 other discussion?

16 (No audible response.)

17 VICE CHAIR FAVRE: Okay. Seeing none,
18 all those in favor of removing Hydrated Lime for the
19 Nation List, please raise your hand.

20 (Pause.)

21 VICE CHAIR FAVRE: Those opposed?

22 (Pause.)

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1 VICE CHAIR FAVRE: Abstentions?

2 (Pause.)

3 MEMBER CHAPMAN: Zero yes. Fourteen
4 no. And the motion fails.

5 VICE CHAIR FAVRE: Next up is Mineral
6 Oil. Dr. Brines?

7 DR. BRINES: Thank you. This
8 substance is included at Section 205.603 of the
9 National List under (b)(6), Mineral Oil for topical
10 use and as a lubricant. Thanks.

11 VICE CHAIR FAVRE: Okay. Mineral Oil
12 was approved in 1995 on the National List. Public
13 comment was extensive in support of this material,
14 almost unanimously in support, citing its
15 importance in fly control.

16 The vote out of subcommittee was one
17 yes, to remove, two no, one abstention, one absence.
18 So we had a little bit of a mish-mash there.

19 Any discussion on Mineral Oil?
20 Francis?

21 MEMBER THICKE: Yes. I'm the one who
22 voted against it. Not that I'm going to vote

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1 against it today. But, I think that Mineral Oil is
2 used often where we could use vegetable oil.

3 And like for example fly control. I
4 found that organic soybean oil sprayed on the cow's
5 back will key the horn flies on contact.

6 And so there are a lot of places where
7 Mineral might be needed. But I think in a lot of
8 places where we could use vegetable oil and we don't
9 need to use Mineral Oil.

10 I just wanted to put that on the record.

11 VICE CHAIR FAVRE: Other comments?

12 (No audible response.)

13 VICE CHAIR FAVRE: Okay. Seeing none,
14 those in favor of removal of Mineral Oil from the
15 National List, please raise your hand.

16 (Pause.)

17 VICE CHAIR FAVRE: Those opposed?

18 (Pause.)

19 VICE CHAIR FAVRE: Abstentions?

20 MEMBER CHAPMAN: Two yes. Twelve no.
21 The motion fails.

22 VICE CHAIR FAVRE: Okay. Next up on

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1 our list is Procaine. Dr. Brines?

2 DR. BRINES: Thank you. This
3 substance is included at Section 205.603 of the
4 National List under (b)(7), Procaine. As a local
5 anesthetic.

6 Use requires a withdrawal period of 90
7 days after administering to livestock intended for
8 slaughter and seven days after administering to
9 dairy animals. Thanks.

10 VICE CHAIR FAVRE: Jane?

11 CHAIRMAN RICHARDSON: Yes. Procaine.
12 Sort of interesting its -- I mean it's similar to
13 Lidocaine in being used as a simple topical
14 anesthetic.

15 However, what's interesting about this
16 one and puts you on the horns of a dilemma is that
17 we have public comment which indicates that
18 Procaine is not readily available in the United
19 States. And does not appear to be being used per
20 se, as itself.

21 And it may not be essential. And it may
22 not continue to be needed. So, for example, I heard

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1 from one veterinarian that says that Procaine
2 should be removed from the National List of allowed
3 synthetics because to my knowledge, it has no use
4 by itself in livestock in the United States.

5 And certifying agencies around the
6 country make comments such as we do not observe this
7 material being used by any of our farmers. The --
8 let's see, several veterinarians said it's never
9 used and it's not available in the United States.

10 And other organizations, consumer
11 organizations, remain neutral on this. Or would
12 suggest that it be withdrawn.

13 There are no specific problem criteria
14 so to speak of our six, you know, ones that we
15 typically -- or seven, that we look at. Except for
16 the issue of necessity, essentiality kind of
17 things.

18 It doesn't appear to be essential. It
19 doesn't appear to be necessary. So, it could be
20 removed. Although I'm always reluctant to remove
21 one of the tools in the toolbox where it doesn't seem
22 to be causing any problems.

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1 So, it's up to you guys what it is that
2 you wanted to do with this one. Francis, do you
3 have some ideas?

4 VICE CHAIR FAVRE: Ashley?

5 MEMBER SWAFFAR: Jean, were you able to
6 confirm if it was available in the U.S.? Or not
7 available?

8 CHAIRMAN RICHARDSON: I couldn't find a
9 source of Procaine on its own as a -- no. I couldn't
10 find a source of that in the U.S. at the present
11 time.

12 And that certainly was confirmed by the
13 Veterinarians that provided us with written public
14 comment.

15 VICE CHAIR FAVRE: Nick?

16 MEMBER MARAVELL: Jean, is Procaine
17 used with Lidocaine in formulation?

18 CHAIRMAN RICHARDSON: No. Procaine
19 and Lidocaine are not used together.

20 VICE CHAIR FAVRE: I did actually -- oh,
21 excuse me, Francis. I did actually have a
22 conversation with someone who told me that Procaine

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1 is sometimes used for on farm surgeries in the
2 United States.

3 So we might want to consider that.
4 Francis and then Tom.

5 MEMBER THICKE: What I saw in one of the
6 comments to, and what I've heard is that Procaine
7 is often mixed with antibiotics. And so that's why
8 it's not used alone often.

9 That's -- which is -- it can't be used
10 by us anyways then.

11 VICE CHAIR FAVRE: Tom?

12 MEMBER CHAPMAN: Okay. I just wanted
13 to note that we did get, I think it was 14 checklists
14 from farmers saying that they used it.

15 VICE CHAIR FAVRE: Okay.

16 MEMBER CHAPMAN: Or that they wanted to
17 continue its allowance.

18 VICE CHAIR FAVRE: Jean?

19 CHAIRMAN RICHARDSON: Yes. I sort of
20 found that a little bit confusing to me. Certainly
21 the certifiers say that its not used. And the only
22 forms in which I've ever seen it being utilized is

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1 with antibiotics.

2 So, therefore, it couldn't really have
3 been used on organic farms. So, that was sort of
4 a confusing comment to me in terms of how to deal
5 with it.

6 VICE CHAIR FAVRE: Tom?

7 MEMBER CHAPMAN: Jean, are you aware of
8 all certifiers commented? Okay.

9 VICE CHAIR FAVRE: Okay. Any further
10 discussion on Procaine?

11 (No audible response.)

12 VICE CHAIR FAVRE: Okay. Seeing none,
13 all those in favor of removal of Procaine signify
14 by raising your hand.

15 (Pause.)

16 VICE CHAIR FAVRE: Those opposed?

17 (Pause.)

18 VICE CHAIR FAVRE: Abstentions?

19 (Pause.)

20 VICE CHAIR FAVRE: Tom?

21 MEMBER CHAPMAN: Three yes. Nine no.

22 Two abstentions. The motion fails.

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1 VICE CHAIR FAVRE: Okay. Next up is
2 Sucrose Octanoate Esters. Dr. Brines?

3 DR. BRINES: Thank you. This
4 substance is included at Section 205.603 of the
5 National List under (b)(8), Sucrose Octanoate
6 Esters. The CAS Numbers 42922-75-7, 58064-47-4.
7 In accordance with approved labeling. Thanks.

8 VICE CHAIR FAVRE: Francis?

9 MEMBER THICKE: So, Sucrose Octanoate
10 Esters, SOEs, are surfactants that lower the
11 surface tension of liquid. And they're also
12 registered as -- by EPA as a biopesticide.

13 And it's used to control soft-bodied
14 insects like mites. Especially with honeybees.
15 And we didn't get a lot of comments. But we had a
16 few comments in favor of it.

17 And the Subcommittee thought that given
18 the problems beekeepers are facing, that we should
19 leave it on the list. And we voted unanimously to
20 keep it on the list.

21 VICE CHAIR FAVRE: Any discussion on
22 SOE, Sucrose Octanoate Esters? Tom?

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1 MEMBER CHAPMAN: Is it only used in the
2 beekeep area?

3 MEMBER THICKE: We don't know that
4 because we didn't get enough comments to know where
5 it's really used. And so, it could be used more
6 widely.

7 But, I can't answer that.

8 VICE CHAIR FAVRE: I think it's
9 probably important to note that it's considered
10 fairly benign. And does break down rapidly,
11 biodegradable.

12 It's not persistent nor does it tend to
13 accumulate in the environment. Any further
14 discussion?

15 (No audible response.)

16 VICE CHAIR FAVRE: Seeing non --
17 Jennifer?

18 MEMBER TAYLOR: Are there any
19 alternatives that go with kind of the management
20 strategies that can be used with that?

21 VICE CHAIR FAVRE: She was asking if
22 there were any natural alternatives that can be used

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1 instead? No, I have bees.

2 I'm not a beekeeper on a commercial
3 scale. I do have honeybees. And there are other
4 means for controlling mites. Including dusting
5 with powdered sugar and things.

6 But I don't know that that's practical
7 on a commercial scale. Harold?

8 MEMBER AUSTIN: Yes. There's nothing
9 that I'm aware of that would be an alternative for
10 this one. For how it's intended use is.

11 VICE CHAIR FAVRE: Any further
12 discussion?

13 (No audible response.)

14 VICE CHAIR FAVRE: Okay. Seeing none,
15 those in favor of removal of Sucrose Octanoate
16 Esters, please raise your hand.

17 (Pause.)

18 VICE CHAIR FAVRE: Those opposed?

19 (Pause.)

20 VICE CHAIR FAVRE: Abstentions?

21 (Pause.)

22 MEMBER CHAPMAN: Zero yes. Fourteen

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1 no. The motion fails.

2 VICE CHAIR FAVRE: Okay. Thank you.
3 Next up is DL-Methionine. Dr. Brines?

4 DR. BRINES: Thank you. This
5 substance is included at Section 205.603 of the
6 National List under (d) as Feed Additives, (1)
7 DL-Methionine, DL-Methionine Hydroxy Analog and
8 DL-Methionine Hydroxy Analog Calcium. CAS Numbers
9 59-51-8, 583-91-5, 4857-44-7, and 922-50-9.

10 For use only in organic poultry
11 production at the following maximum levels of
12 synthetic Methionine per ton of feed. Laying and
13 broiler chickens, two pounds. Turkeys and all
14 other poultry, three pounds. Thanks.

15 VICE CHAIR FAVRE: Okay. So, I'm
16 having a little bit of deja vu and PTSD on this
17 material.

18 We should note for the public that we did
19 actually pass a revised annotation on this material
20 in La Jolla that allows for a use of two pounds
21 average for layers, two and a half pounds for
22 broilers and three pounds -- these are all averages

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1 over the life of the flock.

2 That did pass in La Jolla. I think most
3 of those in the audience are quite familiar with
4 this material from having been in lengthy and
5 divided conversations about this in the past.

6 I won't belabor the point except to say
7 that there was continued support and opposition to
8 this material. Generally those in favor of
9 continued listing indicate that -- and just so you
10 know, we're going through and voting on the Sunset
11 in the event that the rulemaking for the annotation
12 change doesn't get through in time so that we don't
13 have a gap.

14 So, this is sort of a bookkeeping,
15 administrative function here. But, generally
16 those in favor of continued listing indicate that
17 it is critical to the production of organic poultry
18 and cite issues around animal welfare.

19 Those against continued listing
20 expressed deep concerns around the continued and
21 routine use of its synthetic ingredient in organic
22 animal feed. And predict erosion of public trust

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1 if synthetics remain in organic poultry production.

2 One group has reiterated the position
3 that Methionine is hormonally active and can be
4 misused as a growth stimulant. Others have
5 rejected that assertion and insist the material is
6 necessary to meet nutritional requirements for the
7 bird regardless of the management practices.

8 And by that I mean whether there is
9 indoor or outdoor access. Commenters on both sides
10 of the relisting of this material have urged organic
11 producers to continue to research options for
12 non-synthetic Methionine.

13 And we did hear in public comment from
14 a member of the Methionine task force that gave us
15 some updates on the work that they're doing on that
16 since our last meeting. Before we open it up for
17 questions from the Board, we'll let Miles speak to
18 it.

19 MR. McEVOY: Yes. I just wanted to
20 give an update on where we are with the
21 recommendation on Methionine.

22 It's part of a proposed rule that we plan

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1 to publish really early next year on some -- with
2 Methionine and a number of other recommendations
3 made by the Board on amendments to the National
4 List.

5 So, that's moving forward very smoothly
6 at this point. And we should have a proposed rule
7 out on this early next year.

8 VICE CHAIR FAVRE: Thank you, Miles.
9 Any discussion on Methionine? Calvin?

10 MEMBER WALKER: Madam Chair, could you
11 speak to the group where we're at with the organic
12 poultry working group for the Board, had passed a
13 resolution 15 to zero in terms of moving that along?

14 CHAIRMAN RICHARDSON: Yes. Thank you
15 for reminding me. I did not mention the resolution
16 we passed, did -- as Calvin stated, was unanimous
17 in that we urged the industry to move forward with
18 research into genetics management practices and
19 other materials that don't rely on synthetic
20 Methionine.

21 We did bring this before the Executive
22 Committee out of Livestock. Asked to put it on our

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1 work agenda immediately.

2 However, we've been asked to delay that
3 due to the work load with Sunset. And it's still
4 up for discussion for inclusion.

5 We have submitted a full proposal for
6 how we might move forward to that to the program in
7 the Executive Committee. So, we're hopeful that it
8 will be on the work agenda soon. Thank you.
9 Calvin?

10 MEMBER WALKER: And I think that needs
11 to be done. I will be off the Board and I know that
12 the organic poultry group that's there during
13 public testimony, that that organic poultry working
14 group, it's a good thing.

15 So, I hope that the program would allow
16 that to go forward.

17 MR. McEVOY: Yes. We have received the
18 request for this organic working group. Part of
19 our question is the purpose and the scope of it.

20 Is this an organic working group that
21 just consists of the Board and the program and other
22 government entities? Or does this also include

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1 external parties?

2 If it includes external parties, then we
3 have to move forward with an official task force.
4 Which is more involved. We certainly can do that.

5 But, that's more resources. And it
6 takes more time to set up an official task force to
7 the Board to report to the Board on this particular
8 topic.

9 So, we're still, from our perspective,
10 looking for clarification from the Board on exactly
11 what it is that you're requesting so we can
12 facilitate supporting this work.

13 VICE CHAIR FAVRE: Nick?

14 MEMBER MARAVELL: Are you looking for
15 that clarification now? Or when?

16 MR. McEVOY: We don't need that
17 clarification now. This is usually something that
18 is done at the Executive Committee level.

19 So, we're certainly open to hearing your
20 thoughts. But, we don't need that specific
21 clarification at this point.

22 VICE CHAIR FAVRE: Ashley?

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1 MEMBER SWAFFAR: I'll say this is the
2 least active we have all talked as a Board on
3 Methionine. I think we're a little tired of it.

4 But I just want to go on the record and
5 say that Methionine is an essential amino acid
6 required by poultry. And in my experience working
7 with flocks with the minimal outdoor access to
8 outdoor access 108 square foot per bird, we still
9 need Methionine in every one of those flock
10 scenarios that we have.

11 So, this is essential for organic
12 poultry.

13 VICE CHAIR FAVRE: So, just a point of
14 clarification and then we'll come to Colehour. As
15 a follow up to that Ashley.

16 So, you're saying that you don't see a
17 change in need from Methionine, whether they have
18 large amounts of outdoor access on pasture or not?

19 MEMBER SWAFFAR: That is correct. On
20 our big pastured operations, we don't have very many
21 bugs around because they're awful smart.

22 You look outside of our fences,

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1 grasshoppers everywhere. It's like they know
2 where the chickens get to. It's a chase.

3 So, you know, that's been brought up a
4 lot in comments that, you know, they'll get --
5 they'll forage on insects and things like that.
6 But, we don't have any insects in our field.

7 VICE CHAIR FAVRE: Colehour?

8 MEMBER BONDERA: Yes, thank you. Like
9 you said, this is the same old, same old to some
10 degree. But I don't disagree with Ashley's
11 experience or her comments.

12 However, I think that we need to
13 recognize or at least be honest about two simple
14 aspects. One is, synthetic courses of Methionine.

15 Nobody has questioned or stated, I
16 haven't heard one person ever say that poultry
17 doesn't need Methionine. What they've said and
18 what all of the discussion has been about, is the
19 source of Methionine.

20 So, I think that's a vital clarification
21 that needs to not be let slip through the cracks.
22 And I think that although it's been referred to, I

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1 think we need to make sure that we're cognizant of,
2 you know, when you do something like look at the
3 western European ways of raising poultry and this
4 process, it brings up -- and that's not an example,
5 it's just a comment.

6 Because it brings up the reality. And
7 I've interacted here at this meeting and in past now
8 years with people. It comes down to some degree or
9 is highly correlated with breed.

10 And so we need -- that word was included
11 when Tracy commented and said genetic. But I think
12 that we need to recognize that synthetic Methionine
13 wasn't depended upon in poultry raising, you know,
14 if you look historically for very long.

15 So, I think that we need to be cognizant
16 and careful. And recognize that organic can be
17 different.

18 And strive to achieve rather than strive
19 to rely on some dependency that's been created via
20 genetic changes and via synthetic formulations that
21 have been put forth. Thank you.

22 VICE CHAIR FAVRE: Ashley?

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1 MEMBER SWAFFAR: Yes. One thing I want
2 to talk about breeds just a little bit. Because
3 that gets brought up quite a bit.

4 For us in the U.S., we have four
5 commercial strains of ground birds. Is it four or
6 five? And you know, they are bred for laying.
7 That is their thing.

8 And I hear a lot of people talk about we
9 should use alternative breeds and things like that.
10 Some challenges that we face as an industry with
11 that is the fabulous rule that the FDA put out called
12 the Egg Safety Rule.

13 And that requires that chicks come from
14 an MPIP Salmonella Enteritidis clean hatchery.
15 And a lot of the alternative breeds, those
16 hatcheries cannot meet those requirements mandated
17 by the FDA.

18 So that's a challenge in the poultry
19 industry that we have looking at alternative
20 breeds. That's our biggest issue.

21 VICE CHAIR FAVRE: Colehour?

22 MEMBER BONDERA: Excuse me, thank you.

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1 I do hear you and agree. And I'm aware of this.

2 But I think that to some degree along the
3 lines, and I hadn't actually intended to respond to
4 it, but I think Miles, when he brought up this
5 Methionine working group versus an appointed task
6 force, in terms of how this subject is being
7 pursued, relates back to the fact that yes, you
8 know, this isn't the simple situation.

9 Because the Federal Government at
10 different levels, like you just said, the FDA have
11 restrictions. So, there isn't -- the breeding
12 stock because it's not happening because of the
13 control.

14 But, that's not our role within the
15 NOSB. All we can do is make -- and I'm not saying
16 that Miles or the NOP can do anything. This isn't
17 an easy process.

18 But, you know, I think my recommendation
19 or encouragement is that the NOP needs to talk to
20 the FDA. And say look, this doesn't function
21 within the rubric of organic poultry production.

22 You know, and work and strive to

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1 achieve, you know, I don't -- I'm not going to call
2 them exceptions or changes. But I think like I
3 said, this, you know, the NOP taking its action and
4 efforts down this path in a different way than we
5 are capable of, I think could and should be
6 happening simultaneously and be sought.

7 And I don't want to get too far off base
8 here. But, I do want to comment about the fact that
9 when Miles was stating this regarding the
10 Methionine working group is unclear what about an
11 appointed task force.

12 What popped to my mind was all of a
13 sudden we have a hydroponics task force appointed.
14 Where I don't remember the NOSB recommending that
15 it needs to be -- we need a hydroponics task force.

16 What I remember is that it was unclear
17 to the NOP what was wanted. And they couldn't get
18 what was wanted from the NOSB. So, they reached
19 that conclusion.

20 The NOP is like, let's take the lead and
21 take the action. My point is, the NOP can, and this
22 example I just gave is an example of where they have

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1 decided okay. We're going to figure out how to
2 pursue these issues because the NOSB can't do
3 everything in terms of coming up with the right
4 process.

5 So, yellow flag is all I'm raising.
6 Thank you.

7 VICE CHAIR FAVRE: Thank you. Calvin?

8 MEMBER WALKER: I was at mega dittos
9 Colehour. The organic poultry working group, the
10 reason why I raised it, is that we passed the
11 resolution. It may not be in that form, Miles.

12 But something of that nature needs to
13 be. Because five years from now, I'll be in
14 Louisiana hearing the fight over Methionine again.

15 So, something needs to be done to
16 provide to the Livestock Subcommittee on this
17 matter in some form or fashion.

18 VICE CHAIR FAVRE: Miles?

19 MR. McEVOY: Okay. We're hearing the
20 message. Thank you.

21 VICE CHAIR FAVRE: Ashley?

22 MEMBER SWAFFAR: So, on that point

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1 Calvin, I think even if NOP doesn't take swift
2 action as to our request, I think the industry has
3 heard our statements loud and clear.

4 Every time I talk to somebody they say
5 hey, here's what I got going on. You know, we've
6 looked at this. We've looked at this. And we're
7 working on this study.

8 So, I think we're going to see a lot of
9 work out of industry on this. And that makes me
10 really happy that they get our message of we need
11 a solution to this.

