UNITED STATES DEPARTMENT OF AGRICULTURE

NATIONAL ORGANIC STANDARDS BOARD MEETING

TUESDAY, OCTOBER 28, 2014

The National Organic Standards Board met in Grand Ballroom B, Galt House Hotel, 140 N. 4th Street, Louisville, Kentucky, at 8:34 a.m., Jean Richardson, Chairperson, presiding.

PRESENT

JEAN RICHARDSON, Chairperson
JOHN FOSTER, Vice Chairperson
MAC STONE, Secretary
HAROLD AUSTIN
CARMELA BECK
COLEHOUR BONDERA
JOE DICKSON
TRACY FAVRE
JAY FELDMAN
WENDY FULWIDER
NICK MARAVELL
ZEA SONNABEND
JENNIFER TAYLOR
FRANCIS THICKE
C. REUBEN WALKER
STAFF

MICHELLE ARSENAULT, Advisory Committee Specialist

REX BARNES, Agricultural Marketing Service Associate Deputy Administrator

LISA BRINES, NOP National List Manager

EMILY BROWN ROSEN, AMS NOP Specialist, Standards Division

MILES McEVOY, AMS NOP Deputy Administrator

BETSY RAKOLA, USDA Organic Policy Advisor

CARRIE RICCI, Office of General Counsel

SAM JONES, Public Affairs
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Deputy Administrator  
Agricultural Marketing Service  
Designated Federal Officer  
National Organic Standards Board

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Agricultural Marketing Service

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8:34 a.m.

MR. McEVOY: I am going to introduce Rex Barnes, who is the Associate Deputy Administrator at the Agricultural Marketing Service.

MR. BARNES: Welcome, everybody, to the Organic Standards Board meeting.

This is my first meeting that I have been to. I have been around AMS for many, many years, way longer than the National Organic Program has been around AMS, but this is the first time I have got an opportunity to come to a meeting. And it is an honor to be here and see everybody here. I have met a lot of people and hope to meet some more during the day today. I will be here for today, and then, I have got to go back this evening.

But welcome. I am looking forward to the meeting. I went through the briefing. You have got a lot of very technical issues and stuff to go through. So, let's get it
going, and I will turn everything over to
Jean. She can get the meeting started, so we
can get moving.

    Thank you very much.

CHAIR RICHARDSON: Thank you very
much, Rex.

    It is a pleasure to be here this
morning. I would like to turn the meeting
over to Deputy Administrator McEvoy for a few
minutes, so that he can introduce the members
of the NOP staff that are here today.

MR. McEVoy: Great. It is great
to be here in Louisville. We tried to get
here a year ago, but we had a little problem
with -- well, a little problem for all the
federal government for a while there. So, it
is really great to be here in Louisville and
with the National Organic Standards Board.

    And we are here with a number of
people from USDA:

    Myself, Deputy Administrator of
the National Organic Program and Designated
Federal Officer for the National Organic Standards Board.

We have Michelle Arsenault who provides all the support for the National Organic Standards Board. She does a yeoman's job at keeping everything running, keeping the Board informed, handling all the Subcommittee meetings, all the logistics. She really does an amazing job to keep the trains on the track with the National Organic Standards Board. So, she deserves a lot of appreciation for what she does for the organic community and for this Board. So, that's Michelle. Give her your thanks.

(Applause.)

We also have Emily Brown Rosen, who is the primary technical support for the National Organic Standards Board. She sits on just about all the Subcommittee meetings and provides them with technical support in a whole variety of different ways of providing that information that they need to be able to...
do their work in the Subcommittees. So, thank you, Emily, for your work.

(Applause.)

At the back table here, we have Lisa Brines, who is with the NOP Standards Division. She is our National List Manager. So, she does all the work on the amendments to the National List, supports the work on technical reports. That is her primary there in the Standards Division, is to manage that National List, which takes quite a bit of effort for the National Organic Program.

She also does a lot of other standards-related activities as well. For instance, she sits on or attends the CODEX meetings on labeling. She just got back from Rome, where she represented the National Organic Program on Organic Labeling Issues at CODEX. So, thank you, Lisa, for that service in Rome.

We also have Carrie Ricci from the Office of General Counsel here, who is here
for the first time to observe the activities of the National Organic Standards Board to support us.

Then, at the front table we have Betsy Rakola, who is the new USDA Organic Policy Advisor. She will be giving a presentation on all the activities at USDA regarding organic agriculture later this morning.

And then, we have, next to her, Sam Jones, who is with the AMS Public Affairs Office. So, any questions from the media or others, Sam can help you out there. So, he is the person to go to. He has a lot of great information.

And I think that's it. So, thanks, Jean.

CHAIR RICHARDSON: So, I will introduce myself last. But the next thing I would like to do is to just quickly go around the Board and have each of them say a couple of words about themselves. So that you all
know who is up here on the NOSB. And I would like to start with Colehour.

MEMBER BONDERA: Okay, thank you.

My name is Colehour Bondera. I am a small-scale farmer, organic farmer, in the State of Hawaii. I wasn't really thinking very hard through what I might say to you all at the get-go here.

But good morning. And I think, realistically, my approach to this whole topic is we are all part of the same family and we all need to work together.

So, thank you.

MEMBER MARAVELL: Nick Maravell, organic farmer from Maryland. Started out in vegetables. Now I'm crop and livestock.

CHAIR RICHARDSON: And you should read the overheads as well, because you see he featured on Dr. Oz last year.

(Laughter.)

MEMBER WALKER: Good morning.

My name is Calvin Reuben Walker.
I serve as Chair of the Department of Agricultural Sciences and Urban Forestry at Southern University.

And for those of you who do not know, Southern University is one of 19 HBCU universities, Historically-Black Land Grant Universities. It was created by the second Morrill Act. Oregon State is what we call it, 1862.

So, Dr. Tucker and I are part of the 1890 institutions. We were created 32 years later to do agricultural teaching, research, and extension. And next year will mark the 125th anniversary of the 1890s, and we appreciate and hope that stakeholders will look at these 1890 and '62's in terms of agricultural research, teaching, and we are trying to move along with organics.

And I would like to say an appreciation to Ms. Liana Hoodes. She will be moving on from the National Organic Coalition.

I am on the Board to represent the
consumer interests.

And we would also like to say a prayer for Mr. Dave Will. He mentioned to me that his wife was ill; he would probably not be able to make this meeting. So, we have Mr. Dave Will's wife in our prayers.

And also, I would just like to say that we appreciate Secretary Vilsack. I know that I do because he believes in diversity. And personally, from what I see, I think he is doing a yeoman's job. I just hope that we will do all we can to support the Secretary as well as the NOP.

And also, I just happen to serve as the Materials Subcommittee Chair.

C'est tout.

MEMBER SONNABEND: Hi. I'm Zea Sonnabend, a small farmer from Fruitilicious Farm in Watsonville, California. I hold the scientist's seat on the Board, largely because a majority of my career spent in writing organic standards with CCOF nationally and
working with OMRI on materials review.

MEMBER FULWIDER: I'm Wendy Fulwider, and I serve as a producer on the Board. And I own an organic family farm in Wisconsin. My son Cody is currently the fourth generation operating on that farm. He has a 60-cow organic dairy where the milk goes to Organic Valley. We have 200 acres that are organic, and we just added another 100 acres to put in transition. We have been very fortunate; people want their land to be managed organically. So, they do come to us and ask us to run their land. The transition acres we usually do in direct marketing, and that supports our grass-finished beef and pastured pork.

And as you know, I have a PhD in animal behavior that I earned with Temple Grandin. And so, that has allowed me to work as a Farm Animal Care Specialist at Global Animal Partnership and previously with Organic Valley.
MEMBER AUSTIN: Good morning.

My name is Harold Austin. I am with Zirkle Fruit Company out of the State of Washington. We are a producer/handler of organic apples, cherries, blueberries, and wine grapes.

I was born and raised on an apple farm in the Pacific Northwest. I spent a lot of time on my grandfather's dairy farm.

For Zirkle, I manage all of our organic compliance from the production side of it and the handling side of it as well. I have been a Certified Test Consultant for in excess of 35 years. At this juncture, I am very involved in integrated pest management and, also, organic production as well, for a number of years with a lot of different growers that I helped move into that arena.

I serve on the Crops Subcommittee, the CACS Committee, and then, I chair the Handling Subcommittee.

For me, it is honor to sit on this
Board with my colleagues. We come from a very broad spectrum of what we believe in, representing a lot of different organic stakeholders out of the organic community. We may not always agree on the issues, but we have some very robust conversations along the way. And at the end of the day, there is not a one of us that sits up here at this table that doesn't have the best of the organic industry and the organic community in their hearts and in their desires.

And I applaud the energy, the passion, and the camaraderie, but most of all the dedication. There is a lot of time and energy that goes into serving on this Board. We are a volunteer Board appointed by Secretary Vilsack.

And I am not sure if some of you understand the time commitment that does come with sitting on this Board. It is a lot, but I am glad I am here. And hopefully, at the end of the day we have done a lot of good for
the organic community.

Thank you.

MEMBER FELDMAN: Good morning.

I am Jay Feldman. I sit on one of the environmentalist slots on the Board. I got involved with pesticides back in the seventies, collaborating with EPA. Traveled across the country and met with farm workers and small farmers talking about their adverse reactions to pesticides, which led to the creation of the worker protection standard at EPA.

But it became obvious at that time that, unless we were advancing alternatives, that we would be on this treadmill. And so, I got very heavily involved in the writing of the Organic Farming Act and, then, the Agricultural Productivity Act, which started the LISA Program, the Low Input Sustainable Act Program, at USDA, which, then, became SARE, as you all know.

And then, of course, with many of
the folks in this room, we all wrote the
Organic Foods Production Act, which to this
day retains the highest, I believe, core
environmental public health/food safety values
of any statute perhaps in the world.

So, this is a very meaningful, as
Harold has said, this is a meaningful endeavor
for all of us in this room. And I have been
honored to serve on the Board with all my
colleagues up here for the past five years,
and we will talk more about that later in the
meeting.

Thank you.

MEMBER STONE: Good morning.

My name is Mac Stone. I am the
certifier rep to the Board. A shoutout to
certifiers. Those of you that have not gone
through the certification process or continue
to be part of the certification process, the
due diligence that certifiers do on behalf of
the seal that we all represent here is just a
tremendous amount of work.
And frankly, as an organic farmer, and with my wife and her family farm about hour east of here, we have about 150 acres certified organic. Do vegetables, beef, poultry for the direct market in the Lexington area, and we are now moving into the Louisville area.

So, I want to welcome you all to Louisville. As your host, the Chamber of Commerce always has really nice weather when you get here, and then, it gets really crappy, so you will leave at the end of the meeting.

(Laughter.)

But welcome. If there is anything I can do or help assist you in moving around Louisville the next few days, let me know.

Thanks.

VICE CHAIR FOSTER: Good morning.

My name is John Foster. I'm one of the two handling representatives on the Board. This is my last public meeting of an almost five-year term now.
I currently serve as the Vice Chair. I have served as the Chair of both the Crops and the Handling Committees over the years.

My day job is Director of Compliance at Earthbound Farm. I have been there a little over seven years. The group that I am responsible for maintains the integrity around organic issues, food safety issues, and quality issues of our supply chain. And we actively monitor roughly 450 suppliers that feed into our organization.

In the past I have been an environment studies and literature major, horticulture crop production.

I have done a little painting over the years. Thank you, Jean, for including that.

(Laughter.)

And one of my favorite professions I have had over the years is being an organic inspector, somewhere, give or take, around
1,000 inspections over 12 years. And that was really where I got to know a lot of you, actually, in the gallery.

And it remains one of my favorite. One of the most meaningful things I have ever done is being the boots on the ground and seeing the hard work that goes in to grow all the crops, to get them to market, to sell the crops. It takes a whole chain to do it, an unbelievable amount of work and an unbelievable amount of cooperation. So, I have been very honored to be part of this evolving system that we have.

Thank you.

MEMBER DICKSON: Good morning.

My name is Joe Dickson. I am the lonely one retail representative on the National Organic Standards Board. A shoutout to all the retailers out there.

I have worked continuously as a grocery retailer since my parents made me go out and get a summer job when I was 14 years
old. I bagged groceries that summer, and I
have since that year worked in some form at a
grocery store.

I have developed a very deep
interest in the power that food labels have in
the marketplace, how food is sold and marketed
to consumers, and how standards like the one
that we are working on here can allow people
to express their beliefs and their ethics
through the food they buy.

I work currently as the Senior
Global Quality Standards Coordinator at Whole
Foods Market. I lead a small team there that
is responsible for developing standards and
policies that determine what products we sell
in our stores.

I also oversee our status as a
Certified Organic Retailer, which includes the
inspection and certification of over 390 of
our stores in North America.

I serve on the Texas Department of
Agriculture's Organic Industry Advisory
Committee. And as of this year, I own a small family farm in Bastrop County, Texas. I serve on the Handling, Livestock, and CACC Subcommittees. And it is a pretty much indescribable honor to sit at this table with this group of thoughtful and amazing people and to be in this room with this organic community. And I am very grateful to be here.

MEMBER FAVRE: Good morning. My name is Tracy Favre. I sit in one of the environmentalist positions on the Board.

I am from the great State of Texas and have a small family diversified farm in north central Texas, just southwest of Fort Worth, and including livestock and crops. I previously cut my teeth in sustainable agriculture, working for holistic Management International out of Albuquerque, training farmers and ranchers on sustainable farm and ranch management.
I have recently completed IOIA training to become an Organic Livestock Inspector.

And I am happy to be here. Thank you.

MEMBER BONDERA: Good morning, everyone.

I am kind of in the back. I am from Watsonville, California. I work for Driscoll Strawberry Associates. We are an international distributor of conventional and organic strawberries, raspberries, blackberries, and blueberries. I have been with the company a little over seven-and-a-half years and manage the Organic Compliance Program. So, I work with upwards of 80 organic growers in the U.S., Mexico, and Chile. It is from our nursery certification to our grower certification and to our handlers.

I think it is really important to note that we work with independent family
farmers, and I feel blessed to say that I know all of our farmers and have personal relationships with them. And that makes me happy. That makes me happy to do this work.

And similar to my other colleagues here, I find it, I call it a blessing to be a part of this. It is challenging, but it is also very rewarding. And I am grateful to the community of people who have come year after year to these meetings to improve the organic standard.

Okay, thank you.

MEMBER THICKE: I am Francis Thicke. I am an organic, grass-based dairy farmer in southeast Iowa. I am in an environmentalist position here, actually.

I began farming organically in 1975, actually, and then, took a little detour and became a dirt scientist and worked for USDA for a while. And now, I am a born-again farmer.

CHAIR RICHARDSON: And you should
notice he is a trumpet player and he might do
that sometime when we are having a meeting.
So, don't be surprised.

(Laughter.)

MEMBER TAYLOR:  Good morning.
I am Jennifer Taylor.  I am from
Florida A&M University in Tallahassee.
I want you to know that this is a
great honor to serve as a member of the
National Organic Standards Board.  And on the
Board, my role is to serve as an advocate for
the consumer and for public interest.
We appreciate your written
comments and your public comments.  We need
your strong comments and interactions to help
keep organic standards strong, to ensure the
integrity of organic farms, organic produce,
organic products, and the actual organic food
on your table.
Thank you so much for this
opportunity.

CHAIR RICHARDSON:  Thank you.
And then, back to me as Chair. I am Jean Richardson. I am a Professor Emerita of environmental studies and environmental law from the University of Vermont.

I live in Vermont. I help my kids on their organic maple syrup production enterprise. Being from Vermont, that is pretty much what you have to do. Every tree in Vermont is tapped. It is a sugar maple. You should know that.

Let's see, I have done inspections for the last 14 days, probably done about 1,000 inspections also, like John, in every aspect of inspection from processing to cows to zucchini.

And let's see. Oh, yes, one of the things that I am going to be trying to do is to encourage all the Board members, well those that are not leaving, to be sure that they have, in fact, shadowed, been on a few inspections. And I am going to be asking the new people coming in if they would also go
shadow some inspections, so they could
understand boots on the ground what it is like
when we make some of the decisions that we do
on the NOSB.

Okay. So, that is all the Board.

So now, the next item on the agenda is to take
the Secretary's report. I will turn that over
to Mac, please.

MEMBER STONE: And we are to
approve the minutes from the meeting that was
in San Antonio in the spring. Those were sent
to everyone on the Board. Are there any
changes or anything we need to address, as
they were submitted?

(No response.)

Seeing none, Madam Chair, I ask
for a vote to approve.

CHAIR RICHARDSON: Any objections?

(No response.)

So approved.

The next item on the agenda will
be a presentation by Deputy Administrator
McEvoy about the updates to the National Organic Program.

MR. McEVOY: Okay. Good morning.

So, this is what we do at every NOSB meeting, give a report of all things happening at the National Organic Program, and there are many things that we are up to. So, I am going to give you a little tour of some of the activities that we are up at the National Organic Program.

Next slide. Oh, I have control here. Let's see. Okay.

So, the mission of the National Organic Program is to ensure the integrity of USDA organic products in the United States and throughout the world. It is a global program. So, we are certifying operations under the USDA organic standards in more than 100 countries, 133 countries I think. So, there are a lot of activities that we do throughout the world to ensure that integrity of the system from the farm to the market.
Our vision is organic integrity from farm to table. Consumers trust the organic label. So, those standards are important to verify at all levels of the production and distribution. And our core role is to implement the Organic Foods Production Act and the USDA organic regulations.

So, the USDA organic regulations are very comprehensive. They include standards for crops, livestock handling, wild crops, labeling requirements, certification requirements, accreditation, and the National List. So, it is a very comprehensive list of regulations, and this National Organic Standards Board looks at those things and provides us with recommendations around those standards. A lot of focus on the National List, but there is a lot more to organic production and handling than just the National List, and those are very important components of this whole system that we also need to pay
Accreditation and oversight is the other very important component of our work. There are over 80 authorized certifying agents worldwide, from the very small in particular counties in California to certifiers that are certifying in more than 50 countries and thousands of operations. It is over 25,000 certified organization operations in the world, over 18,000 in the U.S. and the rest overseas.

Compliance and enforcement is a very critical part of our work. So, we handle complaints, do investigations, impose civil penalties, and deal with the appeals process.

And then, of course, our support for the National Organic Standards Board, supporting their work, looking at their recommendations, and implementing them as appropriate.

So, some quick facts about the National Organic Program. We are up to 43
employees now. If you have been following
along for the last -- when I got here five
years ago, I started with 14 employees. So,
there has been significant growth in the
staffing at the National Organic Program.
There are three Divisions and the Office of
the Deputy Administrator.

Some of the new staff that we
brought on this year with our increased
funding was a Chief of Staff, who handles a
lot of the administrative aspects of the
National Organic Program, and the people that
provide administrative support.

We have a new Cost-Share Manager
with the reauthorization of the Cost-Share
Program. We have three new Compliance
Officers that help out with compliance and
enforcement.

We have three new Accreditation
Managers that are doing audits and dealing
with all the oversight of accredited
certifiers.
We have a new Assistant Director
of the Accreditation and International
Activities Division, and we have some new
administrative staff.

We are adding additional staff as
well. So, by the time we report in the
spring, we should be up to about 50 staff
within the National Organic Program.

(Applause.)

Okay, great.

Hiring at the federal government
is a very slow process, but we have really
brought on some really excellent staff to help
out with the mission of the program.

Our budget has changed in the last
few years. We were about $7 million in fiscal
year 2012, went down a little bit with the
sequestration for '13, and then, up to $9
million for last year's fiscal year budget.
We are currently working under a Continuing
Resolution through December 11th, but that is
at basically the same level as the fiscal year
2014 numbers.

Our Strategic Plan focuses on four primary areas: clear standards, consumer protection, market access, and information technology.

So, the next number of slides I am going to focus on those two parts, on clear standards and consumer protection, which are some of the core parts of our Strategic Plan.

So, we have what we call the 10 points of organic integrity. They include clear enforceable standards; communication about those standards, so people know what those standards are and where there are changes to the standards; transparency in terms of the process, trying to provide as much information about the standards and the process to change the standards; certification as a core part of organic integrity, kind of the heart and soul of the whole system; a complaint system that is effective; a penalty system that has real penalties for serious
violations to the standards; market surveillance, so we can see how the labels are being used in the marketplace; unannounced inspections, so that there are times when a certified operation does not know that they are going to get inspected. So, that is part of the process. Periodic residue testing as a part of the overall system, and then, a core organic value of continual improvement. We are always looking at, okay, how is the system working; how could we make improvements. So, for each of these points, I am going to go into a little more detail and talk about some of our current activities.

For clear and enforceable standards, we want to publish clear standards, so people understand what the rules are. If they understand what the requirements are, it is much easier for producers and handlers to comply. We want to address those gray areas, and we have quite a number of gray areas under the organic regulations, so we have to provide
clarity and consistency there, and continue to collaborate with the National Organic Standards Board on addressing those gray areas and providing clear standards to the organic community, and also, implementing the NOSB recommendations, which is very important.

Some of the things that we have done over the last year on clear and enforceable standards:

We have worked very closely with FDA on their proposed produce food safety rules and how they interplay with organic standards. And so, FDA came out with their new proposed produce food safety rules fairly recently. And I think a lot of people can see that they are much more reasonable for the organic producers. And there's a lot of people in this room that did a lot of work to work with FDA, but you can know that at USDA we also work with FDA to get them the input they needed to come out with a new proposed food safety rule.
We also put out an instruction on the use of brand or company names containing the word "organic". This is the policy that the Compliance and Enforcement Division has been using for a number of years in terms of the use of the word "organic" in brand or company names.

So, this provides clarification to the industry of what is expected in terms of the use of organic on labels; provides instructions to certifiers on how they need to evaluate labels that they are approving, so that there is a consistency in terms of the use of the word "organic" on organic, 100 percent organic, and made with organic, certified organic products.

We also put out final guidance on made with organic labeling. So, that provides more specificity, more information about the appropriate labeling for the product category of made with organic ingredients or specified food groups.
So, some of our priorities for 2015. We have some things in clearance. The process of getting a rule to publication is a very long and twisted route. I like to break it up into four basic steps.

The first step is for the program or the agency to draft the rules. The second step is for those rules to be reviewed by the Office of General Counsel and get cleared by the Office of General Counsels. The third step is departmental clearance where it goes through the halls of USDA and gets approved by a variety of different offices at USDA. And then, the fourth step, if it is a significant rule, is to get reviewed and cleared by the OMB, the Office of Management and Budget. So, it is a long process. Each of those steps can take many, many months.

So, I am happy to report on origin of livestock. For that proposed rule, it is in departmental clearance, and we are hoping to get that off to the Office of Management
and Budget later this year. So, Office of Management and Budget is about a 90-day review cycle, sometimes longer. So, we are really hoping that the origin of livestock proposed rule will be published sometime in the early spring of next year.

The aquaculture proposed rule is a little bit further behind. It is still in that second step of OGC review or Office of General Counsel review. So, it has to complete that review, and then, it will start departmental clearance.

The pet food proposed rule is also under review by the Office of General Counsel. So, those still have quite a ways to go, but we are hoping to get those, both of those proposed rules published in 2015.

Other rules that are in progress, meaning that they are not quite as far along in the process, are a proposed rule on sodium nitrate, which is taking a recommendation from the National Organic Standards Board from
2011, '10 possibly. So, that one has been a little bit difficult for us, but we are hoping to get a proposed rule out on that this coming year.

Animal welfare, where we put a whole team together that is working on animal welfare. We are making a lot of progress on that.

Any proposed rule has a number of different sections. There is the background section, the regulator impact section, and the regulatory text section. So, there's actually more sections than that, but that is just an oversimplification of some of those sections.

And so, we have made a lot of progress on the regulatory section and the background section. We are still working on the regulatory impact section, but we hope to have that all completed and off to the Office of General Counsel by the end of the year. So, we are putting a lot of focus on animal welfare to, hopefully, move that out and get
that published next year.

Aquaculture is also in progress.

That rule has been written and potentially could get published next year.

Other standards projects that we are working on:

We will have Final Guidance on classification of materials. The Draft Guidance on that came out a while ago, as well as the materials for organic crop production. So, both of those should go into final guidance sometime potentially by the end of the year or early next year.

And then, post-harvest handling, the Final Guidance on that should be out within the next six months.

We are working on a number of Draft Guidances and policy. We are working on a Draft Guidance for responding to pesticide drift. With the residue testing requirements now that certifiers have to do, there are some questions on what happens when drift occurs on
a certified organic farm. So, we want to
provide more guidance and consistency in terms
of how that works.

Nanotechnology was a
recommendation from the National Organic
Standards Board from a few years back. We
have a policy memo clarification that is
currently in clearance. That should be
published sometime within the next six months,
I should say.

I hear Melissa's voice in my head
of, "Don't say things are going to be
published right away, even though they might
be."

So, nanotechnology, in terms of
that, nanotechnology materials are considered
synthetic materials. So, they are not allowed
under the USDA organic regulations. We are in
the process of clarifying that in a policy
memo that should be out within the next six
months.

We continue to work on material
clarifications, when we have one certifier and
another certifier or material review
organization that have different
interpretations of the rules in terms of what
is allowed under the organic standards. So,
we have that process that we continue to
provide more clarification to certifiers and
the organic industry about the allowances.

We have put out, for instance,
clarifications on electrolyzed water and,
let's see, a couple of other things. Emily
would remember.

We are also looking at publishing
Draft Guidance on materials for organic
livestock production sometime in the
relatively-near future.

So, lots of different standards-
related projects that we are working on.

In terms of communication, there's
a lot of things that we do to communicate
about the activities at the National Organic
Program and really organic things in general
at USDA.

We have the Organic Literacy Initiative that Betsy Rakola will talk more about, which a lot of USDA staff have taken that literacy initiative.

We have the Organic Integrity Newsletter. We have the NOP Organic Insider to try to keep people informed of the activities at USDA around organics. And we also can at times provide information about other activities in organics through the NOP Organic Insider.

We have a number of fact sheets on GMOs, which is a very popular labeling at farmers' markets and sunset. So, there's a lot of fact sheets that we provide, and we will continue to expand on those fact sheets.

We have done a number of NOP website improvements. There is actually a major effort to change the website. So, within the next few months, you will see that the NOP website will be quite a bit different.
It might take a little while to get used to, but, hopefully, it will be a lot more accessible to find information through the changes to the website.

We do a number of presentations and conferences.

And on to transparency. So, we have a list of certified operations. It now includes an updated list of suspended and revoked operations that is incorporated into the list. That is a new feature for this year. So, that is something.

We have been posting fraudulent certificates for a period of time, especially for foreign operations where we don't have the same kind of enforcement authority as we have in the U.S.

We publish certifiers' audits and Corrective Action Reports. We publish all the NOSB Subcommittee notes. And for this fiscal year, we plan to post adverse actions. Those are all our cease and desist notices, our
settlements, and all those different types of compliance actions. So, that is on our plan to provide more information about the activities at the National Organic Program.

In terms of certification, again, that is the core business of -- the core verification system is done through certification under the organic regulations. So, we have to make sure that certification is done in a quality manner, that there is a quality system, quality inspectors, quality reviewers; that the process works from start to finish.

So, that includes organic system plans, that they are thorough and complete; that inspections include audits in terms of reconciliation audits of sales and yields; that they include feed audits at an organic livestock operation; that the inspections include inspections of non-organic areas of an operation. If it is a split operation, that is a component of certification.
That there is timely followup by
the certifier, if they have findings during
the inspection, and that there is some time of
continual monitoring of the certified
operations. So, lots of things that
certifiers are required to do. We have to
make sure that that is actually occurring on
all the certifiers that are operating around
the world.

The Accreditation and
International Activities Division, they
oversee the work of more than 80 certifying
agents around the world. They are conducting
audits. Each certifier is audited at least
twice in a five-year period of time. Those
audits are about a week long. It kind of
depends upon the scope of that certifier of
how long the audit is. A certifier that is
operating in multiple countries has a much
longer audit than ones that are operating in
a smaller geographical area.

So, there are audit reports.
There is the review of those reports. There is Notices of Non-Compliance that go out after those reports are received in the office in D.C. And then, we have to review the corrective actions that the certifiers are taking to correct the findings from those audits.

Through all those audits that we do, there's thousands of criteria that are evaluated on a yearly basis. Certifiers are complying with more than 95 percent of all the accreditation criteria. So, they are doing an excellent job. There is always room for improvement, but it is really important that we do those audits to make sure that they are continuing to meet the requirements.

Moving on to complaints, the complaint pie has changed over the last few years. If you recall, it used to be about a split of 50/50 between complaints for certified versus uncertified operations. Now we have two-thirds of the complaints that we
receive are for uncertified operations. It looks like 20 percent are for allegations of labeling violations or fraud. And then, 14 percent for complaints about the use of prohibited substances or methods.

In last fiscal year, which ended on September 30th, we closed 285 complaint investigations. So, it is very important for us to do these investigations and both find violations or confirm violations and take enforcement actions. It is also very important that for a number of complaints there is no violation. So, it sort of clears the air, that there can be an allegation, but we have to determine whether or not there is actually any violation.

We did receive a record number of complaints last year, over 400 complaints, which is a new record. That is almost three times the amount of complaints that we got when I first started five years ago. So, the number of complaints is increasing. I think
that is a good thing. That means that people
are out there. They know that there is this
method to file a complaint for potential
violations of the standards, but it is a lot
more work for us to do.

We initiated 162 initial
enforcement actions, 66 Notices of Warning, 29
Notices to Cease and Desist, and 54
investigation referrals. So, there is a lot
of work involved in compliance and
enforcement.

On to penalties, in last fiscal
year we levied nine civil penalties for
$81,000. We also had a significant ruling by
an administrative law judge. So, this does
not occur very often. But in the process
there is a long compliance and appeals process
that is possible to occur.

So, the first step is a certifier
to take action. The certifier is proposing
suspension or revocation. That can be
appealed. Then, there is an appeal decision
made by the Administrator's Office. That Administrator's decision on that appeal can be appealed. And that appeal, then, requires us to file a complaint. And that complaint, then, goes to an administrative law judge at USDA, that then handles that hearing.

We have only had two administrative hearings in the history of the National Organic Program. The first one was Promiseland back in -- well, that took a few years. And this is our second one. This upheld the AMS decision to revoke the organic certification of a Pennsylvania operation.

Now this is just still part of the process. This operation has the opportunity to appeal to the judicial officer and, after that, potentially go to District Court. So, these types of compliance actions do take a significant amount of our resources and time to go through that process, to provide people with the due process for our compliance actions.
Market surveillance is something that we would like to do more of, that we have not done a lot of, but we think is very, very important. In 2011, we did residue testing of six organic commodities. The results of that are on our website, of what we found.

We found that, for the most part, these six organic commodities, I think about half of them had residues, but those residues were less than 5 percent of the EPA tolerance level and not violative residues. There were some problems that were identified.

We are doing some followup work on that to, again, look at residues on organic products, just to make sure that all organic products meet organic systems. I think market surveillance is really important for us to expand our activities in this particular area.

Unannounced inspection, this is an NOSB recommendation from 2011 for unannounced inspections. We implemented that in, I think, 2013, where under Instruction 2609,
unannounced inspections are now required by certifiers, that at least 5 percent of the certified operation have unannounced inspection. So, this is where we are implementing the NOSB recommendation. It has been a requirement by certifiers since 2013.

Periodic residue testing, the final rule was implemented in 2013. Again, it is now a requirement for certifiers to do 5 percent of the operations that are tested each year. It has led to enforcement actions for violations of the organic standard. So, when they are doing this sampling, for the most part, things are in good standing, but, occasionally, they do find residues that require the certifier, then, to take appropriate enforcement action.

And we have provided instructions and training on responding to positive residues on selecting labs and provided targeted prohibited pesticides list for the certifiers to utilize.
In terms of continual improvement, accreditation audits are part of that. As part of the audits that we do as certifiers, we evaluate all the auditors on a yearly basis that are conducting the audits of the certifiers. We also now have a system where the certifiers can provide feedback to the audits that are conducted. And then, every year we review all the accreditation audits that we conduct to look at what are the trends; what are the parts of the organic regulations that we are finding the most problems with that we can provide more training or assistance to certifiers.

We also conduct an internal audit at the National Organic Program that is part of our quality system. We do a management review at the National Organic Program as part of our quality system.

And then, we do peer review. Peer review is required under the Organic Foods Production Act, under 2117. The NOSB has made
particular recommendations about peer review.

We have the National Institute of Standards and Technology that conducted peer review in 2011. We have the American National Standards Institute that completed peer review in 2014. We just published the results of that peer review within the last few weeks.

And we are in the process of drafting a peer review process that addresses the NOSB recommendations and we are planning on collaborating with the NOSB. So, this is a topic that we hope to put on the NOSB agenda for discussion for the spring meeting, is peer review and how we are going to fully implemented the peer review requirements.

Okay. So, that was a lot of stuff, but now we are moving on.

The next parts are not quite as long as that part on clear standards and consumer protection. But, in terms of strategic plan, we also are very interested in market access. When we talk about market
access, it is not just international market
access; it is also market access for producers
and handlers to get into their local and
regional markets as well.

Certification, we don't want
certification to be a barrier to success. We
want it to verify that the standards are being
met, but we want to make sure that
certification is not barrier to people getting
into organic production and handling.

In terms of international, we have
trade arrangements with several nationals to
facilitate the exchange of organic products
and provide market opportunities for organic
producers. We have a number of equivalency
arrangements. The first one was set up with
Canada in 2009 and is working quite well. The
second one was with the European Union, which
was launched in June of 2012.

And then, we had two equivalency
arrangements that became effective this year.
The first one was with Japan, effective in
January, and then, with South Korea, effective in July. So, a lot of work goes into these equivalency agreements.

We also have recognition agreements where we recognize the governments in India, Israel, and New Zealand to accredit the certifiers operating in those countries. So, for instance, in New Zealand it is the New Zealand Government that accredits the certifiers operating in New Zealand. Those certifiers operating in New Zealand are certifying to the U.S. standards.

So, it is different than an equivalency agreement where we are accepting the foreign country's standard. In a recognition agreement, the certifier is certifying to the U.S. standard.

So, we work very closely with the Foreign Ag Service and the U.S. Trade Representative's Office on all of these various agreements and arrangements. These agreements are continually monitored. So, it
is similar to our oversight of accredited certifiers, where we are doing assessments of these foreign government systems every two to three years. So, the same kind of review cycle where we are looking at their accreditation system and their ability to comply with the terms of those agreements.

In terms of market access for people getting into local and regional marketing, we have an initiative on sound and sensible, where we want to ensure organic integrity, but that it is done in a sound and sensible manner, what we call certification that is affordable, accessible, and attainable for all operations, affordable meaning reasonable fees and reasonable compliance costs; accessible meaning that there are certifiers and technical assistance that is available throughout the U.S. And that is really, I think, a key in certain areas. There is great resources available. And then, other parts of the country there is not as
many resources available for not just
certification but those technical resources to
be success in organic production and handling.
And then, also, attainable, so that the
standards are understandable, that they are
written in plain English, and with reasonable
recordkeeping requirements.

So, we have a number of projects
that we have started to fund at the end of
last fiscal year. Our purpose for the sound
and sensible certification projects was to
encourage the initiation and rollout of new
organic certification approaches, training,
and technical assistance to help with that
certification process. So, these projects
will help USDA and all certifiers develop and
implement sound and sensible processes and
provide training modules.

So, these projects are now in the
process of being implemented. Once they are
completed, the results of those projects will
be available to everybody.
So, we made 14 awards to 13 organizations, a million and a half dollars through these various sound and sensible projects. They are available throughout the U.S. There is a lot of diversity in terms of the types of projects that have been funded: certification tools; training and outreach tools; technology development; technical assistance, and inspector mentoring.

The projects will be completed over the next year, by September of next year. So, we should be able to provide more specificity about the results of these projects at the fall 2015 meeting.

Here is just a brief list of the projects that were awarded to a variety of certifiers and other organizations to do a variety of these different projects. So, this presentation will be available on our website later, so you can look at this and the specific projects.

Okay. Moving on to information
technology, one of our popular tools that people use is our list of certified organic operations. This list is updated only once a year by data that is provided by certifying agents. It is out of date as soon as we publish it. It is a flat spreadsheet format with really poorly-structured, validated data elements.

This is a big improvement from five years ago when there was really no list, but it still needs a lot of work. So, there are a lot of constraints to our current system. It is variable data on Excel sheets from 80-plus certifiers. So, the information we get from the various certifiers does not come in in the same format. There's lots of challenges with our current system.

So, we are in the process of developing this organic integrity database. This is part of the 2014 farm bill, provided $5 million in funding for technology investments.
And what we have done so far --
and this project is really just getting
started, we have hired a full-time IT Project
manager to start the process. She started in
August. We have convened a certifier user
group to be engaged throughout the development
period because certifiers are going to be key
to the success of this. There have to be
portals that work, so that certifiers can
provide that information on the data that they
have on the certified operations to this
master database. And then, we are in the
process of developing a list of key
requirements, project timeline, and
contracting strategy.

What we are planning to have in
this new system is to capture all the elements
in the current system; be able to track
operations and changes in their certification
status over time; enable the certifying agents
to update the data manually in batch uploads
or in real time. So, we have a lot of
different types of certifiers out there that
have different technology capabilities, and we
need to provide a way for them to update that
information through different methodologies.

We have to have some kind of
permissions management to allow various levels
of viewing of the data; standard structured
fields for commodities; mapping capabilities
to locate operations; reporting capabilities
to support trend analysis and supply chain
research. And we are looking at an optional
way of having certificates generated from this
database.

So, we are in the very preliminary
stages of this. We are very excited about
this project. So, stay tuned as we continue
to develop this.

Moving on to the farm bill, and
Betsy Rakola will give more details on the
farm bill, but I will cover some of the NOP-
specific areas. We have, under the 2014 farm
bill, improved enforcement authority for NOP
to conduct investigations. We have already
used our subpoena authority under that new
authority that we have under the 2014 farm
bill.

We have the $5 million upgrade for
technology and, then, for cost-share the
National Organic Certification Cost-Share
Program has been reauthorized. So, we have
gotten that program up and running. We just
recently sent direct mail to all the U.S.
certified organic operations. I heard this
morning that we might have had a little
challenge with some of the addresses, but we
will try to work that one out.

Okay. And then, on to the
National Organic Standards Board, I just
briefly wanted to make a couple of comments
about the National Organic Standards Board
and, then, I will wrap it up.

So, we had a listening session on
October 16th, where we held a telephone and
online listening session about the National
Organic Standards Board. I opened that session with a presentation about the National Organic Standards Board. I specifically requested input on what parts of the NOSB process is working well and specific ideas on how we could make further improvements to the process.

We set up the call to allow each commenter to provide three minutes of comments. We expected lots of commenters. So, that is why we had limited it to three minutes and wanted to provide time for many voices to be heard.

We had approximately 60 community members that listened to the call and we received 10 comments. Eight of the comments expressed disapproval of the changes to the sunset process and changes to the way that we have been working with the National Organic Standards Board. One commenter supported the sunset changes and one commenter had questions about certification.
Given the comments that we received at the spring meeting, I was surprised that we received so few comments at this listening session. Now there could be a lot of reasons why we received so few comments. We got the notice out about a week before the listening session. But, nevertheless, we got only 10 comments. We had reserved two hours for the listening session, but we ended the call after 45 minutes because there were no additional commenters.

So, my takeaway on the listening session is that there is strong opposition to the changes to the sunset process. Some organizations believe that the changes do not align with the Organic Foods Production Act and are not in the best interest of consumers or the organic community. In addition, some expressed concern about the authority or the independence of the National Organic Standards Board.

I would also say that in my
travels, my communication with people in the
organic community over the last year, that I
have heard that a number of people are not
willing to speak out about some of the
controversial organic topics. There is a
climate of intimidation, where individuals
fear that they might be attacked for
expressing certain opinions.

I have spoken to many organic
community members that agree with the changes
that we have made to the sunset process and
what we are doing at the National Organic
Standards Board, but they are not willing to
speak up about it.

Many organic community members are
busy farming and marketing. Most of their
conscerns in terms of when I talk to them are
about weed control, soil management, and
livestock health. They are dealing with some
very difficult issues around drought and other
environmental stresses. I hear a lot about
GMO contamination and consistency about the
certification process and rules. 

So, we have a lot of work to do. 

There are hundreds of thousands of people that work in organic agriculture and trade in the U.S. alone. There are millions of consumers that buy organic products and have confidence in the USDA organic seal. 

We are a very passionate bunch from a diversity of backgrounds and experience. I hope we can embrace our collective diversity, continue to have spirited debates about organic standards and policy, and celebrate organics from the small farm to the large corporation, from the local markets to international trade, all efforts that help to make the planet more sustainable for people and the environment. 

So, I think we need to have these deep discussions and debates. And at the end of the day, hopefully, we can all remember that we are all part of the same movement, the same organic community, to try to make the
world better for organic agriculture.

And with that, I want to thank the service of a few of the National Organic Standards Board members which this is their last meeting. Joe Dickson, Jay Feldman, John Foster, and Wendy Fulwider, thank you so much.

I brought up a picture of our discussions about five years ago about corn steep liquor. I just thought you would just want to relive that moment.

(Laughter.)

Yes, so we still have some very good debates. Five years ago it was corn steep liquor, and now I don't know; we will see at this meeting what will be the big issue for this meeting.

(Laughter.)

But that was a lot of fun. It is kind of interesting to see the setup there in that photo where we are a lot more, I guess, technologically sophisticated now than we were five years ago. But that is Wisconsin five
years ago.

So, thank you, all four of you, for your service. It is really an incredible honor for me to work with each of you. You have provided so much to the organic community, the countless hours that you dedicate to developing proposals, listening and reading public comment, and coming up with the recommendations. You really deserve a lot of respect, and thank you.

(Applause.)

Okay. So, thank you, Madam Chair.

CHAIR RICHARDSON: Thank you, Miles.

Before we go on to our next presentation, I would like to ask the members of the Board, do you have any questions of Miles on his report here this morning? Anything that is missing that you wanted to hear about, any questions or concerns?

Yes, Francis?

MEMBER THICKE: Miles, what is
your feeling on international integrity,
especially in countries where we don't have
agreements, like China and such?

MR. McEVOY: Yes, well, there's a
lot of countries that have organic production
and are providing organic products to the U.S.
There's a lot of countries that their internal
organic market is also growing, that we are
exporting organic markets to.

The organic certification system
is the same here in the U.S. and in those
foreign countries under the direct
accreditation route that we have. So, for
instance, you mentioned China. There are
primarily four certifiers that operate in
China that certify to the U.S. organic
standards. So, they are complying with the
same requirements. They are audited by our
staff.

We have actually sent a couple of
teams. We sent a team on a month-long audit
in 2010 that we followed four products from
the farm to the port. And then, we did a
followup in 2012.

So, we see that it is not really
any different there than in any other country
where you find some minor problems that need
to be addressed, as in any audit, but it is
the same certification system there as in the
U.S. or in countries that we have equivalency
arrangements with. But we need to continue to
monitor and ensure that that stays true.

CHAIR RICHARDSON: Harold?

MEMBER AUSTIN: Miles, you know,
you mentioned the kind of dismal turnout for
the last listening session. Any thoughts,
looking ahead to future listening sessions,
and some potential ways to get some of those
other organic stakeholders, the producers, the
handlers, to participate in future calls?

MR. McEVOY: Well, we are going to
be doing a number of webinar listening
sessions on a number of other topics over the
next six months. And Betsy Rakola, the USDA
Organic Policy Advisor, will talk about that. I think that what we need to do is probably earlier notification, make it well-known that we are doing these sessions earlier on, that that could help. And, yes, we have to think about that to see how we could get better, more participation. That would be great.

CHAIR RICHARDSON: Jay?

MEMBER FELDMAN: Miles, thank you for your presentation.

I would like to explore a little bit just on this use of the word "intimidation" because that is a pretty strong word, and any thoughts you would have on how to address that within the organic community.

Obviously, given the diversity of knowledge around the table here and in the audience and among the participants in meetings like this, you have different viewpoints. Everybody is encouraged to express those viewpoints.
Some may perceive the expression of a viewpoint as intimidation, especially when it may come from the consumer side, where there might be an apparent threat that, you know, if certain standards or expectations aren't met, as written in the Policies and Procedures Manual, we could lose market or we could damage the seal, the USDA seal. Nobody wants that.

And so, since you threw that word out there, I am curious if you have any ideas beyond the earlier notice of listening sessions, and so forth, of how this community, all the dedicated people in this room can feel that they are expressing themselves without it being characterized or being felt or received as intimidation.

MR. McEVOY: Yes, well, I think that people should -- I think it is really important for us to recognize that there is within the organic community those that are feeling less willing to speak out. So, I
think that should be a discussion that we have. Why? Why is that happening?

But I think, on the other hand, that the people that are not should speak up and have their opinion heard. I think it is really, really important for this community to thrive, to have a robust and full discussion with all the viewpoints expressed. So, I am encouraging those that are feeling unwilling to speak up to speak up. It is really important that their voices are heard.

CHAIR RICHARDSON: Calvin?

MEMBER WALKER: Miles, I had this question I believe answered at the training session, but I think it will be good to share with the audience.

At universities we have what we call program income. Any monies that we collect goes back into the program. Could you explain to us again monies from enforcement, like the $81,000, you all are not able to use that for NOP purposes?
MR. McEVOY: Right. Money that is collected on civil penalties just goes into the Federal General Fund. That does not go into the NOP or AMS budget, no.

CHAIR RICHARDSON: Well, if I may ask a question, I get a lot of questions from around the country when I go around wanting to know, we all worked so hard for the farm bill; what happened to the budget? And they want more details and more information on the NOP budget, how the money is distributed between the various pieces of what you do.

And again, it is, in part, I would like more information on that because there are also people in the broader community that express concern that there isn't that much interest in organics at the USDA, and they want to really know how is that money being spent.

And I don't expect you to come up with an answer at today's meeting. But I am wondering if it would be possible for you to
provide us all with some greater detail. You know, you throw out little snippets of money now and then, which is good. But I am really interested in a broader understanding of how our tax dollars are being spent on organics through the NOP.

MR. McEVOY: So, yes, we can certainly provide additional information about how the NOP budget is being utilized, and we can prepare additional information to share at the spring meeting, if that would work.

CHAIR RICHARDSON: Other questions from Board members?

(No response.)

So, our next presentation -- thank you, Miles -- presentation is Betsy Rakola. Yes, you come up to the podium.

Great.

MS. RAKOLA: Good morning, everyone. Thank you for allowing me the time to speak.

I have been with the USDA for
about four-and-a-half years now, but this is the first time I have been to an NOSB meeting. So, it is nice to put a lot of faces with the names that I have only seen over email and in writing for all these years. Wait just a moment for the presentation to come up. Well, I will just start giving an overview of the topics I am going to talk about.

So, I am the USDA Organic Policy Advisor.

Great, here we go. Whoops. Sorry, I hit the wrong button there. Let me go back. All right.

So, I just wanted to give an overview of what that means, what my role is at the USDA, and talk a little bit about how we are updating our Organic Literacy Initiative, give you an overview of the work that the Organic Working Group does, and talk about our plans for stakeholder engagement.
And, Jean, by the time I am done, I hope you will be able to tell people that there is a lot of interest in organic at the USDA, and more specifically, what it is we are going about it.

So, I am the second USDA Organic Policy Advisor. Many of you knew my predecessor Mark Lipson. Mark left the USDA last month at the end of his second appointed term.

One of the changes with having me onboard is that I am now in a permanent staff position. While it is a bit of a technicality, I think it is important to know that that means that the Department has made a permanent commitment to having a Policy Advisor onboard to look at implementing the work of organic agriculture across the USDA for the long-term. And I think that is a really big deal. It is a very exciting thing, and it means that, regardless of who is sitting in any political chair, my position
will continue to exist, so that we always have a high level of leadership on organic at the Department.

I do sit quite close to the Office of the Secretary. I have a weekly briefing with the Secretary’s Deputy Chief of Staff to inform him about the work that we are doing. So, there is a lot of interest and engagement on organic at the highest levels of the USDA leadership.

One of the things that I do is to coordinate the USDA Organic Working Group. This is a cross-departmental working group that has representation from every single agency at the USDA, participating to discuss how we can coordinate the work that we do on organic agriculture, how we can integrate it more deeply into the day-to-day work of agencies, regardless of whether or not they have a specific farm bill program that works on organic or if there are just ways that we can understand how their programs might be
tweaked or simply better explained, so that they can work to serve the needs of organic producers and handlers.

We have over the last couple of years started to develop fiscal-year-specific action plans, so that we can look at really developing measurable impacts for the organic community.

I am also responsible for implementing the USDA's 2013 Departmental Guidance on Organic Agriculture. So, I don't know if folks are aware of this, but in May of last year Secretary Vilsack issued guidance to the entire Department instructing all of our agencies to support the work of organic agriculture and, again, to integrate it into the day-to-day missions of their various agencies, which has really given us that high-level support that we need to have the justification to be asking all of these different groups to work with us on organic and to make sure that it has a seat at the
table and it is always a part of the conversation.

I also participate on a number of other interagency initiatives. Organic is, by no means, the only one. So, I try to provide the perspective of organic on the different initiatives that the USDA has going on.

So, this ranges from the work that Miles mentioned that we have been doing on the implementation of the Food Safety Modernization Act; coexistence, which is, of course, a hot topic with concerns about genetically-modified organisms, and it is an area where there is genuine interest at the USDA to try to find workable solutions for all producers.

I sit on the leadership team of the Know Your Farmer, Know Your Food Task Force, and I also participate in the Climate Change Initiatives and Beginning Farmers and Ranchers. So, it is a lot of meetings, but folks are aware that organic is important, and
they are making sure to include us in the conversation, which, again, is a very positive thing.

So, Miles mentioned the USDA's Organic Literacy Initiative. This is a series of training and outreach materials that we launched back in 2012, with the hope of trying to provide some plain language resources on what organic means and, also, a summary of how the USDA supports it.

You can see those are some snapshots up on the screen of the various tools that we have. On the left are the webinars that we have. We have been calling them USDA Organic 101 and 201, our super-short, 15-minute overview, and then, our slightly-longer 30-minute, slightly more in-depth overview for those who are interested in more details on organic, as well as our brochure that summarizes the different programs and services that the USDA has, with the hopes of helping people answer the
question, is organic an option for me?

And then, we have a very detailed Resource Guide that goes through all of our programs and provides information on how different agencies support organic, as well as websites, and names, phone numbers, and emails, because we know that what people often really want is just to talk to a human being, to get some answers to their questions.

We are currently in the process of updating this initiative. These are just a few more details on each one of these resources.

And we have had a lot of success so far. With our Organic 101 and 201 trainings, we have focused on really get them out within the USDA, to make sure that our staff know what organic is, that the USDA supports it, and how to connect producers and handlers with resources.

And it has been successful beyond my wildest dreams. We have had over 30,000
USDA employees complete this training online. We have about 100,000 employees at the USDA. So, you can do the math. It is a huge portion of our workforce. So, people are much more informed about organic than they were in the past, and we are having a much better starting point for our conversations of figuring out how different agencies can support organic producers and handlers.

We are currently in the process of updating all of these materials to make sure that they reflect the current that we are doing and any changes that may have happened in the most recent farm bill.

And we would really love feedback. If folks in the room are using these tools, we would love to hear from you. Are they useful? Do they hit the high points? Are there things that we are missing?

We have gotten a lot of information out there, but we tend not to hear much about how they are used and whether or
not they are useful. So, if there are
thoughts about how these could be tweaked or
changed, we are in that process right now.
So, it would be a great time to let me know
what you think.

So, we do have a new farm bill
finally. We are very excited about it. And
organic did quite well in the most recent farm
bill. So, several programs that had
previously been funded have now, again, gotten
funding. Some of those, like the Cost-Share
Program, got a lot more money than they had in
the past. The Cost-Share Program itself has
about doubled the annual budget that it used
to have.

And there is a lot of work that
has been going on to try to get the farm bill
implemented and off the ground. Since we did
get it midway through the year, it has been a
bit of a scramble, but things are underway and
we are getting, hopefully, back to normal with
a lot of these programs.
The Organic Research and Extension Initiative is now funded again and has been tweaked a bit to include educational activities as a new category of eligible projects. Previously, it was only focused on research or extension. Now you can actually submit a proposal whose primary purpose is to do outreach and education.

That is another thing I think is very exciting, and I hope that people recognize, because it does open the door to something that is really needed to provide, again, that one-on-one personal touch to work with our organic producers and handlers.

The OREI awards for the past year were just announced at the end of September, and they expect that the new request for awards will be published very soon on the National Institute of Food and Agriculture's website. So, if you are an institution that would be interested in applying or if you know folks who may be, please tell them to stay
tuned.

As Miles mentioned, we just did a big mailing to let people know about the Cost-Share Program. We understand folks are talking about the mixup in the addresses, but I think the fact that they are talking about cost-share is a good thing, regardless of what the topic is. We want to make sure that they know about it. We want to have anyone who is interested take advantage of those funds. We now can provide reimbursements, I believe, under the current funding to anyone who is certified. And we want to get as much of that money out there as we can.

The Organic Data Initiative is another area that was restored in the farm bill, and we now have a new pot of $5 million for data collection on organics. So, that might be a little cryptic, but what we are doing with this is trying to expand the price information that we have available through the AMS Market News Program on what people are
getting paid for organic products around the country. Some of this information is very specific to different regions. And the Market News team is actually also going to be expanding the local and regional Market News data, so that it is really very differentiated. And wherever you are selling your product, hopefully, this will provide more information, so that you can know what a fair price is to either charge or to pay for organic products.

One of the end goals of this year's Organic Data Initiative effort is to try to assist the Risk Management Agency in providing new crop insurance tools for organic producers. There are a small number of commodities that currently have specific organic price selections. So, that if you are buying a crop insurance policy and you have a crop loss, you can actually get paid out at the organic market price versus the conventional market price, which, as we know,
typically can be a big difference in terms of
the farmer's pocketbook.

So, we are working with the Risk
Management Agency to try to help them develop
more specific price selections for more crops,
especially in the fruit and vegetable arena.

There are also other options for
organic crop insurance that have been
expanding. This year they announced the
contract price election tool. So, even if
someone is not growing a crop that currently
has a specific price selection with RMA, if
you have a contract and you can show that
contract to the insurance provider, you can
get an insurance contract on that specific
price, which really expands the options for
organic.

And something I think a lot of
people have been waiting for, in the next
probably couple of months, we are going to be
seeing a whole farm insurance product that is
really going to address the needs of our
highly-diversified particularly specialty crop farmers and make organic crop insurance a much more accessible tool than it ever has been in the past, hopefully, with a lot less paperwork. So, again, stay tuned for that. We will be sharing a lot of information. Hopefully, this will be a really important way for producers to be able to mitigate the risk that is inherent in organic production.

I also want to mention the farm bill developments for the exemption to Research and Promotion Boards, which are commonly known as Checkoff Programs. The farm bill did provide a provision that would exempt certified organic operations from having to contribute to those Boards. And that rule is in process and should be available for public comment within the next few months.

As you probably all know, there is also the option in the farm bill for the industry to propose an Organic Checkoff Program. There is really not much that we can
say as USDA on this at this point. It is really up to the community to decide what it is that you want, but the USDA does stand ready to respond in the event that a proposal does come to us.

So, I want to circle back to the Secretary's Guidance and the Organic Working Group. Within Secretary Vilsack's 2013 Departmental Guidance on Organic there were really five main priorities or main themes.

And that is how we have organized the work of the Organic Working Group.

We have formed what we have called Project Action Teams. Again, we are really trying to focus on tangible actions and impacts. And the five areas are training and outreach, supporting the transition to organic. The third one is always a little cryptic, regulatory reciprocity, which is really reducing paperwork. I think that will become clearer as I give some examples.

Research and data.
I should emphasize that the Organic Working Group, we have a listserv of over 100 people within the USDA. We typically have 25 to 30 active members at any of our meetings. So, it is a pretty significant group.

So, I am going to go through each of our project teams and talk a little bit about what we are going to be doing over the next year.

So, our reciprocity team, again, this is looking at how we can reduce the amount of paperwork, reduce the amount of bureaucracy that we are requiring of any farmer to make it easier for them to participate in our programs.

The top, I think, work that we have going on is really in the area of conservation. The National Resources Conservation Service and the National Organic Program have been working together for the last year or two to coordinate the
Conservation Program requirements on the NRCS side with the requirements that we at the NOP have for an Organic System Plan.

So, the NRCS has actually developed a new template for conservation activity planning that walks through exactly what the requirements are of the organic regulations for things like nutrient management, soil health, livestock grazing, the whole area of the maintenance and/or improvement of natural resources, to make sure that these two efforts are working hand-in-glove.

My hope is that this will provide a big leg up for organic producers, both in conservation planning and actually implementing organic and conservation practices on their farms. And hopefully, it will also help them with the paperwork. You know, we always hear that, other than the cost of certification, the paperwork is one of the biggest barriers.
And so, if someone can walk into an NRCS field office and get help filling out this plan, it can get them a good part of the way to having their OSP done. So, this is really great stuff, and it will be rolling out in the next few months with a lot of training and outreach opportunities. So, do stay tuned for that. And please, when you see the information, if you could share it with your networks, we would really appreciate that. We want to get this out as widely as possible, so that people can take advantage of the new tool.

Another area -- and this is the first time that we are announcing this actually, so you are all getting a bit of a sneak preview -- is a new streamlined procedure for making non-GE label claims on meat and poultry products. So, the Food and Safety Inspection Service has been working with the NOP to cut out some of the red tape that had previously been required for
certified organic meat and poultry processors
to make non-genetically-engineered label
claims on their products.

So, as of last Friday, the Organic
Certificate is pretty much all that you need
to be able to make those claims. So, the meat
and poultry processors will now be able to say
that, if it is meat, that the animal was not
fed a genetically-engineered diet, or if it is
a processed product like a sausage, that it
was not made with genetically-engineered
ingredients. So, we hope this will just be
another tool that will show the value of
organic certification.

And the last thing, I previously
talked a little bit about crop insurance, but
we have an additional effort going on with our
friends at the Risk Management Agency to
conduct what I am calling a needs assessment
of crop insurance documentation. So, we have
gotten some questions from organic certifiers
in recent months about why these insurance
providers are contacting them to get organic
system plans or organic inspection reports,
and why this is necessary for crop insurance.

So, we know that that can be a lot
of paperwork, and it is also often one of the
first or middle steps in the certification
process. It doesn't give a full picture of
the corrective actions or other communication
that has gone on.

So, we are going to be working
with the Risk Management Agency to see if
there are ways that we can streamline that
process and, again, reduce the paperwork
burden on our organic producers.

We also have a team working on
research. That team specifically responds to
the National Organic Standards Board's
research priorities every year. So, they had
done that back in the spring. Once the
research priorities are finalized at this
meeting, they will again take a look at those
and provide some feedback.
They have been keeping up with the development of these goals throughout the process, and they are very engaged to make sure that they are feeding any needs for research, particularly on regulatory topics, into the requests for applications in the USDA's various research funding programs.

Another goal that they have for the coming year is to conduct a stakeholder needs assessment of critical organic research priorities. They want to make sure that they are hearing from all of the voices out there, so that we make sure that any research that is funded is informed by those needs that have been identified by our stakeholders. And I think the hope is, by developing a White Paper or something similar, that we can get that information out to a broader audience, so that that information isn't just held within the USDA.

I wanted to just highly a couple of other things going with research at the
USDA. As I mentioned, the Organic Research and Extension Initiative did just announce their most recent awards. And last week they actually had a meeting in D.C. with all of the national program leaders who are conducting organic research around the country. So, there are a few topics that I wanted to highlight that I thought might be of particular interest to the Board and to the folks in the room here.

There is a lot of work going on with the Agricultural Research Service on public corn breeding to make sure that organic producers have access to what they are calling elite cultivars, the best of the best. Some of the areas that they are looking at is increasing the methionine content of corn, which would, of course, directly address some of the concerns that we have around making sure our organic poultry have the nutrition that they need. And also, lack of pollen receptors to breed corn that does not accept
the pollen from a genetically-modified
organism, to make available another tool for
coexistence.

And also, some research going on
within a different Agricultural Research
Service facility to look at natural strategies
to alleviate enteric pathogens in poultry.
So, they have some very promising research
coming out about the potential for essential
oils to be able to lower the salmonella rate
in chickens, another piece that will be
important for us as we are developing our
animal welfare and looking at poultry that has
more access to the outdoors.

Another area where there is a lot
of research going on is cover cropping and no
till systems in organic agriculture. This
area has a lot more variability and a lot of
attention. And the research seems to be
highlighting the challenge of how we
sufficiently can kill our cover crops in order
to make sure that there is not excessive
competition, once the organic cash crop is planted.

And there is also a lot of research going on on trying to assess the impact that organic practices have on climate change mitigation. Also, a lot of research going on, a lot of challenges in trying to capture the data accurately, but important research, I think, to feed into the larger conversation.

One of the things that I thought was very interesting was that several of the scientists commented on the challenge of replicating organic systems in a research environment; that organic farming systems are often simply too sophisticated and too unique to be replicated simply on a research operation.

So, I thought that was kind of a compliment to organic farmers at large. And it also highlights the need to make sure that we are doing research on the farm as well, so
that we are truly capturing what is going on out in the world of organic production.

I also wanted to mention that we recently had a visit from the Rodale Institute. As some of you may have heard, Coach Smallwood did a 160-mile walk from Kutztown, Pennsylvania to Washington, D.C. And so, we had a meeting with them when they arrived here about the White Paper that they have put out on the potential of organic to mitigate the effects of climate change and to share some information between our research agencies, our Climate Change Office, and our conservation programs on what we might be able to do together.

So, there are some very promising conversations that came out of that, and it was, I think, also good to have an outside speak on behalf of what is going on with organic, which sometimes can be more meaningful than those of us who work inside the USDA.
So, I just wanted to highlight that and say that, if anyone else would like to pay us a visit, you are always welcome.

The next project team I want to highlight is our data team. The data team has been working for the last year on conducting an inventory of data across the USDA regarding organic and non-genetically-engineered agriculture. So, we are putting what we hope are the finishing touches on that and hope to have that available to the public this year, to highlight just the information that is available for those that are interested.

The group is also working on improving trade codes, so that there will be better tracking of exports and imports in organic. If you have ever looked at organic trade, you will know that there is very limited data available. We are only tracking, I think, a couple of dozen commodities at this point. And so, they are in the process of trying to expand the information that is
A couple of other highlights I wanted to mention, specifically with the National Agricultural Statistics Service, are that we had a publication just recently on a special tabulation from the 2012 Census. I made the mistake of trying to print it and discovered it was 216 pages.

So, if you have taken a look, it is a really extensive look at the characteristics of organic. They pulled out both a national and a state-by-state look at who is farming organically, how they are farming, what they are producing, what their profitability is. And it is really sort of like a mini-census just looking at organic.

Some of the highlights from it were information that said that organic producers are much more likely to sell direct to the consumer. Only 7 percent of all U.S. farms sold directly to consumers while 42 percent of organic farms reported direct
sales.

Organic farms were much more likely than other farms to invest in on-farm renewable energy-producing systems, like solar panels and wind turbines. And organic producers were much more likely to be beginning farmers, with 27 percent starting farming in the last 10 years compared to 18 percent of all principal farmers. And they are also, typically, younger, with 26 percent under 45 years old compared to 16 percent of all principal operators.

So, there is a lot of very good data and I think a lot of interesting information to inform us all about, you know, who the organic community is, when we are thinking about the policies that we want to make.

In the same vein, NASS will be publishing its next organic producer survey in early 2015. They will be sending this out to our entire list of certified operations. And
they really want to highlight how important this data is. Without good data, we can't make good tools.

One of the biggest users of this data is our Risk Management Agency, which is working, as I mentioned, very hard to try to provide better crop insurance products. So, I wanted to put out the call to all of you that, when we get information out about this survey, if you could please help us to share that information with organic producers and to communicate to them the importance of responding to the survey, so that we do have this information to make sure that we are providing the best programs and services that we can to them.

Our training and outreach team this year again will be focusing on our update and our re-release of the Organic Literacy Initiative. And once that is done, we want to work more with external partners to distribute organic resources beyond the USDA.
You know, we had focused a lot on getting our internal folks trained. And now, we want to figure out how to move beyond that. How do we really put these necessary tools in the hands of those folks who have the boots on the ground, who have that one-on-one contact with farmers.

We did a Google Hangout earlier this spring to talk about what the barriers are to organic certification. And we heard loud and clear that farmers want one-on-one technical assistance. They want to be able to talk to a human being who can answer their questions about how it is that they can farm organically.

So, we want to make sure that we are working with those who have a field presence to make that happen. One of the ways that we are doing that is we are working closely with the Farm Service Agency that is trying to incorporate programs beyond their typical mission and provide better outreach.
and information to farmers. So, they have taken organic as one of their pilot projects to do that, and we hope that soon we will be able to point to the Farm Service Agency as a field resource for organic producers.

And our last team is focusing on supporting the transition to organic. In some ways, I think this is one of our most challenging and most important areas. I mean, we have had a goal in the USDA Strategic Plan for several years now to increase the number of certified organic operations, which is a real challenge. It is not easy to get certified, and we want to make sure that we keep those standards strong. But we also want to make sure that people who are interested in participating in the plan can do so.

So, our plan is to look creatively at the USDA, at all of our technical and financial resources, and to think about them in a different way, and think about how they might be able to serve producers and handlers
who are looking at the transition.

So, one of the examples is we are
talking to the Farm Service Agency about how
the Conservation Reserve Program might be able
to fund farmers who want to retire a buffer
strip and actually give somebody some
financial payment for that conservation
practice that they are putting in.

So, it is things like that,
looking at existing tools in a new way and
trying to figure out how they can better serve
our organic producers.

Our end goal is to create websites
and fact sheets that summarize and explain
these resources, to facilitate the transition
to organic. And we are also looking at how we
might be able to incorporate resources outside
the USDA. We know there is so much good work
that is going on in the organizations that you
all work for, at organic certifiers, all
across the country that are helping people to
make that jump to organic certification
already. We want to see if we can't provide a central resource for all of that. So, there will be more to come on that soon.

The last thing I wanted to mention, as Miles alluded to, that we will be doing a big focus on stakeholder engagement. We are doing a lot of outreach and education over the coming year, which is because we really do want to hear from you. We want to hear from all of the voices in the organic community.

So, we will be hosting a series of webinars on the different topics, primarily on the topics that the Organic Working Group is focusing on. We are hosting those mostly in the winter and early spring, so that it will be a time when we hope that organic producers will be less involved in farming and, hopefully, more available to join us on one of those webinars. We are hosting them electronically, so that people don't have the financial and time burden of having to travel
to see us in person.

And we will be starting in November with a conversation on training and outreach. So, as I mentioned, we are focusing on how to get information out beyond the walls of the USDA, and we hope that people will join us to give us some creative ideas on how that might happen.

We will also be doing as much travel as we can ourselves in the fall and winter conference season to make sure that we are getting out there and making ourselves available around the country to hear what folks have to say, so that, again, we can better inform the work that we are doing.

So, that is all that I have. I just wanted to emphasize that I really am a resource for organic within the USDA, and that my job is to make sure that the USDA programs work as well as they can for the organic community, but I can only do that if I hear from you all for what it is that we need to be
doing and what it is that we could be doing better. So, please do think of me as a resource. My contact information is there. And we are very interested in hearing your feedback.

CHAIR RICHARDSON: Thank you, Betsy.

I would like to invite questions from the Board for Betsy on the topics that have been covered. Burning questions?

Yes, Joe?

MEMBER DICKSON: Thank you, Betsy.

That was an awesome presentation.

MS. RAKOLA: Thank you.

MEMBER DICKSON: The FSIS policy change or streamlining on non-GMO or non-GE label claims is really good news. But I notice in your presentation you used the phrase "non-genetically engineered" --

MS. RAKOLA: Uh-hum.

MEMBER DICKSON: -- versus "non-GMO". Is there a Department thinking or
policy on those two phrases and which is preferable or allowed under the guidelines?

   MS. RAKOLA: I am not sure if there is a policy at the level of the Department. From what I understand, that was consistent with the FSIS existing policies.

   CHAIR RICHARDSON: Other questions?

   Jay?

   MEMBER FELDMAN: Thank you for your presentation, Betsy.

   You used the term "coexistence".

   And as you know, there is a raging debate within the organic community as to how organic over the long-term can coexist with a technology that causes involuntary exposure or genetic drift off the target site, and the associated pain that that causes in reduced value or the threat of litigation against people that are drifted on or farms that are drifted on.

   I am wondering if there is a
process -- I know the Secretary has engaged on this issue -- but how this Board and the community that we hear from at every meeting on this topic can work with you to better articulate the concerns that are being heard in this room on coexistence and the difficulty, the daily challenges that people are suffering as a result of genetic flow, a gene flow off of the GMO crops.

MS. RAKOLA: Sure. And I think the Secretary and the whole USDA are keenly aware of the challenges of coexistence and are actively trying to find workable solutions, so that everyone can farm in the way that works the best for them.

The Secretary's AC-21, which is the Task Force on Biotechnology and Coexistence for the 21st Century, is reconvening, and they are actively seeking information for solutions. We are in the process of collecting all of the resources that are out there and trying to make sure
that we are aware of all of the information
and tools that are available within the USDA
and without. So, if there are information
pieces that people would like to share, my
email is up there. I would be happy to pass
those on to the Committee to make sure that
they are shared, and that there will be future
opportunities for input and public comment.

MEMBER FELDMAN: Thank you.

CHAIR RICHARDSON: Other

questions?

(No response.)

Thank you, Betsy.

MS. RAKOLA: Thank you.

CHAIR RICHARDSON: I think it is
time now for a 15-minute break. I will be
very prompt in starting us off again at 20
minutes to 11:00.

(Whereupon, the foregoing matter
went off the record at 10:21 a.m. and went
back on the record at 10:39 a.m.)

CHAIR RICHARDSON: Let's get
The next item on our agenda is a materials update summary of new and outstanding petitions. And Dr. Lisa Brines will present this.

DR. BRINES: Thank you.

And just one clarification before I dig in. Just a notice for those in the audience that are keeping. There's a lot of materials lists within this presentation. So, the presentation as well as the earlier presentations by Betsy and Miles earlier this morning will be posted on the NOP website. So, don't feel like you have to take all the notes as we go through this.

So, just a reminder on the evaluation criteria. For materials, the criteria are established and provided for in the Organic Foods Production Act. As we talk about materials and petitions and sunset materials throughout this meeting this week, just keep in mind that the questions from the
Technical Reports as well as the NOSB Checklist were developed as tools to align with those OFPA criteria.

There are different criteria for production uses versus handling. So, crop and livestock materials use the Organic Foods Production Act criteria. The handling, in addition, have additional criteria for their evaluation.

Specifically, processing aids and adjuvants are evaluated under additional criteria that are at 205.600(b). That is just for synthetic handling materials. And in addition, agricultural materials used in handling are subject to additional criteria for commercial availability as well.

Okay. So now, getting into the lists in terms of what is outstanding with the Board, there are no crops petitions on the agenda for this meeting, but there are a handful of materials that are petitioned materials that are under review by the Board.
Again, this full list will be available on the website, and I have asterisked a handful of the materials that have technical reports that are in development and that should be available before the next meeting.

One additional note in terms of the petition availability, the NOP posts the petitions on the website at the time that they are provided to the Board for review. So, all these petitions are posted on our website because they were submitted to the program, determined eligible and complete, and then, forwarded to the Board for review.

At any given time, we also have other petitions that have been submitted to the program that are under evaluation for eligibility or might need revision by the petitioner before they are provided to the Board. So, those are the ones are not captured under this slide. These are just the ones that were determined eligible, complete, and forwarded to the Board for review.
For the Livestock Subcommittee,
again, no petitions on the agenda for this
meeting, but there are a number of materials
that are under review by the Livestock
Subcommittee. All of the aquaculture
petitions are still within the Livestock
Committee's purview at this point, and there
is a handful of Technical reports that are in
development, including aluminum sulfate and
sodium bisulfate, which have similar uses for
treatment of poultry litter, and a petition
for zinc sulfate is under review and a
Technical Report is in development as well.
So, all of these petitions are currently
posted on the NOP website.

For handling, there are two
petitions that are under consideration by the
full Board at this meeting, including a
petition to remove glycerin from Section
205.605(b) of the National List, as well as a
petition to add whole algal flour to the
National List for use in organic handling.
There are a number of other outstanding petitions under review by the Handling Subcommittee. A couple of the ones on the list there have been reviewed by the Board at previous meetings, but a decision has not been made, as well as they have a newer petition for triethyl citrate which is under review, and a Technical Report for that substance is current in development. Again, all of these petitions are currently posted on the NOP's website.

For voting procedures for petition substance, again, just a reminder that the Board takes two votes for all petition substances. The first motion is a classification vote, generally only needed if the substance has not been previously classified by the full Board or if the Board is contemplating a change to classification for something previously classified. Things would be classified either as synthetic or non-synthetic or, for handling, agricultural
or non-agricultural as well.

The second motion for petition substances is either a petition -- I'm sorry -- a motion to list to remove or to amend. So, that directs the program what your intent is to do with that material.

And again, the majority needed to pass those motions is a two-thirds majority of the Board. So, with the Board today with 15 members, that would be 10 votes needed to pass those motions. And that two-thirds majority is established by OFPA.

Moving next into the sunset materials, so the sunset 2015 materials, the Board will complete its review of these materials at the meeting this week. So, for crops materials, this includes three sunset substances, two listings for aqueous potassium silicate. It is listed twice on the National List under (e) as an insecticide and, also, under (I) for plant disease control. There is a listing, also, for sodium carbonate
peroxyhydrate on 205.601, and that is under (a), and sulfurous acid which is on paragraph (j) as plant or soil amendments. So, three of those substances will have their review concluded at this meeting.

And in support of its review, the Crop Subcommittee did request updated technical information for all of those materials, which is made available to the public as well in advance of the previous meeting.

For handling, there are four substances for sunset 2015: gellan gum, which is a non-synthetic material listed on 205.605(a), and then, the other three materials are listed as non-organic agricultural materials on 205.606. So, we have the two cooking wines, marsala and sherry, as well as tragacanth gum on 606. In support of its review, the Handling Subcommittee did not request additional technical information. So, they
are working off of existing reports and public comment for those materials.

So, in addition to the 2015 materials that are under consideration at this meeting, this week is also the first of two meetings for the sunset 2016 materials. So, we will be hearing comments for two crop materials, ferric phosphate for slug and snail control as well as hydrogen chloride, which is used for de-linting cottonseed for planting. And in support of its review, there was one updated Technical Report requested by the Crop Subcommittee to address the uses of hydrogen chloride.

There are no 2016 materials for the Livestock Committee, but there are a number for Handling. I won't read through this entire list, but I did asterisk the ones that have updated technical information available, which are tetrasodium pyrophosphate, TSPP, as well as microorganisms. So, 10 of those.
And for 2016 materials, the Board won't be concluding its review until the following spring meeting. So, this is the first of two meetings where these materials will be considered.

Okay. And I did just want to give a preview of sunset 2017 materials. The majority of materials on the National List are scheduled to sunset in 2017. These materials are not currently on the agenda for this week's meeting, but the first of the two sunset meetings for sunset 2017 would be next spring.

So, we have got the complete list that is available in a memo that we previously published back in January. So, I would refer you to that list for the complete list, but I did want to just give a preview. Because there are so many materials that are coming up for 2017, I thought it would be helpful to know what is coming down the line, as we have been working with the Subcommittees.
We did work with them over the summer to determine which materials might need updated technical information. We have been able to dedicate more than $330,000 for Technical Report development for sunset 2017 material. So, these are in development and will be available for the public soon.

For sunset 2017 materials, I have given the full list of Technical Reports that are in development. The ones that will be coming down the pike sooner in terms of being posted on our website are probably ethanol and isopropanol. The vitamin report for B1, C, and E probably will be the last one to post.

I just wanted to point out one specific one on this list, which is EPA List 4. We did receive a request from the Crops Subcommittee to develop a Technical Report to address EPA List 4, but limited to the class of nonylphenol ethoxylates. So, we are moving forward on that Technical Report. It is one of the categories that have been identified by
the Inerts Working Group. So, we are moving this one forward as part of the sunset review. For livestock, we have a number of reports that are in development. Again, the ethanol and isopropanol reports will probably be available to the public first.

We are also doing a number of categorical listings that haven't been updated with new technical information since around 1994-1995. So, new category Technical Reports for excipients, electrolytes, and vitamins, and we are doing a combined Technical Report to address a few of the parasiticides on the National List, which includes fenbendazole, ivermectin, and moxidectin.

And the number of handling reports that are in there, I won't go through this full list. I will note that, for the Technical Reports, some of these are limited-scope Technical Reports. So, based on the available information, there is not a full Technical Report that the Subcommittee
determined was needed, but oftentimes just
specific questions or new information that
might need to be addressed. So, that will be
clearly marked on the Technical Report as it
is posted for the public, whether it is a full
Technical Report or just limited scope.

Some of these listings also have
been combined, just because of related uses.
So, for example, we plan on doing one
Technical Report that addresses citric acid
and it is three salts, which on the list there
includes calcium, potassium, and sodium
citrate.

All right. So, that's it for the
sunset. I do want to give just one slide on
an update about the petition process.

As you may recall, at the April
2014 NOSB meeting, the Board passed a
recommendation, two recommendations asking the
NOP to update the petition process. One makes
some changes to the petition guidelines which
are currently posted in The Federal Register
and haven't been updated for several years.

Another recommendation addressed the allowance for confidential business information as part of the petition process.

We are currently working on implementing the changes that were recommended by the Board. At the point at which those new procedures are published in The Federal Register, they will become effective. So, in the meantime, we are still working off the old petition guidelines, which do allow the submission of confidential business information. And we have been working closely with petitioners that have submitted petitions in this interim time to let them know about the availability of that recommendation, and they may want to consider that as they draft their petitions, until the new procedures are published.

And I think that is it. So, thank you.

CHAIR RICHARDSON: Thank you, Dr.
Brines.

Are there any questions in regards to this presentation? Any concerns or clarifications that you need?

(No response.)

Well, you're getting off lightly today, Lisa.

(Laughter.)

Thank you.

DR. BRINES: Thank you.

CHAIR RICHARDSON: The day is still young, I am reminded. Yes.

So, before we move into public comment, I have a few comments that I would like to make as Chair. I waited to see what the NOP would say, and I was at NOC yesterday. So, I would like to try to bring our attention to a number of items at this meeting.

I should start off by telling you that I have a gavel, which I use when I am quite cross, and it is not good for Jean to get cross.
And I also have my scepter with me to bless those who do good work.

So, I find it a great honor to be Chair of this august organization, for which we get paid absolutely nothing, but it is good fun sometimes.

And I would like to just bring you up-to-date very briefly with some NOSB items.

As you all recall, there were a number of changes which the NOP made over the last year or so. And some of these didn't seem quite right. So, adjustments have been made.

As you observed, the NOSB is once again chairing the meeting. And Miles we have surrounded by the Chair and the Vice Chair to keep him under control.

The Charter, do you remember the Charter? As we heard yesterday at the NOC
meeting, there was some confusion in the GSC and they altered the NOSB Charter, so it sounded like we would go away in two years. That has been corrected, thanks to the work of a number of people.

In the last few weeks, the NOP has also reactivated the Policy and Procedures Subcommittee, which, as you recall was deactivated back in February. And the NOSB will work collaboratively with the NOP to rewrite the Policy/Procedure Manual and to clarify sunset policy, which, as you know, this is the first time we are doing this new version of it. So, depending on how things go at this meeting will determine to some extent how we can aid in that clarification process.

We also expect that the Policy Subcommittee will work on a new procedure for annotations, which right now we have a lot of limitations on. And especially, we are interested in seeing the manner in which we could do annotations at sunset, which
presently we can't do.

So, these are all really good things, and there are other things, as you have heard from the presentations from the NOP staff today. And I am very confident that we can continue to make improvements in our work over the next year or two.

One of the things that I would like you to be aware of is I do talk to the Deputy Administrator every week. And you have my phone numbers and you have my emails. So, you have a direct connection at anytime to me and to Miles through me, although, of course, you can contact him directly as well. But your concerns are carried forward very quickly, and they are of great interest and concern to all of us, that we try to do the right thing at the right time, but we are all human, remember. So, being tolerant of each other is quite important.

The other thing that I have just put up here, which Colehour kindly reminded me
to do so, is to remind everyone of our NOSB
mission statement and the vision statement for
what it is that we are all about. And it is
up there on the screen for you to review and
remind ourselves of why we are here and what
an important role we play in the limited scope
of agriculture that we really are involved in
in the United States and worldwide really.

I would like to move on to the
next slide, if I may, Michelle, as I try to
give us some broader context within which we
are working.

            Like a lot of you here in this
room, I have been involved in the organics
long before there was the organic seal. And
while the typical consumer might not know that
Section 205.237 deals with livestock feed, as
we can see here in this cartoon -- these cows
are getting up-to-date -- we, by contrast,
really get into the weeds, literally and
figuratively.

            But I was reminded recently, when
I gave a presentation to the National Association of State Departments of Agriculture, that we could lose our way and we can forget that the general field of agriculture and food production, even though organics is a $35 billion industry, it is only about 3 percent of agriculture in terms of dollar sales and only about 1 percent of farmable land at the present time. So, it is quite small when you put it into perspective.

And then, think about the USDA. I don't know when the last time was you walked around those hallowed halls. It is a huge agency. And I found that, when you walk around that cafeteria down there in Washington, D.C., you can't even buy whole fat organic milk, let alone cream line or non-homogenized and, of course, heaven forbid, raw.

(Laughter.)

So, now the NOP has been working to increase organic literacy of the
inhabitants of that building, but there are a lot of entrenched ideas and overcomplicated rules and regulations and red tape, with which we are all much too familiar, and many competing interests.

And we, all of us, must work within that system, whether we like it or not, no matter how aggravating. At least we are a democracy and we can air our dirty washing on the line, which is hard to do in other parts of the world.

And the Agricultural Marketing Service, that component is actually very small in the USDA. And then, the NOP is just a tiny part of AMS.

Now when the OFPA and regulations were being written, we were an even smaller sector and there was almost no processed organic food. Now processed organics are growing fast, and we have to produce organic food. However, we have to produce that organic food within the context of our cheap
U.S. food policy, and this reduces slim profit
margins and increases competition, which leads
to stress and all kinds of other things.

The Europeans, by contrast, are
happy to pay much more for their food. So,
therefore, the farmers and the processors in
Britain and Europe can have much higher profit
margins for organic products.

So, we in this room have a
responsibility and must work to boost consumer
certainty, improve labels on products, reduce
consumer confusion, and maybe spend less time
and energy, on the one hand, suggesting that
our organic products may be dangerous to eat
or, on the other, complaining that the NOSB is
failing to give every producer and every
processor all of the chemicals that they want.

So, my plea with us all here today
is pick your battles. Working together,
building partnerships, it is absolutely the
only way to go. We are part of a complex
system. So, we should use systems thinking
from the farm as a system to the multi-
ingredient chocolate chip cookie production,
to the global marketplace, constantly
challenged by change, all kinds of change,
including climate change.

We have to remind ourselves that
everything is interconnected. And our
interlocking agricultural policies and
regulations must be used to strengthen those
connections and not destroy them. Because if
we can't work together -- and we are a small
group -- building partnerships between diverse
stakeholder groups, we may face the economic
and environmental "Tragedy of the Commons"
articulated many years ago by Garrett Hardin.

His theory outlined how
individuals acting independently and
rationally, each according to individual self-
interest, behaved contrary to the best long-
term interests of the whole group. And thus,
we deplete the common resource, such as soil
and water, or in this case we will lose our
market niche in organic food production.

It is not realistic to demand absolutely no synthetics in anything with the organic seal. And it is not realistic to ask for every synthetic or every tool in the toolbox.

And the NOP must work more collaboratively with the NOSB in all aspects of our work. Together, we have to move toward common ground. We have to be proactive as possible as a community, working with all the changes; be sure we are asking the right questions, and always thinking in an interdisciplinary manner with systems thinking.

So, let's seek common ground together as we go into the rest of this meeting, take our public comments, and work through our Subcommittee actions that we have to do today and the rest of this week.

Thank you.

(Appause.)
Do you have a comment?

MEMBER STONE: First, I want to say thank you for that.

But, before we start public comment, we implemented a little -- it is not a policy, but a thing, that people that respond to the stoplight system in the public comment -- we have two categories: those that time it so well that, when they say the last word of their comment and right when the red buzzer goes off, they get a prize, right? So, it is either a cup or a T-shirt, a USDA T-shirt, an organic T-shirt. All right?

(Laughter.)

And we owe two people -- and Michelle and I couldn't remember because several people -- the other category is, when the red light goes off, they stop in mid-sentence or mid-word in respect for that, which all this is respect for each other's time and ability to ask questions and all that.
So, we owe a couple of people T-shirts from the San Antonio meeting. Marty refused his because it wasn't organic cotton, but we can take that up with the Secretary.

(Laughter and applause.)

But we did bring a new supply of cups and T-shirts for this meeting as well. So, just that.

CHAIR RICHARDSON: Thank you, Mac.

So, Michelle, we are ready to organize the public comment. I have a list here. I don't know for sure if it is absolutely up-to-date.

The first person that I have listed on mine is Keith Freitas. Is Keith here?

(No response.)

No?

Then, the next person that I have on the agenda is Steve Etka from NOC. Steve?

MR. ETKA: Good morning.

I am Steve Etka. I am Policy
Director for the National Organic Coalition.

I wanted to start by thanking you all for all the work that you do as NOSB members. It is an intense job, but it is not a thankless job because all of us are here thanking you for the good work that you do.

And, Jean, I appreciated your intro remarks.

As many of you know, NOC has been very vocal about our concerns about the unilateral changes in the sunset process made by NOP last year. The Department's action is a significant reinterpretation of the law, which essentially turns OFPA on its head and redefines the word "sunset" to mean exactly the opposite.

Let me say the one thing upfront is that one thing we do like about the new process is that you all are starting the process earlier, which, hopefully, will make it easier to get through the materials you need to get through.
Our concerns on the sunset policy change have been many, but let me highlight the main three.

Process, this is a major reinterpretation of OFPA and it is highly controversial. At the very least, the Department should have proposed this as a change through the formal public notice and comment process.

Two, who makes the decisions? The new sunset process has created a great deal of confusion regarding the role of NOSB Subcommittees versus the full Board in terms of material listing decisions. While the Subcommittees should be doing a lot of the groundwork for considering materials, the full Board should make the final decisions about listing and relisting material.

To their credit, NOP staff has spent a lot of time in recent months to clarify that the full Board will be making all the materials listing decisions, at least for
this meeting. But we are concerned, however, that the mechanism used to make this happen within the context of the new sunset review process is very complicated and confusing and tortured. Having all the Subcommittees vote to remove all materials up for sunset review, and then, having the Subcommittees take an additional vote on the same material to actually say what they really think about it is very confusing.

And that leads to our final concern about the policy, which is, what is the Board voting on? Is it voting on relisting or delisting? And we strongly believe that OFPA is very clear in its presumption of no synthetics as a standard of organic and that the law intentionally establishes a high hurdle of a super-majority NOSB vote in order to allow a synthetic to be used for five years, and that same high hurdle for it to be relisted.

If that standard is not met, the
law is clear that the material goes off the list. When the sunset vote is on the question of whether or not to relist, it becomes much more simple and direct.

We agree that there are process changes that need to be made. In that context, we have given to all of you a White Paper about making sure that there is a clear record of decision for each material that is up for review. That helps both you all and the public be fully informed about the past decisions made and about where the gaps are that need to be filled. Prioritizing this work is really important.

We also want to thank you for the research priorities you have laid out and thank NOP for relaying those priorities to NIFA, the research arm of USDA.

Also, in closing, I wanted to just thank all of the outgoing members, Jay, Wendy, John, and Joe, for your hard work, and to say enjoy the newfound free time.
CHAIR RICHARDSON: Thank you, Steve.

Questions?

(No response.)

Thank you.

MR. ETKA: Thanks.

CHAIR RICHARDSON: The next speaker is Mark Kastel.

MR. KASTEL: Thank you, Madam Chair.

Why should organic stakeholders continue to come to the NOSB meetings? Groups like the Cornucopia Institute or Beyond Pesticides have four minutes to speak to you folks. We represent 10,000 members. And we are covering all the materials and all the policies that you are deliberating on.

We had a wake-up call a few years ago when two $12 billion companies, Martex and Dean Foods WhiteWave, spent almost an hour petitioning on just one material because they could afford to fly numerous corporate
executives and lobbyists and lawyers into this room.

We use citizen lobbyists, farmers, and other stakeholders. And I hope you will give them respect when they are speaking to you today.

Why should we come to this meeting? The NOSB had always been the focus for the organic community of resolving policy issues.

I will remind many of you in this room that it was 10 years ago that the Cornucopia Institute and the Northeast Organic Dairy Producers Alliance facilitated many farmers to come in and testify. We convinced the NOSB that cracking down on factory farms with no pasture, putting farmers at a competitive disadvantage, and cheating consumers should be a priority, and you did that.

Now the NOSB is stripped of its authority to set its work plan and own agenda.
This is contrary to the Organic Foods Production Act that mandates that this Board advise the Secretary on implementing the Act.

The changes to the PPM are a betrayal. The Policy and Procedure Manual was developed in consultation with organic stakeholders, deliberated by the Board, passed, and then recommended to the USDA during the Bush Administration, and adopted. That was a respectful process to the organic community.

Mr. McEvoy, you unilaterally took that authority away without talking to the Board or anyone else. Wrong.

And people support the changes, the people you are listening to. Miles, farmers are nice. I'm not that nice. I work for farmers. I'm a hired man. Thousands of farmers, probably the majority of certified organic farmers pay my check to be here today. Please listen to them.

It is insulting to suggest that
farmers are just concerned with weed control
or, as you said yesterday, just aren't paying
attention to the list. You're not talking to
the same farmers we're talking to.

Intimidation. This is a public
process. That is the hallmark of this Organic
Policy Program that was developed by Congress.
The Cornucopia Institute and everyone else who
speaks out is subject to a critique and
analysis by others of what we are presenting.

I can tell you, it is not easy
being a corporate and governmental watchdog
and taking on powerful people in this
industry. But, Miles, I'll remind you of --

CHAIR RICHARDSON: Excuse me for
interrupting you, Mark.

MR. KASTEL: Yes.

CHAIR RICHARDSON: My apologies,
but your comments actually get addressed to
the Chair. So, rather than pointing to an
individual person around the table, just
address the comments to the Chair.
MR. KASTEL: Okay.

CHAIR RICHARDSON: Thank you.

MR. KASTEL: I hope we'll turn the clock back.

Thank you, Madam Chair.

Madam Chair, I'll remind you that Harry Truman, when he was President, said, "If you want a friend in Washington, get a dog."

This is the democratic, small "d", process at work here. It is a wonderful program. The attributes of organics is based on people caring.

So, overwhelming negative response to the power grab by the USDA. The changes to the governance and sunset, here's the response from New York State: we need more listening. So, you contacted all the NGOs. You sit down with us. You schedule a listening session.

Is that one minute (referring to signal that time is almost up)?

Okay. Can I get my time back?

So, the peer review process, we
had one in 2011. The Office of Inspector
twice critiqued this program very negatively.
This new ANSI, American National Standards
Institute, I hope everybody will read that.
We own the organic label. Is our program
doing the best job?

Enforcement. You said 400
enforcement actions. Only one was willful and
worthy of revocation? And where were the
names of those companies? We need the
enforcement actions to act as a deterrent to
help the majority of people that are following
the law and acting ethically.

I'll wrap up here, Madam Chair.

So, we really appreciate you
moving these meetings around the country. It
gives more farmers access. But we need to do
a better job. The problems with a meeting in
a demolition zone in San Antonio were
horrendous, and there's a 60,000-person
convention competing for hotel rooms. I can
tell you that there were many organic
stakeholders that wanted to attend that either
couldn't get a room or the rooms are now $500.

Thank you very much.

CHAIR RICHARDSON: Thank you very
much, Mark.

MR. KASTEL: Thank you.

CHAIR RICHARDSON: The next
presenter is Jim Pierce. And then, it will be
Liana Hoodes.

MR. KASTEL: Madam Chair, just in
case somebody has a question, which they might
not, can you poll the Board for that?

CHAIR RICHARDSON: My apologies.
Is there a question from the Board for Mark?
I apologize.

(No response.)

MR. KASTEL: Thank you very much.

CHAIR RICHARDSON: Thank you.

MR. PIERCE: Good morning.

Thank you for announcing the next
person on deck, too. That helps us get ready.

And in my case, I came in at about
3:15. So, I am going to say the last sentence very slow, Mac.

Good morning.

I'm Jim Pierce from Oregon Tilth, the best certifier.

We are concerned about the current tone of the dialog within the organic community. "We" is intentionally inclusive: we, the certifiers; we, the producers and handlers; we, the watchdoggers and consumer advocates and the listserv bloggers; we, the NOP staff and NOSB members; we, the crusty old and the starry-eyed new. We are united, championing the same better food system, safeguarding the progress we have made in trying to manage the growth and change of this dynamic organic movement that is growing and changing faster than ever.

But with great power comes great responsibility. Peter Parker's Uncle Ben said that to him, but credit the coinage to Voltaire.
We must engage others with respect, patience, and the desire to listen and be understood. We need to embrace courageous conversations and avoid isolationism.

Unfortunately, our dialog is growing increasingly unkind, taking on the negative tone of political commercials and winner-take-all, yield-no-quarter talk shows. We are concerned the result is a slippery slide into the same gridlock and can-kicking that has pervaded and paralyzed our political system.

Friends and colleagues, this isn't politics. This is food. And it's time for course correction.

Of particular concern are the overly-negative, mean-spirited comments as well as the steady drumbeat that the NOP is now in the hands of agribusiness corporations. Since its inception, the NOP has been on a trajectory characterized by continuous
improvement, increased clarity, and additional rigor.

Leaders lead, if necessary, upsetting the status quo in order to manage growth and change. Mr. McEvoy, as a leader, has stuck his neck out and led the program, knowing that some decisions would be met with opposition as well as appeasement. Now I'm going to stick my neck out and say, "Good job."

We agree with most, if not every, NOP decision, but we appreciate the leadership and belief protecting organic integrity guides the decisionmaking process. OTCO's position remains as it is. We listen. We participate. We collaborate, and we respect the process and its outcome.

I'm not talking about drinking Kool-Aid and singing Kumbaya. We all have problems with the program and the standard and with something on the list. But our criticism must be constructive, not destructive.
To you, no hats, no guns, no spitting. Let's use this meeting to begin to rebuild, to unite, and to heal. Reverse the momentum and set the stage for these four fine new recruits.

Those of you giving public comment, be respectful and be gracious. Certainly be critical, be opinionated, and be convincing in your ideas. There is mission-critical work to be done, and while we might not always be in agreement on the route, we are on the same road and we cannot afford to have the divisive politics that are constipating Congress to become part of the NOP.

We need to leave here on solidarity for the noble cause that brought us together. With great hope and with great responsibility, this week's meeting will reflect plenty of lively discussion, but also a balance of voices, resulting in constructive proceedings.
Thank -- no, I'm not going to go there.

(Laughter.)

Thank you.

CHAIR RICHARDSON: Thank you, Jim.

Questions for Jim Pierce?

(No response.)

MR. PIERCE: All right. Thank you.

CHAIR RICHARDSON: Thank you very much.

The next speaker is Liana Hoodes, with Jim Gerritsen on deck.

MS. HOODES: Good morning, all.

I am Liana Hoodes. I'm the Executive Director of the National Organic Coalition, a national alliance of farmers, environmentalists, consumers, and industry members, working for organic integrity.

Thanks to the National Organic Program and the NOSB, all of you, and specifically, to Joe, Jay, John, and Wendy for
your five-year term. We appreciate it.

I want to begin with a comment from NOC's dairy farmers. Thanks for moving the origin of livestock rule. Please actively shepherd it, the regulation, through the agencies and places it needs to go. It has got to happen.

I will start with a correction of NOC's written comments. Apparently, I got really confused in our comments. For the materials I-malic acid and sodium acid pyrophosphate, we used the phrase "allow to sunset". We were clearly advocating that these materials come off the list. Yet, I have been corrected that now "allow to sunset" means allow to stay on the list. Is that true? Under what usage of the word does "sunsetting" a substance mean status quo? It's nonsensical and is clearly not the intent of the framers of OFPA.

This speaks to my next issue about organic's added values. Obviously, health and
environment are universally accepted. Social justice is not in the U.S. definition, but worldwide is a value.

But we are leaving out another significant value, transparency. Transparency is inherent in this U.S. Organic Program. It is what the consumers want. The GMO labeling pitch, we have right to know what's in our food.

Organic provides that transparency much more comprehensively than any other label. Prohibits GMOs and toxic pesticide.

There are twice-a-year NOSB meetings with public dockets, a website that notes every synthetic and more allowed or being proposed in organic. And there's ongoing notice and comment and rulemaking.

Organic is, and should be, awash in public transparency. So, let's stop saying that loud and public criticism is hurting organic. This is a democracy, and we should embrace the publicity. Organic should be that
most democratic part of our food supply, and
the message should be organic is not about
perfection; it is about a transparent path to
getting better and better at producing organic
food. That is continuous improvement.

Are synthetics an exception in
organic? Absolutely, but they are
specifically allowed to exist in a robust,
ongoing review process. Nowhere else in the
food supply can we know precisely what is in
our food.

Yet, increasingly, USDA policies
have sought to limit this transparency. For
instance, NOC's comments on materials, we
often are saying no to these materials, but we
are saying no to the incomplete process rather
than really objecting to the materials.

If the public is going to have
extra time in this new process to comment,
give us the information. And NOSB's new CBI
policy is great, and it needs to apply to all
materials.
For instance, many basic terms are not clear or defined, such as fermentation, ancillary substances, and microorganisms. Our review of materials is limited for lack of that information.

Comprehensive sunset review of hundreds of old materials is necessary. It will be massive work and will set a precedent for the future that no other part of the food supply will be able to duplicate. We, as advocates, must support NOP in finding resources to accomplish it, but the task must happen.

NOC is very disappointed that during the tenure of Jay Feldman, a national expert on inerts, who proposed an efficient inerts review process years ago, the Department has not moved forward with review of any inerts during his tenure.

Major kudos to NOSB in working on the definition of genetic engineering, refining the excluded methods. This will be
difficult, really difficult. Let's embrace
the controversy and march organic ahead of GE
labeling.

You are also leading the way in
examining contamination of inputs in organic.
Yes, it exists and it will increase.

(Signal that time is almost
expired.)

Okay. Can I just finish that?

CHAIR RICHARDSON: Finish the
sentence. Go ahead.

MS. HOODES: Yes. But, by facing
this contamination head-on, we can work to
limit it from all sources without tying the
hands of farmers. That is the point I really
want to make. We can look at the
contamination, but not limit what farmers need
to do.

So, thank you.

CHAIR RICHARDSON: Thank you,
Liana.

Are there questions for Liana from
the Board?

(No response.)

All right.

MS. HOODES: And I need my T-shirt or mug.

(Laughter.)

CHAIR RICHARDSON: Thank you.

The next speaker is Jim Gerritsen, and on deck is Darren Abernathy.

MR. GERRITSEN: Good morning.

I'm Jim Gerritsen.

(Signal that time is almost expired.)

(Laughter.)

Where's my T-shirt?

(Laughter.)

Okay. I figured I would be a little bit different. We are certified organic farmers. We have been certified organic farmers for 32 years, farming organically for 38, and I wanted to show you our farm in extreme northern Maine.
What you are seeing there is we are right on the edge of the north Maine woods. In our six-by-six-mile township there are eight residents. We are in the most sparsely-populated county east of the Mississippi River. There are six of the eight residents in our township, six-by-six-mile township. And they are standing in a field of certified organic Dorinny sweet seed corn.

What we make our living from is raising organic seed. It is a family farm. Every person you see up there is working hard doing my work while I am here at this meeting.

But the important thing that I want to say about that corn is that the market demand is for freedom from GE content. At our own expense, we get that tested, and this corn crop again has tested free of GE content. And it is that isolation which allows us to grow that corn.

But our main crop is growing organic seed potatoes. And we market that
through a mail order catalog and web store,
and we have customers in all 50 states, both
certified organic farmers and organic
gardeners that want good seed in their home.

But I am here today to speak as
the President of the industry trade group
Organic Seed Growers and Trade Association.
I am one of the founding members of that
organization. We have been to NOSB meetings
before, providing testimony. We have spoken
with your Subcommittees, providing background.

We believe in the NOSB, but we are
very troubled by recent developments here and
by the behavior of the USDA, which we believe
is illegitimate. Essentially, the NOSB's
primary responsibility is to the organic
community, and that responsibility is bounded
by the language in the OFPA. And that
establishes the overarching goal of protecting
the interests of organic consumers and organic
farmers. It doesn't mean following the USDA
when they are in error or they are
misbehaving.

And these come down to important aspects like some sunset is sunset. It is in the law. It is clear to everyone in our organization. USDA was in error changing this, and the NOSB has to be independent and stand up to them.

We also object to the idea of the USDA stacking the NOSB with members that don't represent the enumerated interests on the Board. It is illegitimate to have non-owner/operator family farmers serving in positions of the four farmer positions. It is illegitimate to pass over the long-time members of the organic community and, instead, place, through appointment, members of corporations where organic sales are only a small percentage of their overall sales.

It brings upon a disrespect for the organic label and for those of us making our living from it and those of us who have invested our life in organic. It is something
that we will not abide. We will resist it, and that is why we are here testifying that we support the NOSB and their behavior and their activity. And you need courage to stand up for what's right.

Thank you.

I would be happy to answer any questions that you have.

CHAIR RICHARDSON: Thank you, Jim.

Questions?

Jay?

MEMBER FELDMAN: Thanks, Jim. I hope the population drop in your town while you're away doesn't become a problem.

But I have a question about genetic engineering because you have done so much work on this topic. You're familiar, of course, with the work that the Board has done in terms of sea purity discussion documents, and now we have a document for discussion on contamination, farm inputs, and managing that.
Where do you think this Board should be going to address this broad issue of genetically-engineered contamination?

MR. GERRITSEN: Yes, I could talk all day on that, Jay. Thank you for asking the question.

I think it is a very complicated issue. I think that the NOSB is the advisor to the USDA NOP. USDA has a responsibility for ensuring the welfare of all American farmers, including organic farmers.

They have failed in their mission to not -- for example, on the issue of GMO vaccines, organic does not deal with GMO, but how can we know if the USDA does not require the manufacturers of vaccines to be honest with the public and identify what is GMO?

So, the USDA really, I think, has been failing in its obligations. In addition, the USDA has an obligation to protect the private property rights of organic farmers.

When it comes to contamination, be it
genetically-engineered trespass or be it chemical trespass, we have a right to farm the way we choose on our farms, and USDA needs to stand up and protect us in this right.

And this affects the entire organic community, because if we, as organic farmers, are not protected in that right to grow the way that we want, then the idea of organic -- consumers, they basically lost their access to clean organic food.

So, to answer your question, I think the NOSB has to require better collaboration somehow with the USDA. The principle that has to be at play is that the polluter pays.

You know, that Dorinny seed corn that I sent off for testing, it cost us $200, and that comes right from our bottom line. It comes right out of our pocket. Yet, we are the innocent victims of potential contamination. Yet, in order to put organic seed into the trade system, we need to verify
that we are free of GE contamination. The
cost for that testing, the cost of the sample,
the cost of the damage when our members get
contaminated by GE, that should all be borne
by the biotech industry, which is the polluter
and which USDA APHIS has allowed, through
regulation or deregulation without any
limitation -- and that is irresponsible. It
does not protect the rights of farmers that
don't want anything to do with GMOs.

So, I think that NOSB somehow has
to get USDA off their chair and get them to
actually protect the farmers that they are --

MEMBER FELDMAN: Thank you.

CHAIR RICHARDSON: Thank you.

Zea, and then, Harold.

MEMBER SONNABEND: Thanks, Jim.

Along the same lines with Jay's
question, you heard -- and, undoubtedly, read
through our excluded methods terminology
discussion document. And we identify some of
the challenges of even determining what
varieties and what inputs are genetically engineered.

While we, of course, would like to prohibit all of this in organics, but how do we prohibit something where we can't identify what it is? And so, I am wondering if you have any insights on how we would be able to say we were to change the policy on cell fusion for Brassica hybrids and how we would be able to find and identify those or the inbred lines that may have been produced with genetic engineering that, then, have gone into both organic and conventional seed hybrids. And I wonder if you have any suggestions on that.

MR. GERRITSEN: Well, beyond the four-minute limitation, I did want to express my support for, first off, organic certification system being a process-based system. I think that is sound.

Second off, we believe that the chart concept for coming up with the excluded
methods to try to differentiate what is an acceptable technology that organic farmers can employ and what is not, that that is heading in the right direction.

I think it is going to be difficult, and it is something that is going to have to be updated on a regular basis because nothing is standing still.

In terms of something like cell fusion, we were disappointed when USDA unilaterally declared that that was okay. We thought that that violation of due process was inappropriate. It should have been sent out for public comment.

But that is one of many. I think there are going to be many coming down the line. But I think, essentially -- and this is something that we are developing within Organic Seed Growers and Trade Association -- we have to come up with a definition of what is legitimate organic breeding practices. Once we go from that, then we can identify
what practices do not jive with that correct
definition. And I think cell fusion, among
others, is going to come up as being a
practice that is not legitimate within the
organic community.

Does that speak to your question?

MEMBER SONNABEND: Yes, and this

is the beginning of the dialog that cell
fusion will be included in in the future, this
paper. First, we have to get the definition
and structure down --

MR. GERRITSEN: Yes.

MEMBER SONNABEND: -- and then, we

will look at the terms.

But thank you, and we hope you

will continue to give input on this subject.

MR. GERRITSEN: Thank you.

MEMBER AUSTIN: I'm okay. Jean,

I'm okay.

CHAIR RICHARDSON: The next

speaker is Darren Abernathy, and on deck is

Dr. Lisa Bunin.
MR. ABERNATHY: Good morning, ladies and gentlemen of the Board.

My name is Darren Abernathy. I am the Production Manager for Reiter Brothers in Oxnard, California. We are a grower of all four berry types, blacks, blues, straws, and ras. We do have a large organic program which I am also in charge of.

I am here to request that you leave sulfurous acid on the list of approved materials for organic production. Our family-owned company has been farming since 1868, and our main focus is to be good stewards of the ground that we farm. And the use of sulfurous acid has been a great tool for healthy soil.

I won't spend a whole lot of time talking about the chemistry. I can leave that for Terry to talk about, but I am sure you guys all know it. It is pretty basic and one that I believe is organic.

What I would like to discuss with you are the exciting changes and progress that
we have made in our organic program since sulfurous acid was approved. This process and the product has given us the ability to accomplish our goal of reducing pH, so that nutrients are more readily available for uptake by our plants.

Another benefit is that it dissolves and leaches harmful salts from our soils that previously roadblocked our plants from producing yields that would maintain a sound business. By reducing these harmful salts, we have reduced our irrigation volumes as well. Since our soils are now opened up, we have actually provided a more uniform wetting pattern and reduced our overall usage per year, which we have actually been applauded for by local water agencies as well as the Groundwater Management Agency in the area.

The applied product has a pH of roughly 2.5. So, it is like handling Coca-Cola. So, I mean, in California, you know, we
are held to pretty stringent rules other than the NOSB, but it is definitely a better avenue for applying acid in the field versus other options. As a company, we are very happy in the fact that this product is safe.

Let's see. One thing that I did want to explain to you was the fact that, since we have been using it, our yields and quality of plants that we have produced have really gone up. The benefits of this is, obviously, increasing yields, but we have actually started spraying less. Why? Well, when we build a stronger plant, we build better cell structure within a plant. So, we don't really have to battle as much with insect, disease, et cetera, and things like that, which I think is really good, too, because it lowers our carbon footprint on the ground. Because, quite honestly, the carbon footprint in organics is very high. We have to send a tractor down the furrows a lot more than we do in a conventional setting.
Let's see. So, I'm a little bit nervous that it is going to be taking off the list because prior to this we were actually thinking about eliminating our organic program. And why? Well, it was because we were producing those weak-quality plants. Now we have plants that actually increase our organic program. And if this is removed, I am really concerned that we probably won't do so.

Being a big proponent of organic, you know, I think that it is a good thing to produce more organic. I mean, we are a relatively-large company. We farm a lot of conventional acres. We are about 2,000 acres on organic, and the plan is actually to increase that to a little over 5,000 acres.

(Signal that time is almost expired.)

Can I have one more second?

So, please, please continue to protect the organic integrity. I mean, I believe in it. Obviously, everybody in this
room and you guys believe in it. This is something that is really simple and I really don't know why it is being challenged.

CHAIR RICHARDSON: Thank you, Darren.

Questions?

Jay?

MEMBER FELDMAN: Thank you. That was very helpful testimony. I appreciate you making the trip here.

I just have a question about the process from your perspective, having read what is on the agenda of this meeting. What is your impression of what the Subcommittee intended to do with sulfurous acid?

MR. ABERNATHY: My impression of what was going to happen was that it was what -- I have heard everybody talking about sunset. My impression was that it was going to be going away.

MEMBER FELDMAN: Okay. Thank you.

CHAIR RICHARDSON: Harold?
MEMBER AUSTIN: Thank you for coming and presenting your testimony for us. I think one of the things that we look at is, when we put something on the National List for use, that there benefits that are allowed. You talked about reduction of water --

MR. ABERNATHY: Uh-hum.

MEMBER AUSTIN: -- increased plant health, increased soil health, availability to the nutrients. If you did not have the ability to use the sulfur burner and create sulfurous acid on the farm, what other alternatives would there be, or would you simply go back to conventional farming?

MR. ABERNATHY: The other alternative that exists is citric acid. The problem with citric acid is, again, it is a weaker acid, but it comes from unreliable sources.

You know, we analyze everything that we do, everything that we put on the
field. Everything that we get sent to by vendors, we run it through the whole process. I'm not a chemist, but I pass it by chemists that are in our company.

The problem with sulfurous acid (sic) is exactly that. I mean, it is unreliable. It is weak. And, yes, we probably would not increase if we were going to go that route, let alone it is very expensive. It is about $2 a pound. Citric.

CHAIR RICHARDSON: Calvin?

MEMBER WALKER: Thank you for coming. I enjoyed your testimony.

I apologize for not listening at the beginning, a senior moment.

Could you share with us the type of crops that you use the sulfuric acid in? Is it blueberries?

MR. ABERNATHY: We use sulfuric acid on all four crops; basically, on straws -- sorry -- strawberries, we call them "straws", but straws, blacks, blues, ras. But
strawberries, raspberries, blackberries, we
are trying to get down to a 6.5 pH. On blues
or blueberries, we are trying to get down to
a 5.5.

Now why are we trying to get into
those different ranges? Because that is the
natural, basically, soil habitat of the plant.
For example, a blueberry, it is an understory
plant that comes from rainy climates. So, for
example, in Oregon, we farm in Oregon as well.
The pH of the soils in Oregon are 5.6, 5.7.
Going back to what Terry is talking about, the
pH of natural rainwater is 5.6. What we are
doing inside this burner is the same. I mean,
it is the same as rain.

So, by farming these crops at the
right pH, we are able to get the right
elements into the plant and get the right cell
structure to build a strong plant.

CHAIR RICHARDSON: Any other
questions?

(No response.)
Thank you very much.

MR. ABERNATHY: Thank you.

CHAIR RICHARDSON: The next speaker is Dr. Lisa Bunin, followed by Jake Lewin.

DR. BUNIN: Good morning.

My name is Lisa Bunin. I am the Organic Policy Director at the Center for Food Safety, a public interest organization with a membership base of a half-a-million people nationwide.

My remarks address ocean-based fish farming, compost, gellan gum, and whole algal flour.

Last week, the Center for Food Safety released its report "Like Oil and Water: Ocean-Based Fish Farms and Organic Don't Mix". The report provides scientific evidence to explain why fish farmed at sea can never be certified organic.

Even though the NOSB has discussed aquaculture for more than a decade, neither
the Aquaculture Animal Task Force nor the Aquaculture Working Group has satisfactorily resolved four thorny issues.

One, how can harm to wild fish and marine ecosystems from the spread of parasites, pathogens, and diseases carried by farmed fish be prevented? Our investigative report documents 24 million reported escapes in two decades, demonstrating that escapes are unavoidable. This represents a tip of the iceberg, since governments not only allow self-reporting, but they also allow a certain number of escapes to go unreported.

Second, how can organic regulations permit the farming of migratory fish such as the economically-coveted Atlantic and Pacific salmon? Caging them would severely constrain their natural and instinctual behavior of swimming long distances between fresh and salt waters. This goes against organic's animal welfare and stewardship requirements.
Third, how can fish farms at sea contain, monitor, and control inputs and outputs when seawater regularly flows in and out of the facility? How can those unknown inputs and outputs, some of which are synthetics prohibited under OFPA, be accurately documented in an organic system plan?

And finally, how can feed consisting of wild-caught fish or their byproducts be considered part of an organic practice, when all other organic animals are required to be feed a 100-percent organic diet?

When the Aquatic Animal Task Force warned in 2001 that some of these issues may not be resolvable and that they contravene OFPA, the aquaculture industry successfully lobbied to halt the development of regulations. They warned that to do otherwise would cast serious doubt on the potential of some major species, most notably salmon, to be
certified organic.

The assumption seemed to be that, if regulations were to be delayed, tough questions about the viability of organic aquaculture would somehow vanish. And in a way, they did. Four years later in 2005, the AWG released a report with the thorny issues mentioned, but their importance minimized in the recommendations it made to the NOP for organic standards development.

CFS has reviewed documents produced by the NOSB and its Work Groups. Nowhere have we seen either group scientifically evaluate the impacts of ocean-based aquaculture against the principles and standards of organic production.

These groups have also failed to objectively assess the technological feasibility of resolving outstanding problems known to be associated with ocean-based fish farming.

CFS's report demonstrates the
impossibility of rectifying them in a way that would allow ocean-based fish farms to qualify as certified organic. Farming fish at sea can never meet the high bar of integrity that is integral to all organic systems of production.

CFS urges the NOP and the NOSB to advise the Secretary of Agriculture to withdraw plans to allow ocean-based fish farming in organic aquaculture regulations now in development.

Moving on to compost, compost is vital to the success of organic farming, but contamination with prohibited substances is a problem that we all know exists and must be addressed head-on. It is essential to assess the root causes, beginning with the identification and elimination of high-risk sources of feedstock contamination. Solutions must not overburden farmers or leave them without inputs for their compost. We urge the NOSB to keep the conversation going and keep it transparent.
With respect to gellan gum and whole algal flour, it is CFS's position that no substance should be considered for relisting, or listing, if the confidential business information in the original petition is not revealed at sunset.

Thank you.

CHAIR RICHARDSON: Thank you. Are there questions for Lisa? Colehour?

MEMBER BONDERA: Thank you, and thank you, Lisa, for your presentation. And thank you for passing this document around.

And what is occurring to me, when I glance through it briefly and I look at the references, is the fact that in my conversations over the past several years related to aquaculture within the NOSB, it is unclear to me what research or science, when I ask about it or talk about it, exists.

And I am wondering -- I can see some references here, but I just wonder, are
there other studies like this? I just don't know where we could be going or looking for more information besides this, which I think looks great, but if you can --

DR. BUNIN: Yes. As you can see, we have drawn from quite a wide range of references. I do have one study that I think is one of the best studies out there. And it is by Stephanie Yu-Codke. She looks at. And I think I would highly recommend that the Board take a look at this; also, the NOSB.

I am happy, also, to provide any original references, if that is what you would like. I could put together a list with some links, and I would be happy to share it with the Board.

Thanks for that.

CHAIR RICHARDSON: Jay, did you have a question?

MEMBER FELDMAN: No.

CHAIR RICHARDSON: Okay. Other questions for Lisa?
(No response.)

Okay, thank you.

DR. BUNIN:  Thanks.

CHAIR RICHARDSON: The next

speaker is Jake Lewin, followed by Jo Ann

Baumgartner.

MR. LEWIN: Hi, everybody.

My name is Jake Lewin. I'm the

President of CCOF Certification Services, LLC.

We are the nonprofit certification arm of CCOF

and the largest certifier under the NOP.

Jim Pierce's sentiments really

resonated with me, maybe not the best

certifier business, but certainly the rest of it.

(Laughter.)

We certify about 3,000 operations

in 43 states and three countries, including

about 2,000 farms and 1,000 processors. In

2014, we will perform about 4,000 inspections

with 64 inspectors. And within our ranks, of

course, we have large and small operations,
including about 1400 small farms.

So, I am really here to applaud the NOSB's consideration of soil conservation issues. These issues speak to why myself and many of us are really here at the most fundamental level.

But, as a certifier, these are nuanced and complicated issues to address, particularly in a broad inspection context that includes all other aspects of organic standards, recordkeeping, and more. I can tell you that CCOF takes these issues seriously and encourages our inspectors to observe them.

CCOF can, has, and will issue non-compliance when natural resources are not maintained or improved. Most commonly, this is really identified around erosion issues. They are the most easy to see, particularly when a highly-qualified inspector is present at the right time of year. It is not uncommon for us to require the operation to work with
NRCS or RCD.

However, we would prefer to do a better job in a more collaborative environment with farmers. So, in addition to addressing natural resources in the annual inspection context, we encourage NOSB, when they bring this back, if, to recommend that certifiers be authorized to perform inspections primarily focused on natural resources and soil conservation, say, every four years. These could include soil, biodiversity soil tests, and issues of concern that are best managed in long cycles on a farm. Don't worry; we would still do our full regular inspections.

But we believe that covering all aspects of compliance at every inspection reaches a level of diminishing returns, particularly when better outcomes and more thorough observations are recommended by NOP and NOSB on an ongoing basis.

So, this would allow us to use our best inspectors and deliver better results.
over time. So, we are just basically looking for a new model to do better work.

With regard to the contamination issues document, we have addressed it in our comments and generally think our efforts are best placed on changing policies in agriculture generally and not placing burdensome limits on organic farmers based on theoretical issues.

We ask you to not hold them accountable for external forces that are demonstrating every day that they are the alternative to. The majority of these are generally beyond the responsibilities of organic farmers to address. So, instead, let's focus on the practices organic farmers use and their contribution to the earth and agriculture.

Regarding materials issues, we provided a number of comments, primarily demonstrating where in CCOF we know operators are affected or use materials, or whatnot.
And these are people's lives. As certifier, we know more than most what that means, and we ask you to take it into account in your Committee deliberations, hear each other out, vote your conscience, and let the process and standards move forward. Please don't mire the process in procedural gamesmanship.

And I'm happy to take questions.

CHAIR RICHARDSON: Thank you.

Questions?

Harold?

MEMBER AUSTIN: Do you know if you certify anybody that is using tragacanth gum?

MR. LEWIN: We would have addressed that in our comments, and Zea is telling me no.

(Laughter.)

MEMBER AUSTIN: Okay. Thank you.

Thank you, Zea, for the assist.

CHAIR RICHARDSON: Any other questions for Jake?

MEMBER FELDMAN: Hi, Jake. Thanks
for your comments.

On the contamination issue --

MR. LEWIN: Yes?

MEMBER FELDMAN: -- similar to the GMO issue and sea purity issue, it wasn't my impression -- and this is something I want to verify with you -- that the document even implied that it was headed in the direction of holding growers accountable for contamination.

The question really was -- and this is where I would like to get your input -- do you think it is an important conversation in the organic community as a means of finding a solution that is not burdensome to farmers and that does not have fallout in the marketplace to have this discussion on potential contamination to farm inputs, with the hope that we might, as a community, come together and figure out a way to prevent it or control it better on behalf of farmers and those reliant on the inputs?

MR. LEWIN: Fundamentally, well,
for one thing, the contamination issues
document, conversations are fine to have; I
think it is a dangerous territory to quote
bloggers as a source for conversation.

After that, a lot of what was in
that particular document was just overly
broad.

MEMBER FELDMAN: So, a more
focused discussion, though, with experts that
can help pinpoint real issues of concern, is
that valid ground from a certifier's
perspective?

MR. LEWIN: I think organic
farmers contribute more in what they do and
how they do it, and that getting overly
reductionist or analytical with regards to
testing leads to diminishing returns and isn't
really in the big picture.

CHAIR RICHARDSON: Thank you.

Additional comments?

(No response.)

Thank you, Jake.
MR. LEWIN: Sure. Thank you very much.

CHAIR RICHARDSON: The next speaker is Jo Ann Baumgartner, and that will be followed by Mark LeJeune.

MS. BAUMGARTNER: Hello. I'm Jo Ann Baumgartner with the Wild Farm Alliance. We promote a healthy, viable agriculture that helps protect and restore wild nature.

As a reminder, the NOP Natural Resource Standard requires that operators maintain soil, water, wetlands, woodlands, and wildlife. Organic production definition includes conserving biodiversity. The preamble says that the word "conserve" means the producer must initiate practices to support biodiversity and compliance is required.

Thanks to the NOSB for addressing soil conservation compliance. Highly-erodible land is a serious issue.

We recommend that the NOP require
some information generated by NRCS be used in the inspection process, but only when the producer is involved. So that any limitations to NRCS in understanding holistic systems will be fairly addressed.

Therefore, we recommend yes for Question 10, that the producer should be required to communicate conservation information to the certifier, but not just from NRCS, also from other kinds of conservation organizations.

ATL is actually one of many critical conservation issues that needs to be addressed. Others include farm bill provision swambbuster and sodsaver and high-value conservation lands. These are natural habitats that have been identified as having outstanding importance due to their environmental biodiversity and landscape values.

The NOP three-year waiting rule for land with pesticides incentivizes farmers
to convert pesticide-free high-value conservation areas to organic production because they can do it quickly. This has to change for high-value conservation lands and come into alignment with sodsaver and with swampbuster farm bill provisions.

In 2012 alone, nearly 400,000 acres of grasslands and other newly-broken lands were converted to cropland nationally. Some part of these acres were obviously organic.

This past winter we surveyed and interviewed over 50 certification personnel, with the help of IOIA and others, and it was reported that only 55 percent integrate conservation in organic in a meaningful way, addressing all of these issues. Many might know one subject, for instance, soil conservation, but not another. Like they wouldn't know what wetlands were.

NOP regulations require certification personnel have experience,
training, and education in that which they
inspect or review, including conservation. We
request that the CACS work on a recommendation
for rigorous development of conservation
education, training, and experience for
certification personnel in a way that ensures
credibility.

The CACS could help determine what
baseline conservation knowledge is required
and determine how Continuing Education Units
for organic certification personnel would
ensure continual improvement.

The NOP's review audit, published
this summer, that is used when accrediting
certifiers, has a critical issue missing. We
request that biodiversity and natural resource
standard 205.200 be added.

And finally, I want to give you an
update to FDA's re-proposed produce rule.
They are now not requiring fencing or
destroying animal habitat or otherwise
clearing farm borders. So, that is good for
organic because we rely on and are required to
conserve biological diversity.

Thanks.

Any questions?

CHAIR RICHARDSON: Thank you, Jo
Ann.

Questions for Jo Ann?

(No response.)

No? Okay. Thank you very much.

The next speaker is Mark LeJeune,
and with Ib Hagston on deck.

MR. LeJEUNE: Hi. My name is Mark
LeJeune. I have participated in some capacity
as a registrant of NOP-compliant crop inputs
for the past 11 years. I have watched the
program evolve in many ways, some good, some
bad. Most of my concerns with the program
from the perspective of a crop input
manufacturer have revolved around the fair and
applied treatment of fertilizer products that
contain ingredients that the program has
determined are synthetic. Phos acid, sulphur
dioxide, and potassium hydroxide are the three most prominent of these synthetic ingredients due to the widespread use of the fertilizer products that contain them.

I work for a company that is commercializing a technology and product that converts supermarket food waste into a pasteurized liquid fertilizer and feed using an enzyme process. We have interest and demand in an organic version of this product.

I am here today because I am unable to register our product utilizing the full complement of industry enzymes available to us to make a high-quality input for organic agriculture. These enzymes are approved for use in organic food production. This means they utilize non-GMO production organisms and contain generally-recognized as safe food preservatives to preserve their functionality.

These are the same preservatives that the NOP recognized are necessary to be present in enzymes in the original
determination for allowance for food production. These enzymes and preservatives are what the NOP is allowing manufacturers to put in food products, which, in turn, are ingested by consumers who buy these products under the USDA Organic Marketing Program.

For reasons that, respectfully, defy logic, these same enzymes and preservatives are not allowed to be present, utilized as processing aids in varying concentrations from parts per billion to 40 parts per million in the final product formulation in order to manufacture a sustainable fertilizer derived from food waste, a problem that desperately needs solutions and a product that addresses an industry in need of more fertilizer tools for its growers.

As a small company, we are faced with the prospect of the lengthy process of petitioning the NOP to approve its use as a processing aid for our crop input. We have
consulted with the NOP and have been advised that materials that are approved for organic food production, of course, cannot be considered approved for crop inputs by reviewers outside of the normal process of determining synthetic substances, which is flawed in our view.

Also in our view, it would save enormous amounts of time and energy if the program would simply allow substances approved for consumption as organic to be allowable to be put into products that are utilized in the ground.

Thank you all. So, I'm good.

CHAIR RICHARDSON: Thank you, Mark.

Questions?

Zea? Sorry.

MEMBER SONNABEND: Thank you.

It is a little bit less of a question than a comment. Your last sentence, you said, if we would just simply allow
substances that can be used in food to be used in crop inputs, but that is not simple at all. That involves changing the federal rule as we have it. And I suggest to you that you turning in a petition for these products is far more simple than us trying to change the rule.

(Laughter.)

MR. LeJEUNE: Okay.

MEMBER SONNABEND: Thank you.

CHAIR RICHARDSON: That was wise advice.

(Laughter.)

Any other comments or questions? (No response.) Thank you very much.

MR. LeJEUNE: Duly noted. Thank you.

CHAIR RICHARDSON: The next speaker is Ib Hagston, and on deck is Brad Russell.

DR. HAGSTON: Good afternoon,
Madam Chair and Distinguished Members.

I am Dr. Ig Hagston, and I speak on behalf of the Independent Organic Inspectors Association.

The NOSB Committee is to be complimented for the initiative to address soil conservation practices that can improve soil and water quality.

As organic inspectors, we are used to assess production practices and to ensure that NOP requires continual improvements take place.

I am addressing the 10 Committee questions from the perspective of a TSP who has conducted more than 50 conservation plans and completed more than 2500 organic inspections.

Let me start with an illustrative story as a TSP conservation planner to NRCS. Yes, RUSLE2, the standard requirement by funding by NRCS could be helpful since the agency cannot pay the producer on farm
improvements unless their total annual soil
loss per acre, or the T-value, is below five. It is, however, a common misconception among
NRCS conservation agents that they upfront
believe that the T-value will exceed 20 tons because the farmer wants to use a crop
rotation of, for example, corn, soybeans, and wheat with plowing and many crop cultivations.

Results from my successfully-completed CAP138 plan, where the producer used a cover crop between each crop rotation, added significant organic matter to plow down residues while reducing soil, wind, and water erosion. The RUSLE2 analysis revealed a T equal 2.6 for the three-year rotation. Yes, cover crops required by the NOP do work.

Next week I am presenting a talk at the American Society of Agronomy's Annual Meeting entitled, "Practical Economic Measures for Assessing Organic Farm Conservation". The availability of most soil health measurements on organic farms will be
minimal, and the interpretation of the data
not well-understood by most inspectors or
reviewers. Thus, allow me to make three key
observations.

One, when there are measured soil
performance data available, we, as inspectors
and certifiers, should utilize them to the
best of our ability.

Two, let me caution about building
a set of expectations around RUSLE2, as only
a very small percentage of organic farms will
have that data available.

Let me encourage certifiers to ask
for soil test results and maps with HEL,
Highly-Erodible Land indications, so we
inspectors can (a) assess the percent organic
matter; (b) monitor soil improvement over
time, and (c) become aware of errors where
special soil loss or erosion potentials are
present.

Allow me, while I am at the
podium, to make a comment about another issue
of the day, namely, use of NOP-approved sulfuric acid as a plant and soil amendment. The minute amounts of sulfuric acid added via in-row foliar fertilization to improve plant health and to buffer the pH is greatly beneficial, one, to make unproductive soils productive and, two, to save tons of soil sulfur per acre, and, three, to benefit the environment. So, please consider a common-sense approach to 205.601(j)(2), sulfuric acid, when you deliberate later this week.

     Again, congratulations on the effort to pursue greater soil improvement and monitoring on organic farms, and thank you for the opportunity to address this prestigious audience. Thank you.

     CHAIR RICHARDSON: Thank you, Dr. Hagston.

     Questions?

     (No response.)

     Thank you.

     DR. HAGSTON: Thank you.
CHAIR RICHARDSON: The next speaker is Brad Russell, and the final speaker before lunch will be Laura Batcha.

MR. RUSSELL: Hello. My name is Brad Russell. I am a local Louisvillian. I'm a local musician, stone mason, and I work on a horse farm here in Louisville.

I am a member of the Cornucopia Institute, and I am here today to testify as a citizen lobbyist. I have volunteered to help present testimony because I want to ensure the integrity of organic food and the practices and principles thereof.

It is very important to me because I have noticed in my lifestyle how much my health has improved just in general from going organic.

I would like to comment on the 2016 sunset of hydrogen chloride as an allowed synthetic on the National List. Hydrogen chloride is used for the removal of lint from cottonseed to facilitate mechanical planting.
The Cornucopia Institute strongly recommends that a new Technical Review be completed before hydrogen chloride can be considered for relisting. The most recent TR, Technical Review, from 2013 does not discuss current research in mechanical de-linting and the possibility of the use of safer, less-corrosive acids.

The 2013 Technical Review does not discuss the latest research by USDA researcher Greg Holt, who is currently in the final stages of developing a mechanical de-linter. In 2012, Dr. Holt patented a rotating drum concept for mechanical de-linting. His team now has produced a large prototype capable of de-linting up to 150 pounds of cottonseed per hour. A new TR needs to address what it would take to bring mechanical de-linting from these final research stages into commercial production.

There are also de-linting machines currently on market with the L.T. Lincer
Company that do not use hydrogen chloride.

These machines use what is referred to as saw mechanical de-linting, and they also have de-linters that use diluted sulfuric acid. If these safer alternatives are not viable, we need to know why.

There may not ever be an economic incentive for those alternatives to be used by the seed companies unless we remove hydrogen chloride from the list. After speaking with Kelly Pepper of the Texas Organic Cotton Marketing Cooperative, Cornucopia staff understands that all currently commercially-available organic cottonseed in the U.S. is de-linted by All-Tex Seed Company in Levelland, Texas. And All-Tex Seed Company uses hydrogen chloride in their de-linting process.

It is possible that we are looking at a scenario where delisting hydrogen chloride might be the financial incentive that is needed to bring the mechanical de-linting
process to the marketplace. If the mechanical
de-linting alternatives are not satisfactory
techniques for cottonseed de-linting, then
more extensive documentation of the
inadequacies of this alternative must be
documented.

Without a new TR, it is difficult
to make this determination. How any of us
properly evaluate these substances without
that critical information, I don't know.

But thank you for allowing me to
be here and to present my testimony. If you
have any questions about this, please speak
with one of the Cornucopia staff members
today.

Thank you again.

CHAIR RICHARDSON: Thank you,
Brad.

Laura Batcha.

MS. BATCHA: Hi, and hopefully,
I'll get you all right off to lunch.

I'm Laura Batcha, and I am the
Executive Director of the Organic Trade Association. OTA represents over 6500 businesses, and half of those are small businesses reporting less than a million dollars in organic sales per year.

OTA members represent the diversity and the full value chain of organic, including farmers, shippers, processors, certifiers, farmer associations, distributors, importers, exporters, retailers, and others. OTA membership has a legal definition within our bylaws. It is not simply a list or supporters. Trade members each receive one vote in our Board of Directors elections, and OTA members are represented either through direct membership in the Association or through strategic partnerships with regional organic producer organizations.

The organic standards are rooted in the use of cultural, biological practices to combat pests, weeds, diseases, and to prevent contamination of organic products. It
is critical that NOSB take the lead on refining the practice standards, and we welcome the work on assessing soil conservation and contamination of inputs.

NOSB's other critical role is the gatekeeper of the National List. Organic farmers and processors aim to bring their products to market using preventative practices and with a federally-mandated preference for organic ingredients.

The list of tools for producers contained on the National List represents the best and least-toxic technology our food system has developed. And these tools must receive regular scrutiny by NOSB and the sector at large to assure they will meet organic expectations.

Striking the balance between bolstering the practice standards and judicious evaluation of each tool's continued acceptance in organic production is NOSB's challenge moving forward.
The organic sector is a good steward of the National List, and farmers, handlers, ingredient suppliers, and food-makers continue to innovate by developing alternatives to synthetics on the National List.

OTA strongly supports its move towards organic alternatives wherever possible and also defends the judicious use of synthetic tools, where necessary to keep organic growing and viable.

In addition to the sunset review of materials on the National List, the petition process is open at anytime. And OTA, on behalf of its membership, is filing two petitions with USDA this week.

The first petition seeks the removal of lignin sulfanate as a floatation agent in post-harvest handling for the National List as a synthetic substance allowed in crop production under 205.601. Based on polling of packing facilities, it appears the
material is no longer essential and can be removed from the list.

The second petition is to annotate the listing for natural flavors under 205.605. Natural flavors are a broad category that has been included on the list since it was first implemented in 2002. Over the past decade, many organic flavors have been developed that are being successfully used by companies. However, the regulations as written do not require the use of organic flavors. We are petitioning to revise the current listing to require the use of organic flavors whenever commercially available.

I would also like to note that we support the work of the Materials Subcommittee on GMOs. Keep moving forward. Don't forget about seed purity.

You have received our full set of comments. And just in closing, I want to remind us all that organic farmers and handlers lose if there are procedural delays
that halt the responsible sunset review of materials, and we support the plan of the Chair Jean Richardson to move all motions forward to a full Board vote.

So, have a productive meeting, and thank you for your volunteer service.

CHAIR RICHARDSON: Thank you, Laura.

Questions?

Zea?

MEMBER SONNABEND: Thank you, Laura.

We know OTA has written extensively on prevention strategies being an important component, and that is scheduled for us to be working on next, along with the further work on excluded methods.

Could you just give us a little bit of input on that?

MS. BATCHA: Sure. We definitely support that work and look forward to that eventually turning into a recommendation for
guidance, Zea.

    I think one of the things that we keep coming back to as a prevention strategy, at least on the crop production side for organic, is the importance of clean seed for farmers to start with. And I know this has been a real challenging topic for us to tackle as a community because of the right and strongly-felt belief that the organic farmers shouldn't bear the burden of the cost of the testing and the contamination from the conventional agriculture system.

    That said, we also know, and we have seen some recent data from trade that suggests, without clean seed, the farmers are going to continue to be challenged and for it to be almost impossible to produce final crops that, while the threshold is not in organic standards, the market acceptance of that .9 percent.

    So, one of the ideas that we are interested in you all exploring -- and it is
not, honestly, a fully-baked solution; it is going to require a lot of experts weighing-in -- but the idea that perhaps we could take the first step by requiring a seed purity declaration on conventional seed that is grown under the commercial-availability clause on organic farms. So that that burden for clean seed come tested and disclosed on the seed bag, but the responsibility for that be with the seed providers that are producing this conventional seed, not on the organic farmers themselves, just as a place to start.

Because, you know, we do feel strongly we have to start somewhere with this because the problem is not going to go away, and folks are feeling a lot of pressure out there. We are hoping it might be a creative way to think about building a system that doesn't put the burden on the organic farmers and seed growers.

CHAIR RICHARDSON: Thank you, Laura.
John?

VICE CHAIR FOSTER: Thanks.

As usual, I appreciate comments.

So, I was looking at our agenda
and looking at the packaged comments you had
put together. You usually have really lengthy
comment on everything on the agenda, and there
is not everything in here. So, I am wondering
why you didn't do that this time.

MS. BATCHA: Okay. Thanks. Yes.

So, tomorrow you are going to hear
from Gwendolyn, and she is going to talk about
the glycerin petition, gellan gum, and boiler
chemicals, and just in short, supporting the
move to organic and glycerin with a little bit
of nuance, keeping gellan gum on the list, and
our early first round of assessment on boiler
chemicals, that it is maybe time for them to
go.

Nate is going to address assessing
the soil conservation and contamination of
inputs as well as sulfurous acid and hydrogen
chloride on that next round.

I think we reach out to our membership through surveys, and we use members that are also organizations to reach out to their constituents as well. And this two-step review has allowed a little bit more time to provide input.

But we are really trying to focus our efforts on sort of two places: where our membership has identified there are alternatives and it is time for the material to move off the list or in areas where it is critical for organic production or handling, and there aren't alternatives and the material needs to stay on the list.

So, for a lot of the materials under sunset review or even under petition, if we haven't commented, it is because our membership really has not expressed a stake in the game on those materials or an interest.

And I will quote Jean. We are trying to choose our battles wisely.
CHAIR RICHARDSON: Thank you.

Nick?

MEMBER MARAVELL: Laura, getting back to seed purity for a second --

MS. BATCHA: Uh-hum.

MEMBER MARAVELL: -- I know, and I assume you still are serving on the AC 21 Committee? Do you see anything on the horizon through the work of that Committee, because I know it is sort of reinvigorating itself right now, that will provide tangible support or assistance to organic farmers trying to maintain a purer seed supply?

MS. BATCHA: Thanks for the question, Nick, and I wish I had some more concrete information. And if Patsy is still in the room, and she has anything to add, please do, because I am not sure I have full visibility.

What has been shared with me is that the Committee has been rechartered. We have yet to meet again, and we have not been
informed what the Secretary's intention for
the reconvening will be.

As I understand it, because of the
open comment period on the stewardship
practices and education and outreach on
coeexistence, those comments have been sort of
collated within USDA and the next step will be
to hold a stakeholder engagement session that
may take the form of sort of a listening
session/engagement session.

Last I heard, the hope was that
meeting could take place in December in
Washington, and that AC 21 would not reconvene
in person until after that listening session.
So, I think it is important for the organic
community to turn out on that. As soon as we
get any word on a date, I will share it with
folks, because I think we need to keep
pressing.

Concrete relief is, as we all
know, a very tough fight because really it
breaks down on who is responsible. I think we
are all in agreement here that organic producers and handlers go to huge extremes to keep GMOs out of organic and sort of up to here with the amount of effort we can put into it versus others.

I think it is going to come down to an assessment of USDA's authority and the coordinative framework, and really pushing the envelope on having some measures in place where constraints can be placed on the planting and cultivation of the products of biotechnology, because we have to start there. There has to be some responsibility.

So, I am sorry I am not more hopeful about that, though, Nick.

CHAIR RICHARDSON: Other questions/comments for Laura?

(No response.)

No? Okay, thank you very much, Laura.

We will now take a lunch break, and the Chair will reconvene at precisely
1:30.

Thank you.

(Whereupon, the foregoing matter went off the record for lunch at 12:20 p.m. and went back on the record at 1:33 p.m.)
CHAIR RICHARDSON: All right, everybody, I think that we are ready to start. The first presenter this afternoon to start off our public comment is Dag Falck, and the person on deck following Dag will be Stephen Walker.

So, Dag, if you would like to come up?

Michelle, are we ready?

MR. FALCK: Hello. My name is Dag Falck. I am the Organic Program Manager for Nature's Path cereal. We are North America's first and still largest certified organic breakfast cereal producer.

We have all our eggs, our cereal eggs, in the organic basket. Our commitment to organic is total, as all our products are certified organic. We depend on organic sales growing and not shrinking.

We also sincerely believe that the
success of organic is due to consumers wanting something with real value, the organic value of protecting food from pesticides and synthetic fertilizers, et cetera, while building a form of agriculture capable of feeding the world with increased nutrition and surely sustainable soil management. After growing organic, the soil is more fertile than before, as opposed to non-organic agriculture, where the soil is left depleted and incapable of feeding anyone without the addition of synthetic inputs made mostly from fossil fuels, which we all know are running out, while also being man's biggest contribution to global climate change.

We expect challenges when providing organic products. And we are a manufacturer, and we feel the pain every day. We expect these challenges to continue, and even increase, because our world is heaping on the challenges that organic is facing.

Challenges like finding certified
organic inputs in a tight supply market and
finding ingredients that will keep our
products competitive and attractive in the
marketplace, and living with the fact that
some ingredients simply are not available for
use in organic products.

We believe that the consumer will
not continue to increasingly buy organic if
organic stops meaning what they expect it to
mean. So, we see it as essential that the
process of maintaining standards stays strong
and that it is strengthened, not weakened, so
that the process forces deep deliberation by
the NOSB at every step.

Some quick comments on sunset.
Sunset is a word used to mean the end of a
cycle; for instance, the end of a day. We are
baffled as to why the NOP is insisting on
changing the sunset review method where a
substance sunsets and was removed at the end
of five years unless revoted onto a new sunset
list. We are at a loss when trying to imagine
any reason why this change would be made that
is reasonable or in the service of maintaining
organic integrity.

The NOSB should bring this issue
up with the NOP, as it is such a serious
weakening of the system to protect organic
integrity that it would hurt organic consumer,
retailer, manufacturer, and certifier
confidence in the NOSB/NOP process, and
thereby, hurt organic sales.

It is ironic that the organic
regulators would choose to redefine a word as
well known and connected to a national
phenomena as sunset, where each and every day
each and every person on earth has a
reconfirmation of the meaning of the word.

Please insist that sunset remain
sunset, and not some artificial definition of
a natural phenomenon. Weren't we supposed to
be mimicking Nature anyway?

A summary of our comments on the
seed purity, we have written three comments,
one on sunset and two on GMO. And so, on the
seed purity, in summary, applying best
practice can't be done until you see the
otherwise invisible and reproducing invader,
the GMOs.

To accomplish this, a test is
needed. Testing is a required component of
any meaningful best practice to avoid GMO
contamination of organic crops.

On the GMO definition, we prefer
that maybe coming up with -- we have detailed
comments written, but the common-sense
explanation of GMO is very needed. So, we are
suggesting a very common language definition
of what GMOs are and are not.

Thank you.

CHAIR RICHARDSON: Thank you.

Questions? Comments?

(No response.)

Thank you very much.

The next speaker is Stephen
Walker, and then on deck will be Jackie
MR. WALKER: Good afternoon.

I am Steve Walker, and I am the Compliance Manager with MOSA. We certify about 1600 operations, mostly in the Upper Midwest.

We submitted a couple of written comments for this meeting, including a combined statement on excluded methods terminology and excluded methods in vaccines.

My comments today come with a dose of humility. I am blessed to work with a staff and community filled with a lot of smart people, much like this room. Our MOSA staff includes a number of folks with advanced degrees in ag sciences, earthly practical knowhow, and a lot of common sense. I feel like I have got a pretty good head on my shoulders, but, clearly, I am no geneticist.

I am a communications major that fell in with a rather crunchy crowd and found I could bring some gifts and passion to this
work. My story is not uncommon in this community.

So, we need our experts. We appreciate the many hours the Materials and GMO Subcommittee invested in helping us understand the scope and variety of genetic engineering methods. We need some practical, sensible help, so we can make sound decisions.

The terminology discussion document is a good start with good tools, like the FiBL chart and the Cartagena Protocol definitions. But, smart as we are, we recognize our limits.

To clearly and consistently use these tools, we feel we need mandated disclosure of clearly-defined excluded methods. Without required disclosure, we question how use of widely-varying, often proprietary methods will be known to organic operators, the public, and the certifiers.

The current lack of disclosure is a stumbling block toward our making
appropriate decisions in the interest of all organic stakeholders, especially when the line between what is and what is not a GMO is increasingly blurred.

Currently, when we know an input might be produced with excluded methods, we request non-GMO verification. But, even now, statements from suppliers have inconsistent, sometimes vague language. The terminology document shows that we do not have sufficient knowledge about GE definitions, what products need verification, and how back in the production chain to check.

We want organic to remain a highly-meaningful label. Our current GMO-free message is simple, but this discussion is very difficult. Technology has changed rapidly, and the risks and benefits are uncertain. We must be sound in our standards and sensible in our verification methodology. We need more accountability in the form of public disclosure of the use of GE technology. Our
stakeholders demand it.

You know, I am not just a crunchy communications major; I am also a preacher's kid. So, I may have also been drawn to this work by recognition of the moral imperative to be a good steward of this earth.

In an intersection of upbringing and vocation, a few years back I had a chance to make some comments on another document on this subject, as the Lutheran Church adopted a social statement on genetics, faith, and responsibility. That lengthy document notes that, with developing technologies, human beings increasingly bear the moral burden for the shape of Nature and the very existence of future generations.

The potential benefits also present new levels of danger and ambiguity, and a diligent and sustained attention in order to direct the potential good and to limit potential harm.

And with regard to GE technology,
the moral questions cannot be addressed
without complex knowledge. Those who possess
special or expert knowledge relevant to
decisionmaking have a moral duty to share what
they know with those like us engaged in the
process of moral discernment and policy
adoption, but there is a call here for two-way
humility. We have much to learn; we also have
much to teach the experts about good
stewardship, earthly practical knowhow, and
common sense.

CHAIR RICHARDSON: Thank you, Steve.

Questions? Comments?

(No response.)

Thank you very much.

MR. WALKER: Thanks.

CHAIR RICHARDSON: The next speaker is Jackie Townsend, and on deck is Zak Wiegand.

MS. TOWNSEND: Hello. My name is Jackie Townsend, Policy Manager for MOSA.
MOSA certifies about 1600 operations, and about 700 of them are livestock operations. I am here to address the Livestock Subcommittee with regard to vaccines made with excluded methods and the GMO Subcommittee on excluded methods terminology.

MOSA would like to thank both Committees for the many hours of work invested in these topics, time that ACAs are not able to spend.

We have been spending our time performing all of the certification functions that our clients need and spending much staff time for the development of systems, policies, and programs to address the changes required by recent NOP clarifications.

We are an evolving industry, and we would like to see our evolution be controlled with practicality, not forgetting soundness and sensibility for certifiers. How can we be sound in our standards and sensible in our verification methodology?
Steve Walker, speaking just before me, talked about the importance of the organic label and the need for required disclosure. Of course, we support regulations requiring the disclosure of the use of GE technology. The issue if disclosure is highlighted in the vaccines proposal. The Subcommittee determined that the creation of a list of allowed and prohibited vaccines was difficult, for a variety of reasons, and was unable to develop a list of vaccines made with excluded methods.

The other proposed tools, the use of product code and methods-of-production analysis are not sound and sensible tools easily implementable by certifiers. The proposal states that the use of product code does not definitively identify vaccines as made with excluded methods. So, it is unclear how this is a useful tool.

If the task of developing such a list of vaccines is challenging for the NOSB,
it seems like it would be overly burdensome to pass the task along to certifiers. Without government regulation and increased disclosure, it would be very difficult for organic agriculture to make strides in the goal of refraining from the use of vaccines developed using excluded methods. We are worried that the use of vaccines may be limited by some ACAs.

MOSA recognizes vaccines as an essential livestock health and food safety management tool. At this time, we feel the vaccines are categorically allowed by 105(e) and their use is encouraged as a preventative practice at 238(a)(6).

The proposal requests that the NOP provide guidance on how to make a determination of whether a vaccine has been produced with excluded methods. We recognize some disagreement on who should provide the guidance, but, regardless, MOSA wants to ensure that any forthcoming guidance process
includes ample opportunity for additional public comment.

The NOSB has waded through volumes of information in an effort to help ACAs have the tools needed. It seems the Subcommittees have found themselves stuck in a quagmire of confusing scientific terminology, political maneuvering, and legal restrictions. We greatly appreciate the work done, but it seems that we need to, as a community, push for public disclosure.

The concluding sentence of the second discussion document drives home the need for increased focus on this issue. And we would add that, without disclosure requirements, the ability to use these definitions and principles would be hampered.

MOSA supports sound enforcement of the National Organic Standards to continue to ensure we have an organic label that means something, and in order to soundly enforce our standards, we need sensible information to
make clear and consistent certification
decisions.

We continue to feel that GE
technology, including definition, labeling,
and public disclosure, is a priority for
further research and education.

Thank you.

CHAIR RICHARDSON: Thank you.

Questions? Comments?

(No response.)

Thank you.

The next speaker is Zak -- is it
Wiegand? Am I mispronouncing? Good, I got it
the second time. Thank you.

And on deck is Mike Leventini.

MR. WIEGAND: Good afternoon.

My name is Zak Wiegand. I'm the
Processing Program Technical Specialist for
Oregon Tilth.

You are probably familiar with
Oregon Tilth, but I am going to tell you about
us, a little bit about us anyway.
We are an advocacy group, an educator, and a certifier. And according to Jim Pierce, we are the best certifier. (Laughter.)

We certify around 1500 operations across the country as well as internationally, and it is about a 50/50 mix of handlers to farmers.

So, first, I would like to extend a great big thank you to the Materials and GMO Subcommittee for your continuing effort to try to tackle the complex and ever-changing issues surrounding the definition of excluded methods and related terminology.

I would also like to thank the entire NOSB for their work and dedication in improving organic standards for all stakeholders.

The information provided in the discussion document on excluded methods terminology shows that you have good starting points to move forward with addressing the
need to update and clarify the definition of excluded methods.

From the use of a guidance document that provides a platform for ease of updating to potentially using a dynamic table listing different types of biotechnology and their acceptability, these are sensible ideas that will help us keep up with the ever-changing landscape of biotechnology while providing some clear and consistent information for certifiers to evaluate to.

Additionally, as Zea mentioned yesterday, the Subcommittee will be addressing products produced from genetically-engineered organisms as work on this continues, and we appreciate that this is part of the ongoing work of the Subcommittee. So, we look forward to future work on this and are pleased that these issues will surface with any recommendations that develop from this work.

We understand that clarifying the definition of excluded methods is a starting
point for this extended project and feel that you have laid good groundwork with this discussion document. And we are looking forward to contributing more support to the Subcommittee as these documents are refined.

Once again, I would like to thank the Materials/GMO Subcommittee, the NOSB, and the NOP for your tireless work to improve the organic standards.

CHAIR RICHARDSON: Thank you, Zak. Questions? Comments?

(No response.)

No?

Thank you, Zak.

MR. WIEGAND: Thank you.

CHAIR RICHARDSON: The next speaker is Mike Leventini, and on deck is Lindsay Fernandez-Salvador.

MR. LEVENTINI: Good afternoon.

My name is Mike Leventini. I am with the Petaluma Poultry out in California.

We are also a member of the Methionine Task
Force, and we are an organic broiler company on the West Coast. I am going to talk today about kind of where we are on synthetic methionine use in broilers.

So, back in 2001, our founder, Alan Shainsky, worked with the USDA and got the ball rolling with organic broilers. At that point, we were allowed to use methionine in the rations.

In 2010, we dialed-down our methionine use to a maximum inclusion rate kind of bird type. So, layers and ducks could use four pounds per ton, broilers could use five, and turkeys could use five.

The maximum allowed -- and again, this is the maximum for every pound of feed -- was cut again in 2012. So, layers and ducks got cut in half. Broilers went from five pounds down to two pounds. They took the biggest brunt of the reduction. And turkeys were at three.

Currently, it is the only
exception that we use in organic feed. And at
two pounds per ton, the feed formulation is
99.90 percent organic.

So, where do we kind of compare in
the United States with everybody else? Well,
in Canada, on their organic program, they are
allowed to use synthetic methionine in an
unlimited amount.

The EU doesn't allow synthetic
methionine or any synthetic amino acid, but is
allowed to feed 5 percent non-organic
feedstuffs in their feed. So, they can feed
a 100 pounds of non-organic feed per ton.

So, as the U.S. poultry industry
continues to strive to find a 100-percent
solution, however, the solution is not
occurring anywhere else in the world in a
commercial setting.

So, what does that mean to an
organic chicken being raised in the United
States? Well, in order to feed the chickens
what they need, it has been well-documented
that plant-based chicken feeds, so no meat byproducts or those kinds of things, they don't match up. Plant-based rations don't match up with what a chicken needs. So, you have to give them a little more methionine.

A protein is just an accumulation of a bunch of different amino acids, and plants don't match up with what the chicken needs. So, in order to get them their methionine, we have to feed more protein as a percent of the ration.

And we also know, due to Dr. Fanatico's research in 2007, that it doesn't really matter if it is a slow-growing, medium-growing, or fast-growing broiler; they all need this incremental methionine amount, particularly in the starter and grower phases, not when they are putting on big breasts and big legs, but when they are driving organ growth and tissue growth and those kinds of things.

Unfortunately, that is also the
time when the chickens are inside. They are not outside ranging when they are 18 to 20 days old.

So, as we fed more protein to these birds to give them the methionine that they need, the birds don't need all that protein. So, they end up excreting out that nitrogen into the manure. The manure ends up deriving more ammonia problems within the house. You get a wetter house with more ammonia. We have to end up spending more propane and more electricity.

But that stress on the bird that we cause by feeding this ration when they are also going through vaccination reactions and other things has actually caused more mortality and more morbidity in the chicken house. This is the information I put in my comments about a year ago. From before the 2-pound change, we see an increase of 18 percent in our mortality in these broiler flocks.

So, in summary -- I am going fast
to get my T-shirt -- worldwide we haven't solved this issue. We are getting by, but current restrictions are resulting in animal welfare and environmental issues.

(Signal that time is almost expired.)

Missed it (referring to signal).

We will continue to research and find alternative sources for synthetic methionine. We are doing feed trials. We have funded testing. We have done all sorts of stuff.

But we are going to push for middle ground. We are going to continue to ask that, instead of a max, that we get an average for life of flock. Allow us to feed them more methionine early.

And on the broiler side, we are going to ask that we not only get the average, but take us back to the 50-percent reduction, back at the two-and-a-half, as opposed to the 60 percent that we took in the last reduction.
Thank you.

CHAIR RICHARDSON: Thank you, Mike. Thank you very much.

Questions on methionine.

Francis?

MEMBER THICKE: Thank you, Mike.

Are you familiar with the recent work on high-methionine corn? Have you looked into that?

MR. LEVENTINI: We have tested it early, and I term it "high-protein corn" because, really, we need methionine in a different ratio that is in current soybean meal, for example. And the ratio of methionine really isn't that much different. It is higher protein, but it is not necessarily higher methionine as a ratio.

MEMBER THICKE: Okay. So, you're saying that it is like feeding more soybean meal perhaps?

MR. LEVENTINI: Yes.

MEMBER THICKE: Okay. So, it is
like .25 percent with methionine, maybe .3 percent methionine. That is getting a little higher, isn't it?

MR. LEVENTINI: I think there is some help, but it is not the single issue that is going to help us.

MEMBER THICKE: Have you used any --

MR. LEVENTINI: It may be helpful.

MEMBER THICKE: Have you used any other sources of methionine to supplement?

MR. LEVENTINI: We have gone through and done a lot of research, probably looked at 50 or 60 different things. We are continuing to look. Not a lot of those items on that list of things that in life are higher methionine or organically available or available in the amount that we need them.

MEMBER THICKE: Okay. And you said that, when the chickens get older, they are outside more; inside, they are inside. Why would they be inside when they are older?
MR. LEVENTINI: If I said that, I
meant they are inside when they are younger;
they are outside when they are older.

MEMBER THICKE: Oh, okay.

MR. LEVENTINI: But that makes
sense. When they are little, they don't have
feathers yet. We don't turn them outside
until they are fully feathered.

MEMBER THICKE: Okay.

CHAIR RICHARDSON: Tracy?

MEMBER FAVRE: Thanks for your
presentation.

We are devoting significant
resources in the Livestock Subcommittee to
discuss methionine between now and February.
And I am curious in regards to, if you see any
products out there in development -- I know
that you said that you haven't found anything
on the market now. But are you aware of
anything coming to market or under development
that might solve the solution to the synthetic
methionine?
MR. LEVENTINI: There are things in discussion, but I haven't seen anybody actually working on, say, a non-synthetic methionine. I mean, there have been discussions, but I am not aware of anything currently in the hopper.

MEMBER FAVRE: And as a follow-on question, one of the things that we have struggled with is there is some concern within the Committee, as well as the Board as a whole, that if we allow an average over the life of the bird, and, of course, if we respond to that as part of the petition response, it resets the sunset date. And there is some concern that, if we allow that, we create a disincentive for development of alternatives. Can you respond to that?

MR. LEVENTINI: Well, I think everybody on the Methionine Task Force understands that we have to solve this, right? We would rather be home tending chickens than coming to meetings and talking through this.
So, I think we are all really dedicated to solving this issue. It is just a very difficult one to solve.

My job or my thoughts today were, while we are trying to get to that endpoint, while we are trying to find that methionine solution, let's understand what we are currently doing and see if a small tweak would really help the animals in the interim.

CHAIR RICHARDSON: Harold?

MEMBER AUSTIN: Well, I think my question is going to kind of go to that, your concern with that small tweak. Because, you know, we talk a lot about environmental health. We talk a lot about human health. Could you explain to the Board what the decision to refer back to the Subcommittee this past spring has done to the health of the flock currently as it exists today with what you guys are having to do in order to meet the methionine needs? And what are the current conditions with the flocks?
MR. LEVENTINI: So, what has two-pound max done to our chickens? So, there will be other folks up here that can maybe address the layer. I am a broiler guy. But I think this particular slide here shows that from before, when we were unrestricted, to where we are now, there's 18-percent more mortality.

So, during that young chicken as it is growing -- it is primarily upfront when that chicken is growing. They are going through vaccination reactions. This high-protein feed that we are feeding them in order to get the methionine they need causes a lot of stress in that animal's tummy, and they get opened up to things like necrotic enteritis and other things that actually drive a little bit more mortality. Not only do you get mortality, but morbidity.