12 VICE CHAIR FAVRE: Last comment.

13 MEMBER WALKER: One of my views is I
14 think Katrina Heinze mentioned about the continued
15 fighting in the press among Board Members about this
16 issue here. I just think that if we can't get
17 synthetic Methionine off the books, we need to find
18 a way to grandfather in the organic poultry
19 producers at some level.

20 And that was in the minority report.
21 Because five, ten years, this fight continues. And
22 it does nothing but hurt the label of organic if we

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1 continue to fight over this issue.

2 VICE CHAIR FAVRE: Any further
3 discussion?

4 (No audible response.)

5 VICE CHAIR FAVRE: Okay. Seeing none,
6 all those in favor of removal of DL-Methionine from
7 the National List, please raise your hand.

8 (Pause.)

9 VICE CHAIR FAVRE: Those opposed?

10 (Pause.)

11 VICE CHAIR FAVRE: Abstentions?

12 (Pause.)

13 VICE CHAIR FAVRE: Okay.

14 MEMBER CHAPMAN: Three yes. Ten no.
15 One abstention. The motion fails.

16 VICE CHAIR FAVRE: I'm delighted to say
17 that will probably be my last vote on Methionine
18 while I'm on this Board. Thank you.

19 Next up is Trace Minerals.

20 DR. BRINES: This substance is included
21 at Section 205.603 of the National List under (d)
22 as Feed Additives, (2) Trace Minerals used for

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1 enrichment or fortification when FDA approved.
2 Thanks.

3 VICE CHAIR FAVRE: Okay. From the
4 Livestock Subcommittee review in 1995, the
5 recommendation citing that producers may often not
6 be able to control the quantity of vitamins and
7 minerals natural occurring in feed stuffs. Hence
8 the vitamins and mineral supplements.

9 Public comment weighed heavily in favor
10 of continued listing of Trace Minerals, citing the
11 essentiality of minerals to ensure animal welfare
12 and to offset variables and forage nutrition due to
13 seasonality.

14 One group did suggest an annotation to
15 limit synthetic minerals to use for those times when
16 forage quality is inadequate for proper nutrition.

17 Any discussion on Trace Minerals?
18 Jennifer?

19 MEMBER TAYLOR: So, will the Livestock
20 Subcommittee reexamine and add an annotation that
21 deals with that?

22 MEMBER SONNABEND: Louder please.

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1 VICE CHAIR FAVRE: She asked if we would
2 consider the Livestock Subcommittee looking at a
3 potential annotation. I personally am disinclined
4 to.

5 For the simple reason, I have livestock.
6 And it would be incredibly cumbersome to -- I mean,
7 there are certain times of the year when the
8 nutrition is not there. When my forage and my
9 pasture goes dormant.

10 And for me to have to document that
11 fluctuation throughout the season would be a pretty
12 significant burden. Because pastures vary.

13 Different feed stuffs and different
14 pastures. And if you rotate your animals and graze
15 them and move them every day, then you significantly
16 have to be testing.

17 And I don't think it's a very practical
18 suggestion actually. But, I'm open to hearing
19 comments from others on the Committee.

20 Jean?

21 CHAIRMAN RICHARDSON: Jennifer, I'm
22 not clear what the annotation line would be. What

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1 was it that you had in mind?

2 MEMBER TAYLOR: I was wondering if it
3 might address, we have a comment here that addressed
4 and she read it. When foraging and available
5 natural feed are in poor quality.

6 And so, I was wondering if that would be
7 something that the -- yes. She read it and that
8 answered it.

9 VICE CHAIR FAVRE: So, she was just
10 reiterating the suggestion that the annotation read
11 something that we would limit synthetic minerals to
12 use for those times when forage quality is
13 inadequate. Jean?

14 CHAIRMAN RICHARDSON: As someone that
15 does a lot of livestock inspection, as an organic
16 inspector, that really isn't terribly practical.
17 Because what happens is you work with a -- typically
18 the farmers that I would see in the northeast, they
19 work with an individual feed company with a
20 nutritionist on that -- at that feed company. And
21 also with their veterinarian and with the breeds
22 that they're working on.

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1 And they determine an annual cycle of
2 feed mixes that they want for their animals. And
3 they're fed different ratios depending on the
4 breed, the area that they're in and the age of the
5 animal.

6 And so, you can't sort of just keep
7 switching feeds when you -- up and down like that.
8 Those premixes, they're set. And they're buying
9 them at so many tons at a time.

10 So, I think it's an interesting concept,
11 but it's not practical.

12 VICE CHAIR FAVRE: Okay. Jennifer?

13 MEMBER TAYLOR: Can you tell me how
14 scenarios would flow if you're looking at a
15 rotational type of pasture management and dealing
16 with Trace Minerals. Is that a different kind of
17 scenario then what you said?

18 VICE CHAIR FAVRE: Yes. I mean, the
19 difference would be that like for instance a dairy
20 animal who gets, you know, with the pasture rule
21 they're required to get a minimum of 30 percent DMI
22 off pasture for 120 days within the grazing season.

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1 But forage quality over 120 days can
2 vary pretty dramatically depending on whether it's,
3 you know, grass or alfalfa or, you know, wheat, or
4 whatever. You know, there are such variations.

5 And typically when you're -- even dairy
6 animals that are out on pasture are still moving
7 across different pastures. So you might have one
8 paddock that's deficient and the next that's not.

9 So, it's very difficult to say. There
10 is some belief -- I happen to be one of those people
11 that believe this -- that animals sort of
12 instinctively know when to seek out minerals when
13 they need them.

14 And there is something called free
15 choice cafeteria style minerals where they're laid
16 out and the animal can choose what they need when
17 they need it. So, it's a little bit self-limiting.

18 And salt, which you typically put out
19 all the time for livestock anyway. So, I think it's
20 -- if you were feeding an animal in a barn all the
21 time, you would fluctuate their diet and maintain
22 nutrition.

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1 But, with pasture, it's much trickier.
2 Much, much trickier. And of course we want to
3 encourage as much pasture access and as much forage
4 from pastures as possible.

5 So, to me, I think it's just not
6 practical. I appreciate your perspective. And I
7 understand why you want to see that. But, I just
8 don't think it's very practical.

9 Jennifer?

10 MEMBER TAYLOR: The farmers on -- that
11 sit on the Board, are they using any kind of -- how
12 are they using the Trace Minerals on their farms?

13 VICE CHAIR FAVRE: Mac? Francis? Do
14 you guys use minerals? I can speak that I do use
15 minerals. Mac? Francis?

16 MEMBER STONE: In Central Kentucky
17 we're blessed with some beautiful soils. They say
18 that's the reason the horses are there. Because
19 the sport of kings picked the best soils in the world
20 to raise the horses.

21 But the only thing that the beef, the
22 certified organic, grass fed, dry aged, choice beef

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1 that we sell, the only thing it gets is Elmwood Stock
2 Farms and salt are the lambs that we sell.

3 VICE CHAIR FAVRE: Francis, do you want
4 to speak to that?

5 MEMBER THICKE: Well, in Iowa we know we
6 have the best soils in the world. But we've lost
7 half of them since we started farming to erosion.

8 But what I do is, I have gone to using
9 something from a company in Wisconsin that produces
10 a grazing salt mineral mixture. They mix up --
11 their research -- a nutritionist has put this
12 together.

13 And they mix up what they find to be
14 generally the best mix. And then I have a free
15 choice for the cows.

16 And in the summer, when they're on
17 pasture, they probably don't need as much. Because
18 the fresher forage and the vitamins and minerals are
19 more readily available.

20 In the winter, when they're on store
21 day, probably the need more.

22 VICE CHAIR FAVRE: Nick?

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1 MEMBER MARAVELL: Well, I'm sorry to
2 disappoint you two gentlemen. But we have some of
3 the best soils in the mid-Atlantic on our farm.

4 And we use a mineral mix that is from a
5 particular company for a trail that is designed for
6 our mid-Atlantic area. And we also change the mix
7 between the forage season and the non-growing
8 forage season.

9 In addition, we put out free choice cow
10 pen, free choice sea salt or reaping salt. And we
11 have done in the past extensive soil tests just as
12 a baseline.

13 And the way that we look at it is
14 whatever the cattle aren't using is going -- because
15 we graze 100 percent, is going back out in the soil.
16 And these are all trace elements.

17 And so, we're not overly concerned about
18 it. In fact that's one of the ways that we've
19 remineralize our soil.

20 VICE CHAIR FAVRE: I would echo that
21 sentiment. And it also occurred to me, I was
22 sitting here thinking about the variations in

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1 mineral requirements depending on the class of
2 livestock.

3 So, if you've got ewes with lambs
4 onboard, in my case, I want to make darn sure that
5 they've got the minerals that they need while those
6 fetuses are forming. And so you can imagine if
7 you're on a dairy for instance where you've got
8 multiple classes of animals that you're rotating
9 through, it would be an absolute nightmare trying
10 to document that.

11 Mac?

12 MEMBER STONE: Based on the gentleman
13 across the table's testimony, I rest my case.

14 VICE CHAIR FAVRE: Okay. Are we
15 prepared to vote on this? Okay. All those in
16 favor of removing of Trace Minerals, signify by
17 raising your hand.

18 (Pause.)

19 VICE CHAIR FAVRE: Okay. Those
20 opposed?

21 (Pause.)

22 VICE CHAIR FAVRE: Abstentions?

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1 (Pause.)

2 MEMBER CHAPMAN: Zero yes. Thirteen
3 no. One abstention. The motion fails.

4 VICE CHAIR FAVRE: Yes, should we take
5 a vote on who has the best soil in the room now? I
6 didn't vote. But of course everything's better in
7 Texas.

8 Next up is Vitamins. Dr. Brines?

9 DR. BRINES: Thank you. This
10 substance is included at Section 205.603 of the
11 National List under (d) as Feed Additives (3)
12 Vitamins used for enrichment or fortification when
13 FDA approved. Thanks.

14 VICE CHAIR FAVRE: Calvin?

15 MEMBER WALKER: Vitamins is one of
16 those essential nutrients category for livestock
17 along with minerals. Without it, poor animal
18 welfare.

19 There was no really -- there was no
20 opposition to relisting this material. Aurora
21 Dairy, IOIA, CCOF, mentioned that there was 50 plus
22 producers using this material.

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1 Most of them listed 650 plus.
2 Producers have a need for this essential material.
3 So, it's just so foundational to the care and
4 feeding of livestock.

5 VICE CHAIR FAVRE: Any discussions on
6 vitamins?

7 (No audible response.)

8 VICE CHAIR FAVRE: Seeing none, all
9 those in favor of removal of vitamins from the
10 National List, please raise your hand.

11 (Pause.)

12 VICE CHAIR FAVRE: Those opposed?

13 (Pause.)

14 VICE CHAIR FAVRE: Abstentions?

15 (Pause.)

16 MEMBER CHAPMAN: Zero yes. Fourteen
17 no. The motion fails.

18 VICE CHAIR FAVRE: Thank you. Next up
19 is EPA List for Inert -- oh, yes, that's right.
20 Sorry. Sorry, never mind. Never mind.

21 Okay. Next up is Excipients. Dr.
22 Brines?

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1 DR. BRINES: Thank you. And this is
2 the final material included at Section 205.603 of
3 the National List under (f) Excipients. Only for
4 use in the manufacture of drugs used to treat
5 organic livestock when the Excipient is identified
6 by the FDA as generally recognized as safe, approved
7 by the FDA as a food additive or included in the FDA
8 review and approval of a new animal drug application
9 or a new drug application. Thanks.

10 VICE CHAIR FAVRE: Thank you. Jean?

11 CHAIRMAN RICHARDSON: Yes.
12 Excipients. A very complicated group of
13 materials. Probably about 8,000 substances will
14 qualify as Excipients.

15 Although obviously not all of those are
16 going to be found in all of the organic materials
17 that we might look at. They are a critically
18 important part of being in many of the healthcare
19 products, such as teat dips.

20 However, there is obviously as we could
21 tell from our discussions in Subcommittee when
22 we're trying to look at these materials -- and

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1 remember, we're looking at this as only one of 200.
2 So, we didn't spend a huge amount of time on it
3 because it is so complicated.

4 But we did observe. And we certainly
5 received a lot of public comment that requests that
6 we review Excipients again, after we've done this
7 vote, back in Subcommittee.

8 In order to develop maybe an annotation
9 or at least a list that might be part of an
10 annotation that would help the people who are
11 reviewing materials to have a much clearer idea
12 where they go to, to find out exactly what
13 Excipients are in there. Or what list did they
14 occur on.

15 There are many different lists. And
16 there is definitely a lack of clarity in terms of
17 material review as to where we should all be going
18 to look at these.

19 And I'll read one of the comments that
20 came in only from a certifier. The present
21 annotation is not clear. It allows for almost
22 anything to be allowed as an Excipient.

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1 But materials reviewers have to do
2 research using multiple databases. CF Code,
3 Federal Regulations, Title 21, Grass database, the
4 EAFUS database, et cetera, et cetera, to gather that
5 information.

6 A clear annotation should -- we need a
7 clear annotation that should state which specific
8 Excipients, if any, would not be allowed.

9 Synthetic Excipients are in almost
10 every livestock healthcare product. And
11 information on them is very difficult to obtain from
12 manufacturers in certain cases like teat dip.

13 I think that we clearly got that message
14 from a wide range of public participants and public
15 commenters. From certifiers, from veterinarians,
16 and from those groups that do materials review.

17 So, certainly I would be requesting that
18 this is put on the agenda -- work agenda for the
19 Livestock Subcommittee. But, obviously we have
20 to, I believe at this present time, vote to keep all
21 of the general phrase the way it is right now for
22 Excipients on the List.

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1 And we so voted in Subcommittee by
2 unanimous vote to keep the category Excipients on
3 the National List.

4 VICE CHAIR FAVRE: Thank you, Jean.
5 I'll just state for the record that this is another
6 one of those squirrelly listings where we have a lot
7 of things lumped together that we end up having to
8 deal with at some point later.

9 And it is a very difficult topic to try
10 to address. Any discussion on Excipients?

11 (No audible response.)

12 VICE CHAIR FAVRE: Seeing none, all
13 those in favor of removal of Excipients from the
14 National List, please raise your hand.

15 (Pause.)

16 VICE CHAIR FAVRE: Those opposed?

17 (Pause.)

18 VICE CHAIR FAVRE: Abstentions?

19 (Pause.)

20 MEMBER CHAPMAN: One yes. Twelve no.
21 One absent. The motion fails. Sorry, one
22 abstention. My apology.

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1 VICE CHAIR FAVRE: What did you say?

2 MEMBER CHAPMAN: One yes. Twelve no.
3 One abstain. And that was it.

4 VICE CHAIR FAVRE: Okay. Next on the
5 list is Strychnine.

6 DR. BRINES: Yes, this substance is
7 included at Section 205.604 of the National List,
8 non-synthetic substances prohibited for use in
9 organic livestock production. Listed as (a)
10 Strychnine. Thanks.

11 VICE CHAIR FAVRE: Jean?

12 CHAIRMAN RICHARDSON: Nobody wants to
13 have Strychnine. And the recommendation in -- from
14 public comment and from the Subcommittee is that it
15 should continue to be listed as prohibited.

16 VICE CHAIR FAVRE: Any discussion on
17 Strychnine?

18 (No audible response.)

19 VICE CHAIR FAVRE: Seeing none, all
20 those in favor of removing the prohibition of
21 Strychnine from the National List, please raise
22 your hand.

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1 (Pause.)

2 VICE CHAIR FAVRE: All those in favor of
3 -- yes. So glad we ended with this one.

4 (Pause.)

5 VICE CHAIR FAVRE: Abstentions?

6 (Pause.)

7 VICE CHAIR FAVRE: Okay. Madam --

8 MEMBER CHAPMAN: Zero yes. Fourteen
9 --

10 VICE CHAIR FAVRE: Excuse me. Go
11 ahead.

12 MEMBER CHAPMAN: Zero yes. Fourteen
13 no. The motion fails.

14 VICE CHAIR FAVRE: Madam Chair, that
15 concludes the Livestock's presentation of 2017
16 Sunset materials.

17 (Applause.)

18 CHAIRMAN RICHARDSON: Wow. That's
19 great. Okay. So, it goes back to you now for the
20 one last item on Livestock?

21 VICE CHAIR FAVRE: Yes. We did
22 actually have two discussion documents, the first

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1 of which we've already talked about, which is the
2 use of parasiticides.

3 The second one -- okay, is for a proposed
4 annotation change for Lidocaine and Procaine use in
5 livestock production. And I'll turn that over to
6 Jean.

7 CHAIRMAN RICHARDSON: This is the --
8 we're not going to be voting on this today. This
9 is just a discussion document.

10 It became obvious in our first round of
11 looking at Lidocaine and Procaine in terms of
12 staying on the -- for the Sunset review, that the
13 withdrawal period is probably too long. And the
14 way in which it was developed wasn't necessarily
15 based on the two terms label use, you know, as the
16 far out listing.

17 And so, we took a closer look at this
18 based on public comment from the last meeting. And
19 we sent out this discussion document in order to get
20 further comment from the broader public.

21 So we did get broader comment back. And
22 it was pretty consistent from a broad range of

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1 stakeholders.

2 The questions that we posed was, should
3 the annotation for Lidocaine be amended to reduce
4 it from 90 days to eight days after administering
5 for livestock intended for slaughter and seven days
6 after administering to dairy animals? And
7 similarly for the procaine.

8 We got, I guess as I said, broad
9 response. Plenty of public comments. So we
10 should be able to come back to the April meeting with
11 a proposal that would allow us to vote on a reduction
12 of the withholding period for these two materials
13 based on good science and comments from, as I say,
14 a wide range of people, from veterinarians to the
15 farmers themselves.

16 So, that's really all I need to say on
17 this at this time. Since this is not a document to
18 vote on.

19 But I'd be happy to answer questions
20 from the rest of the NOSB.

21 VICE CHAIR FAVRE: Discussion?

22 (No audible response.)

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1 VICE CHAIR FAVRE: I'd just like to
2 thank Jean for all her hard work. We've turned over
3 some of the worst and trickiest materials to her to
4 tease out for us.

5 And that, coupled with a huge workload
6 and handling and some other Subcommittees, has been
7 an impressive amount of work that she's done.

8 As we've stated, this is a discussion
9 document. There will be no vote on this. And we
10 will take these, both of these discussion documents
11 back to Livestock for consideration of annotation
12 change for a presentation likely at the spring
13 meeting.

14 And Madam Chair, if there's no further
15 discussion, this concludes the presentation of the
16 Livestock Subcommittee.

17 CHAIRMAN RICHARDSON: Thank you very
18 much, Tracy. Our planned lunch break is not until
19 12:30.

20 If Calvin, Dr. Walker, if you're ready,
21 my suggestion would be that we would move into
22 materials report, a Subcommittee report at this

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1 point. Because we do have a lot of other materials
2 that we -- and discussion in crops that we need to
3 be able to look at this afternoon.

4 And that should be able to take us
5 comfortably to a 12:30 lunch break. So, I would
6 turn this over to Dr. Walker for the Materials
7 Subcommittee Report.

8 MEMBER WALKER: Thank you, Madam Chair.
9 I would like to thank the handling Subcommittee, Dr.
10 Francis Thicke, Zea Sonnabend, Dr. Jennifer Taylor,
11 who else am I leaving out? Colehour Bondera and I
12 think -- and yours truly.

13 And from the program, it was Betsy
14 Rakola. She was very instrumental in the research
15 priorities and keeping that among the USDA agencies
16 that Secretary Vilsack appointed.

17 And we know she replaced Mark Lipson.
18 And so, she's been doing a good job. And Dr. Lisa
19 Brines was always on the call along with Michelle
20 Arsenault.

21 Hopefully that's enough to give
22 Jennifer time to get to her research priorities

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1 document. And you have five minutes.

2 MEMBER TAYLOR: So, thank you so much
3 for this opportunity to talk with you just a moment
4 about our great research priorities proposal. I
5 hope you've all had an opportunity to review some
6 of the recommendations that are within the research
7 priorities document.

8 As Calvin, our Chair has stated, our
9 Committee consists of also Zea, Zea Sonnabend is
10 Vice Chair. Harold Austin, Colehour Bondera,
11 Francis Thicke and myself.

12 And again, we'd like to thank you for all
13 of your comments that you've made to the Board as
14 a whole. And also as you've taken time to address
15 our research priorities that we've put before you.

16 As you know, the recommendation for a
17 framework is that research priorities was first
18 approved at the National Organic Standards Board in
19 the May 2012 meeting. And part of that
20 recommendation was that the research priorities
21 from the previous years of the Board's
22 deliberations would be presented at each fall

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1 meeting such as during this time period.

2 The 2015 Board research priorities seek
3 to solve critical, organic agricultural challenges
4 and problems. The issues are often interrelated.

5 And should be viewed through an organic,
6 whole-farm integrated approach. And determined
7 through the criterion of the organic system plan.

8 So, if you've had a time to review the
9 information, you know that we've gathered
10 information from several of the Subcommittees.
11 And the topic areas include prevention of GMO
12 contamination, evaluation of effectiveness.