The lack of production and the stress on the animal is increased as well. That is seen through wetter litter, increased
ammonia, increased mortality.

CHAIR RICHARDSON: Thank you.

Mac?

MEMBER STONE: Were you on the
Methionine Task Force back when the decision
was made to step down from this four to two or
five to two, five to three? How were those
step-downs calculated and where is that in --
if the number, if you could calculate what it
is that the corn/soy diet doesn't provide,
what would the number be for a broiler?

MR. LEVENTINI: On a percentage
basis?

MEMBER STONE: Yes.

MR. LEVENTINI: So, to answer the
first part of your question, I have no idea
where the step-down numbers came from. I
think, as a group, we were all concerned that
we were going to lose methionine 100 percent,
which would have crushed us. So, I think we
were all kind of willing to take two because
we could probably find a way to get to two, to
do something. And by reacting to two pounds, you can see what it has done to our mortality.

I don't know where the numbers came from. I was involved with the Methionine Task Force, but I don't know where the numbers came from.

We have our nutritionist coming up in a bit. Maybe he can speak to what percentages we need.

But I would say 5 or 6 percent would be a normal level of additional methionine in a protein-based feed. So, we are feeding a third of what they need, and we are having to increase the food protein to get there.

Did that answer your question, Mac?

CHAIR RICHARDSON: Nick?

MEMBER THICKE: One more quick question. You said in Europe they allow 5 percent.

CHAIR RICHARDSON: Hold on,
Francis.

MEMBER THICKE: Oh, I thought you said yes. I'm sorry.

CHAIR RICHARDSON: No, there are two more people.

MEMBER THICKE: Oh, I'm sorry.

CHAIR RICHARDSON: Yes.

MEMBER MARAVELL: I am just interested in the statement up there that methionine needs do not differ in broiler types, slow-, medium-, and fast-growing. Are you saying that the absolute amount of methionine doesn't differ or that the percentage of methionine of total feed doesn't differ?

MR. LEVENTINI: I will have to go back and check, triple check, but I believe it is percentage, because what happens is --

MEMBER MARAVELL: Right, right. Exactly.

MR. LEVENTINI: -- it is feed intake, right.
MEMBER MARAVELL: It is the balance?

MR. LEVENTINI: Right. Correct.

MEMBER MARAVELL: Yes, exactly.

MR. LEVENTINI: Yes.

CHAIR RICHARDSON: Calvin?

MEMBER WALKER: How would you define the term in the context of feed nutrient, something that is marginally adequate?

MR. LEVENTINI: I'm sorry, I don't understand the question.

MEMBER WALKER: If a nutrient amino acid such as methionine is considered in the poultry ranch as marginally adequate, what does that connote to you?

MR. LEVENTINI: Well, I don't know if you are driving towards malnutrition or what we are talking about. But, certainly, all the protein, all the diets go back to years and years and years of research out there for cattle and sheep and pigs and
chickens.

And we are doing the best thing we can to try and increase the protein and give these chickens balanced rations. When you don't give them balanced rations, when something is missing, the chickens or the cattle or the sheep, they will look for it and they will pick feathers or they will react in certain ways, and they are trying to find things that they need. And that is how the birds react to a diet that is marginally nutritious or marginally giving them what they need.

I hope I answered your question.

MEMBER WALKER: Does the term mean that it is adequate?

MR. LEVENTINI: I'm sorry, I still don't understand what you're getting at.

MEMBER WALKER: The term "marginally adequate," does that mean to you that what is in the diet is adequate, but just right at the margins?
MR. LEVENTINI: Did I say "marginally adequate"?

MEMBER WALKER: Oh, I was asking for the term. How would you define it?

MR. LEVENTINI: Oh, well, I think adequate is adequate, right? The only thing I need, when you go off of these things, I mean, there is all this research that says chickens need this. So, I don't know that without seeing particular data if I can answer, if they need .5, that .4 is marginally adequate. It would depend on what we are talking about, I think.

CHAIR RICHARDSON: Francis, you had a question?

MEMBER THICKE: Yes. You said in Europe they allow 5-percent non-organic in the ration, correct? Does that include synthetic?

MR. LEVENTINI: Well, what I looked up and when I talked to the few nutritionists, they talked about -- and here is the thing here -- no synthetic amino acids.
And so, in that 5 percent there were no synthetics, but you could feed non-organic feedstuffs.

MEMBER THICKE: What would that be? Do you know?

MR. LEVENTINI: Hay or different things that were not organically approved.

MEMBER THICKE: But they could have organic hay as well, I guess.

MR. LEVENTINI: Yes, I haven't done enough research to understand what they are actually feeding, but they can feed 100 pounds a ton.

CHAIR RICHARDSON: Wendy?

MEMBER FULWIDER: I think maybe the way to answer Calvin's question is, if we have the stats to know if the mortality is significantly different with the different levels in methionine that you had on your slide.

MR. LEVENTINI: Okay. I can go run the stat packages, but I feel very
confident that it is. But I can go do that
and get back to the group.

CHAIR RICHARDSON: Good. That

might be very helpful.

MR. LEVENTINI: Yes, there's over

500 data points there.

CHAIR RICHARDSON: Calvin?

MEMBER WALKER: I think it also

will be answered -- you had mentioned that

there would be a nutritionist coming up?

Because I think they could also shed light to

this particular definition.

MR. LEVENTINI: Of marginally

adequate?

MEMBER WALKER: Yes.

MR. LEVENTINI: Okay.

MEMBER WALKER: Okay.

CHAIR RICHARDSON: Great. Thank

you very much. You have been very helpful.

MR. LEVENTINI: Thank you.

CHAIR RICHARDSON: We appreciate

it.
The next person up is Lindsay Fernandez-Salvador, and then, we will have Dr. Rangan and her son Max.

MS. FERNANDEZ-SALVADOR: So, is this thing reset now? Okay. Okay. Thanks.

Thank you for the opportunity to comment today.

I am Lindsay Fernandez-Salvador, and I am the Technical Director at Armory.

Today I want to talk mainly about contamination and inputs, but also touch on the idea of ancillary substances as they relate to their presence in other inputs besides processing ingredients.

I believe that Armory provides the most comprehensive and consistent level of analysis for all types of contaminants and inputs in the organic industry and quite possibly the world. Therefore, by most standards, that would make us an expert in this subject matter.

Our written comments gave the
standards and requirements that Armory has in place for various contaminants outlined in the regulations at 205.203. So far, those standards seem to root out most problems and are useful to operators.

Therefore, we have come to the conclusion that contaminants are not a significant threat to the organic sector. Most inputs are free of contaminants, such as heavy metals, pathogens, and pesticide residues. However, there have been high-profile cases of pesticide residue contamination in compost, as outlined in the discussion document, that brought this issue into focus for Armory in a very public and messy way.

What we learned from that experience is that there is a need for transparent requirements for pesticide residues in compost. I want to be clear, however. We are not necessarily advocating for thresholds or testing, but, rather, for a
consistent, transparent standard that
everybody must be held to. That standard
could be that we don't test inputs at all or
we assess risk based on feedstocks or we
advise compost users to be aware of pesticide
residues. It could be any standard; it just
needs to be transparent and clear.

If we do start talking about
testing for pesticide residues, I urge you to
consult with the composting industry and
collaborate with them to make a reasonable
recommendation. There should be careful
thought to testing methods, frequency,
followup, corrective actions, and
consequences. There should be a method for
the composter to mediate any problems and get
their product reapproved. The last thing we
want to do is discourage the use of recycled
food waste by getting so detailed that there
is no compost free of contaminants.

On ancillary substances and
microorganisms, we urge you to consider the
implications of your recommendation on other uses for microorganisms. For example, livestock feed contains microorganisms which may contain those same ancillary substances. If we allow those for processing ingredients, but not in livestock feed, it is illogical and difficult to defend.

And we want to also address the fellow who talked about using an enzyme in his liquid fertilizer product. This is another example of how ancillary substances and processing materials are also present in non-synthetic ingredients in fertilizers. If you allow ancillary substances in processing ingredients, other uses of those same ingredients should be considered.

Finally, please talk about bacterial phages when you talk microorganisms today or this meeting, so that we can understand whether or not they are covered under the microorganisms listings at 205.605(a).
Thank you very much for the opportunity to comment.

CHAIR RICHARDSON: Thank you.

Comments? Questions?

(No response.)

Thank you very much.

Dr. Rangan and Max, and Terry Shistar on standby.

DR. RANGAN: Good afternoon.

My name is Urvashi Rangan. I'm the Director of Consumer Safety and Sustainability at Consumer Reports. I am glad to be here today, and I want to thank the members who are rotating off this session for their very, very hard work. Thank you.

We at Consumer Reports are very concerned about where things are right now on sunset and the discriminatory use of really what are explicitly-prohibited materials in the law and the use of artificial ingredients. And our role at Consumer Reports is to help educate people about what organic means as
well as what it doesn't mean. And we also
look to see scientifically what can consumers
expect out of organic, why they are willing to
pay more for it, why they are willing to buy
it at all. And in the course of doing that,
what they expect from it when they do so.

Charlotte Vallaeys and I have been
rating and evaluating labels on food, dozens
of labels, all year long. And all of that
information is available for free at
greenerchoices.org.

We bring today and tomorrow, when
Charlotte testifies on the materials, that
kind of broad expertise in looking at a
variety of different label programs. Organic
is slipping. And as a result, we have
downgraded its rating from highly meaningful
to meaningful. You can read on Greener
Choices exactly what, but we are extremely
concerned about the way things are doing and
where things need to go.

We, again, do national surveys.
We run the polls largest to the Census in the country or next to the Census. And we believe empirical data is incredibly important. Having listening sessions, talking to people on the phone, that is anecdotal information. That doesn't give you a scientific basis to inform you of what consumer expectations are.

So, I want to go through a few of our survey findings. Seventy-four percent of consumers -- and these are nationally-representative surveys -- mistakenly believe there are no artificial ingredients used in organic foods. They are being misled to think that.

Eighty-nine percent actually expect there to be no artificial ingredients. When it comes to artificial ingredients in processing, 76 percent of people don't think it is in foods labeled organic. They are mistaken. Ninety-one percent of people do not want it to be in there.

When it comes to no antibiotics
being used, you see similar response rates.

And again, the loophole that would allow chickens to be fed antibiotics or administered antibiotics up to day two of life is inconsistent with those expectations. It is inconsistent with the way the program markets organic.

And I have seen this bag, and I have written down some of the more accurate phrasings that ought to be on this bag. It is no antibiotics except for those chicks are fed up to day two of life. It is no artificial colors, preservatives, or flavors, but there's other artificial things that are allowed. Even in the marketing of the program on organic, it is easy to see how consumers are being misled out there.

As I said, we have also looked at a variety of different label programs, and I want to talk a little bit about those because they are exceeding organic. And we are now able to tell consumers to look for organic and
bird-friendly or organic and biodynamic because it means more.

Those particular programs actually require products to be organic in the first place, and then, they add more value. They don't allow things like methionine in biodynamic. They don't allow phosphate-based leaveners in biodynamic. They are doing more than this program is when it comes to the use of artificial materials and ingredients in the program and in the standards that they require.

There are simply labels that are surpassing organic in various spaces. Animal welfare approved is another one that has space requirements for animals. Most people want that.

We are delivering today the results of our surveys from March 2014 and April 2014 to you today, so you can see the complete results. And I will submit those all to Michelle.
Thank you.

CHAIR RICHARDSON: Thank you.

Do you want to have your son speak first before you take questions?

DR. RANGAN: No, I'll take them now.

CHAIR RICHARDSON: You'll take them now?

DR. RANGAN: And then, I will let Max speak after. Thank you.

CHAIR RICHARDSON: Okay.

Questions?

Calvin?

MEMBER WALKER: Thanks for your report. And I just appreciate Consumer Union because you represent over 8 million individuals.

If there is a way in the future that we could turn it back up again -- we have been downgraded -- if there is a path that NOSB can -- Robert Kennedy says a mistake is not a mistake until you refuse to correct it.
DR. RANGAN: That's right. Thank you, Calvin.

MEMBER WALKER: So, if there is a way that we could get that grade back up --

DR. RANGAN: It is really pretty clearly outlined in the label record for the organic program as to why we took these steps. It was actually a very difficult decision. We did a lot of deliberating on it. We do comparative ratings at Consumer Reports.

And when you simply look at the other label programs and what they are doing compared to what they are saying they are doing, they are doing a whole lot better.

And so, when it comes to organic, things like we have mentioned today, the no antibiotics, and making sure when we use artificial ingredients, we are doing it with a very careful eye, because 71 percent of people don't even want it in there to begin with. So, people don't want these things. We need to kind of acknowledge that.
And you will be able to read clearly in the record where it is we expect improvements to be made in order for that rating to go up again.

Thank you.

CHAIR RICHARDSON: Zea?

MEMBER SONNABEND: Thank you, Urvashi.

I just did a word search in OFPA and I didn't see the word "artificial" in there anywhere. We commonly use the terminology "synthetic".

And particularly in regards to something like, say, sulfur or pectin or magnesium chloride, these are not generally thought of as artificial; they are not analogs of natural things that are synthetically-derived.

So, I wonder why your scientists think that using the word "artificial" in your survey has the same meaning and/or connotation as "synthetic".
DR. RANGAN: Yes, great question, Zea. I mean, we have been in the role of communicating with consumers since 1936. And the fact of the matter is that sometimes you have to speak in a little more conventional lingo. And so, artificial is a lay way of talking about synthetic.

And I'll say you're right, sometimes there are natural things that are processed with artificial ingredients or we have issues with how they are processed, and we do. And Charlotte will be making extensive comment on that when it comes to the materials that are under your purview right now.

The fact of the matter is that it is about artificial ingredients. Synthetic means it is something that is not made in nature. It isn't natural. It is synthetic; it is artificial.

And when it comes to processing, as you will see in our surveys, we actually went to the extra step of asking people about
artificial processing aids as well and whether
they expect to have those in organic as well.

So, while I understand we are not
using very scientifically-technical terms, if
people don't understand the question in a
survey, they can't possibly answer it
accurately.

CHAIR RICHARDSON: Harold?

MEMBER AUSTIN: Thanks, Urvashi,
for being here and for giving your
presentation today.

When you started, you talked about
the indiscriminate use of the materials on the
National List. Could you define that or give
us a little more clarification on that,
please?

DR. RANGAN: Yes. Sure. I think
when it comes to artificial ingredients being
used, and then, how they are retired after
five years, Harold, the first survey we did in
March really starts to get at those issues.

"Do you want those to be in there in the first
place?" The answer is generally no.

"If they have to be used in there, what do you think about a sunset? Do you think five years is too short or just the amount of time, too long?" So, we have asked about that.

And then, we say, "And what do you think should happen at sunset?"

And what is really clear from all of these responses as we dig down is that we need to be far more discriminating about what it is we allow on that list and make sure that it is very carefully deliberated on, that we absolutely need it.

In order to create those organic alternative incentives, we strongly believe you need that five-year period to develop those, so you can get synthetic materials off the list. And that incentive needs to be nailed to the floor. Otherwise, you don't have an incentive, and we have seen that over and over again.
So, those things have to be built in. People want to make sure, if they are going to be used, that when they are done with after five years, that they are dealt with very, very carefully and appropriately.

And the more we listen to the NOP describe what they are going to do at the end of that period, the less and less it is becoming discriminatory use. The fact that these materials can remain on the list, maybe they will get an invalidated checkmark. It is really what is a sunset after all. Now we need rulemaking to get things off the list. This simply doesn't comport with what the law actually says and what it requires, what you market organic as, and what consumers expect it to be.

Thank you.

CHAIR RICHARDSON: Colehour?

MEMBER BONDERA: Thank you for your presentation. And I don't mean to make Max wait too long. So, I am sorry you're
answering a lot of questions, but, hopefully, he is staying awake.

Listen, I guess I was writing down while you were talking, and I just want you to speak for at least a moment about, you know, we are the NOSB and that is what this meeting is. And some of your observations or comments, I am not going to say they are directed at the program, but they are about what the NOP is doing.

And you have alluded a little bit to my question, but I want to see if you can take it any further, which is, what can we, the NOSB, be doing? I think I can infer from what you were saying we could stop sort of voting for synthetics to be allowed, is maybe one thing I could interpret.

But I guess my question is, you know, is what you are presenting just presenting what is happening versus it brings up the question, you know, where and how can we, the NOSB, or is it the NOSB that can do
some changes, or is it really more about the NOP? I guess that is what I would like you to address.

DR. RANGAN: Sure, Colehour.

Thank you.

MEMBER BONDERA: Thank you.

DR. RANGAN: Yes. I think, in four minutes, the focus is on sort of what is wrong and where things are sort of off the rails. And I think it is and should be inferred, but I will say it point-blank, that we do look at this Board as the guardians of this program. You are statutorily charged with reviewing materials and making recommendations about those materials. We want you to have every bit of that authority.

We want you to be able to present your recommendations in a logical manner that doesn't obfuscate your own opinions. So, if you are having to vote something down in order to vote it up later, that is nonsense. The American public doesn't want you to do that.
We want you to be true to what you believe and what needs to be done, and we need to have a logical forward-thinking process.

In so many ways, this process has been rolled back over the last 18 months so badly. And there were already issues 18 months ago. The problem now is you all are really being stripped of these authorities and having to behave in a way that is not supportive of your authority, is not supportive of what the American public thinks you should be doing, and is relying on you to do to ensure that, when it comes to material use in this program, that we are being as discriminatory and as careful as possible. And that job lies in your hands.

CHAIR RICHARDSON: Jay?

MEMBER FELDMAN: Thank you, Urvashi.

I guess I would like you to talk a little bit about something I grapple with, and I think many Board members grapple with. And
that is, how does all this technical review
and process stuff translate into public trust?
And I know that is a hard thing to quantify in
a sense, and you don't know that you have lost
the public trust until you have actually lost
it sometimes.

So, I am wondering if you can help
Board members, from your perspective -- and,
of course, I do want to underscore that over
the years of developing public trust in this
label, you know, the predecessors to this
Board and the creators created, at least in
the PPM, an expectation that this Board would
listen very carefully to you, as a consumer
rep, and to others who are trying to explain
to this Board how we get to meeting consumer
expectations, and that mechanism of how. Do
we trust you? Whose survey do we trust? How
do we translate that into some behavior or
voting pattern, or what have you?

So, my question is, given the
surveys you have done and given what you have
watched over this last year and historically, how do we translate our work, how does this Board translate its work into meeting public trust? And what have you seen in terms of the evaluation of both governmental labels and non-governmental labels, voluntary labels?

How have you seen that trust issue manifest itself, so that you could give some guidance to the deliberation of this Board when they are struggling with, well, I don't think that is going to make a difference; people don't care, or whatever they are thinking?

DR. RANGAN: Yes. I mean, I think that is exactly why we do these surveys, Jay. It is in a way a barometer of trust. And in asking people what you think a label means and measuring that against the baseline of what it does mean, you can start to see where people are being misled. Now, once people understand they are being misled in a very absolute way, you can start to erode trust in a direct way.
But I think looking at these surveys, it is a proxy for trust and it is an opportunity to actually get some insight in, again, a data-driven, scientific way, and for you to understand what empirically you may be doing to consumer opinion out there, and what consumer opinion is.

This hasn't changed all that much. So, it is not as if these numbers swing like a pendulum from year to year. They are pretty consistent. And in the 12 years we have been doing surveys on organic, we get very, very consistent results.

I think the other thing to keep in mind is we are not in a vacuum here. I mean, these things happen in these ballrooms far away from organic food, but we are not in a vacuum. And you are in a marketplace operating with a lot of other label programs, and there is more and more coming up. And they see the opportunities that organic has missed. And so, they will fill in those gaps.
And eventually, if you don't want to deal with certain things or the program doesn't want to deal with certain things, other labels will come in. And ultimately, they will offer consumers the value that they are looking for.

Consumers are getting smarter and smarter about the choices that they are making. And, you know, when we started rating these labels 15 years ago, we asked, are they meaningful; are they verified; are they consistent; are they transparent; are they independent? Those questions now are almost not becoming obsolete, but they are the first tier of questions you ask.

Now we ask things about feed, about drug use, about access to the outdoors, about space requirements for animals. And when you look, for example, on Greener Choices right now, we have a chicken chart that is based on these very discreet sustainability attributes. Organics pretty much in the
middle of the road. They are plenty of labels out there that are doing a lot more when it comes to animal welfare than organic is.

Meanwhile, you know, you all have parked some very good recommendations at the door with regard to space requirements for animals. We need to get on with those things because you are being beaten by other labels who are doing a better job of that.

And when it comes to these humane labels out there which people think organic ought to be, people expect a lot more than what the organic program is providing to them.

So, you can wait until trust erodes completely, but it will be very difficult to recover. And what we are trying to do, and the reason we come to every meeting isn't because we just love to talk about the problems with organic. We are out there telling people what it is, what it isn't. We have a campaign to ban the natural label, to have consumers focus on this program as the
true natural.

But I can tell you I get questions, too, on talk shows letting me know that they organic is bogus; it cheats people; it is not doing what it ought to. And I say, if you actually care about sustainable ag, please come to these public meetings and make your voice heard, because people need to hear that. They need to hear the anger that people have in feeling cheated. And that is what is important.

So, in terms of what organic is doing or not doing as it relates to public trust and expectations, you need to look in front of you, but you also need to look behind you to see what else is coming down the train tracks, because other labels are coming, and they are surpassing organic in many spaces.

CHAIR RICHARDSON: Thank you, Urvashi. Would you like to introduce Max now?

DR. RANGAN: I would. So, I am really happy to introduce -- and a lot of you
know him from even being in my tummy eight years ago and being at these meetings and knitting sweaters -- but Max is eight, and he has heard a lot about organic over the years, and he is really happy to testify today.

So, Max, let's get you up here.

CHAIR RICHARDSON: And as Max is getting up there, I would like to ask those of you that wish to take photographs, the rights of children to have their photographs taken is protected. And so, if you want to take his photograph and, then, use it, you should seek the permission of his mother.

DR. RANGAN: You may take his picture.

(Laughter.)

How are you? Okay.

MR. ROSSITER: Hello. My name is Max Rossiter. I am from the Bronx, and I thank you for letting me say a few words today.

When I told my friend Otis that I
was going to give a public comment to the
government, Otis said he didn't believe me.
He said people need to be way more popular to
talk to the government.

(Laughter.)

I have known about organics since
I was five or six years old, but I learned
that organic is truly natural. It is not
supposed to come from chemicals or food
coloring or artificial ingredients, but it
should all come from Nature.

Sometimes my Mom tells me about
bad things in certain foods, like arsenic in
rice and mercury in tuna. But I do eat a lot
of good food like broccoli, kale, apples,
peaches, grapes, and all sorts of berries. We
drink a lot of milk, too, and we eat a lot of
different meat, like chicken and beef, and I
really like lamb a lot.

Organic meat is so important
because it is supposed to come from animals
that had a good life, ate grass, got to play
outside and roll in the mud. If chickens
don't go outside, then that is not natural and
it is not organic.

I think organic animals should
have a really good life and that they
shouldn't eat any artificial ingredients. I
also don't think that the healthy chickens in
the egg or when they hatch should get any
drugs for growing up.

One thing I have been learning
about in my school is figures of speech. One
of my favorite ones is about people in glass
houses who should not throw rocks.

In getting ready for this talk, my
Mom asked me what a sunset was. I know that
sunsets are something my family likes to watch
on vacation. My Mom explained that sunsets
are also something that should happen to
artificial ingredients and chemicals that have
been allowed to be used for five years.

Like I said, I don't think those
things belong in organic food, but if they
are, then a sunset should mean that after five years the use of that ingredient will get flatter and flatter, and then, it would just go like the sun does when it fully sets.

Thank you very much for listening to me today. I hope that it was helpful to hear from someone who is eight and who thinks a lot how important organic should be and how pure it should be.

(Applause.)

DR. RANGAN: Any questions for Max?

(Laughter.)

MEMBER STONE: I would just like it if he would come up to get his T-shirt.

(Laughter.)

DR. RANGAN: Oh, Max, do you want to go up and get your T-shirt?

(Applause.)

MS. SHISTAR: Talk about a tough act to follow.

(Laughter.)
CHAIR RICHARDSON: Michelle is going to get the slides up there.

All right, Terry, now that is a hard act to follow.

MS. SHISTAR: Now wait a minute.

This was perfectly timed.

(Laughter.)

CHAIR RICHARDSON: Oh, okay.

Good.

So, Terry is up, Terry Shistar, followed by Gwendolyn Wyard.

MS. SHISTAR: Okay. Michelle, is this going to start? How do I just tell it to start? Maybe you have to push "Go".

My name is Terry Shistar, and I am on the Board of Directors of Beyond Pesticides. Our direction comes from a Board composed of organic farmers, scientists, farm workers, medical practitioners, land managers, attorneys, and activists.

I introduce a new scroll today, an update to NOP's scroll. We have to be careful
because parts of it are torn.

NOP says that the list of substances in sunset review will be published on the NOP website with enough lead time for both NOSB review and USDA action. The announcement of the Sunset 2015 materials is not easy to find. There's no announcement of Sunset 2016 materials, despite the fact that this meeting is the last chance for timely public comment. The announcement for the Sunset 2015 materials did not state that the spring 2014 meeting was the last time for timely comment.

The Federal Register notice announcing the first meetings, according to NOP, will request public comments on each substance under sunset review. Well, the announcement of the spring 2014 meeting did not mention sunset. The announcement of the fall 2014 meeting mentioned sunset, but did not state that the comments on Sunset 2015 materials would be untimely, nor that the
meeting would be the last chance for timely public comment on Sunset 2016 materials.

The purpose of the first meeting is for the NOSB to hear new information about each substance. Well, checklists and Technical Reviews need to be available before this meeting, the only one at which the NOSB will accept public comments to be considered as part of the review.

NOP says, if warranted, the NOSB Subcommittees can develop proposals to remove substances. Any proposal to remove a substance must be justified using the evaluation criteria in OFPA and the USDA organic regulations. Step four only requires the Subcommittee to decide whether the material will be considered for delisting.

Prior to this meeting, the Subcommittees, without notice, changed the policy announced by the NOP and brought forth proposals to delist without the required support.
Step four also prohibits changing annotations at sunset, directing those who want to do so to the petition process. However, there are good reasons to allow annotation at sunset.

In step five, AMS requests more comments and the public can respond, but what happens to those comments? NOP says that NOSB members may make motions to delist sunset substances, which require a two-thirds majority to pass. OFPA requires the NOSB to vote to allow exemptions to the default prohibitions of synthetic inputs or non-organic ingredients.

NOP says new information presented at the second voting meeting will be considered untimely. Oh, they don't count. The public is invited to submit comments that don't count.

At the conclusion of the discussion at the second meeting, the NOSB Chair confirms that the NOSB review is
complete. So, the NOSB Chair is deciding for
the whole Board.

NOP has pointed out numerous
hurdles that OMB sets for significant rules,
but did you know that no sunset decision has
ever been found to be significant? So, why is
this whole process important? As NOP pointed
out, courts can find a rule unlawful if
process is ignored.

I think you must have turned off
the timer.

(Laughter.)

CHAIR RICHARDSON: Thank you, Terry.

Questions? Comments?

Colehour?

MEMBER BONDERA: Thank you, Terry.

I am left with the question or
thought of, that said, then what? Like what
can we do, what can the NOSB -- I don't know.
I guess, again, back to along the lines of
what I said to Urvashi. Are you talking to
the NOP or are you talking to the NOSB, is I
guess part of my question. But I guess you
have to answer it related to the NOP, too.
But how can this process be finetuned or made
to function? Or what would you suggest?

MS. SHISTAR: Okay. Well, Amy
Simpson will be talking more about the
legalities of the process. And my comments
were really directed at the practicalities of
the way the process has so far emerged.

And so, yes, I was pointing out
the problems again. And I think that there
are some things that are within the power of
the NOSB to do that would help the process
work better. Some things the NOP has to do,
and some things the NOSB has to do.

But here are just a few.
Actually, I think I have got a slide here.
So, the two-meeting sunset process could be
easily improved by taking three steps.
One is to require Subcommittees to
produce documented checklists for the first of
the two meetings and update them for the second meeting. That would give public commenters like me something to talk about. And the second one is allowing Subcommittees to propose annotations at the second meeting that is addressing those things, and being able to do that because there's already a policy that applies to substantive changes to a motion at a meeting. So, you could allow substantive comments to be considered at the second meeting as long as you apply the separate policy on substantive change to a motion at the meeting. And I think that that would make, that those three things would make this two-meeting process a lot more effective.

CHAIR RICHARDSON: Zea?

MEMBER SONNABEND: Terry, in your written comments you contended that we hadn't listed all the ancillary substances for microorganisms. Yet, we surveyed all the surveyors, the certifiers. I waded through
dozens of spec sheets. And that tract
represents all we found. Could you please
give examples of ones that we did not list?

MS. SHISTAR: I would be glad to
send you some, but I don't have that writeup;
I don't have that with me.

MEMBER SONNABEND: Okay.

Normally, the comment period would be before
you turn in them in your public comment, so
that we can, then, take a look at them in the
review.

MS. SHISTAR: I do believe that
there were some listed, that there were things
listed in the TR, but I will have to look at it.

CHAIR RICHARDSON: Thank you,
Terry.

MS. SHISTAR: Thanks.

CHAIR RICHARDSON: Okay,
Gwendolyn, you're up.

And I should say we are running a
half-an-hour behind. So, just to suggest we
keep our questions relatively short.

MS. WYARD: Good afternoon, Madam Chair.

My name is Gwendolyn Wyard. I am the Regulatory Director of Organic Standards and Food Safety for the Organic Trade Association.

For the record, I have an advanced degree in fermentation science with a minor in chemistry nutrition. I have worked full-time in organic certification and policy for the last 16 years. This is my 22nd consecutive NOSB meeting and the first that I have had to show up wearing glasses.

(Laughter.)

My comments today will focus on glycerin, gellan gum, and boiler chemicals.

OTA supports the proposal to remove synthetic glycerin from the National List. It is time we agree to make this change because organic glycerin is available and more can be made. We understand that the supply of
organic glycerin today falls short of current
demand, and for natural flavors and "made with
products", organic glycerin is not required.

Accordingly, we also support the
proposal to list glycerin on 205.606 of the
National List as an allowed non-organic
agricultural substance that can be used only
when organic forms are not available.

Our concern is with the
classification motion that narrowly defines
agricultural glycerin as a product of
fermentation. Let's take a look at the
different types of glycerin that are of
interest to the organic sector. That is
actually the chart.

The type listed at the top starts
with fats and oils and uses alkali processing
aids such as sodium hydroxide to separate the
fatty acids from the glycerin. This is the
synthetic form that the Subcommittee is
proposing to remove.

The next three types of glycerin
are derived from agricultural starting material and processed using biological and mechanical methods. All three forms would be classified as agricultural, according to NOSB's adopted recommendation on classification of materials and NOP's corresponding Draft Guidance. All three forms can also be made organically, and for all three forms there are no ancillary substances added. Pure glycerin is just that, pure.

OTA believes the proposal must clearly recognize all agricultural forms of glycerin. A clarification to the proposal can easily be accomplished by making a minor technical correction, as you see here on the screen, the classification motion.

We don't believe this is a substantive change, but, rather, a technical clarification. The listing motions remain unchanged. We believe the Handling Subcommittee used the fermentation form as an example. However, the allowed agricultural
forms of glycerin should be determined by the
NOSB's and NOP's adopted guidance on
classification.

Certifiers will be able to
evaluate the allowed forms of glycerin using
this guidance, and further specificity can be
provided through NOP's permitted substance
list for handling materials. This approach
will stand the test of time and respect all of
the good work that has been done on
classification of materials.

Gellan gum. First, I want to say
that OTA supports the continued allowance of
non-organic substances on the National List
only when they are essential, compatible with
organic principles, and cause no harm to human
health or to the environment.

In the case of gellan gum, we are
not aware of any organic vegetarian gum that
would serve as a suitable and equally-
functional alternative. OTA believes that it
is important that the Board recognize that
many companies voluntarily chose to remove carrageenan from their products as a result of the controversial discussions and information that came out of its sunset review in 2012. Through research and development, several companies, many companies, and many more, they have identified gellan gum as the acceptable and suitable alternative to carrageenan. They have invested into reformulating and labeling their products with gellan gum, only to learn now that there is an active process to remove this material from the National List as well. This is no way a company can live in these unstable conditions.

We are not aware of any new information that supports a conflict with OFPA or the regulations. To the best of our knowledge, gellan gum is essential.

Boiler chemicals. OTA believes that all three boiler chemicals, based on our initial review, are no longer essential because an effective and commercially-
available mechanical device, a steam
generator, may now be used at the point at
which packaging sterilization is needed.

We do want to point out, however,
that this equipment is not cheap and it is
often most challenging for the small to
medium-sized food processors to adopt
alternative practices when there is a high
capital investment in new equipment involved.

Here is the shiny piece of equipment.

We make this point in
consideration of timelines that may be needed
for organic operations, particularly small
operations, to transition and comply with new
requirements.

Jay, John, Joe, and Wendy, thank
you so much for your service. We are going to
miss you. We can't wait to have you out in
the audience with us.

Thank you very much. It has been
a pleasure to provide comments here today.

Thank you, and thank you again, and thank you.
(Laughter.)

Thank you.

CHAIR RICHARDSON: It's just not going to work. Sorry.

(Laughter.)

Thank you, Gwendolyn.

Are there any questions or comments?

John?

VICE CHAIR FOSTER: Can whoever is in charge of the slides kick back to the glycerin table? Okay.

So, despite the fact, Gwendolyn, that you and I at Oregon Tilth spent many hours talking about glycerin many, many years ago, I am foggy a little bit on some of this. So, help me out.

So, I get the basics. So, I had to write this down because I don't -- this is hard for me to follow. What is the current availability of glycerin from like mechanical or physical methods, like steam? I know what
the distinction is. I just don't know what
the availability is. And that is not
something that generally comes up on their TR.
Do you know?

MS. WYARD: Right, right. Well, I
am going to try a little bit. I have been
trying to track down this information. It is
really difficult.

What we do know from the petition
-- and I think the petitioner is here, and
when he is up, he can help me out here. But
the petitioner, I believe that it says that
they are producing about 400,000 pounds
annually of organic glycerin. So, we know
that much is available in organic form, and
that is the glycerin that is produced through
microbial fermentation of the sugar substrate.

There is also, as you can see
there, there is organic glycerin available
that is produced through the alkali hydrolysis
of fats and oils. But I think part of the
issue that you are getting at, because I have
seen it in everybody's public comments --
well, not everybody's, but several comments
that were submitted -- is there is this
question of how much non-organic glycerin
would be available, agricultural forms,
specifically the kind that is made through
steam splitting through the mechanical
process.

Because I think what needs to be
recognized is that, if you were to limit the
glycerin to agricultural forms only, the kind
that is made through fermentation, there is no
non-organic glycerin available that is made
through fermentation. So, if you were to just
limit it to fermentation forms, essentially,
you have not given an allowance to use non-
organic. You would only have organic
available.

If you go with the NOP guidance,
NOSB-adopted classification on materials, and
allow all glycerin made under
biological/mechanical processes, that would
expand to other forms of glycerin,
specifically, the kind that is made through
enzymolosis, enzymatic hydrolysis, or
mechanical steam splitting.

The amount of glycerin that is on
demand through hydrolysis in the United States
if 540 million tons. The on-demand data from
membership for the organic sector that we have
been able to pull together -- and this is a
very low number -- is at least 1 million
pounds.

I have talked to one company that
makes glycerin through the mechanical steam
splitting method that can supply 38 million
pounds of pure glycerin. That is one company,
and I know there's many more. So, 540 million
is the demand with hydrolysis. One company is
making 38. Thirty-eight divided by 540 is 7
percent. We make up 3 percent of the market,
1 percent worldwide. I think that there is
enough glycerin available to satisfy the needs
of the flavor industry, the "made with"
category, and then, the organic, we need to
grow that.

That was a long answer, but --

VICE CHAIR FOSTER: No, it helped,

and the glasses are great.

MS. WYARD: Thank you.

VICE CHAIR FOSTER: Go with them.

Stay with them.

MS. WYARD: The style?

(Laughter.)

CHAIR RICHARDSON: That was very

helpful, actually, Gwendolyn. Yes, appreciate

it.

Tracy?

MEMBER FAVRE: Not so much a

question as a comment. I did want to clarify

that we did actually mean the current proposal

listing, classification listing, as an

example, not to be inclusive, but I think we

all realize from the consternation expressed

in the public comments that we were not

particularly clear about that. So, thank you.
MS. WYARD: Okay, great. Thank you.

CHAIR RICHARDSON: Harold?

MEMBER AUSTIN: Thanks, Jean.

Gwen, you're okay because, you know, give it a little bit more time, a couple more years, and then, you will have to have glasses so you can read what you have written down. And then, you are going to have glasses so you can see. So, you have got a ways to go yet.

MS. WYARD: Keep watching. I'll be here.

(Laughter.)

MEMBER AUSTIN: In your presentation in gellan gum and, then, also looking through your guys' submitted written comments and several of the others, it brings us to an interesting point. My first meeting on this Board we got to deal with the issue around carrageenan.

And one of the things that came
out of that meeting was the industry stakeholders, the handlers, were tasked with working to find a solution to replace carrageenan out of that.

And listening to your comments and the information that you have provided, plus some of the other written public commentary that we have gotten back, it does look like the organic handlers and the stakeholders have begun to move away from carrageenan very aggressively over to gellan gum.

But also looking through some of the comments, there is a concern that has been raised around the status of gellan gum around GMOs. And I guess my question would be, at the certifier level, how or should that be dealt with? Is there a process or is there inspections in place that could help to answer and deal with those types of concerns that have been raised as far as the GMO and the status of gellan gum goes?

MS. WYARD: Thanks, Harold. I
appreciate that question.

Yes, there is definitely a process in place. Any material on the National List must be produced without the use of excluded methods. So, you cannot use gellan gum that has been produced through genetic engineering. You cannot use that in an NOP-certified product.

And I invite any certifier in this room to back me up on this, but the normal process that has been in place since the implementation of the NOP and prior is that every ingredient on the National List is part of the review process, whether it is a certifier or a material review organization. They check the GMO status. So, they are going to ask questions. It doesn't take an NOSB recommendation or an annotation to flag the review of the GMO status of an ingredient.

And they are going to have informed staff that are going to know the right questions to ask. If it is made through
fermentation, they are going to know to ask whether the microorganism has been genetically modified.

Just like if we take enzymes, for example, one of the successes in the biotech industry, not a success from our side, but enzymes are often produced from genetically-modified organisms. Enzymes are on the National List. We do not allow any enzymes that have been produced from a genetically-modified organism.

If genetically-modified gellan gum were the only form of gellan gum available in the world and it sat there on the National List, that does not give a license for that to be used. Certifiers could only allow a non-GMO form.

So, it is at the certifier level, at the MRO level, that that analysis is done. So, I think that the possibility that there might be a genetically-modified gellan gum -- and I am going to let Cheryl from CP Kelco
speak to the status in detail, but I think at this level of review, I think that you have to trust that the certifiers and the MROs are going to make those determinations and not allow it if it is GMO.

CHAIR RICHARDSON: Thank you.

MS. WYARD: Thank you very much.

CHAIR RICHARDSON: Any other questions?

(No response.)

Okay, thanks very much, Gwendolyn.

MS. WYARD: Thank you.

CHAIR RICHARDSON: Let's move on now to Star Maule, and on deck we have Johanna Mirenda.

And again, I remind you we are running about half-an-hour behind time now.

MS. MAULE: Good afternoon.

My name is Star Maule, and I work as a Certification Specialist at Organic Valley Crop Cooperative.

And I thank you for the
opportunity to provide public comment.

We understand that the NOSB's agenda did not allow for consideration of acidified sodium chloride, or ASC, for livestock as a teat dip at this meeting. However, we as a cooperative of 1,450 certified organic dairy producers would like to express our support of ASC.

We feel ASC is necessary as an ingredient, used as a topical disinfectant/sanitizer, and specifically, for pre- and post-livestock udder preventative treatment.

ASC is already approved in handling and is applied to the surface of fresh and processed foods, including meats, fruits, vegetables, freshwater fish, and seafood.

Studies show that ASC solutions have superior antimicrobial activity against E. Coli and preventing infection, including mastitis.
When used as petitioned, ASC and its components show minimal likelihood of persistence or accumulation in the environment.

It is reported that there are homemade alternatives available for teat dips made with ingredients like lavender essential oil, vinegar, tea tree oil, and organic acids. However, there are no studies proving the effectiveness of such alternatives.

Current alternatives available for teat dips in organic livestock production are limited. Additional tools to keep cows healthy and not needing antibiotics would be advantageous.

ASC is effective and environmentally-friendly as it breaks down to water, citric acid, and salt after use.

In conclusion, acidified sodium chloride has no adverse impacts on humans or the environment. ASC is compatible with organic production practices, and it is
essential for organic production because it has been proven effective, and producers should not be limited on acceptable alternatives to maintain herd health.

Having another eco-friendly alternative in their toolbox will help producers avoid resorting to the use of chlorhexidine.

Thank you for all of your time and hard work on the National Organic Standards Board.

CHAIR RICHARDSON: Thank you, Star.

Questions? Comments?

Joe?

MEMBER DICKSON: Thank you, Star.

So, ASC isn't currently on the National List. So, if it were added to the list, would its allowance replace other materials now in use that are less preferable?

MS. MAULE: There are not a lot of alternatives there, and a farmer can only use
chlorhexidine if all other treatments have failed. So, we feel it would be better for the farmers if they had more alternatives that are acceptable in organic production.

CHAIR RICHARDSON: Any other questions?

(No response.)

Excellent. Thanks very much, Star.

MS. MAULE: Thank you.

CHAIR RICHARDSON: We have Johanna Mirenda up now, and Randy Mitchell on standby.

MS. MIRENDA: Hi, everyone. I'm Johanna Mirenda, Policy Director for Pennsylvania Certified Organic, a USDA-accredited, certified agency operating within the Mid-Atlantic Region and certifying approximately 700 organic operations.

I would like to use this brief opportunity to comment on the work of the National Organic Standards Board and the National Organic Program, and highlight the
types of outcomes that have enhanced the integrity and consistency of our certified organic process.

As a certifier, the work of our agency is heavily reliant on clear regulatory expectations from the Board and the program. We work closely with hundreds of individual farmers and handlers of all types and sizes, each with their own background, management systems, and business priorities.

Our unique juxtaposition between the regulatory bodies and the certificate-holders allows us to observe on a daily basis how the recommendations from the Board, and ultimately the requirements from the program, affect each operation.

We have found success in implementing thoughtful and factually-supported regulatory requirements that align with the core values of sustainability, allowing for growth of the industry, and appeal to the diversity of farmers and food
manufacturers.

Our experience has shown that, regardless of the differences among our clients, our colleagues within organic certification, or among the greater organic community of consumers and advocates that want to see organic succeed as an industry, we all have several key values in common. We all want clear and fair regulations, a strong and consistent enforcement system, and a transparent process with public participation.

We appreciate the recent contributions from the program that uphold these values, particularly through the instructions, guidances, and policy memos that have been incorporated into the Program Handbook. These publications have made significant improvements to the clarity and consistency of the certifier review process and compliance procedure, creating a fair playing field for certifiers and certificate-holder across the country and the globe.
We also appreciate the Board for increasingly thorough recommendations and detailed technical reviews. Your recent sunset material summaries will be an invaluable reference during our future material reviews, when certifiers will inevitably ask ourselves, just what exactly did the NOSB cover in their review back then?

This type of work by the NOSB and the NOP is making organic certification stronger by being more enforceable, consistent, and transparent. These are values that our agency upholds and seeks to continuously improve with every new season, new client, or new issue.

As a sort of regulatory gatekeeper, the Board is faced with the exceptional challenge of ensuring that the integrity of organic agriculture is maintained as the organic industry expands. And being that the industry is at 35 billion and growing, this is quite a timely issue.
To that end, we acknowledge that there is always more to do to develop and to reassess in an ever-changing environment. Your work plans are long and the sunset reviews are limitless, but your sound and sensible efforts to uphold our common values of diversity, sustainability, and integrity are appreciated.

Thank you.

CHAIR RICHARDSON: Thank you, Johanna.

Questions? Comments?

(No response.)

Thank you very much.

The next speaker is Randy Mitchell, and on standby is Brad Alstrom.

MR. MITCHELL: Okay, as Michelle pulls up my slides here, my name is Randy Mitchell. I'm with Coleman Natural Foods and speaking to you today on behalf of the Methionine Task Force specifically on high-protein corn and organic poultry diets. I am
a practicing poultry nutritionist with 20 years of experience in commercial and organic broilers and other poultry, turkeys, et cetera.

I wanted to, again, just touch base on the problem with methionine in organic poultry diets. Methionine and cystine and available organic feed ingredients are inadequate to meet the essential needs for poultry. Therefore, synthetic methionine is needed in organic broiler diets today. However, it is the stated desire of the NOP and the Methionine Task Force to eventually remove synthetic methionine, as more natural alternatives are available.

High-protein corn, aka high-methionine corn, has been proposed as a solution to the synthetic methionine question. And as we look at the nutrient composition of high-methionine corn or high-protein corn, you can see that the conventional corn, on the left, has got fairly low protein compared to
the two types of high-protein corn and, yes, the methionine level is much higher. But, if you look at it as a percent of protein, the methionine is really not that much higher. And if you look at what is really important from a nutritional standpoint, the methionine plus cystine as a percent of protein is no higher than conventional corn. That is very important from a nutrient formulation standpoint when we are looking at organic diets.

The other issue with high-protein corn is the yield. There is a severe yield disadvantage compared to many of the top-yielding non-GMO varieties grown by organic farmers today. Past experience for me and other grain companies says that farmers are not willing to take those losses, sacrifice yield.

I have been involved with two specialty grain crops in my career that I was very excited about, trying to push through
performance to grow, and they have been unsuccessful because of a number of these issues here that are listed: identity preservation, but one of the big ones is how to incentivize farmers to grow this corn. It is very difficult with a yield loss.

However, just in summary, high-protein corn would be a valuable ingredient for poultry nutrition as formulated in organic diets. However, when we formulate 100 percent of the corn as this high-protein corn, it is not a total solution for this synthetic methionine, especially in young broiler diets where the methionine level is the highest and the corn content is the lowest.

And even if it is available, the widespread adoption of high-protein corn by organic corn farmers is very unlikely because of the loss in yield.

Thank you.

CHAIR RICHARDSON: Thank you very much.
Questions?

Tracy?

MEMBER FAVRE: So, do you have a suggested alternative?

MR. MITCHELL: A suggested alternative for synthetic methionine?

MEMBER FAVRE: Yes. If the high-methionine corn is not going to be the silver bullet, are there other things out there that might work for us instead?

MR. MITCHELL: Well, there are a number of ingredients that have been identified that could help with this problem. But the availability of them in organic form is essentially unavailable.

Corn gluten meal, it was mentioned earlier about the 5 percent of non-organic ingredients that are used in Europe. Corn gluten meal, potato meal, those are the non-organic ingredients used in Europe for those purposes because they are high in methionine. There is no organic corn gluten meal. It just
doesn't exist.

So, it is not that some ingredients aren't available. It is they are not available in adequate quantities in an organic form.

And it is a very complex question because, even if some things are available, getting them in an organic form is very difficult, and how to incentivize that when the market for organic feed is fairly small.

CHAIR RICHARDSON: Nick?

MEMBER MARAVELL: Thank you for your presentation. Very informative.

Could we go back to the slide that shows the chart of the mix of the proteins in the different types of corn?

MR. MITCHELL: Sure.

MEMBER MARAVELL: And I guess I just need to understand that chart a little bit better, not being a nutritionist, but being a poultry producer and a corn grower and a corn seed grower as well.
The protein that you have under the conventional is at about 9.5 percent, I assume by dry matter?

MR. MITCHELL: That is on a dry-matter basis, correct.

MEMBER MARAVELL: Yes.

MR. MITCHELL: Yes.

MEMBER MARAVELL: And what you are seeing is that the hard endosperm corn is going to have a slightly-higher protein than the soft endosperm, but those are high-protein corns. And those are also corns that are probably more similar to what was found when we discovered corn in America. The composition of the protein in the older varieties was generally higher. And corn, when it was bred, except for certain varieties which were flour corns, are being bred now for their carbon or for their starch or for the soft endosperm.

MR. MITCHELL: Exactly.

MEMBER MARAVELL: Yes. So, I
guess what I am saying is, when you have the percentage of methionine, that percentage of methionine is roughly 50-percent higher in the high-protein corns. Would that be a fair statement, that the percentage of methionine is higher in the high-protein corn?

MR. MITCHELL: Yes, the percentage of methionine is higher. I certainly don't want to give the impression that I wouldn't like to have this ingredient today. I would love to have it to formulate organic diets with. It would help us. It would reduce our protein levels in our starter feeds probably by, I would say, a percent, maybe a percent and a half, which would help with some of the mortality issues that we saw earlier. However, we would still require the two pounds of methionine to meet the total sulfur, the methionine requirement of the bird.

MEMBER MARAVELL: You're saying you would still require the synthetic methionine?
MR. MITCHELL: Yes. Yes, in order to meet that requirement, yes.

MEMBER MARAVELL: Right. Well, the amount of protein in a bushel of corn under the high-protein is going to be higher.

MR. MITCHELL: Correct.

MEMBER MARAVELL: And so, the absolute amount of methionine is going to be higher in that bushel, is that correct?

MR. MITCHELL: That would be correct.

MEMBER MARAVELL: So, I guess where I am going with this is, well, let me go down to the methionine and cystine mix as well. There, actually, it appears that there isn't any difference in the methionine plus the cystine mix as a percentage of total protein.

MR. MITCHELL: That's correct.

MEMBER MARAVELL: So, the mix, the balance is the same, but the total amount of protein per kernel or per bushel is higher?
MR. MITCHELL: Yes, that's right.

MEMBER MARAVELL: Okay.

MR. MITCHELL: And how that would help in a way is we would be able to feed a little bit less soybean meal, a little bit more corn.

MEMBER MARAVELL: Right.

MR. MITCHELL: And so, the total amount of protein in a starter diet, for example, would be able to come down, which would help somewhat with some of the conditions we have for birds today.

MEMBER MARAVELL: Right. So, I guess the cost issue, then, is one of, well, how much is a bushel of corn worth? And what we are seeing here -- and maybe this is somewhat of an educational process -- is that not all corn might not have the same nutritional profile, if you will.

MR. MITCHELL: Correct.

MEMBER MARAVELL: Perhaps some corn should cost more. But let me just go on
and say, if the yield is less but it costs a little bit more, but it is yielding higher protein, it may have some value.

So, as a corn grower and as a corn seed grower, I would love to produce -- and, actually, I do produce -- some corns with higher protein profiles. But I would love to produce a variety that would be -- and I am also a poultry feed producer as well. We also grind our own poultry and sell poultry feed. I would love to have the ability to put high-protein corn into production and sell it into the market, put it into the feed.

And I am looking at your chart there, and I am saying I think it has some ability to provide a solution here. It may not be the total solution, but I think that the corn could be valuable and could warrant a premium because it has a different nutritional profile.

So, I am just trying to bounce that off of you because you're much more into
the business than, indeed, I am.

MR. MITCHELL: Right. And I would agree with you that it would, in a situation like yours where you are growing your own corn, you are contracting the acres, you can identity-preserve it, it would be a great scenario.

However, when it goes into commerce and you have all the extra expense, so when you are looking at it from a total market standpoint, it makes it very difficult from a logistic standpoint, unless it were to replace all of the corn out there, which is not practical.

MEMBER MARAVELL: Right.

CHAIR RICHARDSON: Thank you very much.

Oh, I'm sorry.

MEMBER FAVRE: I'm sorry, I had one more quick question.

CHAIR RICHARDSON: Tracy has a question. I'm sorry.
MEMBER FAVRE: We had asked Mr. Leventini previously about the step-downs that were proposed in the previous recommendation for methionine.

MR. MITCHELL: Uh-hum.

MEMBER FAVRE: And he basically deferred to you and said that you might have some insight as to how those step-down numbers were reached, if you were on the Methionine Task Force at that time.

MR. MITCHELL: I wasn't on the Methionine Task Force at that time, and I can tell you there was no science used to come up with those numbers.

MEMBER FAVRE: Okay.

MR. MITCHELL: I mean, I don't know who --

MEMBER FAVRE: Arbitrary?

MR. MITCHELL: -- came up with them, but --

MEMBER FAVRE: But you feel it was an arbitrary number that was reached?
MR. MITCHELL: It was an arbitrary number. For broilers, I know specifically. I mean, I am a turkey nutritionist as well, and the requirement for turkeys is at three pounds, as an example, and broilers are at two pounds. And the actual requirement or the allowed for turkeys is three pounds and for broilers two pounds. And the actual methionine requirement for turkeys, it is not that much higher for broilers.

So, how they came up with those numbers I have no idea. And so, it puts broilers at a much more disadvantage because they spend such a large portion of their life in the highest methionine requirement time period, which is usually in the first three to four weeks.

CHAIR RICHARDSON: Calvin?

MEMBER WALKER: It is good to have a poultry nutritionist. We could use them at Southern University A&M College.

The question I asked the gentleman
before, the petition mentioned the term, the
methionine step-down was "marginally
adequate".

MR. MITCHELL: Right.

MEMBER WALKER: As a nutritionist,
could you explain that definition?

MR. MITCHELL: Well, I am not sure
if this will fit into Webster's or not, but
when I would hear that term right there, what
I would think of, if something is marginally
adequate, would be where a good portion of the
flocks that you would grow would not show any
clinical symptoms, but you may have 20-30
percent that would either show subclinical or
clinical symptoms.

So, if you look at one individual
flock, you may say, well, this flock is fine.
So, if we judge everything we do based on this
one flock, you will be okay. And that is one
problem we get even in the university small
pen studies. It is that there is so much
variation in disease challenges, just
variation in crops that can occur, that if you
look at one individual study, it will say, oh,
with this level of methionine, it is fine.
When you get out in the field and you have a
lot of variation factors, that there will be
a certain number of flocks -- it may be 10; it
may be 20 percent -- that you will have
clinical symptoms of deficiencies, and the
other 80 percent may be fine.

So, does that help? Okay.

CHAIR RICHARDSON: I have two more
questions on this topic before we close it
off. First, Mac, and then, Tracy.

MEMBER STONE: So, we talk about
two pounds of synthetic methionine per ton.
How many pounds of methionine are in that ton,
natural pounds, are in that ton of feed with
typical feedstuffs?

MR. MITCHELL: Okay. With typical
feedstuffs, two pounds of methionine are .1
percent. So, you would have about 14 pounds,
if I am doing the math right. No, actually,
that is total methionine plus cystine would be
about 14. It would be about .7 percent, if I
am doing that math right. Out of 2,000
pounds, it would be -- is that 14 pounds? I
believe so.

MEMBER STONE: Okay, thanks.

MR. MITCHELL: Okay.

CHAIR RICHARDSON: Tracy?

MEMBER FAVRE: Okay, my very last
brief question would be, how long would you
surmise it would take to bring a product like
a high-methionine corn to market? This may be
beyond your expertise. But, in your
experience, what does it really take to take
a product from sort of a developmental grow-
out stage to where we get to full commercial
availability timeline-wise?

MR. MITCHELL: Well, I met with
Pioneer -- it was from DuPont; it was one of
the largest seed companies in the world --
probably less than two months ago, probably
six weeks ago. And we were there specifically
looking at their non-GMO varieties that they
had, that they are working on how to improve.
And they are looking at a timeline from when
they start developing to marketing of 10-plus
years.

And not only is that a case, it is
really the adoption in the marketplace. As I
mentioned, I have had two experiences in my
career with specialty corns, which I was very
excited about, and they offered a lot of value
to an end-user, as the high-methionine corn
would to an organic user.

And it is literally going out and
convincing the grower why they should grow
this corn, because they have a choice about
what to do. And if you say, "Well, this is
the only corn I want to buy," then they can go
plant something else, and they will. I mean,
we have seen that time after time. They will
not take a loss in yield that is going to
reduce their income per acre. So, it is an
arduous task, yes.
CHAIR RICHARDSON: Thank you very much, Randy. That was very helpful.

The next speaker is Brad Alstrom, with Patrick Kerrigan on deck.

MR. ALSTROM: Hello. My name is Brad Alstrom. I am an organic foods retailer from Paoli, Indiana. I am testifying on behalf of Cornucopia Institute today.

I work with a grocery co-op in Bloomington, Indiana, called Blooming Foods. Bloomington is a town of about 80,000 people, home to Indiana University. Our co-op is owned by 12,000 consumer members and employs over 300 people at five locations. We are a significant player in our Bloomington, Indiana grocery market and, also, part of a larger national association of grocery co-ops with combined retail sales of over $1.6 billion.

My work at Blooming Foods is as a Regional Development Coordinator. I work to support growing and emerging food co-ops in our greater Indiana region.
Blooming Foods sells a large variety of grocery products, including organic to conventional, from local to specialty. Our emphasis is on fresh foods, including produce, meats, dairy, and freshly-prepared deli foods.

A large percentage of the products that Blooming Foods carries are certified organic. And as these organic foods, and the integrity thereof, that is the primary point of differentiation for our business and it is what member/owners and customers look for. They expect Blooming Foods to carry products with ingredients they can trust.

Blooming Foods has been a long-time supporter of the Cornucopia Institute in its efforts to protect the integrity of USDA organic standards. I am here today as a citizen lobbyist, and I am volunteering testimony because I want to help ensure the integrity of organic foods.

I would like to comment today on the 2016 sunset of a farm input called ferric
phosphate as an allowed synthetic on the National List. Ferric phosphate is used as slug and snail bait.

The Cornucopia Institute recommends the removal of ferric phosphate from the National List based on independent research that demonstrates its use as a slug and snail bait is only effective with the addition of a chelating agent, such as EDTA. EDTA, present in all slug and snail baits in the U.S., is toxic to soil microorganisms and its non-target species, including earthworms and plants, and can contribute to groundwater contamination. It is persistent in the environment and has concerns for human health and calcium absorption. Its addition to the National List is unlikely.

In 2007, the NOSB Crops Subcommittee voted to reject the petition to include sodium ferric hydroxy-EDTA on the National List as a slug or snail bait because
of the potential for EDTA to be harmful to the environment.

In 2009, ferric phosphate was petitioned to be removed from the National List under the argument that it is ineffective without EDTA. The Crops Subcommittee voted to keep ferric phosphate on the National List under the view that the generic added active ingredient needs to be considered separately from any other ingredients.

There's little scientific evidence that the generic active ingredient ferric phosphate is effective without the addition of a chelating agent. Chelating agents are slow to degrade and are known to have a negative effective on soil, microbial communities, as well as lower yields in some crops. Chelating agents also have the potential to pollute groundwater by leaching metals from soils.

Having a material on the National List that is only effective and available commercially with a supposedly-inert substance
that does not meet the requirements of OFPA only creates confusion.

In conclusion, the Cornucopia Institute opposed the relisting of ferric phosphate because it is not effective without chelating agents that have known negative impacts to human health and the environment.

Personally, having lived in the Pacific Northwest also for a number of years, where slugs are rampant and grow to rather enormous sizes, I found that beer, and organic beer, in particular, makes a perfectly-suitable slug bait. But that is my own personal experience.

On behalf of Cornucopia Institute, I want to thank you for allowing me to present testimony. If you have questions about this testimony, I encourage you to speak with one of Cornucopia's staff members present here at the meeting.

Thank you.

CHAIR RICHARDSON: Thank you very
The next speaker is Patrick Kerrigan, and on deck is Cheryl Van Dyne.

MR. KERRIGAN: Hi. Is Michelle here? Oh, you are Michelle? Okay. Michelle, here's our comments to the NOSB on vaccines that are used. Thanks.

Hello. My name is Pat Kerrigan. I am Retail Education Coordinator for the Organic Consumers Association, which represents 2 million North American members and readers in safeguarding organic standards.

Coordinating OCA's GMO-Free Groceries Contest and Best Practices Online Toolkit, I have learned that co-op and natural food customers across the country are told by their groceries that, if they want to be certain to avoid GMOs, they should look for the USDA organic seal.

The glaring exception to this industry-wide recommendation is the administration of GMO vaccines to organic
livestock. The National Organic Program knows and has admitted that genetically-engineered vaccines are being used. Yet, to date, not one GMO vaccine has been submitted for review to the National Organic Standards Board, as required by law.

Consumers pay a significant premium for the added value that they assign to organically-produced livestock products. Allowing unapproved vaccines developed from excluded methods to be given to organic livestock is a serious violation of the organic rules and a betrayal of the public's trust in the integrity of organic.

Knowing that the organic meats and dairy products that they purchase are coming from animals vaccinated with unapproved GMO vaccines seriously damages consumers' trust in these products and in the organic seal itself. GMO vaccines are inherently unpredictable and possibly dangerous. According to a review of the risks prepared
for the NOSB's own Technical Advisory Panel, quote, "The non-pathogenic strain present in the vaccine may mutate or combine with other strains to become pathogenic after administration."

With bacterial GMO vaccines, which are primarily administered via the mouth, there are concerns that engineered bacteria may recombine with natural bacterial in the gastrointestinal tract, shed DNA in the animal's feces and other secretions, could potentially infect other animals, and spread the virus or bacteria, or recombine with naturally-occurring viruses, forming altered virus strains with unpredictable characteristics.

It is time for the NOSB to assert its authority to review, regulate, and when appropriate, prohibit genetically-engineered vaccines. The NOSB should tell the NOP to enforce the law and get GMO vaccines, none of which have been reviewed or approved, out of
organic.

And it is time for the NOP to require that every vaccine used in organic be petitioned for review. So that the NOSB, with the help of the Technical Advisory Panel, can determine which ones have been genetically engineered and, of those, which, if any, should be allowed in organic production.

The work of the Livestock Committee is much appreciated, and its recommendations should be passed and implemented by the NOP. But please don't stop there. What is really needed is the recommendation from the NOSB directing the NOP to inform the manufacturers of the approximately 73 registered animal vaccines that, if they want their vaccines to continue to be used in organic, they submit petitions to the NOSB seeking their approval.

The problem of GMO vaccines illegally being used in organic cannot continue to be a game of hot potato between
the NOP and the NOSB. At some point the
vaccine manufacturers have to be held
accountable to the law.

And then, please be respectful of
the decades of work that organic farmers,
retailers, and other early pioneers have
invested into developing the strong organic
standards that organic consumers believe and
put their trust in, making organic the long-
time food industry leader in sales growth,
currently more than $35 billion per year.

The cornerstone for organic
agriculture is continually building the
quality of the soil. The cornerstone for the
NOSB's work should be continually building
stronger organic standards that improve the
integrity of the organic seal by reducing the
number of synthetics allowed in organic,
rather than increasing them.

Thank you so much for your
service. Thank you for your time.

CHAIR RICHARDSON: Thank you.
Questions?

Calvin?

MEMBER WALKER: There is another part of your sentence you didn't finish?

MR. KERRIGAN: There's another sentence, but, I mean, I could read it. I don't want to take people's time, you know. But I'll give you a copy, though.

CHAIR RICHARDSON: Questions?

(No response.)

Thank you very much.

MR. KERRIGAN: All right. Thank you.

CHAIR RICHARDSON: The next speaker will be Cheryl Van Dyne, followed by Zareb Herman.

And I should comment here that we are running quite a long way behind. So, if instead of taking a full 15-minute break, which might go later, I would ask that you just go out and come back as you need to. And members of the Board have a list of who is
going to be speaking in what order. So, if you know you are going to be asking questions, just go out and come back.

Thanks.

MS. VAN DYNE: Okay, thank you very much, and thank you for the opportunity to present public comments.

My name is Cheryl Van Dyne. I am the Director of Global Regulatory Affairs for CP Kelco. CP Kelco is the original petitioner of gellan gum, 205.605(a), gellan gum, non-synthetic, and we are presenting additional comments in support of the essentiality of gellan gum during this sunset process.

CP Kelco has provided relevant data and information to demonstrate that gellan gum is not harmful to health, human health, or the environment; necessary to the production of agricultural products because of the unavailability of holding on synthetic substitute products and consistent with organic handling.
Gellan gum is not harmful to human health, and some data to support that is the TAP report for gellan gum with no adverse findings. Gellan has global approval as a food additive, and including JECFA, which is the WHO, World Health Organization, and the U.S. FDA, as a food additive. And there are no environmental impacts from the manufacture, use, or disposal of gellan gum.

Gellan gum is unique, and it provides the organic industry with essential properties that are needed to formulate beverage and food products for delivery of healthy organic choices to consumers. Without gellan gum, producers of organic fortified beverages cannot provide consumer assurance of consistent delivery of vitamins, minerals, or other important nutrients. And gellan gum has the unique ability to send these nutrients versus other gums on the National List or available as organic.

This slide is a process flow, and
it is to address the gellan gum that is
offered to the organic community by CP Kelco.
It is from a pure non-GMO culture of
sphingomonas elodea. During the fermentation
or growth, which is a multiplication of the
cell process, the sphingomonas elodea bacteria
metabolizes a broth of non-GMO nutrient media.
It is during this process that the organism
produces the water-soluble, high-molecular-
weight polysaccharide or gum.

At the end of the growth cycle,
heat is applied and a processing aid,
isopropyl alcohol, is used to separate the
polysaccharide or gum from the broth. The
spent cells, water, and IPA are separated from
the gellan gum, which is then dried and
milled. And IPA is a residual from
manufacturing and does not chemically alter
the gellan gum.

Gellan gum, high-acyl gellan gum
is consistent with organic handling, and CP
Kelco respectfully requests the NOSB preserve
this listing for the organic community at large, both producers and consumers.

CHAIR RICHARDSON: Thank you, Cheryl.

Questions?

Zea?

MEMBER SONNABEND: Thank you.

As you may or may not know, we have started a procedure and handling processes to assess what we are referring to as ancillary substances --

MS. VAN DYNE: Uh-hum.

MEMBER SONNABEND: -- better known by you probably as incidental additives.

Does your gellan gum contain any ancillary substances?

MS. VAN DYNE: No. As a polysaccharide, it is pure gellan gum. And the products that CP Kelco offers, particularly to the organic industry, there is a pure version and, then, there is a version that is sugar. So, there are no ancillary
substances.

CHAIR RICHARDSON: Jay?

MEMBER FELDMAN: Maybe this is best addressed to the Subcommittee. But have you provided the manufacturing processes to the NOSB? You're the original petitioner as well, right, 2004?

MS. VAN DYNE: I'm sorry, I'm not understanding what you're asking.

MEMBER FELDMAN: Well, I am wondering if this Board has information on the manufacturing processes that you all use in producing the gellan gum.

MS. VAN DYNE: Okay. I guess I still am not understanding. This is the manufacturing process.

MEMBER FELDMAN: Right.

MS. VAN DYNE: As I went through, I don't know if you saw the slide deck.

MEMBER FELDMAN: Right. So, does the petition itself, the original petition --

MS. VAN DYNE: Uh-hum.
MEMBER FELDMAN: -- have the manufacturing process in it?

MS. VAN DYNE: Yes, it did.

MEMBER FELDMAN: Okay. Thank you.

MS. VAN DYNE: Thank you.

MEMBER DICKSON: Some of the written commenters for this meeting raised a question as to whether the microorganism itself was genetically modified. And you seem to have confirmed here in your presentation that the one you use is not?

MS. VAN DYNE: Uh-hum.

MEMBER DICKSON: Are you aware of any other GMO versions of this microorganism or other --

MS. VAN DYNE: There can be other versions of it that are GMO.

MEMBER DICKSON: Are there gellan gums in the marketplace that you know of that are the product of those microorganisms?

MS. VAN DYNE: Yes, there are, uh-hum.
MEMBER DICKSON: But none of the ones you manufacture?

MS. VAN DYNE: No, not the ones that CP Kelco offers, uh-uh.

MEMBER DICKSON: Okay. Thank you.

MS. VAN DYNE: Uh-hum.

CHAIR RICHARDSON: Harold?

MEMBER AUSTIN: A two-part question. I think part, to follow up on Jay's question, was, during the original petition, was there any information that was redacted in that for gellan gum, for the original petition when it was given to the Board?

MS. VAN DYNE: During -- I'm sorry, Harold. I'm --

MEMBER AUSTIN: When gellan gum was originally petitioned, was there any redacted information in that original petition?

MS. VAN DYNE: Oh, well, of course, full information was given during the petition process to the TAP Review Board or
the Reviewer Board.

MEMBER AUSTIN: Okay.

MS. VAN DYNE: There is certain information that is proprietary to CP Kelco, such as certain nutrient media, et cetera, not the nutrient media issue, but just the nutrient, you know, how we use it, the process. As proprietary business information which if falls into the hands of our competitors, they could make the gellan gum.

MEMBER AUSTIN: Okay. To follow up with that, during an annual review by an inspector, a certifier, how difficult or non-difficult would it be for them to ensure that the source of your raw material, you know, your material and stuff is not GMO and that type of stuff, to ensure that what the claim is the material is, that is really is, when you undergo your annual review?

MS. VAN DYNE: That is a fair question because I think it is really relevant that certifiers are free to ask us questions
during that process, their review process.
And we provide them with all the information
that they need to make their decision, and it
includes statements and letters and
affidavits. So, we provide that information,
whatever they need to make their decision.

CHAIR RICHARDSON: Thank you very
much.

MS. VAN DYNE: Thank you.

CHAIR RICHARDSON: The next
speaker is Zareb Herman, and after that, the
next one I Wanda Jurlina.

MR. HERMAN: My name is Zareb
Herman. I am a Food Scientist with the Hain
Celestial Group, one of the largest producers
of organic products in the world.

We wish to support the relisting
of sodium acid pyrophosphate, also known as
SAP. SAP is a leavening agent used by many
organic food manufacturers. We use it for
leavening in a number of our organic products,
including cake and cookie mixes and frozen
pancakes and waffles.

When SAP is mixed with baking soda, it provides a slow and steady release of carbon dioxide for consistent rise and optimum quality of baked products. Most of the other leavening agents on the National List are fast-acting and are used up too quickly. This can lead to flat, dense, undesirable products.

Two substances on the National List, dicalcium phosphate and yeast, are slow-acting, but they are too slow-acting, too slow except for maybe bread.

SAP is the only sustained-release leavening agent on the National List that works in many organic baking applications. SAP is a simple grass substance that has been used widely in food for many years. And SAP produced in the United States and the vast majority of other countries does not pose a risk to the environment.

We also support the relisting of activated charcoal, which is an important
filtering aid that has been used for centuries. It is widely used by organic handlers to filter water and a variety of substances. My company uses it to filter water as well as our refined organic oils.

Since organic oils are not solvent-extracted, there are various impurities that need to be removed. Activated charcoal is unique because it has both physical and chemical filtering properties, including ion exchange and surface oxidation. No other filtering aid on the National List has these properties.

Activated charcoal is a grass material. We have requested it remain on the National List as a filtering aid.

Finally, we wish to support the relisting of gellan gum. Gellan gum is an essential ingredient in many organic products as a stabilizer or thickener. We use it in a number of our non-dairy beverages that are fortified with calcium, which consumers need
when they cannot drink milk.

Gellan is especially effective in keeping not only calcium, but other insoluble substances suspended in liquid products. Gellan has unique characteristics, and its effectiveness at very low concentrations is not matched by other gums or substances. We have tried other gums, including guar, acacia, and carrageenan, and no other gum is comparable to gellan. Even when trying these gums in combination at different concentrations, the resulting products had a chalky-mouth feel and the solids settled and hardened on the bottom of the container.

This is one of our containers, and we make the product. You know, we wish it would sell immediately, but it sits on the shelf. And sometimes if we don't have the right gel system, it will turn into a brick on the bottom.

Lastly, gellan gum is completely safe. It is approved for use in food by
regulatory agencies all over the world. We urge the Board to renew gellan on the National List.

I would like to thank the Board for their service, and a special thanks to Miles and his staff for their excellent work. We appreciate it. Thank you.

CHAIR RICHARDSON: Questions?

Harold?

MEMBER AUSTIN: Thank you.

Boy, I could throw you about 20 different questions.

(Laughter.)

But let's go to a new material, activated charcoal. That is a 2016 sunset material for handling. One of the concerns coming in on the public comment has been, after the activated charcoal has been used in the process, that there may be some concerns about environmental impact with the spent material. Could you explain to us the process that the spent material would go through as
far as reactivation or disposal for your company or with your certifier's approval for your annual review?

MR. HERMAN: I don't think I really have the information to be able to answer that. All I can say is I know that the carbon or activated charcoal is used in many filtration systems, and there are EPA regulations governing the disposal of all waste. And the companies have to comply with those regulations. Usually, those filtration systems are serviced by the provider and they are responsible for complying with the proper disposal of them.

MEMBER AUSTIN: Okay. Tomorrow will be the first presentation for the 2016 sunset materials for handling. Activated charcoal is on that list. That would be a point of concern that this Subcommittee would like individuals, companies like yourselves that use the material, or the certifiers in the room to be able to provide us with further
information on what happens with the spent material as far as either recycling or whatever, to ensure that we don't have an environmental concern to deal with.

Thank you.

CHAIR RICHARDSON: Zea?

MEMBER SONNABEND: Thank you.

When you go through your annual certification review, does your inspector ask you for a proof that the gellan gum is not GMO?

MR. HERMAN: Well, if you are talking about a particular inspector, they randomly check ingredient documentation. But I think a better question is, you know, it is reviewed by the certifier. If we have a product, an organic product using gellan gum, they look at that, those documents, and everything has to be in order. It has to comply with all the excluded methods and everything else.

CHAIR RICHARDSON: Any other
questions?

(No response.)

Thank you very much, sir.

MR. HERMAN: Uh-hum.

CHAIR RICHARDSON: The next speaker is Wanda Jurlina, followed by Jane Finnigan.

MS. JURLINA: Thank you, everyone, for the opportunity to talk to you today. I am going to be talking about gellan gum and what it brings to the organic producers.

I am the Technical Service Manager at CP Kelco, and I have spent most of my 25-year career working with food producers on developing products that have the texture and the delivery of the nutrients that they want for consumers.

I have worked with all of the ingredients that are on the current list, 605 and 606, in different applications, and I am well aware of what they can do for food processors.
Each one of these hydrocolloids or gums, which are soluble fibers if you look at them nutritionally, have their own unique claim to fame.

For something like pectin, it works exceptionally well in low pH systems and has the ability to stabilize proteins in environments where they are not stable.

Something like guar provides a processor with viscosity at an inexpensive cost.

Something like carrageenan has historically been used in chocolate milk to suspend cocoa.

What I am going to talk to you today about is an ingredient, gellan gum, that has its own unique claim to fame. And I have a series of slides here that I am not going to dwell on, but I am going to get to some pictures and, then, a little bit of a comparison.

There are many nutrients that we
love to deliver to organic consumers, and
those include things like insoluble fiber and
insoluble calcium. Those things, if not
uniformly dispersed through the product, will
settle to the bottom of the bottle, the
container, the carton, and they may not be
consumed by those people who think that they
are consuming those nutrients.

This is an example of what happens
when you stabilize a pineapple or a juice
beverage containing pulp and insoluble fiber
with pectin and with gellan gum. It is hard
to see because we have got some light shining
on the slides, but you can see there is a line
across the pectin system about, oh, probably
a quarter of the way up. And that is the pulp
and the fiber settled out in the product. Is
it a big deal in a fruit beverage? Probably
not. You can uniformly distribute that.

But when you start getting to
things like calcium in the form of calcium
carbonate, tricalcium phosphate, that is used
in many of these alternative milks to deliver the calcium level that you have in regular fluid milk, for those consumers, if that calcium packs in the bottom of that carton, it will remain in the bottom of that carton. They will not be able to consume that calcium because it hard-packs and does not redistribute.

We put together some information for the record showing the differences between gellan gum and the other hydrocolloids that are on the list. And really, what it comes down to, there is nothing that suspends like gellan gum. It helps processors deliver the nutrients that their consumers expect.

Thank you.

CHAIR RICHARDSON: Thank you.

Questions?

Harold?

MEMBER AUSTIN: You have dealt with a lot of the materials on the list, as you said.
MS. JURLINA: Uh-hum.

MEMBER AUSTIN: In your opinion
and over the years your experience, how solid
of a replacement for carrageenan would gellan
gum be?

MS. JURLINA: Gellan gum is an
excellent replacement for carrageenan when we
are looking at the suspension properties of
carrageenan.

CHAIR RICHARDSON: Other
questions?

(No response.)

Thank you very much.

MS. JURLINA: Thank you.

CHAIR RICHARDSON: The next
speaker is Jane Finnigan, and on deck is
Baerta Klamczynska.

MS. FINNIGAN: Hello. My name is
Jane Finnigan. I am here as a consumer. I am
a member of the Cornucopia Institute, and I am
here today as a citizen lobbyist. I
volunteered to help present testimony because
I want to ensure the integrity of organic food.

I also want to mention that I am a grandmother of five, and two of my grandchildren have food allergies.

Egg white lysozyme is a purified enzyme isolated from egg white, approved for use in organic production in 2006. The enzyme is sometimes used as a preservative and in certain cheeses and wines as an antimicrobial.

The enzyme is extracted from fresh egg whites using a polymer resin that binds the lysozyme. And then, the resin is removed from the lysozyme using salts, then concentrated, purified, and dried.

It is classified as non-synthetic, according to the Technical Review in 2011, but that determination seems questionable to our scientific staff, based on the use of solvents in its production.

A few of the major concerns with the material are:
This material was approved without even having a Technical Review. The original review in 2000 on enzymes did not mention egg white lysozyme, nor did the one in 2003. It wasn't until 2011 that egg white lysozyme was covered under an enzyme Technical Review. How was this material approved in the first place without solid Technical Review?

The eggs used to produce this enzyme come from conventionally-produced, caged layer hens. This product supports that industry. The issue of conventional egg production with its resulting animal welfare issues and environmental impacts was not even mentioned in the 2011 Technical Review.

Allergens. Egg whites are known to be allergic to egg-sensitive individuals. Because of this, the European Commission requires that the word "egg white lysozyme" be used as an ingredient when used in foods like cheese and wine.

The United States Food and Drug
Administration does not require this material to be listed on the label. Therefore, consumers who have egg allergies will not be informed if a product is safe for them or not.

Essentially, our survey did not find a single certified organic cheese-maker using this product, and only 5 out of 19 certified organic winemakers responded saying that they use this product. Alternative methods clearly exist.

Please see the survey results that we passed out for more detail on the responses we obtained. A couple of things that stood out were the idea that you could control for late blowing in cheese by using different cultures, such as holdback, and by not using milk from cows that were fed on fermented feeds.

Many winemakers who don't use this enzyme pointed out the need for using high-quality grapes and practicing impeccable sanitation in the winemaking process to
prevent bacterial spoilage. There are many other alternatives to using this enzyme in organic cheese and wine.

In conclusion, our survey data indicates that this material is likely not essential for cheese or winemakers. Until we can obtain more information on the question of synthetic versus non-synthetic, the environmental impacts of conventional eggs produced --

(Signal that time is almost expired.)

I am going to thank you. You're going to cut me off now.

If you have any questions, I am going to defer to the Cornucopia Institute scientists.

Thank you.

CHAIR RICHARDSON: Thank you very much, Jane.

The next speaker is Beata Klamczynska, and on deck is Peggy Miars.
MS. KLAMCZYNSKA: Good afternoon, everybody.

My name is Beata Klamczynska. I am here today representing Solazyme. And I want to talk on behalf of whole algal flour and why I think it should be included in organic products.

What is Algal flour? Algal flour is literally just plain and simple algae that has been very minimally processed, washed and dried, and there is nothing removed or added to it.

And it has many components. It has a very healthy lipid component, high in mono unsaturated fatty acids. It also has natural emulsifiers present. It has a high level of fibers, both solubles and insolubles coming from the algae cell walls. It also has other carbohydrates, simple sugars, and micronutrients.

You can see the picture. The yellow color in this powder comes from
naturally-occurring gluten. So, it has a lot of natural, very beneficial ingredients present.

And I can tell you I have been working in food formulations for over 15 years now, and I have never seen an ingredient that is similar to this algal flour. That is why I don't think we should think of it as a replacement to anything that is already on the market. Think of it as something that is completely new and unique and allows you to formulate products that have some benefits that were not able to be realized before using other ingredients.

And I have a few examples for you today, so you can understand it. One of the examples is formulating products that are vegan and have no allergens by replacing eggs or other emulsifiers.

In this example, we have formulated a challah bread that is naturally usually really high in eggs. In the process,
we not only took out the allergens and made it
vegan, but we also decreased the total fat by
over 60 percent, decreased saturated fat by 50
percent, and this product has zero
cholesterol. So, it is much healthier for
you.

And you can see in the formulation
here, it was done by simply using 4 percent of
the algal flour and replacing a much larger
quantity of eggs and oil, and just adding some
more water.

So, you can see it is a very
simple formulation. There is really nothing
strange about it, and you can use it in very
different baking goods.

Another example I have is an
Alfredo sauce, which Alfredo sauce is
notoriously high in fat. And people who are
trying to cut down on their fat intakes have
a hard time finding a very good substitution
that still tastes great.

In this example, we were able to
cut down fat by 40 percent, saturated fat by
30 percent, and calories by almost 30 percent,
also reduced cholesterol.

And when we did consumer
acceptability studies, they couldn't even tell
the difference between those two formulations,
which tells you how great of a mouth feel and
overall properties this algal flour provides.

And if you look at the
formulations, it is also very simple. We took
some butter out, some eggs out, and added only
3 percent of the algal flour in this
formulation.

And another example, since we have
some time, cookies, shortbread cookies that re
usually very high in butter. We were able to
cut down the fat by 20 percent, cholesterol
and saturated fat by 33 percent, and calories
by 10 percent. And we did it by reducing the
butter and using a 3-percent algal flour in
the formulation, and not really changing
anything else other than rebalancing the flour
and water.

And I hope this helps you to understand that this is brand-new ingredient, and it can help organic consumers to have healthier products.

Any questions?

VICE CHAIR FOSTER: Thank you. Are there any questions for this commenter?

Harold?

MEMBER AUSTIN: During the public comment period, and then, during the Handling Subcommittee's review of the petition and the petition addendum, one of the concerns that has come up, especially during the public comment period, is the actual source of the algae. There are some concerns that have been raised during the commentary period about the possibility of excluded methods being used to formulate the algae itself, the base starting substrate of it.

Could you explain to us that part
of the process or give us why that should or
should not be a concern?

MS. KLAMCZYNSKA: So, the algae
that we use for this ingredient is absolutely
100-percent natural. There is no modification
to the algae itself. And actually, our next
speaker is our regulatory person that can
maybe give you a little bit more detail on
that. But, as far as I know, it is a
naturally-occurring strain of algae that has
not been modified in any way.

CHAIR RICHARDSON: Other
questions?

(No response.)

Great. Thank you very much.

MS. KLAMCZYNSKA: Thank you.

CHAIR RICHARDSON: The next
speaker is Peggy Miars, and after that will be
Nate Lewis.

MS. MIARS: Good afternoon.

I'm Peggy Miars, Executive
Director of OMRI, the Organic Materials Review
Institute.

I am not addressing agenda items today. Instead, I bring you greetings from Istanbul, where the Triennial World Congress and General Assembly of the International Federation of Organic Agriculture Movements, or IFOAM, were held two weeks ago.

One interesting note is that IFOAM will be looking at the issues of cell fusion and soil conservation in the next few years, as all of you will. In fact, 2015 is the United Nations International Year of Soils. So, I expect a lot of attention to be paid to soil conservation and soil health next year and for years to come.

At the IFOAM meetings, I found it fascinating to interact with organic producers, certifiers, and stakeholders from around the globe and to hear the similarities and differences in organic standards.

I came away with two themes from the meetings and from the hallway discussions.
One is that certification is overwhelming to both certifiers and operators and focuses more on proving compliance and strict recordkeeping rather than looking at operations from a holistic approach. Some international participants questioned whether certification is actually needed.

And No. 2, material review is confusing and is handled quite differently in other countries than here in the United States. We agonize over inerts and ancillary substances while the rest of the world overlooks them and it is accepted by consumers.

Now I am not saying that we should do what the rest of the world does. OMRI is a neutral organization. So, I am not advocating for any specific solutions. Rather, I bring these issues to your attention, so that we are aware of what is happening internationally and don't operate in a vacuum.
Another takeaway from the IFOAM meetings was how much the U.S. organic industry is watched the revered. People around the world know about the NOP and the NOSB and respect the work of both.

And I think that we in the United States are fortunate because some governments have one person in charge with no organic experience who makes unilateral decisions about organic standards without soliciting any input from stakeholders. And once a decision is made, there is no discussion about it.

Others, such as Canada, have minimal governmental involvement and expect the industry to monitor, maintain, and interpret the standards. And that may sound good, but it is a heavy burden on the organic community, and decisions are made and implemented slowly.

Imagine if the USDA only paid half the cost of these meetings and all of us had to donate the rest of the money, so that any
work could be done. And on top of that, we would all be volunteering our time to maintain and update the standards.

In summary, the United States is recognized as a global leader in organic. We have a participatory process, probably more so than any other industry in this country.

And I appreciate the hard work and long hours put in by the NOP staff, NOSB members, as well as the rest of us who work tirelessly on behalf of organics. You're doing an admirable job, given time, money, and personnel restraints. And I thank you for your work on important issues.

CHAIR RICHARDSON: Thank you, Peggy.

Questions? Comments?

(No response.)

Thank you very much.

MS. MIARS: Thank you.

CHAIR RICHARDSON: Nate, you're up, and on deck is Nicholas Gardner.
MR. LEWIS: All right. Madam Chair, thanks for the opportunity to provide comment today. And hopefully, we all can make it through. I know it is getting late.

I want to cover a number of topics, and I appreciate any questions that come my way.

As far as assessing the soil conservation practices, we applaud NOSB for bringing this issue to forefront and highlighting the environmental benefits of organic production. Organic is so much more than materials used, and practice standards are where the organic farming systems shine.

It is critical, however, that producers and certifiers have tools to make these assessments that are as dynamic as the systems themselves. It appears NOSB appreciates this fact and will keep it in mind as it reviews how organic regulations and NRCS conservation practices can work synergistically.
I will suggest that NOSB consider the work of Northeastern University's Humic Acid Research Group and their National Soil Project. OTA and the Organic Center have partnered with this group, and it provides free testing of soils for stable organic matter, humic acids, fulvic acids, and human. And this might be appropriate for establishing baselines and evaluating long-term soil health.

On the issue of contamination of farm inputs, farmers need to know what contamination vectors there are and how to mitigate those risks. It is good work by the NOSB to start this conversation and lay the groundwork for guidance on best practices to avoid contamination.

I have a couple of suggestions for additions to this conversation.

First, as part of your work on seed purity, please consider including a section on avoiding genome contamination in
seeds used on organic farms. Seeds are inputs as well.

Second, the document really needs to include discussion on the current oversight of inputs from state and federal government agencies. This will paint an accurate picture of the regulatory framework within which organic producers exist, and I provide some specifics in our written comments on this. And you all have a copy of our booklet. So, you can refresh yourselves on OTA's comments on all the topics.

I also want to offer my expertise and direct experience in materials review, pesticide residue sampling, compost, investigation of contamination events on organic farms, interactions between certifiers and government regulators, and laboratory testing procedures to assist the Crops Subcommittee in further development of the best practices to avoid contamination from farm inputs.
On hydrogen chloride, I had the opportunity to tour Dr. Holt's research facility in Lubbock, Texas last month. Take a look on page 26. The prototype is not ready for commercial production. It is a tabletop model right now. They are optimistic that something can be made by next fall, but that is past the sunset review date for the Board. So, just please keep that in consideration.

On sulfurous acid, we have some late-breaking news, I guess. We had a whole flurry of responses to our survey. We had 12 responses, representing over 4,000 acres from the U.S., Mexico, and Saudi Arabia. And these are crops like coffee, avocados, vegetables, berries, citrus, date palms, stone fruit. And I would be happy to provide a written summary of this for everyone to consider.

I also just want to remind you that forcing procedural delays in the sunset review of any substance based solely on an opinion about the Subcommittee process hurts
organic farmers and producers. We all need to watch each card we play and play it slow, but please don't let that deal go down.

Thanks.

CHAIR RICHARDSON: Thank you, Nate.

Questions? Comments?

Yes, Zea?

MEMBER SONNABEND: Thanks, Nate. I couldn't help but notice in your comments that you didn't provide any on our 2016 sunsets. And this is the time when we are trying to gather information of how widespread these things are used in the industry.

And did your surveys not tackle that, that you couldn't provide results, or what was up with that?

MR. LEWIS: So, we didn't comment on the 2016 simply because we did not get responses to the surveys. And I guess I will use it as an opportunity to explain our
survey, the concept, that were are trying to assess essentiality based on the businesses and producers who are using these materials currently.

And so, that is entirely how our surveys are geared. We send those out to our membership, through our certifier members, and they are available for all certified operations to participate in. And they have specific questions related to the material that is up for review.

And they also refer to the products based on their brand names or the ways that farmers typically talk about them. So, sulfuric acid survey referenced it as a sulfur burner, which is how the rest of the world talks about that particular material.

So, the lack of comments on those 2016 sunset materials was just due to a lack of response to our surveys, and we are hoping that, as we sort of energize the industry and sector to engage more, they will see this
opportunity as a much more meaningful way to communicate with the Board.

CHAIR RICHARDSON: Harold?

MEMBER AUSTIN: Yes, Nate, just to follow up a little bit more on the producer surveys that you guys are working with and stuff, could you elaborate a little bit more on those surveys? What kind of farmer response, producer response are you getting, and are you able to get them engaged? And if not, how are you going to go about that part of it?

MR. LEWIS: Since this is the first time, this is the first round of sunset reviews under the new Sunset Review Policy, and having those two opportunities for comment, I don't think the sector at this point is really used to that. And so, responding to a survey about something that is going to be discussed next year may not -- you know, right now, it doesn't seem particularly relevant.
I think as we move forward and people see their comments incorporated in the recommendations, like we saw in sulfurous acid from last meeting's comments, I think we will see that becoming a bigger part of the way that people engage with the comment process. So, I am optimistic on this.

MEMBER AUSTIN: A followup on that: as we move into the revision of the sunset process, and we are now into the two-step process, what can we do different as a Board or as Subcommittees when we are working on these materials and we are prepping them going forward? Is there anything that you see or OTA sees that we could do different to help generate better responses from all of the organic sector?

MR. LEWIS: Well, I think keeping it in plain speak. You know, the group that I am generally interacting with are farmers. And aqueous potassium silicate does not really mean much to them. Sil-MATRIX might.
So, whatever the Board can do to
make the language common, so that we know we
are going to get someone to respond because
they are aware of the way that particular
substance is referred to, I think it is going
to bolster the process entirely.

CHAIR RICHARDSON:  Jay?

MEMBER FELDMAN:  Thanks for your
comments.

Do you think having more technical
information at this meeting, say the first
meeting before a review or before the second
decision meeting, would help generate more
comment, more involvement?

MR. LEWIS:  Do you mean like if
you, as the Board, provided more technical
information the first time around, would
that --

MEMBER FELDMAN:  Yes, would that
help to generate more engagement in the
comment process?

MR. LEWIS:  Well, I think more
information upfront generally does help that conversation.

MEMBER FELDMAN: Thank you.

CHAIR RICHARDSON: Any other questions? Comments?

(No response.)

Thanks very much, Nate.

MR. LEWIS: Thanks.

CHAIR RICHARDSON: The next person up is Nicholas Gardner, and Kate Davis on deck.

MR. GARDNER: Good afternoon.

My name is Nicholas Gardner, and I am commenting on behalf of the International Food Additives Council, or IFAC.

IFAC is a global association representing companies that produce high-quality substances used worldwide as food additives and food ingredients.

I appreciate the opportunity to offer the following comments on gellan gum and sodium acid pyrophosphate, or SAP.
First off, IFAC strongly supports the continued listing of gellan gum on the National List at Section 205.605(a). As you have heard today already, gellan gum is an approved food additive in the U.S. and has been approved by numerous other regulatory agencies around the world.

It is IFAC's understanding that there are currently no other certified organic gums that have the same properties as gellan gum in the organic applications where it is currently used.

Gellan gum provides the organic industry with unique functionality unavailable with other stabilizers and thickeners and provides organic consumers with a variety of innovative and healthy products.

Gellan gum is a versatile ingredient used in applications such as dairy and non-dairy milks, nutritional products, juices, yogurts, and sour creams, bakery products and fillings, fruit sauces and
spreads, dairy desserts and flans, and
dressings and sauces.

Gellan gum is particularly
suitable for suspending protein, minerals,
vitamin, fiber, and pulp in fortified
beverages. Calcium-fortified beverages, such
as soy, rice, and almond milks, are of great
interest to organic consumers who may not be
able to or choose not to consume dairy milks.

Gellan offers gel texture and
mouth feel to replace animal-based gelatin,
which provides more options for vegetarians
and people who keep kosher or hallal diets.

For these reasons, IFAC strongly
supports the continued listing of gellan gum
at 205.605(a). Delisting gellan gum would
impact numerous existing organic offerings and
limit potential for development of new
products to meet growing organic demand and
innovative organic options.

IFAC also supports the continued
listing of sodium acid pyrophosphate on the
National List at Section 205.605(b).

Relisting SAP, a substance considered
generally recognized as safe in the U.S., is
critical because it is the only listed
leavening agent that provides the controlled
leavening needed during manufacturing a range
of bakery products.

The biggest challenge in
formulating baked goods is controlling the
release of carbon dioxide at a rate that
allows the right amount of leavening to occur
at the proper time. Many other leavening
agents release CO2 too early. If too much CO2
is produced too early, baked goods do not rise
sufficiently and will have an undesirably low
volume. Releasing CO2 too late is also
problematic and can lead to product quality
issues, such as surface cracking.

SAP is also important when
producing frozen or refrigerated doughs
because some grades of SAP release CO2 very
slowly, which is required to optimize
SAP is the only organic leavening agent that provides the exacting leavening control needed to produce a range of bakery products. It would be very difficult or likely impossible to produce the following products for the organic market without SAP: waffles, pound cakes and similar cake mixes, pancakes and pancake mixes, biscuit and biscuit mixes, cookie and cookie mixes, and other refrigerated or frozen doughs.

I would also like to respond to some of the environmental concerns that have been raised with the production of SAP and other phosphates.

(Signal that time is almost expired.)

Well, I will not have a chance to get to those, but thank you for the time.

CHAIR RICHARDSON: Thank you, Nicholas.

Questions?
Harold?

MEMBER AUSTIN: Could you go ahead and get to those, please?

MR. GARDNER: Sure. The main thing I wanted to say is that the majority of SAP and its constituents that are used in foods, particularly the organic products that we are here talking about today, are produced in countries like the U.S. in compliance with strict environmental regulations that do require containment and/or treatment of any possible contaminants or byproducts resulting from production of phosphate ore or refinement of the ore to produce raw materials used in food manufacturing.

One thing I want the Board to consider is that we did survey our membership, which includes a number of phosphate manufacturers, and all of the constituents for SAP or the SAP that is produced by our members is sourced from phosphate rock that is mined here in the U.S.
CHAIR RICHARDSON: Thank you.
Questions?
Zea?
MEMBER SONNABEND: Thank you.
You didn't address it in your oral comment just now, but your written comment you were one of the few people who spoke up in favor of tetrasodium pyrophosphate. And I am wondering because our Technical Review we had on the substance listed many, many alternatives in a wide variety of food categories.
And your written comment didn't give specifics about which exact foods would be affected by lack of this. And I would like to know a list like you just gave for the SAP of which exact foods. Is it like veggie hotdogs or, you know, veggie burgers or --
MR. GARDNER: Yes, it is difficult from an association perspective to necessarily speak to individual products, but it is in those meat analogs.
MEMBER SONNABEND: And I don't
mean brand names, of course, but --

MR. GARDNER: Yes, yes. Sure.

MEMBER SONNABEND: -- just the
types of product.

MR. GARDNER: Yes, my
understanding is a number of the extruded
shaped products such as like veggie bacon
alternatives, hotdogs, some of those that need
to retain shape after going through an
extrusion process.

CHAIR RICHARDSON: Other
questions?

(No response.)

All right. Thank you very much.

That was very helpful.

MR. GARDNER: Thank you.

CHAIR RICHARDSON: The next person
up is, let's see, Kate Davis, with Beth Unger
on standby.

MS. DAVIS: Good afternoon, Madam
Director, Members of the Board.
My name is Kate Davis. And as the Director of America's Marketing for CP Kelco, it is both my pleasure and privilege to be able to address you today.

I want to reiterate the essentiality of gellan gum versus its alternatives, especially to its suspension properties in organic consumer goods.

Gellan is not limited by processing. It fits right into existing processes, whether they are hot or cold. So, it is very easy for the organic processors to use.

And referring back to the photos that Wanda showed, you will remember that there was an almond milk that had locust bean gum at .15 percent. It was suspending almond solids and calcium carbonate. We got a great suspension with our KelcoGel gellan gum at one-fifth that amount. So, it is used at lower levels than many other standard feeds.

Gellan can be used to deliver
calcium fortification to a growing range of consumers who can't have the milk proteins or who are lactose-intolerant. And gellan is especially effective at keeping calcium and other insoluble but necessary minerals in suspension. It is both dairy- and gluten-free.

It can also make fruit and vegetable snacks with nutraceutical additions, such as lutein, or even a Jello-style snack that incorporates minerals, proteins, and fruit pieces.

It can be used to make capsules that work for vegetarians or for those who eat kosher.

So, for the organic community at large, producers and consumers both need for the NOSB to preserve the listing of high-acyl gellan gum, 205.605.

Thank you.

CHAIR RICHARDSON: Thank you.

Questions?
(No response.)

Very good. Thank you very much.

MS. DAVIS: Thank you.

CHAIR RICHARDSON: The next speaker is Beth Unger, and waiting in the wings we will have Teresa Chan.

MS. UNGER: Good afternoon.

Thank you very much for the opportunity to approach you about my favorite topic, gellan gum.

(Laughter.)

I am Beth Unger from the Certification Department at Organic Valley. We are the largest organic farmer-owned cooperative in the nation, with over 1800 farmers. And as Star mentioned previously, 1450 of them are dairy farmers.

By the way, thank you very much, Madam Chair, for your introduction today. That was heartwarming.

So, I want to be perfectly clear about gellan gum, and also to give you a
little bit more information than what we provided in our written comment because this is a pretty critical thing.

Over five years ago, we had started the process of replacing carrageenan with gellan gum in our soy products. And then, after the NOSB meeting where carrageenan, you know, was brought up as a potential health issue, we really accelerated that. So, we have put endless dollars of product development time into making a replacement.

There were many other things that were tried as we were going through this process, as was detailed in our written comment. So, you can refer to that.

But what I wanted to do is give you some very compelling information about what the impact of removing this material from the list after all of this time and money and research was spent to go ahead and replace carrageenan with gellan gum.
First of all, the sales impact on an annual basis at our 2015 projections is $66 million worth of product that would contain gellan gum. That represents 43 million pounds of milk. For our average-sized farm, that would be the annual production of somewhere between 40 and 50 of our farms. So, this is not a small impact that you are dealing with here.

I heard CP Kelco clarify that it is not a GMO issue, as was brought up in many of the public comments.

And I wanted to introduce you to a new product line that we have. These are milk protein shakes. This is something that needed to happen out there for our organic consumers. This is a wonderful short ingredient list alternative to like MuscleMilk, which has 40-some ingredients and no milk.

(Laughter.)

So, you know, this is a very popular product line. It has got gellan gum,
all four SKUs. So, I want you to think about this very carefully.

I also want to thank the Board members and the NOP staff for your dedication and the hard work you are putting in. And the four exiting members, thank you for five years of a lot of work.

CHAIR RICHARDSON: Thank you, Beth.

Questions?

Harold?

MEMBER AUSTIN: Thanks, Beth.

Now you brought samples of that for all the Board, right?

(Laughter.)

MS. UNGER: Yes, I didn't bring a big enough suitcase.

(Laughter.)

MEMBER AUSTIN: Well, we will share.

In your product line and stuff,

with the switchover from carrageenan utilizing
gellan gum, have you been able to successfully make that transition with everything that you previously had used carrageenan? Have you been able to make that switchout?

MS. UNGER: Yes, we have. The last remaining product that we intend to have switched out in early 2015 is the ultrapasteurized heavy cream. That one has been a little bit of a bugger for the switchout, but we are about there.

MEMBER AUSTIN: So, with the rest of the products that you have already made that transition with the lack of the one, how has that worked? I mean, has that been a successful move for you?

MS. UNGER: It has. You know, when you look at something like a milk protein shake, I think that the expectation would be probably a little thicker consistency, and the difference between using carrageenan or gellan gum, this would be a thinner consistency. I think it is fine personally.
CHAIR RICHARDSON: Great. Thanks very much, Beth.

The next speaker is Teresa Chan, with Rick Green in the wings.

MS. CHAN: Hi. My name is Teresa Chan. I am the Senior Manager, Regulatory Affairs, at Solazyme, and we are the petitioner for whole algal flour.

I want to thank the NOSB and the NOP for the hard work that you do, and I ask you today to reconsider listing whole algal flour on the National List.

I want to take this opportunity to address some misconceptions and questions that arose from some of the public comments posted and address the concerns of the Subcommittee.

First, despite what you may read in the media, Solazyme is not a synthetic biology company. We are a biotechnology company using traditional genetic engineering to produce sustainable, high-performance oils derived from microalgae.
However, our portfolio of whole algal ingredients, which includes whole algal flour, used native algae strains that have not been modified. So, to answer Harold's question earlier, the algae used in whole algal flour is not genetically modified.

Second, the Handling Subcommittee had concerns on the redaction of confidential business information in our petition which were regarding the substances used for fermentation. In our written comments, we have removed the redactions to address the concerns.

Like other microorganisms, such as bacteria and yeast, we can grow our microalgae in fermenters instead of open ponds and photobioreactors. Our fermentation nutrients and media are food-grade ingredients that are used throughout the food fermentation industry. So, there is nothing new, novel, or harmful about these substances. It should be noted that these nutrients are also used in
other fermentation-derived ingredients that
are already listed on the National List in
Section 205.605, such as xanthan gum.

Our manufacturing process is
especially growing the algae in fermenters,
then pasteurizing, drying, and milling the
algae. No solvents are used and nothing is
extracted. Whole algal flour is dried, milled
algae. It is also grass and has received a no
questions letter from the FDA, prerequisites
for submitting new petitions to the Board.

Lastly, organic consumers deserve
to have a choice to purchase organic products
that are non-allergenic, vegan, and healthy.
I am a mother of two young children and an
organic consumer. Adding whole algal flour to
the National List will allow me to buy organic
products for my family that are healthier with
less fat, calories, and cholesterol without
sacrificing on taste and texture.

There are no alternative
substances on the National List that have the
same functionality and benefit as whole algal flour. None of the starch products, gums, and hydrocolloids can reduce the fat, calories, and cholesterol content of organic foods.

I ask the NOSB to strongly reconsider their position and to add whole algal flour to the National List.

Thank you.

CHAIR RICHARDSON: Thank you, Teresa.

Could we have some questions from the Board?

(No response.)

No? No questions.

MS. CHAN: Thank you.

CHAIR RICHARDSON: Okay, thank you.

Rick Green is up next, and Alexis Randolph is waiting in the wings.

MR. GREEN: Okay. Hello, everyone.

So, I am Rick Green from Solazyme.
And from some of the comments I read, I know you were expecting someone with horns and a tail, reeking of sulfur and brimstone. But Solazyme is just a bunch of people trying to make good products.

As Teresa pointed out, this particular product does not have any GMO content. The reason we are here is because we were asked by our customers. We had not started this product intending it to be something organic listed, but there was an overwhelming response from customers at trade shows, at inquiries, saying, "Could you get this organic listed?" So, we are really here for those people who asked us to try to do this for them, because it is something that they see as adding value in their products.

From my own experience, I have people in my own family who can't have milk in products. And so, we have to look for alternatives.

Now, when we say whole algal flour
is a replacement, it is not really a replacement. You are not going to have a glass of whole algal flour with your cookies. You are not going to have a whole algal flour omelet. Remember, this is going to be used at less than 5 percent.

But I think Beata gave some good examples of how it could be beneficial. And Solazyme is based in south San Francisco. And we have a lot of vegans there, and we also have a lot of vegetarians who say that they eat eggs and dairy, but vegans call them "cheaters".

(Laughter.)

But the vegans say, "I like an alternative." And so, for those people, the people, whether for cultural or dietary reasons, or because of health reasons in the way of allergens, would like an alternative, we think that organic customers should be able to have that.

There was a comment about the
impact on eggs and dairy, saying, "Well, you're going to displace eggs and milk." We are not really going to do that. The people that are looking for an alternative don't want those things anyway. They don't want to consume those things. Maybe they can't or it is just a preference.

So, at less than 5 percent, we are not going to have a huge impact on dairy farmers or egg producers, but it will have a big impact on the people who would like to have that choice.

So, I would like to thank the Board for this time, and I will entertain any questions.

CHAIR RICHARDSON: Questions?
Harold?

MEMBER AUSTIN: Thank you for your presentation.

I think one of the things for us on this subcommittee as well as on the Board, you kind of touched on it a little bit, is we
are looking at a material that won't totally replace materials or substances that are organic in nature right now that are currently being used, but it will be a partial substitute.

Something that we are having to play with in our minds, removing something that is already satisfying a specific need that is already organic or organic certified with this potential synthetic material or a substitute material, we have seen your testimonies. We have seen your written public comments. We have seen those from two other companies that are in support of your material getting registered, but we haven't seen any support documentation or letters from anybody else that is saying that there is a specific need, that we want this.

And I think that is probably one of the points that I am having the most difficulty with trying to grasp, is what really is that need, without us seeing
consumers or other individuals coming here to say, "Hey, we want this." We hear you telling us that, and I am not saying that you haven't heard that. We just haven't seen the show of support. And I guess that is kind of my biggest concern at this juncture, is what really is that need; what really is that support out there.

MR. GREEN: Right. Well, I can tell you that the companies that would like to offer these products, they must have customers who have expressed the need for it. Otherwise, they wouldn't be interested.

This is, you know, a relatively-new ingredient. So, people are still learning about it. There are lots of people who are looking at it for the not in organic products. So, it is being used for the other benefits that it has outside of organic.

So, the real question before the Board is, is this something that it would serve the organic community? Can those
organic customers benefit from this? And should they be given that choice? Because no one has to use this material. You know, it is optional. Anything on the list is optional to use.

But I believe, because I have people that have food allergies and all the vegans back at work think that you should have an alternative, and if you don't want or need that alternative, you don't have to use it. So, those products will benefit a certain portion of the organic community. And the question is, does the Board think it is important enough to serve those people?

CHAIR RICHARDSON: Harold?

MEMBER AUSTIN: Thank you for that.

To just clarify, I guess one of the criteria that we will look at, any material that would be added to the National List would be essentiality would be one of the criteria. If we had heard from those
consumers that are looking for a vegan or a vegetarian or a non-allergenic source, it would, I think, serve us better.

I think we are all about giving opportunities to expand and grow the organic industry and provide those other alternatives, but I think the essentiality is going to be the key issue that we are going to be grasping and trying to figure out how to deal with.

MR. GREEN: Okay. So, then, I would ask, what suggestions do you have? The people who like to formulate it for their customers have expressed their interest. And remember, this is something that is just starting. So, it needs to be given the chance. So, how would you, then, address that?

CHAIR RICHARDSON: One more go, Harold.

MEMBER AUSTIN: Okay, I'll make it quick.

Depending on what the outcome
tomorrow on the vote would be, if we do not pass it, then what I would suggest is that you consider repetitioning if it does not pass a Board vote with support letters coming back in under the open public comment period to show us that there truly is a need from that other sector of the organic community.

MR. GREEN: Okay. Any other questions?

(No response.)

CHAIR RICHARDSON: Thank you very much, Rick.

MR. GREEN: Okay. Thank you, and thank you for not throwing the hammer.

(Laughter.)

CHAIR RICHARDSON: The next speaker is Alexis Randolph, and coming up after that is Jackie Sleeper.

MS. RANDOLPH: Okay. Good afternoon, everyone.

My name is Alexis Randolph, and I am the Certification and Technical Manager for
QAI, an organic certification agency in San Diego, California.

First, I would like to thank the outgoing Board members for their service to the organic community.

I would also like to thank the National Organic Program for continuing to issue guidance documents and instructions that have succeeded in ensuring that all certifiers are applying the standards in the same way.

Some of those instructions are based on the work done by the NOSB. And so, I think it is important that the Board hears that this process is working.

Now I would like to speak to you about tragacanth gum. We certified one client using this material, and he waited four years to get certified while it was added to the National List. According to him, tragacanth gum, as opposed to the other allowed gums, is what makes his product unique from similar products on the market.
He has provided a letter about the
necessity of this ingredient, which I have
given to Michelle for distribution to the
Board. I have been told this company will go
out of business if tragacanth gum is removed
from the list. This is an agricultural
material on 606 and it is not available in
organic form.

I am going to quickly name off
some other materials and inform you if they
are being used by certified operators.

Gellan gum, used by several
companies in non-dairy beverages and similar
meal-replacement-type products.

Since the question came up
earlier, I will just confirm that certifiers
do verify the non-GMO status of materials on
the list, including gellan gum. Our
evaluation questionnaire specifically looks at
microorganisms.

Peracetic acid, this is very
commonly used in sanitation.
L-mallic acid, yes, it is used in a wide variety of products from juice to organic flavors to humus.

Microorganisms, yes, and I look forward to that discussion later this week.

Egg white lysozyme, not that I know of, not by QAI-certified operators.

Activated charcoal, yes, all the companies using activated charcoal are making a clear liquid product, such as vinegar or sake.

Sodium acid pyrophosphate, yes, it is used in products that require a leavening agent.

TSPP, no.

Marsala, no.

Sherry, no. But there is a natural flavor derived from sherry. If that flavor was to become certified organic, they might need sherry to remain on the National List.

My colleague Jessica Walden will
give more comments on materials tomorrow.

Certifiers have been advised by an NOSB Board member and consumer organization that, if we give comments about materials, we appear no longer impartial and that we are advocating for our clients. This is not true.

Certifiers know what materials are being used, and the NOSB does not. So, despite our best efforts, we struggle to get certified operators to make comments on their own behalf. That is why it is very important that you hear from us, and you will continue to hear from me.

What I learned from speaking with our clients, such as the one using tragacanth gum, is how important diversity is when it comes to ingredients. If two companies want to make the same type of product, they need to use at least one unique ingredient to set themselves apart.

The NOSB reviews the necessity of materials on the list and often makes a motion
to remove a material because another one has a similar function. I would like to suggest that the NOSB also consider that diversity of materials on the National List is essential for smaller start-up companies to create a unique product and gain access to the organic market.

Thank you.

CHAIR RICHARDSON: Thank you, Alexis.

Jay?

MEMBER FELDMAN: Hi. Thank you for your comments.

Can you explain to the Board the process you go through to verify non-GMO materials in processed ingredients?

MS. RANDOLPH: Sure. We have a questionnaire that we have completed by the manufacturer of that material. We provide that questionnaire to our certified operator who passed it on to the manufacturer, and it asks questions about the non-GMO status of the
material. It also, as I mentioned earlier, looks at microorganisms when necessary.

And then, we obtain that documentation. We review that documentation in our office, and the client also retains it onsite. And so, when inspectors go out to do inspections, they will sample through that various documentation and make sure it is still available and current.

CHAIR RICHARDSON: Zea?

MEMBER SONNABEND: Thanks, Alexis, and I am glad you stepped forward to let us know that your client is using tragacanth gum. It is just unfortunate that he couldn't have written in in time for the public comment period in the docket, and, in particular, mentioned if he had tried the alternatives that were suggested, in particular, gum arabic, which several commenters suggested would work in every situation.

MS. RANDOLPH: I don't recall if he included information in his letter about
the other gums that he has tried. He verbally
let me know that the other gums did not work
and why. I think he mentions that briefly in
the letter.

You know, I just can't express to
you enough how difficult it is to get
companies to come and give comment or to write
in their public comment. We talk to them
about it. We put it out in newsletters. We
put it out in emails. We see them at trade
shows. We speak to them about it.

And the majority of them are,
quite frankly, just too busy trying to run
their business. The gentleman with the
tragacanth gum is currently overseas trying to
get an export market.

Until I called him up and told him
how serious this was, he had absolutely no
idea that he could go out of business. And
that is what he is telling me will happen.

So, I really can't speak entirely
on his behalf. All I can do is just let you
know that there are stories behind every material that you vote on. And it is difficult to bring those forward to you. So, as much as you can also do to reach out to the community to learn those stories, I think the community would really appreciate that.

CHAIR RICHARDSON: Harold?

MEMBER AUSTIN: Thank you, Madam Chair.

Alexis, thanks for coming and giving the presentation. To step up and speak out on behalf of some of those entities that you guys are certifying or that are not willing to come up here and do it for themselves, all you certifying agencies that come here and provide this type of information to us, it is invaluable. It really helps us provide a working foundation to put some stability and a little bit of balance into the things that we are hearing and we are looking at.

And I can't express enough how
gratified I am that you did take the time and
step up. And continue to do so.

The one thing I would challenge
QAI and everybody else that goes out and works
with these clients and accounts is there has
got to be a mechanism and vehicle that we can
utilize to get the message to them. As we
move into this next huge round of sunset
reviews for the 2016 and the 2017 materials
and substances, they have got to get engaged.
We need to hear from them because we need to
know if something is important to them.

I mean, we are dealing with the
issues at hand today, but this is just the
stepping stone for the next 18 months. And
this is just the start of a lot bigger
picture. So, we are going to need a lot of
help to try to get the information out to
those guys and get them to give us some public
comment back.

MS. RANDOLPH: Yes, we will keep
trying. Thank you.
CHAIR RICHARDSON: Thank you very much.

The next speaker is Jackie Sleeper, and the last speaker of the afternoon following that will be Phil LaRocca.

MS. SLEEPER: Good afternoon.

My name is Jackie Sleeper, and I am the Farms Program Technical Specialist for the Oregon Tilth Certified Organic Program.

Thank you, NOSB Members, for your service and opportunity to share our comments.

Today I am addressing the assessment of soil conservation practices discussion document from the CAC Subcommittee.

Oregon Tilth appreciates the NOP and NOSB bringing attention to the importance of soil health and organic systems. Healthy soils are the foundation of organic agriculture. Organic standards acknowledge this, requiring farmers to maintain or improve the physical, chemical, and biological condition of soil and minimize soil erosion.
At the prior NOSB meeting, Oregon Tilth's Education Director and Organic Specialist for the USDA NRCS, Sarah Brown, described our national partnership with their agency. The partnership recognizes many shared goals between the NRCS and organic standards regarding natural resources conservation.

Our work together helps us promote a more conservation-minded approach to soil management, assessment, and recommended practices. And the NRCS uses a variety of soil assessment tools and erosion classifications that certifiers and their inspectors may not be aware of.

Evaluating soil health requires a comprehensive and practical approach. The OTCO Program evaluates diverse farm operations across the U.S. and North America. We see firsthand that soil conservation is as diverse and multifaceted as organic farming itself.

Successfully managing healthy soil
depends upon a wide variety of farm-specific factors, such as region, field locations, cropping systems, and climate conditions. We believe there isn't a one-size-fits-all approach in determining soil quality and health.

Overreliance on quantitative assessment tools, such as RUSLE2, is not a solution. Evaluating soil health must occur over time and should involve a variety of indicators, including visual assessment and simple quantitative tools, such as soil tests measuring organic matter. We emphasize the value of qualitative and visual assessment.

Organic certification must remain an accessible and valuable service for all. OTCO believes organic standards must be easily understood by certified farmers and clearly verifiable by inspectors in the field.

While upholding the standards, we must also ensure organic certification is not unnecessarily complex or too costly. The key
will be focusing on farms where soil conservation is most at risk. This focuses compliance/accountability where it is most needed; for example, soil erosion that threatens both soil health and water quality.

The discussion document is a good first step in this complex conversation. We can move the conversation forward in the following ways:

First, we need a clearer picture of the current situation. How many concerns or non-compliances are identified by certifiers regarding soil management? What is their basis for soil conservation assessment and findings? What issues are being identified by NRCS when working with certified organic farms?

USDA should work to increase coordination and consistency across NOP certification and NRCS conservation compliance to identify and resolve concerns. For example, how might preexisting assessments or
classifications, such as highly-erodible
lands, support certification?

Next, we need to carefully
consider what tools or practices certifiers
should use to monitor soil health in ways that
are sound and sensible. The NOP should engage
certifiers, IOAS, organic farmers, and NRCS to
inform guidance.

Finally, further training and
guidance from the NOP should help clarify
expectations regarding soil conservation.
Certifiers would benefit from training on how
to identify high-risk operations and address
non-compliance. This will improve quality and
consistency in certification.

OTCO supports setting high
standards for practices and outcomes, informed
by an ethic of continuous improvement. As an
organization founded on the importance of good
tilth, we can resonate with Wendell Berry's
statement, "What I stand for is what I stand
on." Simply put, Oregon Tilth believes
building soil health is an investment in our future.

Thank you.

CHAIR RICHARDSON: Thank you.

Questions?

(No response.)

Thank you very much.

MS. SLEEPER: Thank you.

CHAIR RICHARDSON: Phil next.

MR. LaROCCA: As the last speaker, I will try to make this as quick and painless as possible.

My name is Phil LaRocca. I am the owner and winemaker of LaRocca Vineyard, where we produce a 100-percent USDA-certified organic wine. I am also Chairman of the Board of Directors for CCOF.

Last June I had a conference call with Miles, and we discussed several different organic issues, one being GMOs. And I said, "Miles, we need to do something to protect the organic integrity of both the organic farmer
and the organic consumer."

And Miles responded to me that he really didn't get a whole lot of complaints and he didn't really see that organic farmers were being damaged by this.

So, knowing that Miles and I were going to be guest speakers at an event in Southern California, I took the challenge on. I have to admit, when I started, it was a little bit difficult because a lot of farmers didn't want to talk to me for fear, if something came up, they would lose their certification. As a farmer myself, I totally could empathize with that. This is your livelihood. Your livelihood was at stake.

However, I kept beating the door down. And with the help of CCOF, several anti-GMO groups, the pro-labeling groups, and several Midwest farmers, I compiled about -- what do you think, Miles? -- about two inches of paperwork. And I have another inch-and-a-half that I meant to present to him at this
meeting. However, I left my house at three o'clock in the morning and I forgot, but I am going to mail it to him.

So, I want to thank this Board for their efforts in keeping GMOs in the forefront. We cannot give up. Let's face it, the USDA is not friendly to this issue, but it is an important issue to our organic culture, our organic community. Again, not just to the organic farmer, but to the organic consumer. So, please, please keep up the good work and keep up the fight.

Also, as the largest producer of organic wine as a food ingredient, you really know what you should take off the list if I say it correctly, marsala and sherries, because they can easily be produced organically.

Thank you very much.

CHAIR RICHARDSON: Thank you, Phil.

Questions?
(No response.)

Thank you, Phil.

MR. LaROCCA: Okay. Thank you.

CHAIR RICHARDSON: This is turning into a marathon day, and I thank everyone for sitting there and keeping going.

I would like to move straight into the Materials Subcommittee report back to the whole Board. And as we move into that, I would like to ask Dr. Brines if she would cover the conflict-of-interest issue, so that we don't need to look at it again for the rest of the week. If you could address that now?

Thank you.

DR. BRINES: Thanks, Jean.

I don't have any specific text prepared, but this is the point of the meeting where any of the Board members who have a conflict of interest would be able to state that on the record. I suggest, just for efficiency, to address any of the topics that the Board might be voting on at this time.
Thanks.

CHAIR RICHARDSON: And the audience out there should, of course, be aware of the fact that, in preparation for this meeting, we had a document circulated to us by the NOP inquiring as to whether or not there were any conflicts of interest of any Board members regards any of the materials that were being considered at this meeting, and there were none that I am aware of.

Is that correct, Lisa? Right? No conflicts were identified on paper, correct?

DR. BRINES: That is my understanding, correct. Yes.

MEMBER SONNABEND: Although I know that is our procedure for doing things, I do like to publicly make a disclosure to that effect. So, that being said, I do work for a certification organization that may or may not certify products that contain any of the substances that we are discussing here today.

And as a small farm, I may or may not use any
of the substances we are discussing here
today. But that is the extent of my interest.

CHAIR RICHARDSON: Thank you.

Okay. Before we have Calvin make
his first comments, I just want to be sure
that we understand, as we begin to go into the
parts of the meeting which will deal perhaps
with motions, just to bring to your attention
that the NOSB is an odd sort of an
organization, that in terms of parliamentary
procedures and other kinds of procedures, we
have an interesting mix.

We have the OFPA, which says that
all of the votes, all of the motions are
supposed to be two-thirds.

We have a Policy and Procedure
Manual that has been developed over the years
with public input which has a combination,
incorporated by reference the OFPA voting, but
also adds some Robert's Rules of Order
language.

Then, we have Robert's Rules of
Order, which we kind of follow most of the time.

And then, we have policies which are periodically promulgated by the NOP, such as the new sunset procedures or the present ruling that we can't make annotations at sunset, which are like amendments, as you know, and that substantive changes or amendments cannot be voted at the public meeting if they have not been in The Federal Register, and therefore, had the opportunity to be seen by the public.

We also use tradition, and there's lots of you here that have been part of that tradition over the years.

And then, finally, of course, the last type of ruling which you might have to face is rulings from the Chair. And, of course, the Chair can be appealed.

So, as we go into the discussions starting today and going through the next two days, tradition suggests that we should try to
reach consensus, where possible, and that we be flexible and considerate in our actions with our colleagues on the Board.

And if you have a motion, please make it clear and concise. I need to understand it, so that I will be able to know how to deal with it.

And if it is obvious that you don't have the votes, please be clear and concise, so that your comments and your position are very clearly put on the record without belaboring or repeating your points.

Pursuant to the Policy and Procedure Manual, the Chair of each Subcommittee will be presenting the Subcommittee's written motion to the full Board, and that motion comes from the Subcommittee with a second.

So, I now turn over at this point to the Materials Subcommittee, to Dr. Walker.

MEMBER WALKER: Thank you, Madam Chair.
We have two items. One item is a non-voting item, terminology and excluded methods by Zea, and one proposal to vote on 2014 research priorities. And we hope to vote on that particular today.

And we will start off with Jay on 2014 research priorities.

MEMBER FELDMAN: Thank you, Mr. Chair.

I'm sorry, did you see the slides in that folder in the Dropbox?

Okay, just some background. As you all may know, the NOSB every year puts together a proposed research agenda. And it does this by asking each Committee to generate priorities and, then, those priorities are discussed within each Subcommittee and, then, handed over to the Materials Committee to sort of put them together. So, the work that is contained in this presentation is the result of the work of all the Subcommittees of the NOSB.
The first slide, which you will see in a minute, is one on background. A recommendation for a framework to set research priorities was approved at the NOSB meeting in May 2012. That is when we first started this process.

The priorities from the previous year of NOSB deliberations are presented at each fall meeting. Each fall, after recommendations are finalized by the NOSB, the Chair of the Board will make sure to send to the primary organic research funders, such as NEFA, ARS, NRCS, and private foundations and other funders that may be identified. All NOP staff, NOSB members, stakeholders can use the list for inspiring appropriate research.

The criteria that we adopted back in 2012 includes the following:

Persistent and chronic or perennial topics of debate and need. So, the first criteria is persistent and chronic.

The second criteria is
challenging.

The third criterion, controversial. Topics on which there are widely-differing perspectives or for which there have been close NOSB votes.

Third is nebulous. The research need is hard to identify, but the organic agriculture need is clear; for example, improved methods of weed control.

The third is lacking in primary research, that is, topics for which there is no active research being conducted primarily relating to the criterion OFPA for review of materials.

And then, finally, relevant to assessing the need for alternative cultural, biological, and mechanical methods to materials on the National List.

And that list was generated through a public process in which we received public input, that the NOSB received public input.
Okay. So, there you see them.

Thank you.

Next. Just to give you a little bit of background or remind you that, back in 2012, on the left side there you see the research priorities that were adopted by the Board: whole farms systems research, evaluation of copper sulfate for rice, evaluation of antibiotics, evaluation -- or alternatives, sorry -- evaluation of genetically-modified vaccines, organic aquaculture, methionine alternatives, carrageenan.

And then, in 2013, the list grew a little bit. Whole farm systems is carried over. Alternatives for antibiotics again, evaluation of GMO, vaccines, methionine alternative. They still remain high priorities. We added organic aquaculture, aquatic biodiversity, herd health, pastured poultry, and salmonella, commercial availability assessments, consumer demand,
fate of genetically-engineered material and
compost, and reduction of genetically-modified
content of breeding lines.

Now this year this is the list we
came up with. And I think this time we tried
not to include what was on previous lists, to
some extent at least.

The first one being alternatives
to Bisphenol A, BPA; plant disease management;
soil-building practices; mitigation measures
for residues in composts; Organic No Till; how
contaminated with GMOs is at-risk seed;
research on integrity of breeding lines and
foundation seed, and ways to mitigate small
amounts of genetic presence in breeding lines;
risk reduction from off-target exposure to
non-permitted materials; mastitis; parasitism;
pneumonia, and plant extracts.

And these are comments we
received, not that many, but we received
comments from three individuals and eleven
organizations. They are qualitatively very
good comments.

Beyond Pesticides, Organic Center, MOSAS, Food and Water Wash, Consumers Union, Cornucopia, CCOF, the National Organic Coalition, the American Chemistry Council, PCC Market, Natural Markets, and the Alliance for Natural Health.

The comments went like this: most commenters supported current and proposed priorities.

Three singled out BPA alternatives to support, also warning about problems and alternatives. One said BPA is safe.

Others singled out for support were research on seed purity; integrity of breeding lines and foundation seed; and providing guidance on how to reduce unwanted traits in breeding lines; whole farm systems; research; pastured poultry, especially to determine best breed for pasturing and flavor; evaluation of genetically-modified vaccines; alternatives to antibiotics; risk reduction
from off-target exposure to non-permitted materials.

Continuing in response -- let's see -- in response to previous identification of consumer expectations as a research priority, Consumers Union submitted the information which you heard about earlier on two surveys it performed. Results include 69 percent of consumers think it is important to avoid artificial ingredients. I am not going to repeat these since everybody in the room heard these, but we heard from Consumers Union on the survey.

Comments. Let's see, the next one. Let me go on with that. Okay. Comments on Subcommittee priorities. The following were each identified by one consumer as non-priority issues: fate of GMOs in compost; organic aquaculture; aquatic biodiversity; commercial availability assessment; consumer demand; mitigation of residues in composts; risk reduction from off-target exposures in
prohibited substances, or to prohibited substances.

And then, additional priorities, the following topics were suggested by more than one commenter: alternatives to hydrogen chloride for cottonseed preparation; degradation impacts of biodegradable bio-based bioplastic mulch; chlorine alternatives; chelating agents impacts, and remediation of persistent herbicides in compost.

And then, additional priorities were suggested by one commenter: how soil health affects plant health; mitigation of negative impacts of tillage; alternative mulching materials; herbal medications for animal infections, and sulfurous acid issues.

And this is our last comment from the Organic Center: requested that NOSB draft a letter to USDA requesting mandatory organic representation on USDA Research Boards and Committees.

So, Mr. Chair, that sums it up, I
hope.

MEMBER WALKER: Thanks, Jay.

MEMBER FELDMAN: Thank you.

MEMBER WALKER: I think at this point we will open it up to the Board for the discussions. Am I right, Madam Chair?

CHAIR RICHARDSON: Yes.

Nick?

MEMBER MARAVELL: I just have --

CHAIR RICHARDSON: Your microphone.

MEMBER MARAVELL: I'm sorry. I just have one very minor point which I should have brought up earlier. Under the research on integrity of breeding lines and foundation seed, and ways to mitigate small amounts of genetic presence in breeding lines. That is obviously small amounts of genetically-engineered presence, because they are all going to have genetic material.

MEMBER FELDMAN: Yes, I realize.

I mean --
MEMBER MARAVELL: So, I didn't know whether or not --

MEMBER FELDMAN: That should be clarified.

MEMBER MARAVELL: -- that needs to be. It is clear if you read down through the explanatory text. But, given that that is the heading, it is a very minor point.

MEMBER FELDMAN: Thank you.

CHAIR RICHARDSON: Mac?

MEMBER STONE: I have a question for Miles or maybe Betsy. How is this document carried further into USDA or into the research community or communicated out, what we have come up with here?

MR. McEVOY: We do things at the National Organic Program. I am going to let Betsy, though, give a more fuller response of how that aligns with Secretary Vilsack's Organic Guidance.

MS. RAKOLA: The way that we have shared the NOSB research priorities in the
past is to pass those to the Research Project
Action Team of the Organic Working Group,
which is led by Mat Ngouajio of the National
Institute of Food and Agriculture. Matt
oversees the Organic Research and Extension
Initiative, and he shares the document with
that Committee, with all the members of the
Committee, and they review it when providing
responses to the NOSB.

CHAIR RICHARDSON: Thank you very
much.

MR. McEVOY: So, just to add to
that, it is very important to USDA to get this
list of priorities, and it is shared widely,
and it has resulted in a number of different
research projects being supported by USDA.

CHAIR RICHARDSON: Thank you,
Miles.

Others? Colehour, you look
like -- yes?

MEMBER BONDERA: Yes.

CHAIR RICHARDSON: Thank you.
MEMBER BONDERA: Thank you.

Since I am not a member of this Subcommittee, I would like to request that you expand a little bit on your comment, Jay, regarding -- I don't know how to characterize it, except for you said something along the lines that the previous year's research priorities were not to be included in this year's, or something like that. And I want to understand a little better why and what if they still are ongoing needs, you know, why not to include them.

MEMBER FELDMAN: I think I am correct in saying that. We were trying to separate the ongoing from the new ideas that emerged as a result of the last year's work. I mean, that is what we decided to do, I guess.

CHAIR RICHARDSON: Colehour, a followup?

MEMBER BONDERA: Yes. I guess I think a little bit more understanding, just
for the sake of -- I guess I also want to understand the prioritization component of this process because it wasn't entirely clear to me where the priorities are or how something -- what that use of that word in your description means.

Because I think, like I said, if something wasn't done in 2012 or 2013, you know, does it automatically carry over and/or is it characterized as, well, these are still priorities because they weren't addressed? And how does somebody getting this list know what the main priorities are? I think, for me, those things are combined.

I wonder if you could address that further. Thank you.

MEMBER FELDMAN: I'll turn it over to Zea. But just to say, you know, this comes from all of the Subcommittees. So, you know, we are trying to present the best effort of every Subcommittee in terms of its priority items. Obviously, when you bring those all
together to one list, the Materials Committee
didn't prioritize that.

    CHAIR RICHARDSON: Zea?

    MEMBER SONNABEND: We did make the
decision because we had sort of a funny cycle,
in that it wasn't a full year because of the
government shutdown. So, we actually just
approved last year the 2013 at the last
meeting.

    But we did decide that we would
focus on new ones for this cycle, while still
publishing the list of the previous ones. And
maybe we could have been a little clearer in
saying that we consider all these previous
ones still valid, but we are adding to it with
our newest ones from the past cycle.

    Now, in terms of prioritizing, I
think, you know, we asked the Subcommittees to
prioritize their own selves, and we got
various response to that. Some had real
priority ranking systems, and other
Subcommittees just turned them all over to us.
And we could do a little better if we started a little earlier in the Subcommittees. And so, we should work on that internally, to try to get a more clearer picture of it, because we were very rushed at the end. Otherwise, the Materials Committee themselves would have had more time to talk about it and maybe make a rank with the different Subcommittees, but we didn't have time.

CHAIR RICHARDSON: Thank you for that clarification. That is an important point, to get started on it earlier, and to get clarity as to the extent to which research priorities have dropped off the list or if, in fact, they have just been carried forward and cumulative.

MEMBER SONNABEND: We don't consider any of them dropping off the list.

CHAIR RICHARDSON: Any other questions, comments?

(No response.)
Are we ready to vote on this item?

MEMBER WALKER: Madam Chair, we are.

CHAIR RICHARDSON: Thank you, Dr. Walker.

We will start the voting with Dr. Taylor.

MEMBER TAYLOR: Yes.

MEMBER THICKE: Yes.

CHAIR RICHARDSON: I'm sorry, you have to have Lisa write.

What? Sorry?

DR. BRINES: Just a clarification.

Do we have a motion and a second before commencing with the voting?

CHAIR RICHARDSON: You want me to repeat it? Or do you want to repeat the motion?

DR. BRINES: Yes.

MEMBER WALKER: Our motion is to accept the 2014 research priorities.

CHAIR RICHARDSON: And the second
from the Subcommittee was? Jay?

MEMBER FELDMAN: Second.

DR. BRINES: Okay.

MEMBER TAYLOR: Yes.

MEMBER THICKE: Yes.

MEMBER BONDERA: Yes.

MEMBER FAVRE: Yes.

MEMBER DICKSON: Yes.

VICE CHAIR FOSTER: Yes.

MEMBER STONE: Yes.

MEMBER FELDMAN: Yes, ma'am.

MEMBER AUSTIN: Yes.

MEMBER FULWIDER: Yes.

MEMBER SONNABEND: Yes.

MEMBER WALKER: Yes.

MEMBER MARAVELL: Yes.

CHAIR RICHARDSON: And the Chair votes yes.

VICE CHAIR FOSTER: 15-0.

MEMBER WALKER: Okay. Now the next item and the last item is a non-voting item, an item that has generated a lot of
interest among our family. It is excluded
methods terminology.

Zea will lead that discussion
document for us.

MEMBER SONNABEND: Okay. Now that
it is five o'clock in the afternoon, we are
ready for a nice, easy subject to end our day.

(Laughter.)

While Michelle is pulling up the
slides, I guess I will start with the
background.

And I guess, do I call to you for
next slide? Oh, you're bringing me a clicker?

Okay.

So, I hope all of you who have
followed this subject, you all are familiar
with definition that is in the federal law for
excluded methods. This definition was written
in 1995, when biotechnology was far less
advanced than it is today, and it was best at
the time to encompass all of the different
possible biotechnology genetic engineering
things. But it has become outdated over the years. And so, we are attempting to clarify it.

And in order to clarify it, we need to develop a structure that we can sort of use to get it down to the nitty-gritty. So, we proposed a first discussion document a year ago now -- was it? -- or even longer because of a cancelled meeting. But we had a first discussion document in which we examined all of the terms that were in the definition that we have now.

And then, we also examined some other terms that had come to our attention from the community. And then, we asked the community to weigh-in on any additional terms we had missed and what should we do about this all. Should we clarify the definition or not?

So, we got back a number of comments, and there is a pretty full discussion of this in our second discussion document, of what the commenters said.
We got people that were very concerned that we might go for a rule change and try to open up the rule to change the definition, which then opens up the rule to other undesirable consequences. And so, we discussed this in some detail, and we decided that a guidance would be the best way to go.

And so, we are making that clear in this discussion document, that guidance is the way we are heading.

Okay. We put out a proposal of different other definitions and principles that were suggested. And I am not going to go into the long part about it now. You can all look at it in the actual document.

But we had ethical criteria, operational criteria, all the new terms that had come to us which we gave some preliminary definitions of, but none exhausted.

And then, we went into the somewhat arcane discussion of how this would fit into a process-based rule when, in fact,
in the U.S. so far it has mostly been product-based assessments of GMOs, where each particularly new strain that wants to be introduced goes through its own so-called review or, in our opinion, lack of review, and just hits the market without really a very comprehensive approach to any of it.

And yet, a lot of other types of genetically-engineered things, if they are not a straight crop variety, don't even have to be evaluated in order to come into market. And so, GMOs are creeping in at all levels of our food supply.

Okay. We posed several questions, basically, thinking, you know, asking if people wanted guidance, if people thought that the Cartagena Protocol definition was a good way to go, if process-based or product-based, et cetera.

We received 19 specific comments. And I have given the group's -- whoops, I forgot to push the button; process or product
-- 19 specific comments. This does not
include the dozens and dozens of people who
wrote in, you know, "Just keep GMOs out of our
food." I only counted up the ones that
actually gave input on the discussion document
itself. And these are generally them.

Most commenters were in favor of
clarifying excluded methods through guidance.
A few of them didn't really want to rush into
it. They thought we should survey everybody
about everything first.

But most commenters agreed that
the process-based approach was more consistent
with the rule and the needs of the organic
community. Several of them acknowledged that
a process-based standard could incorporate
some quantitative tools for assessment of
compliance.

Okay. So, that is what I just
read.

Many of them supported the
Cartagena Protocol definition, but some
concern about the language concerning beyond
the taxonomic family, which is the contentious
portion of the cell fusion decision, which
will be one of the terms that will be coming
up in the future discussions over the subject.

Okay. Several people suggested
some more new terms that we overlooked or that
came out in the interval between the time we
threw out the last round of terms. So, we see
they are coming out all the time.

And some of them, if you read the
very brief descriptions I gave, are very
complicated techniques and which are getting
sneakier and sneakier in the ways that GMOs
are entering our food supply.

Several people pointed out there
is a somewhat gray area between a process and
a product, and, you know, the intertwined
thing such as a GMO technique was used to
create a variety, but, then, all traces of the
GMO are then gone from it. And so, you
couldn't even test it as being a GMO variety.
And things like that are all things that we are going to have examine once we get an infrastructure in place to do this.

Certifiers, bless their heart, pointed out that they need a lot of training in order to review anything that we come up with because it is now always apparent how to even tell where the GMOs are, much less how to determine if a particular technique would be allowed or not allowed.

And then, last but not least, survey data is badly needed on the extent of excluded methods in organic contamination occurring in the field and all of the things relating to that and relating to the economic loss that farmers experienced from these consequences.

So, our intention is to remain visible in the organic community in working on genetically-engineering topics in all forums. At the next meeting we will be providing GMO prevention strategy guidance suggestions, as
was indicated in the NOP memo.

We very likely will post this
exact same document again or something very
similar to this with just a few minor
modifications. Because we realize that it is
not a long enough period of time, one month,
to digest all of this very complicated
information and be able to give us some
valuable input.

So, you can forward to this again
in six months, but in the meantime anyone is
welcome to turn in comments to the NOP at this
e-mail on the screen,
nop.guidance@ams.usda.gov. It may or may not
get forwarded to us. And if you do so, you
will also want to hold it and post it to The
Federal Register the next time the docket
opens.

But we appreciate any further
input on this at anytime, and we also
encourage you to pass this on to all of your
colleagues, particularly in the seed industry,
plant breeders, other GMO experts, because we
would like to hear from a lot more people than
19 about how we are going to approach this
important subject.

Thank you.

MEMBER WALKER: At this point we
open it up for discussion by the Board. Any
questions for the presenter Zea?

(No response.)

MEMBER SONNABEND: Nice to see the
Board so engaged on this.

(Laughter.)

MEMBER STONE: So, this is a
moving target at best. How do we ever draw a
line in the sand, given the rapid change of
technology and interest, and whatnot? I don't
see how we come to some conclusion versus some
process of determining a conclusion. Does
that make sense?

MEMBER SONNABEND: Well, we are
working on the process now. What I envision
is adopting a definition such as Cartagena
Protocol with or without some modifications for our own use; agreeing that we are going to do process-based reviews, starting with a chart similar to the one I presented a portion from FiBL that they submitted in their last public input.

And I think we would start with the very most obvious things that we all agree are, you know, recombinant DNA and never would be allowed in organic. Once we have that structure going and the way to modify and change it and review new items, we will tackle the ones that the community is more divided on, you know, maybe not one at a time, but just a few at a time.

Because like certain techniques, like cell fusion, for instance, the type of cell fusion we have talked about in the past, or at least the seed industry has talked about in the past, is primarily for Brassica hybrids and the process occurred 30 years ago, but now it has come down for many generations in
breeding, and you can't tell which hybrids are
produced that way because it is not out there yet.

But there are other types of cell
fusion that are now being used, like this
fast-track thing to create the plum, where
they insert it into the plum, they get a
quicker-bearing plum, and once the plum starts
bearing, they take it out again. And so, that
is clearly something we could head off at the
pass, you know, before anyone starts growing
these, but it is still cell fusion.

And we just have to get into the
weeds and sort out this terminology. We can't
do that until we have an overarching
definition that works and doesn't have such
unclear terms in it as the one that is in the
law now, and until we work through the
procedure of how we are going to make changes
and modify the list.

MEMBER STONE: And then, we fight
real-time information versus the glacier
moving through the python of getting it through NOP and back out. So, how do we think about that part of it?

MEMBER SONNABEND: Well, guidance is fast compared to rulemaking. And besides, there will be NOSB recommendations along the way that people can refer to when they are in process.

CHAIR RICHARDSON: Could I ask a question, Zea? Do you think that -- you didn't get a huge amount of really focused for this, I noticed, although plenty of passion and some in-depth. But do you think you are getting a broad enough input from a range of all stakeholders at this point?

MEMBER SONNABEND: No, which is why I want to put it out again. We have started the process of like organizing some discussion group/focus group things at some of the big organic conferences this winter. I imagine we will have one at Ecofarm and possibly Organicology, which is the West
Coast, what I know about it. And I hope that other regions would do the same, so that we can get a lot of regional input on the subject.

Things that happen during apple harvest don't happen as well for me as things that happen during the winter, being a farmer. So, for the last discussion document, I was able to reach out directly a lot more to plant breeders than I have done this time, for instance. But that is why we are going to have another round at this.

MEMBER BONDERA: Okay. I just have a quick comment in relation to what you were just talking about because I have commented this informally to Jean, and I think that I don't know or if it can go anywhere.

But I wonder if you guys and/or we should consider a listening session on the subject, so that people from all around can participate.

MEMBER SONNABEND: Maybe Miles
could talk about if that is possible.

MR. McEVOY: Well, I am glad that this is going on, this discussion about excluded methods, as it is an old definition and it makes it difficult for both the NOP and certifiers to make the determination because the definition itself has some areas that are hard to reconcile.

We tried to clarify that in the cell fusion policy memo that we put out a couple of years ago that outlined some of those areas that are hard to reconcile and figure out a path forward.

And the GMO vaccines is another area that is very challenging. And we are not talking about GMO vaccines, but I do have a thing to clarify GMO vaccines for tomorrow, when we get to that, right? Livestock is tomorrow? Thursday. Okay, good.

So, I am glad this effort is going on. I guess my question is guidance has utility to help provide clarification on how
to comply with the existing regulations, but it is not the regulations. And it does take a long time to do guidance. It is basically the same amount of resources that we have to put into doing guidance as doing any kind of rulemaking, except it is a little bit less, but it is the same process.

We do Draft Guidance, get the comments, and then do Final Guidance. But it still has to go through a significant amount of clearance, legal clearance, Departmental clearance. And at the end of the day you have guidance, which you can't take regulatory action on guidance. Guidance is just a way to comply with the existing regulations. So, I think you have to really think about, is that the best mechanism for clarifying these areas or updating the excluded methods definition?

Rulemaking has its own challenges because, then, it basically does open up that definition for changes. So, that is always something to consider very, very carefully,
whether or not you want to do that.

The other mechanism is we have the policy memos. That is how we clarified things on cell fusion. Policy memos are a lot easier for us to develop and implement. And that is basically our interpretation of the existing regulations, but it goes a lot faster than going through Draft Guidance and Final Guidance. The thing that is missing in doing a policy memo is we don't do the public comment process, but the NOSB can do a public comment process in terms of your development.

And then, the final mechanism that may be something that you should really look at is instructions to certifiers because that is something that, if you are trying to determine what's in/what's out, and the existing definition of excluded methods already has the regulatory language that you need, the instructions can really clearly give certifiers and the community, but mostly certifiers, the tools they need to clarify
what is in and out in terms of what is
excluded methods or GMO or not.

   The other thing that seems to be
very important to look at is what is really
the industry standard is the OMRI decision
tree on GMOs. I am sure you have looked at
it. But that might be a way of getting into
this conversation more deeply. How far back
in the process do you go to determine whether
something is excluded or not? How many steps
back in the process?

   CHAIR RICHARDSON: Zea?

   MEMBER SONNABEND: Thank you,

   Miles.

   At the beginning of preparing this
document, we did ask the Department to weigh-
in on what our options were, short of
rulemaking. So, it is helpful that at least
now at the meeting many months later you are
telling us there are other options besides
guidance. And perhaps we can find out more
about like the difference between a policy
memo and an instruction, and all that, and elaborate that on our next version of it.

We just felt it was important. I guess I mean, by our resolution, guidance in the general sense of the word, not in the USDA sense of the word. And so, what form that guidance takes is something we can explore more, if it is a policy memo, instruction, like that.

CHAIR RICHARDSON: Jay?

MEMBER FELDMAN: I am trying to get a sense, Miles, from you as to how you would use this information. Obviously, this would come as a recommendation, whether it is guidance or rulemaking. And at the end of the day, there is an internal process that can take pieces or all of whatever comes from the NOSB. I just want to verify that.

MR. McEVOY: Yes, the Board can provide us with a recommendation on excluded methods, and that could come in a variety of different forms. It could be a recommendation
for rulemaking. It could be a recommendation for clarification through guidance or instruction.

With any recommendation that we receive, we then do our own analysis to see, okay, do we have the authority to do this? If we do have the authority to do this, do we want to do it?

And then, if we do want to do it what is the best way to implement that and make it effective? Is it through rulemaking? Is it through just clarification to certifiers.

And so, what we will do in this process is try to provide as much information as we can, so that whatever recommendation comes out at the end of this process, we can most easily implement into our system.

MEMBER WALKER: Okay. I would like to name and thank the Committee members. Nick Maravell was a part of this Committee; Dr. Jennifer Taylor; Zea Sonnabend.
And we thank Zea because many times, as the Subcommittee Chair, my biggest issue is just to help move things along because sometimes we want to make sure because we have had experiences sometimes the programs have issues with some of the things that we are doing. And my task many times is just hoping that we could get it out to the public. And Zea has done a very good job of getting things out, and that the program can agree with as well.

Also on the Committee is Dr. Francis Thicke. He will be dealing with the GMO strategies. I will be assisting him, and hopefully, one of the new Board members.

Dr. Wendy Fulwider is also a member of this Committee, along with yours truly.

And we appreciate the help of Dr. Brines, who is on the call once a month. Emily is also on the call and Betsy Rakola. And last, but not least, is Michelle Arsenault
who is also on the call.

And every now and then, we get a cameo -- oh, I'm sorry, Jay. Jay is also on the call.

So, quite often, we have greater than 10 or 12 individuals on the call.

And, Harold, we appreciate your sitting in from time to time and hope, coming up, that you will be a part of the Committee because the more Board members participating and listening in, it is very helpful as we are trying to hammer out to get out to the public.

Madam Chair, that's it.

CHAIR RICHARDSON: Thank you for your Subcommittee report and for the information provided in it.

So, this brings us pretty much to the end of today's proceedings.

I think, Mac, you had something you wanted to comment on?

MEMBER STONE: I just wanted to remind everybody there is a reception tonight
at 21C Museum. If you go out the main door of the hotel and walk uphill away from the river to Main Street, it is about four or five blocks to the right. And when you see a 20-foot tall red penguin, you will know you are at the right place.

(Laughter.)

I think it starts at 6:30, and I hope all of you all can join us. There will be a lot of great organic food and a good chance for all of us to share and just be friends for a few hours.

CHAIR RICHARDSON: And I am going to wave my magic wand because we had a really good day. So, let's just make sure we carry forward the good vibes until morning, when we will meet again at 8:30.

(Applause.)

(Whereupon, at 5:31 p.m., the meeting was adjourned for the day, to reconvene the following day, Wednesday, October 29, 2014, at 8:30 a.m.)
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CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: National Organic Standards Board

Before: USDA

Date: 10-28-14

Place: Louisville, KY

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

[Signature]
Court Reporter
The National Organic Standards Board met in Grand Ballroom B, Galt House Hotel, 140 N. 4th Street, Louisville, Kentucky, at 8:33 a.m., Jean Richardson, Chairperson, presiding.

PRESENT
JEAN RICHARDSON, Chairperson
JOHN FOSTER, Vice Chairperson
MAC STONE, Secretary
HAROLD AUSTIN
CARMELA BECK
COLEHOUR BONDERA
JOE DICKSON
TRACY FAVRE
JAY FELDMAN
WENDY FULWIDER
NICK MARAVELL
ZEA SONNABEND
JENNIFER TAYLOR
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MICHELLE ARSENAULT, Advisory Committee Specialist
LISA BRINES, NOP National List Manager
EMILY BROWN ROSEN, AMS NOP Specialist, Standards Division
MILES MCEVOY, AMS NOP Deputy Administrator
CARRIE RICCI, Office of General Counsel
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CHAIR RICHARDSON: Good morning, ladies and gentlemen. If you will kindly take your seats, we'll get started with this morning's public comment. This morning, before the first public comment, Harriet -

MS. BEHAR: Oh, okay. I just wanted to be heard.

CHAIR RICHARDSON: One second. We're just going to have a couple of -- I know, she's raring to go.

MS. BEHAR: Hey, you said 8:30.

CHAIR RICHARDSON: I know, and I'm --

(Laughter.)

CHAIR RICHARDSON: The meeting's out of control already. I asked Mac, since he's our local Kentucky person, if he would please say something or other this morning to us before we start the day. Mac?

MR. STONE: Thank you, Madam.
Chair. I appreciate everyone coming to Kentucky. We were looking forward to hosting this meeting a year ago, and that didn't pan out. There's been a lot of water over the dam and under the bridge and around the dam and everything in that past year.

And frankly, the way the San Antonio meeting went, I changed — frankly, I uninvited the Commissioner of Agriculture to make an address, who manages the organic program, because I was concerned of what perception he might take away from this conversation.

Frankly, I uninvited Mary Berry and her dad Wendell for the same reason, in that if -- I'm sure Wendell would see -- and maybe we should have -- maybe I should have let Wendell see that maybe we're not having the right conversation. We're picking each other apart a little bit rather than sort of seeking some common ground and moving forward.

So, but Miles, I do appreciate the
fact that you're moving the meetings around
the country. We had some local people here
yesterday from Indiana at the reception. I
know there were some Kentucky folks here that
benefitted from all of us in the room being
here.

But something that's crossed my
mind, my wife and I, that have a certified
organic farm, very militant about organic at
our house, and just sort of something, John,
that you and I have talked about and a few
others on the board, of let's all fill out an
OSP for our home just like the farmers and the
processors do.

So, just a few things, and Jean, I
won't go through this whole thing because I
kind of got carried away thinking about how
detailed, and what the certifiers do, and
provide the service that certifiers provide
farmers and handlers.

But in your house, carpet, it
ain't happening. VOC rating, all the stuff
that's in carpeting, it's not organic, not going to be in your house. That deck, no treated lumber. You're going to -- but then what kind of sealant are you going to use on that deck if it's not treated? So you have to develop a system around managing that.

At our house, we use beautiful red oak, random width, random length wood, and found a sealant that would -- had a low VOC rating, and we put a little more slant on it so the water would drain away a little quicker. We put a little water gap between the planks.

And those are the little examples of what farmers and handlers do to meet the intent of continual improvement. And I just think we all need to look around at our own homes, our own lives, if we're going to be so critical of each other, and each other, of how we seek continual improvement, Miles.

So, that's just -- then the buffer zone with your neighbor. You got to
communicate with your neighbor. Their tree hangs over the fence into your yard. You know, how are you going to manage that? They're going to spray insects on their side of the fence.

Personal hygiene, I'm not going to go too deep into that conversation, but hopefully your certifier is available and you can get some information, and you can read lots and lots of labels of what you can or cannot use. Livestock farmers do a lot of that.

First aid, sort of the same iteration, and the problem there being some of those remedies may not be readily accessible. You have to order them online. You have to find them. You have to wait for them to get there.

Pest control, you get a mouse that comes into the house in the fall looking for a warm spot. You don't have any vitamin D3 available. You've gotta find it. You've
gotta wait for it to get there. You've got to find a little trap.

   Ants, yes, there are some great ant baits, but we know they can hurt bee colonies when they carry that back to their hive.

   So, I'd love to share more of this, but in essence of time, and we have lots of public comment, just in the kitchen, I pulled out the processing application, OSP for handling. And just think about in your kitchen all of the various levels.

   So, just think about that. Pull up a copy from your favorite certifier and pretend you're filling it out for your home, and recognize how diligent the farmers, and the handlers, and the certifiers do to build that logo and that label on behalf of all of us, and let's just all work together to make that, then seek this continual improvement.

   And the work of this board is very rewarding to me. And those of us with our
differences of opinion, but you'll see how
well we communicate and work together. And we
need your all's input to make this seal the
best it can be. Thank you.

(Applause.)

CHAIR RICHARDSON: Thank you very
much, Mac. That was good thinking like in a
system, systems thinking. So you are, in
fact, now up, Harriet. Thank you very much.
And on deck we have Linley Dixon.

MS. BEHAR: Okay, good morning.
I'm Harriet Behar, organic specialist with the
Midwest Organic and Sustainable Education
Service, MOSES. I would like to address the
proposed NOP pesticide drift guidance, and
request that this guidance be in draft form so
that the NOSB, organic farmers and public will
be able to provide input on this important
issue facing our community.

In my work for MOSES, I receive
numerous calls each year from organic farmers
who have suffered from unwanted incursions of
toxic agricultural chemicals onto their
organic land.

In all of these cases, there is no
question that the pesticide drift has
occurred, but there is a disagreement on what
type, if any, compensation should be given.

The farmer may have to destroy
their entire crop due to the fact that an
unregistered material was applied to that
crop, or may suffer the loss of the organic
premium due to the removal of the crop's
organic status.

In addition, there's the
possibility that the land itself will be
determined -- or to be decertified for one,
two, or three years from producing an organic
crop.

While organic farmers feel they
should be reimbursed for their losses, it is
not just about the loss of their income. They
want that financial penalty to be placed on
others to discourage this type of problem from
occurring to them and other organic farmers in the future.

Beyond this, it's not just about the money. In the Upper Midwest, organic farm fields are an oasis of life in a sea of sterilized and degraded land.

The buffer zones and riparian areas surrounding organic fields have diverse plants, shrubs, and trees providing habitat and food sources for threatened amphibians, birds, butterflies, pollinators and mammalian wildlife.

Through organic practices, organic farmers continually improve the critically important soil food web, encouraging a healthy and robust diversity of soil biological life.

The incursion of unwanted toxic materials on organic land does more than just hurt the bottom line of the organic farmer. It sets back the progress the farmer is continually making in developing a healthy ecosystem upon which they rely to produce
abundant and healthy crops.

Organic farmers have told me that they can see to the row where the drift event had occurred numerous years before. The weed species growing in those areas are different and more problematic than they areas when they had not had drift.

The soil texture is less friable and has less water-holding capacity due to the reduced soil biological life. And future crops have less vigor and health, also diminish more beyond that first year.

In 2013, the Supreme Court of Minnesota, in a pesticide drift case, took away the rights of an organic certification agency to deny certification of a field and crop that had pesticide drift.

In 2014, when the drift occurred again, the certification agency did not decertify that crop. The organic farmer is currently appealing that decision to the NOP.

It is understood that organic
producers are a very small segment of the agricultural production in the U.S. However, farmers who have had this problem, not one of them would welcome the opportunity to sell that crop they know to be contaminated as organic.

With the continued approval of new GMO and herbicide-resistant crops, I believe there will be more drift. Organic farmers want the NOP to provide a strong platform from which they can make a case to those who will chemically trespass on the organic land that economic compensation is the right of the organic farmer.

It is only unfortunate that they cannot also receive compensation for the pain and suffering caused by seeing the land they have nurtured so carefully to be despoiled.

I want to thank Jay, John and Joe and Wendy for their service to the organic community, and I hope that they enjoy all the free time that they will now have.
CHAIR RICHARDSON: Great presentation. Thank you, Harriet. Questions? Harold?

MR. AUSTIN: Might as well start the morning off right, Madam Chair? Good morning. Thanks, Harriet.

MS. BEHAR: Good morning.

MR. AUSTIN: You talked about the concerns for additional future drifts. The source of, just for a little more clarification I think for everybody, from ground application, pivot application, aerial application, where would that additional concern come from?

MS. BEHAR: Well, part of it has to do with the new 2,4-D, which tends to drift a lot more. I know that they have this new formulation that's supposed to not drift quite as much. But I really feel that there's just -- there's almost an attitude because organic is so small.

And after the Minnesota Supreme
Court decision, which I have gotten phone calls from farmers in Illinois whose insurance agency, from the drift, the person who caused the drift, tell them that they're not going to give them compensation based on the Minnesota Supreme Court decision.

So it's spreading around the country that organic farmers have been told, you're just the little guy. You just have to learn how to deal with drift because we are the dominant form of agriculture. And just, there's going to be drift, and just deal with it.

And that's really unfair to the organic farmer, especially for the reasons that I said, that they really are this oasis of biological life that we can't just deal with drift. It has to stop at the property line so we can go on and do our good work.

CHAIR RICHARDSON: Miles?

MR. McEVOY: Yes, as I mentioned yesterday, we're working on draft guidance for
pesticide drift. I think it's really needed for consistency across the country in terms of how certifiers deal with drift on organic farms. It really varies from state to state in terms of the impact and the recourse that the organic farmer has when they get drifted upon.

So, Harriet mentioned a Supreme Court case in Minnesota recently. There's a very interesting Supreme Court case in Washington state from 1973, I think it's '73, where the organic farmer prevailed in that the drift was considered an application of prohibited substances.