13 Those are research topics coming from
14 the Material and GMO ad hoc Subcommittee. As well
15 as a policy recommendation, examining the policy on
16 research on a mechanism that will encourage
17 conventional growers to avoid contamination.

18 From the Livestock Subcommittee, we had
19 several recommendations. And much detail is
20 actually included in the document on prevention and
21 management of parasites using a systems approach,
22 a systems overview.

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1 Also in herd and health -- lot health,
2 and evaluation of synthetic and alternative sources
3 for Methionine in the context again of a systems
4 approach in organic poultry production.

5 The Handling Subcommittee submitted
6 information or request as a topic, chlorine
7 materials. Examining chlorine materials and their
8 alternatives in specific situations and less toxic
9 alternatives.

10 The Crops Subcommittee also took a
11 systems approach. And submitted research
12 addressing alternatives or a less toxic alternative
13 to Copper for disease and algae control. And then
14 the Evaluation and the Management of those
15 strategies as well.

16 Then we also had a section within the
17 document that looked at previous research topics
18 and focus areas. Because as you know, this is new.
19 Research takes years.

20 And it is something that we need to
21 continually remind the research funding agencies
22 and the community and our stakeholders that these

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1 are important issues and critical to the success or
2 organic farms and production systems.

3 We received comments from several of the
4 organic community, including Beyond Pesticides,
5 California Certified Organic Farmers, Cornucopia,
6 Organic Produce Wholesaler Coalition, Straus
7 Family Farm, OSGATA, the Organic Farming Research
8 Foundation, the Center for Food Safety, the Organic
9 Center.

10 And if you also would consider the
11 hundreds and hundreds of comments that we actually
12 received from the public. When the public says
13 that they don't want synthetics or antibiotics in
14 their food or in their growing system.

15 These are also research topics. And
16 that we need to take and consider that way as an
17 important topic area that we need to keep before the
18 research community.

19 We appreciate all of your comments.
20 And what we're going to do with your comments and
21 they are very detailed and we appreciate that. And
22 offer sometimes new ways of examining the issues

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1 that we put forth in the document itself.

2 What we'll do is take those comments
3 back into the Materials Subcommittee, and review
4 them. And then integrate them into the research
5 priority document for this year, where they're
6 appropriate. And others may be forwarded onto the
7 next year's document.

8 We, in our work with Ms. Betsy Rakola,
9 who is the Organic Policy Advisor, she has said that
10 she's forwarding this information. And it gets
11 forwarded other ways as well.

12 As our talk that we had with Dr. Sonny
13 Ramaswamy earlier this week. That's also another
14 way to let him know and to become knowledgeable of
15 our need to work in collaboration with his agency
16 in providing organic research topics that will
17 impact his agenda as he formally set agenda for his
18 research requests.

19 But, Betsy has said that in her work that
20 several -- a couple of organizations have now added
21 the NOSB recommended research topics within their
22 programs. And in the development of their proposal

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1 requests.

2 Which is great. We want to move in that
3 direction. And the interest in response that we
4 received, which is available for your review as
5 well, came from the Organic Center.

6 Whereas they wrote back and gave us
7 great information of how they're actually taking
8 our research priorities, the ones that we gave last
9 year and the year before, and have integrated them
10 into actual research projects that are ongoing.
11 That they can have written bulletins and brochures
12 about that have impacted growers.

13 And one of those research directions
14 they say that they took from our 2012 and 2013
15 research priorities list, is alternatives to
16 antibiotics, Tetracycline and Streptomycin for
17 fire blight.

18 So, they say that they've completed a
19 fire blight project which was carried out in
20 collaboration with researchers from the University
21 of Washington. This Organic Center project
22 provided critically needed information on how to

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1 prevent fire blight from discriminating apple and
2 pear orchards without the use of antibiotics.

3 The published report includes lessons
4 learned from a systems approach to controlling fire
5 blight without antibiotics, which has been
6 successfully used by dozens of Pacific Northwest
7 organic orchards.

8 And then it goes on to say how they're
9 going to -- how they're sharing this type of
10 information. And these are the types of impacts
11 that we were hoping to have come out of providing
12 this list to our research public and our
13 stakeholders.

14 Another emphasis they said was, in
15 taking from the 2014 research priorities list,
16 examining plant disease management. And they
17 report on that project that they have found organic
18 solutions to control citrus greening disease in an
19 ongoing project in collaboration with the
20 University of Florida, the University of California
21 Davis, List ARS, and citrus growers and other
22 nonprofits which directly address the 2014

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1 priorities for plant disease management.

2 Great. That is the direction we want to
3 see this type of request for examining organic
4 topics and organic critical needs.

5 Another topic they said that they had
6 addressed is, or currently addressing, taken again
7 from the 2014 research priority area is in soil
8 building practices. They have an ongoing, they
9 say, collaboration with the National Soil Project
10 at Northeastern University.

11 And through this project they're
12 examining different soil components that will
13 enable agronomists, farmers and environmental
14 scientists to correlate soil health and
15 productivity with agricultural practices. To date
16 they say that they've collected and analyzed almost
17 600 organic soils nationwide.

18 And they say that this study will
19 provide organic farmers who rely on soil quality
20 with a resource to facilitate remediation,
21 maintenance and conversational soil resources.
22 Excellent.

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1 Another topic that they said that they
2 addressed is -- that they have addressed is risk
3 reduction in off target exposure to non-permitted
4 materials. And they said that they're currently
5 undergoing this research project.

6 And that they'll have information
7 available to the public soon. They're combining
8 the research, of course, with the needed education
9 and training for the farmer population.

10 And that is the kind of outreach, so to
11 speak that we would need to see that kind of
12 collaboration where research is taking place. And
13 then turning around and sharing this information
14 with the stakeholders and farming population in
15 order to see change actually take place and impact
16 in a positive way the organic farms and the organic
17 program.

18 So I want to thank you so much for all
19 of your comments. And I do want to encourage Miles,
20 again, to please put in place our public docket
21 system so that you will have an opportunity on an
22 ongoing basis to forward information such as the

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1 information that came from CCOF.

2 They actually provided over 50
3 different research items. And had we received that
4 in a timely fashion, we might have been able to
5 incorporate those kinds of information within the
6 information that you received.

7 So, we're hopeful that that might be
8 something that would encourage you to help us get
9 that docket in place faster. And so that we can
10 react in a timely fashion and work together to
11 address the critical needs within the organic
12 program.

13 Thank you.

14 MEMBER WALKER: Thank you, Jennifer.
15 Any discussion? Zea?

16 MEMBER SONNABEND: I just want to add
17 two points concerning this. One is that all the
18 wonderful suggestions that we got for this comment
19 period will be held and evaluated for our research
20 priorities next year.

21 Because we can't make last minute
22 changes on the document for this year. Maybe in the

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1 future, if we have year round public docket, then
2 we can have a longer period of open to collect
3 suggestions. But, that's the way it is.

4 And then secondly, we spent a lot of time
5 in our Subcommittee talking about how we can get
6 better outreach for our research priorities.
7 Because some of them don't really fit in say the NEPA
8 grant priorities for field -- which are field
9 research oriented. And some organic oriented, but
10 some not. Not as much.

11 And some of ours, like GMO contamination
12 issues probably don't rise to the top on their
13 research agenda very often. And then of course the
14 handling ones would have to be investigated by more
15 food research or food safety research entities.

16 And so we do hope that all of you
17 stakeholders who have links to the research
18 community and academia and independent
19 professional organizations or other ways, can help
20 us circulate the need for research in these very key
21 areas that wouldn't be covered within the
22 government agricultural research arena. Or even

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1 by something like the Organic Center for instance.

2 But I'm sure many of you do have links
3 outside of these particular areas to both
4 researchers and funders of such research. And
5 could help us get broader outreach for that since
6 we are limited to nagging Betsy about it, or our
7 public postings for the meeting.

8 Thank you.

9 MEMBER WALKER: Anyone else? I would
10 like to say ditto to what Zea and Jennifer had
11 mentioned.

12 All of us need to go back to our local
13 States, land grant universities, there's 109.
14 They have extension dollars, research dollars,
15 teaching dollars for agriculture.

16 And in my five years on this Board I've
17 seen so much written and written in such an eloquent
18 and precise fashion. Some of these scientists can
19 use you all, as Zea mentioned, and some of the issues
20 that you have as it relates to organic.

21 Any other? Oh, I'm sorry.

22 MEMBER CHAPMAN: Zea already kind of

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1 touched on this. But noted during the Sunset --and
2 I noted it in the Sunset review, but we received
3 comments from all across the organic community in
4 support of researching organic alternatives to
5 conventional celery powder, freezed processed
6 meats.

7 And that this research should be a
8 priority. This comment was received after the
9 Handling Subcommittee submitted our priorities to
10 the Materials Subcommittee, and so it's not part of
11 our priorities therein.

12 However, I asked the Materials
13 Subcommittee and the Administrator to take efforts
14 to make this a priority.

15 MEMBER WALKER: Are we ready to vote?

16 CHAIRMAN RICHARDSON: Dr. Walker asked
17 that I take the vote on this. There is a proposal
18 that you have all reviewed and discussed and read
19 public comment.

20 Is there any further discussion on this?

21 (No audible response.)

22 CHAIRMAN RICHARDSON: Seeing no

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1 further discussion, could you all raise your hand
2 if you approve this proposed document as presented?

3 (Pause.)

4 CHAIRMAN RICHARDSON: Anyone -- it
5 looks like that was everybody. Does anyone object
6 to accepting this document as presented?
7 Discussion document?

8 (No audible response.)

9 CHAIRMAN RICHARDSON: Seeing none, 14
10 to zero in favor of accepting the research proposal
11 document. Thank you. Back to you Calvin.

12 MEMBER WALKER: Our last document has
13 been led by Dr. Francis Thicke, GMO prevention
14 strategist.

15 MEMBER THICKE: Thank you, Calvin. We
16 received quite a few comments on this. We -- a lot
17 of support for moving forward with this document,
18 prevention strategy guidance for excluded methods
19 in crops and handling proposal.

20 And just a minute ago, I realized we
21 didn't have livestock in there. And we do have some
22 recommendations for livestock. So they could put

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1 that in there, too.

2 We had some good comment suggestions and
3 even some criticisms saying -- telling us that this
4 isn't going to do the job. And we know that. We
5 know this isn't going to take care of GMO
6 contamination.

7 But, it will help us and it will also
8 help us externally that we're showing that we're
9 doing what we can. Everything we can. And that
10 others have to now help us out.

11 OTA reported data from a recent USDA
12 National Ag Statistics on the service survey, which
13 found -- was on contamination of organic farmer --
14 organic crops by GMOs.

15 And between 2011 and 2014, 87 organic
16 producers reported a total of \$6.1 million in crop
17 losses from GMOs, which was an average of \$70,000
18 per farm affected. So that's pretty significant.

19 So it was 87 during that three year
20 period. But during 2006 to 2010, there were just
21 nine farms contaminated. So, it's going up
22 significantly. And it doesn't look good for the

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1 for the future in that regard.

2 Some of the comments, specific ones, a
3 lot of commenters say we need some help from
4 outside. And we can't do this by ourselves.

5 And so -- well, I'll talk about that in
6 a bit though. But another comment is that call for
7 a seed purity standard. Remember the last time we
8 brought this document forward, it had a section on
9 seed purity.

10 And the Materials Subcommittee is going
11 to keep on looking at that. And work on trying to
12 bring forward a proposal on seed purity in the
13 future.

14 Some specific comments are our
15 certifiers say they need guidance on what GMO
16 contamination levels should trigger some
17 investigation. Another comment, Subcommittee
18 should draft an additional recommendation to NOP
19 for the creation of additional guidance in training
20 of ACAs on conducting GMO sampling and testing.

21 A lot of comments saying this is a shared
22 responsibility that we're already doing everything

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1 we can. And we need others to do more.

2 For example, the National Organic
3 Coalition, the USDA needs to require genetic
4 engineering, GE users and patent holders to take
5 deliberate action and mandatory preventative
6 action instead of merely giving it lip service.

7 Beyond Pesticide said, the NOSB must
8 call upon the Secretary of Agriculture to reverse
9 this policy of allowing more and more genetically
10 engineered crops. And to support legislation that
11 places liability for damages on the patent holder.

12 OSGATA was very adamant that we need to
13 have a strict testing threshold for organic seeds.
14 So, some of the actions that we can do in the future
15 is, perhaps we could send this document to NOSB --
16 I'm sorry, to Secretary Vilsack with a letter on the
17 need for them to do more.

18 This -- showing him this is what we're
19 doing. Now, what can you do to help us prevent this
20 contamination? What can the makers and users of
21 GMO technology do to help us?

22 Well, one specific comment that I would

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1 like to actually include in the document, Organic
2 Valley mentioned that aminofitic incompatibility.
3 I was thinking we could just put a bullet in telling
4 -- saying consider crop varieties with aminofitic
5 incompatibility when available on your farm.

6 So, that's something we could possibly
7 put in that wouldn't really change a lot. And I
8 don't think it would hurt as part of holding on the
9 proposal.

10 So, that's all I have for right now.
11 Any comment?

12 MEMBER WALKER: Thank you, Francis.
13 Discussion? Zea?

14 MEMBER SONNABEND: Yes. In reading
15 the public comment I did see a bit of what I perceive
16 as distress from some certifiers in particular.
17 Who seem to think that these were required things.

18 That seed had to be tested. Or that a
19 certain buffer had to be kept. But we just want to
20 make clear, and it does say -- if you read it
21 carefully -- in several places, that this is
22 guidance.

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1 That not every bullet point has to be
2 addressed to every crop. This is best management
3 practices. And you select which practices best fit
4 your situation.

5 And it does say that the inclusion of
6 information would be consistent with other guidance
7 documents that the NOP has released to ACAs. So,
8 we tried to set this up so that it is almost all
9 things that people are already doing.

10 And it is not a lot more work for growers
11 or certifiers or handlers. And it is, as Francis
12 said, primarily to collect this all in one place so
13 it can be used externally to show the other side,
14 so to speak, all the steps that organic is taking.

15 To use it as leverage to get some
16 concessions and get some acknowledgment from the
17 GMO polluters.

18 MEMBER WALKER: Thank you, Zea. Dr.
19 Richardson?

20 CHAIRMAN RICHARDSON: Yeah, I mean, I
21 like the document. You know, but I think the
22 challenge for me, as I look around, just looking at

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1 the GMO issue, is we're seeing all this
2 proliferation of all these various labeling.

3 GMO-free type labels that are being
4 asked for by companies for various products. And
5 the assumption that you can just go out there and
6 do the testing to find out, you know, run out to the
7 farm, check out to see if the seed that they have,
8 or whatever it is, is sort of within a -- it's not
9 going to be GMO-free I assume. But it's going to
10 at least sort of be within a tiny amount pretty much
11 free of GMO.

12 But we all know that when you start
13 getting out practically and you're looking at these
14 organizations around the country right now doing
15 all the testing of GMOs to see, you know, what
16 percentage of the seed might have GMO in it, there's
17 -- those aren't labs that are being -- they're not
18 under the USDA. They're sort of freelance folks
19 who are getting money for doing the testing.

20 And there's plenty of anecdotal
21 information, and I wonder if the Subcommittee
22 discussed this, anecdotal information that,

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1 really, depending on which lab you send it to,
2 you're going to get a different response each time.
3 And we haven't really looked -- we haven't really,
4 as I think it says in the Appendix A that Calvin
5 presented to us, there's no resources for us to do
6 GMO testing in organic feed right at the moment,
7 from our perspective.

8 And I think that it's a really murky area
9 in terms of looking to see what level of
10 contamination that there is when you do testing.
11 And I'm quite concerned that the manner in which
12 that is taking place right now around the country.
13 Did you look into this? I'm assuming you did when
14 you discussed the document on the Subcommittee.
15 Francis?

16 MEMBER THICKE: Can I ask you clarify,
17 Jean? Are you saying that the testing companies,
18 there's not precision among them? Between them?

19 CHAIRMAN RICHARDSON: Right.

20 MEMBER THICKE: How bad is that?

21 CHAIRMAN RICHARDSON: Well, we didn't
22 get a written comment on that. So it's anecdotal.

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1 But it's not good.

2 MEMBER WALKER: Okay.

3 VICE CHAIR FAVRE: Who's following him?

4 MEMBER WALKER: Nick?

5 MEMBER MARAVELL: I'd like to make some
6 comments over a slightly longer historical period
7 here. Maybe from a perspective that's a little bit
8 different than just the regular NOSB Board member.
9 I might harken to what Senator John Tester says from
10 time to time. Things look different from the
11 tractor seat.

12 Five years ago, when I started on the
13 NOSB, we met, I believe, in Seattle. And we heard
14 from the organic community a lot of concern about
15 what the organic community was experiencing in
16 terms of the interface with the biotechnology
17 world.

18 And my colleague here, Jennifer,
19 introduced a resolution with a letter to inform the
20 Secretary of what we were hearing. Actually,
21 that's our statutory requirement. It doesn't say
22 we may advise the Secretary. It says we shall

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1 advise the Secretary on all matters pertaining to
2 the organic program.

3 That went around for about a year and a
4 half. Or more, I don't remember. What we are
5 looking at here today is as is -- by the way, I mean
6 no disrespect to the hard work and the good work that
7 the Subcommittee has put in on this document. And
8 they have acknowledged what I'm about to further
9 reinforce. That this document is indeed sort of an
10 inventory of where we, in my mind, the deplorable
11 position we find ourselves in today.

12 I guess what I would like to say is that
13 I'm intending to abstain from this vote because I
14 don't want to be associated with having spent five
15 years working on an issue only to feel both saddened
16 and angry.

17 I feel saddened because I haven't been
18 able to participate in a process that has provided
19 any relief, any fairness, or any justice to the
20 organic producers and handlers out there in the
21 community. And I feel a little angry because I feel
22 victimized for having the audacity to farm while

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1 being organic.

2 MEMBER WALKER: Zea?

3 MEMBER SONNABEND: Okay. Well, I'm
4 sorry to hear that you're going to abstain, Nick.
5 I feel like even if it takes five or 10 or 20 years,
6 we have to keep fighting the good fight or it will
7 totally overrun us. And therefore, this is one
8 step in the fight, in moving forward and pushing
9 forward.

10 But I want to go back and reply to Jean.
11 Jean, we did not talk about the vagaries of
12 different testing labs. But we did decide that we
13 couldn't -- we took the whole seed purity piece out
14 of here because the Sunset '17, we just couldn't
15 give it the attention it needs. And that would be
16 one of the things we would want to look at if we
17 consider a future step forward on seed purity.

18 So, we fully intend to do that before
19 spring. It's on our work plan already. And I
20 hadn't heard about that particular issue before.
21 Nor do I recall any public comment on it.

22 But maybe if you could point us in a

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1 direction, we could investigate that. Then we
2 would be happy to for next spring.

3 MEMBER WALKER: Thank you, Zea.
4 Anyone else? Nick?

5 MEMBER MARAVELL: Part of my concern,
6 Zea, is, at best, this document is a statement of
7 where we are. I'm afraid that it's a waystation
8 onto things that will just get worse.

9 And that's my fear.

10 MEMBER WALKER: Thank you, Nick.
11 Anyone else?

12 (No response.)

13 MEMBER WALKER: Are we ready to vote?
14 Madam Chair?

15 CHAIRMAN RICHARDSON: The vote has been
16 called. All of those of you in favor of the motion
17 to accept the Prevention Strategy Guidance for
18 Exclusion Methods in Crops and Handling, please
19 raise your hand.

20 (Pause.)

21 CHAIRMAN RICHARDSON: Anyone opposed?

22 (Pause.)

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1 CHAIRMAN RICHARDSON: Any abstentions?

2 (Pause.)

3 CHAIRMAN RICHARDSON: I note one
4 abstention. Thirteen in favor of accepting this
5 document. Thank you, Dr. Walker.

6 MEMBER WALKER: Thank you, Madam Chair.
7 That concludes the Materials Subcommittee's
8 report.

9 CHAIRMAN RICHARDSON: Very good. It
10 is 25 minutes past 12. Could we please be back here
11 at 1:15? 1:15 as on the schedule. 1:15, because
12 we do have -- if you remember, we've got four items
13 to bring forward from Tuesday. Two from Handling,
14 two from Crops to be considered. As well as all the
15 other materials on the agenda.
16 So, see you at 1:15.

17 (Whereupon, the above-entitled matter
18 went off the record at 12:24 p.m. and resumed at 1:29
19 p.m.)

20 CHAIRMAN RICHARDSON: All right. Let's
21 get back on the record. We're exactly on time.
22 It's 1:15 somewhere, probably in Nova Scotia or

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1 somewhere.

2 Okay. We are moving into the last part
3 of this NOSB meeting, and the next subcommittee to
4 present its report is the Policy Development
5 Subcommittee, which is chaired by Tracy Favre.
6 Tracy?

7 VICE CHAIR FAVRE: Good afternoon.
8 Hope everybody had a good lunch.

9 Policy Development Subcommittee, the
10 major work task for us this past semester has been
11 working on a comprehensive update of the Policy and
12 Procedures Manual, or PPM. And we have made
13 substantial changes in it, including kind of
14 restructuring and reorganizing it based on what
15 seemed to make a little more sense.