And it set the precedent of, if I remember correctly, strict liability so that compensation in Washington state is relatively easy to get when you're drifted on whether you're an organic farmer or a conventional farmer when you get pesticide drift.

So it's very complicated. There was actually a conference on pesticide drift
in Portland, Maine about 12 years ago that has
a lot of resources in terms of how drift is
looked at, management of drift, and what
happens when drift occurs in various states.

So I'm sure there's been a lot of
additional information since then, but we're
hoping to work on that. And if the board's
interested in that particular topic, we can
certainly collaborate with the board on
developing that draft guidance.

MS. BEHAR: I was giving my
impression from the Upper Midwest, and that's
why I thought it should, for sure, be a draft
guidance so everyone in the country would have
a chance to bring their experience and
knowledge to the table.

CHAIR RICHARDSON: Thank you for
raising that. The next speaker is Linley
Dixon followed by Amy Simpson.

MS. DIXON: Good morning. My name
is Linley Dixon. I'm a policy analyst for the
Cornucopia Institute, and I have a PhD in
plant pathology. My husband and I own a 100-member CSA and farmer's market vegetable farm in Durango, Colorado. I'm here to testify about contamination of farm inputs from firsthand experience.

My first year farming, I was able to collect old hay from many farms and buy several tons of six-year aged horse manure from a rancher, black gold. I'd won the lottery, or so I thought.

We spread the compost, months passed, and the tomatoes in the greenhouse didn't grow. There were distortions on the leaves of many crops but not on others. The extension agent diagnosed it as curly top virus.

He said the virus arrived a few years ago and he's been getting roughly 200 calls a year with these same symptoms on solanaceous and leguminous crops in particular.

I've traveled the world collecting
and diagnosing tomato diseases, publishing papers and presenting at international tomato disease conferences. This was not a virus. I spent months conducting bioassays with the compost. I found information from NCSU about herbicide carryover in compost, and told the extension agent that my bioassays indicated this was the problem.

My compost was sent to Dow AgroChemical for testing. The only places that had the equipment to test for low quantities of pyridinecarboxylic acids are the companies that produce the herbicides.

The charge is $200 per test. There are 11 different pyridinecarboxylic acid herbicides to test for. My extension agent could only afford to test for one. This is just one class of persistent herbicides that could be the cause.

The test came back negative, and Dow recommended that the grower should conduct bioassays before they can grow again.
Meanwhile, I had to find new land
to grow my crops and give up on collecting
local free hay and manure. Every spring I
plant a tomato in the greenhouse to test the
soil for sensitivity.

To this day, four years later, the
plants still show symptoms even though the
greenhouse soil had been watered and tilled
every year, supposedly optimum conditions for
these herbicides to break down. And don't
forget, the compost was seven years old when
I incorporated it.

The label for aminopyralids reads
that hay or manure cannot leave the farm
within 18 months of being sprayed. What a
joke. The herbicides last at quantities that
kill sensitive plants for years, and no one is
even following the label.

Herbicide carryover is happening
all over the country. You hear about it when
it hits the big composting operations because
they have to explain the symptoms to hundreds
of customers, but you don't hear about it when it hits individual farms.

What CSA or farmer's market customer wants to buy organic produce from a farm contaminated with herbicides? Herbicide carryover is being misdiagnosed as a virus. And if a farmer finds out they're contaminated, they may protect their sales by staying silent.

Persistent chemicals need to be banned from production. It's nearly impossible for organic farmers to be clean of these materials once they're used. Farmers should not be held responsible for contamination or have to conduct bioassays for months.

Liability should fall on the manufacturer and user of the herbicides. It's time for the large organic community, the NOSB, and the NOP to educate the EPA about what's happening. The only solution is for the EPA to ban these persistent herbicides
nationwide rather than banning them state by state while farmers suffer.

There's a ban on the use of pyridinecarboxylic acids in New York. They can't be sprayed on pasture in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The UK banned them in 2008 and released some under restricted uses in 2011.

What about the rest of us who continue to suffer from their persistence? When it comes to compost contamination, we need to choose our battles wisely, and go after bans on the worst chemicals. We need to ban persistent pyridinecarboxylic acid herbicides.

They are known to directly kill crops at minute quantities. We're talking about less than one part per billion. We can't be going out and testing composts. These machines don't exist, and the plants are more sensitive than the tests are. It takes
a long time for them to go away.

CHAIR RICHARDSON: Thank you very much, Dr. Dixon. Questions? Excellent presentation, much appreciated. Thank you.

The next presenter is Amy Simpson, and that will be followed by Demetria Stephens.

MS. SIMPSON: Good morning. I'm Amy Simpson, Policy Director and Staff Attorney for Beyond Pesticides. As frustrating and confusing as the statute can be, it is within the words of the Organic Foods Production Act that the very framework of what it means to be organic must be rooted.

I thought it would be helpful to use this four minutes to give a very simplified tutorial and statutory interpretation as there seems to be a lot of confusion about what the words of OFPA actually say, in particular with regard to the Sunset Provision.

There are well-known rules or canons of construction when you are trying to
figure out what on earth those crazy legislators wrote in the statute. Statutory construction is complicated. There are many books. But the basics can be boiled down to the following:

If the language of a statute is plain and unambiguous, then it must be given effect. If the terms of the statute have received judicial construction before enactment, the terms should be understood according to that construction.

Every word and clause must be given effect. Words are to be interpreted according to the proper grammatical effect of their arrangement within the statute. A statute cannot go beyond its text. It all starts with plain meaning of the words on the page. And if those are clear, then you can't contradict or reinterpret them away.

Generally, when courts or others interpret the words of a statute, the assumption is that the words mean what a
reasonable or ordinary person would understand them to mean. So let's break down our example provision as reasonable and ordinary people.

The first part, no exemption or prohibition contained on the national list. No materials on the national list. This is easy, right? Next part, shall be valid unless.

In the statutory world, shall equals must, not optional or discretionary. So whatever comes after the, unless, has to happen or else the material is no longer valid.

Next part, the National Organic Standards Board has reviewed such exemption or prohibition as provided in this section. So if this doesn't happen, then the material is invalid. What has to happen? NOSB has to review.

But wait, it doesn't stop there. It clearly states, review as provided in this section. There's no comma or break. So what
does, as provided in this section, mean? OFPA is made up of sections. The Sunset Provision is a small subpart of Section 6517 titled, National List.

Other parts of the National List section include procedures for establishing the National List. Those procedures include, among others, the no addition standard, rulemaking requirements for amendments to the National List, and a mandate that the National List be based upon the NOSB’s proposed or amended National List.

In other words, the procedures and standards described for putting a material on the list are the same as what the NOSB should use to review a material under the Sunset Provision. NOSB, remember, every word has a meaning and has to be put in the context of the whole statute.

When the provision references NOSB, it is thus automatic that the section that governs the NOSB, 6518, governs it in
this context as well. This includes, among others, the decisive 2/3 majority vote and the mandatory material review criteria.

Next section, within five years of such exemption or prohibition being adopted or reviewed. The review has to happen every five years. Next, and, and means that you have to complete both of the conditions to make a material valid again.

So NOSB review as provided in the National List section, and next part, the secretary has renewed such exemption or prohibition. The choice to make is to renew, only option, no remove option.

So what does the secretary do if he wants to take a material off the list? Answer: nothing. By default, the material isn't valid without a decision to renew.

It also follows that if the procedures of establishing the National List are what define the NOSB's review, the consistent, decisive vote on which the
secretary can base his decision is one to renew.

Putting it all together, no material on the National List is valid unless the NOSB reviews that material in the same way it did when it decided to include it on the National List within five years of the material's inclusion or renewal at Sunset, and the Secretary decides to include the material on the list again.

These are the plain elements that must be part of the Sunset Review standards. Regulations can provide more detail and insight into how to carry out a statute, but cannot rewrite the plain meaning of the law.

CHAIR RICHARDSON: All right, I wave my wand. Thank you. Are there questions or comments? Colehour?

MR. BONDERA: Thank you, Amy. How do I say this? Because I think what you presented is very important to us, but what should we do? I mean, that's where I'm left
with it.

MS. SIMPSON: No, and I understand that the NOSB does not make regulations. But, I think that there has been some confusion in what these interpretations were, and I wanted to present that this is the clear and plain meaning that's in the provisions.

And the Sunset notice rule that was put out in September of 2013 does not follow these plain meanings. And I don't think that there's been a unified voice from the board asking the NOP to revoke that and put out something that does follow this clear mandate.

I understand there's things that can be improved upon, but it needs to meet these plain meaning standards. And as it is right now, it does not. So I think that the board really just needs to make their voice heard and not just keep plowing forward on this.

CHAIR RICHARDSON: Anything else?
MS. SIMPSON: Thank you.

CHAIR RICHARDSON: Other questions? No, okay. Thank you very much, Amy. We next have Demetria Stephens followed by Carl Lenore.

MS. STEPHENS: Hello, my name is Demetria Stephens. I'm a fifth-generation farmer from northwest Kansas, and the Secretary of the Organic Crop Improvement Association. It's a farmer-owned, not for profit certifier, and mostly made up of producers, certifying more than 9,000 people. That includes processors, handlers and the like.

I'm one of those producers on a farm that has been certified organic for 20 of OCI's more than 30 years in operation. And it's a mischaracterization to say that operations like my own are intimidated to comment at meetings such as this.

OCI's national organic program certified members rely on the judgment of the
National Organic Standards Board to represent their interests when they cannot comment during NOSB meetings themselves. And open dialogue has been one of the strengths of organic between people who grow food and those with an interest in where and how their food is produced.

From OCI's perspective, consumer interest in food transparency is a trend that will continue to intensify and grow as evidenced over the last 20 years of legislative and regulatory activity, and culminating in the efforts to label food with genetically engineered ingredients, along with the strong growth of the organic share in the retail sector.

There are many areas where strengthening and clarification of the NOP rule are critical. And in general, we support the NOSB's efforts to thoroughly analyze changes to the NOP rule with independent technical reviews when necessary.
Earlier this year, our international board of directors submitted a letter to the NOP and Agriculture Secretary Tom Vilsack, regarding the certification of hydroponic production.

This is an example of NOP in action on NOSB's recommendations, and it undermines the process established in the Organic Food Production Act of 1990. Such a process must continue after meetings like this end, and it will as consumers and farmers keep talking about what gives products integrity.

So from my own perspective as a family farmer, we want the NOSB to feel empowered to do what's necessary under the OFPA. And we can answer questions that you may have as a certifier, but also we have members in our organization that are very opinionated, and I'm sure if you called on them, they would be willing to give suggestions. So, thank you.

CHAIR RICHARDSON: Thank you.
Good comments. Questions, comments? Francis?

MR. THICKE:  Thank you, Amy. Can
you tell us a little more about your thinking
about hydroponics?  It wasn't real clear.

MS. STEPHENS:  So OCI's board's
perspective has been that the organic -- the
foundation of organics has been based on a
soil production system. And I can give you a
copy of the letter that we sent to Tom Vilsack
and the NOP, but that's the gist of it.

CHAIR RICHARDSON:  My microphone's
not working. Any other questions? Thank you
very much.

MS. STEPHENS:  Thank you.

CHAIR RICHARDSON:  Next speaker --
my microphone -- Demetria Stephens -- oh,
sorry, I mean, Carl Lenore followed by Allison
Murphy. No?  Okay, the next person on the
list here is Joan Levine. Are you here?

Are these people deserting us
already? The party hasn't started. Oh, we've
got Joan, right? Is that Joan? No, oh, who
do I have? All right, now I have two people.

Help me understand who's --

MS. MURPHY: Allison Murphy.

CHAIR RICHARDSON: You're Allison, all right. So, we'll have -- Allison will present then. No? How are you going to do it? No, you're going to go first? And so, you are?

MS. LEVIN: My name is Joan Levine.

CHAIR RICHARDSON: Joan, hi, thank you.

MS. LEVIN: Hi, my name is Joan Levine, and I'm a consumer and a retired public health attorney, and a proud Cornucopia Institute member from Chicago, Illinois. And I'd like to stress that I'm here today as a volunteer citizen lobbyist.

I've been involved with organic foods ever since J.I. Rodale first popularized the term in the United States right after World War II, and long before USDA involvement...
in setting standards.

And while I'm delighted to see major food corporations' growing interest in producing foods bearing the organic label, I'm concerned lest organic standards be compromised to accommodate this burgeoning interest, and that's why I'm here today.

I believe the Sunset rules are sensible ones that allow for reevaluation as our knowledge grows, and I hope you will agree that we must place public health and safety first in making these determinations.

I will comment on five of the handling subcommittee 2016 Sunset reviews before you, the boiler chemicals, octadecylamine, diaminoethanol, and cyclohexylamine, as well as two processed food ingredients, sodium acid pyrophosphate and tetrasodium pyrophosphate.

The boiler chemicals fail all three of the Organic Food Production Act criteria. They are clear candidates for
Sunsetting. Not a single entity wrote in support of relisting these materials.

We believe a safer alternative, ammonium hydroxide, which was petitioned in 2012, may well be a better choice. However, a new technical review must be conducted.

The 2001 Technical Advisory Panel review is woefully out of date, and doesn't even mention ammonium hydroxide as a potentially safer alternative. We recommend delisting these three toxic ammines and replacing them with ammonium hydroxide as a boiler additive.

This might be the best alternative to maintain boiler health, while minimizing the impact to human and environmental health.

Sodium acid pyrophosphate or SAPP, is a leavening agent used in a variety of baked goods, approved in 2006 for the National List.

This material can hardly be considered essential despite what some industrial bakers may say, because natural
leavening, commercial yeast and sodium bicarbonate will do the job.

Only one food processor wrote in support of this material, which also brings into question its essentiality. Also, the manufacturing of SAPP produces phosphoric acid waste. So it may fail the effects on environment criteria in the OFPA.

Since the handling subcommittee did not complete a checklist on this material, we are not operating with full information. Therefore, The Cornucopia Institute cannot support the relisting of this material at this time.

Tetrasodium pyrophosphate, TSPP, is a dough conditioner for imitation meat products added to the National List in 2006. In the first technical review conducted in 2002, two of the three expert reviewers recommended that TSPP not be added to the list, yet bewilderingly it was approved by the full board.
The latest limited scope technical review demonstrates that there are many alternatives to this substance such as fish, soy, pea, milk, and fungal-based ingredients. Indeed, Cornucopia staff did not find a single organic meat analogue product with TSPP on the ingredient lists when we did an internet scan of commercially available products.

Not a single food processor wrote in support of this material being relisted. Therefore, it appears to fail the essentiality criteria and should be removed from the National List.

Thank you for allowing me to present this testimony. If you have questions, I encourage you to speak with one of Cornucopia's scientific policy staff advisors present at the meeting. And I thank you so much.

CHAIR RICHARDSON: Thank you very much. Our next speaker is Allison Murphy.

MS. MURPHY: Hi, as you said, my
name is Allison Murphy, and I'm the
Legislative Director at the Alliance for
Natural Health USA. ANH is a nonprofit,
membership-based organization consisting of
healthcare practitioners, food and supplement
companies, and over 350,000 consumers.

Our members are passionate about
access to high quality organic products, and
we support the NOSB action that promotes an
honest, responsible, and transparent organic
production system.

ANH strongly opposes any efforts
to dilute organic standards, and we hope the
NOSB will continue to listen to the voices of
consumers and producers who want to protect
access to true organic products.

ANH commends the board's efforts
to strengthen excluded methods terminology.
As a consumer advocate, we repeatedly hear
from our members about consumers' desire to
avoid genetically modified food products.

Eliminating confusion in the
definition will improve consistency in the quality of organic production, and increase consumer confidence that certified organic foods do not contain genetically engineered components.

ANH strongly supports a prohibition on BPA in packaging material used for organic foods, and we agree with the handling subcommittee's assessment that further research on suitable alternatives is necessary.

However, we hope this research is not limited to suitable alternatives for the lining of cans, but instead encompasses broader potential improvements for food packaging in general.

ANH also supports the removal of non-organic ingredients from organic food production. However, as others have stated as well, we are very concerned about the changes made to Sunset consideration.

Keeping a non-organic ingredient
on the National List should mandate strict scrutiny, high barriers and careful consideration. The changes to Sunset consideration fly in the face of OFPA and diminish the board's authority.

We hope the board will stand up for its authority when possible, and share concerns expressed at this meeting with the NOP, the USDA and others.

Laws allowing synthetic ingredients in organic food production should be construed in the narrowest sense, and exceptions should not be made merely to make organic certification easier to obtain.

The organic industry should be called to rise to the standards of that label. Standards should not be brought down to meet industry.

Finally, it's important to organic consumers that GMO exposure is limited, including GM vaccines. We ask the NOSB to work to gather the necessary information and
formulate standards for excluded vaccines.

GM vaccines should not be part of approved organic production, and it's imperative that the NOSB act on this issue in a timely manner to protect consumers.

Organic certification is often the main indicator that consumers use to distinguish between healthy, sustainable foods and foods containing synthetics or are produced using genetic engineering.

It's for this reason that we continue to strongly encourage the NOSB to perpetuate the highest standards for certified organics, and to answer consumer demand for truly organic products in an honest, transparent and responsible way.

Thank you for your time and the opportunity to participate at this meeting.

CHAIR RICHARDSON: Thank you very much. Questions, comments from the board? Thank you. And I'm not doing my job very well here. I'm not doing two people in a row. Let
me try again. The next person to speak is Robin Migalla followed by Paige Tomaselli.

MS. MIGALLA: Hello, my name is Robin Migalla, and I'm a consumer from Elgin, Illinois. I'm a member of the Cornucopia Institute, and I'm here today as a citizen lobbyist. I have volunteered to help present testimony because I want to ensure the integrity of organic food.

I grew up under the tyranny of chronic illness, but discovered that organic nutrient-dense food is the cornerstone of health. I feel so fortunate that today local, sustainably produced, nutrient-dense foods can be found in nearly every grocery store, and I can go directly to the farm for what isn't yet available on the grocer's shelves.

This is a wonderful trend, and I possess robust health today as a result. It is so vitally important to me that these foods remain as safe and wholesome as I have come to expect. I rely on the USDA organic label as
a reassurance of that safety.

I'm here today to add my voice to others who want to preserve that reassurance.
I will comment on the four handling subcommittee 2015 Sunset reviews before you,
gellan and tragacanth gums, as well as Marsala and sherry cooking wines.

The Cornucopia Institute agrees with the handling subcommittee motions to delist Marsala and sherry from the National List of non-organic substances.

Similar ingredients are available in organic form, and there is little, if any, demand for these ingredients by organic processors.

Based on Cornucopia's interview with the original petitioner, they are no longer using these ingredients in their products. Not a single entity wrote in support of relisting these cooking wines.

However, we disagree with the subcommittee's motion to retain gellan gum and
tragacanth gum on the National List for the following reasons.

The gellan gum technical review is nearly ten years old and is not thorough. Tragacanth gum never had a technical review to adequately evaluate this substance before it was approved, and it still does not have one.

Gellan gum is a highly processed synthetic material with isopropyl alcohol residues up to three-quarters of a percent. Isopropyl alcohol is a processing aid prohibited in organics.

When the original petitioner asked for this substance to be listed, they described it as a non-organic, synthetic substance, yet the word synthetic has been removed from the listing. It is a synthetic substance and should be reviewed as one.

Tragacanth gum fails the essentiality criteria of the OFPA because very few organic processors are using this material due to limited supply. Instead, most
processors are using more plentiful gum arabic which is available in organic form.

The Cornucopia Institute requests that a new technical review be performed for every material that is up for Sunset review. Further, we request that the subcommittee discussions on proposals be based on information in the new TRs.

It is our opinion these substances cannot be properly evaluated without this critical information. It is negligent to continue to allow a non-organic substance to be used for our food without the best and latest information as possible.

We understand these things take time, but we have five years between each Sunset review. That is enough time to get updated technical reviews of every substance.

In conclusion, please delist Marsala and sherry cooking wines because they are not essential with similar organic alternatives existing to replace them.
Please delist or table for further consideration gellan gum because it is a synthetic and has a very poor, out-of-date technical review. And delist tragacanth gum because it is nonessential and lacks any technical review whatsoever.

Thank you for allowing me to present testimony. If you have questions, please speak with one of Cornucopia's scientific policy staff members present at the meeting.

CHAIR RICHARDSON: Thank you very much for your comments.

MS. MIGALLA: Thank you.

CHAIR RICHARDSON: The next speaker is Paige Tomaselli to be followed by Kelly Shea.

MS. TOMASELLI: All right, good morning. My name is Paige Tomaselli, and I'm a Senior Attorney at The Center for Food Safety.

Methionine was a hot topic at the
April meeting in San Antonio. One of the main concerns raised by producers was that without adequate methionine, chickens would turn to cannibalism.

We had never heard this argument about methionine, and knowing that animal welfare regulations are on the NOP's agenda, Center for Food Safety undertook to investigate the link between methionine and animal welfare.

In sum, we uncovered three main findings. First, crowded and unhealthy poultry living conditions and limited access to the outdoors to scratch, peck and engage in other natural behaviors is, in fact, what leads to aggressive behavior.

A telling example is the manner in which birds access their feed. When poultry are allowed to express natural foraging behavior such as pecking and scratching at the ground to obtain grubs, earthworms, and greens, cannibalism and feather pecking
decreases.

On the other hand, when poultry are given feed that can be consumed rapidly and satiate birds quickly, it can actually stimulate feather pecking because the birds are not sufficiently exercising their pecking behavior.

Second, the differences in poultry performance are not as pronounced as industry claims. Researchers at the UK Organic Research Center compared four different poultry diets, only one of which included synthetic methionine.

They have found that birds fed the 100 percent organic diet did not have significant differences in weight or mortality compared to those fed synthetic diets or diets with synthetic inputs.

In fact, laying hens fed 100 percent organic diets had higher egg output compared to those fed a synthetic diet.

Third, we looked at the viable
alternatives that support chickens' natural omnivorous diet. The most promising area of research to alternative sources of essential amino acids for poultry rearing focuses on insect species as a suitable protein source.

High methionine insects such as fly maggots from black soldier flies and house flies, for example, can be reared on organic poultry manure and organic feed stocks, such as waste materials from organic food processing plants, that can be fed 100 percent organic diet and then used for organic poultry.

Many board members were also concerned about methionine's seemingly endless ride on the National List. In fact, methionine has become the poster child for a failed Sunset process, and the new Sunset policy is not going to make it any easier to come up with a solution to replace methionine with a natural source. In fact, it may have the opposite effect of inhibiting the
development of non-synthetic alternatives.

In contrast to the plain language of OFPA, the new NOP policy presumes that substances will remain on the list, further hindering the ability of NOSB to remove methionine and any other substances from the list, and negating OFPA's continuous improvement mandate.

Now onto excluded methods and GMO vaccines. CFS supports the efforts to further clarify and interpret the NOP definition of excluded methods.

CFS believes that the current definition of excluded methods is strong, and should be used as it was intended as a benchmark against which new and emerging technologies are weighed.

We agree that the clarification should come through guidance developed by NOSB with help from the organic community in order to establish a clear understanding of those techniques that are acceptable in organic
production and those that are not.

The organic community must agree upon what exactly it is about a method or technique that is objectionable in the organic context.

We appreciate the head's up on this --- that this issue will be on the agenda for spring of 2015, and CFS will endeavor to provide as much additional information as possible before that time.

It is absolutely imperative that NOSB create a system of classifying vaccines so that animal producers are able to identify which vaccines are GMO and which vaccines are not.

Our guidance on excluded --- once our guidance on excluded methods is refined, the list of GMO vaccines can be refined as well.

CHAIR RICHARDSON: Thank you.

MS. TOMASELLI: Thank you.

CHAIR RICHARDSON: Questions?
Francis?

MR. THICKE: Thank you, Paige.

I'm curious about your case study and the interesting finding, apparently, that I'd like to see it, that it's more behavior that causes the rapid eating and pecking.

And in your case study, did the organic diet have what's considered adequate methionine, or what --- as much as a synthetic methionine diet? Do you remember, or can you get us a copy of that study?

MS. TOMASELLI: I can definitely get you a copy of the study. I have the citation here. Well, not to waste time, I'll provide the citation right after this.

But as far as I understand, the levels were similar to the synthetic methionine levels, the levels of methionine in the 100 percent organic diet. But the birds do grow, you know, slower.

It's basically, it's about performance standards and now welfare, so it
does take longer for the animals to produce meat and/or eggs, but not significantly longer.

So it doesn't really hinder the health of the birds, but they might grow slower.

CHAIR RICHARDSON: Jay?

MR. FELDMAN: Thank you, Paige. I had a question on methionine as well regarding the motion at the last board meeting on the five-year expiration date or, you know, a provision within the annotation, or within the listing of methionine, methionine's annotation that would require the board to review the material on a vote to relist after a five-year period.

Some of the issues you're citing are somewhat experimental. I heard at the last meeting that the, you know, the feeding of insects and so forth may not be approved, the maggots by FDA. I don't know if we verified that or not. Then you mentioned
continuous improvements.

So I'm wondering from a legal perspective the value of this board

identifying materials like methionine that are, you know, raise certain questions about

essentiality, adverse impacts in the diet, what have you, whether this board should be considering expiration dates, and what impact that has on the actual process of review.

MS. TOMASELLI: Okay.

MR. FELDMAN: And juxtapose that with the Sunset process and, you know, how that would work ---

MS. TOMASELLI: Right.

MR. FELDMAN: -- just so people understand.

MS. TOMASELLI: Well, I just -- I think to start I would say that a firm expiration date is basically necessary to light a fire under industry to find a suitable alternative.

And so, if there is a firm
expiration date in the provision, or sorry, you know, by the board, then you would have, you know, an end date for by which you'd have to find a suitable alternative.

As far as the alternatives that we are promoting, we did do some research into whether or not insects, for instance, are FDA approved. And in fact, soldier fly maggots can be used according to FDA, and they do not have to go through any type of rigorous approval.

Some producers are going through the grass process because they want to cover all of their bases, but FDA basically said that they would just need to go through the AAFCO certification process to cover, you know, to cover their bases entirely.

So, but we believe that, you know, innovation is spurred by, you know, by a significant end date in the process, and that the Sunset --- the Sunset process is meant, it was created to do that, to give an end, you
know, an end to a limited time frame by which a substance can be utilized in the short term. So, we believe that that's critical to getting methionine off the list and for other substances as well.

CHAIR RICHARDSON: Any other questions?

DR. WALKER: One quick question.

My question to you is, is synthetic methionine, to you, an animal welfare issue, yes or no, or ---

MS. TOMASELLI: Just a yes or no question?

DR. WALKER: You can explain. You can also explain if you wish.

MS. TOMASELLI: Yes, yes, no. From our research we found that synthetic methionine is --- it's about performance and it's not about welfare. I think I alluded to this before.

You know, we believe that animal welfare is about the conditions in which
animals are raised, and that crowded, un
healthy living conditions, they create the situation which causes cannibalism. Boredom creates a situation which causes cannibalism. But in fact, synthetic methionine, the levels that the producers are looking at attain, that's just for peak performance. That's so that they can get their broilers out the door in six weeks, or they can make the number of eggs that they're looking hits their target. And so, from our perspective, it's not an animal welfare issue but a performance issue.

CHAIR RICHARDSON: Thank you very much.

MS. TOMASELLI: Thank you.

CHAIR RICHARDSON: The next speaker is Kelly Shea following by Alison Leathers.

MS. SHEA: Good morning. I want to thank Jay, John Foster, Wendy, Joe Dickson
for your service on the board. I was sitting there thinking between the four of you, you've given 20 years of service to the organic community, so thank you for that. No, it's a lot when you amalgamate it.

And then I want to welcome Lisa de Lima, Tom Chapman, Ashley Swaffer and Paula Daniels to the board, and let them know that they have very, very big shoes to fill.

I want to say thank you to the USDA cross functional team for traveling here to Louisville to participate with the organic businesses here. And a special thanks to the NOP for their tireless work.

Unlike many Washington bureaucrats, they do not go home at 4:30. And to the NOP for dedicating almost half a million dollars towards future tap reviews, thank you for that.

I had the incredible opportunity recently to break bread with the board of IOIA, the International Organic Inspectors
Association. What a dedicated crew of people.

We would all --- all of us that are certified entities and retailers of organic products, benefit from well-trained inspectors trained by IOIA.

Not all inspectors have the same level of competency. And in part, that is due to lack of consistent training. Inspectors are a crucial linchpin in organic integrity.

We need more consistency, more training, and I would dare say more recognition, whether it's in financial compensation to inspectors, but more recognition of the value of good, solid inspections to the integrity of the organic seal.

And lastly, I want to echo the very well done comments by Beth Unger of CROPP Cooperative Organic Valley regarding gellan gum. These materials for processing at a value market for farmer's raw goods.

You know, everyone loves a farmer,
and what the farming community brings to our nation's landscape. But without non-GMO, non-
synthetic materials such as gellan gum that are produced and disposed of in a manner that
does not cause animal, environmental, or human health harm, the markets for organic farmers' products will be curtailed. Thank you very much.

CHAIR RICHARDSON: Thank you, Kelly. Questions? Do we have Alison Leathers? Yes, and then the next speaker will be Jessica Walden.

MS. LEATHERS: Hello, my name is Alison Leathers, and I'm a graduate research assistant from Nashville, Tennessee. I'm a member of the Cornucopia Institute, and I'm here today as a citizen lobbyist. I have volunteered to help present testimony because I want to ensure the integrity of organic food and organic agriculture.

I developed my passion for growing plants and conserving our land on my family's
sheep farm in the bluff country of southeastern Minnesota. I'm a proud graduate of the University of Minnesota's horticulture program, and I'm currently pursuing my master's degree in agricultural education at Tennessee State University. My career goal is to serve my community as an extension agent and a third generation farmer.

I would like to comment on the soil conservation discussion document put forth by the compliance, accreditation, and certification subcommittee. This is an important subject because as we can all agree, healthy soil is the foundation or organic agriculture.

There are two main ways that organic certifiers work to ensure that organic producers are protecting their soil resources. The first is the written organic system plan that includes sections describing how the producer intends to protect or enhance soil and water quality.
The second is the annual inspection in which certification staff visits the operation to verify that the farm is properly implementing the activities described in their OSP.

There are clearly flaws with the current system. First, some OSPs say very little about what kind of soil and water conservation practices are going to be implemented.

One farm might say that they are going to cover crop, use compost, use low till practices, and plant on contours. Another neighboring farm with similar soils may just say they're going to use regular applications of fish emulsion.

Who is doing enough? What will the certifier say about this? The other flaw is the annual inspection is only a brief snapshot in time.

If the inspection happens in summer, they may not see severe soil erosion.
that happens later in the fall with the rains. A dairy inspection in the summer may not observe the farmer is applying excessive quantities of raw manure on top of frozen ground in the winter. How would an inspector know what happens the rest of the year when they only see the farm on one day?

In general, the organic system plans need to be detailed about the full suite of natural resources conservation practices that are utilized year-round on a farm or ranch.

Livestock producers should describe their year-round grazing plan. Crop producers should describe their year-round cropping plan. All confined animal feeding operations and dairy should describe their year-round manure management plans.

Certification staff need much more training to understand ecological land management, soil quality indicators, and reading the landscape for their on site
inspection. They must be able to read into the OSP, and understand what is going on, and what might be missing from the plan.

Over the years, inspections should take place during different seasons so certification staff can see the operation in different seasons.

Any producer who has received a notice of violation of a state or federal environmental law should immediately be required to submit an updated OSP addendum on how they will rectify the situation, including a timeline.

Certifiers should be required to followup with corrective action. Likewise, any certifier that has multiple producers with violations should have their own accreditation reevaluated.

Some of these concepts will not require additional paperwork on the part of the farmer because existing conservation and manure management plans can be included as
addendums to the OSP.

These are just a few ideas we hope you will consider seriously in order to improve the natural resource conditions on organic farms. Thank you for allowing me to present testimony. If you have questions, I encourage you to speak with one of Cornucopia's scientific or policy staff members present at the meeting.

CHAIR RICHARDSON: Great, thank you very much. The next speaker is --- let's see, where are we --- Jessica Walden, and that will be followed by Troy Aykan.

MS. WALDEN: Hello, my name is Jessica Walden, and I am a Senior Technical Reviewer with QAI. I appreciate and commend you all for the great work that you do.

I know that Madam Chair wanted a bit more humor at this meeting. I appreciate the way that you opened the meeting yesterday. And while I'm going to talk about glycerin, which, in itself, is not an inherently funny
I wanted to send a shout-out to Jim Pierce for working the word constipation into his comments. It was weird, but it made me laugh too. Thank you, Jim.

So glycerin --- and also to get your attention as well. The NOSB wanted to know how the removal of synthetic forms of glycerin would impact the production and use of natural flavors that are allowed in organic products.

Currently, synthetic glycerin is allowed in natural flavors only because it is on the National List as an allowed synthetic. Glycerin is used in natural flavors but also in organic bars, organic dietary supplements, baked goods, personal care products, and other products.

QAI has 33 clients using glycerin as an ingredient. We have 265 clients using natural flavors, and 85 clients using organic flavors.
QAI reached out to individual clients to get a sense of the forms that either they were using directly, or the forms of glycerin that their flavor suppliers were using.

In all cases, while our clients had information on the compliance of glycerin to the current annotation, which is the production via hydrolysis of fats and oils, they did not know what type of hydrolysis was employed in the manufacturing process, e.g., alkali hydrolysis, which is the synthetic form or enzymatic or steam splitting, which is the agricultural forms.

And they expressed concern that they would have difficulty acquiring this information or that there wouldn't be enough agricultural forms of glycerin available.

QAI also spoke with FEMA, the Flavor and Extract Manufacturer's Association in the U.S., regarding the impact to the natural flavor manufacturer's supplying to the
organic handlers.

And they indicated that they had conducted a survey with their members on this issue as well, and found that their flavor manufacturers did not have solid data on how the glycerin they were using was produced because this information has never needed to be provided in the past.

They were concerned that removing glycerin from 605 now would result in a critical market shortage of available agricultural glycerin, and they asked if the industry could have more time to collect this data and work on reformulation if necessary.

QAI does appreciate the comments made by Gwendolyn Wyard from OTA yesterday and the figures that were provided on the availability of agricultural forms of glycerin, which it does appear to be enough to meet the needs of the industry.

If the NOSB does decide to vote on the removal of glycerin from 605 and add it to
606, QAI also supports the OTA's technical clarification to the proposed annotation that agricultural forms of glycerin include those forms produced by biological and mechanical physical methods.

And we also ask that consideration be given to implementation time to allow the switch over for the users of glycerin. Thank you.

CHAIR RICHARDSON: Thank you.

Questions? Well, there you go.

MS. WALDEN: Okay.

CHAIR RICHARDSON: It's all clear now.

MS. WALDEN: All right, great.

CHAIR RICHARDSON: Thank you. The next speaker is Troy Aykan followed by Bill Wolf.

MR. AYKAN: Good morning. My name is Troy Aykan. I'm a food scientist and an attorney with the Hain Celestial Group. I also teach courses in food laws and
regulations at Cal Poly and Chapman

Universities, and Chapman University School of

Law.

Today, I will be commenting on
glycerin. We generally support the detailed
comments submitted by Gwendolyn of the Organic
Trade Association. There is a significant
concern that the organic glycerin is not
available in sufficient quantity for the needs
of organic food manufacturers.

We therefore support the motion to
move glycerin from 605(b) to 606. This would
allow the use of non-organic glycerin if
organic glycerin is not commercially available
in sufficient quantity.

We also support OTA's suggested
revision to the classification motion to read,
motion to classify glycerin as agricultural
when derived from agricultural source material
and processed using biological, or mechanical,
or physical methods described under section
205, 270 subsection A.
It is important to include the various nonsynthetic agricultural forms of glycerin that are used in foods and flavors. Finally, it's unclear if listing glycerin on 606 would impact the glycerin that is used in natural flavors. We trust that the board will keep this in mind when addressing the listing of natural flavors on 605 during Sunset review when considering any petitions related to natural flavors.

Going forward, we believe that non-organic glycerin must continue to be allowed in non-organic flavors that are used in certified organic products. Thank you.

Any questions?

CHAIR RICHARDSON: Thank you.

Question, Francis?

MR. THICKE: Thank you, Troy. Do you know if Hain Celestial does use any organic glycerin now, or has looked to source organic glycerin?

MR. AYKAN: Yes, we have so many
different applications so I cannot say that, you know, we all have switched, but we are in constant contact with our suppliers that sells us either organic flavor or natural flavor.

If we are looking at the natural flavor part, right now, they might have --- you said organic glycerin, right? Yes, right now, it's not likely that --- most flavors do not contain organic glycerin.

And then there is also --- you also have the organic glycerin --- I mean, I'm sorry, organic natural flavor that might contain non-organic glycerin because it's listed in 606 currently. So right now there's no incentive or need for the flavor houses to use organic glycerin in organic flavors.

But as the changes are made, you know, this might change obviously. But we have been in contact with the producers. And in fact, if you guys went over some of the comments, one particularly I believe was from FEMA.
They are still asking that glycerin should be moved from 605b -- I mean, glycerin should be moved to 606, but there should still be a 605b version in case, you know, the other parts, their agricultural glycerin is not commercial available. So that was in the comments.

We, in my comments, I picked to follow OTA's suggestion, and hoping that the natural flavor houses in the future might be able to phase into that, but it's not a simple task as I understand.

And what I'm saying here is that we're not discussing natural flavors now, but when we do, we should take into consideration as to how much organic glycerin is available and all that stuff.

So I'm sure that that will be debated and discussed when the natural flavors come up for Sunset, I believe, in 2016 if I'm not mistaken.

CHAIR RICHARDSON: Great, thank
you very much.

MR. AYKAN: You're welcome.

CHAIR RICHARDSON: The next speaker is Bill Wolf followed by Allyson Kelly.

MR. WOLF: First, I'd really like to thank the four board members who have put in incredible time and are leaving, and this is your last meeting. And now I'd like to address the board on two topics.

I'm Bill Wolf, and I'm -- I've been active in the organic community for 43 years as an organic farmer, handler, consultant, and input supplier, and attending NOSB meetings for 22 years since the very first meeting.

I'd like to talk about two things, one on behalf of a Wolf DiMatteo client, Draco, who submitted the petition to remove glycerin from the National List but was not able to attend the meeting today, and second, I have a minor comment about the National
List.

Draco Natural Products supports both of the listing motions recommended by the handling subcommittee to remove glycerin from 605 and to list glycerin on 606. This will allow commercial availability to apply if there is not an adequate supply of organic glycerin.

This addresses the concerns about the availability of organic glycerin. I will say that the process will fill in the gap over the next couple of years while the rule is implemented.

We support the use of organic ingredients, but recognize that the allowance for commercial availability will encourage continued growth of the entire organic product sector.

The handling committee also addressed the classification of glycerin as agricultural or non-agricultural, and offers the conclusion that glycerin produced by
microbial fermentation is agricultural.

This is a good example of agricultural glycerin, but it is technically incomplete, and could be interpreted to mean that only glycerin produced by microbial fermentation is agricultural.

Glycerin produced using biological or physical methods should also be classified as agricultural. This would align with the NOP's draft classification and materials guidance issued in March of 2013.

It would also help address concerns raised in public comment regarding the use of glycerin in natural flavors and made with organic products.

Therefore, we suggest that agricultural glycerin should include all materials derived from agricultural source materials and processed using biological, or mechanical, or physical methods described under 205, 270a.

This is a technical, not a
substantive clarification. The public is fully aware of the proposed changes to the National List.

Draco produces its glycerin organically because it is the right thing to do supporting organic farmers, increasing organic acreage, and the amount of organic ingredients in final products.

Replacing organic -- replacing synthetic glycerin with organic glycerin in organic processed products supports the principles of organic production and continuous improvement.

Draco thanks the NOSB for your dedication in the National Organic Program and its role in advancing organic agriculture. Please support the removal of glycerin from 605 and place it on 606.

This is the third NOSB meeting and public comment period where this petition is being discussed. Please do not postpone this decision. It takes months, if not years, for
your decisions to be fully enforced by the NOP.

Your decision now will give manufacturers and ingredient suppliers the transition time they need, and send a message of commitment to continuous improvement.

Finally, we urge the NOP to complete its work on the classification materials guidance to avoid further confusion and complexity in decisions on petitions.

Regarding the Sunset, I'd like to make one comment. First, my mentor, Bucky Fuller, repeatedly pointed out that the use of the term Sunset was quite obsolete, an old term from when we thought the earth was flat over 500 years ago.

He offered other terms like, "morning sunclipse," and, "evening sunclipse," as the correct term. So I think we need a little perspective on the conversation here. And second -- I'm done.

CHAIR RICHARDSON: Finish your
thought, Bill, please.

MR. WOLF: Thank you. Second -- I guess I'll lose the t-shirt though.

CHAIR RICHARDSON: Yes.

MR. WOLF: Oh, well. Second, I do not believe that there was any intention that the National List be a specific size, or be specifically shortened over time. I think it should only have things on it that are in line with the principles of organic, but it does not need to be shortened.

There are way less non-organic ingredients in organic foods today than in 2002 when the rule went into effect. We need tools. Farmers need tools. Don't reduce our toolbox. Thank you.

CHAIR RICHARDSON: Thank you.

Questions, comments? This is a quiet group this morning. Good, all right, thank you, Bill.

MR. WOLF: Sure.

CHAIR RICHARDSON: The next
speaker is Allyson Kelly followed by Alexis Baden-Mayer.

MS. KELLY: Good morning. My name is Allyson Kelly. I'm the Senior Program Manager for Organic Compliance with the Hain Celestial Group, one of the largest producers of organic products in the world.

We wish to strongly support the relisting of malic acid on 205, 605a. Organic foods and beverages utilize malic acid for acid control and flavoring. It is an ingredient in a number of organic products including some of our snack products.

Malic acid in stored seasoning blends can help slow microbial growth at low concentrations, while providing a smoothly tart flavor that cannot be replicated by any other ingredient on the National List.

Citric acid has similar qualities for controlling acidity, but the astringency and harsh taste are unacceptable for numerous applications. Additionally, citric acid is
too hygroscopic for many dry seasoning blends.

Our sweet potato corn tortilla chips contain malic acid. We have provided samples on the table outside the door for you to taste if you'd like. Maybe it's a little early for chips, but maybe later.

L-malic acid is a nonsynthetic product of fermentation, and has grass status with the FDA. Malic acid also occurs naturally in a variety of fruits and vegetables.

Organic food manufacturers utilize malic acid to produce the safe and flavorful foods that consumers of organic products expect and enjoy. Malic acid should remain on the National List.

We wish to thank the NOSB for their service. We also want to thank Miles McEvoy and the dedicated staff at NOP for their hard work and efforts to support organic foods in the United States. Thank you.

CHAIR RICHARDSON: Thank you.
Questions, Harold? Sorry, not -- Jay?

MR. FELDMAN: Thank you. Thank you for your comments. Can you share with us any more detail on the fermentation process, the feed stocks, and what goes into that?

MS. KELLY: Since I'm not the ingredient -- I don't work really that closely with the ingredient supplier, I don't have that information handy, but I could probably get that for you by the end of the day.

MR. FELDMAN: Okay, thanks.

CHAIR RICHARDSON: Other questions? Thank you very much.

MS. KELLY: Thank you.

CHAIR RICHARDSON: Next speaker is Alexis Baden-Mayer followed by John Ashby.

MS. BADEN-MAYER: Hi, I'm Alexis Baden-Mayer. I'm the Political Director of the Organic Consumers Association. And I'm here to ask you, the Citizen Oversight Board created by the Organic Foods Production Act, to claim your power to restore the Sunset
process.

    Normally, I would come to you to deliver petitions from our members on various decisions that you're going to make. For instance, we collected over 12,000 signatures and comments on a petition from our members who took the time to tell you about Sunset materials that they do not think should be renewed. But there's really no point in me bothering to do that at this time.

    The Sunset Provision of the Organic Foods Production Act has unlawfully been suspended by the USDA National Organic Program. Over 95,000 of our members have signed a petition opposing the violation of the law.

    That's more people than have ever bothered to take action on any other single issue related to organic standards that we have brought before our members, and it's not just us. Food Democracy Now and Cornucopia Institute have inspired just as many of their
members to act as well.

Amy Simpson of Beyond Pesticides did an excellent job of explaining the ways in which the NOP is violating OFPA, and the authors of the act agree with her. The Sunset policy change is in conflict with both the letter and the intent of the statute.

The policy change turns the Sunset Provision of OFPA on its head to create a presumption that all synthetic materials on the National List will be automatically reviewed at the five-year Sunset mark, and to establish a high hurdle, two-thirds vote to remove the material from the list.

This is a complete reversal of the statutory and longstanding policy on the burden of proof that has required a two-thirds majority vote in order to renew a material on the National List. The authors of the law never wanted to see synthetic or non-organic substances used in organic with weak support.

Currently, every material on the
National List got there with a two-thirds vote as required by OFPA. The Sunset policy change means that in the future, National List materials could be renewed with the support of only six members of the board.

This is going to be terrible for consumer confidence to know that the most controversial ingredients are being used in organic with the support of only a small minority of organic stakeholders, probably the stakeholders representing businesses that profit from its use.

What should the NOSB do when the NOP violates OFPA? Well, the most extreme measure you could take would be to refuse to review National List substances and allow them to Sunset. The secretary might renew them anyway, but that would be a clear violation of OFPA that the courts would not uphold.

The other thing you could do is to negotiate. You can use that power that you have over the Sunset process to make the USDA
do the right thing. The USDA might reverse course. They might leave Sunset alone, or they could do what the authors of OFPA asked, submit this substantive policy change to a full notice and comment rulemaking.

And the other thing that you should do is to insist that USDA limit its proposal to future National List substances.

Everything that's currently on the list got there based on the assumption that it's coming off in five years. When the NOSB voted on these substances, they couldn't have known that the Sunset process would be made toothless.

NOSB members have often justified their votes by saying that the industry needs time to move away from a synthetic substance, and they have done so believing that future renewals would be based on a vote of ten out of 15 members of the board to review.

This is why we're the Organic Consumers Association. We think USDA Organic
has the greatest potential to be the very most meaningful standard.

CHAIR RICHARDSON: Thank you very much, Alexis. Questions, yes, Jay?

MR. FELDMAN: Thank you, Alexis, for your comments. How does OCA know what consumers think?

MS. BADEN-MAYER: Well, we're in communication with about two million of them. That includes all of our social networks and our email list. And like I said, this just garnered so much attention from our members. Usually, you know, compare what we've got on current Sunset materials. We usually collect around 12,000 signatures on a petition related to a specific material in organic.

You know, we're also sending our list information about dangerous GMOs, and pesticides, and factory farms, antibiotics used in agriculture, like really hot topics that people hear about on the news, care about
desperately.

And then we also tell them about egg white lysozyme, and normally these issues don't strike a chord. The change in the Sunset policy is such a horrible violation of the law, and it just smacks of indecency. It's just so -- it's so different from everything that's come before it.

Consumers see that change as really significant. It's not just quibbling over one ingredient. It's changing the whole process to make it -- it's just -- it's meaningless for me to be here today to talk to you about any of the Sunset materials.

Our voice doesn't matter anymore, and that's what our members are really exercised about. That's why we had almost 100,000 people take action on this. That's why Cornucopia and Food Democracy Now collected the same number of actions from their members.

This is a really big deal. This
is the biggest deal since the Congressional changes to OFPA after the Harvey lawsuit which was when I started my work on organic, and this is when I'm going to end my work on organic.

I'm not going to come back to NOSB meetings. I don't think that there's really any opportunity for the work that I do on organic to be meaningful at this point. So, but we'll be here.

Patrick Kerrigan is going to be here. He's fresh. He's not as dispirited as I am, and he's a nice guy. And I'm sure you'll all enjoy his company. So I think that, you know, we have hope like I said.

I think this is -- organic has the potential to be the most meaningful standard ever. It's because it's a democratic standard. It's a public standard. It's a standard of the people, by the people, for the people.

I mean, no other standard can
competent. All of the other standards are private standards. This is a public standard, and it's a democratic standard, and that's why it has the potential to be the best.

We're at a low point now, but I think that, you know, Sunset was changed, and it can be changed back.

CHAIR RICHARDSON: Any other comments? Thank you for your passionate speech, and I hope that you don't give up, but be optimistic like so many of us are. Thank you. The next speaker is John Ashby followed by Thomas Harding.

MR. ASHBY: It's either appropriate or ironic that I follow Alexis. I feel like I need one of two things. Either I need Paul Harvey to come up here and say, "And now it's time to hear the rest of the story," either that or "Ave, Jean. Morituri te salutant!"

I'm John Ashby, and I approve this message although some of you may not. John,
Joe, Jay, Wendy, thanks for your service, and
the rest of the board. Thanks for sending
them out with five years of growth. And may
it be so that the people who start next year,
when their five-year term is up, that they go
out with five years growth also.

I let somebody down. I want to
offer my personal apology to Miles for not
making the hearing session, and therefore, I
would have had the chance to offer a voice in
support of the National Organic Program.
Thank you and your staff for your work.

You guys are as responsible for
growth as the people doing the work, as the
board here is. And thank you for the legal
determination on Sunset that makes it require
a little more agreement to change the way we
make organic foods.

Now, to me, if you think organic
is good, you've got to tie the word growth to
it, and I do. And one of the things that's
really important about this board is the
decisions that this board makes affects how
organic is going to grow.

I'd like to suggest this should be
one of the, one of the, not the only, top
thoughts that you have as you're making these
decisions.

Now, you can make a decision that
negatively affects growth, but you should
understand how it's negatively affecting
growth, and you should understand in your
heart that you think that's worth it. I think
this is really important.

Let's take a look at gellan gum.
We had one case who got up here and spoke to
you about how she's going to lose, I can't
remember exactly what it is, somewhere around
40 million pounds if she loses this gum.

I think it's an important thing to
keep in your mind that when it's made so that
products can't be made organic anymore, it
doesn't mean the products come off the shelf.
It means the products on the shelf are
conventional and not organic, and that was just one case.

When you lose the sales of the milk and the products she was talking about, you also lose the demand on the agriculture that has to feed these cows. This is really a huge, huge thing. We need to keep this in mind when we're making these kinds of decisions, similarly, with methionine.

Any pressure you put against the chicken industry is going to reduce its strength, going to reduce its demand on organic agriculture. Again, there may be reasons to do this. But please, make these decisions while thinking about how it's affecting the growth of this industry.

Gum trag is liable to end up being a really interesting story. The story that this is going to send to that person who's going to lose his business - he said he's going to lose his business if he doesn't get the gum trag - is not to go into organic
business because you can't be sure what's
going to happen, and you can't trust what the
outcomes are going to be.

By way of confession, I'm a food
scientist, actually one of the experts in the
world at it, and I want to thank you all.
Please keep growth as one of the major things
to keep in mind because organic is worth it.
That's exactly four minutes.

CHAIR RICHARDSON: Thank you.
Well, the buzzer hasn't gone off though. You
forgot to do it? Okay, well, he does get the
magic wand today.

MR. ASHBY: My dogs barked at four
minutes.

CHAIR RICHARDSON: Questions,
comments, Harold?

MR. AUSTIN: As usual, great
presentation, John. You touched on, I think,
a point that we often overlook as we sit here
and we hold these deliberations, discussions,
robust conversations, where the organic
community, the stakeholders are today versus where they were when all of these rules came into effect.

And I think you touched on it when you talked about growth. And one of the things that we need to look at is how we impact that. Could you explain or give us your thoughts a little bit more in detail on the growth as you've experienced it, of where our organic industry was when all of this came into fruition versus where it is now, and the considerations of the impacts of the deliberations that we --- on these things that we have to decide?

MR. ASHBY: The impacts of the what? I couldn't --

MR. AUSTIN: Well, on the decisions that we're making, and how that --

MR. ASHBY: Okay.

MR. AUSTIN: -- impact maybe varies a little bit today versus 20 years ago because of the sheer size, the volume, and the
complexity of where organic now has grown to?

MR. ASHBY: Well, there's --- let me give a little personal example. I won't single the person out. But I can't even remember how long ago this was. But I may have developed the very first organic flavor ever, it was a lemon flavor, years before there was any organic rule.

I frankly have really not got any idea if that would meet today's standards at all, but it was, you know, it was the best we could do at the time. It was a start.

And we've, you know, we've moved light-years beyond that now, in terms of looking at these things and seeing how it works. However, you know, this was mentioned at the meeting.

One of the things that happens here is one sees a relative absence of comments as a lack of interest. And I can tell you for sure there's a lot of people that are just plain afraid to come here. People
making organic food, their attorneys won't let
people come up here and talk. In some
regards, you should perhaps disregard
everything I'm saying, that I come up here and
say, proving my lack of common sense.

But like I said before, you know,
the growth of this is really crucial. I mean,
and it can't be taken --- it really can't be
taken lightly the impact you guys have on
this, all of you.

Every single time --- you know,
one way to look at this, in the absolute most
extreme, is this now it's a choice between
organic and 2,4-D. When the demand goes down
on organic, the demand on organic crops goes
down, and they become conventional.

This is where we are now. This is
really -- this is an element of the trade off.
It's a scary thing. It's a problem that you
can't get as much feedback as you need because
people are afraid to speak up. And some
people, like our gum trag guy just, you know,
he's busy running a business, you know.

CHAIR RICHARDSON: Harold, follow up?

MR. AUSTIN: Follow up question.

How would you suggest that the NOSB, the NOP, what can we do different to get a more presence of equality of the various stakeholders, and to remove the concerns or the fears of those individuals that are afraid to come here and speak on behalf of themselves and their businesses or their farms? Is there an easy solution to that or not?

MR. ASHBY: There is not an easy solution to that. There's not an easy solution. But, you know, if some of these things that happen to people who do speak up, if that were to be toned down, that would help.

You know, what you've got is you've got --- you've just got attorneys rightfully afraid that their brands are going to be destroyed by people because these kinds
of things happen. And it's a --- there's no way you can tell them that's not a realistic fear, there just isn't.

And so, you know, it comes down to people without common sense, like me, who are willing to stand up here and, you know, go ahead, do what you want.

CHAIR RICHARDSON: Thank you, John.

MR. ASHBY: Thank you.

CHAIR RICHARDSON: The next speaker is Thomas Harding and will be followed by Rebecca Thistlethwaite.

MR. HARDING: Good morning. First of all, Madam Chair, what a good job you're doing. The NOSB, those coming and those going, we thank you very much for your very important work, and it's not an easy job. And Miles, your team is doing a good job. Accept the criticism, build on it, but we thank you all for that you do.

First of all, I want to remind you
that we leave the year of the farmer and we enter the year of soil, the most important part of organic production. Let's make sure that we never forget that everything begins there.

I'm here this morning just to talk in support of a material, acidified sodium chlorite, which is proposed to be added to organic livestock production. It was removed from the agenda last meeting, and I'm hoping that, and I encourage you to move it to the agenda for the next meeting.

And if there are any technical aspects that are needing to be reviewed, as the young lady from Organic Valley spoke yesterday, we have people following me that can really deal with the technical aspects.

This is a very important material, and it's very important that we have options, in fact, that we have qualified options. There are very few when it comes to tit dips for dairy men.
It's really important that we look at it in the long term and the perspective that it is a health and wellness thing, but it also has a humane factor to it.

The other thing is, as I was glad to see yesterday, that you've moved NPE to a technical review. That's a very important issue.

In many countries, particularly where we were in the last week, the European Union, Japan, they are totally prohibiting any sanitation material or livestock material with NPE. So, that study is really important. Pay a lot of attention to it, and make sure that we look at the big picture for the long term.

I'm looking forward to ASC hitting the agenda at the next meeting. I encourage you from the subcommittee, and committee level, and on the NOSB level, to really support this material for organic livestock use.

Two quick points. I want to
remind everyone in here that in the growth of this industry over the last several years, particularly since 2011, has been incredible. We've averaged over ten percent, in some cases 20 percent a year. That took place because of this rule. The Beyond Organic concept that it's better than organic is nonsense. We are the only legal system. We have a framework. We have the only fully documented system that is transparent to the public through the organic system plan, the inspection process, the certification process, the compliance and penalty process. Let's not forget what you're building here.

The other thing is achievement is incremental. We never thought that the materials list would be an endless list, but you should have seen it before the law. Every certifier had a list of several pages.

So it's really important that you recognize that these tools, these materials, these processes, are incredibly important to
growth. Through innovation. Through building strong industry and research, we'll improve the material process so we can reduce the materials list, but don't remove the tools.

Do not remove the tools that are essential and that prove functional, that meets the environmental criteria and meets all of the aspects of the petition process. It's really important that we understand where we're going.

The idea that Beyond Organics can stand up with any credibility to what the organic legal system really represents, in my opinion, is just not true. We need to build on truth. We need to build on transparency. We need to build on consumer education. But let's not throw the baby out with the bath water.

And let's promote the benefits of organic, the values of organic, and the importance of producers. It is really essential that we do something about GMOs to
the point that we say to Mr. Secretary, as
I've said many times --- may I finish my
point?

CHAIR RICHARDSON: Yes.

MR. HARDING: Coexistence with
GMOs for the organic industry is not feasible.
The legal framework that the contaminator pays
is essential. Thank you all very much.

CHAIR RICHARDSON: Thank you for
your comments. Are there any questions? Yes,
Tracy?

MS. FAVRE: Thank you, Mr.
Harding, for your comments. I want to one,
let you know that we do plan to bring
acidified sodium chlorite to the agenda for
the spring meeting.

And as one of our farmers on the
Board says, on the farm it's called a tit, and
in the town it's called a teat, so we call it
a teat dip, just for the record.

MR. HARDING: Thank you very much.

MS. FAVRE: The question that we
had originally was about the multiple uses of acidified sodium chlorite versus chlorhexidine. Can you speak to that briefly, please?

MR. HARDING: Following me is a representative of the company that makes this product, and we'll let him address specifically your question.

But one of the things that's really important is that all of the environmental studies, everything that we've done, when we looked at the list as general, we found that really with the materials that are on the list right now, sometimes they're not optional because they contain other materials that are prohibited.

So I'll wait for the gentleman from Eco Lab to get specific into your question. But what's really important with what we're doing here is this is a proven product.

It's environmentally a very
important product from the standpoint of health and wellness for the animal, and particularly for the well being. He'll come up in about a half an hour, I think.

MS. FAVRE: Thank you very much.

CHAIR RICHARDSON: Any other questions? Thank you.

MR. HARDING: Thank you.

CHAIR RICHARDSON: The next person to speak is Rebecca Thistlethwaite followed by Scott Rice.

MS. THISTLETHWAITE: Hello, my name is Rebecca Thistlethwaite and I'm from Mosier, Oregon. I'm a Policy Analyst for the Cornucopia and a former organic poultry producer. I'm here today to discuss two items on the agenda.

The first is the Livestock Subcommittee discussion document on livestock vaccines made with excluded methods. The second is the Sunset Review of sulfurous acid that the Crops Committee and the full Board
First off, I have to say it's very disappointing that vaccines are the only agenda item for the Livestock Subcommittee. To see that methionine discussion is still languishing in subcommittee is, frankly, unacceptable. This is a critical issue to the integrity of organic animal production and yet we keep pushing it off.

On the positive side, I am happy to hear that origin of livestock and animal welfare regs are moving forward through the pipeline. Miles, I encourage you to please shepherd them through that process.

Back to vaccines, the discussion document put forth by the Livestock Subcommittee in August asked for more guidance from the NOP on how to make a determination of whether a vaccine has been produced with excluded methods, so that it is not left to the certifiers or MROs to make that decision. Due to labeling inconsistencies,
confidential business information, and a
growing number of complex genetic engineering
techniques, it is next to impossible for
certifiers and MROs to determine if excluded
methods were used to produce a vaccine.

In 2012, the NOSB recommended that
the NOP help identify all vaccines registered
with the USDA as either GMO or non-GMO, and
produce a list that could help certifiers and
producers. The USDA, in their infinite
wisdom, said if they created this list, it
might imply there's something wrong with
vaccines produced with excluded methods, and
they were concerned about liability issues.

So, no list has been created.
Meanwhile, producers may be using vaccines
with excluded methods without knowing it, and
the NOP just turns a blind eye to this
situation. A further watering down of organic
integrity.

Now, onto sulfurous acid. I did a
lot of research on this material, finding
information that not even the technical review mentioned. We wish the contractors producing the TRs were compelled to be more thorough in their research as well.

I want to support this material to help growers combating alkaline soils in irrigation water. However, the Crop Subcommittee has not provided us with enough information in order to keep this material on the National List. There are still too many unanswered questions regarding the human health and environment criteria.

Sulfurous acid produced by burning elemental sulfur and passing water over the gas can be an effective technique to combat alkaline soils in irrigation water. To illustrate the size of the problem, the USDA estimates that between 60 and 70 percent of world's crop land has a pH over 7.

In just the state of Utah alone, 92 percent of soil samples that Utah State University receives are over a pH of 7. So
this is a big problem, particularly in western states, and it's a growing problem.

There's other techniques to deal with alkalinity, but they each have their limitations. For example, irrigation leaching of salts below the root zone can help reclaim acidic soils, but many growers in arid environments are under water restrictions where it's not possible to over-irrigate. It can also leach out excess nutrients.

We learned from a couple sulfur burner researchers that there are currently few safety protocols nor safety maintenance procedures in place with sulfur burners at the farm they visited.

We also contacted the EPA and Department of Air Quality. We found that there are no regulations on these machines even though they have some emissions of sulfur dioxide, a potent greenhouse gas and source of acid rain. Thank you.

CHAIR RICHARDSON: Any questions?
Okay, thank you. The next speaker is Scott Rice, and followed by Mitch Blumenthal.

MR. RICE: Good morning. My name is Scott Rice, and I'm the Accreditation and Quality Manager for the Washington State Department of Agriculture Organic Food Program, the country's largest, oldest, and best state certification program.

I serve as the Board Chair of ACA, the Accredited Certifiers Association. An association of 50 accredited domestic and international certifiers and supporting members from the organic community.

The ACA's mission is simple. We are a member-based association of accredited organic certifiers and supporters who value certification. Our association collaborates, educates, and advocates sound and sensible implementation of the USDA organic regulations.

While ACA has submitted comments and documents for this meeting's agenda, I am
here to share some of the activities of our association and the work that we do. Work that seeks to expand partnerships in the spirit of continuous improvement of the organic sector.

I would first like to thank the outgoing members for their work and dedication to the organic integrity and the organic label that each of us in this room shares. Also, a warm welcome to the new members coming on board. While you're not here yet, we look forward to a productive partnership.

Partnership is integral to what we do at ACA. We see ourselves as partners in certification with fellow certifiers, seeking consistent, rigorous implementation of the USDA organic regulations.

We accomplish this through an active list serv discussion, working groups that bring together diverse voices and geography, covering topics ranging from the most recent instruction from NOP to proposed
documents on upcoming NOSB agendas, and finally through our annual capstone event, a certifier training held in conjunction with NOP staff during which we deliver a dynamic, interactive agenda that further builds on our collective strengths and understanding of the organic regulations.

Through this partnership, our fellow certifiers, we now see the least variances in interpretation of the standards in a decade.

This partnership also extends to our clients. While we are regulators, we strive to see our clients succeed and organic acreage grow. All the while ensuring that organic integrity remains strong.

We do this by offering technical assistance to our clients, connecting them to resources so that they can better understand and comply with organic regulations. As well, we work continuously to improve our processes.
and forms, seeking to streamline certification steps.

One example of how we are doing this is through the recent sound and sensible contracts awarded by USDA. Certifiers and technical assistance providers, such as the International Organic Inspectors Association, are embarking on exciting projects to break down the barriers to certification.

ACA is collaborating with IOIA on these endeavors, and WSDA is working on some exciting projects of our own. So stay tuned for more on that.

This brings me to my last point. Under the leadership of WD administrator McEvoy, and the support of Secretary Vilsack, these partnerships are materializing and growing stronger. We see organic standards that are clearer and stronger than they've ever been.

NOP has implemented a wide variety of measures making the standards stricter,
held certifiers increasingly accountable through more thorough accreditation audits, while giving us the latitude to reduce paperwork and cost burdens for the clients that we serve.

ACA was pleased to partner with NOP, the National Organic Coalition, IOIA, and other organization in spring 2013 to kick off the implementation of sound and sensible initiatives, initiatives that now weave through our everyday work.

There is still much work to be done. We look forward to these continued partnerships, and invite the NOSB to join us. We invite you to tap into the deep wealth of experience and knowledge of our membership, and our connection to the organic operations we serve.

As we continue to build the partnerships essential to our collective success, and strive for the highest standard of organic integrity, know that we are a
resource ready to help. Thank you.

CHAIR RICHARDSON: Thank you.

Questions, comments, Harold?

MR. AUSTIN: Thanks, Scott. Could you elaborate maybe a little bit on WSDA's implementation of the sound and sensible process during the inspection part of the processes for, you know, looking at --- or I'll say my Organic System Plan and stuff, to incorporate and use that as a way to not just look at that specific point where the inspector is out there for our annual review, to look at what we're doing for soil amendments, for soil conditioning, for all of that?

But how, with sound and sensible now becoming a part, that that's --- your inspectors are --- how are your inspectors using that to look at our process over an extended period of time for --- during our point of review, annual review?

MR. RICE: Sure. We've really
shifted our focus to observation and verification. You know that's always, obviously, been part of our inspection process, but it's easy to, as an inspector, kind of get into the -- into your sort of, making sure you've hit your check boxes and your required fields.

But we've really put an emphasis on kind of that kicking the tires approach of you're walking through that orchard or that field with the client, and you can see the measures that they've put in place for soil building, for increasing organic matter. You know, a lot of our orchards you see the prunings left in the rows, and you see that degrade over time, and you come back the following year and see that soil continue to build.

As far as the sound and sensible approach, it really --- you know, again, we've moved away from requiring every last piece of documentation to show that something's
Instead, maybe we verify that something is happening through a standard operating procedure that's understood by everyone involved in the operation versus having a slip of paper for every last clean out. It's just understood in that operation that this is something that is expected, is understood, and is happening. Does that get at it?

MR. AUSTIN: Yes, I think --- and part of that is the looking at, as you've implemented this sound and sensible, and you're shifting away from --- there's still a lot of the paper processes in place, but isn't it true that your field staff has really turned the focus into actually physically feet on the ground, working with those entities that they're certifying, the producers, the growers, the handlers, to really ---- feet on the ground, to look at the nuts and the bolts, to ensure that everything that they say
they're doing, that they're actually, in fact, doing?

MR. RICE: Oh, indeed, yes. We're still looking at all of those control points, and getting out in those fields, and seeing what's going on there.

CHAIR RICHARDSON: Thank you. The next speaker is Mitch Blumenthal followed by John Brunnquell.

MR. BLUMENTHAL: Good morning, and thank you. Madam Chair, in the sense of humor, I'd like to start off with a short joke if I can. Why did the conventionally grown banana go to the doctor? It wasn't peeling well. Gosh, I thought you'd all know that one.

Anyway, good morning. My name is Mitch Blumenthal. I'm a tree hugging, dirt worshiper. A farmer. I'm a member of the Organic Produce Wholesalers Coalition. I'm also a citizen lobbyist for The Cornucopia Institute.
I volunteered to help present testimony because I want to ensure that the integrity of organic food, specifically organic produce, fruits and vegetables, is not diluted.

I neglected to mention that I'm also, as part of the OPWC, the owner of the most significant distributor of organic produce in the southeast, Global Organic Specialty Source.

I want to first comment on the excluded methods terminology discussion document. Since the definition of excluded methods was developed in 1995, several issues have come to require further clarification.

These include: the use of genetically mutated algae and untraceable plant breeding techniques, such as double haploid production, irradiation, chemical mutagenesis, cell fusion, and embryo rescue. Also the use of GMOs to make biodegradable, bioplastic mulches. This is a big issue for
our growers, and something that needs to be discussed further.

It reminds me at Eco Farm three years ago, I attended a small meeting regarding sustainable packaging for organic produce, and we saw a great presentation. We saw these beautiful, sustainable clam shells, only to find out that they were made with GMO corn.

So, as an organic produce distributor, we had the question of, is it better to have something that's biodegradable yet made with GMO corn, or better to use a foam tray which will sit in a landfill for a long time? These are really important issues.

We do agree with the materials GMO Subcommittee recommendation to keep the U.S. organic regulations a process-based system, including excluded methods.

Currently, educated consumers, and I use that word educated, expect genetic engineering to be absent throughout the entire
process of organic agriculture.

And I use that word carefully, educated consumer, because as we know, a lot of our consumers out there are not in the organic world as we are day to day, and they're not educated. We've made a commitment to educate our consumers at our place of business, and the OPWC has done the same.

I think Dr. Rangan's testimony yesterday, and Max's presentation as well, should be a real wake up call to everyone in this room and at this table that this label that we see before us is becoming diluted. We can't let that happen.

The discrepancies of what's expected in organic agriculture, and the reality of what occurs must be addressed. For example, genes from genetic engineering might be detected in organic products because of cross-pollination, or contamination in transportation, or processing facilities.

Likewise, it will be ultimately
challenging, if not impossible, to exclude
genetic material created from techniques that
have been used in breeding facilities for
decades.

Genetic manipulation of plant
breeding materials has already occurred in
many crop varieties that are currently widely
used in organic farming. The commonly used
techniques include embryo rescue, mutations
through irradiation, exposure to chemicals,
and cell fusion.

Some of these techniques are no
longer traceable since they were used to
initial crosses, and have been passed down
through many generations. These techniques
are standard in the majority of public and
private plant breeding labs.

Likewise, there are many new
varieties in development that are using these
techniques. Wow, I shouldn't have started
with a joke.

(Laughter)
CHAIR RICHARDSON: We get the idea though.

MR. BLUMENTHAL: You get the idea. Thanks for allowing me to give testimony. If you have any questions on the excluded methods terminology, feel free to speak to the scientists at Cornucopia. If you have any questions about organic fruits and vegetables, feel free to speak to me.

CHAIR RICHARDSON: Great, thank you so much. Thank you.

MR. BLUMENTHAL: No questions?

DR. TAYLOR: Do you have more?

Did you --- can you complete your thought?

MR. BLUMENTHAL: It's mostly technical. I think you guys got the idea.

DR. TAYLOR: Okay, great.

MR. BLUMENTHAL: Yes, but thank you.

DR. TAYLOR: You're welcome.

MR. BLUMENTHAL: Thank you.

CHAIR RICHARDSON: So we have John
Brunnquell, and we'll take a ten minute break following John's presentation.

MR. BRUNNQUELL: Good morning.

Today I'd like to talk to you about three issues facing the poultry industry:
methionine, NGMO vaccines, and outside access -- if I can get this to advance.

John Brunnquell, I've been in the egg industry for 27 years, President of Egg Innovations. One of the unique things we bring to the egg industry is 100 percent of our birds on a commercial basis go outside, on the ground, engage in natural behavior, dust bathe, scratch and the like.

So the comments I bring about methionine, I will bring a frame of context to it that we provide outside access, pasture, and natural behavior.

I've heard over the last several months commentary from some members of the Board that we need to keep pressure on the egg industry to find alternatives to methionine.
I would contend it's the opposite. The egg industry needs to bring pressure to you.

We've set a bar at two pounds, and this is feathering at three pounds. This is feathering at two pounds in the same environment. We've set that at the NOSB level.

However long you haggle or debate the issue of average versus cap, it doesn't change the fact that the industry is out there dealing with animal welfare issues today. And if you do not deal with this issue until next spring, for another six months we will deal with these issues. We will deal with them. But we contend that the issue is with this Board to allow us an average, and to do it very rapidly. In our opinion, support the cap.

The second issue is NGMO vaccines. Specifically what I want you to be aware of is salmonella enteritidis is a vaccine that is based off of GMO technology.
Second, I'd like you to understand that as of January 1st, 2015, it is the law of the State of California that all organic birds, and all birds in general, will be vaccinated with an SE vaccine or you do not sell those eggs in California, and that is the law.

As such, if you eliminate NGMO vaccines without an alternative, organic eggs don't exist in California. So we are supportive of the elimination of GMOs, but provide us a commercial alternative first.

The last issue I want to talk about is outside access. We believe that birds that are producing organic eggs belong outside, on the ground, on soil, with significant access. USDA and NOP, please finish that job. Thank you.

CHAIR RICHARDSON: Thank you, John. Questions? Tracy?

MS. FAVRE: Thank you for your comments and for bringing us some photographs
so we can really visualize what these restrictions might have -- the impact they might have.

Could you address your thoughts towards -- we heard comments earlier today that there has been some studies done that basically don't show the negative impact with reductions in methionine as we're hearing? And so, as a Board, and as a Livestock Committee, we're getting sort of conflicting information and we need some help understanding that.

MR. BRUNNQUELL: And we truly understand the conflicting information you receive. I'll try and say it as simply as I can.

The Board, and anyone else in the industry, has an open invitation to see our facilities. All of our facilities have a minimum of ten square feet outside, and they go up to 50 square feet outside. All of our facilities allow the birds to dust bathe,
1 perch, scratch.

2 We'll show you the diets, and

3 we'll show you birds that are on non-organic
4 diets with three pounds. We will show you
5 organic birds, two pounds. They have no
6 different production regimen. They are both
7 managed the same way.

8 And we will point out the
9 differences to you on animal welfare issues,
10 whether it is feathering --- I'm in a northern
11 climate, Indiana, so I'm about to enter the
12 cold weather season. So I'm going to deal
13 with elevated levels of ammonia and, because
14 I have to put higher levels of protein in the
15 diet, it only exacerbates the issue.

16 And so, what we're saying to
17 everybody is we are happy to open our doors to
18 give people a firsthand visual so that we're
19 talking with facts in a real world environment
20 rather than speculation or reports from
21 another country.

22 CHAIR RICHARDSON: Francis?
MR. THICKE: Thank you for your comments. Yesterday, a representative from the poultry industry said that in about 80 of the birds do not show any problem with methionine at the levels now, but 20 percent do, and he didn't have any explanation for that. Do you have any thoughts about why some do and some don't?

MR. BRUNQUELL: A number of factors come into play, and I wouldn't disagree that it's not a universal issue. It depends on your nutritionist, because each producer has a separate poultry nutritionist and they'll have their different philosophies on nutrition.

It will depend on climate. If you're a producer in southern California versus Michigan, we deal with different, you know, weather issues. And so, a lot of factors weigh into the issue.

And it depends on what outside access means. When you say 80 percent of the
organic birds don't have an issue potentially, we have a full plethora of what outside access and what the living environment in current organic standards mean.

So it's a very dynamic issue. It isn't a single topic that is cause and effect, that you can eliminate this one issue and you solve the problem.

MR. THICKE: So do you think that access to the outdoors does help change it?

MR. BRUNNQUELL: Clearly. We've transitioned 100 of our -- even our non-organic birds. We believe that strongly in outside access.

MS. FAVRE: So we also heard comments earlier today that this is not an animal welfare issues, that it's a production issue. Can you speak to that, please?

MR. BRUNNQUELL: Yes. My background is I grew up on a poultry farm, 27 years in the industry, a master's degree in poultry science, and looking at 40 farms every
1 week.

I'll show you pictures. I'll show
you quantitative data. It is an animal
welfare issue that we can score and we can
measure.

CHAIR RICHARDSON: Colehour?

MR. BONDERA: Thank you, and thank
you, John, for your presentation. I think you
bring up important observations and
experiences.

I wanted to ask you, based on what
you chose to present, if you would be willing
to address the question that we, on the
Livestock committee -- Subcommittee, have to
address? But also has been brought up, which
is --- I think, from your presentation, it was
interesting that you chose to talk about the
non-GMO vaccines need to be available if we're
going to talk about GMO vaccines because
vaccines are necessary, and then that same
question.

And this isn't exactly about
methionine because I think the question is synthetic methionine, and that wasn't really emphasized because I think that's a critical thing to point out. When you were presenting, I wanted to add that word to your presentation, but that's not my point.

My point is, what do you think, or can you address your observation or experience with the development or pursuit of alternatives to the synthetic methionine that have come up a little bit in the conversations, but also you must be fully aware of, and how those could, or should, or will be impacting the industry in your opinion? Thank you.

MR. BRUNQUELL: I serve on the United Egg Producers Organic Egg Committee, and I travel with that circle of producers. I serve on the Board of Directors of the Organic Egg Farmers of America, and I travel in that circle of producers. We talk about this as an industry
relentlessly. I serve on the Methionine Task Force. We have an incredible desire, as an industry, to find an alternative. I will be the first one to -- when a commercially available alternative is available, we will move there.

It's not a cost issue. It's nothing more than there is not a commercial available application. And it's not bugs, and it's not worms, and it's not high methionine corn.

What we fail to remember is at this point, there are 10 million organic layers in the United States. Then you add the broilers and other avian species. Commercial availability is a very significant topic when you run the math.

And so, while we see these studies done in labs and in micro settings that have theoretical results, when you take them out to the scale of organic in the United States, they are not sustainable at this point.
Having said that, that does not at all relieve our desire to find a solution, and we will aggressively, as an industry, pursue it on an ongoing basis.

CHAIR RICHARDSON: Wendy?

MS. FULWIDER: What do you think will happen to your industry if this Board takes methionine away from you?

MR. BRUNNQUELL: What will happen to the industry is a couple of things, at least in our opinion.

Number one, the birds will still live. They'll lay less eggs. There will be higher mortality. They will be other operational issues. That will lead to an elevated cost of organic because, as an industry, we will pass along those operational costs.

So a portion of the industry that's not prepared to deal with it will dissipate, and a portion of the industry will simply arrive at a price point that, if it's
the rule of the land to operate in that
environment, we'll comply.

But we will recognize that it
isn't what's best for the birds. It doesn't
meet our charter of being concerned about the
animal, but we will follow it, and we will
adjust prices accordingly, and pass those
prices along.

CHAIR RICHARDSON: Thank you.

We'll take a ten minute break now, so
synchronize your iPhones. It's 10:39 on mine,
so that --- if you add on ten, that's when
we'll come back, and we'll start promptly with
Alesia Bock. Thank you.

(Whereupon, the above-entitled
matter went off the record at 10:39 a.m. and
resumed at 10:51 a.m.)

CHAIR RICHARDSON: The first
speaker is going to be Alesia Brock and before
she says her comments, I know that Mac has an
important announcement to make.

MR. STONE: So the standing at
this time, John Ashby is the lone winner of the timing of public comment. His timing was impeccable at four minutes. So John, don't go away without your tremendous gifts.

Bill Wolf and Rebecca Thistlethwaite both stopped immediately upon the red light and the respect for the time. So both of them each get one of our wonderful prizes. And there's more if you can achieve it.

CHAIR RICHARDSON: So the challenge is on for Alesia Bock who's going to come up next, followed by Jim Winter.

MS. BROCK: All right, thank you. Hello Madam Chair and members of the Board. Thank you for the opportunity to provide comments today.

My name is Alesia Bock. I'm with Agrosystems International. And I'm providing comments today to the Board and the Livestock Committee regarding acidified sodium chlorite or ASC.
While I understand that ASC is not specifically on this meeting's agenda, I'm appreciative to hear that it will be on next spring's agenda. And I'm here to support our -- support the petition to add ASC as a synthetic substance allowed for use in organic livestock production in Sections 205-603 of the National List.