16 Public comment was pretty significant
17 on this, and what we heard pretty consistently is
18 everybody was having a hard time tracking what the
19 changes were or where things had been reordered
20 because we didn't do a track changes copy.

21 We actually did discuss that in
22 Subcommittee, and Colehour in particular was the

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1 biggest advocate for that. Our biggest problem was
2 there were so many structural changes in where
3 things were that there were lots and lots of red
4 lines and markups and lots of comments and lots of
5 the little bubbles out to the side and windows out
6 to the side and strikethroughs in 16 different
7 colors. And it actually got to be pretty
8 cumbersome for us to review it that way and elected
9 to do a cleaner copy.

10 Having said that, we did hear what you
11 said and we have discussed it and we've got a plan
12 to merge the original with the final. Don't look
13 panicked, Emily. Tom's going to do it for us.

14 And we will put that out. We aren't
15 voting on it today. It was never our intention to
16 vote on it today. This has always been a spring
17 plan. So you'll have another opportunity for
18 public comment for the spring proposals and we'll
19 resubmit it for public comment at that time.

20 Any comments or discussions from the
21 Board or the Subcommittee? Is that a hand raised,
22 Colehour?

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1 (No response.)

2 MEMBER BONDERA: Okay. Thank you.
3 And I'll start out by saying thank you, Tracy, for
4 acknowledging that I did repeatedly bring up the
5 fact that I anticipated outsiders reviewing it
6 being quite impeded by not having something that
7 showed where the clear changes had been made. But
8 I think to sort of reiterate that, it's also not just
9 red line of this is crossed off and this is replacing
10 it, but I think that the other issue, having served
11 several years, two years, as the chair of this
12 subcommittee, and being fairly familiar with what
13 happened before -- since Barry Flamm had been chair
14 before, and I served on it before that -- any changes
15 that have been made in what I would say are either
16 our bylaws or some people -- I'm not really a
17 religious person, so I don't really reference this
18 personally very well, but some people resonate with
19 it better -- our bible.

20 Those were documents per change so that
21 the public could actually not just see the things,
22 but hear the thinking behind the changes and then

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1 respond to those. Because when you're responding
2 to this level of modification and subject area
3 changes, not just reorganization but actually the
4 meaning of many things has been significantly
5 changed, you really are -- I'm not going to say it's
6 impossible, because it's not impossible, but you're
7 really impeded to actually give feedback.

8 And one of the things I want to take a
9 few moments to do -- and nobody has to respond, I
10 did this on another item earlier today -- is just
11 to ask the members of the NOSB who are not on this
12 subcommittee, which is the majority, if people all
13 did have a chance to go through. Because one of my
14 comments, the reason I'm saying this and the reason
15 I want to do this, because one of my comments was
16 it won't just be hard for the broader public. It
17 will be hard within the NOSB. The other members are
18 also going to have a hard time reviewing these
19 changes.

20 And I'm just curious if non-Policy
21 Development Subcommittee members were able to go
22 through the entire document and see the changes and

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1 comment, because -- and then I'll conclude, and
2 people can respond if they want -- because, from my
3 perspective, I'm going to yellow flag that we need
4 to be pretty careful putting forth something for the
5 next meeting -- I won't be here as a member of the
6 next meeting -- but putting forth something for the
7 next meeting and expecting the public comment to be
8 not just sufficient, but for us to be able to
9 incorporate into a final thing to vote on at the next
10 meeting.

11 I just want to tell you that it probably
12 needs to be in the form of a discussion document
13 that's more readable for the next meeting, and then
14 intending to vote at the meeting after that. That
15 would be my anticipation of the process, how it
16 realistically and honestly would allow sufficient
17 public input, which we're a public advisory
18 committee. That's who we need to make sure we have
19 the input from.

20 So, like I said, I would personally
21 really appreciate it if people who are not members
22 of the Policy Development Subcommittee, positive or

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1 negative, would comment on the ability of reviewing
2 and substantially referencing the changes.

3 I do have a personal comments about it,
4 but I'll wait on them.

5 VICE CHAIR FAVRE: Does anybody want --
6 Mac?

7 MEMBER STONE: Yeah, I was hanging on
8 every word. No, I did like the format. Having
9 been -- I guess while I was chair there was a lot
10 of conversation around the changes and track
11 changes and structural elements of it. So, in
12 general, I like the structure, I like the layout,
13 but I did not try to compare it with the previous
14 one. Let that committee do that work.

15 But I appreciate the years of work and
16 it's a better document, Colehour, because of your
17 work on it to make it the best it can be. But I like
18 the structural component of it and trust that the
19 technicalities are correct within.

20 VICE CHAIR FAVRE: Any other
21 discussion?

22 (No response.)

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1 VICE CHAIR FAVRE: Okay. Seeing no
2 further discussion, this is a discussion document,
3 not a proposal. Colehour?

4 MEMBER BONDERA: I'm sorry. Like I
5 said, I did have a few other comments that I wanted
6 to hold off on. I'm sorry. I was trying to give
7 people plenty of time, but --

8 VICE CHAIR FAVRE: Okay. Go ahead.

9 MEMBER BONDERA: Yeah, personally, I'm
10 not prepared at this moment to comment
11 specifically, but I did within the subcommittee and
12 I'm happy to again within the subcommittee.

13 I personally have -- I don't disagree
14 actually with what Mac said at all, frankly, that
15 the structure and presentation is hypothetically --
16 well, not hypothetically -- is much more readable
17 and better. It's the content that's my concern,
18 not the presentation. And that's where, for me,
19 the concern is.

20 It sounds like somebody like Mac is
21 saying -- Mac said I'm just going to trust the
22 changes, and that's all good, but I was waiting, and

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1 I let go some of the confusions or concerns I had
2 because of this process that we had agreed to that
3 this would be a discussion -- or I don't even know.
4 Is it a discussion document? It's not titled a
5 discussion document, so I'm actually not sure.
6 Yes, it's more presented as a report than a
7 discussion document, according to our processes.

8 But so that this report would go out to
9 the public and maybe we'd see if we got specific
10 feedback on specific areas and then at the
11 subcommittee level could discuss those to make the
12 modifications. And let's be honest, we only met
13 once a month. We didn't really have a lot of time
14 to discuss very many of these things in very much
15 detail. And part of the discussion was let's put
16 this out to the public, get the feedback, and then
17 bring these back for discussion. And so I didn't
18 share a lot of my concerns and we didn't discuss a
19 lot of things.

20 I would argue that in two areas where
21 there's noticeable change -- and I think probably
22 if I'm writing something it would end up being about

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1 20 different areas -- but two that jump to my mind
2 while we're sitting here that I want to just yellow
3 flag. One is the whole process as presented with
4 minority opinion. I feel like that's quite a
5 significant change, and I really was anticipating
6 and looking forward to public feedback on that in
7 this document so that that could go back to the
8 subcommittee and be more thoroughly discussed, and,
9 from my perspective, hopefully changed from where
10 it currently is at. And because I think,
11 on that subject, I think it's critical for us to
12 recognize our -- and I'm sorry I'm chewing an apple
13 in the process. I want to get it out of my mouth,
14 but I don't know what to do with it. I can't swallow
15 it yet. So, no, it's okay.

16 Because I really think that -- you know,
17 I mean, I don't know. I have eight sisters.
18 There's three boys. I have been a minority all my
19 life in that way. It depends on how you look at
20 things. But you got to recognize that minority
21 opinion means different things in different ways.
22 It never meant, when I was growing up, that you're

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1 irrelevant because you're a male. What it meant
2 was let's figure out how to listen to everybody, to
3 work with everybody and to recognize that even one
4 person's opinion is as valid as everybody else's and
5 not dismiss it because it was a supermajority or
6 whatever.

7 Even if a vote is supermajority wins,
8 you still want to get the minority's opinions,
9 positions and rationale. And unlike what is put
10 forth, the truth is that you can guess, but at
11 several of our votes on several materials today and
12 yesterday votes switched quite dramatically.
13 Actually some of them switched completely. You
14 don't really know where the votes are going to be
15 until the end of the day, and so you can't decide
16 in advance of a vote what it's going to be or that
17 there will be a minority opinion. Maybe that ends
18 up being everybody. And so there's a lot of
19 difficulty with preparing a minority opinion before
20 a vote, because who's the minority? And so I'm sure
21 that, yeah, there might be some response to this,
22 but that's my experience and opinion.

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1 And I think, like I started out by
2 saying, the National Organic Standards Board is
3 made up -- its whole purpose is its compromised of
4 opinions from different backgrounds, different
5 perspectives. That's why we're together. We're
6 talking about the same topics, but we need to make
7 sure that we're listening to everybody and giving
8 everybody equal floor space and equal recognition.
9 And I think that we need to make sure that our
10 minority opinion part of these bylaws, of this
11 bible, do not circumvent that, because then, you
12 know, why? Why are we all here and why are we
13 spending our time?

14 And I think that I could go into more
15 detail on that. I won't, but I think that the other
16 area that jumps out to me -- and I'm not going to
17 comment on it because I'm not at all prepared -- is
18 the section on NOP-NOSB collaboration, because I
19 think that is where the liaison-ness or the liaison
20 relationship between the two entities -- you know,
21 we're a public advisory committee. We're advising
22 the Secretary of Agriculture, like Nick referred

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1 to. We're doing it via the NOP. We need to make
2 sure that it's extremely clear how to do that, how
3 it's achieved, how we get there, and that
4 everything's in place to accomplish it, because
5 that is our responsibility.

6 And I just really strongly feel that
7 that needs to be not just open for interpretation
8 or left open, but it needs to be made clear enough
9 that we can all follow the same -- anybody from the
10 outside and anybody -- you know, we're going to have
11 six new people here next year -- they can all follow
12 the same process, that it's not made up by whoever
13 is in the seat at the moment of responsible
14 position. And I think that collaboration is a nice
15 word, but it's a pretty open word.

16 And so I really strongly feel that those
17 areas of what's been put forth need more work. And
18 like I said, my list is actually much longer, but
19 I'm not prepared to present all of those items at
20 this time and there's not enough time scheduled.
21 But I wanted to point out that even at the committee
22 level we could have quite a long discussion on this.

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1 So, thank you.

2 VICE CHAIR FAVRE: Thank you, Colehour.
3 Jean?

4 CHAIR RICHARDSON: Appreciate your
5 comments, Colehour. And you are still on that
6 subcommittee, and so hopefully many of these issues
7 you will now be able to bring back that you haven't
8 been able to talk about today in the interest of
9 time.

10 I think that we would have got a lot more
11 comments from the public if it hadn't been a sunset
12 year and people were concentrating and focusing
13 more on all the individual materials, and also the
14 fact that it was not easy to compare one document
15 with the other. We recognize that, but honestly
16 our heads were spinning trying to see the comparison
17 between the two documents, mostly because of the
18 change in the structure of it.

19 But Tom here next to me is kind of
20 brilliant and he can make these magically overlap
21 in such a way that when we send this out in April
22 with all the stuff from Colehour and everybody else

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1 on the subcommittee, we will have a document for you
2 that hopefully -- well, I hope it won't make your
3 heads spin, but it will allow for ease in comparing
4 the changes that we are proposing to do, which would
5 enable you to provide us with adequate public
6 comments so that we can finalize a really good
7 document that reflects every section of the
8 stakeholders that we can do within the FACA system
9 that we work within.

10 So I think that this is a great step
11 forward and we are, of course, as we've all said,
12 really building on the legacy of Colehour when he
13 was chair of it for those two years and he did a lot
14 of that detailed lining-out and all that stuff that
15 made the document so interestingly difficult to
16 read anyway. But we'll do better and I look forward
17 to seeing what comes out of our subcommittee next
18 April. Thanks.

19 VICE CHAIR FAVRE: Any other comments?
20 Harold?

21 MEMBER AUSTIN: Yeah, Colehour, you
22 brought up in front of the full Board meeting today

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1 that you had roughly 20 comments that you had an
2 issue with on some of this, or points of concern.
3 Would it be possible, since we're in full session
4 and we don't have time to deal with this, could you
5 in writing send that to the entire Board so that we
6 could see exactly what your concerns are?

7 MEMBER BONDERA: Yeah, that's totally
8 fine. I cannot and will not promise when, but, yes,
9 before my term is over I will do so. And ideally
10 before the month is over. But, again, I won't
11 promise. But, yes.

12 CHAIR RICHARDSON: Alright. We've got
13 it on the public record.

14 (Laughter.)

15 VICE CHAIR FAVRE: Now, you're in
16 trouble.

17 CHAIR RICHARDSON: Thanks, Colehour.
18 That's great. Good suggestion, Harold.

19 VICE CHAIR FAVRE: Yes, excellent.
20 Thank you.

21 I would like to thank everybody for
22 their comments. Obviously this is a legacy

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1 document with a long history. And while we're
2 trying to do some structural changes, certainly
3 it's not our intent to gut the intent of the PPM.
4 So, all comments have been appreciated.

5 Any other comments about the report?
6 Jennifer?

7 MEMBER TAYLOR: I agree with the
8 comments that Colehour had in regard to minority
9 opinion. I think it's an important piece of the
10 document that doesn't need to be minimized or
11 marginalized or insulted away, but it's an
12 important piece of the whole concept of any
13 document. And I would be happy also to share
14 information on how to strengthen that section of the
15 manual so that it could be reflective of the
16 importance of that role.

17 VICE CHAIR FAVRE: Okay. Thank you.
18 I actually want to clarify my perspective on the
19 minority opinion. Whether or not we handled it and
20 fleshed it out in a way that all the Policy Committee
21 agreed with, it was actually expanded upon, not
22 marginalized, in the revised PPM, because the

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1 original PPM just said minority opinions could be
2 included with no detail.

3 So I think maybe I'll offer a mild
4 objection to the characterization of that and only
5 say that it's clear based on your two comments that
6 we need to flesh that out in a way that you guys are
7 more comfortable with. But we did offer more
8 detail rather than less in the way it had been
9 previously, in my opinion. Thank you.

10 Anything else?

11 (No audible response.)

12 VICE CHAIR FAVRE: Okay, Madam Chair,
13 this concludes the presentation from the Policy
14 Development Subcommittee.

15 CHAIR RICHARDSON: Thank you. The
16 next subcommittee to report back to the whole Board
17 is the Compliance, Accreditation and Certification
18 Subcommittee. And I turn it over to Carmela Beck,
19 chairperson.

20 MEMBER BECK: So, the Compliance,
21 Accreditation and Certification Subcommittee has
22 continued to work on the one topic of assessment of

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1 soil conservation practices document over the past
2 two months, and as lead on the topic I'll ask that
3 Lisa provide the verbal update.

4 MEMBER DE LIMA: So, at the beginning of
5 the semester it was our intent to bring a finished
6 discussion document to this meeting, but as we got
7 further and further into our research and the
8 details of what our potential recommendations might
9 be, we realized we needed a lot more time to dig in
10 to feel confident that we were bringing to the Board
11 recommendations that were realistic and
12 implementable by the public. So, given the time
13 crunch due to the sunset materials, we decided we
14 needed to take another semester to take a closer
15 look at those recommendations, and we'll be
16 bringing something to the spring meeting.

17 MS. BECK: Are there any questions or
18 discussion?

19 (No audible response.)

20 MS. BECK: Okay. Thank you.

21 CHAIR RICHARDSON: Thank you very much.
22 Look forward to seeing how we can move forward on

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1 this.

2 The next material that we have to work
3 with is we're now going to -- now that we're
4 post-sunset '17, hence our lovely t-shirts, we will
5 now move on to our post-sunset '17 activities in two
6 sets of subcommittees. The Handling Subcommittee
7 and Crops Subcommittee have some proposals, some
8 for reclassification and others for annotation, and
9 some also on petitioned material.

10 And so at this point I'll turn over to
11 the chair of the Handling Subcommittee to start that
12 process. Tom?

13 MEMBER BONDERA: Point of order, Madam
14 Chair?

15 CHAIR RICHARDSON: Yes, Colehour,
16 point of order.

17 MEMBER BONDERA: Yes. In what was put
18 forth by the NOP in the Federal Register, Volume 78,
19 No. 179 on Monday, September 16th, 2013, page 56814,
20 it states, "If the subcommittee identifies new
21 information" -- I'm sorry. It states, quote, "If
22 the subcommittee identifies new information that it

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1 believes merits reconsideration of a use
2 restriction for a substance; for example, to expand
3 its use, further restrict its use, or correct its
4 restrictive annotation, then a member of the
5 subcommittee or a member of the public can file a
6 petition to change the use of a substance through
7 the National List process," unquote.

8 And I just want to be 100 percent sure
9 that petitions that I'm unaware of have been filed,
10 or somehow there's something being followed through
11 some rule system that I'm unfamiliar with that's
12 overriding the Federal Register public
13 notification. If you could please respond.

14 CHAIR RICHARDSON: I don't have any --
15 I don't -- you're suggesting we should have had a
16 written petition to reclassify alginic acid, for
17 example? I'm just really not sure what you're
18 trying to do here.

19 MEMBER BONDERA: What I'm trying to do
20 is ask if we're following what's put forth in the
21 Federal Register, as a public advisory committee,
22 what we are required to do legally, or if there's

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1 some other process.

2 CHAIR RICHARDSON: In connection with
3 what material?

4 MEMBER BONDERA: Well, I didn't -- I
5 don't -- let me look at how you have these listed
6 because I'm not going to do it material by material.
7 But any annotation change, for example. So if the
8 first one is going to be an annotation change,
9 then -- and reclassification I think, fits in there
10 as well, frankly.

11 CHAIR RICHARDSON: Okay. Well, let me
12 ask --

13 MEMBER BONDERA: So, petitions to
14 reclassify or petitions for changing an annotation
15 come from the public or within the NOSB, is what this
16 states.

17 CHAIR RICHARDSON: Okay. I'm pretty
18 sure we've done it exactly correctly, but can I ask
19 for then some clarification from Lisa, maybe. Dr.
20 Brines, you want to try to help me with this? Our
21 goal here, as you understand, is to take the two
22 proposals for reclassification, one of alginic

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1 acid, one of carnauba, and discuss those two first.
2 We moved them from, whenever it was, Tuesday to
3 today so that they'd be post-sunset.

4 And similarly, for crops there are two
5 proposals: an annotation change for micronutrients
6 and an annotation change for a list for inerts. I'm
7 assuming that those are the four materials that
8 you're looking at for some clarification as to
9 whether we can do what we're trying to do here.

10 So, Lisa, could you help me out with
11 this, please?

12 DR. BRINES: Sure, just to clarify.
13 So, Colehour is correct that there were not
14 petitions submitted for reclassification of
15 alginic acid or for the reclassification of
16 carnauba wax. However, in the course of review,
17 the Board did identify information that they wanted
18 to add these two particular materials to the work
19 agenda for the subcommittee and bring that
20 information forward to the Board for consideration
21 separate from the sunset process.

22 There is the option, for example, if an

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1 individual Board member had identified information
2 that they thought warranted reconsideration, they
3 could on their own submit a petition, and that would
4 be fully compliant with the updated sunset review
5 process.

6 In this case, the committee, the
7 subcommittee, had determined that they wanted to
8 bring that agenda item forward, and it was formally
9 added to the work agenda for the committee.

10 CHAIR RICHARDSON: So, just to clarify
11 on your point of order, we did go through the normal
12 procedure of it going to be added to the work agenda
13 by going from the subcommittee to the Executive
14 Committee and with approval to put them on the work
15 agenda in the form that you see now before you. And
16 we did have a discussion on the Executive
17 Subcommittee in regards to doing proposals or
18 petitions. In fact, we had several conversations
19 on this. And since you typically sit in on the
20 Executive, I'm sure you recall those. So I don't
21 see any issue with what we're doing here today.

22 So I would like to move, then, to Tom to

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1 start the process of dealing with the proposal for
2 reclassification of alginic acid and the other
3 materials on handling.

4 MEMBER CHAPMAN: The first item is the
5 proposal for the reclassification of alginic acid,
6 and I will hand it over to Tracy to discuss this
7 item.

8 VICE CHAIR FAVRE: Yes, thank you. In
9 the course of doing our research and due diligence
10 on alginic acid and looking at the draft
11 classification of materials document that has come
12 from the Program, I went back to the Handling
13 Subcommittee with the suggestion that despite the
14 fact alginic acid seems to be a naturally-occurring
15 acid, in its practical form as it's used in organic
16 production, it does undergo a chemical change in
17 order to get there. And more typically, especially
18 with the new classification document, would be
19 considered a synthetic.

20 And so therefore, after discussion in
21 the subcommittee, we elected to put forward a
22 proposal for reclassification of alginic acid from

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1 205.605(a) to 205.605(b).

2 MEMBER CHAPMAN: Thank you. Any
3 further discussion of this item?

4 (No audible response.)

5 MEMBER CHAPMAN: Did we get any public
6 comment on this item?

7 VICE CHAIR FAVRE: Yeah, I'm sorry. We
8 did receive some public comment in regards to this
9 material, and generally all comment was in favor and
10 in agreement with our assessment for its
11 classification to 205.605(b).

12 MEMBER CHAPMAN: Thank you. Any
13 further discussion on this item?

14 (No audible response.)