During the NOSB meeting earlier this year, several members asked for additional technical information on this material regarding two questions. Chlorite residues in milk and workplace exposure to chlorine dioxide generated during teat dip mixing and application.

That data was submitted to the NOP and NOSB immediately after last meeting. In addition, the material expert is here today to answer any further technical questions that you have. And I believe he's coming up after me.

At the spring meeting, NOSB also
suggested that it would be helpful to hear from organic dairy producers regarding their need for the alternative teat dip product and not just from the manufacturer. Yesterday, you heard from Organic Valley regarding their support for the addition of ASC to the National List.

Today I am submitting 87 additional petition signatures on behalf of organic dairy producers representing six states in a wide geographical area. From the west coast through the mid-west to the east coast.

These petitioners have agreed that this alternative teat dip material is necessary due to limited viable alternatives currently available. And it is a necessary tool to keep their herds healthy and avoid the need for antibiotics.

In conclusion, we respectfully request that NOSB consider these additional petitions in favor of adding ASC to the
NATIONAL LIST, SECTION 205-603 FOR USE IN

ORGANIC LIVESTOCK PRODUCTION. THANK YOU FOR

YOUR TIME. THANK YOU FOR YOUR SERVICE ON THE

BOARD.

CHAIR RICHARDSON: THANK YOU.

QUESTIONS? THANK YOU VERY MUCH.

NEXT SPEAKER IS JIM WINTER AND IT

WILL BE FOLLOWED BY DAVID BRUCE.

MR. WINTER: GOOD MORNING, MADAM

CHAIRMAN AND BOARD. THANK YOU VERY MUCH FOR

THE OPPORTUNITY TO SPEAK TO YOU AGAIN.

I WAS HERE LAST SPRING SUPPORTING

ACIDIFIED SODIUM CHLORITE, ASC FOR USE IN TEAT

DIPS FOR USE ON ORGANIC DAIRY FARMS. DURING

THAT PRESENTATION, I DID RECEIVE SOME

QUESTIONS. Alesia just commented on those.

I THOUGHT I WOULD FOLLOW UP A

LITTLE BIT FOR THOSE OF YOU THAT DID NOT GET

THE INFORMATION WITH THOSE QUESTIONS AND A

LITTLE BACKUP INFORMATION. AND THEN OPEN UP

FOR FURTHER QUESTIONS ABOUT THIS TECHNOLOGY.

FIRST OF ALL, THERE WAS A QUESTION
concerning the potential chlorine residue in milk. Chlorine residues in milk while using acidified sodium chlorite teat dips have not been a concern because chlorite residues were non-detectable in extended herd studies and chlorite is not persistent in milk changing to chlorite that is already present in milk.

I gave two examples in the information. My technical support team went through the data and we gave two examples. One of those was a Cornell study where a sodium chlorite teat dip 4XLA was used pre and post and milk samples were gathered and then tested for chlorite and there was none present.

There was a second reference to a paper that was presented at National Mastitis Counsel related to a measuring chlorite in milk. And the fact that once it is in milk, it immediately over a very short amount of time will convert to chloride which is salt, which is what our claim was made when I made
the presentation.

The second question was around the potential workplace exposure to chlorine dioxide. Which is what is -- a gas that is given off when acidified sodium chlorite starts to degrade.

Chlorine dioxide is a water-soluble gas that has an odor similar to that of chlorine. It is an oxidizer and has been used as an antimicrobial for various applications, one such as teat dips. And that's for the last 25 years.

To backup that information, I did present data from an on farm study that was run looking at chlorine dioxide release. And whether that was an issue. The data would show that in the study, the detection devices had to be within four inches of the product to exceed any detection limits.

And when you're typically mixing a teat dip, it essentially, you're at arms length away. So at that particular level,
there was no minimum detection showing.

The last question that came up, it did not come up at the meeting, but it's come up since then, is the difficulty of mixing the activator and base components of the acidified sodium chlorite teat dips. I think you're all aware that acidified sodium chlorite essentially is activated by taking an organic acid, primarily lactic, mixing it with sodium chlorite and producing the acidified sodium chlorite.

There is a slight chlorine release which we talked about. That particular mechanism of mixing, some people find that to be an added piece of work that they really don't like.

Over the years, and I've been in this -- selling this particular product in manufacturing for the last 20 years, we have developed many ways to do that. Everything from the simple of mixing 50/50, shaking it and using it. To sophisticated pumping
mechanisms that are controller based, that
have flow meters on them that you can actually
program them and they will actually inject or
send the product mixed and activated to the
parlor. So there are ways to work around that
particular issue.

Essentially, the question came up earlier, which I'll respond to right now and
then you can ask me later. And I think I
heard the question right, is what is --

(Time buzzer.)

MR. WINTER: I'll stop right now
and then answer questions.

CHAIR RICHARDSON: Did you want to
finish that sentence?

MR. WINTER: Okay. I was just
going to say that the question was related to
how does ASC and chlorhexidine compare. Both
are germicides. But their mode of action is
very different.

Where ASC is an oxidizing agent
that essentially penetrates the cell wall and
blows it apart, chlorhexidine attaches to the cell wall and disrupts cell integrity. Therefore, their mode puts them using for different uses.

Acidified sodium chlorite is very broad spectrum. It's used in a lot of different places. It's used for treating water in place of chlorine. And it's also used as you know, and it's approved for use on treating as an antimicrobial on food substances.

Chlorhexidine is primarily used as a disinfectant. It is used in teat dips. But it also is primarily used a lot in surgical procedures as far as treating wounds and treating sites where there will be surgeries taking place.

Chlorhexidine has never been approved for broad use as far as treating any type of food for two reasons. Number one, its mode of action is not as broad spectrum. It doesn't kill a lot of gram negatives.
Especially pseudomonas. And secondly, its profile when it breaks down, there is some concern about what breaks down as far as what's left over after using chlorhexidine.

Any other questions?

CHAIR RICHARDSON: Other questions? Frances?

MR. WINTER: Yes, Frances?

MR. THICKE: Thank you. Did you -- did I understand right that you said that when it's mixed, there is no detectable chlorine or there is --

MR. WINTER: No, no. I said when it's mixed, there will be a little bit of chlorine, you'll get a chlorine smell.

MR. THICKE: Okay. But when you said there's four inches, you could detect it. That's after it's mixed right?

MR. WINTER: Oh yes. Yes. We actually did a study where the product was mixed. And then we actually sprayed it. And we found that the only way we could pick up
the detectable level of chlorine dioxide was within four inches of the mix -- of the actual vessel.

MR. THICKE: So that's after it's mixed.

MR. WINTER: Yes.

MR. THICKE: But during mixing, did you measure the detectable chlorine release then?

MR. WINTER: Well what we were doing was we were mixing it and actually using it in a parlor where we were applying it with a sprayer.

MR. THICKE: Okay.

MR. WINTER: And we had a device to measure at the level of the neck, and we had one in the parlor. And so it was autom -- it was being mixed regularly as it was being atomized into the air. And we didn't have any detectable problems with chlorine dioxide.

CHAIR RICHARDSON: Any other questions? Thank you very much.
MR. WINTER: Thank you.

CHAIR RICHARDSON: Next speaker is David Bruce. And he'll be followed by Lawrence Datnoff.

MR. BRUCE: Good morning everybody. My name is David Bruce. I work for Organic Valley. I'm the director of the non-dairy pools there, which means eggs, meat, produce and soy. I'm also co-chair of the Methionine Task Force and one of the founders and board members of the Organic Egg Farmers of America.

I had thought about starting out this morning following the lead of Professor McIlvoy and -- who was my entomology professor 25 years ago and making everybody stand up and act like their favorite chicken. But I'm going to pass on that since four minutes is really short.

I also just wanted to say I was really appreciative of Jim Pierce's comments yesterday. I really think that it's time to
move beyond the atmosphere of contention and
acrimony and sort of blame that's been hanging
in the air and work together to further things
to the best of our ability. So I really look
forward to doing that. So thank you Jim.

I was also thinking about ten
years ago when Jim left Organic Valley and he
walked into my office with a big box full of
folders on methionine and said good luck
David. So, thanks a lot Jim.

A couple of things before I hit on
methionine, one is I really appreciate OTA's
interpretation on gellan gum and couldn't
agree more. As director of our soy program,
it's a really important thing for us.

We are pleased with the way we've
been able to reformulate and we don't have
consumers' claiming the sky is falling because
it's in there. So we'd like to continue
listening.

And in terms of made with excluded
methods vaccines. I really appreciate the
depth to which the livestock committee has
gone into this. And the ask for guidance from
the program. I do want to be careful about
any language where they're only allowed under
emergency situations.

You know, as other people have
said, organic farmers have very few tools.
And it's really important that we don't take
those away. Especially given the FDA mandates
to be SE free and that kind of thing. So it's
a complicated subject. But I really urge the
continued allowance of the avian salmonellas
vaccine.

Just quickly, I couldn't be more
pleased that the NOP is taking up the animal
welfare recommendation from 2011. I first
tested on outdoor activies for chickens in
Chicago in 1994. So it's exciting to see some
progress on that.

I do think that it's a very
complicated recommendation in that you know,
the economic impact study had a doubtful
1 conclusion. So really looking forward to
2 seeing how that moves forward.
3
4 On methionine, it's really
disappointing for me that not only has
methionine been the sort of poster child for
synthetics in livestock production. But it is
now the victim of the sunset politics and
posturing.

5 It's really disappointing that
that surrounds the conversation because it's
not so complicated. And I really would like
to think that we could have collaboration
together.

6 You know, NOC's proposal on black
soil fly larva and CFS's suggestion for that.
You know, it's a great idea. When we've
looked into it, FDA was not pleased with the
idea of feeding that. And AAFCO felt like it
was an adulterated feed.

7 So you know, if there are
alternatives, let's work on them together.

8 We've done trials on potato protein that we
brought in from Europe. We've used the high methionine corn to see what's possible. But in the meanwhile, it's true that farmers are suffering.

Feather pecking is a misdirected foraging activity. But it only becomes harmful when the birds are hungry for additional protein. And so yes, you can feed additional protein, but then you're dealing with an environmental issue with a high ammonia in the house.

So I do think we can come to solution together. And I'm all about ideas. I'd like to see both sides working together. It's not like industry is trying to get away with something. This isn't about enhanced production. This is about the well being of the animals.

I was going to bring photos, but then sort of scared myself off. Feather pecked chickens you know are nasty looking. I didn't want to project naked birds onto the
It's -- dealing with farmers, we have 96 egg farmers. And dealing with farmers that are struggling with the feather pecking issue as a result of inadequate nutrition from the beginning is frustrating, so.

CHAIR RICHARDSON: Thank you.

Questions? Tracy?

MS. FAVRE: So I might put you slightly on the spot, so forgive me.

MR. BRUCE: Sure.

MS. FAVRE: If you had a choice of showing photos of your feather pecked chickens versus explaining to a consumer the possibility of using a synthetic essentially supplement to the feed, which would you think would be more palatable to your customers?

MR. BRUCE: I would have no problem explaining it to a customer. You know, if my math is right, a chicken over a year's lifetime will eat .1365 pounds of synthetic methionine. I'm not concerned about
that.

It's much more about the overall well being of the bird. The environment they live in. The organic feed they're consuming. The outdoor area they're living in.

So I'm not shy about it. It's such a minute amount it's not a big deal.

CHAIR RICHARDSON: Other questions? Thank you very much.

Next speaker is Lawrence Datnoff and he'll be followed by Kelly Pepper.

MR. DATNOFF: Okay, Lawrence Datnoff, I'm a professor of plant pathology. I'm here to talk about silicon as it relates to plant diseases and aqueous potassium silicate.

See the term silicon, Si is the element. Silicate is SiO2, like sand silicates or SiO3, they're -- when combined with certain catenins like calcium and potassium, and silicic acid is the form the plant takes up.
This is a dynamic cycle showing how silicon gets into the soil. You have from polymers, essential oxides, minerals and soils, irrigation water, but it can be leached out. There's a weathering sequence in different soils and so silicon can move out of the system.

If you look through the continental United States, there are a number of soils that are deemed to be lower limiting in this element. And you can see alfisols in the southeast, the inceptisols in the northeast and west and entisols.

The way that silicon enters into the plants is through silicic acid. There's transporter genes that have been identified, it moves from the soil into the xylem. Translocates up to the xylem.

In a plant like rice, it polymerizes in the first leaf therefore it's no longer available. A number of other plants have now been shown to have transporter genes.
Plants vary in their capacity to accumulate this element. Wetland grasses between 4.6 to 6.9 percent. Dryland around in the one. And dicots are much lower. And there's over 100 families that have been shown to accumulate this element.

And there's really no non-accumulators. So silicon has a tremendous effect on biotic stress whether it's plant diseases or insects. And also alleviating a lot of abiotic stresses.

Here's an example, blue line susceptible, white line partially resistant, the magenta line is completely resistant. You can take a susceptible cultivar, push it to the same level as a partial resistance. You can take a partial resistance cultivar and push that level of resistance almost to the same as complete genetic resistance.

How does that work? We think one idea is mechanical barrier hypothesis. The
fungus lands tries to penetrate and there's no infection. But we've been able to show that you can reduce lesions with silicon. And their minute size.

And you can see the empty cell, that's a fungal cell. It looks like a vacuole. And it's surrounded by this amorphous material. It's phenolic in nature. Phenols have antimicrobial properties.

Similarly, we found glucanases, beta 13 glucanase. Fungi had glucan in their cell wall. Glucanases attack fungi.

Here's an example showing foliar application of silicon versus root application. You can see the root worked better than the foliar in these two different systems. Brown spot on rice, soybean rust.

If you look at the brown spot on rice a little closer, this is x-ray microanalysis. If you look on the far left, you look at the root silicon and the foliar silica, the x-ray microanalysis is pretty
similar.

But when you look on the underside of the leaf which is on your right, you see that the root -- the foliar silica is just like the control. Which means that the silicon was just sitting on top of the plant tissue. It wasn't entering.

And here's an example of that. The blue bar shows you can quantify the silicon in the plant tissue, it accumulated. And in the other two it did not. So it was just sitting on top of the leaf surface.

So how does it work in disease resistance? It probably plays a passive role because you do get deposition below the cuticle. But it's not continuous. So once it gets through that cuticle, there's a mediator response and all these defense sponsors are up-regulated and they're active.

And so it plays an important role in the suppression of plant diseases. Aqueous potassium silicate has been shown
experimentally and under field conditions to do so.

And I think producers need as many alternatives as they can to control their plant diseases. And if you look at something like copper, it's toxic to soils over time. Sulfur can burn. But those are two allowable substances.

Potassium silicate is a great alternative.

CHAIR RICHARDSON: Oh, right on the buzzer, Mac. Did you get that one? All right, questions? Jay?

MR. FELDMAN: Can you talk more about this being an alternative to the copper sulfate or other materials that we're trying to reduce in some context?

MR. DATNOFF: Well, you know, potassium silicate could be used in conjunction you know, if copper is maybe more effective. I can't say if it is more effective or not effective. But it's an
alternative that could be used in a systems
approach.

So potassium silicate could be
used to process -- to suppress a disease as
similarly as copper could. So if you're using
potassium silicate in that system, you could
reduce the number of applications of copper.

And maybe even sulfur too. So, in
any system, if you want to manage plant
diseases, you want to look at the system as a
whole as you do in organic systems. You want
to look -- use the best host/plant resistance
that you can find.

You want to make sure that your
nutrition -- nutrition is the first front line
of plant defense. And we're starting to find
out in many cases, not only with silicon, but
with other elements, that you know, you have
a certain range that you need for plant
growth.

But when that plant is under
attack by a pathogen, then the requirement for
that nutrient can go up. So you may need to actually need more. Okay, so the nutrition is the first front line of defense.

CHAIR RICHARDSON: Zea?

MS. SONNABEND: Thank you for the information. I've heard, although this is not documented, it's just from farmers talking to me. That the material as it would be used in the field is quite alkaline and so alkaline that it would interfere unless buffered in some way. And other alternatives would be more desirable because they have less of a pH effect on when they're used.

And could you comment on -- or is it used in conjunction with materials to acidify it or is the alkalinity not a problem in your experience?

MR. DATNOFF: Well, okay, so the pH, I mean it is high. I mean there are those and when we conducted experiments, we will use other pH materials like potassium hydroxide when compared to potassium silicate for you.
know, controlling a disease for an example.

And so we think in a foliar application for disease suppression, it's probably either the ion or the pH that is having an effect against the pathogen. Okay, so I don't see that as an issue.

If you use something like copper you have to have consideration to using the right equipment. And the same thing with sulfur, to protect the person who is actually using it, right? So I don't see that as an issue, but I'm sure that the people from PQ Corporation will address the buffering capacity a little more.

You know, the one thing I didn't get to talk about in great detail was that the accumulation that I mentioned that in the past it was considered that to be an accumulator it's only in the foliage. But we're finding that many plants accumulate only in the roots and they don't really translocate up. We don't understand really why.
But for an example, like tomatoes, we've shown that they can accumulate silicon in the roots at around three percent just like a rice plant does in its leaf tissue. And we're not sure why, but we've conducted some studies to show well we can reduce certain soilborne diseases by knowing that.

We may not be able to protect the foliar part as well, but the root part seems to be well protected. So you need these other alternatives, something like potassium silicate, to come in to manage other foliar diseases.

CHAIR RICHARDSON: Great. Thank you very much Dr. Datnoff.

The next speaker is Kelly Pepper and he'll be followed by David Moore.

MR. PEPPER: Good morning. I am Kelly Pepper, manager of Texas Organic Cotton Marketing Cooperative located in Lubbock, Texas. First of all I want to give a great big Texas thank you to each Board member and
an extra measure to the four of you that are

going off.

Until I attended the last NOSB
Board meeting and learned more about the work
of the Board, I had no idea of the time
commitment involved in your service. Thank
you.

On to the reason I'm here.

Hydrogen chloride. Nasty stuff. I'm not
going to try to convince you otherwise.

But unfortunately I have to be
here asking you to renew its inclusion on the
National List because currently its use for
delinting cotton seed for planting is
absolutely essential to organic cotton
production in the United States. Let me
explain.

Our cooperative has approximately
35 active members located in the plains of
northwest Texas, who produce 80 to 90 percent
of the organic cotton grown in the U.S. In
2014 our members produced -- planted 19
thousand acres of organic cotton. In contrast, there were 11 million acres of non-organic cotton planted in the U.S., 96 percent of which were GMO.

Close to half of the U.S. acres are in our northwest Texas area. So our organic cotton acres are only about 0.3 percent of the cotton acres in our area and 0.17 percent of the cotton acres in the U.S.

The cotton industry laughingly says if you round the numbers, organic cotton is zero. Availability of planting seed is a huge issue for our producers because we're so small. No seed company will provide organic seed and there's only a limited amount of non-GMO seed available from which our farmers can obtain non-treated seed.

None of the major seed/chemical companies really sell non-GMO cotton seed. There are only a couple of small seed companies that will supply our growers with untreated, non-GMO seed. And this seed is
delinted with hydrogen chloride as is all the
seed sold in our area.

The volume of seed required for
our organic production is not enough to cause
seed companies to do anything different just
for organic. If as was suggested yesterday,
hydrogen chloride should be de-listed to
provide a financial incentive to develop an
alternative, organic cotton production in the
U.S. would cease and most of the acres would
likely return to conventional production.

As was mentioned in our and
other's written comments as well as in
testimony here yesterday, there's a promising
mechanical delinting alternative to hydrogen
chloride under development by the USDA
Agricultural Research Service. We would
certainly encourage and appreciate anything
this Board and NOP can do to promote this
research and speed along development of
mechanical delinting.

However, to eliminate organic
cotton growers need for the exemption for the use of hydrogen chloride, mechanical delinting will have to be developed to the point of adoption by the cotton planting seed industry. Because as outlined above, the volume of seed for organic production alone is not enough to entice seed companies to change their method of delinting.

Let me put the use of hydrogen chloride for delinting cotton seed in perspective environmentally. It takes only about 0.07 pounds of hydrogen chloride to delint enough cotton seed to plant an acre of organic cotton.

However, if this same acre of land were planted to GMO cotton, it would be treated with six to eight pounds of active ingredient of pesticides. That is 100 times as much pesticides as hydrogen chloride. Additionally, 100 to 500 pounds of chemical fertilizer would be applied to this acre.

I'll be glad to answer any
questions if you have any.

CHAIR RICHARDSON: Thank you.

Questions? Jay?

MR. FELDMAN: Thank you. Thank you so much for making the trip. And you know, this presents a dilemma. We talked about this problem and I think you framed it really well for the Board.

My only concern is the change in the sunset process. And not keeping the pressure up on the industry. And I realize it's outside your control, but the industry as it grows to advance the mechanical practices.

What do you think will incentivize the transition to the mechanical practices?

MR. PEPPER: Well I don't think anybody in the cotton industry at large probably is crazy about hydrogen chloride. And so I think the seed companies are closely watching the research.

And if it can be proven to be effective. And I mean there's some issues to
be addressed. You know, historically mechanical delinting has damaged germination. And I think that's the problem with Kincer's method that had been mentioned in some of the information.

But if the issues can be addressed, I look for the industry as a whole to be very interested in adopting it. It's just -- it's got to prove itself and get there.

CHAIR RICHARDSON: Thank you very much for your comments.

MR. PEPPER: Thank you.

CHAIR RICHARDSON: The next speaker is David Moore and he'll be followed by Lynn Coody.

MR. MOORE: Good morning everybody. My name's David Moore. I'm a California licensed agricultural pest control advisor and qualified applicator and I work for Neudorff.

I want to thank both the NOP and
the NOSB for their time and commitment. I'm here to thank all of you all for your patience as you consider ferric phosphate yet again. I especially want to thank the crop subcommittee's members for their diligence and forbearance.

Sunset is rather a loaded subject lately, so I particularly thank you for allowing the recent review and votes to stand. The recent review and votes affirm that ferric phosphate meets the three primary criteria of OFBA, compatibility and consistency, essentiality and the absence of adverse effects on human health and environment.

No new information to the contrary has been presented. The 2012 subcommittee board and Board votes speak for themselves at 5 to 3 and 12 to 3 respectively.

After hearing so many speakers yesterday point out how difficult it is to get growers and other stakeholders to become involved, I'm gratified by the incredible
outpouring of support ferric phosphate
received during the public comment period.
For the record, that was two growers. But we
got almost -- we got seven in 2012.

I'll be even more gratified that
an organic grower has traveled from California
to be here today to voice that support in
person. I know that grower support is far
more important to you all than anything I can
say, so I'm going to shut up about ferric
phosphate and let a certified organic farmer
speak to this important material in the first
person.

Before I sit down though, I want
to encourage everybody in this room to take a
minute while you're here in Louisville this
week to thank, to shake hands with an FFA
student or a faculty advisor as I've been
doing this week. There are 70 some thousand
of these people -- young men and women here
this week demonstrating their commitment to
American agriculture.
And if I may restate the obvious, they are the future of farming and they should have our support and encouragement. Thank you for your support of ferric phosphate and organic agriculture.

And Mr. Secretary Stone, I have a label for you for an organic Hawaiian ant product. Thank you.

CHAIR RICHARDSON: Thank you.

Questions? Jay?

MR. FELDMAN: Thanks for coming to the meeting, I appreciate it. I'd like to talk to you a little bit about EDTA and that ingredient in ferric phosphate.

Are you -- can I ask you questions about that?

MR. MOORE: Absolutely.

MR. FELDMAN: Okay, perfect.

Obviously, as a Board we're concerned about both the active and inert ingredients in materials and the Board several years ago proposed and recommended a process of
reviewing inert ingredients. EDTA is on that
list of inert ingredients.

And we are -- you know, there will
be some process at some point down the road
hopefully. My question is whether you all
have explored other ingredients, inert
ingredients? Whether you're working with
design for the environment in EPA?

Are aware of that program and
efforts to remove the more highly toxic inert
ingredients to find more innocuous materials
that serve the same purpose? Whether you
internally as a company are looking at that?

Or, and this is just a three-part
question, or do you not view EDTA as an inert
ingredient and that the efficacy of the
product is diminished or it goes away if that
particular ingredient is not in there, given
your patent, which seems to imply, the patent
on the product seems to imply that the EDTA as
you're using it has active properties, active
ingredient properties under EPA's definition
of a registered pesticide?

MR. MOORE: Let me see if I can keep all three parts straight.

MR. FELDMAN: Okay, thank you.

MR. MOORE: Yes, we're very much aware of the review process. And as you probably know, we have in fact petitioned for a different chelator. That petition is in abeyance right now. We're eagerly awaiting the process.

And we indeed from the very beginning have examined the issues of other alternative inert ingredients. We're a very forward looking company.

We're very committed to our role as a provider of reduced risk and organic products. And we will move forward with making ferric phosphate available as an effective tool for the organic grower with any coming changes in the inert list.

And for the record, I just want to point out for anybody who may not know this,
EDTA is currently an allowed List 4 ingredient.

CHAIR RICHARDSON: Other questions?

MR. MOORE: Thank you.

CHAIR RICHARDSON: Thank you.

Next speaker is Lynn Coody and she'll be followed by Will.

MS. COODY: Good morning. My name is Lynn Coody and I'm presenting today for the Organic Produce Wholesalers Coalition which we call the OPWC.

The OPWC is comprised of ten businesses that distribute fresh organic produce to customers located across the United States and internationally. Our combined annual sales in 2013 exceeded $625 million.

I have a few different topics to speak on today. The first topic is assessment of soil building practices.

OPWC sees soil conservation as a cornerstone of organic farming. In our
experience there is a wide range in the
practices used to manage soil health on
certified organic farms.

And we think that a clarification
of the interpretation and application of these
standards would be particularly helpful within
the produce market. Therefore, we welcome
discussion of implementation of the NOP
standards that maintain and improve soil
quality.

OPWC does not favor the approach
of relying on quantitative soil assessment
tools in the certification process. We note
that certification standards are generally
framed with qualitative practice space
language making them applicable to a wide
range of conditions for growing a wide range
of crops.

In our opinion, quantitative
assessment of soil conservation such as NRCS
tools may be useful in providing secondary
documentation of an erosion problem such as
if a noncompliance on this specific topic is difficult to resolve between a certifier and a grower. Instead of a metric-based approach, we suggest that a focus on training and education of certification personnel is more in line with the NOP's efforts to reach a sound and sensible balance when implementing soil quality standards.

Topic two, peracetic acid. OPWC supports relisting peracetic acid accompanying by its current annotation. Our members are particularly interested in materials that help ensure food safety because we handle many products that are consumed uncooked.

Peracetic acid has two distinct uses in organic produce handling as a post harvest handling material that may be used in wash water without subsequent rinse. And as a sanitizer on food contact surfaces. We consider both these uses for peracetic acid to be essential to our sector as we have very few sanitizers that may be used on organic
produce.

Peracetic acid is in current use within the produce sector. For example, this material is considered a preferred option for washing apples after they are harvested. For many produce commodities, it is the disinfectant of choice.

Topic Three, protecting against contamination in farm inputs. OPWC supports the goal of this discussion document to protect against contamination of organic farms by inputs that may contain materials that are prohibited under NOP standards.

That said, we caution the subcommittee against making recommendations that impose requirements on crop producers that as a lever for fixing problems that originate in conventional agricultural, industrial or societal systems. In our opinion, such actions would place undue burdens on the very growers who are already implementing many practices that support
environmental, ecological and human health.

   In an effort to move the
discussion forward in a practical direction,
we have three suggestions. Focusing
subcommittee discussions with experts on
solutions that are practical for
implementation by organic farming operations.
And that are verifiable through normal means,
accessible to organic inspectors and
certifying agents.

   Emphasizing agricultural practices
as the primary focus for mitigating
contamination. And identifying specific
research topics related to mitigation of
chemical contaminants, especially through the
composting process.

   OPWC appreciates the efforts of
both the NOSB and the NOP to clarify the
implementation of organic standards. We give
thanks for the work of the members that are
leaving the Board. And thank you very much
for the opportunity to comment.
CHAIR RICHARDSON: Thank you Lynn.

Questions? Thank you very much.

MS. COODY: Okay.

CHAIR RICHARDSON: The next speaker is Will Fantle and he'll be followed by Robert Larose.

MR. FANTLE: My name is Will Fantle. I'm the Co-Founder/Co-Director of the Cornucopia Institute. I'm from Wisconsin.

I want to thank the Board members that are departing for their service. I know the workload is probably more than you anticipated. We appreciate your service to the organic community.

There was some good news announced at the beginning of this meeting and I want to acknowledge that. That good news includes the new Chair, a validated Chair of the NOSB. And we think that's a positive step forward acknowledging that it is the NOSB that chairs these meetings. So kudos Madam Chair.

The policy and procedures
subcommittee being reactivated after its untimely demise earlier this year. We think that is another positive step going forward.

The critical task that they're being given to develop a process for annotations is very important. It's going to be important to you as you consider materials for renewal, reuse, new materials.

These materials may need some type of annotation to be approved for continued use in organics. An annotation that focuses and limits their specific uses.

Okay. Let's talk about some other issues. Sunset. You've heard a lot about it. I'm going to harken to an event that happened earlier this morning. At 8:05 a.m. in Louisville.

Sunrise. If you go outside and look around, that transition that occurred at sunrise, it's no longer dark out. We understand what the meaning of those concepts are. And I think that Amy Simpson provided a
very clear and detailed presentation to you regarding sunset, the legalities, what the law means, what the law doesn't mean.

And I think it's incumbent upon you as a Board to keep pushing the program to revise the changes that were, we believe, wrongly implemented in September 2013. And as you do that, and I encourage the program as well as they potentially revisit this, think long and hard about this.

There are organizations like ours that are working on legal remedies. And looking at taking action on those. The TR's that are going to be required for the 2017 materials, you have a daunting list in front of you.

All that immense number of materials to examine and look at. You need good TR's. We're not convinced as an organization, which we outlined in our report, the Organic Watergate, that some of the initial TR's and tap reviews that were done,
were adequate, sufficient and not biased. Please make an effort to get good TR's as you weigh the need for those materials.

Enforcement. Miles says it's working. Sometimes it's not. And I'm going to again reference something I've talked about before here, the Shamrock Organic Factory Dairy in Arizona.

We filed a complaint in October 2008 on this operation. By 2011, October 2011, the USDA finally acknowledged the merit of that complaint and moved to initiate enforcement activities against that operation.

Three years later, we're 2014, this operation is still in business because they appealed it. So six years after we filed our complaint based on evidence we gathered from our direct visits to that operation, they're still producing what's called certified organic milk.

That is not an example of something that is working. Origin of
livestock, an issue that is important to the
dairy and beef community.

In April 2010, we were told by the
program director that it's a priority for the
agency. We still wait. Years have gone by.
And now we're told next year.

CHAIR RICHARDSON: Thank you Will.
Questions, comments? Great, thank you.

The next speaker is Robert Larose
and he'll be followed by Terry Gong.

MR. LAROSE: Good morning. My
name's Rob Larose. I'm the President of
BioSafe Systems and I'm here to support two of
our products, peracetic acid and sodium
peroxycarbonate, which is essentially, we call
it sodium percarbonate.

The sodium percarbonate product,
under our trade name Green Clean Pro, is used
as an algicide, bactericide and fungicide. It
has been very well received in the organic
community and the conventional grower
community.
I should point out that BioSafe Systems is a bit of a different company in the sense that 95 percent of our products are organics or listed products. 90 percent of our customers though are conventional growers.

So generally what that means is we don't take on a product and develop a product unless it actually works. And it will stand up in both industries.

You know, there's sodium percarbonate was listed and developed as an alternative to copper sulfate. And it has shown very good efficacy in the field.

Primarily we sell a lot of material into the rice industry up in Sacramento where they are concerned about bioaccumulation of copper sulfate and resistance issues. And so the industry at large supports it.

Peroxyacetic acid, we were one of the first companies to introduce it into agriculture and horticulture. Very broad
applications across the board either as a
foliar treatment or as a hard surface
sanitizer or a water treatment.

Peroxyacetic acid is essentially
hydrogen peroxide coupled with acetic acid.

Both of these products have zero waste when
they're manufactured. They're -- peroxyacetic
acid is also NSF listed and kosher certified.

So we -- many -- or both of these
products have become standards in many of the
organic farming operations. And what's coming
into the picture quickly is the Food Safety
Modernization Act. Both of these products are
going to be key players in solving food safety
issues.

Many growers right now are using
our Green Clean Pro Product to treat for algae
in their containment ponds for irrigation.
And helping them meet the discharge
limitations.

And interestingly enough, we just
completed many trials that shows that there's
also reduction in pathogens in the water. So as these new regulations kick into gear, it's going to be very important for food safety for both water treatment and also as a sanitizer.

Another interesting point on peroxyacetic acid, on the conventional side, we're making applications prior to harvest to further reduce the potential for food -- human pathogens on the produce. And that has proven very, very effective.

So you know, it takes a while to develop these methods, products and applications. And this sunset process is a little challenging for us because it takes at least five years to be able to get the data and develop it and get it out into the hands of people to show the benefits and more importantly, how to get the most out of the product when they're using it.

So you know, that's why I'm here.

CHAIR RICHARDSON: Thank you.

MR. LAROSE: Any questions?
CHAIR RICHARDSON: Does he get a price for starting one second -- or stopping one second before?

MR. LAROSE: I have an iPad that's got a counter on here, so it works extremely well.

CHAIR RICHARDSON: All right, Zea?

MS. SONNABEND: Thank you for coming today. Regarding the sodium carbonate peroxyhydrate, in the comments you submitted for our last meeting, San Antonio, Texas, you made a statement that -- and because I pulled it up in front of me here. It says in 2014 copper labels have been restricted to a label that is rendered useless when treating algae.

I asked a couple of organic rice growers and I tried to look online for the documentation behind this statement. And can you just explain in what way they've been restricted and why it's useless?

MR. LAROSE: Well, what they're -- what that letter was speaking to is that
copper sulfate, because the California DPR is concerned about bioaccumulation, they restricted the amount of poundage that can be used during the course of the season. To the point where if you have a bad algae season, you can't get enough product out there to actually do the work.

Where on our product, there is no restrictions.

MS. SONNABEND: Do you know what they restricted it to? What poundage?

MR. LAROSE: I don't. I don't have that number in front of me, but I do --

MS. SONNABEND: Okay. Because the rice growers didn't seem to know about it.

MR. LAROSE: I can get that to the Committee very easily.

CHAIR RICHARDSON: Other questions? Thank you very much.

MR. LAROSE: Thank you.

CHAIR RICHARDSON: Next speaker is Terry Gong and he'll be followed by Gerald
MR. GONG: Hi, my name's Terry Gong. And I am a managing partner in Harvest Systems International and Earth Renaissance Technologies.

In addition to my original petition for sulfurous acid, subsequent comments and oral remarks I made during the NOSB meeting held in San Antonio, Texas, I'm here to advocate continuing to keep sulfurous acid on the approved materials list, address some of the issues raised by those wanting to have it removed and to answer any possible questions the NOSB may have.

First, in response to the claim that sulfurous acid should be removed as a synthetic sulfate fertilizer, the primary use of sulfurous acid is to restore the acidifying component back to irrigation water by providing a delayed release of acidity in the form of bisulfite so it can be carried and delivered to amend and control the pH of the
soil-water solution that's ideal for the crop being grown.

The actual transformation of bisulfite into sulfate is the result of a microbial process performed by chemotrophic bacteria, a precursor bacterial group that obtain their energy directly from inorganic electron-donating compounds that cause the hydrogen proton to release and the formation of sulfate to occur.

Number two. In response to the claim that the use of sulfurous acid would harm and degrade soil microbial populations, while it is true that bisulfite chemically acts as an oxygen reducer scavenger which can be biocidal, this property is very limited and does not kill all soil microbes. A closer more detailed examination of this material indicates that its use would actually result in increasing the overall population density and complexity of soil organisms that make up the entire soil food web.
This is because once the chemotrophic bacteria utilize it, the hydrogen proton releases in the sulfite has been converted to sulfate. The biosoluble property no longer exists. The sulfur becomes a nutrient for soil microbes and plants.

The soil minerals dissolve and become soluble nutrients as a result of the release of acidity. Additional pore space is created, reopened, maintained and water penetrates deeper, salts leach away from the root zone and the pH of the soil lowers.

Oxygen and carbon dioxide penetrates and exchanges deeper into the soil. And under these conditions, the population density and activity of the soil microbes flourish, resulting in a net increase in fertility and ability for the soil to sequester more carbon in the organic form as food and fiber.

In response, and I want to thank the person who spoke earlier for making these
points because I view those comments as a constructive criticism because we all want to be better. Okay. In response to the claims of human health, first, the material itself, sulfurous acid, when you drink wine, you're drinking a more concentrated form of sulfurous acid. So as far as human health goes, if you don't -- if you drink too much of it, then you have a problem.

Okay. Worker safety operations. Our equipment has been in use for nearly 60 years. And our company provides operational information and training seminars to our customers. And we'll always continue to seek ways to improve the safe and proper operation of our equipment and the production of the sulfurous acid whenever we can.

Regarding emissions. While our company invented and pioneered the onsite generation of SO2 sulfurous acid to amend irrigation water, there are other versions of this equipment.
I was almost finished. But --

CHAIR RICHARDSON: Do you want to finish your last sentence or whatever it is?

MR. GONG: Well, okay. I was going to say that our equipment has been tested to only release .11 of a pound in a 24 hour period of time which is well below the current EPA air quality regulatory standards which allows two pounds of fugitive material to be released in a 24 hour period of time.

That answers one of the reasons why there hasn't been much information regarding air quality emissions. Because we're so effective in scrubbing the SO2.

CHAIR RICHARDSON: Thank you.

Questions? No. Thank you very much.

MR. GONG: Thank you.

CHAIR RICHARDSON: The next speaker is Gerald Davis and he'll be followed by Brian Neufeld.

MR. DAVIS: My name is Gerald Davis. I represent Grimmway Farms, Cal
Organic in California. Former NOSB Board member and crop subcommittee chair for a couple of years back in 2005 to 2010.

Most people know us growing a lot of carrots. We grow potatoes, tomatoes, onions, lots of veg crops like broccoli, spinach, radishes, lettuce and 30 other different vegetable crops.

I wanted to bring up my testimony written and oral from the last spring meeting about sulfurous acid. Again, pointing out that we use this as a water treatment process.

We need to neutralize the bicarbonate in the water. The levels that we have in the West in our farm is not unusual. It's a broad problem of 150 to 350 parts per million of bicarbonate in our irrigation water that is coming from groundwater sources.

It's just the way it is in the West. And when that bicarbonate is watered onto the fields, it becomes limestone and perpetual 300 to 500 pound per acre per crop
applications of limestone are very harmful to crops eventually.

So we have to neutralize it someway. And that's what I'm here to talk about is the sulfurous acid produced by the sulfur burners has worked very well for us.

Before we were able to use them, we used elemental sulfur, which was not very effective. It led to very highly elevated sulfate levels in the soil which were not particularly harmful, but not good. And it didn't really lower the pH. This material is not designed to lower pH directly in the soil. It just keeps you from adding more and more limestone when you don't need it. That's the point I wanted to make.

We also grow lots of cover crops, that's sesbania, incorporation of vetch to give organic matter to help in the -- which is a material mentioned in your material about helping acidify soils. We do that.

Artichoke flower, it has nothing
to do with this, but I thought it looked good.
Really, the bottom line is this is not
unsustainable. This is not Grimmway's venture
into aquiculture. These are spreading basins
for our local water district that recharges
groundwater.

This year and last year they were
completely dry. We're in a drought. There's
an aerial view of one of them. There's 1350
acres total in our district where they, in
surplus water years, they recharge our
groundwater. So we do not deplete it.

There's a higher aerial view of
the same thing. There are some of our ranches
in the black areas that are right around that
water district recharge. Broader view of
California.

Here's the point. These are
sustainable practices of pumping groundwater.
This shows what the district has done to
maintain the groundwater level since they
started recharge in the mid 60's.
You can see that by the top line it has stayed static. And pretty much, and that's -- the blue lines are years of surplus water where they are adding water and the red lines are when they're taken out.

Quick mention on sulfur. When the NOSB looked at this the first time, we consulted this thing on sulfur. We learned that sulfur is no longer a natural material. And since 19 -- since 2000 when this mine went out of business, that was the end of domestic natural sulfur production by the Frasch process.

And I'd love to answer any more questions about that because sulfur as mentioned in your top as a natural alternative, is not natural. It is synthetic. Any questions?

CHAIR RICHARDSON: Questions?

Harold?

MR. AUSTIN: Thank you. Earlier today during the public comment, there was
mention of the possibility of just simply using more water to flood the ground, to flush the bicarbonates and the salt physically out of the soil profile so that this -- the sulfurous acid or the sulfur burners wouldn't have to be used.

How practical of an approach is that?

MR. DAVIS: Excess ground -- excess irrigation to leach salts is practiced and we do it all the time. It does not leach away the excess limestone that you add with this water.

So it is a related issue. But -- and the sulfur burners do help with that. But the main thing is we cannot keep adding more and more limestone to our already alkaline soils. It eventually forces you to do something about it over and beyond what you can just do with compost or elemental sulfur.

CHAIR RICHARDSON: Follow up?

MR. AUSTIN: I'll follow up with
that. So the actual practical usage of the sulfur burners, the sulfurous acid is really to take and remove the bicarbonate out of the water to help treat the water and then the soil. And it's removing that contaminate before it ever reaches the soil, is that correct?

MR. DAVIS: That's the overall approach. That's the most important part of the usage. It's not acidifying soils directly, it's just eliminating that continual addition of limestone which is deleterious in our soil conditions.

CHAIR RICHARDSON: Jay?

MR. FELDMAN: Thank you. And thank you, Gerald, for your service on the NOSB. I have a question for you, Gerald. One more question, sorry.

Thank you for your service on the NOSB.

MR. DAVIS: Yes, you're welcome.

MR. FELDMAN: I have a -- just ask
you to switch gears since you're up there already. I wanted to ask you about sodium nitrate and what the status of that is as you understand it right now, and whether it's being used, and if there's any change in the rate of application and so forth.

MR. DAVIS: Well that's kind of an evolving, interesting subject. When sodium nitrate was voted off of the -- well, put on a prohibited natural status a few years ago, our company ceased using it.

And for two to three years we studied the effects of not being able to use it. In some cases the crops did better. Certain crops do fine and actually do pretty good without it. Others we noticed significant drops in production and quality.

It was pointed out to us earlier this year that people are still using this material because it was never dropped from the list. And we started asking questions on when will that be dealt with? And well no one
seems to know. For now it's not. So we were actually considering using it again for the time being until a resolution is reached.

MR. FELDMAN: Thanks.

CHAIR RICHARDSON: Thank you.

Next -- the next speaker is Brian Neufeld and he'll be followed by Paul Baker. And we're running about 30 minutes behind just as a sort of a time check for you.

MR. NEUFELD: Good morning. My name is Brian Neufeld. I'm an organic farmer in California, San Joaquin Valley, primarily. And we grow citrus, blueberries and table grapes organically.

I'm here to talk about sulfur burners as well. And my goal is to continue the allowance of the use of sulfur burners in organic production.

And there's a quote that, I came across an email a few years ago that I thought was interesting. And I don't know who came up with the quote, but it says whatever our
accomplishments, our sophistication or artistic pretension, we owe our very existence to a six-inch layer of top soil and the fact it rains.

And the fact that it rains is becoming a more and more of a difficulty in California. So we need to focus on our soil and the water that we do have.

The use of sulfur burners for ag production, I feel has enhanced the richness and the fertility of the soil since our allowance of use. Particularly over the last four years, we've been implementing this strategy.

And I have three reasons why I think we should continue the use. First is soil health. As it was mentioned earlier, a healthy soil leads to a healthy plant. And healthy plant leads to good production. And we're all about healthy plants.

Good soil health consists of quality organic matter at optimum pH levels.
Ideal growing soil pH range from five and a half to seven depending on the crop that you're growing.

And this is proofed by the regular soil analysis that we have done biannually to check that. Applying high pH water to the soil diminishes our soil fertility.

The second point is it's an economic water quality issue. This is the most economic and efficient method of lowering our water pH, is by injecting the material from the sulfurous acid.

The drought conditions in California have magnified the need to treat water as our diminishing aquifers and water -- surface water supplies have an increasing pH level with high bicarbonates and concentrated toxic metals.

Continual acidified water is necessary to combat the effects of these toxicities. We have invested within our organization over $300,000 worth of capital
into the equipment to perform this over the last four years.

As far as safety, sulfurous acid is a safe material to handle. I have personally cleaned out some tanks that had sulfurous acid in it, and not even as much as a skin irritation has happened.

My third point, improving water quality by adding heat to the natural sulfur. Sulfur is an element that is allowed for use. The only difference with this is it comes in a pelletized form. It gets heated and it is more efficiently utilized than a soil sulfur spread.

And you really do not use a whole lot of this material either, depending on the size of the operation. You could use as much as half a pellet's worth of material throughout an entire growing season as it's a slow burning material. And the emissions are very low as you can hardly notice any emissions coming out of the top of this smoke
So just to summarize, use of sulfur burners for organic production I feel improves our soil health. Economically improves our water quality. And that's all.


Paul, you're up next and after that is Gisela Wittenborn.

MR. BAKER: Good morning. Thanks, I'm Paul Baker. I represent Sweetwater. Oh great. Yes, red button?

My name is Paul Baker, thanks for the opportunity to speak. I represent Sweetwater. I speak on behalf of thousands of acres of organic farmers in arid regions who would be devastated by the removal of sulfurous acid.

Today I will emphasize the scale of the problem sulfurous addresses. Why alternatives are not sufficient. And human health concerns surrounding sulfurous.
Sulfurous is used on a wide variety of cash and row crops. Contrary to the popular notion that it's only for large farms, more than 70 percent of our clients are smaller than 50 acres.

Many farmers have invested large capital and infrastructure and they would not be able to justify that without results. Over 60 percent of the planet's soil is alkaline. The central issue for farmers in these regions is how salt affects their ability to farm. Irrigation water adds thousands of salts per acre per year, every year on top of already alkaline conditions.

There is a notion that sulfurous decreases aeration. Alkali water decreases aeration. Sulfurous is the cure to that, increasing porosity by leaching those salts out.

Is sulfurous safe? Yes. It is safe to handle and produce. I've brought a sample of sulfurous and a sample of water.
Can you tell the difference? I cannot.
Sulfurous is safe to handle and to produce.

We agree that sulfurous generation must be produced safely and prepare and advocate for that safe use through risk assessments, warning labels, onsite training, manuals and more, which we would be happy to provide. We have had zero reported incidences with this equipment in our company's history over tens of thousands of acres of usage.

There are several alternatives to sulfurous, but none are impactful enough to handle salt in the volume that it comes down. I want you to turn your attention to these pictures here.

These pictures show organic cucumbers using citric acid and organic cucumbers using sulfurous acid just three weeks later. Cost about $3,000 a week with citric. And you can see the yellowing on the ends of leaves indicating lower health. Cost with sulfurous about $200.
Another alternative for sulfurous is elemental sulfur, which folks that use it, simply do not see results. Most of them will use it in conjunction with sulfurous acid.

The environmental impact of sulfurous acid, all of the organic production combined with sulfur burners today, would equate about 30 seconds of naturally occurring sulfur dioxide emissions from volcanic activity. Salt represents a threat to sustainable agriculture on over a majority of the world's soils.

Small organic farmers who have invested in this infrastructure would be restricted to make a choice of leaving organic altogether if this were eliminated. So we urge strongly from behalf of my colleagues and friends in this industry, please continue to support sulfurous acid as it is the tool that we can possibly use to fight off this massive problem.

And thanks for your time. Any
questions?

CHAIR RICHARDSON: Questions?

MR. BAKER: Yes, there.

MS. SONNABEND: You mentioned about the scale of the operations that -- a variety of scales of operations that this is appropriate for. And I imagine when a grower approaches you about getting this equipment, they would like to see a cost-benefit analysis of their purchase.

So I'm wondering what you think the smallest scale that this would be a realistic benefit to install would be? What would be the smallest scale grower that might consider this?

MR. BAKER: Right. I was talking to a farmer just last night about how they could use this on two acres or less. And that would be very difficult for us to retail equipment and put infrastructure onsite.

That's impractical.

What would be practical is one
unit servicing an area. Delivering --

bringing equipment to the site, producing the
required product and having a day, a week or
a monthly tank supplying the product.

So it can be actually used for

very small applications if you have enough
growers in an area. But most of our farmers

like I said, are 50 acres or less.

CHAIR RICHARDSON: Any other

questions? Thank you very much.

MR. BAKER: Thank you.

CHAIR RICHARDSON: Next speaker is

Gisela Wittenborn and she'll be followed by

Richard Bennett.

MS. WITTENBORN: Good morning, I'm

Gisela Wittenborn. I'm here to comment on

sulfurous acid and ferric phosphate. I am

working as an agronomist PCA for a third
generation family farm growing table grapes in

California's southern central valley.

The hot semiarid climate and long

sunny days are ideal for growing quality table
grapes. However, the farming system does rely on irrigation and high bicarbonate levels in the irrigation water can be very challenging.

Especially during the current drought, some vineyards depend heavily on water with excessive bicarbonates and a pH of eight or higher, which is really very high. This is a problem that people who are working in more humid regions might not be familiar with.

Irrigation water with excessive bicarbonate concentration and a high pH precipitates calcium as a plant-available calcium carbonate, the limestone, while sodium cations take their place in the clay particles. This leads to the dispersal of clay particles and the collapse of good porous soil aggregate structure, turning the soil into concrete, impeding water infiltration, aeration and nutrient uptake.

Sulfurous acid gained from sulfur burning and mixed into the irrigation water
amends the situation and complies with the criteria for organic production. The burning of elemental sulfur is an environmentally benign, safe and effective procedure.

We use this technique where the water analysis demands it and only use a quantity that is prescribed to correct the excessive pH and/or bicarbonate problem, and ensure that the soil fauna is not impacted.

We understand the need for a healthy soil fauna and are going at great lengths to maintain it by regular broadcast compost application and planting cover crops. Moreover, we use sulfurous acid to neutralize the pH of irrigation water. We do not use it as a fertilization.

Finally, conditions that require sulfurous acid are not caused by unsustainable irrigation practices. Rather sulfurous acid is necessary to adjust naturally occurring alkaline soils and poor water quality.

Suggested alternatives like
seaweed, humic acid, soil sulfur, they are just not practical as my other guys before me already explained at great length. And as to ferric phosphate, crops differ in their propensity for growing slugs and snails.

In our area, citrus is usually the main breeding ground for them. Therefore, vineyards, watering citrus can have severe snail outbreaks in some years.

These events are not very frequent, but when they occur, effective snail control is necessary to prevent vine defoliation and crop contamination. In these situations we rely on continued use of ferric phosphate-based slug and snail baits as the least environmentally harmful and most effective means of managing crop pests.

Ferric phosphate occurs in the natural environment. As to the issue of inerts, all pest control products are formulated with inerts to increase efficacy.

To comply with the organic rules, pest control
1 materials have to be formulated using only
2 safe materials, EPA List 4 and EDTA is falling
3 into that.
4
5 And on top of that, we have not
6 observed any damage to our earthworm
7 population as a consequence of slug
8 applications. Moreover, there is really no
9 alternative -- viable alternative to that.
10
11 Basically in essence, both
12 materials are minor as to the extent that they
13 are being used by us. But they are major that
14 in the case they are needed, we cannot do
15 without them. Thank you.
16
17 CHAIR RICHARDSON: Oh, very good.
18
19 I think -- I think you're on the list now.
20
21 Okay, questions for Gisela, any? No. Okay,
22 thank you, though.
23
24 MS. WITTENBORN: Thank you.
25
26 CHAIR RICHARDSON: The next
27 speaker is Richard Bennett and he'll be
28 followed by Neil Miller.
29
30 MR. BENNETT: Good morning. Thank
you for allowing me to speak with you today. I just represent the family farm. My wife and I have blueberries and late season navels.

But you have to understand the California situation. California has four percent of the nation's farmland, but we produce over 50 percent of all the fruit, vegetables and nuts.

We have water problems. A lot of legislation lately. And that's much more than a four minute discussion. But we have soils that range from 7.2 to 7.8, water coming in is 7.5 to 9.5. Extreme situations here.

We go to -- actually again, extreme situation to try to control it. We map all of our soils, we irrigate exactly to that soil. We own an 80 acre block. I have four different soil types.

The EC, they're measured every 18 inches when we go in and put in the soil, or put in the plants. We use lysimeters to know at the root zone what's in the rhizosphere,
what's available to the plant and below the root zone.

So we know if there's any leaching, any nutrients going past it. We have to do that in California just to be competitive. If an alternative source is, if we ever had to go back to being conventional, because without a sulfur burner, we would have to.

You would be looking at blueberries in this time period coming from central Mexico, Chile and China is quickly approaching. So you really have a problem here that we need to address and keep the sulfur burners.

The safety issues. I have conventional farmers next to me that sulfuric acid, you would not dare have it on your hands, but coming out of the sulfur burner, you can have it on your clothes, you can wash it on your hands, it's not a factor.

Love to have any questions you
CHAIR RICHARDSON: Quick.

MR. BENNETT: Please.

CHAIR RICHARDSON: Questions?

Jay?

MR. FELDMAN: Thank you for coming to the meeting. So do I understand correctly, that you were a conventional farmer before this, the use of sulfurous acid, or you made the conversion? How did the two issues coincide?

MR. BENNETT: About eight years ago, I converted part of my acreage to organics. My blueberries which require a 5 to 5.4 pH, have been organic the whole time. The citrus I'm -- got part of it organic and part of it is conventional.

It goes back to soil types and what I can do.

MR. FELDMAN: And what did you do on your blueberries before the allowance of sulfurous acid? What did you use?
MR. BENNETT: Production was greatly hampered. It was immediately known, like you know, you treat the soil when you go up, and you're making your burns before you plant. You do as much as you can pre-plant but it's not enough. And so if -- you know, without the sulfur burner, I'd have to go back to being conventional.

MR. FELDMAN: And is that -- the area you're in, is it feasible to grow blueberries conventionally there? Is that a crop that --

MR. BENNETT: Well conventionally, it would be easy for using sulfuric acid, yes.

MR. FELDMAN: Is that what the conventional guys are doing?

MR. BENNETT: Yes. I mean they're having to spray four to six times a year. I don't have to because my plants are so strong. I'm using my water you know, in such a manner. I'm not really flushing that much away. I mean seeing exactly what goes
past the root system. Capacitor water
monitors tell me exactly what's in the soil.
What's gone down.

I have five depths and each of my
soil types will be eight stations. It's
pretty elaborate to know exactly how much
water you're using.

MR. FELDMAN: Okay. Thank you.

CHAIR RICHARDSON: Harold?

MR. AUSTIN: I've got a wee bit of
background with organic blueberries as well.

MR. BENNETT: Super.

MR. AUSTIN: The alternatives to
using the sulfur burners and the sulfurous
acid you alluded to would be citric acid.
Also, I would assume that you would probably
use maybe the dry sulfur compounds either as
you're designing your berms or later as a soil
amendment.

From an environmental standpoint,
but more so from a plant and a worker health
standpoint, physically from the corrosiveness
of the other materials, isn't sulfurous acid
a much safer, more benign way to do your water
treatment and amendment versus the options
that you currently would have otherwise
organically?

MR. BENNETT: Yes, my other option
would be citric acid. We've already seen how
expensive it would be.

The carbon footprint, because I'd
have to end up bringing tanker loads in, is
tremendous. And then you have to be able to
find a stable source of it. So it's extremely
difficult.

Redid my berms this last summer.
And you know, I put as much you know, wettable
organic sulfur in there, in the deal. But
it's just not the same. And it's insane
trying to work with the water situation, what
it's come to in California.

And the pH coming in the water.
And that's, you know, those water laws are
allowing certain things going on, that you
know, an organic basis we just couldn't -- you
know, can't utilize.

CHAIR RICHARDSON: Thank you very
much for your comments.

MR. BENNETT: Thank you.

CHAIR RICHARDSON: The next
speaker is Neil Miller and we have, let's see,
one -- in addition to Neil we have one, two,
three, four, five more persons to speak before
we'll take the lunch break. So we'll have to
make some time adjustments at that time.

MR. MILLER: Good morning. My
name is Neil Miller. I'm a Business
Development Manager with PQ Corporation.

Thank you for the opportunity to speak on
aqueous potassium silicate in the sunset
review process.

I've had a chance to review the
published technical reports. The 2003 TAP
review, the 2007 NOSB formal recommendation
and the more recent January 2014 technical
evaluation report. PQ Corporation has made
synthetic aqueous potassium silicate for more
than 90 years.

Aqueous potassium silicate has
many industrial uses, including use in
detergent formulations, agricultural
formulations, wastewater treatment and others
all deriving for the need for -- from the need
for soluble silica.

The aqueous potassium silicate
product in its concentrated form has 21
percent soluble silica in water with
solubility maintained with eight percent
potassium oxide derived from potash.

The silica is derived from
crystalline high purity sand. Heavy metals
are nondetectable. There is no organic carbon
in the product. The pH of the concentrate is
11.

There are three main points
associated with use of aqueous potassium
silicate in agriculture. First the silica is
fully soluble in water. And therefore fully
available for the plant to use. This is unlike any other silica or silicate product available for agricultural use.

Second, the silica, although derived from crystalline sand is an amorphous form and so has the features of bio-availability, solubility and buffering. Finally, use concentrations are .25 to 1.0 percent. That is up to 100 times dilution with water. The pH is now 10 and probabilities of environmental contamination and bio-diversity impact are mitigated.

Regarding risk to human health, particularly at use concentrations, the January 2014 technical evaluation report notes these as negligible. On line 581 regarding risk to the environment, again at use concentrations, the January 2014 report notes these as expected to be negligible. That's line 416.

EPA currently has this listed on 4(b), will not adversely affect public health.
or the environment. We are not aware of any regulatory changes associated with aqueous potassium silicate.

We have organic customers through distribution for aqueous potassium silicate. And this business continues to grow. We respectfully request relisting of aqueous potassium silicate on the National List.

Thank you for your attention.

CHAIR RICHARDSON: Thank you. Questions, comments? Thank you very much.

MR. MILLER: Thank you.

CHAIR RICHARDSON: The next speaker is Stephanie Rose and she will be followed by Julie Weisman.

MS. ROSE: Hopefully I don't faint up here.

CHAIR RICHARDSON: Oh, we're a friendly bunch.

MS. ROSE: I don't know about these guys, though. I'm Stephanie Rose. A technical service rep at PQ Corporation,
manufacturers of aqueous potassium silicate.

First I'd like to thank the NOSB Board for allowing us to come today to speak. I'm here to submit technical information on aqueous potassium silicate so the Board has a good profile of the material when you make your recommendation on the sunset review.

Professor Datnoff has already presented information on the mode of action and efficacy of potassium silicate. I submitted several comments online already today. And I would like to focus on the safety of potassium silicate.

However, before I begin, I would like to note that potassium silicate is only allowed by the NOP for use in disease control and insect control. Because of the history and its petition process, I think there has been some misunderstanding on its use and consistency with OFPA.

At the fall 2007 NOSB meeting, PQ withdrew the plant and soil amendment for
hydroponics use because it was clear that it did not meet OFPA criteria. Once that portion of the petition was withdrawn, the crops subcommittee reconvened and voted unanimously to approve potassium silicate because it met all three criteria for OFPA, for disease control and insecticide.

The full NOSB Board followed with a unanimous vote in favor of listing as well. I supplied some documents to support that. I hope this addresses the concerns of the Board and groups like Cornucopia Institute, that listing potassium silicate did not result in unintended uses in hydroponics and was approved based on OFPA criteria.

Potassium silicate is an EPA-registered bio-pesticide. And I realize that the word pesticide itself brings fear to a great many organic hearts.

According to the Federal Insecticide, Fungicide and Rodenticide Act, if a material in any way controls a fungus, then
it falls into the fungicide category.

Potassium silicate, the silicon part, helps the plant to defend itself against fungus like pottery mildew. Therefore, it controls disease, therefore it has to be a registered pesticide.

Pesticides are classified with a single word, poison, danger, warning or caution. It was given caution because that is the friendliest type of product. Potassium silicate has a tolerance exemption.

This means that the product is benign and the residue is indistinguishable from potassium and silica already in the environment. It will not be harmful to humans including infants and children.

The EPA concluded that the risk of exposure via oral, dermal and inhalation, the most likely routes of exposure for field workers, was negligible. Every pesticide has a restricted entry interval. The time you have to wait to reenter a field after applying
potassium silicate is four hours.

For comparison, sulfur, another common control for powdery mildew has an REI of 24 hours. Potassium silicate also has a zero preharvest interval. Farmers can harvest their crop the same day as application.

Aqueous potassium silicate is used as a foliar treatment in rotation with other organic pesticides to control diseases like powdery mildew. When NOP list was amended in 2010, potassium silicate was a brand new technology, a new option for organic farming.

PQ Corporation is not an ag company. We're here today because we happen to manufacture a non-toxic benign material that is beneficial in organic farming for controlling disease. Close enough.

CHAIR RICHARDSON: Hey, you did that, you see. So you get the magic one for stopping exactly on time. And do you need to finish that sentence?

MS. ROSE: Which could impact the
success of an organic farmer.

CHAIR RICHARDSON: All right, that's good. That's good. It's good. All right, questions? Great. Thank you very much.

Next speaker is Julie Weisman and she's followed by Charlotte Vallaeys.

MS. WEISMAN: Good afternoon. My name is Julie Weisman. I'd like to thank you all for the opportunity to be standing on this side of the podium speaking to you today.

I speak today as a representative of Elan and its affiliates, Natural Flavors and Flavorganics. Elan is a producer of both organic and non-organic flavor ingredients including organic glycerin. Natural Flavors is a producer of both organic and non-organic flavors. Both minor ingredients that have so far not been subjected to commercial availability requirements. Flavorganics is a national brand of certified organic flavor products for home use.
I have also served on the NOSB as the chair of the handling committee from 2006 to 2008, and as the vice chair in 2008.

I am writing to support the petition currently before the Board for the removal of glycerin from its current listing in 205-605(b) of the National List only if there is provision for the use of non-organic glycerin at times or in situations in which there is not an adequate supply of certified organic glycerin available in sufficient form, quality or quantity for particular handlers' use.

Glycerin should not remain listed on 605(b) in its current unrestricted state, but neither should it disappear from the National List altogether. I consider the motions brought by the handling committee for the full Board's consideration at this meeting to be huge steps in exactly the right direction.

A critical additional step is to
broaden the proposed listing of glycerin on 606 to include all types of agricultural glycerin that are allowed under NOP regulations and OFPA. I support the comments of the Organic Trade Association in this regard as presented to you yesterday by Gwendolyn Wyard.

Now let's talk about gellan gum. I'm the person who is the chair of the handling committee presided over the original listing of gellan gum on 605(a). So I want to let you know that you are asking all the right questions and I also need to say, been there, done that.

I want to make sure that the current Board is aware that the 2006/2007 Board did have full access to CBI from the original petitioner. In addition, representatives of CP Kelco were available over the course of at least two meetings and on any other occasions in between to answer our questions, and there were many.
Like you, we were troubled by the use of IPA for instance. However, as we reviewed and re-reviewed the manufacturing process and the provisions of OFPA, and the rule, it became clear that gellan gum is not synthetic.

There is nothing in the rule that prohibits the use of isopropyl alcohol as a processing aid used to manufacture allowed non-synthetic materials on the National List. And furthermore, IPA does not create a chemical change in the gellan gum and is removed from the final gellan gum product.

And I do not use gellan gum or manufacture it, by the way. I have seen nothing in the current review of this material, including during public comment yesterday that is in any way different than what was discovered by this Board in previous reviews.

And all our deliberations on this material are preserved for your reference in
meeting transcripts, final recommendations and numerous historical documents of which I strongly encourage you to make use. It is not your job to rewrite history.

It is your job -- oh shoot, sorry.

It is your job to review carefully and thoughtfully every ingredient on the National List every five years. That has been done, and that is continuing to be done. And I encourage you to make use of all the resources at your disposal.

I would like to thank Chairman Richardson, especially for her thoughtful comments yesterday. I would like to thank the outgoing members, Joe, Jay, Wendy and John. I encourage you to stay engaged in this process. Thank you.

(Applause)

CHAIR RICHARDSON: Thank you. You finished right at that red buzzer. Any questions? Okay, great. Thanks.

The next speaker is Charlotte
Vallaey to be followed by Jane Parker.

MS. VALLAEYS: Hi, my name is Charlotte Vallaey with Consumers Union. Nothing hurts trust like broken promises, and that goes for consumer trust in the organic label.

The promises are in the law. Prohibited substances can be exempt for a five-year period only if they have been carefully reviewed and only if they are essential, consistent with organic principals, and don’t potentially harm human health or the environment.

The growth of the organic industry is dependent on keeping that trust with consumers. Organic grows not in spite of having strong restrictions, but because of it.

What does it mean to be essential? Is something essential if it means consumers don’t have to shake their pineapple juice? Or if it gives a milk-free beverage a milky mouth feel? Or in the case of a whole algal flour,
if it means consumers can eat industrially fermented microalgae instead of organically grown food. Whole algal flour is petitioned as a healthy substitute in processed foods, a substitute for organic milk and organic eggs, which according to the petitioner are unhealthy. So is it essential? Clearly an organic alternative exists. Organic food.

The question then becomes whether you agree that organic milk and organic eggs aren't healthy and should be replaced. And whether that's consistent with organic principals. We certainly don't think so.

We especially ask that the NOSB ensure that ingredients such as whole algal flour will not be added to organic foods under the listing for microorganisms. During the sunset review, we ask that you restrict this listing to microorganisms that are necessary as starter cultures for natural fermentation.

We often hear about materials and their GRAS status. So I'd like to take a
minute to talk about what GRAS status actually means.

It means the manufacturer determined their ingredient is safe. That they share this determination with the FDA. And after reviewing the notification, the FDA wrote a letter to the manufacturer saying, quote, the agency has not however made its own determination regarding the GRAS status of the ingredients.

As always, it is the continuing responsibility of the petitioner to ensure that food ingredients that the firm markets are safe. FDA GRAS does not mean the FDA has independently reviewed the substance or performed its own safety evaluation.

When we raised concerns in our spring comments about gellan gum, that's exactly what we were doing. Raising concerns and asking questions. Why? Because the original petition for gellan gum was no better than the petition for algal flour.
The entire section on manufacturing was redacted. Organic is supposed to offer a safe haven in our food supply. A properly regulated system with meaningful, periodic review and re-review. The first step in meaningful review is full transparency, and that includes transparency to the public.

We were disappointed to see in the handling subcommittee proposal that it recommends relisting gellan gum based on, quote, consumer expectation of taste and texture. Yes, we agree that consumers have expectations.

The vast majority of them, around 90 percent, have expectations that are rooted in the law. That organic foods be free from GMOs, artificial ingredients, and artificial processing materials.

When we speak for consumers, our numbers are based on hard data, our nationally representative surveys. But that aside, NOP
regulations actually prohibit adding non-organic materials to the list if their primary purpose is to improve taste and texture.

We urge you to remove marsala, sherry and tragacanth gum from the National Lists. We also urge you to contact our senior scientist at Consumers Union, Michael Hanson for his input on defining excluded methods.

He was too busy working on GMO labeling campaigns in Colorado and Oregon to submit his comments on time. But we hope that you will seek his input. Thank you.

CHAIR RICHARDSON: Thank you. Any questions for Charlotte? Yes, Zea and then Jay.

MS. SONNABEND: Can you provide us with Michael Hanson's contact information?

MS. VALLAEYS: Yes. I'll be glad to.

CHAIR RICHARDSON: Jay?

MR. FELDMAN: Thank you Charlotte.
We all support growth. That's why we're here. I know on the environmental side we see this growth of this industry as solving a lot of environmental and health problems.

So when we hear in this room that the growth of the industry equates with consumer trust, is that an accurate way to assess consumer trust? That would be -- that's part of my question then.

And what -- how does trust factor into -- so it's two parts. How does trust factor into the development of these other labels, if it does at all?

MS. VALLAEYS: Right, so the question about consumer trust and how you measure consumer trust. When we developed our two surveys, we designed them with our social scientists at the National Research Center at Consumers Union, with three different questions to get at that.

Is -- you know, why -- because the question that was raised in the research
priorities document was why are consumers buying it, right? Why are they buying it if they don't want it?

And so that's why we designed it to ask three sets of questions. Is it important to consumers? Do they think it's currently allowed? And do they think it should be allowed?

And so that gets at why are they buying it if they don't want it? So what we found is that about three-quarters of consumers don't think for example that artificial ingredients are in organic food.

Which tells you if they're buying it, they're buying it not because they're okay with it. But because they don't think that it's in there. Meaning, they're being misled.

And so consumers can be misled with labels. It does happen. And we asked the same set of questions for the natural label. And I think everyone here would agree that when it comes to the natural label, yes,
consumers are being misled. That's the logical conclusion.

But I think we have to hold the organic label to that same standard. And so it's a you know, it will be a slow process. But as more and more consumers do learn in that second set of questions, that the organic label in fact does not mean that it has no artificial ingredients, that you do have to check that ingredients list. I think that that's where trust starts to erode.

And that's what we all have to be very -- we have to keep that in mind during these discussions.

MR. FELDMAN: Yes, I just don't want to leave the impression that, you know, we don't believe that synthetics should be or could be allowed in organic. So you're not suggesting that every consumer thinks there are no synthetics in organic, or are you?

And what can we do as a community to educate consumers that the synthetics that
are in organics are evaluated to the most rigorous standard that I've ever seen in a regulatory process?

MS. VALLAEYS: Right. I mean, you know, we still rate organic as meaningful. And that's meaningful. It's just -- it's no longer highly meaningful and that's in part because when we can't tell consumers in our communications with them that every synthetic ingredient that is in there has been carefully reviewed and approved by the NOSB.

That is what we want to tell them. But we cannot do that because that would not be true.

Two weeks ago there was a new toddler milk with the organic seal that came on the market. It has 37 artificial ingredients. Six of them you reviewed in Providence and were rejected. Actually two of them were the meeting before that and were rejected for anything other than infant formula.
Now it's on the market. It's there. So we have -- we cannot tell consumers look for that label and you can be assured of this and this. We can't tell them that because -- because of this.

So you know, that's the issue of trust. And the other thing is, you know, when you review things, we want to tell consumers that you are reviewing it according to these criteria, the essentiality, the potential harm to human health.

And so you know, and we want to be able to tell them that that happens. And so that's why we come up here and urge you to use those criteria in your decisions. Because that is important. Because that will go back in our communications with consumers. And it informs how we communicate with them about different labels. In this case, the organic label.

CHAIR RICHARDSON: Thank you Charlotte.
MS. VALLAEYS: Thank you.

CHAIR RICHARDSON: The next speaker is Jane Parker and the final speaker of the morning will be Marty Mesh.

MS. PARKER: Good afternoon, or should I say good day Madam Chair, ladies and gentlemen. I want to thank you for giving me the opportunity to speak on an issue which is severely affecting several Australian farmers and processors.

In particular five farmers and one processor that have sent me here. And by the way if I -- my accent is confusing you, I actually spent the first half of my year in Scotland, life in Scotland. These farmers supply herbs and spices to the processor Gourmet Garden who sells 60 percent of their product to the U.S. under the made with organic and organic categories.

I'm a retired farmer and a consultant and work with growers and processors on research and development
programs. But also channeling them through all the muddy waters of supplying products to organic markets in Australia, U.S. and the EU. All with different requirements.

And here I have to say that I still wish that the Australian government and organic community supported its own as much as you guys do. You have something very special.

Today's subject is the greatest challenge we have had. Why? Because we don't understand how or why it happened and I hope you can help me here.

On June 9, 2014, the Organic Insider published a memorandum re electrolyzed water. Electrolyzed water is generated by passing an electric current through a diluted solution of pure salt and water.

This delivers two compounds. Anolyte at the anode and catholyte at the cathode, each collected separately. In anolyte hypochloric acid is the dominant active compound and is used as an
antimicrobial and a sanitizer, but this solution is chemically exactly the same as a dilute sodium hypochlorite solution, 80 percent more effective and can be made on farm or in factory.

Sodium hypochlorite is on the National List. There's only three differences between dilute hypochlorite and havolite. The method of production, the pH at what it exists and the hazardous component. Sodium hypochlorite is classed as hazardous and anolyte produced onsite, the dilute nature of the solution means it's not hazardous.

The second solution is catholyte which is sodium hydroxide, also on the National List. So here comes the challenge. We've been asked to prepare a petition to put electrolyzed water on the National List.

Is it appropriate for petition for a substance that is two compounds, one specifically already on the National List and one a dilute in water rendition of a substance
already on the National List, that's sodium hypochlorite? Especially when the two
compounds are produced separately in two
separate areas of the machine and are not mixed.

Also, how did such a memo happen?
Was there consultation about it? The users in
Australia didn't hear about it. And here is
the sad part.

By the end of the month after the memo, five growers had received major cards
for its use. One grower received their card one hour after they received their renewed
certification.

If their crops become an inappropriate food safety issue, their livelihood is on the line. Why? Because peracetic acid is not allowed for use in certified organic production in Australia.

And they have no alternatives except for full-blown chlorine, which they will not use because it taints the delicate herbs because
of a slow release of hypochloric acid.

They are trying to approve
sanitized EG citric acid do not react well
with the chloroform green leafeys. So now
they use nothing.

So my question. Why did the USDA
NOP send out such a memo which I've later
heard was at the discretion of auditors. And
can I say that the auditors of these growers
have no discretion for a product that's been
used for over a decade, effecting hundreds of
growers, processors and retailers without a
sunset period. Can I say that? Or at least
some further guidance as to how to proceed.

And finally can I have one word
because I've come all the way? And finally
can we refer the memo with some guidance that
allows us to finalize the petition process,
putting it through the necessary steps to get
hypochloric acid added to the National List.
And may I ask in a hurry?

CHAIR RICHARDSON: Thank you very
much. Questions, comments? Miles?

MR. McEVOY: Yes. This is an issue that we issued a clarification. What we call a material clarification in June as you mentioned on electrolyzed water.

This is very much why a material review can be quite difficult for both the National Organics Standards Board, for the certifiers and others involved in the organic trade. We had gotten information from certifiers that some certifiers looked at electrolyzed water as an allowed interpretation of the chlorine allowance on the National List and others thought it was a prohibited substance.

So we took a look at it and we did an analysis and we determined that electrolyzed water, it does not meet the requirements. It's not on the National List. So that's why we issued that material clarification.

So in order to have electrolyzed
water considered, a petition needs to be brought in front of this Board for consideration. So that's the -- kind of the background explanation on that.

It's not on the National List and therefore it can't be used.

MS. PARKER: So can I ask a question, a further question? Because electrolyzed water is actually two components. Sodium hydroxide and hypochlorous acid. So is the petition -- what's the petition for, because sodium hydroxide is already on the National List?

MR. McEVOY: Yes, we can discuss this with you outside of this meeting.

MS. PARKER: Yes, I'd like that, yes.

MR. McEVOY: But we have already received some petitions for adding electrolyzed water to the National List. So that process is in process.

MS. PARKER: Yes, but that was
from us and it was because it was recommended. And I have to create that. Can I talk to you about it later? Thank you.

CHAIR RICHARDSON: Thank you for bringing this to our attention. The final speaker of the morning before we break for lunch is our good friend Marty.

MR. MESH: I was requested to go last. Don't start the clock yet. All right, now you can.

All right, so Marty Mesh, Executive Director of Quality Certification Services, Florida Organic Growers. I stared farming organic in '72. My thing says as it's been repeated to the outgoing Board members, the current, the returning Board members, the National Organic Program staff and the USDA, other USDA staff that were here.

The presentations were very helpful. I hope to check them out. Given the lighting in here, I hope they'll all be online and available. You can ask me questions about
Jim's -- Jim Pierce's certifier perceptions
later if you want, as well as his humor.

     I think I do support Jim's
legitimate points of his comments as well
though as Jo Ann's, Tom Harding's, John
Ashby's, Kelly Pepper's, John Brunnquell's.
The comments take a longer term macro-view of
modern organic agriculture and the evolution
of the industry.

     My comments in Texas as I remember
were focused on civility dialog and the plan
to keep our community eye on the prize as far
as the ecological and health promise. And
potential of expanding organic agriculture and
production.

     I'm happy to see that the tone and
civility has greatly improved. And appreciate
the Chairwoman's guidance in this meeting.
But the eye on the prize still seems unclear.
A few thoughts. A few random thoughts.

     2014 research objectives that were
voted on, why not do that after public comment
and include the consideration? Because given
where we are with FISMA policy work that we're
involved in, we see the need to get objective,
credible research looking at manure and
compost and pathogen loads in biologically
active soils.

The data collection that was
mentioned in the one time technical upgrade.
I hope that Betsy, if she's still here, or the
NOP will incorporate into the -- your new
database thing, the overlap between the
desired data between ERS which will be NASS
data as well as the NOP into the organic
integrity database to reduce duplicity and
data submission tracking.

And perhaps you could even do a
capacity building event for small nonprofit
organizations for capacity building. It might
go a long way to achieve the data gathering
goals in multiple USDA programs.

The -- I think one thing, I won't
do Okragate at this one given the time. But
I do have a technical correction on the tee shirt thing. And we did bring that to attention. And we were going to file a complaint, but it is an excellent certification program doing really good work.

We kept digging and we learned that that was not a USDA thing. And so I want to clarify that that was not a USDA shirt. But what we have learned since then is that the USDA compliance division is -- has been -- or will hopefully undertake an investigation to get to the bottom of it.

And I did it out of support in principal but also for -- in support of organic cotton producers. Finally, Betsy mentioned now -- Betsy's still here. But she mentioned that USDA stands to process an organic research and promotion program application if one is received by the industry.

And as I shared the building with 60 thousand young farmers and I wore a tee
shirt today, an organic tee shirt by the way, that says organic on it. And I noticed somebody looking at me in the elevator. I could sense the lack of presence, any presence at the FFA convention.

And hopefully a research and promotion and one that funds information could be a solution to having a presence -- that organic would have a presence at a place where there's 60 thousand beginning farmers or future farmers there. As well as maybe research for cotton.

(Applause)

MR. MESH: Thank you. Any questions?

CHAIR RICHARDSON: Questions? Questions for Marty? Do you want a tee shirt?

That's the question.

MR. MESH: We can talk about it later.

CHAIR RICHARDSON: Okay. Hold on a minute Marty. Miles wishes to respond to
some of the comments that you made.

MR. MESH: I think we go to lunch don't we now? Sorry.

MR. McEVOY: Yes, there are a lot of things there, it was hard to keep up with you. But thanks for bringing to our attention the USDA organic non-cotton -- non-organic cotton tee shirt.

We have -- I actually filed a complaint about it. And it's currently being investigated and appropriate enforcement action will be taken. Sometimes it takes a while as --

MR. MESH: And all I can say is luckily you were working with really one of the best certifiers there were in trying to get to the bottom of this.