15 MEMBER CHAPMAN: Seeing none, we'll
16 proceed to a vote. Michelle, can you switch back
17 to the proposal and scroll to the end?

18 Alright. So, the motion comes from the
19 subcommittee, the motion to reclassify alginic acid
20 from 205.605(a) to 205.605(b) of the National List.
21 The motion was made by Tracy and seconded by Lisa,
22 and it was unanimously approved. One member was

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1 absent.

2 We'll proceed to a vote at this time.
3 All those in favor of this motion to reclassify,
4 raise your hand.

5 (Pause.)

6 MEMBER CHAPMAN: All those opposed?

7 (Pause.)

8 MEMBER CHAPMAN: Abstentions?

9 (Pause.)

10 VICE CHAIR FAVRE: The vote was 13 yes,
11 0 no, 1 abstention. The motion passes.

12 MEMBER CHAPMAN: Thank you. The next
13 proposal is the reclassification of carnauba wax.
14 Zea?

15 MEMBER SONNABEND: Thank you. Well,
16 as we already discussed in the sunset of carnauba
17 wax, this was originally reviewed by the Crops
18 Subcommittee -- well, it was Committee at the time
19 -- to be added to the National List, and a vote was
20 never taken on whether this was agricultural or
21 non-agricultural. And this motion is the
22 intention to correct that past not doing -- I won't

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1 call it wrongdoing, because it was the way of the
2 time -- but correct the past procedure by voting
3 that it's agricultural and moving it to 606.

4 It should be noted that we did indicate
5 our intent to do this in the first posting and
6 specifically asked public stakeholders if this
7 would affect them in any way and if they supported
8 that. We heard back only support for the change and
9 no resistance to the change. And for this posting
10 I didn't see any specific input on exactly just this
11 change, but the same supporters of renewing
12 carnauba on the list supported changing the
13 section.

14 MEMBER CHAPMAN: Thank you. Any
15 further discussion on this item?

16 (No audible response.)

17 MEMBER CHAPMAN: Seeing now, we'll
18 proceed to a vote. I will read the motion. It's
19 a motion to reclassify -- or classify. There's no
20 "re-" because it was never classified in the first
21 place. A motion to classify carnauba wax as
22 agricultural and move its listing to 205.606. The

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1 motion was by Zea. It was seconded by Tracy. It
2 came unanimous from subcommittee with one member
3 absent.

4 All those in favor of the motion to
5 classify carnauba wax as agricultural, raise your
6 hand now.

7 (Pause.)

8 MEMBER CHAPMAN: All those opposed?

9 (Pause.)

10 MEMBER CHAPMAN: All those abstaining?

11 (Pause.)

12 VICE CHAIR FAVRE: The vote was 12 yes,
13 1 no, 1 abstention. The motion passes.

14 MEMBER CHAPMAN: The next item on the
15 agenda is the petition to proposal of sodium lactate
16 and potassium lactate. Harold?

17 DR. BRINES: Excuse me, Chair?

18 MEMBER CHAPMAN: Yes?

19 DR. BRINES: Would you like me to do the
20 petition introduction for this one?

21 MEMBER CHAPMAN: Sure. Dr. Brines.

22 DR. BRINES: Thank you. Alright. The

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1 petition for sodium lactate and potassium lactate
2 was submitted by Applegate Farms on January 5th,
3 2004. The petition requests the addition of these
4 materials to Section 205.605 of the National List.
5 The reason for the delay and why this petition is
6 coming before the subcommittee now is in response
7 to a memo from the National Organic Program to the
8 National Organic Standards Board dated January
9 25th, 2014. In support of its review, the
10 subcommittee did request the development of a third
11 party technical evaluation report. And that
12 report, the NOP memo to the Board, and the original
13 petition were all posted for the public on the NOP
14 website. Thank you.

15 MEMBER CHAPMAN: Thank you, Dr. Brines.
16 Harold?

17 MEMBER AUSTIN: Okay. On January 22nd
18 the NOP notified the petitioner that the petition
19 would not be necessary since the materials --

20 (Technical difficulties.)

21 MEMBER CHAPMAN: Try again, Harold.

22 MEMBER AUSTIN: I'm getting feedback

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1 from it.

2 (Pause.)

3 MEMBER AUSTIN: Still getting feedback
4 on that.

5 MEMBER CHAPMAN: Yeah, I will give the
6 introduction on Harold's behalf. So, the public
7 comments on this material. One was from a material
8 review organization that supports the listings but
9 requested that we look at sodium acetate and the
10 ancillary substance which the TR states may
11 sometimes be used. One certifier commented that
12 they had five operations they work with currently
13 using these products. Crops supported its
14 listing. CCOF supported its listing. One
15 manufacturer supports, three processors all
16 supported it. One trade association survey said
17 the results were inconclusive.

18 On the October 20th webinar for oral
19 testimony, there was one commenter who also
20 provided written comments asking that it be
21 continued for use since it has already been allowed
22 since the 2004 NOP decision. They say that for the

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1 past five years sodium lactate has been an integral
2 part of their organic herb pastes. They have tried
3 other materials, but so far sodium lactate provides
4 the functional part of what they need and asked for
5 it to be allowed not only for antimicrobial control,
6 but also as a pH regulator.

7 Several commenters who are in favor of
8 the listing of these two materials stated that based
9 on the 2004 decision these materials are already
10 currently allowed for use in organic processing.
11 This would simply help to remove confusion and make
12 it easier for certifiers and handlers alike. It
13 would keep it consistent with other acid salts that
14 are currently allowed on their own listings.

15 One certifier stated that sodium
16 lactate is currently being used by five other
17 clients in accordance with the 2004 memo for its
18 used in processed meats, sausages, meatballs and in
19 organic meat flavors like chicken flavor and beef
20 flavor. No clients are using potassium lactate.

21 An organic farmer-owned co-op stated
22 that they currently do not use these products and

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1 they may want them in the future as an ingredient
2 to help control pathogens and other spoilage
3 organisms, thus they support the added materials to
4 the list.

5 There were five comments against adding
6 these materials to the list from interest groups and
7 a retailer. And the theme for these against
8 listings for the materials say that petitioned use
9 was as a preservative and other uses not petitioned,
10 including flavor and color enhancement, that these
11 intended purposes are not allowed in organic
12 processing. One commenter stated that the product
13 label that they researched did not show these
14 materials, therefore they didn't think they were
15 essential since some make their goods without them.

16 Harold, as the lead, had discussed
17 bringing this back to the subcommittee to
18 incorporate these comments and to bring a further
19 proposal forward. There were also some requests
20 for an annotation change to limit its use in either
21 meat products or as an antimicrobial control.

22 MEMBER AUSTIN: Yeah, it would be my

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1 recommendation to refer this back to the
2 subcommittee based off of the public comment that
3 we've received. I think we don't know yet about the
4 total usage of the material. The ancillaries are
5 being brought into concern. Plus, it looks like
6 these materials are being used in a manner that was
7 different from what the original petition was. So,
8 I think in all fairness to the stakeholders and the
9 material, we should bring it back for further review
10 and then bring it back for a full Board vote and
11 review in the spring.

12 MEMBER CHAPMAN: Yeah. And I just want
13 to add in that the subcommittee was generally
14 favorable of these petitioned items, but at the
15 time, because of the gap in time from the 2004
16 petition, we were unsure of its usage in the
17 industry and wanted to make sure it was needed. And
18 I do think the comments from the public showed that,
19 at least from my perspective.

20 Before we make any motions, though,
21 we'll open it for discussion. I think Francis had
22 a point.

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1 MEMBER THICKE: Something you might
2 want to consider, the third paragraph under
3 "History," the last sentence says, "Sodium and
4 potassium lactate can replace nitrates, nitrites in
5 meat products that are generally recognized as
6 safe." And you may remember when we had the expert
7 here I asked that and she point-blank said, no, it
8 could not replace nitrates. So, you might consider
9 that.

10 MEMBER CHAPMAN: Thank you.

11 Yes, so there is a motion on the floor,
12 so we will need a different motion to send it back
13 to the committee. Motion to table to the
14 committee, to the subcommittee? Is that correct?

15 MEMBER AUSTIN: I think we can just
16 refer it back since we haven't brought it forward
17 for a vote yet.

18 MEMBER CHAPMAN: So if there's no
19 objections, we'll just move to refer this back to
20 subcommittee. Is there any objections at this
21 time?

22 (No audible response.)

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1 MEMBER CHAPMAN: Seeing none, it's
2 referred back to subcommittee.

3 Alright. Next is the proposal for
4 flavors petitions. Dr. Brines?

5 DR. BRINES: Thank you. The petition
6 to amend the annotation for flavors was submitted
7 by the Organic Trade Association on January 27th,
8 2015. The petition requests an amendment to the
9 current listing for flavors on Section 205.605(a)
10 of the National List. The current annotation reads
11 as follows: "Flavors. Non-synthetic sources
12 only and must not be produced using synthetic
13 solvents in carrier systems or any artificial
14 preservative." Thanks.

15 MEMBER CHAPMAN: Thank you. I'm not
16 going to go into the history of the flavors on the
17 National List here, but it is outlined in the
18 proposal. I should note that natural flavors are
19 listed under the non-synthetic allowance
20 205.605(a) list, however, today, natural flavors
21 that meet the FDA definition and meet the annotation
22 are allowed in organic production, and those

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1 include natural flavors that are both agricultural
2 and non-agricultural.

3 The 2010 sunset review of flavors
4 recommended that future NOSBs do not renew the
5 category as a whole. As this proposal is focusing
6 on revising the annotation, I am not including a
7 review of the OFPA criteria here.

8 Comments received were from a wide
9 spectrum and were generally in support of the
10 annotation. A few comments received noted that it
11 took 20 years to further restrict flavors via this
12 proposal and therefore an expiration date on the
13 listing should be proposed to further push change
14 more rapidly.

15 Another commenter noted making flavor
16 companies do a commercial availability search on
17 conventional flavor constituents of an organic
18 natural flavor may not be sound and sensible.
19 However, I want to note that that was intended by
20 the subcommittee and we do think it is sound and
21 sensible. Commercial availability at the flavor
22 sub-component level will most likely be easier than

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1 at the consumer product level. For example, we
2 believe it is easier for a certifier to determine
3 if organic strawberries are available than to make
4 an organic strawberry flavor determination when
5 it's being formulated into a finished product.

6 Other commenters noted the need for USDA
7 action on the previous NOSB recommendations on
8 commercial availability.

9 The goal of this proposal is to further
10 the usage of organic flavors while not negatively
11 disrupting business. The subcommittee's opinion
12 is that this is just the first step and that future
13 NOSBs should continue the push on industry in the
14 development and adoption of organic flavors along
15 the lines originally envisioned in 1995.

16 The proposed annotation is to revise the
17 flavors annotation to read, "Non-synthetic flavors
18 may be used when organic flavors are not
19 commercially available. All flavors must be
20 derived from organic and non-synthetic sources only
21 and must not be produced using synthetic solvents
22 and carrier systems or any artificial

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1 preservative."

2 The motion was made by myself and
3 seconded by Jean and comes unanimously recommended
4 by the subcommittee.

5 I'll open up for discussion at this
6 time.

7 (No audible response.)

8 MEMBER CHAPMAN: Seeing none, we'll
9 move to a vote on the petition. Again, it's a
10 motion to revise the flavor annotation to read,
11 "Non-synthetic flavors may be used when organic
12 flavors are not commercially available. All
13 flavors must be derived from organic and
14 non-synthetic sources only and must not be produced
15 using synthetic solvents and carrier systems or any
16 artificial preservative."

17 All those in favor of this motion, raise
18 your hand.

19 (Pause.)

20 MEMBER CHAPMAN: All those opposed?

21 (Pause.)

22 MEMBER CHAPMAN: Abstentions?

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1 (Pause.)

2 VICE CHAIR FAVRE: The vote was 14 yes,
3 zero no. The motion passes.

4 MEMBER CHAPMAN: The next proposal is
5 for ancillary substances, microorganisms including
6 dairy cultures. Dr. Brines, do you have a reading
7 here Okay. Zea?

8 MEMBER SONNABEND: Thank you. My
9 comments right now are addressed to all three
10 ancillary substance proposals, because most of the
11 public comments were addressed towards all three of
12 them, rather than one or the other.

13 Let's see. We've been working on doing
14 this for some time. The main concerns about what
15 we have done so far come either from the certifiers
16 who feel that it's too cumbersome and hard for them
17 to enforce and involves paperwork that goes beyond
18 sound and sensible. And public interest groups and
19 some individuals who feel that either there needs
20 to be more restrictions on them or they should be
21 put on the National List one by one, which is
22 contrary to what our 2013 recommendation said.

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1 So, let me just say at the outset we're
2 not putting them on the National List one by one.
3 You can keep complaining and we are happy to send
4 this back to committee indefinitely, but that is
5 never going to happen unless one of you in the
6 audience in the next 2 hours and 45 minutes applies
7 for the open seat. And if you get it, you can work
8 on it.

9 Nonetheless, we are trying to be
10 responsive to the public comments that we received
11 besides that one. And some of you seem to think
12 that formaldehyde would be allowed as an ancillary
13 substance when we don't even think it's allowed in
14 food, but it is pretty clear we need to at least put
15 some reference in there to what commonly would not
16 be allowed. So, some reference lists like
17 cancer-causing agents and other food additives of
18 concern, so that if we're going to put we can allow
19 this whole group of things, that we make it clear
20 that the really bad actors would not be allowed.

21 And then we heard from some certifiers
22 that our categorization this way would cause to be

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1 allowed some specific substances that they
2 currently don't allow. And so rather than making
3 this tighter, it would actually make it looser, and
4 that's not our intention of what to do.

5 On the other hand, people don't think
6 it's sound and sensible to not have a mechanism to
7 add to these ancillary substances, even though now
8 on microorganisms we've had three postings asking
9 for additional ones and no one has submitted
10 additional ones the last two postings. So we just
11 don't necessarily think there are that many of them
12 out there. And for pectin, all of our research
13 didn't lead us to think there were that many more
14 out there.

15 And we were asked by certifiers to
16 define functional classes or come up with a place
17 where the FDA defines functional classes. And
18 while the FDA lists functional classes, we've been
19 operating this out of a list Emily provided to us
20 of which ones they recognize, but we don't think
21 there are definitions in that list. And so we're
22 going to suggest -- I don't -- is it tabling or

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1 withdrawing? Sending back to subcommittee?

2 MEMBER CHAPMAN: Refer back to
3 subcommittee.

4 MEMBER SONNABEND: Refer back to
5 subcommittee on all three of these so we can put the
6 restrictive language that people want next in and
7 try some more. However, I'm happy to keep tabling
8 these as long as you'd like, but when my term is up,
9 as I said, I hope one of our new appointees
10 volunteers if they really want to delve into this
11 detail. I think there are a lot more important
12 things we could be doing with our time.

13 So, with that said, I recommend
14 referring the three ancillary substance proposals
15 back to subcommittee.

16 MEMBER CHAPMAN: Thank you. Before we
17 proceed with that referral is there any further
18 discussion on this item?

19 (No audible response.)

20 MEMBER CHAPMAN: Seeing none, we'll
21 refer back to subcommittee. Unless there's an
22 objection, the proposal for ancillary substances

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1 for microorganisms including dairy cultures, the
2 proposal for ancillary substances for pectin, and
3 the proposal for ancillary substances for yeast.

4 Seeing no objection, those are referred
5 back to the subcommittee.

6 Madam Chair, I hand the chairship back
7 over. This concludes the Handling Subcommittee's
8 portion of the agenda.

9 CHAIR RICHARDSON: Thank you. The
10 next item on our agenda is to move to the Crops
11 Subcommittee to address two annotation changes and
12 four proposals. Zea?

13 MEMBER SONNABEND: Just one moment
14 while I pull this up. I have to shift here. Which
15 one are we doing first?

16 CHAIR RICHARDSON: Your annotation
17 changes.

18 MEMBER SONNABEND: Okay.
19 Micronutrients?

20 CHAIR RICHARDSON: Micronutrients,
21 yes.

22 MEMBER SONNABEND: Okay. We took a

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1 look at the annotation for micronutrients. And in
2 the first posting of this sunset review, in the
3 spring, we did receive considerable input from
4 users and certifiers that the micronutrients
5 restriction was out of date and not so much in tune
6 with growers' needs or certifiers' verification
7 needs and needed to be more flexible.

8 So, we decided that the fewer words we
9 had to change in the annotation, the better. And
10 so we proposed a very simple annotation change to
11 change it from "soil deficiency must be documented
12 by testing" to "deficiency must be documented."
13 This would allow for other well-accepted ways of
14 documenting it. These include tissue testing,
15 regional deficiencies that are well known by
16 cooperative extension agents or regional
17 publications, professional crop advisors and
18 agronomists and other professionals accepted by the
19 organic community.

20 Now, the comments that we heard back
21 were that they wanted us to say site-specific in the
22 recommendation, in the annotation. I happen to

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1 think that part of documenting it is showing
2 site-specificity, and so that doesn't really need
3 to be said. It's imbedded in there, and that's
4 exactly what any ACA would take into consideration
5 when they're looking at deficiencies. You look at
6 was it a sandy soil, a clay soil, the organic matter
7 content. Is the region known to have a copper
8 deficiency, a zinc deficiency, et cetera?

9 Certainly, that's what happens in my
10 area. And in general the micronutrients
11 themselves are expensive enough and hard to deal
12 with enough that over-application is generally not
13 likely to occur. And so you really try to fine-tune
14 your micronutrients applications to those that are
15 the most needed by your crop and your site-specific
16 situation.

17 Another thing we heard is that people
18 should have a plan to correct the nitrogen
19 deficiency. To me, this is already like what the
20 OSP is about, and the core parts of organic farming
21 are you put in your plan how you're going to operate
22 your system and try to prevent problems before they

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1 happen and correct problems that already are
2 happening. So, I don't feel like this needs to be
3 a separate clause in the annotation. And as we all
4 know, the Department likes us to keep the
5 annotations as simple as possible and rely on the
6 other portions of the rule to describe the overall
7 procedures that happen around the specific material
8 use.

9 So, we heard a lot of support for this
10 proposal and public comment, also. And so I'm
11 ready to move forward with it. I am interested in
12 hearing discussion from other members of the Board.
13 Francis?

14 MEMBER THICKE: Well, I guess these
15 comments that we got kind of caught my attention
16 because there are out there in the real world a lot
17 of soil consultants who also sell fertilizers, and
18 so they kind of have a routine process of trying to
19 get you to buy fertilizer. And so a little more
20 annotation to say it has to be site-specific and it
21 needs a plan to correct it in the future can't hurt.
22 Now, with this they'll send it back, though, if we

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1 changed it? Correct?

2 MEMBER SONNABEND: Well, yes, if we
3 change it, it has to send it back. But I want
4 specific language, because putting on my inspector
5 hat for a minute, if I ever go to a farm and see that
6 a fertilizer salesman is the only one supplying them
7 with their information for what they should use, I'm
8 not going to put that in my report as meeting the
9 annotation that exists now.

10 This is why we use the word
11 "professional" in the text, because one single --
12 and believe me, I've seen this many times where
13 they're relying on the fertilizer salesman for all
14 their advice. And sometimes they've never met
15 anyone who's organic besides the fertilizer
16 salesman. And that does not constitute sufficient
17 documentation. So, they need independent
18 documentation. And, you know, maybe independent
19 documentation should be a word. But if you want to
20 take it back to committee, you need to think of what
21 word.

22 MEMBER THICKE: Well, I think one of the

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1 wording that came through a number of times said
2 deficiency must be documented through verifiable
3 site-specific methods and accompanied with a plan
4 for future correction of deficiency. Sounds like
5 it captures it pretty well.

6 MEMBER SONNABEND: To me, that doesn't
7 say anything about fertilizer salesmen. It only
8 said the things that I just mentioned about, you
9 know, yes, I have sandy soil or the site-specific
10 things. It doesn't say who's telling them those
11 site-specific things.

12 MEMBER THICKE: You're right, it
13 doesn't tell that, but it does put a little more
14 guidance in. You certainly have seen the salesmen.
15 I mean, I've seen a whole book written by a very
16 famous national soil consultant who doesn't have a
17 stitch of data in it to support any of what he does,
18 but people all across the country, not
19 site-specific at all, follow it and sell based upon
20 that book.

21 MEMBER SONNABEND: Other comments?

22 Harold?

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1 MEMBER AUSTIN: When we go through our
2 certification and our annual review, we have to
3 provide either a soil analysis, leaf analysis,
4 fruitlet analysis, field scattering report
5 documenting exactly what it is that we're seeing is
6 deficient and why we're putting it on. We can also
7 include visual notes that we've seen deficiencies,
8 you know, the symptomology within the plant or the
9 tissue itself, but that all has to be documented.

10 And when we go through our annual
11 review, we're held to that accountability pretty
12 rigorously. So, I don't think we're that far
13 skewed, to be honest. I think this is a good
14 annotation and helps match up. Because it's going
15 to vary from site to site and geographic area to
16 geographic area how this gets performed.