MR. McEVOY: Absolutely. The other point is on the FFA conference that is here. It's a -- there are -- yes, thousands of them here. Future Farmers of America. And there are some organic organizations that are
present to try to show the future of organic agriculture to these young folks.

Organic Valley has a booth over there. OCIA International. And the Organic Consumers Association. So thanks for those organizations for going over there and explaining organics to those young farmers.

And if you see anybody walking in the hall, thank them for their investment in the future of agriculture and talk to them about organics. Because it's really important for the future of agriculture that organic is a big piece of that future.

So, thanks from bringing that up Marty.

CHAIR RICHARDSON: Thank you Miles. Before you go to lunch, Mac has to announce the tee shirt and I guess this cup award, whatever it is. Mac?

MR. STONE: Okay. So this is the good news that the list is longer than last year. And again, I think everyone in the room
appreciates the respect for the time.

We know it's short. The Board deliberates every pre-meeting how much time do we have? We want to -- the importance of public comment is a really big part of this whole event.

Having said that, the ones that nailed it on timing, Julie Weisman, Gisela Wittenborn who's leaving, you can stop up before you get on a plane in a minute. Lawrence Datnoff, John Ashby, Charlotte Vallaeys and Marty if he so chooses.

Those that stopped in respect for the timing. Bill Wolf, Rebecca Thistlethwaite, Jim Winter, Will Fantle, Terry Gong, Stephanie Rose. So thanks to all of you for doing a great job of public comment.

(AppAUSE)

CHAIR RICHARDSON: So it is time to break for lunch. And given the fact we're basically -- we're more than half an hour behind, I would like to suggest that we start
at 2:00 p.m. That's 2:00 p.m. So that gives you just over an hour to get a bite to eat.

(Whereupon, the above-entitled matter went off the record at 12:52 p.m. and resumed at 2:05 p.m.)

CHAIR RICHARDSON: All right, everybody. It is five minutes past 2:00 and I'd like to start this afternoon's meeting.

If you need to talk, please go outside.

The first items on the agenda this afternoon is an additional public comment speaker who was unable to be fitted in this morning. So I would like to welcome Kim Dietz to the commenter stand and let us know what you think. Thank you.

MS. DIETZ: Thank you. Thank you for recognizing me at the very last minute.

My name is Kim Dietz and I'm giving comment today as a citizen, past NOSB member, and my comments do not reflect those of my employer.

I served on the NOSB from 2000 to
2005 as a handler representative and as Materials chair for three of those five years. It was during my role as chair of Materials that we developed and approved the original sunset process. I thought it would be helpful for this Board to hear quotes from the minutes of the 2004 NOSB meeting, a meeting that first established the sunset process. These statements I will be reading are questions asked from that Board in 2004 to help clarify the process, and this is going to be dialogue between the Board and the Program.

"So what is sunset?" "Sunset is not unique to this program. It does happen with many laws and many regulations. Sunset is a call to review the conditions that warranted putting a material on the National List in the first place. If we receive no comments on a material during this process regardless of what the Board thinks, the material goes away. It will not be available for use."
Other question. "When we go through the sunset, when we do this procedure, are we putting something back on the List for five years or are we keeping it on the List for another five years?" Answer: "You're renewing this exemption. If it's an allowed material, you're saying we've looked at it, we've considered all the evidence; i.e., public comment, TAP reviews, and you are renewing the exemption for this allowed material for another five years."

"Is sunset an event?" "There's sort of a feeling and people sense that, okay, sunset, it's an event. Well, sunset is not an event. From now on sunset is an annual activity that will take place. You understand that? Every year that you add materials, five years later" -- you know, quote this -- "'someone is reviewing the need for those materials to continue.'" Okay. I repeat. "Someone is reviewing the need for those materials to continue."
"This is the first Board that will initiate a sunset process, but some of you won't even be on the Board by the time the sunset comes and goes. Every five years, every five years after that will be an effective date on the publication of the final rule and the clock will start ticking over and over again. Therefore, what you want to realize is that sunset is a growing activity. It will become a bigger and bigger job every year because it will never just be a one-time review to see if it's okay. It goes on perpetually.

"And that's one reason, that's a very important reason why the process that we laid out for you through rulemaking, it must withstand the annual action by every Board. You've got to take into consideration the big picture. There have been years and years of activity taking place to put materials on the National List. When you take into consideration how many materials have made it
onto the list, they've gone through scientific
research, they've gone through public comment,
final rulemaking. And so the data that
supports those materials that are currently
listed on the list already have a foundation
established."

So my personal comments; I'll end
the quotes from the 2004 meeting, many
commenters over the past few days have
mentioned that the sunset process is
automatically to remove a material from the
National List. Well, in some ways they're
correct, but only if there's no public comment
received to renew the listing. And if there
are comments to renew the listing, the only
mechanism to remove materials is if there's an
alternative, new evidence or a change that
warrants its removal.

I do see the sunset process
working. Many of us in this room are
dedicated to continuously --

(Timer expired and sounded)
MS. DIETZ: Thank you. Any questions?

CHAIR RICHARDSON: Do you have a lot more words there?

MS. DIETZ: No, not much at all.

CHAIR RICHARDSON: Just say.

MS. DIETZ: Many of us in this room are dedicated to continuously improving and protecting the definition of "organic." I urge you to follow the process that past Boards have established and allow those of us who are dedicated to this industry to continue to find alternatives and to remove materials that are no longer needed. Thank you.

CHAIR RICHARDSON: Thank you.

Comment?

MS. FAVRE: More a comment than a question. I appreciate you coming up and giving us historical perspective. Those of us that weren't on the Board at that time find that helpful. So thank you.

MS. DIETZ: Thank you. Okay.
Good luck.

CHAIR RICHARDSON: The next item on the agenda is actually to allow Deputy Administrator McEvoy to introduce the new Board members, some of whom are here, as I understand it. Is that correct?

MR. McEVOY: Yes. Yes, I'd like to introduce some of the new members to the National Organic Standards Board. I think at least three out of four of them are here in the room. If they could just come up to the podium and introduce themselves, that would be really great. We have Lisa de Lima, Tom Chapman and Ashley Swaffer that are here and have been here the last day or so.

So Lisa de Lima, welcome.

MS. DE LIMA: Thank you. Hi. So I'm Lisa de Lima. I'm going to be incoming to the retailer seat when Joe leaves in January. Really excited to be involved in this process.

Currently I work at Mom's Organic
Market. I've been there for the last 16 years. The vice-president of grocery. So I get to do a lot of work in sourcing, setting our standards and making sure that we fulfill our mission, which is why I'm so passionate about Mom's and organics is our mission is to protect and restore the environment, and a large part of that is supporting organics. Produce sections in our store only stock certified organic produce.

So I guess I want you all to know that at heart I'm an environmentalist. Jean was one of my teachers back in my undergrad at UVM. So I have -- undergrad degree is political science in environmental studies and a master's in business. And I'm here because I want to support organics. I want to move organics forward because of the implication for positive change in the environment.

MR. McEVOY: Thank you, and welcome

(Appause)
MR. McEVOY: Okay. Ashley?

MS. SWAFFER: Hi, I'm Ashley Swaffer. I'm the director of special projects at Arkansas Egg Company and I work with our 46 family farmers on animal welfare issues and organic certification. And so I'm really excited to be representing all of our farmers on this adventure that I hear that it is. So I'm really looking forward to taking this position. Thanks.

MR. McEVOY: Thanks, Ashley.

(Applause)

MR. McEVOY: And Mr. Tom Chapman.

MR. CHAPMAN: Thank you. I always get nervous with public speaking, so I wrote down a couple notes real quick. I'm honored to be appointed to the organic handler, one of the organic handler seats on the National Organic Standards Board. I think the active democratic participation of stakeholders is critical to the integrity of the organic standards and I believe a core driver behind
the success of the organic marketplace in the U.S.

I'm eager for the opportunity to give back to the organic community. That's been the basis for my professional career.

A little bit about me. My passion for organic food originates with countless hours spent in the kitchen with my mother learning how to cook healthy balanced dinners from scratch. During college I first got involved in organic food systems and I quickly learned that organic food was anything but simple. From the challenge of promoting soil fertility and mitigating pest pressures with limited inputs on the farm, to the challenge facing handlers and finding those few farmers and formulating good tasting products with a limited supply and volatile regulation.

Organics is not easy. It never has been, but none of us are here because we thought it was.

I'm lucky to have worked my entire
professional life in the organic industry
starting at QAI and continuing at New Me
Organic Tea. I've also had the pleasure to
volunteer with CCOF in the CDFA Organic
Program. I currently work at Clif Bar in the
Bay Area; go Giants, sourcing organic
ingredients.


(Laughter)

MR. CHAPMAN: Clif Bar feeds and
inspires adventures through trading nourishing
food and supporting a healthy food system. I
have an amazing job that facilitates the
company's vision of connecting directly with
our producers, food makers, understanding
their needs, sharing ours, contracting their
products, communicating their stories and
consumers, be it organic maple farmers in
Vermont; Jean, to organic oat farmers in
Canada, soy, sunflower farmers in the
Heartland or fig and raisin growers in
California.
As a family and employee-owned company Clif Bar seeks to run a different company that follows five aspirations going beyond the conventional or triple bottom line business model. We measure ourselves against objectives impacting our business brands, people, community and environment. Our commitment to organic falls under many of these aspirations. And to give you some specifics, since going organic Clif Bar has purchased over 425 million pounds of organic ingredients accounting for 72 percent of everything we buy, a number that's grown every year since going organic.

During this dynamic time in the organic community it's important for the NOSB representatives to be balanced, willing to hear all opinions and dedicated to finding creative solutions to uphold the integrity of the system while promoting growth. Organic is a value added at the farm level and that can't be forgotten. Handlers hold a unique position
and obligation to protect the integrity of that farm-level value-add while maintaining and promoting consumer confidence in this labeling movement. Simply said, we're all in this together. I look forward to working with all the stakeholders and doing my best to represent the diverse group of handlers as part of a great organic community.

I'm glad the buzzer didn't go off.

(Laughter)

MR. CHAPMAN: Lastly, I'd like to thank all the outgoing NOSB members, and particular Mr. John Foster for his service. I have some very large shoes to fill both figuratively and literally. Thank you, guys.

(Applause)

CHAIR RICHARDSON: Thank you very much and welcome all of you.

Now we're moving into the new part of our agenda where we're looking at materials. And I will turn this over now to Harold Austin to begin to deal with the
Handling Subcommittee materials.

MR. AUSTIN: Thank you, Madam Chair. I'd like to welcome everybody to the Wednesday afternoon session of the NOSB meetings, and this will start the beginning of the Handling Subcommittee presentation to the full National Organic Standards Board of the past semester's work for review, discussion and voting where applicable.

The agenda items on the Handling Subcommittee's work plan for this afternoon's presentations will include the following: We will present a brief summary for each work plan item from the most recent public comment period along with the subcommittee's proposal and/or recommendations and motions. We have two proposals for discussion. They are for glycerin, petition for removal from 205.605; for whole algal flour, petition for addition to the National List at 205.606.

We have four 2015 sunset material reviews to discuss that have been recently
posted for their second and final public comment period that will be brought before the entire NOSB for discussion and vote. They are marsala, sherry, tragacanth gum and gellan gum. We will then follow that with the 10 2016 sunset materials that have recently been posted for the first of two mandated public comment periods for discussion and a recap of the public comments. These are not up for vote at this time. Merely discussion and information gathering to assist the Handling Subcommittee and the Board with the official sunset review process as required under the recent revised processes.

Along with these items I have just mentioned during this past semester the Handling Subcommittee has started to implement the trial phase as required by the February 3rd, 2014 memorandum from Deputy Director McEvoy to look at ancillary substances starting with microorganisms, which is a 2016 sunset material. The 2015 materials were not
required to have ancillary substance review
due to the timing of the implementation of the
ancillary declaration from the NOP.

The subcommittee also performed
the task of the preliminary review in
establishing the needs and requests for
technical reports for the 104 2017 sunset
materials which will begin to be posted in the
spring for our spring meeting for their first
public comment period. That task took an
exorbitant amount of time for the subcommittee
this past semester simply just because there
was "only" 104 of them.

We had an extremely packed work
schedule and I would like to publicly thank
all of the Handling Subcommittee for their
hard work, dedication, job well done. Thank
you, guys.

With that, we'll move into our
agenda. Our first agenda item is one of two
materials that had a proposal. The first one
is glycerin. I'd like to turn it over at this
time to Dr. Brines with the NOP to give their opening declaration statement on this material.

    DR. BRINES: All right. Thank you, Harold. The petition for glycerin was submitted on January 4th, 2013 by Draco Natural Products. The petition requests the removal of glycerin from Section 205.605(b) of the National List. It's currently listed with the annotation produced by hydrolysis of fats and oils. In support of its review the subcommittee did request the development of a technical report, which was completed in 2013. A previous Technical Advisory Panel report was also available from 1995.

    This petition has been on the agenda of the previous NOSB meeting in April earlier this year. Both the technical reports and earlier proposals including the one being considered at this meeting were posted on the NOP Web site and available to the public in advance of the opening of the public comment
period for this meeting. Thank you.

MR. AUSTIN: Thank you, Lisa.

Based off of the public comments, both written and oral, and in accordance with the "Policy and Procedures Manual," the Handling Subcommittee convened during this morning's break with a quorum present and those not in attendance given the opportunity to tender a vote as well, and we voted to withdraw our current recommendation for glycerin for the purpose of revision and reconsideration at a future NOSB meeting.

At this point I'd like to turn it over to Tracy to lead any further discussion on this at this time.

MS. FAVRE: Thank you, Harold. The decision to take it back to committee was primarily based upon the fact that, as Harold said, we got considerable confusion and consternation through the public comments in our lack of clarity on the classification motion primarily. As I indicated during, I
think it was, Gwendolyn's comments yesterday
that it was our intention to give an example
of a classification as agricultural for 606
while not being all inclusive, but that was
pretty clearly not obvious.

And so we decided to make an
amendment to the classification to correct our
oversight. And the program has determined
that it is a substantive change and therefore
we will have to take it back to committee.
The plans to add it to 606 and remove it from
605(b) will stand in the new proposal. Thank
you.

CHAIR RICHARDSON: Do you want to
do a motion to send it back to subcommittee?
No, not needed?

MR. AUSTIN: Not needed with the
procedures that we followed this morning.

CHAIR RICHARDSON: Very good.

MR. AUSTIN: We can open it for
discussion at this point though.

CHAIR RICHARDSON: Yes.
MR. AUSTIN: So having said that, is there any discussion from any members of the Board?

(No audible response)

MR. AUSTIN: Hearing none, we'll --

MR. FELDMAN: Sorry. Do you think the record is clear on why it's being withdrawn?

MR. AUSTIN: Just to clarify for the record, with the discussion amongst the Handling Subcommittee the decision was made based off of -- this has been a very difficult material. A lot of moving parts. And we wanted to bring it back to the subcommittee to make sure that when we come forward with a proposal that it's the proper proposal.

To change it midstream would have been a substantive change which is not allowed at this point in time. So we've decided that the best approach and the proper procedure according to the "Policy and Procedure Manual"
and based off of public commentary would be
refer it back to the subcommittee for further
deliberation and then we can come back at a
later date and time with a motion. That help
clarify it, Jay?

MR. FELDMAN: Yes, it does.

MR. AUSTIN: Tracy?

MS. FAVRE: I'd just like to add
to expand on Harold's comments, we're on the
version 7 of the checklist now. We've had
quite a bit of discussion and debate about
this. Although he told me they went to like
22 on streptomycin, so I don't feel so bad.

But so we've had lots of
discussion about this. We knew when we put
the proposal out that we probably wouldn't get
it quite right because there's so many moving
parts on this. Because glycerin can be
produced in so many ways, some of which are
considered synthetic and some of which are
not, it's just sort of made it more
complicated. And then also it's so pervasive
in the use in the industry. We wanted to make sure that we got feedback as much as possible.

So we have actually created another proposal which had the ruling from the program been different, we would have actually brought forward and voted upon today. I don't know if it would be appropriate for me to read that classification motion here or not.

Jean, you want to provide any feedback on that?

CHAIR RICHARDSON: Yes, you could just so that the -- but --

MS. FAVRE: Yes.

CHAIR RICHARDSON: -- you're not reading it --

MS. FAVRE: Yes, it's not a motion, but --

CHAIR RICHARDSON: So that people get a better understanding of why we've made the decision to send it back to subcommittee.

MS. FAVRE: Yes. Okay. So, the current thinking is that the proposed
classification motion would be -- is to classify glycerin as agricultural when derived from agricultural source materials and produced using biological or mechanical/physical methods as described under 205.27(a). And then with the annotation to clarify further "produced from agricultural source materials and processed using biological or mechanical/physical methods as described under 205.27(a)."

So you'll obviously have an opportunity to comment upon on this when we submit our proposals for the spring meeting. And we hope that if there's further consternation or confusion about it that everybody will give us an opportunity to tweak that so we can come with a viable proposal at the spring meeting.

MR. AUSTIN: Thank you, Tracy.

MR. BONDERA: Sorry. Harold, I just wanted to verify my understanding and say back what I thought I heard from Tracy,
because I may have just had a brain blip and not caught it before. It was what you said before though, not just now.

The two listing motions the committee isn't intending to review? It's the classification motion that is up for review? That's what I didn't quite get from your introduction process and I'd ask that you repeat it, please. Thank you.

MS. FAVRE: It's not a matter of review. We've actually got a proposal already that we brought with the intent that if the program ruled it wasn't a substantive change that we would vote on today. It was really an intent to clarify the classification motion. So since we have the opportunity now, since we have to go back to committee with it, I'm sure we can have the opportunity to discuss it further in subcommittee if we need to, but I think generally we're okay with its current incarnation. Did that answer your question?

CHAIR RICHARDSON: Miles?
MR. McEVOY: Yes, I just wanted to clarify why we consider this a substantive change. The proposal as published for the meeting, you can see here, was to -- now I can't quite read that. Let's see. Motion to classify glycerin produced by microbial fermentation as agricultural. So that was the motion that was presented to the public for the public then to weigh in on about this particular petition. And based on the information that the subcommittee received they're wanting to amend that to make it broader than what this classification motion is.

And because the proposal that they want to move to a motion would broaden the allowance of glycerin beyond what was proposed to the public that the public had the opportunity to comment on, we feel that it's important that that wider allowance of glycerin, the full public should have an opportunity to respond to that amended motion.
that will, sounds like, be in front of the public for the spring meeting. Hopefully that makes sense.

MR. THICKE: Just a clarification. I'm not sure I understand. The petition requests removal from 605(b) but it doesn't really request putting it on 606. I didn't see it in the petition. Did I misread that or can we put it on without having it being petitioned for that?

CHAIR RICHARDSON: Tracy?

MS. FAVRE: We did actually raise that question in subcommittee and we were advised through program technical advisory that we do have the latitude to do that.

CHAIR RICHARDSON: Any other comments?

(No audible response)

CHAIR RICHARDSON: There being no motion on the floor, this material will therefore go back to the Handling Subcommittee. Mr. Austin?
MR. AUSTIN: Thank you, Jean. All right. Our second material is whole algal flour. Likewise, based off of public comment and in accordance with the "Policy and Procedures Manual" the Handling Subcommittee convened this morning during this morning's break and again we voted to withdraw this recommendation for the purpose of revision and reconsideration at a future NOSB meeting.

The rationale for deciding to do this was on the original petition the additional information that was requested by the Handling Subcommittee, there was a tremendous amount of information that had not been included. The manufacturer -- the petitioner during their written public comments and then also during their oral testimonies has provided additional information to the subcommittee.

It may not sway whether we move to put this on or not, but we feel on the subcommittee will help us to at least fill in
some of the blanks for both the classification
and the listing motion on this substance. And
so we feel rather than to move this forward
for a vote and discussion where we feel it's
possibly not inadequately framed we've moved
to bring it back to the subcommittee,
readdress the issues and bring it back forward
where it's clearer and more concise. And that
was the rationale behind bringing this back to
the subcommittee based off of public
commentary we've heard in written and in oral
testimony.

CHAIR RICHARDSON: Does Lisa, do
you need to --

MR. AUSTIN: I'm sorry, Lisa.

CHAIR RICHARDSON: -- read this

into the record?

DR. BRINES: Sure.

MR. AUSTIN: My bad.

DR. BRINES: I can do that before

further discussion on this one.

The petition for whole algal flour
was submitted by Solazyme, Incorporated on September 6th, 2013. And in response to a request from the subcommittee the petition was updated on January 21st, 2014 with a petition addendum.

The petition requests the addition of whole algal flour to Section 205.606 of the National List. This material has not been previously reviewed by this Board and no technical report was developed.

Both the petition, the petition addendum and the subcommittee proposal were all available to the public and posted on the NOP's website in advance of the comment period for this meeting. Thank you.

MR. AUSTIN: Thank you, Lisa. My apologies for the break in procedure. I won't let it happen again.

Okay. At this point we can open it up for discussion if there's any questions. Jay?

MR. FELDMAN: Is it the
committee's understanding that the Board will be receiving or you'll be able to look at CBI associated with manufacturing, what was previously redacted information?

MR. AUSTIN: There was a significant amount of information that was provided in their written public testimony. We just haven't had adequate time to review it and really peruse through it enough to give a justified clarification on it. So we need more time.

Tracy?

MS. FAVRE: Just as a reminder, even though we've considered adopting and made a recommendation for a new CBI policy, we don't have that new CBI policy in place so we can't actually require it.

MR. AUSTIN: Thank you for that, Tracy. Any further questions or discussion?

(No audible response)

CHAIR RICHARDSON: There being no motion on the floor, this material, whole
algal flour, is sent back to subcommittee.

Harold?

MR. AUSTIN: That ends this part of it. We'll begin to move into the 2015, but before we do that I would like to turn the mic back over to you.

CHAIR RICHARDSON: Okay. The next several materials that we're going to look at allow us to work with the new sunset policy in place. Prior to doing that I just want to read through sort of the Chair's Sunset 101 of the new process in case there are people out there that don't fully understand it.

The NOSB is charged to review all substances within five years of their addition to or renewal on the National List. Since materials were first added to the National List in 2002, there have been two sunset review cycles. Although the word "review" has not specifically indicated a requirement to vote on substances, the tradition has been for the NOSB to put forward motions and to vote on
them at the public meeting before sending
their advice to the Secretary through the NOP.
During those earlier reviews all materials
were considered to drop off the National List
unless there were motions to re-list them.
Hence, the concept of sunset.

In September 2013 the NOP changed
the sunset process. The new sunset provisions
include two opportunities for public input,
and this has resulted in a more in-depth
review of materials by the subcommittees than
in the past, but the new sunset process now
results in all materials staying on the
National List unless the NOSB review indicates
that they should be taken off the List.

It is widely agreed that the
language in the Federal Register notice of
2013 requires clarification. And indeed, for
this meeting we have received about 150
written public comments about the sunset
process from a range of stakeholders. Many
have expressed frustration at what they see as
1 precariously convoluted and complex, to quote. And the subcommittees have worked with the NOP
2 staff to develop motions which meet the intent of the new process.
3
4 Following this meeting I am very hopeful that the NOP and the NOSB will be able to work collaboratively on clear revisions of the sunset process based on our experiences at this meeting and the public comments that have come in over the last few months.
5
6 Meanwhile, we have work to do. Subcommittees do not make decisions. So in order for the public to clearly understand that a substance could potentially be removed from the National List and given the opportunity to provide comment which could be considered at this meeting each substance comes to the full Board from their respective subcommittee with a motion to remove the substance from the National List.
7
8 The NOSB acknowledges that this is a somewhat artificial construct but that it
meets the intent of the new sunset process. Therefore, NOSB members, your yes vote on a motion to remove will be to recommend that the substance be removed from the National List. Your no vote on a motion to remove will be to recommend that the substance remains on the National List.

Harold?

MR. AUSTIN: Thank you, Jean. As Jean has stated, for the 2015 substances we're now entering into the second phase of the newly-revised sunset review process. We're still looking and still working to iron out a few of the wrinkles in it, as I think we all are very cognizant of, but what the Handling Subcommittee has already begun to see is that this process will enable us to have a quality exchange of comments from the stakeholders on two separate occasions thus allowing for better clarity, transparency and a better opportunity for information exchange between the NOSB and our organic stakeholders.
The sunset process is a great vehicle which we can utilize to show how our organic process should and must work through improved opportunities for communication, through enhanced process for stakeholder feedback and ultimately for two, not one opportunity for public discussion and debate on all materials up for sunset review.

With that, I would now like to begin the start of our 2015 sunset materials presentation. The first, we're going to combine two materials, Lisa, to bring to you. I will present to the Board and the NOP from the Handling Subcommittee marsala with a motion from the subcommittee to remove from the National List 205.606(g)(1) and also for sherry, again with a motion and a second from the Handling Subcommittee to remove from the National List from 205.606(g)(2).

Lisa, I now turn it over to you.

DR. BRINES: All right. Thanks, Harold. So the first material is marsala
wine. This material was added to the List in 2010. The petition was originally submitted in 2007. As Harold said, it is included at Section 205.606 of the National List at paragraph (g)(1) under the listing fortified cooking wines. Likewise, the petition for sherry was also submitted originally in 2007 and it was added to the National List in 2010. It's also included at Section 205.606(g) of the National List under paragraph 2 under cooking wines. Both petitions are available on the NOP Web site and no technical reports have been developed for these substances.

Thank you.

MR. AUSTIN: Thank you, Lisa. Now I'll turn it over to Tracy to lead the Handling Subcommittee's discussion.

MS. FAVRE: Thank you, Harold. Yes, as Dr. Brines has indicated these are very similar materials. They were both petitioned by the same petitioner. They were both used for their unique flavor profile in
some of their I think it was frozen entrées. And essentially comments generally supported the removal of the materials as no longer being necessary. One commenter even referred to previous comments from Cornucopia suggesting that not even the original petitioner was using it anymore. And essentially there seems to be no demand for either one of these products, so it seems to be fairly straightforward. Thank you.

CHAIR RICHARDSON: One second before we move into discussion. I would like to discuss them separately. We can only really discuss one motion on at a time and vote on one motion at a time. So how about taking sherry first. Colehour, you have a comment?

MR. BONDERA: Thank you, Madam Chair. Actually that was my question, if we could consider them together and who and when that decision was made. That was unclear to me process-wise and I think you've addressed
it, but I don't know if it has a more general
observation that you need to make because I
don't know if that -- I didn't understand how
that was put forth.

CHAIR RICHARDSON: The motion on
the floor from the Handling Subcommittee is
now for sherry. And when we've finished
discussing and voting on that, we will then
take up the marsala.

MR. AUSTIN: Any discussion?

CHAIR RICHARDSON: Mac?

MR. STONE: I think, Colehour, at
the subcommittee level they're sort of
interchangeable in their use, and so because
of the big number of sunset materials they
were just sort of lumped together in
conversation, if you will, at the subcommittee
level because they are so close and so similar
in nature, but then technically we have to
vote separately.

CHAIR RICHARDSON: Is the NOSB
ready for the vote on this substance, on
sherry? Do you understand the motion? The
motion on the floor is to -- let's see, should
I read -- I should really read it out,
shouldn't I? What is the motion?

MR. AUSTIN: Jean, I can get it.

CHAIR RICHARDSON: Okay.

MR. AUSTIN: The motion on the
floor from the Handling Subcommittee for the
NOSB to vote on would be to remove sherry from
the National List of 205.606(g)(2).

CHAIR RICHARDSON: So your vote
yes is to remove it. Your vote no leaves it
on the List. Are you all clear on the motion
and how your vote might go?

(No audible response)

CHAIR RICHARDSON: Thank you. It
comes as a seconded motion.

So we start with Francis.

MR. THICKE: Yes.

MS. BECK: Yes.

MS. FAVRE: Yes.

MR. DICKSON: Yes.
VICE-CHAIR FOSTER: Yes.

MR. STONE: Yes, ma'am.

MR. FELDMAN: Yes.

MR. AUSTIN: Yes.

MS. FULWIDER: Yes.

MS. SONNABEND: Yes.

DR. WALKER: Yes.

MR. MARAVELL: Yes.

MR. BONDERA: Yes.

CHAIR RICHARDSON: Yes.

DR. TAYLOR: Yes.

MR. STONE: Record shows 15 yes, 0 nos.

CHAIR RICHARDSON: The second motion which comes as a seconded motion is marsala. Harold, could you read the motion?

MR. AUSTIN: The motion coming from the subcommittee would be to remove from the National List marsala, remove it from the National List at 205.606(g)(1).

CHAIR RICHARDSON: Does everyone understand the motion and what their vote will
(No audible response)

CHAIR RICHARDSON: Start the voting with Carmela.

MS. BECK: Yes.

MS. FAVRE: Yes.

MR. DICKSON: Yes.

VICE-CHAIR FOSTER: Yes.

MR. STONE: Yes, ma'am.

MR. FELDMAN: Yes.

MR. AUSTIN: Yes.

MS. FULWIDER: Yes.

MS. SONNABEND: Yes.

DR. WALKER: Yes.

MR. MARAVELL: Yes.

MR. BONDERA: Yes.

DR. TAYLOR: Yes.

MR. THICKE: Yes.

CHAIR RICHARDSON: Chair votes yes.

MR. STONE: Southerners don't just talk slow. We hear slow. So we go a little
slower, but I still came up with 15 yes and 0 nos.

MR. AUSTIN: Okay. Moving on.

The next 2015 sunset material would be tragacanth gum. This comes before the Board as a motion with a second to remove from the National List at 205.606(x).

Lisa?

MS. ARSENAULT: I'm sorry, can I interrupt? We didn't get who made the motion and who seconded for the last two votes. Could we repeat that?

MR. AUSTIN: Do we need to have a new motion?

(No audible response)

MR. AUSTIN: Okay. So coming out of the subcommittee marsala, the motion was made by Tracy, seconded by Zea. For sherry the motion was made by Tracy, seconded by Zea.

For this motion in front of us on tragacanth gum, this motion was made by Joe, seconded by myself.
Lisa?

DR. BRINES: Thank you, Harold.

Tragacanth gum is currently listed at Section 205.606(x) of the National List without annotation, but it does include CAS No. 9000-65-1. The original petition was submitted in 2007 and it was added to the List in 2010, and no technical report is available for this substance. Thanks.

MR. FELDMAN: Madam Chair, I rise to a point of order on this motion. And if you'd like, I could discuss what that is or briefly point out that the point of order is based on two problems, if you'll allow me.

CHAIR RICHARDSON: A point of order is being made by Jay. Is this something that deals with the present material that we're dealing at, tragacanth gum?

MR. FELDMAN: Yes.

CHAIR RICHARDSON: What is your point of order?

MR. FELDMAN: Okay. I did prepare
this, so hopefully it will be succinct for
everybody. But just to give you an overview,
the point of order is based on two problems.
The motion to remove the material does not and
did not reflect the true intent or
recommendation of the subcommittee, which is
really required under Robert's Rules of Order.
And two, the policy as outlined in the Federal
Register of September 16th, 2013 for the
subcommittee process was not followed in
providing justifications as required.

I'd like to point out that if the
Board finds by majority vote that the
subcommittee motions are out of order, it will
be returned to the subcommittee for action,
for review under the current policy. So let
me quickly go through this and then we can go
from there.

Okay. With subcommittee reviews
in the absence of a full Board vote, the
material under review can stay on the National
List. So the process we're going through
right now, this discussion is in no way intended to affect the outcome of what people may want to occur. It's solely focused on the process of how we achieve that outcome.

The process issues that I believe are in a sense in violation of the policy is that unless there is a motion to remove a material in subcommittee during the sunset process, the motion does not advance to the full Board for a vote. That's the stated policy. The motion to remove in subcommittee in this case is not justified as required by the FR notice. Citing of OFPA criteria alone without justification does not meet the FR criteria. In this case I believe the essentiality criterion was cited.

It was not the intent of the makers of the motion and those voting for the motion to remove the material. The motion to remove confuses the public as we've seen in some of the public comments.

While I appreciate, Madam Chair,
your presentation at the beginning or start of this section of the meeting, I think it is bad form and sets bad precedent for this Board to on an ad hoc basis choose to reject and ignore the policy and then for the program to allow on an ad hoc basis that in effect rewriting of the policy mid-process.

So here are the sections of the -- well, I'll start with the instructions. The USDA AMS provided instructions to the subcommittee and it went like this: This was in the document cited by AMS to the public and to the Board as the operative policies governing the procedures of the Board which included both the FR notice of September 16th -- it included the documents for the training session in February of 2014. It included the "Policy and Procedures Manual," as well as I believe the FACA rules.

If the subcommittee -- this again is instructions to the subcommittee. If the subcommittee has obtained new information
since its last review that supports a motion
to remove the substance from the National
List, the subcommittee will provide
justification that demonstrates that the
substance is either harmful to human health,
unnecessary because of availability of
alternatives and inconsistent with organic
production. That was not done in this case
because as we know the motion was a procedural
motion to get this issue before the Board.

Step 4 says if warranted the NOSB
subcommittees can develop proposals to remove
substances as part of the preliminary review.
Any proposals to remove a substance must be
justified using evaluation criteria in OFPA
and the USDA organic regulations. Proposals
to remove a substance must be part of the
preliminary review that is posted in advance
of the NOSB meeting.

Step 5, AMS will publish a Federal
Register document announcing a second NOSB
meeting and request public comments on each of
the subcommittee's preliminary review.

Step 6, after NOSB discussion of each preliminary review and any proposals, the NOSB will vote on any motions to remove substances from the National List. If a subcommittee had published a proposal to remove a substance, then a member of the NOSB can make a motion to remove that substance from the National List.

And then finally, after NOSB votes on any proposal to remove substances, the NOSB discusses the overall review of the substances under their consideration. That's what we could be doing, Madam Chair, at this meeting. The subcommittees could have brought -- if there was a substantive motion, could have brought that review -- I'm sorry. If there was not a need for a motion to review or a motion to remove, the subcommittee could have brought the discussion of the subcommittee to this Board for overall review and your sign-off. That was not done.
At the conclusion of this discussion the NOSB Chair confirms that the NOSB review is complete. The NOSB Chair compiles the preliminary reviews from each subcommittee and any NOSB recommendations for removal into a comprehensive NOSB review document.

So again, regardless of how we feel about sunset, we need a process. This Board desperately needs a process that the public can rely on that's meaningful, that's reasonable, that's fair and that represents the true intent of the work of the subcommittees. That's what we're seeking here.

And I think that in sending this back to the subcommittee what we're saying to the public is whether we agree with what the AMS did with the changes in policy, both as it affected the procedures, the transparency, as well as the substance of the changes, that we are notifying the public that we have a
process in place. We're not operating on an
ad hoc basis. And it's critical that we stick
to a process. If we want to change that
process, we need to go through proper channels
to change that process.

And so we have what we have at
this point and I believe that we have not
followed that process and we have not carried
out the intent based on a required
justification of the motion, in this case an
essentiality justification to move this as a
motion to remove to the full Board. So with
that, I turn it back to you. Thank you.

CHAIR RICHARDSON: Thank you for
the point of order that you have raised.
You've raised some procedural issues. Is it
your intention to submit or ask the -- propose
a motion to send this back to subcommittee,
which would be a subsidiary motion which would
require a second?

MR. FELDMAN: Well, my initial
intent was to elicit input from the rest of
the Board to see whether they also believe
that this is a violation of the procedures as
laid out by the NOP. I could make a motion to
return this to subcommittee, if that's your
preference, Madam Chair.

CHAIR RICHARDSON: I think I'd
prefer to have it done based on a motion.

MR. FELDMAN: Okay.

CHAIR RICHARDSON: I think it
makes more sense procedurally.

MR. FELDMAN: Okay. Well, then I
introduce a motion to return the tragacanth
motion to the Handling Subcommittee so that
procedures as outlined in the Federal Register
September 16th, 2013 can be followed.

CHAIR RICHARDSON: I'd like a
second to that motion in order to be able to
discuss this in the detail that it perhaps
needs to be discussed. Is there a second to
Jay's motion? Is that a second?

MR. MARAVELL: I am willing to
second Jay's motion, however; I'm not a
parliamentarian, I do think we need to be careful here in how we proceed. And you may want to ask for some other comments on how we're proceeding, Madam Chair. But, yes, I am willing to second Jay's motion. I think it has merit for us to consider.

CHAIR RICHARDSON: Zea?

MS. SONNABEND: Before we proceed with discussion I would like clarification from Miles and the department. Is there time to send this back to committee and bring it back at the next meeting without having it go off the List, if that's what we choose to do?

MR. McEVOY: Yes, I believe for this particular material the sunset date is --

DR. BRINES: December of 2015.

MR. McEVOY: -- December of 2015. So if the NOSB does not complete the review by the sunset date, the material sunsets, is no longer valid, can no longer be used. So that's just a point of clarification. On this slide here materials do not remain on the
National List if the NOSB does not complete the review.

If the sunset date is December of 2015 and the NOSB does not recommend removal, then it is feasible for us to complete a Federal Register notice to renew the listing of -- what is this called again, tragacanth gum by December of 2015. So that would be a feasible time frame. For us to complete rulemaking to remove tragacanth gum from the National List is not feasible for us to do between April and December.

CHAIR RICHARDSON: Thank you, Miles. It is my understanding that in bringing up this point of order and the motion is that it is the desire of Jay to allow this to be an opportunity for those -- all members of the NOSB to express their concerns or support of, whatever it might be, of the procedural situation with regards the sunset process. So it's an opportunity for us to have an open discussion. It is the first time
we've really done this. It's been September 2013 when this first came in.

The NOSB has not taken a position on it and we probably won't do so, but it does give us the opportunity to say how is this process working compared with the other one? Does it need clarification? Is it clear the way it is? How do you think that the work that we've been doing is fitting in with the intent of the new or the old sunset procedure?

Harold?

MR. AUSTIN: So we are now in the discussion period. Okay. I would like to clarify though the point that Jay had raised that we did not follow procedure on the Handling Subcommittee. I will take that, and I choose to argue that point.

If you look at the motion that -- the paperwork that was posted for public commentary and submitted by the Handling Subcommittee, the motion to remove, I read the intended motion to remove tragacanth gum, but
if you go into the declaration above that, the
motion to remove, this proposal to remove will
be considered by the NOSB at its public
meeting.

Based on the subcommittee's
review, the subcommittee proposes removal of
this substance from the National List based on
the following criteria in the Organic Foods
Production Act, OFPA, 7 USC 6158(m)(6). The
alternatives to using this substance in terms
of practice or other available materials.
Also (7), its compatibility with system of
sustainable agriculture. So we did follow
procedure.

CHAIR RICHARDSON: Nick?

MR. MARAVELL: Again, Madam Chair,
I'm not a parliamentarian, but I get a little
confused. I applaud the Handling Committee
for bringing this to the full Board for
consideration. If I were a member of the
public and I see a motion made to remove --
and I'm going to use layman's language here,
so don't hold me to strict legal interpretations. If I were going to make a motion to remove an item from the National List and then get a second for that motion, and then I vote against it, my second votes against it, it's sort of like tripping over myself. As I say, I'm not a parliamentarian, but that would immediately send up a red flag as just to how this procedure is working.

What we're trying to achieve here is something that makes sense. And Harold is trying to do his job. I'm not criticizing what the Handling Committee intends to do. I'm just saying that the procedure needs to be clear so that we don't get caught in this sort of diabolical loop over and over again.

So I respectfully submit that it's hard to consider a motion that the maker and the second both voted against. And so I'm having a hard time perceiving as a member of the public and even as a member of the Board clearly what we're doing here.
CHAIR RICHARDSON: So is the sense then the NOSB doesn't want to have a motion on the floor? Just withdraw it? Is that what you want to do? Jay? Nick? Instead all the discussion then will be around the main motion? Is that correct, Jay?

MR. FELDMAN: Well, the point of all of this is that the main motion has not followed procedure, because, yes, I understand that the two criterion have been cited. Both essentiality and compatibility have been cited. And maybe the Program can clarify this, but as I understand it the instructions to the subcommittee is that the subcommittee has obtained new information since its last review that supports a motion to remove a substance from the National List. The subcommittee will provide justification that demonstrates -- those are very specific words -- justification that demonstrates that the substance is meeting one of the criteria.

Look, I agree with the sentiment
here that the full Board should have an opportunity to vote on everything that comes before a subcommittee. I agree with that sentiment 100 percent. Unfortunately, the policy in the Federal Register does not establish a process that does that. It says; and Nick has pointed out, that the maker of the motion voted against the motion. So the intent was not a substantive intent. It was a procedural intent.

And I agree with Nick. This isn't a problem that the subcommittee created. The subcommittee was looking for a work-around to give the Board a full opportunity to engage in the discussion and issue a vote. But if we operate on an ad hoc basis like that and seek to circumvent -- first of all, we saw confused members of the public who were coming forward thinking that materials were going to go away. And second of all, it doesn't follow the procedures as outlined in the Federal Register.
The other point that many of us have made is that all of this could have been averted if we had had a public discussion on this and some of these procedural problems may have come to light. But I don't think we can go forward as a Board that oversees a 35 -- well, we don't oversee, but hopefully contributes to the growth of a $35 billion industry with ad hoc procedures that are changed midstream and don't reflect something the public can rely on. And the Board shouldn't be put in the position to try to circumvent and jerry-rig a procedure on an ad hoc basis.

So I think the only way to correct this is to return it to subcommittee, have the committee have its review, issue it as a review without a motion to remove, bring that to the Board at the next Board meeting, at which time the Board will discuss the review, and then have the Board acknowledge the review and the Chair sign off on the review and give
that in the compilation to the NOP. I still
think there are problems with the procedure,
but that's the procedure we have right now.

CHAIR RICHARDSON: So just so you
understand it, this is a subsidiary motion to
send it back to subcommittee. Its purpose is
to allow for a conversation of the Board
around the issue of sunset. We'll continue
this discussion until we think we've had
enough and then we'll vote on it and then
we'll go to the main motion.

Francis?

MR. THICKE: Well, I would point
out that it's even more confounded in some of
the other committees. In the Crops Committee,
for example, the vote was four to three on
sulfurous acid and I'm quite sure that those
four votes for delisting it were not really
intending to delist it. And I think that we
had people fly all the way from California and
Utah and whatever because of that. And so,
these kinds of things have ramifications.
CHAIR RICHARDSON: Other Board members? You're all very quiet. I know you have opinions.

(No audible response)

CHAIR RICHARDSON: No? All right. Oh, Nick?

MR. MARAVELL: Yes, take my quiet demeanor as confusion. I remain a little bit confused.

MR. AUSTIN: Well, in our opening comments this afternoon I think we did discuss that there are some wrinkles within the new process to take and work our way through. I think it does afford us an opportunity for two different times for public commentary/stakeholder input to garner information to make sure that we collectively make the decisions that are in the best interest of our organic community and the stakeholders that it encompasses.

This isn't the perfect solution, but I think to stop the process in midstream,
to randomly begin to send materials back to
the subcommittees for review knowing that
especially in the 2015 we will be under
somewhat of a tight time frame in order to
accomplish this, I don't know if this is
necessarily the right process or the right way
to achieve the means and the goal that we're
all trying to accomplish. I think there's a
better way and I just don't think that this is
it.

CHAIR RICHARDSON: Colehour then
Mac.

MR. BONDERA: Thank you. I
actually agree with what Harold just said in
a lot of ways because I think that we're
facing starting to do something that I would
argue there's more than just a few wrinkles
on. I think even to some degree it's been
acknowledged that this -- my sense is, and I'm
not going to quote dates or times or people,
but I think even the NOP has acknowledged this
needs some fixing already even after what was
put forth in September last year. And I think that we need to start it out right and it needs to be done well and it needs to not be done figuring it out as you go. And I think arbitrary and capricious come to mind in terms of starting out with something that doesn't work and then trying to correct it as we go.

I think I get pretty fearful in terms of -- if we've set precedent and start making decisions on this round of sunset, I think we could be in more trouble, because then we may have to be pulling those back because then it's figured out by the NOP or by the AMS that the process followed does not meet requirements.

And so, I am fairly concerned that we're in a situation where what can we do to make it go best. And I think I have to say that from my perspective the only thing that we have right now as a body is to look back at the Federal Register notice that was put forth, and if the NOP wants to issue a new
Federal Register notice with some corrections or changes -- I don't know how much time that takes or what the process is, but I would say get on it real fast because we can have a corrected thing that we are following right away rather than trying to make things up as we go and then next meeting they're going to change some more.

And like was referred to, the public is very confused and I think frankly and honestly -- and I don't know, Jean, if you're going to go around the room and ask, but I think NOSB members are confused in terms of figuring out what all these things mean and how they all work, and I think people have different opinions and thoughts and understandings, and it's concerning to me that we're going to be voting on materials from different places. And that to me does not feel like how we can work together as a team at all. It feels like we're trying to do things -- I guess ad hoc is not wrong, but
we're trying to do things in ways that isn't unified and moving together towards solutions. And honestly, from whatever group each of us is representing they're all members of the public and we aren't able to speak for our groups in a coherent manner.

So I would argue that we need to get to a foundation place where we're all together, both collaboratively, the NOP and the NOSB, and so we can be communicating it to the public effectively. And I really feel strongly that that's the only way we can positively and functionally move forward.

And I think what Harold said is exactly right; and I'll wrap up, because we have to start the sunset process. We can't be starting to take votes on sunset items and then the train keeps changing tracks. That's going to really not work. Thank you.

CHAIR RICHARDSON: I have Mac, then John, then Tracy.

MR. STONE: So the way I read
this, with this motion to remove it takes
two-thirds vote to remove, which is a
definitive vote, which is in my opinion that
-- frankly, I think it should be hard to get
stuff on the list and it should be hard to
take it off. So I'm okay with that.

The confusion around the wording
of the recommendation out of the committee is
a little confusing of how it -- the review was
done, but when the vote coming out of the
committee on this one was zero yes and six no,
then it's obvious what the intent of the
committee had in their discussion. But
Francis referenced one in crops that was like
four-three. Then it's hard for me not being
on the committee to know just what the
committee deliberation sort of was trying to
say with a deeper dive into the material.

So I could see a fix in how the
wording of the language of how the review
went, not just that the review happened that
could help Board members get a handle of what
the deliberation was all about. But I'm okay
with this make a motion to remove and then
vote against in the committee because it's
definitive at the Board level.

CHAIR RICHARDSON: John?

VICE-CHAIR FOSTER: So whether or
not there's one wrinkle or a few wrinkles,
whatever, my whole experience with everything
since OFPA is it's been one wrinkle after
another. So that this has wrinkles is nothing
new to me. And if this is confusing, then
forget the tax code, forget the voting laws,
forget all this other stuff we deal with every
single day. It's much more confusing than
this to me.

I'm with Mac on that camp when you
have a zero to six or a six to zero vote on
anything, clearly the subcommittee is unified
regardless of what the motion is. If it's
three-three or four-two or whatever, then
there's some disagreement amongst the
subcommittee regardless of what the motion is.
My intent, I was in the camp originally, for those of you keeping track and score; and I know several of you are -- is I was okay with just doing the review. That was fine with me. I wanted to accommodate the very clear desire by the majority of the Board to make sure we had a vote on every material all the time. And if this is the vehicle we have right now to do that, I'm fine with that because it serves in my opinion a higher purpose, which is establishing a vote opportunity for every Board member. That was my intent.

If the motion has to be worded in an odd way, maybe it's -- I don't know, maybe it's me being a literature major coming out to haunt me again, but I'm okay with that. Like craft the words to make them do what you need to get done. So I'm not particularly confused. I think I've been pretty clear here. I'll stop there.

CHAIR RICHARDSON: Before I go to
Tracy, just to remind you that the motion on
the floor is to send it back to subcommittee.
It's a seconded motion, and that motion is
necessary because Jay objected to procedure,
raised a point of order which is not
debatable. So we need to have a motion on the
floor to have this debate. So therefore, the
debate is whether or not to send this material
back to subcommittee based on procedural mess.

MR. THICKE: Clarification. Does
that mean that all the materials will go back
to subcommittee since they're all under the
same --

(Simultaneous speech)

CHAIR RICHARDSON: No, we're just
dealing with this one right now. Let's just
take one thing at a time.

MR. THICKE: We need to think
ahead.

(Laughter)

CHAIR RICHARDSON: Tracy?

MS. FAVRE: Thank you. I would
I agree with what Mac and John have said. I think any of us that were sitting in on the Handling calls and had participated in the conversation know that the statement that is at the end of each of the materials review made it clear what our intent was.

I can't speak for the Crops Committee because I think there were some people that were more concerned with process, making sure the process was correct. I guess maybe it's just the engineer in me that wants to get the work done in addition to process. I feel like putting the statement in there that expressed our intent to give the opportunity for everybody to vote was very clear. Our vote then was indicative of our intent on the motion itself. And we were very clear on the Handling Committee what we were doing and what we hoped to express. I think John made some very good points about it doesn't really matter what the vote is because there might be disagreements.
I think we did a very good job in the Handling Committee reaching consensus as a group, what was the best way to express the wishes to get everybody a chance to vote. I think that was less clear in Crops because again maybe some philosophical differences about wanting to correct the process regardless of its impact on the particular materials reviews.

And I think again in the very big picture most of us felt very strongly that we wanted to have a chance on the record to vote on the material and if we did need to craft a motion that felt a little awkward -- anybody that read the proposals and saw the vote could pretty easily work out what the intent was in Handling. So I think that was pretty clear. I don't think there was any confusion.

And I stand behind the comment that if we bring a motion forward and there is a vote from the subcommittee, regardless -- Jay, you'd expressed that there might be some concerns and people were confused that might
have flown here in alarm that a material might be reviewed or removed. That's the risk on any of these materials that undergo potential for a sunset.

CHAIR RICHARDSON: Harold?

MR. AUSTIN: Well, just to follow up on what Tracy had said, I also sit on the Crops Committee, and having sat on that and chairing the Handling Committee, we had the dialogue amongst ourselves that we needed to make sure that we had clarity and that the motions that came out showed our true intent. And I think this did do that.

We also were challenged with the task of how to bring this back out under the current guidelines so that we could have it for a full Board review and vote, and I think we pretty much said that in the highlighted block there. I said it before: This has a few wrinkles. The process potentially is a good process if we allow it the time and we put the energy collectively together to work
our way through it. It's going to have some bumps. It's going to have some bruises. We can work our way through it. But to take and move forward with the motion that we currently have before us is not the way to do it.

We talk about clarity. We talk about substance. We talk about doing something so that everybody understands it. Taking the current motion, referring it back to the subcommittee is only going to do nothing more than add more gray clouds, more confusing information back. And I think it is going to make it more troublesome. And I don't think that's the way we should proceed. Let's give this due process a try and see what we can make of it.

CHAIR RICHARDSON: Colehour?

MR. BONDERA: Thank you, Madam Chair. I appreciate a lot going on. So I guess I just -- following I guess what John and Tracy said, and I guess Harold, too, now, I think my feelings come down to -- I mean,
one way, it's not the only way, but I think I
said this probably -- I don't know the last
time I said it, but I've said it before, I
really think that we all need to be working
together.

And I think you guys all just
pointed out very clearly one of the issues at
hand is, well, there's a different process
happening in Handling based, like Harold just
referred to, how it was going in Crops and
these are different. And I think that that's
sort of for me the linchpin in terms of we all
need to be following the same process and
using the same process and not arbitrarily,
depending on who was appointed chair of which
subcommittee at which moment -- and I'm
talking not right now who's chair of which
ones, but three years from now or whenever,
they could come up with whatever they want to
come up with or that feels good at that moment
that is just created.

We don't have -- yes, we could
say, well, the PDS should come up with some new policy and maybe the NOP will approve that, etcetera, etcetera. That's all hypothetical. We don't have a process that we're all following equivalently to reach these conclusions whether or not -- like John said, it's we all vote, or it's just done by review, or whatever it is. There isn't one in place that we're all making use of equally. And that's for me where I think we have to start is on an equal level playing field so we're all pursuing things, not with the same conclusions, not with the same votes, etcetera, but we're all using the same process, because otherwise, it doesn't feel fair and even to me.

CHAIR RICHARDSON: Other comments?

Mac?

MR. STONE: So in looking through the Crops recommendations, as well as the Handling, because it's new, the wording could be a little more verbose, John, robust, but it
is clear and they are consistent that motion to remove, something that we sort of decided as a group to get it in front of the full Board that it is clear. No matter what the vote is, you can see some deliberations at the committee level. When it's four-three, well, there's mixed feelings about whether we move it or not, and we can have that conversation. So I'm perfectly comfortable with what both committees have put forward at this point.

CHAIR RICHARDSON: Zea?

MS. SONNABEND: Thank you. Well, I've been thinking about this a lot and I decided to write my statement so that I could get through it properly, which is more a statement of my feelings than it is about procedure exactly, but that's what I'm going to do is read my statement.

I was appointed to fulfill my NOSB responsibilities under rules that we did not make ourselves. Those responsibilities are to review materials in whatever way the NOP has
determined is the procedure for this. My time is best spent in fulfilling these responsibilities and working within the existing rules to make sure there is a good opportunity for gathering public input and seeking information on the materials in front of us while trying to keep our process transparent and accessible. I spend many hours a week doing this on my responsibilities here.

I feel that I'm now being distracted and sometimes obstructed from doing my job by those of you who are upset with the politics of this and wish to take up our time both from within and without of the Board by clouding the work on this issue. I do not really trust that my colleagues on the Board are capable of defining those procedures properly instead of the NOP and I think that some of them may possibly have ulterior motives to remove everything from the list or to bog us down because they don't like the
political changes or because we didn't follow the procedures. Therefore, I feel that the NOP should be instructing us with what the procedures we are to follow in this.

What I keep thinking about is what if as each dusk comes and the sun is about to go down and we have to vote for whether it's going to come up in the morning?

(Laughter)

MS. SONNABEND: If we fail to get the two-thirds majority, the sun will not rise and it is the end of the world.

(Laughter)

MS. SONNABEND: Our confidence that the sun can still come up tomorrow is similar to our hope that organic can work within the system that is laid out for us in the rules. It is not incumbent on us to make these changes, as one commenter said. So I think we need to leave the politics to the politicians and enable us to do our jobs.

Thank you.
(Applause)

CHAIR RICHARDSON: Jay, did you have a comment?

MR. FELDMAN: You know, when we created this process we thought we were creating a democratic process. We've learned since September 16th that this isn't a democratic process. We had collaboration built into the procedures. Not everybody has grown up in a part of society where they can trust that they have access to people in positions of power and can have meetings and closed doors, change policies overnight, rewrite them. Not everybody is on the positive end of the receiving of those types of power relationships that undermine process, which is intended to protect all of us rather than some of us.

We were handed a procedure and the procedure says very clearly; we still haven't heard from the Program, that the subcommittee will provide justification that demonstrates
that the substance is either harmful to human
health, unnecessary because of unavailability
or availability and inconsistent with organic
production or handling.

You know, engineers are not just
concerned with the outcome. They're concerned
with the process. And I went to planning
school where we talked about participatory
planning because the planners figured out that
if a bunch of experts got in a room without
engaging the people they were building for,
designing for, spaces, communities, buildings,
societies, transportation systems, that those
systems failed, and they failed badly. And
then we began rebuilding those systems. So I
learned from a lot of people that experienced
a lot of failures in process and in outcomes
that the process is almost always as important
as the outcome and the process enhances the
outcome, protects the outcome.

And so when we were handed this
new policy, we looked at it from a legal
standpoint and we asked ourselves do we believe this is in compliance with the statute? But we also asked ourselves what do we need to do to comply with the policies as they had been presented to us?

And it hurt me as a member of this Board to find out that members were meeting, not as full Committee members, but meeting to create the process that had been handed to us in the Federal Register and that it was being reconstructed, and that I didn't hear a word from the National Organic Program which had gone to great lengths to bring the whole Board in, to train the Board on the new procedures and present this language to us: "If the subcommittee has obtained new information since its last review that supports a motion to remove a substance from the National List, the subcommittee will provide justification that demonstrates."

And that was explained to us as justification that requires some review, some
attempt at collecting information through TRs, through certifiers, through all the information points that can provide the information for us to make decisions that can stand up to what the public expects, that maintain the public trust in the label.

Madam Chair, the most confusing part of this conversation for me is that we have procedures and often over my history on this Board we've referred to those procedures constantly, about how we must honor the previous boards, we must honor the process, we must honor the authority of the AMS and the USDA. And the Board has always done that until now where the Board has said we want to change the process. And the NOP appears to be sitting by and allowing that to happen even though it doesn't allow it to happen in other contexts.

If that doesn't define arbitrary and capricious and define a process that, I think -- Zea, I think really does undermine
the value of all the good work you do to bring
science to this process. If we can't stand
behind a process that is understandable,
consistent and clear, then all that good
science will be distrusted.

So I would like to hear from the
Program on this. What is meant by
"justification that demonstrates?" Because I
took that to heart. And I believe in our
subcommittee, if you look -- Mac, if you look
in the Crops documents --

CHAIR RICHARDSON: Just remember
you're addressing comments to the Chair.

MR. FELDMAN: Okay. Madam Chair,
if you look in the Crops documents versus the
Handling documents, you'll see an attempt to
do checklists, to come up with the science to
either justify or not justify that the
criteria, the OFPA criteria are met. That's
our job as Board members. We signed up to do
that and I don't want to go off this Board
letting this rest on the notion that this is
a little wrinkle and we should just ignore it because we want to get to the outcome that we want to get to.

CHAIR RICHARDSON: Let me clarify where we are.

(Applause)

CHAIR RICHARDSON: Let me clarify where we are. There was a main motion brought from the subcommittee to remove tragacanth gum. Jay raised a point of order, a procedural order, which is not a debatable motion. It's just a point of order which the Chair could rule on. I determined not to rule on that, but invited a motion to send back to subcommittee. This is a subsidiary motion which we are presently debating so that the motion on the floor under debate is a motion to send this material back to subcommittee based on procedural issues coming out of the new sunset procedure.

Are you ready to vote on that?

(No audible response)
CHAIR RICHARDSON: No? Okay.

Colehour and then Nick.

MR. BONDERA: Yes, I'm not ready to vote on it in part along the lines of what Jay just brought up. I would like to hear from the Program what is going to happen if these get sent back to subcommittee in terms of like we've been discussing? Is something going to change or four or six months from now are they just going to come back the same? Because if the Program isn't committed to make some changes in this process, then I don't see some value. So I think in my opinion we need to hear from the Program before we vote on this motion. Thank you.

MR. McEVOY: Okay. Well, we started this in September of 2013 with the revision to the sunset process and we clarified that there's two parts to that process, and that is that the NOSB has to complete the review of all the sunset materials every five years. After that review
is complete then the Secretary can then potentially renew those substances on the National List. If those things don't occur, then those substances sunset or become invalid and can no longer be used.

So within that Federal Register notice we provided that the full Board is the only one that makes these determinations. The subcommittees -- with all the work that the NOSB does, the subcommittees have a role to play. Their role is to look at particular issues, whether they're petitions or sunset materials or other agenda items that the Board is working on and focus on those and bring proposals, bring their information, discussion documents, a variety of different things to the full Board. It's only the full Board that makes those final determinations, those final recommendations. So it's the full Board that completes the review of those substances.

As we said in the September 2013 notice, that completion of the review by this
body, by the National Organic Standards Board, does not require a vote and NOSB does not -- OFPA does not require a vote, but it does require the Board to complete their review.

We heard from the public and we heard from the Board members that you all wanted to have a vote for these substances, so we accommodated that under the provisions of the September 2013 Federal Register notice and we clarified that in a memo to the Board just a few weeks ago which specifically states, "The Organic Foods Production Act of 1990 requires that the National Organic Standards Board, a 15-member federal advisory committee, review all substances and the Secretary of Agriculture renew these substances within five year of their addition to or renewal on the National List. This action of NOSB review and USDA renewal is commonly referred to as the sunset process.

"Since the publication of the sunset process notice in the Federal Register
on September 16th, 2013 the Agricultural Marketing Service has received feedback from the public and the NOSB concerning the role of the subcommittees in the sunset review process. AMS has received requests to clarify that the NOSB completes the sunset review, not the subcommittees. AMS is reiterating that the NOSB is responsible for reviewing all substances under the sunset process.

"The NOSB will complete its 2015 sunset review process for seven substances at the October 2014 public meeting. The NOSB Crops Subcommittee has conducted a preliminary review of three substances and includes a motion to remove for each substance. The NOSB Handling Subcommittee has conducted a preliminary review of four handling substances and included a motion to remove for each substance.

"During the October 2014 meeting the NOSB will conduct a vote to remove for each substance that is under 2015 sunset
review. Whether the motions to remove pass or fail, the completion of the vote by the NOSB concludes the review process for each substance. A failed motion on a substance indicates that the NOSB determined a substance continues to meet OFPA criteria and AMS may publish a Federal Register notice announcing that the listing will be renewed for five years.

"A passed motion on a substance indicates that the NOSB determined a substance no longer meets the OFPA criteria and the NOSB will make a recommendation to AMS for removal of the substance. AMS will review the recommendation and determine whether to proceed with rulemaking to remove the substance from the National List.

"The NOSB plays a critical role in reviewing substances to ensure that all substances on the National List meet the criteria specified in the Organic Foods Production Act and AMS thanks the NOSB for its
critical work on the National List."

So I read that because I think it's important to go back to what we said about this, that the work that you're doing here is -- the vote that you would take on these motions is in complete alignment with the procedures that were outlined in the September 16th, 2013 Federal Register notice.

CHAIR RICHARDSON: Nick?

MR. MARAVELL: Yes, Miles, so I just want to emphasize what was in that memo and what you just said, which is that the procedures from September 2013 are now further explained in your memo so that a vote of the full Board completes the review of all sunset materials. Am I correct that that now represents additional information that was not in the September '13 material?

MR. McEVOY: Well, it includes additional information. This is specific for this particular meeting, that all the substances up for review have come out of the
subcommittees with a motion to remove. So now you have an opportunity to vote on those motions to remove.

CHAIR RICHARDSON: I have --

MR. MARAVELL: So --

CHAIR RICHARDSON: -- Tracy then Zea then Jay.

MR. MARAVELL: Can I have a comment?

CHAIR RICHARDSON: Oh, I'm sorry, Nick.

MR. MARAVELL: So that going forward my concern remains we not get caught in this over and over again. So you're saying you would have to issue another memorandum prior to the next meeting to clarify this same situation?

MR. McEVOY: The plan is to work with the Policy Development Subcommittee on clarifying these aspects of the process. So that is a common part of this wonderful process is that there's always ways to provide
additional clarification or procedures that meet the needs of the community.

MR. MARAVELL: So the September 13 guidance, or procedure can have additional material added to it which might reflect how we are -- which might reflect how we are proceeding now?

MR. McEVOY: Exactly. It's very similar to what has happened with previous Federal Register notices on sunset or the petition process where the particular procedures are outlined in those Federal Register notices, and then the National Organic Standards Board through their Policy Development Subcommittee provides additional guidance or clarification on how those particular elements are going to further implemented. So it's a process that has occurred over and over again.

CHAIR RICHARDSON: Tracy then Zea.

MS. FAVRE: Thank you, Miles, for that clarification and that additional
information for our discussion.

Colehour, to your point about wanting to come up with a process that gives us clarity going forward, I actually am in support of that, too. I think generally philosophically I agree with Jay, I agree with Colehour in that we have to have a process that everybody is consistent on.

I think the difference that I see is that we're on a moving train. We don't have the luxury given the timeline for the sunset to stop everything, put everything on hold until we reach a perfect solution. So I feel as though we came up with some interim solutions, meaning temporary and to a specific point to get some forward progress while we work out the details.

The fact that the Policy Development Subcommittee is going to have an opportunity to work with the Program on this I think is indicative of the spirit of collaboration that we want to see going
forward and that we will have some input and
opportunity to help polish this new procedure
as we go forward.

And I would like to remind
everybody that failure to move on these
materials leaves further uncertainty in the
community and the industry. We've had
multiple comments here over the last two days
urging us to not let procedural shenanigans,
for lack of a better word, halt our forward
progress and that there is real impact and
hardship by our failure to make decisions as
we move forward.

So while, Jay, I appreciate your
comments and I respect your position on that,
I do feel like this is an opportunity for us
to move forward at the same time recognizing
that there's additional things we can do to
make the process better.

CHAIR RICHARDSON: Zea and then
Jay.

MS. SONNABEND: It's a question
for Miles. The thing that isn't clear to me is what statement or action we could do at a future meeting or at this meeting if we were to withdraw a motion to remove that would be definitive that we had completed the review of the material in a way that that would stand up to public scrutiny and possible legal challenge.

MR. McEVOY: I'm not sure what the question is.

MS. SONNABEND: Well, it's very convoluted this motion to remove thing when we it's not really our intent to remove something. And so, I would much rather -- I think most of us agree that the full Board should review something, but you're saying the only way the full Board can be on record is by this motion to remove. So I'm asking if the full Board can complete the review and what that would look like in the transcripts to complete a review without a motion to remove.

MR. McEVOY: Yes, you could --
when you're done, you're -- for instance, this is not happening this time because there's a motion to remove for all the substances. If the subcommittee had not brought forward a motion to remove and then there was a discussion with the whole Board about that particular substance and that discussion ended, then the review of that substance would be complete.

So what we've heard is that there's sort of that feeling of lack of closure potentially if there's not a vote, so therefore that's why a lot of people wanted to see a vote on these substances, and that's what's happening at this particular meeting is there's a motion to remove on all those various substances.

And I would also just point out that there are many motions that are brought forward to the NOSB for consideration that the motioner and the seconder do not vote for the motion. Many of the petitions that are
motions to add something to the National List, the motioner may vote against that, but they still need to bring that to the table so that there can be a vote on that particular topic.

CHAIR RICHARDSON: Jay?

MR. FELDMAN: I don't want to beat a dead horse. I just want to maybe say you can choose to answer this or not at this point. I would like to get clarification on what the Program meant when it told the subcommittee that it should provide justification that demonstrates that the substance meets one of the OFPA criteria.

I took that seriously when I saw it and I want about developing a checklist with the justifications and the demonstrations in accordance with the rules. If it means something less than that or something more than that, I think the Board should know that because that has always been central to our process. I mean, I don't think I'm saying anything new here, but I don't feel that your
reading of the October 8th memo answered that question. What it did was that it told the public that the NOSB had advanced through the subcommittee process motions to remove and therefore there would be a full vote. It didn't answer the question as to whether the subcommittee followed the procedures in the Federal Register that it shall and must justify and demonstrate that the substance meets or fails OFPA criteria. That's a very simple question. But I recognize I may not get an answer, so I don't want to belabor my point.

CHAIR RICHARDSON: Miles?

MR. McEVOY: Well, I would say the subcommittees absolutely followed the procedures and the procedures are being followed by the motions that they brought forward.

What we want to ensure is that the focus is on those criteria that are in OFPA, that that should be the consideration by the
Board for any additions. Removals or changes to listings on the National List should be based on the Organic Foods Production Act. But the subcommittees certainly followed procedure.

CHAIR RICHARDSON: Okay. Are we ready for the question? There is a -- Nick?

MR. MARAVELL: Yes, having seconded the motion I'd like to make some of my intent clear and make an observation.

We certainly do not want to create any disruption in the field for any of the handlers in this case. This is a handling provision. And so, I think the field can rest assured that that will not be an outcome of what we're doing here. It's not anyone's intent.

My simple observation is that, yes, I agree with John, having been associated with OFPA before 1990 and going forward, that there have been always been wrinkles every step of the way. Unfortunately, those
wrinkles have very often come about because the Agency, USDA, did not take the full intent and the letter of the statute to heart. That's only been in certain cases where the wrinkles have come from, but there have been those wrinkles.

And so as a representative of farmers who are fond of saying if it ain't broke, don't fix it, we have sort of found ourselves in another quandary here. We will work this out. This will go forward. We will be in compliance with the statute. I know the agency wants to do that. And so, I think everyone can rest assured that this will be an iterative process. Okay. We're trying it in 2015. We will go forward and we will make this work, but there will be unfortunately some wrinkles, some new wrinkles, some of which are of our own creation.

And I'm seriously sorry if this disrupts any member of the organic community.

This is really sort of an internal thing here,
and so we will try to minimize any impact that that has on people's commerce. Thank you.

CHAIR RICHARDSON: Are we ready for the question on the subsidiary motion?

(No audible response)

CHAIR RICHARDSON: I believe that we are. There is a motion on the floor arising out of a procedural question and a rule to the Chair, request to the Chair, point of order to the Chair, which is now in the form of a subsidiary motion to send tragacanth gum back to the subcommittee. The motion was made by Jay, seconded by Nick. I think this has been a good discussion and very glad to have it. And I believe we're ready for the question. And I think I start with Tracy. Do I start with you? Yes.

MS. FAVRE: Just to clarify we're voting on the motion to send it back to committee?

CHAIR RICHARDSON: Right. A yes vote would send it back to subcommittee. A no
vote will take us simply back to the main motion.

     MS. FAVRE:  So, no.
     MR. DICKSON:  No.
     VICE-CHAIR FOSTER:  No.
     MR. STONE:  No, ma'am. And we're not in a hurry here.

     MR. FELDMAN:  Yes.
     MR. AUSTIN:  No.
     MS. FULWIDER:  No.
     MS. SONNABEND:  No.
     DR. WALKER:  Yes.
     MR. MARAVELL:  Yes.
     MR. BONDERA:  Yes.
     DR. TAYLOR:  Yes.
     MR. THICKE:  Yes.
     MS. BECK:  No.
     CHAIR RICHARDSON:  No.
     MR. STONE:  I get nine yes, six no.

     (Laughter)

     MR. STONE:  Correct. Nine no --
CHAIR RICHARDSON: He's from Kentucky. He can't count.

MR. STONE: Nine no, six yes.

Excuse me.

CHAIR RICHARDSON: The motion fails. We will now move to the main motion. The main motion on the floor is a motion to remove tragacanth gum from the National List.

MR. MARAVELL: Madam Chair, just a point of order. Do we need to withdraw the original point of order or not? Do we need to withdraw Jay's original point of order before we proceed? So there's --

CHAIR RICHARDSON: No.

MR. MARAVELL: -- he made a point of order and there's no ruling and we don't need to withdraw it?

CHAIR RICHARDSON: No, because we converted it into a subsidiary motion. So the Chair did not rule on the point of order.

MR. MARAVELL: Okay. That's fine. I just want to make sure everybody's clear.
CHAIR RICHARDSON: Discussion on the main motion? Harold?

MR. AUSTIN: Lisa, have we done your part yet? I've lost track.

DR. BRINES: I believe I did.

Thank you.

MR. AUSTIN: Thank you. I'll turn this over to Joe to handle the discussion for the Handling Subcommittee. Thank you, Joe.

MR. DICKSON: And, yes, tragacanth gum. Let me find it here in my notes. And Dr. Brines has already given the introductory piece of this. I couldn't remember, seriously.

So as Dr. Brines recounted, the substance was originally reviewed and added to 205.606 in May 2008. At the time the petitioner and the committee noted that there were extremely limited growing regions for the plant from which this material is extracted and there was no organic gum in production at that time.
We reviewed the material and at the spring meeting encouraged any current users of the material or certifiers of such users to come forward and testify and show us that there was continued demand for this substance. We did not hear from any users until yesterday. One of the certifiers relayed a message from one of her clients. Through the certifier that client submitted a letter to the subcommittee detailing his technical reasons for using this particular gum in a mint product.

Based on that information and this narrative of this particular producer who makes a single product that is entirely dependent on this material, I do believe that we have seen a demonstration of continued demand for the use of this gum.

MR. AUSTIN: Thank you, Joe. We'll open it up for discussion at this time. Are there any questions, any discussion?

CHAIR RICHARDSON: Zea?
MS. SONNABEND: I have a question about that letter, if it's appropriate. Is agar on the National List? Because that's what he said his product contained besides gellan gum. I mean, besides tragacanth gum.

MR. AUSTIN: Yes, agar is on the List.

MS. SONNABEND: Is on the National List.

MR. AUSTIN: Yes.

MS. SONNABEND: Okay.

MR. AUSTIN: We reviewed it when we first got on. I did, yes.

MS. SONNABEND: Thank you. Sorry.

MR. AUSTIN: I was the lead on it. Is there any further discussion or -- Nick?

MR. MARAVELL: Yes, Joe, you said you reviewed this information. Was it written or was it verbal? I mean, we heard it at the podium.

MR. AUSTIN: Yes, for
clarification I would inform the Board that we were presented with this information earlier today.

MR. MARAVELL: Oh.

MR. AUSTIN: All of the Board members should have received a copy of it in front of you.

MR. MARAVELL: This is the first time I've seen it. It must have missed my seat. Okay. All right. That clarifies it. Thank you.

MR. AUSTIN: Zea?

MS. SONNABEND: I guess I think this example of getting this letter this morning and not before points out a flaw in starting out a new process like this. Obviously the notice didn't get around to this person in the last comment period and because the system of the new policy is new, I think that might happen to us for the next while. It could have already happened with sherry and marsala. We don't really know.
But because of that, while I might not be inclined to vote for this if I had more complete information, I will give it the benefit of the doubt and say that this is probably worth keeping until such time as we can do more thorough investigation in the next round of sunset and the procedures are more clear.

MR. AUSTIN: I think for the benefit of the Board and I think for the gallery as well it was the original intent of the subcommittee when we moved this forward, and you can see that -- no, I guess you can't see it with this, but we were leaning towards keeping this on and then as we got into the public comment period, the lack of any comments coming back in had led the subcommittee during our discussions on our calls to begin to lean towards allowing this to move off of the list and technically delist it and allow it to sunset until we heard the commentary yesterday and then this new piece
of information provided for us.

    So originally we were going to
leave it on and then we heard absolutely
nothing until yesterday. In the written
comments there was nothing coming until we saw
this. So that was kind of our original
intent. So I think just for clarity we've
kind of moved both sides of the spectrum on
this, which I think is really what openness
and transparency about this entire process is
all about.

    CHAIR RICHARDSON:  Nick?

    MR. MARAVELL:  Madam Chair, just
an observation. Again, just if I were a
farmer reading the Handling Committee
recommendation on this; it reads very similar
to the recommendation on gellan gum, I would
not know the true intent of the subcommittee.
And so this is just an observation.

    CHAIR RICHARDSON:  Other comments?

    Jay?

    MR. FELDMAN:  Okay. I'm trying to
understand what the subcommittee did, so maybe it's obvious to others, but a search of the medical literature shows no new safety information or other medical data related. Does that mean you all did a checklist? What was the process in this review? Madam Chair, I'm trying to get an understanding of whether we're still using checklists, how we're going about doing these reviews.

MR. AUSTIN: Joe, you want to clarify that?

MR. DICKSON: Yes. Jay, we did not use a checklist in the sunset review of this material. As a subcommittee, with our expertise in various areas, we looked at Medline, we looked at various regulatory documents, we conducted a review of this material without the use of a formal checklist.

MR. AUSTIN: I would point out that during this process that the use of a checklist is voluntary. I mean, it's not
mandatory that we use one.

Any further discussion? Nick?

MR. MARAVELL: Yes, I'm a slow reader. I tend to agree with Zea. I mean, I'm inclined to go ahead and approve this, but I think that -- Excuse me?

CHAIR RICHARDSON: Speak up.

MR. MARAVELL: Oh, I'm sorry. I agree with Zea. I'm inclined to approve this, however, I think the circumstances -- we really haven't had a chance to digest this material. I understand his specific predicament and that very much moves me, but we also have to make sure that we've reviewed this and we feel comfortable with it. And I just want to make another observation. I just barely feel comfortable with it, but hopefully we will have prevented at least one person's catastrophe.

CHAIR RICHARDSON: Are we ready for the question? Oh, sorry, Colehour.

MR. BONDERA: I actually feel
similar to what Nick just expressed and I
would request or suggest that this vote get
defferred at least until tomorrow so that
there's some chance to have a look at this
document that was just stuck on our table, at
a minimum.

MR. AUSTIN: I think that's a fair
request. Madam Chair?

CHAIR RICHARDSON: That we table
this until tomorrow at a set time? Is that
the general will of NOSB, that we wait to vote
on this until tomorrow?

(No audible response)

CHAIR RICHARDSON: Is there anyone
that would object to us moving this until
tomorrow at a set time, which will be more or
less sometime in the afternoon.

MR. AUSTIN: I think that would
afford the entire Board the opportunity to
read the new information.

CHAIR RICHARDSON: Okay. Good.

Seeing no objection to this, this material
will be considered, taken up tomorrow for the vote. So we move onto the next material?

MR. AUSTIN: All right. The last of our 2015 --

MS. ROSEN: Point of order, Jean? Excuse me, Madam Chair. Don't you need to remove the motion if you're going to table it, the original motion to remove?

CHAIR RICHARDSON: That's an interesting question and I don't have a perfect answer to that. It seems to me it's an active motion that we're tabling until it gets reconsidered tomorrow.

MR. AUSTIN: As the chair of the Handling Subcommittee, I will withdraw that motion and -- should we withdraw it?

PARTICIPANT: It's active.

MR. AUSTIN: It's active? Okay. Well, it's just been tabled until tomorrow then.

Okay. All right. Moving on. The last of our 2015 sunset review materials,
gellan gum. Lisa?

DR. BRINES: Thanks, Harold. The substance gellan gum is currently included on the National List at Section 205.605(a) as a non-synthetic substance. It's listed as gellan gum, CAS No. 71010-52-1 with the annotation "high acyl form only." The substance was originally petitioned in 2004 and added to the list in 2010. And in support of the original review a technical report was developed and is available on the NOP's Web site. Thank you.

MR. AUSTIN: Thank you, Lisa. At this point I'd like to turn it over to Joe to handle the presentation for the Handling Subcommittee, please.

MR. DICKSON: Thank you, Harold. I wanted to start this out by summarizing some of the written and oral comments that we've heard about gellan gum over the last couple of days. I think we've had quite an extensive discussion of the material with the public in a number of key issues related to its sunset.
First of all, we received confirmation from many commenters including numerous current users, certifiers and the primary manufacturer of the material confirming its current use and attesting to its essentiality. A number of companies have actually reformulated their products to replace carrageenan with gellan gum and its current use is widespread in dairy and non-dairy beverages and nutritional supplement beverages, among other products. We also received detailed additional background from its manufacturer during oral comments as to its manufacturer essentiality, technical function and its use as an alternative to carrageenan.

Some commenters expressed reservations that there are GMO varieties of Pseudomonas elodea, the bacterium used to produce gellan gum, however, I believe that these concerns are addressed by the fact that the use of GMO organisms would constitute an
excluded method and multiple certifiers have confirmed the compliance of all ingredients, or have confirmed that they confirm the compliance of all ingredients as a routine part of inspection, certification and document review.

We also received confirmation today from former Handling chair Julie Weisman that the 2008 Board had full access to the now redacted parts of the petition, as did the authors of the technical review.