17 MEMBER SONNABEND: Anyone else? Nick?

18 MEMBER MARAVELL: Well, in the interest
19 of sounding sensible, maybe, if you get down to this
20 at a site-specific level -- and it has to be by crop
21 as well -- these are not like black and white, like,
22 oh, there it is, we got a deficiency. These are

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1 judgment calls. I don't know how much more
2 specific we can get, and I'm thinking about what I
3 see there is probably about as good as you're going
4 to get.

5 MEMBER SONNABEND: Yeah, and in fact,
6 limiting to soil documentation of soil testing has
7 so many limitations because it can vary so much from
8 the time of year, from crop to crop, what amendments
9 you put on, how recently, were there availability
10 or not at that particular time. And so it's just
11 more flexibility is needed because this doesn't
12 exactly tell the whole story.

13 Harold?

14 MEMBER AUSTIN: Well, I think that also
15 brings to the point the variations in testing
16 itself, Zea, because whether you're pulling a
17 standard bioassay soil analysis or you're doing a
18 paste extraction, you may get two different
19 results. And what I see showing deficient in a soil
20 may be completely different when I run a fruitlet
21 analysis, what that gives me back.

22 So, there's a lot of different variables

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1 and I think we can't get too descriptive on this and
2 block us into too tight of a corner. Because each
3 grower, farm and each crop working with their field
4 advisory consultant, they know what they're doing
5 out there. I mean, this is their livelihood.

6 I mean, I think this is good. It's a
7 good direction. It's an improvement from where we
8 were, but I agree with Nick, I don't think we can
9 take and get much more specific than what we already
10 are doing with this proposed annotation.

11 MEMBER THICKE: I'm willing to go along
12 with you guys. But I thought it was good to have
13 this discussion, though.

14 MEMBER SONNABEND: Oh, it is good to
15 have this discussion because it lets both community
16 members and the certifiers in the audience know what
17 we expect from them, because we would expect that
18 everyone's inspection was as vigorous as Harold's
19 and mine and other inspectors in the room might
20 conduct on a farm.

21 MEMBER THICKE: I'd like to make one
22 last comment, though. A lot of what soil

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1 consultants do is not based on data. It's just
2 they're shooting from the hip.

3 MEMBER SONNABEND: Well, I know.
4 That's why you have to be careful and be careful as
5 an inspector and make sure that you're looking at
6 something that actually is variable. But, you
7 know, UC has publications today on growing organic
8 apples, growing organic blueberries, growing
9 organic whatever. And you can go to those
10 publications and it will talk a lot of times about
11 regional needs for micronutrients. And so that's
12 a verifiable extension publication that would back
13 up either your test results or back up what your
14 consultant told you, for instance.

15 Nick?

16 MEMBER MARAVELL: Yes, I'd like to
17 share Francis' skepticism there, but we really
18 can't help save people from themselves through the
19 regulations. I mean, at a certain point you're
20 going to have to let people make their own
21 decisions. And you shouldn't be spending money --
22 and that's one way to look at this -- farmers

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1 generally won't spend money unless they're really
2 convinced that they need. Although, we've seen
3 that not to be the case sometimes.

4 MEMBER SONNABEND: This doesn't get you
5 out of spending money because you're either testing
6 or you're paying a consultant to tell you what to
7 do.

8 Jean?

9 CHAIR RICHARDSON: Yeah, as an
10 inspector I really like the way you've got the
11 annotation worded. It gives the right kind of
12 flexibility, boots on the ground when you go to a
13 farm. It's nice to be able to see, well, how did
14 you decide you needed that extra? And it's often
15 not from a soil test. It's from your visual
16 observations over time. So, it's good.

17 MEMBER SONNABEND: Okay. I guess
18 we're ready to vote. Am I calling the vote or one
19 of you -- are you guys --

20 CHAIR RICHARDSON: Call for the vote on
21 the proposed annotation change on micronutrients.
22 All those in favor of the proposed annotation change

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1 as written and presented, raise your hand.

2 (Pause.)

3 CHAIR RICHARDSON: Those opposed,
4 raise your hand?

5 (Pause.)

6 CHAIR RICHARDSON: Any abstentions?

7 (Pause.)

8 VICE CHAIR FAVRE: That was 12 yes, 1
9 no, 1 abstention. The motion passes.

10 MEMBER SONNABEND: Okay. Next is an
11 annotation change for EPA List 4 inerts.

12 Well, we mentioned some of this the
13 other day, but I will go over it again. It's been
14 quite some time now since the EPA asked the NOP to
15 remove the reference to EPA List 4 because EPA List
16 4 is no longer in use by the EPA. At which time, the
17 Inerts Working Group was -- well, not quite at that
18 time, but eventually the Inerts Working Group was
19 formed and undertook to survey how many inerts were
20 in use in organic products at the time -- which is
21 going on like what, four or five years now since that
22 was done -- and has been working on a solution to

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1 this.

2 In the last year or so we started
3 exploring with the EPA Safer Choice Program,
4 formerly called Design for the Environment. And in
5 order for this program to move forward, an
6 annotation change needs to be approved to the
7 National List to actually remove the EPA List 4
8 language and put in the working with the Safer
9 Choice Program language.

10 So, after that happened, this is the
11 first step in a long series of steps, which Emily
12 and I together have put into this document in bullet
13 points. Well, let's see. About half of the
14 comments we got said we were moving too slow on this
15 and the other half said we're moving too fast on
16 this. And so we are trying to find the balance
17 between the slow and the fast, which will make
18 nobody happy, but at least it will mean something's
19 happening.

20 So, the steps would include after this
21 is voted on and hopefully passes that a Federal
22 Register notice will come out to notify the

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1 stakeholders of the program with procedures. And
2 this will also be what was called in some public
3 comments the call-in for new information to be
4 either petitioned in the way of inerts or applied
5 to the Safer Choice Program to have the inerts
6 reviewed.

7 The Federal Register notice will also be
8 followed by rulemaking to amend the National List
9 with the annotation change. Along with that will
10 come a timeline for implementation which we expect
11 to be three to five years so that manufacturers can
12 apply for consideration for the SCIL list or
13 petition the NOSB and/or reformulate their
14 products.

15 An MOU or other mechanism needs to be
16 finalized to solidify the agreement between the NOP
17 and the Safer Choice Program. And then the
18 specifics of the program need to be hammered out,
19 many of which were brought up as gaps in this
20 proposal. We realize that there are those gaps in
21 this proposal, but we have the interim period to
22 work on it instead of postponing everything for six

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1 more months.

2 Then the final bullet point is to
3 establish a procedure for the NOSB to review the
4 SCIL list to identify those criteria in OFPA and
5 address them that are not in the SCIL list. And we
6 appended the comparison between the criteria to the
7 end of the document, which show that there are not
8 very many gaps. They're really quite similar, but
9 there are a few. And we do want to be diligent about
10 addressing those few gaps and we will be developing
11 a procedure to do that.

12 So, some of the areas of concern that
13 were identified by the public comment include the
14 lack of that procedure. We've only had preliminary
15 talks on some of these procedural items, and so
16 we're not ready to go to that level of a proposal,
17 but realize that, if this passes, I'm sure every six
18 months at our NOSB meetings will be reports or
19 updates of where we're going with periodic
20 opportunities for public comment and review of what
21 our procedures actually are once we develop them.

22 So in either six months or a year from

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1 now we will have -- probably not to anyone's
2 satisfaction, or most of your satisfaction -- but
3 we will at least have transparency in what the
4 procedures will be and future opportunities for
5 public comment on those procedures.

6 So, they include things such as how
7 we're going to address regular reporting from SCIL,
8 which we've already asked them if they could do
9 regular reports to the Board for each meeting, and
10 they've said that would be no problem. What we're
11 going to do with those reports. How things are
12 going to look on the SCIL list when they've reviewed
13 for organic by some sort of notation, as I mentioned
14 to Harriet, or possibly in a separate section of
15 separate page.

16 What's going to happen to those
17 chemicals that are already on SCIL but may be used
18 in organic products, but we're not really aware of
19 them? And so that's kind of a loose end that has
20 to be worked out. And also some people were
21 concerned that the SCIL list contains active
22 ingredients and people would think that those

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1 active ingredients would be allowed even though
2 they're not on the National List. And we'll make
3 that very clear that that is not the case, because
4 nobody thinks that is the case around here.

5 The formulators and others need to have
6 a fairly specific timeline. And so, that will be
7 a piece that we'll be working on. Of course the
8 public wants to know, but the people who actually
9 have a stake in this game really need to know what
10 to do with their products. We heard lots of comment
11 from people who are reluctant to even make new
12 products because they're afraid of what inert ingredients they
13 use in them, and so it's hampering future
14 development for more products for organic. And
15 this is a very grave concern and one that we would
16 like to address as soon as possible.

17 And we have been successful in reaching
18 out to some of those stakeholders who have
19 associations for formulating products and
20 adjuvants in biopesticides, and so they're all
21 paying attention now. And that's a major benefit,
22 or a major positive, because it's been very hard to

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1 reach those people in the past to get them to be
2 aware of this.

3 So, we do feel that it is worthwhile to
4 proceed, because, as I said at the outset, we're
5 going to wait six months and not much more is going
6 to have happened if we don't proceed. We are not
7 going back to putting individual inerts on the
8 National List, just like we're not going back to
9 putting individual ancillary substances on the
10 National List. And now you only have
11 two-and-a-half hours to apply for that position and
12 take over this project, if you want to do it.

13 So, as I said the other day, it does
14 become a matter of trust or not. And we realize
15 some of you don't trust us no matter what we do, and
16 so I'm not talking to you, because you can just keep
17 bashing us as much as you want to. But the rest of
18 you, we are taking the concerns to heart, and if you
19 can trust us to try and work out these details and
20 maintain transparency as we work through it and
21 engage public comments at the appropriate times,
22 then we would like to move forward with this

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1 proposal.

2 So, I would like to hear -- because we
3 haven't had a chance to talk about this as a full
4 Board, so I am interested to hear the impressions
5 from my fellow Board members. Thank you.

6 MEMBER STONE: So, we need to pass this
7 out so that then the conversation can continue and
8 with EPA. Where are the MROs and the certifiers?
9 Are they clear as to what they're doing while this
10 is being -- while the agreements with EPA and the
11 conversations -- what's the timeline of clarity for
12 MROs and certifiers?

13 MEMBER SONNABEND: Well, until there's
14 a final rule to change it, they're operating under
15 what we're operating under right now. So, I think
16 all the ACAs and MROs are quite clear on that.
17 Jean?

18 CHAIR RICHARDSON: Yes, I'm sitting on
19 this EPA Working Group now with Zea and we've gone
20 through on these -- in these conversations this
21 analysis on the comparison of review criteria that
22 you see in Appendix 1 that's attached to this and

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1 discussed the changing trends at EPA obviously that
2 make this really kind of necessary. And I really
3 strongly support this language right now so that we
4 can keep on moving forward with this.

5 I think it's really important for us to
6 give the green light. Nothing we do is really going
7 to be perfect on this. It's a very, very complex
8 area, but I think that this makes it much clearer
9 and cleaner and it will allow us to keep on moving
10 forward to assure the integrity of the organic
11 products that we're generating.

12 I'm going to call on myself for one
13 little point I forgot to mention before we keep
14 going. OMRI made a comment that they thought 25(b)
15 products would be included under the way this is
16 worded. I just don't see that because the heading
17 says synthetic inert ingredients. And so, I don't
18 think we have to say it again down there, but we
19 have -- the footnoted portion of this is not
20 correct, Emily realized.

21 And so, we would like to insert two words
22 that we don't feel are a substantive change into

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1 (I), the first one, which would say, "Substances
2 permitted for use in inerts in minimal risk products
3 exempt from pesticide registration." And remove
4 the footnote, right? Yes. Tracy?

5 VICE CHAIR FAVRE: I'd just like to add
6 we looked at this in livestock as well, because we
7 do have an annotation for it as well there, and felt
8 first of all that our initial take on List 4 inerts
9 was that it was, as I said the other day, too big
10 an elephant to chew. And this actually gives us a
11 means for doing something. And I think several of
12 us have said this: it's not a perfect solution. But
13 the checklist between what we would do as a review
14 of the Board versus the Safer Choice review are not
15 that dissimilar. And then we still have the option
16 for further review within the Board. And I think
17 we have to support this to move it forward or we're
18 going to end up stuck with another one of these
19 squirrely listings that we don't know what to do
20 with.

21 MEMBER SONNABEND: And one additional
22 point I forgot to mention in things to work out is

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1 we do plan to work on a procedure for petitioning
2 to withdraw something that's been put on the SCIL
3 list. Like any petition, it has to have evidence
4 in it, but something that comes through with
5 evidence you will be able to flag things that have
6 been added to that list for us to do further work
7 on.

8 Any other comments? Colehour?

9 MEMBER BONDERA: Okay. I think I have
10 what is probably a clarification question of what's
11 already been discussed. And my head is pretty
12 messed up right now, so I apologize if you've
13 already said it all.

14 But since the SCIL list process doesn't
15 require a public notice and comment like adding
16 something to the National List -- and so just to
17 understand it, if something is there and we adopt
18 it with whatever rationale or criteria that have
19 been created in the future development process,
20 then, like you just said, we could then choose
21 afterwards to remove something. I don't know about
22 the horse and cart issue, but it seems a little bit

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1 concerning to me in terms of what are these items,
2 when are we going to get a chance to review them,
3 and when is who doing what kind of review of them
4 in terms of making those determinations? And so,
5 I'm not sure that it's clear or how or when we're
6 measuring these materials against the required
7 criteria. Thank you.

8 MEMBER SONNABEND: Well, I did say some
9 of this, and the specific details are not fully
10 worked out, but what I anticipate is we'll get a
11 report from SCIL every six months. It will say
12 these materials have been reviewed in the last six
13 months. We should be able to if we want to post
14 those with our meeting notice so that the public can
15 be aware of what has happened every six months. And
16 at that point people can comment as they wish on
17 anything they feel that doesn't belong there and we
18 can discuss those things.

19 Anyone else? Francis?

20 MEMBER THICKE: Well, I keep thinking
21 that regardless of whether we go with the SCIL or
22 with investigating each of the materials

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1 individually, like with ancillary substances, this
2 is really something that we need to have staff to
3 do. This is not something that we can do, and we're
4 not going to recruit somebody to come on this Board
5 and do all that work. In any organization this is
6 staff work or hired consultants.

7 We're not going to try to put it all on
8 you, Emily.

9 But we can hire like technical
10 reviewers. We need to have this -- we need to
11 identify all these materials and have them all
12 reviewed independently. And then we can work on
13 that. But we can't do all that.

14 MEMBER SONNABEND: Francis, you're
15 right, we can't do all that, however, neither can
16 any amount of NOP staff because the SCIL program has
17 access to confidential EPA information that no one
18 in the NOP has about these inert ingredients. And
19 the advantage with working with SCIL, one of the
20 main advantages; and maybe we didn't make this clear
21 enough in our report, in our posting, is that we are
22 totally stuck because we are just guessing what

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1 products these are used on. We don't have the
2 resources of chemists and special panels that
3 review different things for compatibility with
4 sustainable principles and things like that. And
5 they have all of that set up already. They have
6 independent scientists, they have a review
7 procedure, they have access to confidential
8 information. And this is really the great
9 advantage of working with the EPA directly. As it
10 says in OFPA we should be doing, is working with the
11 EPA on inert ingredients. So it is a unique
12 opportunity in that way that I think will just end
13 up getting the ball dropped if we don't do something
14 like this.

15 MEMBER MARAVELL: Yes, I agree with
16 Francis and with what you just said about
17 inter-agency cooperation, and there are many ways
18 to approach that with interagency agreements. And
19 I would also point out that the statute authorizes
20 the NOSB to either hire or be detailed staff as well.

21 MEMBER SONNABEND: Miles?

22 MR. McEVOY: Yes, just another point of

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1 clarification. Yes, the statute does say that, but
2 you have to get appropriated the funds to be able
3 to utilize that, and you haven't been appropriated
4 any funds. So Congress has that authority to do so,
5 but you don't have any funds to do that.

6 MEMBER MARAVELL: Have any funds ever
7 been requested?

8 MR. McEVOY: I do not know that.

9 MEMBER SONNABEND: Anyone else with
10 feedback on this?

11 (No audible response.)

12 MEMBER SONNABEND: Okay. I think we
13 are ready to vote.

14 CHAIR RICHARDSON: So we're going to
15 vote on a long motion, and let me just refer you to
16 your paper so you can read along with Jean. I'll
17 read it since it is a lengthy complex motion.

18 The new motion that we're bringing
19 forward, a proposed change on 205.601(m) and
20 205.603(e). It will read: "As synthetic inert
21 ingredients as classified by the Environmental
22 Protection Agency for use with non-synthetic

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1 substances or synthetic substances listed in this
2 section and used as an active pesticide ingredient
3 in accordance with any limitations on the use of any
4 such substances. (1) Substances permitted for use
5 in the inerts in minimal risk products exempt from
6 pesticide registration under FIFRA Section 25(b).
7 (2) Substances included on the EPA's Safer Chemical
8 Ingredient List. (3) Inert ingredients that are
9 exempt from the requirement of a tolerance under 40
10 C.F.R. 180.1122 for use only in passive pheromone
11 dispensers. (4) Reserved for any other inerts
12 individually petitioned or reviewed."

13 All those in favor of this proposed
14 change, raise your hand?

15 (Pause.)

16 CHAIR RICHARDSON: Those opposed?

17 (Pause.)

18 CHAIR RICHARDSON: Any abstentions?

19 (Pause.)

20 VICE CHAIR FAVRE: That was 10 yes, 4
21 no. The motion passes.

22 MEMBER SONNABEND: Thank you very much.

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1 It does mean we have more work and not less work,
2 but --

3 Okay. Now, we're going to move to our
4 petitioned materials. The first one is laminarin.

5 CHAIR RICHARDSON: Excuse me for the
6 interruption. Would anyone like a 15-minute break
7 at this point, or you want to go on? Break? Okay.
8 We'll take a 15-minute break and come back at 10
9 minutes past 3:00.

10 (Whereupon, the above-entitled matter
11 went off the record at 2:54 p.m. and resumed at 3:16
12 p.m.)

13 CHAIR RICHARDSON: All right, Zea is
14 sitting down and putting on that incredibly
15 handsome t-shirt. You should be aware of the fact
16 that it is made of organic cotton, of course. I did
17 get a question on this, but we wouldn't do anything
18 else.

19 All right, so we will now move along on
20 the Crops Subcommittee and take the next petitioned
21 material proposal over to you, for Dr. Brines, I
22 guess.

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1 DR. BRINES: As the petition for
2 laminarin was submitted on May 30, 2013, it was
3 submitted by Laboratoires Goemar, S.A. The
4 petition requests the addition of laminarin to
5 Section 205.601 of the National Centers for Disease
6 Control. This petition was also on the agenda for
7 April 2014 NOSB meeting. Following the meeting,
8 the subcommittee did request the development of a
9 third party technical evaluation report of limited
10 scope. That report was developed and posted on the
11 NOP website as well as the 2014 and 2015 NOSB
12 subcommittee proposals and the petition. Thanks.

13 MEMBER SONNABEND: Okay, this is
14 material that we saw before I believe in the spring
15 of 2014. At that time, the Board sent it back
16 because it needed a TR on whether it was synthetic
17 or non-synthetic. So we requested a limited scope
18 technical review on the extraction process.

19 We concluded from that that as
20 subcommittee that laminarin is non-synthetic. It
21 has been extracted with an acid-base reaction and
22 in the classification of materials guidance it

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1 states that an acid-base reaction is acceptance, as
2 long as the material has not been transformed into
3 a different substance by chemical change or has been
4 altered into a form that does not occur in nature
5 and also that the synthetic materials have been
6 removed from the final substance to the point where
7 they have no technical or functional effect.

8 So while there is a very small amount of
9 sodium silicate in the -- sodium sulfate, sorry, in
10 the final product, it does not have a technical or
11 functional effect. And I gave the percentages of
12 the ions so that you can see that it is very small.

13 I should also say that we heard at the
14 first when we posted it, before we heard testimony
15 from, OMRI that they would consider -- well, back
16 up. This product is a registered pesticide. It is
17 a seaweed product, but it works by stimulating the
18 plant's natural defense system to help fight off
19 diseases. And as such, it is being reviewed
20 similar to pesticides rather than similar to
21 fertilizers. And in that case, the sodium sulfate
22 would be considered an inert ingredient and is, in

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1 fact, on List 4. And OMNI had written this to that
2 effect as well.

3 So I will open it up to discussion and
4 I was going to wait until Carmela talked about brown
5 seaweed next so we go into the differences here.
6 But if someone wants to bring that up, we can talk
7 about it because I understand it might be confusing.
8 But this product on the basis of the classification
9 of materials guidance plus the fact that it's a
10 registered pesticide, we have decided to propose
11 classifying it as non-synthetic.

12 The floor is open. Jean.

13 CHAIR RICHARDSON: I know that one of
14 the public interest groups did raise some concern
15 that it may still be a synthetic because of the
16 extraction method. I know you've just explained
17 it, but could you help us to set their concerns to
18 rest?

19 MEMBER SONNABEND: Some public
20 commenters do not agree with the classification of
21 materials guidance which is interim and not final
22 which does accept acid-base reactions as valid

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1 methods of extraction. I should point out that
2 many, many of our non-synthetic materials which
3 don't have to be on the national list, but are
4 non-synthetic, are extracted with acid-base
5 reactions and so there is much precedent for this,
6 but most of those things have not been reviewed by
7 us because it's been commonly accepted that they're
8 non-synthetic.

9 MEMBER MARAVELL: My memory isn't too
10 good on this, but the classification of materials
11 document I heard you refer to it as interim. My
12 recollection is we never approved it, and that's why
13 it remained in draft. But I could be wrong, so
14 please --

15 MEMBER SONNABEND: It's not up to us to
16 approve.

17 MEMBER MARAVELL: Right.

18 MEMBER SONNABEND: It was issued by the
19 Department as interim.

20 MEMBER MARAVELL: Right, but we had --
21 we offered guidance on it.

22 MEMBER SONNABEND: We offered comments

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1 on it in 2013. It has not proceeded to final yet
2 so we don't know if our comments were adopted, but
3 that was not one of our comments about acid-base
4 reactions.

5 MEMBER MARAVELL: No, no, no. But I
6 seem to remember we were not in agreement as a board
7 as to the guidance that we gave back to the
8 Department as well.

9 MEMBER SONNABEND: No, we -- well, it
10 never went to the full board. The subcommittee
11 offered the comments and the subcommittee did vote
12 on those comments.

13 MEMBER MARAVELL: Right, but the full
14 board did not.

15 MEMBER SONNABEND: Right.

16 CHAIR RICHARDSON: Miles.

17 MR. McEVOY: Yes, the draft guidance
18 that was issued 2013 was based on the NOSB
19 recommendation on the classification of materials.
20 So the draft guidance that was issued was based on
21 implementing and recommendation from the board on
22 the classification of materials. And then we

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1 requested public comment on that and we received a
2 number of public comments and we're in the process
3 of finalizing that.

4 MEMBER SONNABEND: Truthfully --

5 MEMBER MARAVELL: There's something
6 lost in my mind, but you might be -- I didn't know
7 that the full board sent forward anything.

8 MEMBER SONNABEND: It was before any of
9 us were on the board, but Katrina Heinze might still
10 be here if we needed her to clarify.

11 MEMBER MARAVELL: Yes, Katrina
12 certainly could.

13 MEMBER SONNABEND: The full board did
14 -- she wrote it and the full board did vote on a
15 classification of materials, I think in 2010, if I'm
16 not mistaken.

17 Anyone else want to make comments about
18 laminarin? Francis.

19 MEMBER THICKE: I am just going to
20 mention that I am going to abstain because the
21 classification is based upon draft items which is
22 in itself controversial.

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1 MEMBER SONNABEND: Okay. Anyone else?
2 All right, I think we're ready to vote.

3 CHAIR RICHARDSON: We are voting on a
4 motion to classify laminarin as petitioned as
5 non-synthetic. All those in favor of that motion,
6 please raise your hand.

7 Those opposed, raise your hand.

8 Those abstaining.

9 VICE CHAIR FAVRE: The vote was nine,
10 yes; three, no; two abstentions. Motion fails.
11 I'm sorry, passes.

12 MEMBER SONNABEND: It passes. You're
13 sure?

14 She's just checking to make sure. I
15 think we wouldn't know what to do next if it didn't.

16 VICE CHAIR FAVRE: Just a little jolt of
17 adrenalin to get everybody awake this afternoon.

18 MEMBER SONNABEND: So now, Carmela --
19 oh, brown seaweed isn't right after laminarin.
20 Okay. We have determined that we did not need to
21 vote on the lignin sulfonate proposal to remove --
22 since lignin sulfonate was removed in the sunset

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1 vote. And so we're going to move then to the
2 sulfuric acid proposal which would be Francis,
3 right?

4 DR. BRINES: Francis, I can introduce
5 before you start. The petition for sulfuric acid
6 was submitted by BioAtlantis Limited on November
7 24, 2014. The petition requests the addition of
8 sulfuric acid to Section 205.601 of the national
9 list as a solubilizing agent. In support of the
10 review, the subcommittee proposal and the original
11 petition have been posted on the NOP website.
12 Thank you.

13 MEMBER THICKE: So the petition is to
14 take micronutrients and solubilize with sulfuric
15 acid which the Crops Committee had concerns about
16 because it's like -- sort of like an input
17 substitution sort of thing, highly refining
18 micronutrients. It's designed to spoon feed
19 plants in ways that circumvent the natural soil
20 building processes that's central to organic
21 farming systems. That's all I have to say for now
22 unless you have any questions.

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1 MEMBER SONNABEND: Any discussion on
2 this? Okay, we can vote.

3 CHAIR RICHARDSON: First is the
4 classification motion. Move to classify sulfuric
5 acid as petitioned as synthetic.

6 All those in favor of that motion please
7 raise your hand.

8 Those opposed, please raise your hand.

9 Any abstentions?

10 VICE CHAIR FAVRE: The vote is 14, yes;
11 0, no. Motion passes.

12 CHAIR RICHARDSON: The listing motion
13 is a motion to list sulfuric acid as petitioned at
14 205.601.

15 All those in favor of such a listing,
16 please raise your hand.

17 All those opposed to that listing,
18 please raise your hand.

19 Any abstentions?

20 VICE CHAIR FAVRE: The vote is 0, yes;
21 14, no. The motion fails.

22 MEMBER SONNABEND: Thank you. Last,

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1 but not least -- yes, Harold?

2 MEMBER AUSTIN: Question. On the
3 laminarin vote it was 9, yes; 3, no; 2 abstained?

4 VICE CHAIR FAVRE: Yes.

5 MEMBER AUSTIN: If I'm not mistaken,
6 doesn't it take ten votes to pass that?

7 MEMBER SONNABEND: Abstentions don't
8 count towards the proportion of two thirds.

9 MEMBER AUSTIN: Okay. Thank you.

10 MEMBER SONNABEND: Okay, moving on now
11 to brown seaweed extracts. Lisa.

12 DR. BRINES: Thank you. The petition
13 for seaweed extracts was submitted by BioAtlantis
14 Limited on October 3, 2014. The petition requests
15 the addition of seaweed extracts to Section 205.601
16 of the national list. In support of the review, the
17 subcommittee proposal and the 2014 petition have
18 been posted on the NOP website. Thanks.

19 MEMBER SONNABEND: Carmela.

20 MEMBER BECK: As Lisa said, the Crops
21 Subcommittee received a petition from BioAtlantis
22 Limited for brown seaweed extract in early 2015 for

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1 use as a plant strengthener or fertilizer used to
2 improve shoot growth and seed germination.
3 Although described as a plant strengthener, the two
4 products were labeled as a 0-0-3 fertilizer and a
5 0-0-1 fertilizer.

6 Material use is through foliar
7 applications or fertigation. There's a three step
8 manufacturing process whereby seaweed is harvested
9 and extracted with tap water. The pH is lowered to
10 a 3.5 minimum by adding a low concentration of
11 sulfuric acid. The mixture is then centrifuged to
12 separate seaweed insoluble from liquid extract and
13 potassium hydroxide is added to adjust the pH of the
14 liquid extract to near neutral.

15 Similar to laminarin, both are seaweed
16 extracts. Both use sulfuric acid and potassium
17 hydroxide for extraction. However, in this
18 instance, the subcommittee determined that the
19 brown seaweed extract material should be classified
20 as synthetic per the draft guidance and
21 classification of materials. Because the
22 fertilizer use of brown seaweed that's on the

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1 national list is an aquatic product only allows
2 potassium hydroxide, but not sulfuric acid.

3 This addition of sulfuric acid has a
4 functional effect in the final product. Because
5 OFPA prohibits the use of any fertilizers
6 containing synthetic ingredients, and we don't wish
7 to add sulfuric acid to the list for this purpose,
8 brown seaweed as petitioned cannot be added to the
9 national list.

10 MEMBER SONNABEND: I can call on
11 myself. I think it is important to add because it
12 could be confusing if we vote this down to have
13 people think that all brown seaweed wouldn't be
14 allowed. But that's why we have the words in there
15 "brown seaweed as petitioned" because this is the
16 brown seaweed that is formulated with sulfuric acid
17 as an extracted. And there are plenty of other
18 brown seaweeds that do meet our aquatic plant
19 restrictions and therefore, those are still
20 allowed. But this particular one is not, would
21 not, once we vote.

22 So is everyone clear on the difference

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1 between this an laminarin and the difference in
2 regulations?

3 I'm not seeing anyone shake their head
4 no, so that's good. Does anyone have any
5 discussion points? All right, I believe we can
6 vote on this.

7 CHAIR RICHARDSON: There are two
8 motions. The first motion is the classification
9 motion. There is a motion to classify brown
10 seaweed extract as petitioned as synthetic.

11 All in favor of that motion, please
12 raise your hand.

13 All those opposed, please raise your
14 hand.

15 Abstentions?

16 VICE CHAIR FAVRE: The vote is 14, yes;
17 0, no. The motion passes.

18 CHAIR RICHARDSON: The second motion in
19 connection with this petition is a listing motion.
20 The motion is to add seaweed extract as the word
21 brown is not in there. I will read it into the
22 record though. "The motion is to add brown seaweed

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1 extract as petitioned at 205.601."

2 All those in favor of this motion to add
3 this to the national list, please raise your hand.

4 MEMBER CHAPMAN: Madam Chair, I request
5 a roll call vote, please.

6 CHAIR RICHARDSON: The motion has been
7 made to do a roll call vote, so we will do that.
8 We'll start with -- I think we're up to Colehour.
9 Sorry, Tom.

10 MR. CHAPMAN: No.

11 CHAIR RICHARDSON: Tracy.

12 VICE CHAIR FAVRE: No.

13 MEMBER SWAFFAR: No.

14 MEMBER BECK: No.

15 MEMBER TAYLOR: No.

16 MEMBER MARAVELL: No.

17 MEMBER THICKE: No.

18 MEMBER AUSTIN: No.

19 MEMBER SONNABEND: No.

20 MEMBER STONE: No.

21 MEMBER WALKER: No, ma'am.

22 MEMBER DE LIMA: No.

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1 MEMBER BONDERA: No.

2 CHAIR RICHARDSON: The chair votes no.
3 Harold, do you want me to speak for you?

4 MEMBER AUSTIN: No.

5 CHAIR RICHARDSON: Thank you.

6 MEMBER AUSTIN: Take that either way.

7 (Laughter.)

8 VICE CHAIR FAVRE: The vote was 0, yes;
9 14, no. The motion fails.

10 MEMBER SONNABEND: This concludes the
11 Crops Subcommittee portion of the agenda. Thank
12 you.

13 CHAIR RICHARDSON: So then now we move
14 into the election of the NOSB officers at this
15 point. And so I'll give you a few minutes to think
16 what you want to do and if you're really willing to
17 step forward, you should know that I am not in the
18 running, so I'm going to take a break and sit there
19 and smile all next to you on this side down there
20 where Zea is so I can just smile.

21 So are we ready for officer elections?
22 I would entertain -- I know we can do it informally

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1 or formally, but we might as well do a motion to put
2 someone's name forward with a second. Is there a
3 motion for the highly respectable and much desired
4 position of chair of the NOSB? Is there a motion?
5 I see one. Calvin.

6 MEMBER WALKER: Madam Chair, I would
7 like to make a motion to nominate this particular
8 person who has served on the Handling Committee,
9 chair of the Policy Committee, chair of the
10 Livestock Committee, currently the vice chair and
11 I recommend her to serve as the next NOSB chair.

12 MEMBER AUSTIN: I will second that.

13 CHAIR RICHARDSON: Second by Harold,
14 motion by Calvin. He said Tracy. Oh, he didn't?

15 MEMBER WALKER: Tracy Favre.

16 CHAIR RICHARDSON: All right, we have a
17 name. Tracy Favre. Just checking to make sure
18 everyone is listening.

19 Are there any other nominations for
20 chair or anyone who would like to self-nominate
21 themselves for this position, because we are
22 allowed to do either of those.

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1 Seeing none, the chair, unless there is
2 any objections for anyone around this table or out
3 there on the West Coast, the chair would declare by
4 acclamation that Tracy Favre gets this terrific job
5 of being the next chair of the NOSB. And she's
6 looking quite embarrassed, but she'll do just fine.

7 Do you want me to finish the rest of the
8 vote?

9 All right, so the next one -- are there
10 any nominations for the vice chair of the NOSB? Oh,
11 that's me. I would like to nominate, if I may, I
12 would like to nominate Tom Chapman. I've noticed
13 that he has the excellent ability to work with two
14 computers. He uses absolutely no paper at these
15 meetings and he's apparently capable of merging
16 both of the old PPM and the new one all into one
17 document. And so therefore, I get to nominate him
18 as the vice chair of the NOSB.

19 Is there a second?

20 MEMBER TAYLOR: I second.

21 CHAIR RICHARDSON: Seconded by a couple
22 of people. Looks like --

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1 MEMBER TAYLOR: Jennifer Taylor.

2 CHAIR RICHARDSON: Jennifer. Thank
3 you. Are there any other people that would like to
4 self-nominate for this illustrious task assuming
5 you have all the right computer skills? Seeing
6 none and --

7 MR. CHAPMAN: I have a question.

8 CHAIR RICHARDSON: Sorry, you're not
9 allowed one right now. You can have one later.

10 He can refuse a nomination, but he's not
11 going to and his questions can come in a little bit,
12 in a minute or two.

13 The chair declares by acclamation and
14 without objection to all persons around this board
15 and on the West Coast that Tom Chapman is the next
16 vice chair of the NOSB.

17 Now you can say something very briefly.

18 MR. CHAPMAN: I just wanted to know if
19 it came with a raise.

20 CHAIR RICHARDSON: Yes, yes, yes, it
21 does. It's double what it was for the last vice
22 chair.

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1 The third person as an officer is that
2 of secretary. The secretary is the person that
3 keeps track of a wide range of things on the board,
4 helps with the voting, and looks at the report of
5 this committee in order to approve that at the
6 meeting and is active on the Executive Committee and
7 on the Administrative Committee as well.

8 Are there any nominations for this job?
9 Jennifer?

10 MEMBER TAYLOR: Thank you. I would
11 like to nominate Lisa de Lima.

12 CHAIR RICHARDSON: Jennifer nominates
13 Lisa de Lima for secretary. Is there a second?

14 MEMBER SWAFFAR: Second.

15 CHAIR RICHARDSON: Second by Ashley.
16 Are there any people that would like to nominate
17 themselves up for this job? Seeing none, I will
18 state by acclamation we will elect Lisa to the
19 position of secretary at this time. Thank you,
20 Lisa.

21 So therefore, now I turn it over to Tracy
22 at this point. She doesn't realize that, but now

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1 she has to run through the subcommittee work agendas
2 that Michelle is going to put up. And I am going
3 to pass on to her my magic wand which will bring her
4 all kinds of luck. She's going to need it.

5 CHAIR FAVRE: Can we have laser sights
6 mounted to this thing? Thank you. I appreciate
7 the votes of support and confidence that you've
8 shown in my ability, however misplaced it might be.

9 Okay, running through our work agenda
10 for next year. First up is the CACS and -- all
11 right, so we'll turn this over to Carmela for CACS
12 to talk about the work agenda.

13 MEMBER BECK: Well, as you can see right
14 there, we are still working on the assessment of
15 self conservation practices and we'll determine
16 whether or not there will be more tasks for us come
17 '16. Thank you.

18 CHAIR FAVRE: Any questions for
19 Carmela? Okay, next up is crops. Zea?

20 MEMBER SONNABEND: Thank you. I guess
21 you're able to look at what we have. There are
22 quite a few petitions that are in the wings.

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1 Anaerobic digestate, I guess was just withdrawn
2 between posting and this meeting. We had
3 commissioned a TR on some of the broader issues
4 about this subject, not just the exact item that was
5 petitioned, so we will discuss in subcommittee
6 whether to proceed, and have the TR and take this
7 up as a project rather than a petition. That is yet
8 to be determined.

9 There has been a petition for an ash from
10 manure burning to not to allow a certain form of it
11 which would mean adding an annotation to
12 205.602(a). That will be coming forward in the
13 spring.

14 There's a petition for squid and squid
15 byproducts.

16 Aluminum sulfate is the main petition.
17 It lies in Livestock and it came to us because I
18 believe it's fused in bedding and then the bedding
19 might be composted or -- it ends up on fields
20 somehow. I haven't read it, sorry. But it ends up
21 on fields, so after Livestock reviews it, we will
22 take a look at that one.

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1 And then hypochlorous or electrolyzed
2 water is on here because as a chlorine material it
3 affects all three subcommittees.

4 Other projects include contamination
5 issues in farm inputs which we will need a volunteer
6 to step forward to keep working on it since Colehour
7 is leaving the board.

8 Biodegradable/biobased mulch which, as
9 you all know, the Department asked us to take
10 another look at that and so we will be doing so next
11 semester.

12 And it doesn't say this, but there will
13 still be inert issues to report on at the next
14 meeting. Hopefully, we'll have a progress report,
15 some more of the procedures fleshed out. And we are
16 proposing a discussion document to prohibit -- to
17 move towards prohibiting NPEs which we know will not
18 make it through the skill process.

19 Then Sunset 2018 is pretty
20 self-explanatory there. And then a few things have
21 been referred back her today which I'm assuming will
22 be able to be on our work agenda. A few additional

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1 suggestions for annotation changes for the
2 committee to look at and things that came up in
3 discussion. So we'll be taking a look at those and
4 possibly adding them, requesting them to be added
5 to our work agenda. So that's it.

6 CHAIR FAVRE: Thank you, Zea. Next up
7 is Handling. Tom?

8 MR. CHAPMAN: We have two petitions
9 before us, one beta-glucan and hypochlorous acid.
10 In addition to that, we have four other projects,
11 BPA in packaging and xanthan gum reclassification
12 of which we requested TR; tocopherols
13 reclassification and nutrients, vitamins, and
14 minerals annotation change.

15 We've also requested to the program that
16 phosphate -- I've done that. Annotation change for
17 phosphates be added to the work agenda. That's
18 good. That's been added.

19 In addition to that, there's Sunset 2018
20 and those substances are listed there and similar
21 to what Zea mentioned, we will also be in the
22 subcommittee considering the items discussed

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1 during the Handling 2017 sunsets for requests to be
2 added to the work agenda as well.

3 CHAIR FAVRE: Thank you, Tom. For
4 Livestock, we've got some new petition materials
5 including aluminum sulfate which is a poultry
6 litter supplement. That's the one they referred to
7 earlier. Basically, once it's removed from the
8 poultry house, it could be composted and put on
9 fields, so it crosses both of those subcommittee
10 jurisdictions.

11 Next one is sodium bisulfate and
12 bentonite acid activated. All three of those are
13 poultry litter materials.

14 And then we have the lovely and
15 long-anticipated aquaculture materials which are
16 currently still housed in Livestock and we'll be
17 looking at those depending upon when the
18 aquaculture standards come out.

19 And then we also have some petitions, or
20 a petition, I should say, for hypochlorous acid and
21 then we have annotation changes for lidocaine,
22 procaine, and the annotation change for

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1 parasiticide. I should also comment that we've had
2 a couple that have come up here during the meeting
3 today which I'm sure that's also true for the other.
4 I know, at least, there was at least a couple for
5 Handling and we'll be adding those to our work plan
6 as we go forward with after discussion with the
7 Executive Committee.

8 Francis?

9 MEMBER THICKE: Question. The
10 hypochlorous acid is that like electrolyzed water?
11 Okay.

12 CHAIR FAVRE: Miles?

13 MR. McEVOY: Yes, and the program will
14 be asking the Livestock Subcommittee to take a look
15 at antibiotic use in day-old chicks. So that will
16 be coming along in a memo to the board early next
17 month.

18 CHAIR FAVRE: And just as a reminder, we
19 need just the Organic Poultry Working Group,
20 whatever that's going to look like.

21 Calvin for materials, please?

22 MEMBER WALKER: Well, the board members

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1 who will be here next year, the project's petition,
2 and TR tracking which is an ongoing project, seed
3 purity, and excluded method terminology is
4 scheduled. That's it.

5 CHAIR FAVRE: For policy development,
6 we'll take back your comments that we've received
7 during this public comment period and continue to
8 work on the policy and procedures manual and plan
9 to bring that back some time next year.

10 Next thing on our agenda is the
11 presentation of plaques to our outgoing board
12 members and that will be done by Miles McEvoy.

13 MR. McEVOY: Okay, so I have the honor
14 of presenting the plaques of appreciation to the
15 five outgoing members who have served with
16 distinction over the last five years.

17 It's really amazing to me that the time
18 goes by so quickly. It just seems like yesterday
19 I guess it was in Seattle was the first meeting and
20 we had great discussions on what, GMOs and
21 antibiotics and tree fruit production. That went
22 on for a couple of years. And GMOs continues on.

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1 Did we do ethylene then? Yes, probably. Was corn
2 steep liquor still around? Wow, we haven't talked
3 about that for a while. Maybe we should bring that
4 one back.

5 So anyway, it's been my pleasure to work
6 with all five of you. You've all contributed so
7 much to this process. Thank you so much in terms
8 of your public service. I just hate to see you go,
9 but I know you'll be involved in the ways that you
10 are in both submitting comments. Maybe we'll see
11 you at the meetings. Maybe you'll be on the other
12 side or working in your own communities to advance
13 organics. So thank you Calvin and Mac and Nick and
14 Jennifer and Colehour.

15 I can't believe, Colehour, you're
16 actually -- wow, it's five years. Amazing. Okay,
17 so I'm going to present the plaques and thank you
18 so much for all your service.

19 MEMBER TAYLOR: May I just take a moment
20 to tell everybody thank you so much. Thank you also
21 to the Secretary of Agriculture for allowing to
22 serve in this position as advocate for the public

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1 for the organic consumer community.

2 And thank you also organic community for
3 all of your help and support and to the board members
4 as well. I can't ever say enough. Thank you.
5 Thank you so much for the opportunity.

6 MEMBER WALKER: First of all, I would
7 like to say one of the things that I learned I got
8 it from watching Comedy Network. It is illegal to
9 push a moose out of an airplane.

10 Let me continue. I would like to say
11 first, Jean, and to the rest of you here, we would
12 like to -- I would like to give respect to the late
13 Senator Justin Morrill. He was a Republican from
14 Vermont and he is the one that established land
15 grant institutions. And he was the Senator from
16 here at least 160 years ago. And not only that,
17 when he discovered that the Ohio State, the Oregon
18 State, Cornell, LSU and Texas A&M was receiving the
19 funds, 30 years later he came back. He was still
20 living and he saw that people of color were not
21 getting the benefits as he wanted and he passed the
22 second Morrill Act which gave birth to the 1890

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1 institutions where Jennifer Taylor and I work. So
2 we appreciate him for that. And we also thank
3 Senator Leahy of being the father of organics.

4 Also, I'd like to give thanks to Frank
5 Stronach, the founder of Magna Corporation; Dennis
6 Mills, the CEO of Magna Corporation. They are now
7 retired. Earnest Freeman and Dr. Owusu Bandele,
8 who served here in 2000 and Mr. Shane Carmichael.

9 And going further, I'd like to say I
10 thank Miles McEvoy for forwarding my application to
11 the Honorable Secretary Tom Vilsack and my ultimate
12 appointment on the board; certainly, my wife and my
13 two sons, Marcus Ruben Walker and Michael David
14 Walker.

15 Two weeks ago I received a USDA National
16 Award, but nothing is to compare with the five years
17 that I've served on this National Organic Standards
18 Board. I was appointed as a consumer advocate.
19 Most of the time I stayed in my lane and today I was
20 all over the place.

21 Ronald Reagan said that America is that
22 shining city that sets on a hill. Organics is a

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1 shining agricultural program that makes up
2 America's agriculture. To stay on top of the hill,
3 we must continue to hold fast to the founding
4 principles of organic principles and practices.
5 If not, other labels will come forward.

6 Dr. Jennifer Taylor and I have talked
7 over the last year and one of the things that we'll
8 be doing, we'll be looking at establishing the New
9 World Regenerative Agriculture Group in Florida and
10 in Louisiana. And we want to mimic it on the GAP
11 program. We have five star athletes. We have five
12 star restaurants. We have five star hotels. And
13 everyone can't be a five star. And we need to stop
14 the bickering and the fighting because if we
15 continue to fight, we're going to lose a lot of this
16 program that we call organics.

17 Martin Luther King gave the story of two
18 dogs. Let me take this back. The gentleman went
19 to a dog fight. He put his two dogs in a cage and
20 on the way to the dog fight, the two dogs got
21 together and they fought and they fought. And when
22 it got to the real dog fight, they both got their

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1 ass whooped. That will have to be deleted, I'm
2 sorry about that.

3 So we need to be careful how we fight
4 because we don't want to do anything as we did with
5 the bigger issues with seed purity, GMO,
6 hydroponics, and consumer expectations. If we
7 ignore these, we will be relegated to something that
8 we don't recognize as organic.

9 In closing, I would like to say that I've
10 made some tough votes. The consumer advocate
11 groups that's been very vocal and I may have pissed
12 off some or everyone since I've been on this board,
13 but I do also think the GMO issue, you all might have
14 to look at thresholds and tolerance levels because
15 big ag. will never go away, whether you want them
16 to go away or not. Maybe crop insurance or
17 something has to happen, but if we want to survive
18 and I can say that because I'm a minority. I'm 61
19 years old and being a minority, you don't get
20 everything you want because that's just the way the
21 system works.

22 Organics is a minority part of USDA. A

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1 lot of things we want, but a majority of it we
2 probably won't get because there are more greater
3 and more powerful influences. So we've got to work
4 within that construct. That's what I learned to
5 do.

6 So in closing, I would like to say that
7 I'm grateful to have served and delighted to move
8 on to another page of my journey. We are all
9 strangers in the land. We are all just passing
10 through. Thank you very much.

11 MEMBER MARAVELL: It has been an honor
12 to serve on behalf of producers, to serve the
13 organic community and it's been a pleasure to work
14 with board members and all the best to the new board.

15 MR. McEVOY: The next is Colehour. And
16 now this brings me back. After the Seattle
17 meeting, I don't know where he was going, but he was
18 going somewhere that I was going, so I think we drove
19 to Bellingham and picked up my son and then drove
20 to Olympia and so that was the start of Colehour and
21 my relationship of getting to know each other,
22 spending probably a good five hours in the car

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1 together. I think he was a little jet lagged still,
2 so maybe it was NOSB lag is what was happening. But
3 Colehour, it's been a pleasure and best of luck to
4 you.

5 MEMBER BONDERA: Well, Calvin, you've
6 put me in my place, but Aloha to all of you. I'll
7 try to hurry, but bear with. This is my last time.

8 You know, I grew up on a farm in Oregon.
9 I already told you all that. And I grew up with ten
10 siblings milking cows. I do want to comment
11 because I think Calvin's point was well taken that
12 organics aside of all of us, I'm the only one on a
13 farm. So agriculture isn't easy on its own and then
14 you subreduce it down to organic.

15 And like I said before, my eight sisters
16 made me understand that minority concept without
17 anybody ever talking about it that way.

18 And right now I have a farm. People are
19 there harvesting coffee, processing my coffee.
20 We're right now at the peak of my coffee harvest
21 season and that's what I'll get to do when I go home
22 is deal with the coffee on the hoshidana which is

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1 the coffee drying deck and hope that the weather
2 gets it off before the next round comes which I'm
3 going to be jumping into fast.

4 I'll tell you historically, you know,
5 I'm not that old, but I'm not that young. It was
6 in the 1980s that I did my work as an undergraduate
7 student with the Northwest Coalition for
8 Alternatives to Pesticides and in 1991 my name is
9 on my first little publication which was titled
10 "What You Don't Know Can Hurt You" in reference to
11 inert ingredients and pesticides. And in fact,
12 when I look at that document, I didn't know him and
13 don't -- whatever, there's Jay Feldman's name with
14 NCAMP which is now Beyond Pesticides. And I really
15 recognized then that the environment is so critical
16 to the agricultural issues that I was contemplating
17 and looking which in the context of university I
18 wasn't, but I think it's important.

19 And you know, another example that's
20 worth sharing is that I moved on to my international
21 agricultural development career and had a position
22 with Rodale Institute and I worked as an

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1 international projects manager. And while I was
2 there went with Jeff Moyer, a former NOSB member
3 from Rodale Institute, and now directs that, to
4 Argentina. And so I think the world is small is my
5 point.

6 And that's my next point which is really
7 that it's so hard for small-scale farmers to pursue
8 even being certified organic. Farms that are small
9 scale really have to work together and I think that
10 that's really where we are at. I said it before in
11 some comment, but I think it's critical to
12 recognize.

13 The farm that I grew up on was not
14 organic. We were organic only because we couldn't
15 afford pesticides like my mother says. And like my
16 mother says, everything is organic and really in
17 some ways she's not wrong. So we need to be
18 cognizant of that. Because for me, the growth of
19 the organic industry is vital, but at the same time
20 it has to be healthy. I'm not an employee of the
21 USDA. I'm not an employee of a nonprofit
22 organization. I'm an actual farmer who wants us

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1 all to work together and look at that bigger
2 picture. That's why I'm here in this seat is
3 because the bigger picture I can't ignore and I
4 think that's so vital for us.

5 At a personal level, that has been a
6 critical part of this entity that exists. And I
7 think Jennifer Taylor and Calvin Ruben Walker are
8 really, for me, have been a consistent basis of
9 reminding me of the consumer basics. And I think
10 that we have to be acknowledging of that because
11 we're all consumers.

12 And I think in terms of learning, for
13 five years I served on the NOSB and I learned pretty
14 quickly that I can't waste time focusing on single
15 opinions, but really I have to focus on working with
16 one another to seek positive improvement about how
17 the process can be healthy, rather than isolated
18 material choices because without a healthy process,
19 we're not going to be healthy. I think that that's
20 so critical all around.

21 I think that range of perspectives
22 though has really helped me balance my behaviors in

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1 life and I think it's critical, but I'm talking
2 within the NOSB, but really we're a public advisory
3 group and it's the public input that I represent and
4 that we have to make sure we do and that's never been
5 easy. This isn't about a single company or one
6 person. It's really about working with the bigger
7 picture and what is the whole.

8 And I think, I already said that, but I
9 think that repetition isn't bad with that because
10 I think that making day-to-day choices as an organic
11 farmer, it's really looking at the environmental
12 impact of those choices, looking at what the
13 consumers are going to do when I'm selling at my
14 farmers market every week. I'm thinking about --
15 I'm not thinking about it, I'm hearing from the
16 consumers how they're making decisions and what
17 they're doing and I think that keeping up to speed
18 with that is so important.

19 And I guess I want to mention that
20 there's some proudness, there has to be, right, that
21 comes out of this process and for me, it's that
22 respect at all the different levels, the respect not

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1 just that I'm able to show, but the respect that I've
2 been able to receive within the NOSB, between the
3 NOSB, myself and the rest of the NOSB and the public,
4 between the NOSB and the NOP. I really think we
5 have to work together to find that right answer.

6 Coming in, it was really Barry Flamm
7 that really helped me understand that the
8 environmental component was so critical and Barry
9 was able to make me recognize that we are looking
10 to a higher goal and a broader picture to uphold OFPA
11 and to carry out our responsibilities. And I think
12 that that was vital and at the same time what really
13 worked for me that I found very critical as an
14 incoming NOSB member, I didn't know what was going
15 on or what to do or how and having a mentor I did
16 not know what to do, like I already said, but I was
17 so happy that Jay Feldman stepped forward and served
18 that role as a mentor for me because logistically
19 otherwise I was just lost in all of the confusion
20 that I think we're all there with.

21 And I think my goal and role in life
22 isn't -- we're all here and we all serve together

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1 -- but I'm not striking out to make friends or allies
2 to do things. Instead, what I'm looking for other
3 perspectives outside of my tunnel as a producer, as
4 a farmer. And within that Nick Maravell really has
5 reassured me that it's not only capable and viable
6 and possible, but I'm glad that he's been side by
7 side with me the whole time as another producer.
8 That's been a vital component. But I have to say
9 it's been -- people such as specifically Liana
10 Hoodes. She was with NOC, National Organic
11 Coalition; yes, Mark Kastel of Cornucopia; Lisa
12 Bunin of the Center for Food Safety; Jay Feldman and
13 Terry Shistar of Beyond Pesticides; and Urvashi
14 Rangan of Consumer Reports, who really have been
15 there through my whole tenure to really help me
16 and analyze and consider actually perspectives that
17 aren't mine at all.

18 I don't subscribe to things
19 like Consumer Reports or things like that, but to
20 get the other perspectives has been for me vital.
21 So I think I'm trying to point out what I see as the
22 critical component which is you can work within the

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1 NOSB and I can work with NOSB to NOP, but I've got
2 to work with people that are around me, too.

3 What I'm working towards is not to
4 maintain the status quo because that's the opposite
5 of what I understood my role to be. It's to seek
6 continuous improvement. And I think that that's
7 really important.

8 And before I do my final thank yous,
9 there's a few things that I think are worth sharing
10 which is sadness regarding how the 2013 NOP decision
11 on the sunset voting really for me at this meeting,
12 which is my last meeting, if the structure voting
13 hadn't changed, I would feel very, very, very
14 different than I do at this point in time, the fact
15 that the voting has been flipped around from what
16 it was which has been confusing even there at this
17 meeting for us, has really left me sad to watch a
18 number of items and I didn't count, but quite a
19 number of items remain on the list that would have
20 been removed in the previous system. So if we count
21 it that way rather than count how many were still
22 removed, I think it's important.

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1 I do not think the individuals, Michelle
2 Arsenault, Lisa Brines, Emily Brown Rosen, or Miles
3 McEvoy are doing anything except amazing jobs and
4 I think that what we have to think about is -- and
5 if you read, like we talked about briefly, I think
6 Nick asked the question also, we should have hired
7 an executive director that's the spokesperson, as
8 the liaison between the NOSB and NOP for
9 effectiveness and functionality. And Liana Hoodes
10 handed around a sheet of paper that says something
11 along those lines and I've agreed from day one, but
12 I think we also need like it was brought up today,
13 a staff scientist, a staff lawyer to functionally
14 operate.

15 I really want to thank my direct family,
16 my wife, who came to one meeting, my children who
17 never encouraged me, but supported me, my personal
18 friends. I mean I've got to tell you it's not true
19 of all of us, but some others, too, I'm here to not
20 make money as a farmer. I'm here to do this
21 instead. And I think that that's critical. I
22 think the present NOSB members', past NOSB members'

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1 willingness to work together, respecting my input,
2 recognizing that we have to work together is vital.

3 I'm packing up my bags. I'm going back
4 to my farm. I honestly hope that somebody can be
5 convinced to represent the NOSB in a small farmer
6 position sitting here. Since day one, it hasn't
7 been easy.

8 And I have a few final questions I'll
9 ask, but before I do that I'll respond to something
10 Miles said because I think he hit the head right on
11 the nail when he added that extra commentary because
12 our first interaction wasn't what he said. When he
13 called me up to accept me on to the NOSB was our first
14 interaction, and in that call he said something that
15 I can't quote, I don't remember, but it was
16 critical. He's like are you really sure you can do
17 this basically? Like can you leave the farm and do
18 this? And I think that's so true because it's like
19 yes, I can do it. But what did I give up and I think
20 that that's really -- I'm always called the question
21 person since I've been a little kid. I have lots
22 of sisters, but I'm always the question person.

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1 But I think that, you know, I have a few questions
2 that you all can resonate on or take with you and
3 I'm done with this process, right?

4 One question is has it been clear to the
5 NOP when switches between references have been made
6 such as from Off Putt or Robert's Rules to FACA to
7 justify decisions that even at this meeting really
8 didn't settle for me as a volunteer? Dismissals
9 simply by one interpretation doesn't feel like
10 we're all on the same page and following the same
11 rules. It feels like it's a declaration of
12 interpretation which could be interpreted
13 differently from the exact same reading from an
14 exact same person and that doesn't leave me feeling
15 like we're all together. And I think that's a
16 question of concern and suitability and I think it's
17 worth raising.

18 And I think you know, I think that a big
19 thing in terms of the NOP feeling that their
20 decisions about process of dismissal of concerns,
21 when I've raised concerns, when concerns have been
22 put forth in terms of NOSB votes or representation

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1 by who is our elected leaders, recognizing that they
2 were elected by a previous NOSB board, not by the
3 present one. And in some cases that makes a much
4 bigger difference than others, because a lot of
5 people change like this upcoming people. There's
6 going to be six new people. We need to really
7 reflect and review and respond directly or my point
8 is do we need to respond and reflect and review to
9 the concerns raised rather than just expect them to
10 be dealt with internally when they're raised as
11 questions?

12 I'm done and I'm sorry for carrying on.
13 I'm done in a moment here. I really think that one
14 of the questions I raised that really wasn't ever
15 addressed or dealt with was everybody was -- the new
16 people were all brought to D.C. to be trained, and
17 we, the NOSB, were separated and divided and from
18 my perspective that's not the way to be together.
19 That's the opposite. And I feel like the net
20 benefit is divide and conquer, rather than work
21 together harmoniously.

22 You know, I just ask everybody and like

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1 I said, think about it and reflect on it, I hope that
2 giving up a significant portion of my family income
3 and raising my children, I hope that it was
4 worthwhile for the NOSB and for everybody that I was
5 here to provide another perspective because I
6 really want organic to work for all of us and I
7 really hope that it can and will and I applaud
8 everybody's efforts to do so. So Aloha.

9 MEMBER STONE: Just a couple of
10 thoughts. What a privilege it's been to work with
11 a group of people like this and the broader
12 audience. The time does go fast. It's kind of
13 like when you're raising kids. The committee
14 meetings seem to go on forever, but the years just
15 clip off like that.

16 I was a babe in the woods when I got to
17 Seattle and thankfully Katrina Heinze was sitting
18 next to me. She was very patient with me and she
19 didn't tell me what to do, but she gave me some
20 guidance to help understand what was happening
21 around.

22 The caliber of the conversation, the

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1 complexity of the conversation, I grew to learn that
2 there is no black and white. We have to vote yes
3 or no which sounds very black and white but there's
4 always losers. There's always winners. And like
5 I said earlier, it's just really, really hard on
6 this side of the microphone when you know that it's
7 not all good, no matter what you do.

8 I really want to give a thanks to the
9 certifiers that helped me. I hope I've represented
10 them in an honorable.

11 It was an honor to be chair, Jean, Tracy.
12 It's a pretty small club of us that can say we were
13 chair of this group and I appreciate the confidence
14 that the fellow board members showed in me.

15 But Harold, when we voted on tree fruit,
16 leading up to that vote, I remember at breakfast
17 that morning, Jean and Harold and I were eating
18 breakfast and they knew they were going to vote
19 differently on that. They knew what a difficult
20 vote that was going to be. But I was never more
21 proud of a group of people. When we got through
22 that vote, that was a tough one. But I think it

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1 created a bond that helped us since then to do good
2 work because we knew how tough it was to do good work
3 that day.

4 A shout out to the NOP, Miles, Emily,
5 Lisa, you all do great work, but it pales in
6 comparison to what Michelle does for us.

7 So truthfully, Miles, you've got the big
8 bull's eye right there on your chest, but nobody
9 cares about this more than Miles. And you've seen
10 it from its infancy and just appreciate the stepping
11 up that you've done and the morale of your staff and
12 everybody around. It's just been tremendous to
13 work with the NOP. There's nobody there that
14 doesn't get up early or stay late to do what they've
15 got to do.

16 In the words of Chuck Ross earlier this
17 week, it's easy to focus on our differences rather
18 than start at the beginning of where we work
19 together. So hopefully we can continue that. At
20 times, it felt like the beating will stop when the
21 morale improves kind of a conversation, so
22 hopefully we can -- we can kind of learn from that

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1 and go forward. And frankly, I think this Consumer
2 Report report that Urvashi and Charlotte have that
3 shows where they -- they want to show how great
4 organic is and they can help us make it better, but
5 their tone changed at this meeting and I just
6 appreciate that.

7 So no matter what I was able to
8 contribute as an individual, I feel like I gained
9 much more as an individual, so I just really
10 appreciate the opportunity. Thank you.

11 CHAIR FAVRE: I'd like just to say I'm
12 humbled by the words of wisdom of our outgoing board
13 members and hope that I conduct myself with the same
14 grace that they've all shown on this board and their
15 words have reminded me about the great opportunity
16 that I personally have had to work with them. And
17 I personally want to tell you how much I appreciate
18 what you've done and we'll be sad to see you go.
19 Thank you.

20 I just want to say in closing remarks
21 that I'm honored and humbled myself by the support
22 you guys have shown by electing me chair. I've got

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1 some giant shoes to fill with Jean and Mack having
2 had these positions before me.

3 I'm really proud of the work we've done
4 this year. It has been a tough, brutal year to get
5 through with these sunset materials. But it is
6 sort of a bond forged in fire. And while I'm really
7 glad we're through it, I'm looking forward to moving
8 on for next year.

9 And with that, I'd like to close this
10 meeting from my portion and turn it over to Miles.

11 MR. McEVOY: Okay, this has been a
12 really great meeting, really appreciate all the
13 public input, all the work from the board, the
14 completion of 2017 sunset review. So I probably
15 wear this shirt in solidarity with the board, but
16 know that the AMS and the National Organic Program
17 have a lot of work to do to actually implement the
18 work of your sun review process. So from here we
19 go forward with a Federal Register notice to renew
20 the substances that we're not recommended for
21 removal and we move forward with the proposed rule
22 to remove those substances that are recommended for

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1 removal, get additional public comments and then
2 issue a final rule to remove those substances from
3 the national list based on your recommendations.

4 So I'll probably wear this shirt, but
5 remember that we still have a lot of work to do and
6 we look forward to supporting the board's work in
7 the future with your new work agenda and seeing
8 everybody in Washington, D.C. in late April. So
9 with that, the Fall 2015 meeting is closed have a
10 great rest of the week.

11 (Whereupon, the above-entitled matter
12 went off the record at 4:23 p.m.)

13

14

15