Finally, some commenters noted that the Handling Subcommittee did not consider the use of ancillary substances in the review of the substance, specifically noting that isopropyl alcohol is used in gellan gum's production but has not been specifically reviewed. I'd like to respond very clearly that this material was considered by this and the 2008 subcommittee and that it is not an ancillary substance, but rather a processing aid that is not present at any
meaningful level in the finished product.

Gellan gum is a non-synthetic substance in wide use with a clear narrative of essentiality and an important role in making a wide variety of organic products possible. For all these reasons I believe that its continued use is justified and supported. That's my summary. Thank you.

MR. AUSTIN: Any discussion or questions?

CHAIR RICHARDSON: Discussions and questions? Yes?

MR. MARAVELL: Just an observation that if the industry is indeed, which it appears to be doing, shifting away from carrageenan and going into gellan gum, I think this represents a good example of cooperation within the organic community. And I think this is something that should be applauded and we should try to work out more often, so I plan to vote in favor of this. I think we did a good job of dealing with some of the issues,
the microorganism issue, the redacted material issue. And this shows cooperation. This shows good intent. And this is the way we'd like to see things happen. So that's just an observation, Madam Chair.

CHAIR RICHARDSON: Are we ready for the question? Jay?

MR. FELDMAN: Was there a checklist for this?

MR. DICKSON: There was not a formal checklist used as part of the sunset review.

MR. FELDMAN: And do you know if when the subcommittee reviewed this that the Consumers Union's comments were considered?

MR. DICKSON: They definitely were.

MR. FELDMAN: Okay.

CHAIR RICHARDSON: Zea?

MS. SONNABEND: The Consumers Union comments provided no citations that we could refer to to justify their positions, and
that was one reason why we considered them but
then dismissed them as undocumented. I mean,
specifically for gellan gum, not consumer
expectation.

MR. FELDMAN: Right.

CHAIR RICHARDSON: We're ready for
the question?

(No audible response)

CHAIR RICHARDSON: The motion on
the floor is to remove from the National List
gellan gum. Be sure you understand what the
no vote means. If you vote no, it means it
stays on the List. If you vote yes, then you
have removed it. Are you ready for the
question?

MR. AUSTIN: Point of
clarification. The original motion before us
was made by Joe Dickson for the record and the
second was John Foster.

CHAIR RICHARDSON: Thank you. The
voting will start with Joe.

MR. DICKSON: No.
VICE-CHAIR FOSTER: No.

MR. STONE: No, ma'am.

MR. FELDMAN: Yes.

MR. AUSTIN: No.

MS. FULWIDER: No.

MS. SONNABEND: No.

DR. WALKER: No.

MR. MARAVELL: No.

MR. BONDERA: Yes.

DR. TAYLOR: Yes.

MR. THICKE: No.

MS. BECK: No.

MS. FAVRE: No.

CHAIR RICHARDSON: Chair votes No.

MR. STONE: I'll get it right this time. Three yes, twelve no. Motion fails.

CHAIR RICHARDSON: I was thinking of giving us a break, but Mac says you don't need one. So we'll just go out as you need to and come back so we can keep going with these next bunch. So you can blame him, not me.

MR. AUSTIN: Okay. Still staying
with the Handling venue, that completes our
2015 sunset materials. Now we're going to
move on into the review of the 2016 sunset
materials. And there are 10 of those.

I will remind everybody that this
is the first posting of these materials for
public commentary points and for information
gathering points of reference only. There
will not be a vote on any of these substances
at this point.

We're going to change the
arrangement slightly on our presentation.
Since the 2016 sunset materials also starts
our process of ancillary substance review,
microorganisms is our guinea pig, so to speak.
And with that, we will move forward with that.

Lisa, if you could present your
reference information on microorganisms,
please?

DR. BRINES: Yes, thank you,
Harold. The listing for microorganisms
appears at Section 205.605 of the National
List under paragraph (a) for non-synthetic substances. Technical reports are available for this substance including one from 2003 and one that was commissioned in 2014 in support of this sunset review. It was added to the National List with annotation in 2006. Thank you.

MR. AUSTIN: Thank you, Lisa. With that, I'll turn it over to Zea to present the Handling Subcommittee's perspective and presentation.

MS. SONNABEND: Thank you. Since this was the first posting for this material for 2016 sunset, and Michelle does have it up, we had commissioned a TR and we took the information on the TR. And in our request for additional information to the community we put the points that we particularly were looking for supplemental information on beyond what was in the TR. And that most particularly had to do with the ancillary substances that we are tasked with reviewing along with the
active microorganisms.

There is a table in the TR. I believe it's table 3, which is a longer version of this list. We went through the list of ancillary substances and removed the ones that are already on the National List that don't have a specific limitation on use because those already can be used without further review. And so what's left here is a combination of the ones from the TR and ones that we sought to gather from certifiers.

Now, we got relatively few comments back on the microorganisms based on this first posting. I wish we had heard particularly from more certifiers with how many of their clients use them and what the range of uses was out there. We did hear from a few of you, and thank you very much, but would have liked to hear from more. And I'm sure we will in the second comment period.

From the comments that we did hear back there are a few clear points that we need
to work further on or that we want to address in this discussion. One of them is the definitions of what a microorganism actually is. There's a small annotation in the rule itself which simply says "any food-grade bacteria, fungi and other microorganism." This could be made clearer and will be made clearer in our summary that we do for the second posting.

For instance, the TR covered bacteriophage and bacteriophages are debatable as microorganisms, and plus their uses are sometimes quite different from those of the other microorganisms in foods. And so, I think we need to take a closer look at whether these really should be included in the category of microorganisms or not.

Also, there is a lot of confusion in the community because, well, the National List is confusing, but there are some sort of duplicate listing such as -- dairy cultures is really a subset of microorganisms. And then
there are some products that are derived from microorganisms but not the microorganisms themselves. And so, this listing needs to have a little more definitional work done on which things are in and which things are not included because they have a separate listing on the National List. So we will be working on that and try to get our terminology corrected when we issue the summary.

People brought up the need for criteria for defining "fermentation." These people who brought it up seem to think that the NOSB is capable of dealing with everything and that ACAs and material review organizations are not to be trusted to deal with this, but my reaction is that the definition in the rule that includes naturally-occurring biological processes includes the metabolism of substrates by microorganisms and the isolation steps that happen subsequently.

The decision trees given with the
Classification of Materials Guidance help MROs and ACAs further distinguish which isolations and which criteria for feed stocks can be used in how microorganisms are produced. I feel confident that the certifiers and MROs can do a much better job of providing this than us and they have access to the information that is usually confidential from the manufacturers about those feed stocks and isolation and purification techniques.

So I'm considering this to be covered other than perhaps -- more training in how to do materials review for the ACAs and MROs will occur after the Classification Materials Guidance and Permitted Substances List becomes final and this issue can be covered through training on that list and procedures.

Then the ancillaries. In general, we made it very clear in the ancillary substances policy that we adopted that if no ancillary substances were listed or review
during our process, none would be allowed in
the products. This did not count for 2015
substances, although we did not find any
ancillary substances in them. But in the 2016
substances the only ones that we identified as
having ancillaries were the microorganisms.

Just because we did not say no
ancillaries in every single substance there,
that means that we did not know of any. The
community could have brought them forward in
public comment, and they did not. And so
therefore, unless ancillary substances are
noted in the TR or in our summary that comes
forward at the next time, it will be
considered that ancillary substances would not
be allowed in those products.

Now, I just want to talk about
what we did to try and identify all the
ancillary substances. Besides sending the TR
back for a second round of revision so that we
could have a more clear and comprehensive list
identifying the ancillaries by functional
categories, sending a plea out to certifiers and the organic community to turn in any further ancillary substances from which many certifiers cooperated and sent in all their spec sheets that they are used on behalf of their clients. We looked through dozens and dozens of these spec sheets and MSDSs to determine if there were additional ancillary substances used in the microorganisms. We did not find any beyond these.

We were accused by Beyond Pesticide and NOC of not having a complete list, however, they did not provide any additional ones. When I asked Terry for it, I got back something that just had annotations on the list we already had with the National List substances added back in but no brand new ones.

Cornucopia stated that some chemicals could be added to protect microorganisms from oxidation including sodium chloride and calcium chloride and others, but
they did not provide evidence that these were actually in use in the organic community. And so, hopefully they will do that before the second posting if they would like to have those particular things reviewed.

We did not receive any other public comment of specific ancillaries that were missing in this chart.

Now, some of these ones on the chart have been petitioned before to be ingredients in food and they were turned down as ingredients, but that does not mean that they should not be considered as ancillary substances where they occur as a fraction of a percent in any formulation. And no evidence was presented that we should not allow these things in such a use. I expect there may be for our next posting, but it has not been submitted so far.

So, we provided this chart and the TR with the expectation that those of you who object to particular things on the chart would
provide evidence why they should not be
allowed. If the TR did not find evidence, it
is up to you who object to the substance to
point out evidence against these things. It
is not up to us to find that evidence.

All we heard about, as I said, was
previous Board actions on some of these, and
we will look back into those ones of those
that had TRs done on them and were rejected as
ingredients to see what type of evidence was
presented, but we were not able to do this
before the first posting.

Oh, and I guess I should say that
a few people said we shouldn't relist
microorganisms, but they didn't really say why
the microorganisms themselves were a problem.
They only said it because of either
ancillaries or because of the procedure for
sunset. So that's where we stand with the
review. Thank you.

MR. AUSTIN: Thank you, Zea. Are
there any questions at this time from the
MR. FELDMAN: Thank you. I wonder if there's any way of getting the TR folks to -- since they indicated that what they were provided the subcommittee or the NOSB with was examples of materials, is there any way to go back to them and get them to investigate a fuller list or a more complete list?

MS. SONNABEND: You mean the few things we added from the spec sheets since the TR was done?

MR. FELDMAN: Yes, I mean --

MS. SONNABEND: Because this chart in the posting has about three more things that we found from the spec sheets, but they're in these -- no new categories. They're all in the same category.

MR. FELDMAN: Okay. Also I'm wondering, it sounds like by the time we get to the second posting the Board will be voting, right? After the second posting the Board will be voting?
MR. AUSTIN: Correct.

MR. FELDMAN: So you really need this information before the actual notice goes out to be able to incorporate it in if there is additional information, right?

MS. SONNABEND: That's why we did a first posting.

MR. FELDMAN: Right. So maybe all the groups that were identified as needing to get back to you hopefully will get back to you.

MR. AUSTIN: And that is one of the nice things with the two-step process for public commentary is we can go out during the first posting and ask those specific questions and hopefully we get -- for this listing we would have gotten those answers back already. But any other questions, comments? Colehour?

MR. BONDERA: Yes, thank you, Zea and thank you, Jay, for your comment because it's actually highly correlated with what I was going to say. Although to add to what you
all just said, I think that I'll just remind everybody on the program that the Policy Development Subcommittee did put forth a proposal, a recommendation that was approved by the NOSB so that there is an electronic means for the public to be commenting between meetings. And it doesn't have to be this other format like Zea just said.

Because what I had written down was, "before the second posting." Well, there isn't an established means to do so except for somebody to send a letter or email to a member of the subcommittee, because the Program hasn't been able to take our recommendation and turn it into -- they haven't been thus far able to create a means to do that. And I think that that's a missing piece in this puzzle, frankly, in terms of the public being able to between the two postings communicate.

And so I just want to put that in the record, that it's kind of, in my opinion, a high-level need especially with this double
process with sunset issues. So I really think it's worth paying a lot of attention to the fact that organizations or individuals don't have an established easy means to do what is being now requested in this new sunset process, even though of course they can. I know it's not impossible to do it, but I'm just --

MR. AUSTIN: Thank you, Colehour. Miles?

MR. McEVOY: Yes, the NOSB recommendation on public communication I think was the one that you were referring to that we support the concept of that of having basically an open docket for NOSB matters. The problem for us is one of resources and implementation of kind of the mechanisms for doing that and the resources that would be required by us to support that particular effort. So the current system is to have the regulations.gov take all the comments from the NOSB so both members of the public and the
NOSB can see all the comments.

In order for us to keep that open all the time it requires us to do a fair amount of work, and it's a matter of juggling all the other things that we have to do to see how we could do that. We're also looking at it in terms of the money that we got for information technology, if there's something in that, but our priority with that money is to work on the organic integrity database to get the list of certified organic operations more up to date. So that's kind of a long rambling answer to that.

But we do have the mechanism of at any time folks can provide comments at nop.guidance@ams.usda.gov. So there's always a way for comments to be received. And the downside of that is that those are comments that are then just to the Program, and then the Program looks at those and would then have to somehow redistribute it out to the NOSB, and it's not as transparent. But there is at
least that mechanism for in between time.

And I do know that Lisa wanted to
make a comment on the ancillary substances
component of this, if that's okay.

MR. AUSTIN: Okay. Lisa?

DR. BRINES: Yes, just a
clarification because there's two reviews that
are occurring simultaneously. So there's the
sunset review for the microorganisms listing
which needs to occur on certain time frames in
order for us to complete the sunset process.
Separately there's the ancillary substance
review. Any proposals that might come from
that could occur in conjunction with sunset,
which is how the review is occurring now for
efficiency. But that review for ancillaries
could conclude at a subsequent NOSB meeting if
needed.

So I just wanted to as a
clarification point out that those two
reviews, though we're discussing them
simultaneously, are distinct processes. And
that was explained in our memo to the Board on February 3rd. Thank you.

MR. AUSTIN: Thank you for that clarification. Mac?

MR. STONE: We heard from the ACA, individual certifiers, OTA, consumer groups. They're communicating a lot of this with their customer base, their individuals. We're obviously building this airplane while we're flying it and we're all in it together. So I think that it's sort of a wake-up call and people are going to work, Zea, to sort of get the word out. It is a new process and none of us want it to crash.

MR. AUSTIN: Any further questions? Jay?

MR. FELDMAN: I'm trying to understand this guidance process because last time we were told about guidance on the bioplastic, biodegradable mulch, it sounded really good. It sounded like there would be a collaborative process and there would be
some real guidance to the MROs and how to make a determination on degradation of the bioplastic, and that didn't work out. So on an issue this complicated how do you envision creating a system that's uniform in how MROs made determinations on allowable microorganisms?

MR. AUSTIN: Go ahead, Zea.

MS. SONNABEND: Since you're looking at me, I think -- but I think what you have is a question for the Department, because they would do the training that would come out in conjunction with the Classification of Materials Guidance. It's not up to the NOSB to do that.

On the biodegradable mulch it wasn't for lack of trying. I tried to put on the work plan several times.

MR. FELDMAN: No, I thought in your --

MS. SONNABEND: And I think it should be on our work plan.
MR. FELDMAN: No --

MS. SONNABEND: But this should be done between the NOP and the certifier MRO community, I think.

MR. FELDMAN: I'm trying to get at whether the NOSB is providing adequate guidance or making an adequate decision vis-à-vis its decision on sunset and maybe the possibility of a petition that would help clarify some of these details around the listing of microorganisms. It sounded to me like you needed to do some petition work in there possibly on the listing for --

MS. SONNABEND: I'm not sure what you refer to isn't clear. I mean, I think we need to do some work on the definition, but I think we've been provided that in public comment and we just need to synthesize the public comments with the information in the TR.

MR. FELDMAN: Okay. But at the end of the day on the listing that we have
that it will be voted on --

MS. SONNABEND: Well, I'm not necessarily proposing a change in the annotation, which is very broad, but I'm proposing in our summary we will say these are the things we've reviewed and consider to be in this category.

MR. AUSTIN: I'll remind us all that during this process we cannot make annotations to a material that's under sunset review.

MR. FELDMAN: That's why I mentioned the petition process, because there has been some concern that some of these annotations, because they are broad and may need to be narrowed in some respects, would require an annotation change. And the Board was waiting on an expedited petition process so that that could be achieved.

So just in your presentation you touched on a lot of areas that are yet to be resolved as a part of the sunset discussion
and I worry about guidance, I worry about consistency across MROs, I worry about the broadness of the annotations on some of the sunsets and I worry that the Board doesn't have the mechanism it needs to respond to the new science and the new input information that it gets to modernize some of these listings.

So that's a bigger conversation, but it was all a part of your presentation in one way or another.

MS. SONNABEND: I agree that -- so certain streamlining of the National List so that maybe dairy cultures and microorganisms could be moved would be a good idea, but sometimes the logistical way of doing it is just way too overwhelming to try and undertake.

MR. FELDMAN: Right.

MS. SONNABEND: And that's true of a number of the things on the National List. And then of course anyone could petition at any point if they need some clarification or
another, but I don't feel that we need clarification on this particular listing in order to move forward from the input we've received on the first posting.

MR. AUSTIN: Okay. Let's continue moving forward. Any other discussion items with this?

Hearing none, let's move onto our next material on the 2016 Handling sunset materials. The next one will be egg white lysozyme, and Tracy will bring this forward on behalf of the Handling -- excuse me, Lisa will give the NOP's presentation, then Tracy.

DR. BRINES: Thank you, Harold.

The listing for egg white lysozyme currently is included on the National List at Section 205.605(a) as a non-synthetic substance. It's currently listed with CAS No. 9001-63-2. This substance was added to the National List in 2006 for technical information. The substance is addressed in a 2011 technical report for enzymes, as well as a 2003 Technical Advisory
Panel report for enzymes, plant and fungal.
Thank you.

MR. AUSTIN: Thank you. Tracy?

MS. FAVRE: Thank you. Okay.

Public comment around egg white lysozyme.
It's generally a product that's used as an anti-microbial. It's currently listed, as she said, as a non-synthetic substance allowed in handling.

There were several public comments regarding egg white lysozyme. Generally comments against for relisting the material felt like egg white lysozyme produced from commercially-produced eggs presented risks to the environment and the public because of the use of GMO feed and heavy metals in the conventional egg production.

Several commenters remarked on the lack of a specific TR for egg white lysozyme and felt that the general one on enzymes was not sufficient to address the issues around conventionally-raised eggs.
A few questions were raised regarding the possibility of using organic eggs for egg white lysozyme.

CCOF remarked that it is commonly used in the wine industry and that they currently have 12 clients for the material in use indicating that there is demand for it.

And finally, there were some comments made regarding the fact that egg white lysozyme is primarily used to prevent spoilage and therefore used as a preservative and for that reason should not be allowed.

Thank you.

MR. AUSTIN: Thank you, Tracy.

Any discussion?

Seeing none -- Nick?

MR. MARAVELL: Yes, that last provision that Tracy just referred to I think needs some clarification in general. I don't know if the Program can provide it, but my understanding -- and I could be wrong here, Tracy -- is that only refers to synthetic
substances. But if someone could clarify that, that synthetic substances can't be used primarily as preservatives for color and taste enhancers, et cetera.

And I forget the exact section of the regulation that that's in, but you may have that. But I was just wondering if there was some clarification. So if we're looking at a non-synthetic substance, would that section apply, I guess is my question.

MR. AUSTIN: Tracy?

MS. FAVRE: Frankly, I was only reporting generally the categories of comments rather than remarking on their accuracy or not, but that's a good point.

MR. AUSTIN: Any further discussion?

Seeing none, we'll continue to move on. Our next material to present will be L-malic acid. Joe, if you would take point on that, please? Excuse me. Lisa?

DR. BRINES: We'll get it by the
The listing for L-malic acid is currently included on the National List at Section 205.605(a) as a non-synthetic substance. It was added to the National List in 2006 and the most recent technical report is available from 2003. Thank you.

MR. AUSTIN: It's good that we're straight across the room and we have eye contact. That's excellent.

Okay. Joe, over to you.

MR. DICKSON: Thank you, Harold. On L-malic acid, just to quickly summarize the public written and oral comments that we received. We did hear from a number of food manufacturers who are using L-malic acid currently, the Hain Celestial Group in particular. Two certifiers confirmed to us that they have many current clients using the material.

A few commenters had technical concerns about the TR that was used. Beyond Pesticides and NOC both expressed concerns
about whether the correct form of malic acid
was addressed in the technical report and the
subcommittee will look very seriously at those
contcerns between now and the spring meeting.

MR. AUSTIN: Any discussion?

Seeing none, we will move onto the
next material. Next material on our list is
activated charcoal. Lisa?

DR. BRINES: Thanks, Harold. The
listing for activated charcoal is currently
included on the National List at Section
205.605(b) as a synthetic substance. The
current listing reads, Activated charcoal, CAS
Nos. 7440-44-0; 646365-11-3, only from
vegetative sources for use only as a filtering
aid. The substance was added to the National
List with its current annotation in 2006 and
a previous technical report is available from

MR. AUSTIN: Thank you, and I'll
take the lead presentation on this material
for the Handling Subcommittee.
In utilization of the current sunset process, and this the first posting for public commentary period, we did post four specific questions to try to garner information for the subcommittee and the Board during this review process.

There were 11 specific comments on activated charcoal. All but one of the commenters were in favor of relisting. Three were support of relisting with an annotation. The annotation would be for use only to filter water and require steam activation, which is I've previously said, under this process we cannot make any annotations under a material that's under sunset review at this time. Hopefully in the future.

CCOF made a comment that they have 13 clients that currently use it, and I think we've had a lot of other commentary during the week, during oral that had talked in support of it.

Ciranda, Inc. mentioned that their
usage has increased during this current sunset cycle.

OMRI suggests that they allow steam-activated charcoal as a source and as a non-synthetic material and thought that we should take a look at asking for public comment back on how much of activated charcoal that is steam-activated generated is there out there and available.

Cornucopia suggests that we have a new technical review, but take no position to relist or delist at this time.

The public comments from the organic stakeholders such as handlers, certifiers, distributors, processors were that this material was still pretty much essential. It seems that the use during this current cycle has increased and that at this time there does not appear to be a suitable alternative that exists.

There was not a TR requested at this time and currently at the moment there
has not been a current checklist updated at this moment as well.

Any discussion? Seeing none, we'll continue to move on. The next material is paracetic acid. Lisa?

DR. BRINES: Thanks, Harold. The current listing for paracetic acid appears on Section 205.605(b) of the National List as a synthetic substance. The listing reads paracetic acid/peroxyacetic acid, CAS No. 79-21-0, for use in wash and/or rinse water according to FDA limitations for use as a sanitizer on food contact surfaces.

The substance was added to the National List with its current annotation in 2006 and a previous technical report is available from 2000 for its processing use.

Thank you.

MR. AUSTIN: Thank you. I'll turn it over to John to lead the Handling discussion.

VICE-CHAIR FOSTER: Well, I think
the gods were smiling when they assigned paracetic acid to me. Actually it's one of my last materials for review. So because there was relatively -- we had a handful of public comment. There was overall general agreement it was appropriate to retain that on the National List. The worst comments were that it was a reluctant agreement that it should retain on the National List. So that was really the extent of the differences of opinion.

In general, people recognized that it was far superior in the areas of the suitability criteria to other materials such as chlorine compounds, so the committee was fairly uniform in their -- actually I think very uniform in their agreement that it should be retained on the List. In the interest of time I'm going to cut it off there.

MR. AUSTIN: Any discussion?

Nick?

MR. MARAVELL: Yes, and this is a
very minor point and it's for Lisa. It would be helpful for us when you put the listing down, or whoever puts the listing down, that you could actually put the section number next to the listing as well. And I'll just comment that you read the listing correctly, but I'm not sure of all of what's in the listing is actually listed in our book right here.

So I'm just saying it would be a helpful check and an easy reference for us if we want to go back and find it right away rather than having to go down the list and find it. Minor point.

DR. BRINES: Thanks.

MR. AUSTIN: Michelle, I think when we put our agenda together, I think what Nick is referring to is that we have it here so that it's an easy reference point.

Nick, is that correct?

MR. MARAVELL: What I was referring to was the material that we are looking at in our book which has the sunset
2016 review summary. And maybe this is more
directed to Michelle. I assumed Lisa helped
put this together since she was reading that,
but in the summary information just put the
section number so if we want to go into the
reg we don't have to look down the list. And
just a note that she read it correctly, but
all the words were not in the book. That's
all.

MR. AUSTIN: Okay. Tracy, you got
a comment?

MS. FAVRE: I'm not quite sure,
but there is actually a -- under the
recommendation to relist, it does have the
section of the regulation in there.

MR. AUSTIN: Thank you, Tracy.

Any further discussion or comments?

Hearing none, we will continue to
move on.

Okay. On this next one I'm going
to list the three materials that are boiler
amines. And then, Lisa, we'll have you read
all three of those and then we'll turn them
over, because Jennifer and Tracy worked on the
three of these. So we're going to make that
kind of a joint presentation as we go forward.
The three materials will be cyclohexylamine,
diethylaminoethanol and octadecylamine. Lisa?

DR. BRINES: Thanks, Harold. Each
of these substances appears on Section 205.605
of the National List under paragraph (b) for
synthetic substances, and I'll read each
listing in full for the record.

First is cyclohexylamine, CAS No.
108-91-8, for use only as a boiler water
additive for packaging sterilization.

Secondly, diethylaminoethanol, CAS No.
100-37-8, for use only as a boiler water
additive for packaging sterilization. And
finally, octadecylamine, CAS No. 124-30-1, for
use only as a boiler water additive for
packaging sterilization.

For each of these substances a
technical report was commissioned in 2001, and
those are posted. Substances were each added
to the National List in 2006. Thank you.

MR. AUSTIN: Thank you, Lisa. I
believe, Tracy, you were going to take the
lead on this and then, Jennifer, you're going
to add additional commentary? Thank you.

MS. FAVRE: Thank you, Harold. So
cyclohexylamine, diethylaminoethanol and
octadecylamine are all boiler additive amines.
As Dr. Brines said, we did have technical
reviews on each of those. In addition, we had
the OMRI boiler additive white paper document
that we all reviewed as part of this
discussion.

Generally on public comments
across the board the comments were against the
relisting in the boiler additive materials.
Several comments cited the availability of
alternative including steam alone for
packaging sterilization.

Most comments remarked on the
hazardous nature of the materials and felt
that their use was inappropriate for organic handling. And comments came from a variety of stakeholders including the general public, consumer groups and industry manufacturers.

The one comment that we did get sort of mitigating the negative comments was that there might be a disproportionate impact on smaller processors and to allow an appropriate time for transition from the boiler additives to the other technology that would allow them to switch over. Thank you.

DR. TAYLOR: And Tracy covered most of the points. I'd just like to add that Cornucopia commented that a current TAP review needed to be completed based on the fact that the TAP review itself took place in 2001, I believe.

Alternative practices. Did you talk about that? Okay. They did mention the steam generator as alternative practices. Smucker's, as well as Cornucopia and OTA, were provided written comments on an alternative
practice.

And as Tracy also mentioned, I'll say again, that generally the public indicated that these substances were toxic to all organic food production systems and they urged the removal of these materials from the National List. Thank you.

MR. AUSTIN: Any discussion?

Thank you, Jennifer. Thank you, Tracy. Any discussion?

Seeing none, hearing none, we'll continue to move on. Sodium acid pyrophosphate. Lisa, if you could give the NOP statement on that, please?

DR. BRINES: Thanks, Harold.

Sodium acid pyrophosphate is included at Section 205.605 of the National List under paragraph (b) for synthetic substances. The listing reads sodium acid pyrophosphate, CAS No. 7758-16-9, for use only as a leavening agent. I did note that the annotation was not included in the packet, so we'll have that
corrected for the next version.

The substance was added to the National List in 2006. A technical report is available from 2001 that addresses sodium phosphates as a group. Thank you.

MR. AUSTIN: Thank you. I'll turn it over to Joe Dickson to lead the presentation and discussion on this, please.

MR. DICKSON: Thank you, Harold.

Let me just find my SAPP document here.

So sodium acid pyrophosphate, heretofore referred to as SAPP. To summarize the public comment, we heard from several current users of the material and trade associations such as IFAC, hearing that from a manufacturer perspective, relisting is critical because it is the only leavening agent with certain technical properties.

On the flip side we heard from several consumer groups that there are alternatives out there. And I think we have some kind of subjective territory around
essentiality and technical effect to discuss between now and the spring meeting and at the spring meeting. I think that will be a really interesting discussion.

We heard from several manufacturers who are using it and at least two certifiers with multiple clients who are using the material. Additionally, we also heard from Beyond Pesticides and NOC that both organizations had concerns about this technical review as well and whether it was correctly focused on this use of the substance.

MR. AUSTIN: Thank you, Joe. Any discussion or comments?

Seeing none, we will move onto our last material for the day for Handling, tetrasodium pyrophosphate. Lisa?

DR. BRINES: Tetrasodium pyrophosphate is currently included on the National List at Section 205.605 under paragraph (b), synthetic substances. The
current listing reads as follows. Tetrasodium pyrophosphate, CAS No. 7722-88-5, for use only in meat analog products.

This substance was added to the National List in 2006 and in support of its review an additional limited scope technical report was developed for this sunset review. There's also a Technical Advisory Panel report from 2002, which is also available. Thank you.

MR. AUSTIN: Thank you. Zea, if you would take care of the Handling presentation, please?

MS. SONNABEND: Thank you.

Tetrasodium pyrophosphate, here-wise known as TSPP, has been on the National List since 2002. In looking back at the older information, we noticed that a large amount of the petition regarding the manufacturing process and the specific things that it was used in was confident where CBI redacted.

The 2002 TAP shed some light on it
that it was clearly a synthetic substance, but
did not really get at what things it was
actually used in and indicated that it failed
to meet several of the criteria for review,
and yet it was voted onto the list anyway.

So we commissioned a limited scope
TR to specifically address the alternatives,
to try and get more information about the
specific uses and why it would be the viable
choice and why. And then we also raised the
concern about it being used as a texturizer
for something that would be extremely
processed, even though it would start from an
organic source.

Our preliminary discussion around
this substance made us inclined to remove this
substance in actuality since the TR came back
with many, many alternatives, both alternative
vegetarian protein sources and alternative
ways of processing protein.

As far as public comment, we heard
only one comment in favor of keeping it, from
the International Food Additives Council. Although they state that this would significantly impact the quality and availability of analog meat products if we removed it from the List, as you heard when they gave comment, they were not able to give specific examples in either their written or their verbal testimony. We heard from no users who use this and we heard from no certifiers who have clients who use this.

This is a processing aid, not an ingredient, and therefore it would not appear on a product label. And as such, it would be very hard for someone doing a search to try and identify which areas it was used from public information.

So we did hear from three organizations and one individual against it: Beyond Pesticides, Consumers Union and Cornucopia. They agreed with our assessment that there are plenty of alternatives and there are some potential reasons to think that
it would not meet the criteria.

So moving forward we will take a
look at this further, but I do not feel we've
gotten any compelling evidence to change our
inclination to remove it from the List.

MR. AUSTIN: Thank you, Zea. Any
discussion or comments?

I would just clarify for the sake
of record and to, I guess, further iterate the
first step of the sunset process, the new
phase of it. During our preliminary review,
as Zea stated, for TSPP, it is kind of the
sentiment of the Handling Subcommittee that
our inclination will be to look at this one
for removal from the National List and allow
it to sunset off.

We're also considering that same
approach to the three boiler amines as well.
We're asking for stakeholder input back to see
if ammonium hydroxide would be an adequate
replacement for these three amines and if
there's any other processes out there that
might also be substitutes.

So for clarity and transparency, I just wanted to let you know that that is the tentative position of the Handling Subcommittee on this preliminary review.

And with that, Madam Chair, that ends the Handling presentation for this afternoon.

CHAIR RICHARDSON: That's all? I mean, nothing else?

MR. AUSTIN: We could keep going. We have 104 2017. Be careful.

CHAIR RICHARDSON: Okay. All right. We can start on next year's now? Oh, okay. Thank you, Harold. You didn't do too bad a job there. Good job, lad.

I would now like to turn it over to the chair of the CACS Subcommittee to take her report. Carmela?

MS. BECK: All right. Thank you, Madam Chair.

So the Compliance, Accreditation
and Certification Subcommittee worked on one
discussion document this past semester, and
that was the assessment of soil conservation
practices.

And so, the NOP issued a memo to
the NOSB on April 25th, 2014 tasking us with
development of this discussion document. And
the origin is that there were concerns raised
regarding the appropriate use of soil
conservation practices on organic farms. And
so, as we're all aware, 205.200 requires that
production practices on organic operations
must maintain or improve the natural resources
of the operation.

So some continued background is
that the NOP was hoping to evaluate the
compliance of how the regulation has
implemented the soil conservation provisions.
And so, we opted to publish the 10 questions
primarily to get feedback from certifiers and
the general public regarding how they assess
soil management practices and to determine
what gaps there might be in these assessments.

And so, we received a total of 12 comments, and there were 11 organizations and there was 1 individual. And there's a lot of text on here. You'll find that many of the commenters' text is reflected in the general themes. But overall there was a reiteration that soil conservation, as we heard earlier today, is the cornerstone of organic farming, that soil conservation practices are documented in organic system plans, and there's a general understanding that certifiers and inspectors are well-versed in the regulation and that they're well-qualified to determine the compliance with 205.200.

Let's see. There was also comments expressing that inspectors have adequate training and that continued education is a requirement. Alternately, there was a comment that said certification personnel were lacking particular conservation expertise and education and that there was an opportunity
for training to be developed.

And overall there also was a sense that soil conservation problems aren't necessarily an issue and that in the event that it is an issue, it's the common practice that certification agencies would issue non-compliances when applicable and there are opportunities to request that said operations would work with NRCS and/or the RCD to develop a compliance plan.

So overall there was a preference for continued reliance on a combination of qualitative inspection tools over the quantitative tools that were suggested in the document. The qualitative examples that we're familiar with that inspectors implement include the visual observation, grower interviews, review of harvest records, testing for organic matter levels, inspections that are scheduled at different times of the year, and then year-to-year evaluations, and soil aggregate formations.
So there was also a common theme that folks wanted us to focus on the broader topic of biodiversity and not just focus on the narrow soil conservation practices. And in the subcommittee we had this conversation about whether or not to broaden the scope, and we determined that we would stick to what the request was in the NOP memo asking us to look at soil conservation assessments.

So there were also some opportunities that were identified or food for thought for us to take back to the subcommittee to consider as we move forward on this document. And so, there's a lot of text there. So there's a need to improve consistency among certifiers and inspectors.

There was a commenter that said that additional education would need to be developed in the event that new requirements were enacted. And the other common theme was that there is actually an opportunity now to develop new trainings and educational
opportunities.

And then there was a request that we don't just make mention of the NRCS, but make mention of other organizations that could complement the work that we do or with whom we could partner to see how we could learn from their quantitative tools.

Let's see. So then there was also a couple comments that said that the NRCS and crop consultants actually needed some work themselves to better understand our systems. And so there is an opportunity there to provide them with educational materials.

And then some more innovative thinking came out of CCOF where they talked about perhaps looking at conducting a soil assessment inspection dedicated solely to that every few years to capture what might not be captured in the one snapshot of an annual inspection that takes place.

And then also Nate made reference to the Northeastern University National Soil
Project to look at their testing. So that's something that we can bring back to the subcommittee.

Oh, and I guess that concludes my presentation, ma'am. Jean, that concludes my presentation. Sorry.

CHAIR RICHARDSON: That was an excellent report. Thank you. Much appreciated.

MS. BECK: So are there any questions that we can -- yes.

MR. THICKE: I just have a comment. Thanks. It was a good report and good work here.

I think it's good to work with NRCS, but we also have to recognize that NRCS is very prescriptive and isn't very holistic in their thinking. And so, I mean, that's maybe not a good way to put it. And organic systems are very comprehensive and complex and variable and we can't put those prescriptive things in there. But we can learn a lot from
them, I think, and we can use some of their tools, and I think they can learn a lot from us. So working together is a good thing.

However, I think that just making soil conservation very visible maybe through communications with the National Organic Program and with the certifiers it will help a lot. Because farmers, no one wants to have erosion problems. We really aware of it and we don't like that at all. And just knowing it's higher on the radar is going to make a difference, I think.

CHAIR RICHARDSON: Mac?

MR. STONE: Yes, to follow up on that, Francis, we think of erosion as a plowed field or the dirt between the rows corn or something, and organic farmers are the last one to want to see any kind of erosion and probably obey the cultural rules of contour farming, et cetera, as well as anyone.

But also to Francis' point, when we have creek crossings for cattle and lanes
to get cattle into different grazing paddocks
and heavy use areas and there's lots of other
places that erosion can occur. And NRCS does
have some great tools and cost share funds and
all sorts of things. So I really urge the
partnership -- and there's things we can learn
and work together.

And of course any farmer can get
caught with their pants down if the big storm
comes in when you've got open ground in
planting season or something, but there are a
lot of resources and tools within NRCS and FSA
that we should work together on.

And to finish, certifiers, from
being through many inspections and -- at our
farm and having done inspections on farms,
reviewers -- that these certifiers have eyes
in the back of their heads and they can tell
for several years farmers that are doing it
well.

And they can instruct inspectors
to look for certain things because they can
see things on paper that a lot of us wouldn't see. So again, a shout out to certifiers, that they're a real asset to helping farmers and work together.

CHAIR RICHARDSON: John?

VICE-CHAIR FOSTER: I think Francis hit -- probably my main message is the value that we can get from very active collaboration with the NRCS.

And I'm sure there's other more local organizations that do some of this work that may not have a national profile, but maybe very high profile in a region or a valley or some place that's had these kind of issues. And across all agriculture, not just organic agriculture.

It's another place. It's going to be really interesting because we can learn a lot about how to apply best practices from all farms, not just organic farms. I think anytime we can do that and have the conversation, it's yet another place that
organic practices may be able to encroach a
little bit into the conventional space also.

And I've said before on record, I
think the value of little tidbits of organic
ways that sneak into conventional is a very
powerful thing and one I don't think we talk
about enough, that the benefit that organic
has is true. On the ground that's been
converted to organic practices, yes, but if
all of conventional ag took one percent
improvement from organic practices and applied
it across the 97 percent of agriculture in
America, that's a huge benefit, and this could
very well be an entry point for that.

And then I also wanted to clarify
something Carmela said. Why we stuck with the
scope of work that the NOP provided was that
-- and we had good, good thorough
conversations about this in subcommittee --
was that the topic of a much broader issue was
too much to handle, really, trying to tackle
all of soil management, what that means for
crop production cycles and implements. And that was too big a piece. We felt like it was appropriate, the scope of request was appropriate and we wanted to make sure we could deliver something that was tangible in the areas that we were asked. That's why we limited it to that scope.

CHAIR RICHARDSON: And I think we should also add -- just a sec, Nick -- is that we also -- I'm also on that subcommittee -- is that we will be turning this into a proposal during this spring semester ready for the April meeting. So we'll have a proposal format to be voted on based on public input and our work.

Nick?

MR. MARAVELL: Carmela, I think one of the take-aways here is if you mention NRCS, you got a hot button here. And we've heard some very pointed and good information. NRCS is capable of being helpful and for a long time the organic farmers have
sort of flown under the radar in terms of
NRCS, and that's because they don't understand
our systems. And when you accept their fixes
or their tools, you also accept some strange
restrictions that don't necessarily apply in
any way to an organic system.

And the Department has been
working on that to try and turn that around,
but what I'm hoping is that through this
process both sides can learn and that we can
help turn that around a little bit.

And then maybe what John is saying
is that a lot of that will find its way into
the conventional farming community as well.
Because while organic farmers have good reason
to fly under the radar on some of these
issues, a lot of the conventional farmers are
trying to do the same. And if there were
things that were more easily implementable and
more forward looking, I think there would be
much better communication and cooperation
between the farming community and the NRCS on
some of these issues.

So hopefully this will be an opportunity -- maybe Betsy should be involved more closely with this, too, so that it has some impact within the Department. I mean, there's a real opportunity here.

CHAIR RICHARDSON: Other comments for Carmela's committee?

Okay. Hearing none -- I can't believe it. You mean we can go home now?

I'll just remind the Board members that you need to meet down in the lobby in order to leave by 6:15. And to everybody here I would like to adjourn this meeting. Thank you for your patience. My apologies -- sorry? Recess. There you go. See, I'm tired. No, I'm not going to adjourn it.

We're recessing it until tomorrow morning at 8:30. And I would like to thank you all very much for your tolerance of sitting through without a proper break today, but I think we needed to have that
conversation on the record and I appreciate your patience with us. Thank you. See you tomorrow.

(Whereupon, the above-entitled matter went off the record at 5:17 p.m.)
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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: National Organic Standards Board

Before: USDA

Date: 10-29-14

Place: Louisville, KY

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

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Neal R. Gross
Court Reporter
UNITED STATES DEPARTMENT OF AGRICULTURE

NATIONAL ORGANIC STANDARDS BOARD MEETING

THURSDAY, OCTOBER 30, 2014

The National Organic Standards Board met in Grand Ballroom B, Galt House Hotel, 140 N. 4th Street, Louisville, Kentucky, at 8:35 a.m., Jean Richardson, Chairperson, presiding.

PRESENT:

JEAN RICHARDSON, Chairperson
JOHN FOSTER, Vice Chairperson
MAC STONE, Secretary
HAROLD AUSTIN
CARMELA BECK
COLEHOUR BONDERA
JOE DICKSON
TRACY FAVRE
JAY FELDMAN
WENDY FULWIDER
NICK MARAVELL
ZEA SONNABEND
JENNIFER TAYLOR
FRANCIS THICKE
C. REUBEN WALKER

STAFF
MICHELLE ARSENAULT, Advisory Committee Specialist
LISA BRINES, NOP National List Manager
EMILY BROWN ROSEN, AMS NOP Specialist, Standards Division
MILES MCEVOY, AMS NOP Deputy Administrator
CARRIE RICCI, Office of General Counsel
## Agenda

### Livestock Subcommittee (LS)
- **Tracy Favre,** Chairperson
- Present Subcommittee proposals and discussion documents. Summarize with written comments

**Topics:**
- Proposal: Vaccines from Excluded Methods (GMO Vaccines)
- Verbal Report: Aquaculture Review History

### Crops Subcommittee (CS)
- **Zea Sonnabend,** Chairperson
- Present Subcommittee proposals and discussion documents. Summarize with written comments

**Topics:**
- Verbal Update: Inerts
- Discussion Document: Contamination Issues in Farm Inputs Literature Review
- 2015 Sunset Review/Proposals
  - Sulfurous Acid
  - Sodium Carbonate Peroxyhydrate
  - Aqueous Potassium Silicate
- 2016 Sunset Summaries
  - Ferric Phosphate
  - Hydrogen Chloride

**Deferred Items:**
- Handling Subcommittee --
- Tragacanth Gum

**NOSB Officer Elections**

**Subcommittee Workplans**

**Subcommittee Assignments**

**Presentation of Plaques for Outgoing Members**

**Other Business**
P R O C E D I N G S

8:34 a.m.

CHAIR RICHARDSON: Well to start off this morning, John Foster, as Vice Chair, is going to give us a few words of inspiration, or something.

(Laughter.)

VICE CHAIR FOSTER: Jean, when you said, was I ready, I didn't know if you meant ready, like ready-ready. All right. So this is one of my favorite poems from one of my favorite authors, and there's a few nice key words in it that I think will resonate with everyone in the room. This is D.H. Lawrence, for those of you who are again keeping track.

The magnificent here and now of life in the flesh is ours and ours alone, and ours only for a time. We ought to dance with rapture that we should be alive and in the flesh, and part of the living incarnate cosmos. I am part of the sun as my eye is part of me. That I am part of the earth, my
feet know perfectly and my blood is part of the sea. My soul knows that I am part of the human race. My soul is an organic part of the great human soul, as my spirit is part of my nation. In my own very self, I am part of my family. There's nothing of me that is alone and absolute except my mind, and we shall find that the mind has no existence by itself. It is only the glitter of the sun on the surface of the waters.

CHAIR RICHARDSON: Thank you, John. That was lovely. The first order of the day is the Livestock Subcommittee, Tracy Favre, Chairperson.

Livestock Subcommittee Report

MS. FAVRE: Thank you, Jean. Good morning, everyone. I hope you managed to survive running the gauntlet of teenage hormones and blue corduroy this morning as you came down the hallway.

First order of business for us this morning is going to be the discussion
document proposal, the livestock vaccines made with excluded methods. Jean was our lead on that, so Madam Chair, I'll turn that back over to you.

CHAIR RICHARDSON: Thank you.

Well, this wasn't an easy one and it isn't an easy one, and it's not going to go on being easy for the next few years, I think. I'll first of all run through the public comments that we've received for this round, because obviously there's been several reports that we've put out over the last two and a half years or so.

We have received about 150 written public comments, which give us a very useful body, I think, of public comment for us all to consider, and I really thank everyone very much for the comments that came in, because the amount of detail that we had in those comments, I think, will be very useful to us as we try to wrestle with this issue.

So there were many -- to summarize
the comments, there were many individuals who
sent reminders that the public does not expect
GMOs in organics, and we all agree on that.
There are no GMOs in organics and should not
be.

There were about 120 individuals
who agreed with the comments made by Beyond
Pesticides, that the NOSB shouldn't send this
back -- should not send it on to the NOP, but
that we on the NOSB should continue to work on
a definition of excluded methods.

There is concern that the NOP, on
its own, isn't going to be able to deal with
this, because it involves a much wider range
of stakeholders, and that the Secretary of
Agriculture should however be asked to develop
a list of approved vaccines, and I'll talk a
bit more about that in a minute or two.

There's also concern that because
the USDA also promotes genetic engineering, it
means that there may be sort of a conflict in
their ability to deal with it, and let's see.
The National Organic Coalition was similar to those of Beyond Pesticides, and they recommended also that the guidance should come from the NOSB and not the NOP.

The Center for Food Safety agrees with the NOSB that a comprehensive system of classifying the available vaccines is needed, and that certainly is one of the main messages, I think, that we still have to continue working on over the next year through the NOP, in order to avoid the risk of producers accidentally or unintentionally using a prohibited technology.

Everyone agrees that we need a definition, a new definition of excluded methods. The Center for Food Safety does not agree with the use of GMO vaccines even during emergencies, and the CFS also reminds us that consumers seek out organics specifically to avoid GMOs.

One commenter in the written materials, speaking on behalf of the poultry
industry, expressed serious concern that the poultry industry needs to have the ability to use a GMO vaccine, if necessary, against some salmonella strains, and certainly we heard that in an oral comment with California soon to be requiring one of the salmonella GMO vaccines to be used as part of their salmonella control policies.

While it's easy for me to remind the poultry industry that they can certainly petition the NOSB for a GMO vaccine, I know that that takes time. But that is something that is on the books and it could be done, and it's part of the system in place right now. But it is obviously a time-consuming thing to do.

Certainly, the salmonella was the one area -- it's not all the salmonella, but one of the salmonella strains was certainly the one sort of serious hole in the vaccine list that we found when Nick and I were working on the working group.
For everything else, we found that it was possible -- that we are aware of was possible to have non-GMOs. But the salmonella is the sticking point. The Farmworker Support Committee asks that we work towards a definition of excluded methods.

MOSES agreed with allowing GMO vaccines in federal and state emergencies, and they would suggest also allowing GMO vaccines if there were no non-GMO vaccines available that served the same purpose.

Cornucopia supports the Livestock Subcommittee's report and recommendation that the NOP develop guidance necessary to help the certifiers in their work.

Three certifiers provided comments. PCO expressed support for the recommendation and stated the following: the success of any guidance regarding GMO vaccines is inextricably linked to a thorough definition of excluded methods.

PCO goes on to suggest that future
NOP guidance should be done in conjunction with the Materials GMO Ad Hoc work on excluded methods terminology. While there is some overlap, there is also some differences obviously with vaccines as opposed to seed. But we obviously can consider that.

MOSA, Midwest Organic Services, expressed widespread concern that for certifiers who have to review the vaccines used by their clients, and the need for clarity now regards excluded methods, and they ask for a trade name list of vaccines made with excluded methods.

NOFA Vermont asks the NOSB to work collaboratively with the NOP on the issue. Organic Valley Crop Cooperative said, we appreciate the work and research the Livestock Subcommittee put into the vaccines report and proposal, and look forward to guidance from the NOP.

They added we asked the NOP to consider the effects of the California egg
safety rule on organic farmers shipping eggs into California. The Alliance for Natural Health wants the NOSB to work for clarification. OTA supports the vaccine document and recommendations and states, quote, the OTA agrees that the prohibition on excluded methods in organic production must be affirmed by appropriate guidance on avoiding excluded methods in all aspects of the organic industry, including Livestock vaccines.

The OTA thanked the Livestock Committee for the work, and especially for the history of the work done to date as we move forward.

So that's just a synopsis of the comments for this one. The comments from all the previous reports we have done were incorporated into the report which went on the Federal Register. Just to sort of respond to some of the concerns, I think working up a list is -- it's not -- even that's not easy, and there are lots of reasons for it.
But I mean I think that the NOP needs to work with the right folks to try to get that to happen. Perhaps they should set up a new working group next year when they've had time to think through which pieces of it to work on in sequence, because when you looked at the ---

When we looked at the APHIS's CVB, which regulates the vaccines, what we found was that the CVB tracks the vaccines that are made through biotechnology, but their evaluation of whether a vaccine produced through biotechnology, what that exactly means, doesn't actually align very well with the organic standard for excluded methods.

So even though we have a list with all kinds of symbols next to it, which you can more or less translate and more or less use as a certifier, it really isn't a perfect match. So that would be one of the areas in which the NOP should try to work with the CVB, to see if they can get a better alignment for the
technological -- the biotechnology as opposed to the excluded method definition.

CVB does review the use of biotechnology. However, if only the cell line is used to culture the vaccine seed as a genetic insertion, deletion or mutation, then the vaccine itself is not considered to be recombinant.

So there's a sort of a, you know, a nuanced difference there that makes the -- makes the way in which you might write a list really very complicated to do. But it doesn't mean we shouldn't keep on trying to do it.

The other thing that I -- let's see, that I thought was important to sort of highlight was related to what we found, as we worked through the committee, was the use of transposons in vaccine production.

The working group considered that if transposons would fit into the allowance for traditional breeding techniques, then the working group couldn't be clear at what point
traditional breeding techniques are divided
from the modern or non-traditional breeding
techniques.

So is there a point in time at
which all techniques before that time are
considered traditional, and all new techniques
developed after that time are not considered
traditional. So the definition of excluded
methods allows traditional breeding
techniques. So the distinction then becomes
important for organic producers. We don't
have sort of a date there which we have really
talked about to agree on, at which point we
can then move forward and determine which of
the techniques fall within this definition or
within a new definition.

So I wish it was easy, but the
easy things have been done already. We just
have the difficult ones facing us ahead. So
with all these things going on, I think that
I can sum up sort of by saying that we still
need a list that is an interim useful list
that certifiers can use, and I think that that is something that the NOP could in fact be working on.

We need to remind the poultry producers that they can petition for an exception although -- and that may be -- even though that takes a long time, that may be worthwhile doing, and perhaps we should consider suggesting that the NOP additionally sets up a new working group next year some time, that we can work on specific issues of the excluded methods definition and see how that goes.

But it isn't easy, and I don't think right now that there's anything further really that the NOSB can do. So I really would like to see the NOP take a shot at developing appropriate guidance, and I know Miles really wants to get this back on his plate. Comments? Do we have any discussion? Colehour, you had a question?

MR. BONDERA: Yes, thank you. I
guess you made a comment in your presentation, and I think that I have -- I probably came in here with it, so I'm probably carrying it around a little bit.

So it was just a little snippet of something you said, and I'd like you to expand on it, which is related to the excluded methods definition issues, which is a broader category.

My opinion is that this vaccine component fits within that, and I'm wondering if you could address or talk about how an excluded methods working group, for example, would not only be on excluded -- on vaccines per se, but on the more broad topic that we had presented from the Materials Committee, in terms of how this fits into the bigger picture of excluded methods, and you did mention at least one comment related to that subject.

I think from my perspective, you know, putting the pieces together is a critical component, and working on them
separately, my experience is they seem to get
sometimes lost and not associated.

I think since we as a group have
been working on this, that's one of my
questions and concerns is, can we put this all
together and how it's going to come all
together. So a little bit unclear to me. So
I don't know if you can expand or address that
a little further. Thank you.

CHAIR RICHARDSON: Well, I'll
probably ask Zea to add in some comments here
from her working group and obviously I've been
sitting in on that and reading the materials
from the GMO Working Group and the excluded
methods discussion.

And to some -- to a large extent
obviously, when eventually we come up with a
new definition of excluded methods, whenever
that is, it will apply, I would assume, across
both plant and vaccine materials.

But I think that there's enough of
a difference that we still have to be looking
and working right now on getting the -- working on using the present definition of excluded methods to try to get a list in the short-term, so to speak, because it's going to be a long time before there is in fact a new definition.

I think from the way I look at the genetics, is that there's enough of a difference that it doesn't entirely fall all within the same -- the same sort of motif, if you will, as the seeds one that Zea's been working on.

But Zea, I wonder if you can add what you think and your perspective as to whether we should roll these two things in together.

MS. SONNABEND: I do think long term for sure. But as you say, it's going to be quite a long time until we have a definition, much less get into the weeds on the exact methods.

I do know, and to complicate
matters, I do know that the feedback we received from the first discussion document, particularly regarding the transposons and transduction techniques, which was mostly from FiBL in Switzerland and they had it in their chart, and they said it depends.

They gave, you know, a few examples of what it depends on. But that's not an answer we can work with right now. So we're going to have to sift through it and it's not there yet.

CHAIR RICHARDSON: Yes, Nick.

MR. MARAVELL: Yes. I'd just like to make a few observations and also concur, Jean, with what you just said, that if we try to take the GMO vaccine issue and roll it in with the definition of excluded methods, at this very moment, it will result in a delay of moving forward with the -- with the immediate need to identify which vaccines do seem to be permissible.

The other sort of minor historical
observations are that going back to a time of
traditional breeding or vaccine-making, if I
remember correctly, in our work, we discovered
the first GMO vaccine in the mid-80's out of
ARS. So it's been going on a long time. So
if you're looking for a date, it takes you way
back.

A second observation is it is
possible and has been for well over 100 years
to develop vaccines without excluded methods,
including for poultry.

So I just, you know, would make
the point to the organic community, as well as
to the Board, and not to make a pun, we've got
a little bit of a chicken and egg scenario
here, that if we aren't firm in our review of
this issue, there'll be no incentive to simply
create vaccines that don't use excluded
methods that organic poultry producers could
take advantage of.

CHAIR RICHARDSON: Miles.

MR. McEVOY: This is a complicated
issue, and it goes back. I just wanted to
remind you of the NOP's response to this issue
back in, I think it was in 2010, and this is
based on the recommendation that came out of
the NOSB in 2009.

I just want to read from the memo
to the Board at that point. On November 5th,
2009, the NOSB made a recommendation to
clarify that vaccines produced through
excluded methods or GMOs are allowed under
205.603, and do not need to be individually
petitioned for allowance on the National List.
So that was the recommendation from 2009.

Further, the NOSB recommended that
vaccines produced from non-excluded methods be
located and used before those produced by
excluded methods. So we go on to say that the
preamble to the National Organic Program final
rule states that the Act allows use of animal
vaccines in organic livestock production,
given the general prohibition on the use of
excluded methods.
However, we believe that animal vaccines produced using excluded methods should not be allowed without an explicit consideration of such materials by the NOSB, and without an affirmative determination from the NOSB that they meet the criteria for inclusion on the National List.

It is for that reason that we have not granted this request of commenters, but rather provided an opportunity for review of this narrow range of materials produced using excluded methods through the National List process.

The NOP's understanding is that excluded methods are prohibited under Section 205.105(e), except for vaccines. Further, this exception applies to vaccines that are produced through excluded methods only if those GMO vaccines are approved according to 205.600(a).

Vaccines are listed under 205.603(a)(4) under Biologics Vaccines. The
NOSB has not reviewed vaccines in accordance with 205.600(a). The listing under 205.603(a)(4) of biologics vaccines does not include the allowance of GMO vaccines.

The NOP requested a legal review from USDA's Office of General Counsel to determine whether vaccines produced through excluded methods are currently allowed under 205.603(a)(4). The OGC opinion supports the position that GMO vaccines are allowed only if they are approved according to 205.600(a), and that has not occurred.

The NOP recommends that the NOSB review GMO vaccines under the provisions of 205.600(a). The NOP suggests that the Board request a technical review for biologics vaccines, including the status of genetically modified vaccines and assessment of the economic impact of using commercially available criteria for non-genetically modified vaccines.

After the Board completes the
evaluation according the OFPA criteria, it may
submit a recommendation to NOP to add GMO
vaccines to the National List of Allowed and
Prohibited Substances.

So I just wanted to remind you
that that kind of started -- this is -- this
process started quite a long time ago, with
the recommendation from 2009.

There was probably a lot of work
done to get to that point from that
recommendation from 2009. The Board and the
GMO Vaccine Task Force has done a lot of work
on this issue, and received a lot of really
great information about where to go from here.

But we're still sort of at a very
difficult situation. It's difficult to know
how to go forward. What we're looking for is
more specific recommendations, guidance from
the NOSB about how to approach this issue of
GE vaccines.

Currently they're not authorized
by the regulations. The challenge is, is that
how do we determine whether a vaccine is an
excluded method or not? There's a lot of
information in the report that was submitted
previously by the Board, and what I'm hearing
now is that the Board wants us to make that
distinction, rather than getting that guidance
from the Board of how we should make that
distinction.

We can do that. We did that with
cell fusion, for instance. It would take us
some time and resources to put that guidance
together. But frankly, we'd prefer to have
that recommendation come from the Board, of
where to make that distinction about what's a
GE vaccine, what's an excluded method vaccine.

The other thing to consider in all
of this is we have a lot of things to do, and
I think one thing I've learned over the last
five years is that we can't do it all, and
that -- so therefore we're trying to focus on
what we feel is the highest priorities, and
for us, getting the animal welfare
recommendations implemented, it's going to take a lot of work, a lot of resources and that's really going to be our focus.

To work on this particular issue, it's not like it's not an important issue. But it would take us resources, and so yes, it's just a challenge when we can't get it all done, and having some understanding of what the priorities of the Board are for our work would help us in terms of prioritizing our work.

CHAIR RICHARDSON: Well, let me try and reply to that, and I'm sure then Nick will jump in, is that, you know, we kind of -- we did the best we could. Nick and I were on these phone calls, on the working group, with wonderful geneticists from APHIS.

We worked through these lists and looked at all the little letters that say whether it's an R or recombinant or vector or whatever the heck it might be. Then we reached and we were sort of assured by one of
these folks, including NOP staff, excellent
in-depth conversations, and we thought we were
making some progress and we were going to be
able to come up with a useful, functional,
boots on the ground list.

And then, quite suddenly, there
was this whoa, two things, two problem --
well, three problem areas. One is that all
the -- because all the vaccines are -- they're
generally done as sort of -- as groups, and
they change regularly in the mixes that
they're using around the country, slight
variations.

Even though they may all be
perfectly good non-GMO vaccines, it would be
complicated to sort of break them up into
their component parts and they -- and then it
was determined that Nick and I, as ordinary
human beings out here, we were the public and
we couldn't really have access to that
information which belongs to APHIS and all the
good folks that do the work over there.
So as NOSB members, we could not get access to that type of information, not available to us. Then you add in the bit that even if you could get access to that information and start creating a list, as we looked into it further, the NOP staff person, Scott was working on this at the time, then he began to realize that the transposon issue -- so when we discussed that with APHIS, in terms of the vaccines we, like Zea, sort of came to a like, I don't know. That's kind of a gray area, it really all depends. And so it was a sort of impasse. We, NOSB persons, could no longer really get the information we needed in order to develop a list.

And then you come across then the third sort of main factor, and that is even when you do get there and they're working on the list, even if we could get privy to that priority CBI information from the manufacturers, you're still faced with the fact that the definition itself isn't a
workable definition for the -- for APHIS and
the geneticists to work with, because of the
lack of congruity between the way they're
doing it now and our NOSB definitions.

So from the point of view of just
ordinary volunteer Board members, there really
is not much more that we can do as a Board.
So it has to go back to the government to
begin to determine which groups of people need
to be brought into a group to come to various
agreements that are both short-term getting a
list and the longer-term coming up with a
definition of excluded methods.

So if I thought that we could work
on this, I would keep it in the subcommittee.
But I really can't recommend it. I mean we'll
be spinning our wheels, right? Nick, why
don't you jump in here?

MR. MARAVELL: Well, I'd just like
to add a little bit to the history here, about
the response of the NOSB to this issue. At
our Albuquerque meeting we had, you know, a TR
in hand on GMO vaccines.

We had the Livestock Committee make a recommendation, a very specific recommendation, to send forward to the NOP, and in Board discussion, many of the incipient issues that Jean has just alluded to became clear, the public response it became clear that the TR only went so far and that our knowledge, the Board said, let's find out what the shape of the beast is before we take it on, and did not feel comfortable going forward.

I think that was a wise decision, rather than shooting in the dark. We really did attempt to respond to the 2010 request to us to provide guidance back to the program, and we received public comment and we got a technical review.

Sometimes you just can't get what you'd like to get, and I think, though, that with all the work that's been done, that we have sort of concluded that perhaps this could
be an issue for poultry producers. That
narrows the field down quite a bit.

There are all sorts of other
issues that Jean alluded to, with the fact
that you stack up your vaccinations. You give
a six-way or a five-way or an eight-way
vaccine so that you don't traumatize your
animals. You give them one shot instead of
eight shots for eight different vaccinations.

Those are always changing, and if
a GMO slips into that formulation, then what
you thought you used last year, you can't use
again this year. I've got to tell you,
farmers, you know. They go, they get what the
vet says. They'll buy it off the shelf, the
livestock store.

You're not going to know, you
really are not going to know. So we have
tried our best, we really have. We took to
heart and it's just a very difficult situation
to deal with. I would say, to keep it within
the NOSB would be approaching the definition
of insanity.

So and I for one will probably go there. Yes, so -- and we also do not have the resources to go further. We would need significant resources to pursue this. This is a big topic. It requires a lot of technical expertise. So I wish we could have gone further.

CHAIR RICHARDSON: Mac.

MR. STONE: Did you learn enough to know the trend? Is there -- is the development going towards more propensity, if that's the right word, for GMO development or not necessarily or which ones are on?

CHAIR RICHARDSON: No, I don't really think that there's a trend. I mean the salmonella's the big thing. I think that if there was a sudden emergency in some -- I know we talked about rabies at one point as being an issue, or those outbreaks of swine whatever, that you might need to do something.

But that would be an emergency
situation. But by and large, no. I mean it's a vast amount -- the vast number of vaccines that are being used are basically traditional and that's the way it's going to stay, because they're very effective. Nick, you want to add to that?

MR. MARAVELL: Yes. I think you might say it's analogous to the seed industry. There was a tremendous promise for GMO seed development, and it's the latest thing and that's where the graduate programs were focused, and that's where the talent was going, et cetera.

But then it became clear that, you know, GMO seed was not the silver bullet. If it was, we all would have known it by now. World hunger would have gone away, et cetera, et cetera.

And so I think we saw the same phenomena going on, and we have had testimony both here and in committee calls, where some purveyors of vaccines have said in effect they
can bring a vaccine to market quicker and equally as targeted without GMO technology.

Part of the quickness is simply regulatory. They don't have the same type of regulatory hurdles. So you know, it's hard to say. Mac, I know you've put a lot of time and effort into this too, and it depends on who you ask.

CHAIR RICHARDSON: Yeah. I simply could add that when we did a -- the ACA did a survey, and certainly I got a lot of feedback after the last meeting, where I'd asked for feedback from farmers and from certifiers.

I don't really find any evidence of non-GMO vaccines being used. I have to admit -- I mean again, I'm going to say the exclusion being probably that salmonella in the poultry industry. But otherwise, it doesn't seem to me like it's a serious issue of GMO vaccines being used, right.

Other questions or concerns? So
I'd like to see us just give it back to Miles, so to speak, although that motion might be worded differently for the record. He's not looking in the least bit happy. So can we -- Madam Chair, would you like to call the question?

MS. FAVRE: Yes. Let's call the question on this, and I believe we have a seconded motion currently. Let me look to see who's --

CHAIR RICHARDSON: Yes, there was a seconded motion, motion by Jean Richardson, seconded by Colehour Bondera. The motion is to -- the Livestock Subcommittee requests the NOP review this document and provide guidance to the NOSB certifiers and MROs on the use of vaccines made with excluded methods in organic livestock production. Want to do a roll call vote? Yep. So we start with John.

VICE CHAIR FOSTER: Yes.

MR. STONE: Yes ma'am.

MR. FELDMAN: Yes, with two
reservations.

MR. AUSTIN: Yes.

DR. FULWIDER: Yes.

MS. SONNABEND: Yes.

DR. WALKER: Yes.

MR. MARAVELL: Yes.

MR. BONDERA: Yes.

DR. TAYLOR: Okay, yes.

MR. THICKE: Yes.

MS. BECK: Yes.

MS. FAVRE: Yes.

MR. DICKSON: Yes.

CHAIR RICHARDSON: Chair votes yes.

MR. STONE: Fifteen yes, zero no's or 14-1/2, Trace.

MS. FAVRE: Well, Miles is not happy with this. Well, he can't have it all his own way.

So thank you, Jean. We appreciate that. Next on the agenda for the Livestock is just a verbal update on where we stand on a
document that we're creating within the Livestock Subcommittee to discuss.

We've informally called it the bread crumb trail for aquaculture. Following our meeting in San Antonio, which went so swimmingly well, no pun intended, we recognized that there was a good chance that the aquaculture issue might be around and causing consternation for Livestock or subcommittee members, wherever it ends up, long past the time that this current cohort of Board members is working on it.

So I know in my work with aquaculture, one of the things that was difficult to get my head around was the context of all the work that had been created previously to my time on the Board, and the conversations that influenced the positions and the discussion and the documents and the recommendations that had come from the previous Board members.

So in an effort to sort of capture
that and remind us all where previous Boards
had been, we embarked on this effort to put
together this bread crumb trail document,
discussing sort of the history as we can
capture it for aquaculture to date, with the
idea that this document would sort of provide
an executive summary overview.

It won't have the detail probably
that some of you would be satisfied with and
would like to see. But the intent is to sort
of provide that reference point for future
Board members, as they continue to debate and
discuss the petition materials for
aquaculture.

We had hoped to have something for
us in time for this meeting. That didn't
happen. It's actually still in draft form
within the Livestock Subcommittee. The intent
is to make whatever tweaks we need to within
the Livestock Subcommittee, and then circulate
it more widely through the whole NOSB, in time
for a draft discussion document, for lack of
a better term, that will go out for public
comments, in order for folks to give their
feedback for the spring meeting.

And we chose to do the discussion
to document. We could have actually kept this
internalized, just sort of a memo internally,
because it really is intended to just give us
some oral history, written history. But we
wanted to provide stakeholders an opportunity
to weigh in.

At this point it's very factual.
It's sort of a time line. It doesn't discuss
the pros and cons or the wailing and gnashing
of teeth that went into where the
recommendation ended up.

So I'm hopeful that once we put
our mark onto it and it goes out for public
comment, that everybody will have a chance to
put their stamp on it. So look for that with
the submission of the documents in order -- in
time for the spring meeting.

That's where we stand. We wanted
to let people know that even though the materials are currently on the back burner as we discussed at the spring meeting, we won't actively work on those materials again until the draft standards are out.

But we did want to let the public know that there is some recognition that this has been a long time coming, and that we are trying to capture the institutional memory as we have it right now, and that we are doing some work on it. So that's where we stand on that. Madam Chair, I believe that concludes the presentation on that if we want to open it up for discussion.

CHAIR RICHARDSON: Any questions to Trace on the Aquaculture report as it's developing? Mac.

MR. STONE: I just want to thank Tracy for persevering through difficult conversation and then taking time to sort of wrap that up and capture the questions that were at the last meeting, and get those in the
record, because it will get cold on us. So I
just want to thank you for a lot of due
diligence.

CHAIR RICHARDSON: Thank you.

Miles.

MR. McEVOY: Yeah. Just to get
back to the recommendation on GMO vaccines,
thank you very much for the recommendation.
We'll be certainly conferring with the
Livestock Subcommittee as we work on that
guidance, so we might have further
discussions, so we could help to clarify where
the line is of what's an excluded method in
regards to vaccines.

CHAIR RICHARDSON: Thank you,

Miles. Jennifer.

DR. TAYLOR: (off mic) I know that
-- I looked at our document. Have you had a
chance to review this document that we
received from the Food Safety in regard to
pervasive impacts? But given this kind of
information that we see from the Food Safety,
that actually documents the escapes and the
under-reported incidents, I'm hopeful that we
can take this kind of information, this kind
of scientific information that's been compiled
for us about the adverse effects on marine and
river ecosystems and wild fish.

And that we could take this
information within the Committee and then also
at the program level, and call into question
the desirability of ocean-based fish farming
to be organic. I suggest that the Board take
an opportunity to advise the Secretary to
withdraw plans to go forward with the
regulations for organic ocean-based fish
farming.

MS. FAVRE: Thank you for those
comments, Jennifer. I'll remind you that we
were instructed by the program, at the time
that we undertook the materials, that the
standards are actually working through
clearance, and although we might have an
opportunity influence the implementation of
those standards through the way that we might annotate materials, we don't currently have the opportunity to revise the standards.

I'm sure under the public comment period, public comment, feedback, as well as our feelings from the Board, would be taken into consideration by the program. So thank you.

DR. TAYLOR: Great, thank you.

CHAIR RICHARDSON: Colehour.

MR. BONDERA: I guess to follow up on Jennifer's question, I personally would like a little bit more clarity, and I don't know, Jean, if Jean needs to weigh in or the program does. But can somebody sort of expand on what you just said, I think Tracy, in terms of how or if we, the NOSB, could recommend reconsideration of the recommendation that was made, to bring it back to a review in terms of yeah, I understand that it's already been made and it already has been moved forward on.

But if there is new information
and it does merit reconsideration, what is that process? Is that process just us responding to something once a rule is put out, or does the NOSB have the capacity to take some other action, to make a recommendation for reconsideration of a recommendation that we made in the past?

I would like a little bit more expansion on that concept at this point in time please. Thank you.

MR. McEVOY: Yeah. The NOSB has what used to be called a work plan, an agenda for the work that they're going to do in the upcoming -- Mac describes it as an upcoming semester or next year, and that's on the agenda for discussion later today.

Certainly, the NOSB can come up with their concepts of what they want to work on, and there's the required things in terms of petitions and sunsets, and there's a number of other ideas that Board members feel are important to work on.
I think in terms of aquaculture particularly, and it's likely better for discussion this afternoon, we do have final recommendations from the Board that we're in the process of writing proposed rules on. They were done by the Board over a period of years as a number of recommendations. I think it would be not a good concept to go -- to not allow us to finish the process of putting out a proposed rule for public comment and finish that process.

Once that is complete, then maybe that would be the appropriate time for the Board to take up looking at the final work, based on the recommendations that were previously done.

MS. FAVRE: Thank you, Miles. I just want to add that I can appreciate the frustration of those of us that might not agree with the current proposed standards that came out of the Board.
I agree with Miles that the proper vehicle by which to do that is to let the process move forward, to avail ourselves of the public comment period, add our voices as a Board or a subcommittee with our recommendations, and we said pretty clearly and got the feedback from the public pretty clearly at the meeting in San Antonio that the materials themselves should be evaluated in the framework of the standards.

I think we have an opportunity to influence the implementation of those standards through our recommendations and proposals for the materials themselves to get started, and that might be a more appropriate vehicle for us to influence the outcome. Just my opinion.

Are there any other questions or comments on the aquaculture document?

(No response.)

MS. FAVRE: Madam Chair, that concludes the Livestock Subcommittee report.
Thank you.

CHAIR RICHARDSON: Thank you. The next item on the agenda is Crop Subcommittee.

Zea.

Crop Subcommittee Report

MS. SONNABEND: Thank you.

Welcome to the Crop Subcommittee. The first thing on our agenda is a verbal update on inerts, which will be given by Emily Brown Rosen, as representing the Inerts Working Group.

MS. BROWN ROSEN: Good morning everyone. Nice to see everyone bright and chipper after that exciting game last night. That should put us all in a good mood today, if you're on the right side.

All right. So we've been giving an update every meeting on what's going on with the Inerts Working Group, and so I'm trying to get a little -- whoops, okay. Our Inerts Working Group consists of these members from the Board. We have Jay Feldman, Zea
Sonnabend, from NOP staff myself and Lisa Brines.

And then from EPA we have two people, Chris Pfeiffer and Kerry Leifer from the Biopesticides and Registration Division. So they have been very helpful to us.

This is, you know, you've seen this before. But this is the chart, or a little background information that's kind of a complicated topic. The Organic Foods Production Act does allow the use of inerts. It specifically provides that inerts used in pesticides may be used in organic, as long as they're classified by EPA as not of toxicological concern.

So that's basically all. It says enough, but -- and that's where it's up to -- it's been up to the past Board and continuing action as what is not of toxicological concern.

That NOP definition is really a rephrasing of the EPA definition of inert
ingredients, and this means it's basically any ingredient that's not considered active in a pesticide, that's intentionally added to a pesticide product.

But concern from the community, you know. For a long time from the environmental community is that these -- some of these inert ingredients in fact are not actually inert. They're just not -- they may have some other undesirable consequences, but they're not maybe necessarily the active ingredient that kills the pest.

So currently on our National List we have an allowance on our list for inerts of minimal concern, only those that are classed as List 4 by EPA, and they're allowed for pesticides in crops and livestock.

We also have a listing for List 3 that are allowed only in passive pheromone dispensers, which would be generally like your traps that are used for monitoring, or for mating disruption.
Both of these items are subject to sunset review. The List 4's are up for 2017 as part of the big review of 2017, and the List 3's are still -- they're sunsetting the following year, 2018.

The issue in this case is that this list system, EPA class lists inerts as List 1, 2 or 3, and this is an old system that they have phased out. That was an initial grouping, and they no longer maintain that.

So we are operating with this list, which is just a static, obsolete list that you can still -- it's still posted on the Internet, but it's not being changed or added to, and it was last updated by EPA in 2004.

And so we have manufacturers now petitioning the Board. We have a number of petitions sort of on hold that, you know, might be better in some cases than some of the ones on List 4 now. But we don't really -- they're not grandfathered into the list that we're using.
So just to run through how long we've been working on this. I know it's been a long time. Initially, April 2010 there was an NOSB recommendation, and it's always been a tough issue to grapple with. But at that point the proposal said we should really see if EPA can help us do this review for us or, if not, what would be the options for reviewing and listing them directly by the NOSB or proposing to list them.

Then 2010, we had the 2012 sunset review, and none of List 4 inerts were renewed, and then the following December the first Inerts Working Group was established, and we started meeting with EPA. At that time, you know, we actively pursued the idea of collaborating with EPA, and the people we were dealing with on the Committee said no, no, no, this is your rule.

It's AMS. NOP is going to have to be responsible for this list, and we're not going to be able to just, you know, do it for
you. I mean that was kind of our first line of defense. Maybe they could help us do it or set up a special process for us.

So then we went down the route of -- well, there was another NOSB recommendation which proposed this policy, to review all the known inerts that are currently in use, group them together and do technical reviews, and then put all of them on the National List.

So we started collecting information. The working group developed a list of known inerts. We were able to get lists of inerts that are currently going to be in use, that were provided to us by a couple of material review organizations without -- you know, without any identification as to what exact products are in, just to give us a snapshot at that time of what's being used, and then try to develop a plan to work on reviewing them and public notification.

This list turned out to have about 127 items on it. Then starting in about May
2013, or a little before then, we started -- the NOP staff started meeting with EPA staff. We became aware of a different program in a different branch of EPA that's called Design for the Environment.

This is a voluntary labeling program that is fairly new, and they had just at that point started up with a new program. They've been doing -- they set up criteria and they have been developing lists of products, mainly like cleaning and sanitizing products, that are safer for the environment.

But as an offshoot of that, they also developed -- they started publishing a list of ingredients that they have reviewed, according to a very complex and strict set of standards for safety and environmental impact, and this is called the Safer Chemical Ingredient List, and they also have been publishing criteria for this, which you can all go to their website and see.

It's quite detailed, and right now
they have over 650 chemicals listed on this Safer Chemical List. So we started talking to them, and they're very interested in working with us on this issue.

They actually took a look -- the staff there took a look at this list that we've compiled so far, and told us that at least 48 of these 127 are already on this Safer Chemical Ingredient List.

They thought that about maybe 15 or 20 had been reviewed or would not qualify for that list, and you know, there would be others they didn't know yet what they would be. But there was a lot of interest there in working with us. So it caused us at the NOP staff to go back to our initial concept of reviewing all the ingredients and doing all these technical reviews and then putting them on the list, and then having to -- it might be a different way to handle this concern.

So we've been exploring with -- since April, this is what we've been doing.
We've been exploring the concept further of collaborating with this group. I'll check with the lawyers at OGC, just to see how they felt about us having some kind of --

You know, how this would work out in the long run, could we do this, could we have a collaborative program. It took a little while to get them to look at it, but they agreed that this would be a very worthwhile thing. It meets the overall goals of streamlining government and working, you know, not duplicating actions, and they thought it could be very valuable.

So where it stands now is that people, we are trying to set up a meeting. The DFE people wanted more background information to take to their higher management, and we are planning to have a meeting between a little bit higher levels of AMS and EPA, and then trying to figure out how this would work, get some -- you know, get more ideas on paper and see if we could set up
a designer program and then follow through on it.

So once we have that meeting and have more information, we were planning to collaborate further with NOSB, describe the ideas more concretely, and discuss the options, and then the logical next step after that would be to provide public notice of where we're headed, probably ask for more information from the public and manufacturers, to capture inerts that we may not have on our list and find out you know what -- well just also get public feedback on the whole process.

So it's, you know, it's kind of complicated because there's a lot of moving parts and steps to go through here, to make some change here, and we recognize that we're still also, you know, on this sunset path here with inerts.

So in addition to that track, the Crops Committee did request a technical review for one of the categories that had come up on
this list, the nonylphenol ethoxylates or they're often called NPEs.

So this is a group that's kind of has a lot of literature published about and it's, you know, of concern. So we thought we'd at least get that track rolling, of some inerts review, while we're pursuing another option that might be an overall, maybe a more balanced or more comprehensive method of reviewing the inerts in inorganic production.

So that's my update, and I'm -- if you've got any questions, I'd be happy to answer them.

MS. SONNABEND: Thanks, Emily.

I'm just going to add one small point, which is that over the last few years, several inert ingredients have petitioned, through the regular petition process, and I for one feel really bad that, you know, those companies which have taken the trouble to write the petition and just generally disclose everything about their inert, we've not been
able to act quicker on those, because they shouldn't be -- they should be rewarded for cooperating fully with the program.

So I've been pushing in the Inerts Working Group, if there's any way we can do those first or somehow, you know, get those reviewed in a more timely way than the others. So that's something I'm still going to be aiming for, while at the same time trying to make this actually happen.

CHAIR RICHARDSON: Nick had a question.

MS. SONNABEND: All right.

MR. MARAVELL: Yeah. I was just wondering, there's been a lot of work put into this Inerts Working Group. So my question is actually addressed to Jay, and I was wondering Jay, do you think that you will be able to continue or do you want to continue your participation in this working group?

MR. FELDMAN: Well, I think it would be nice for the working group to involve
outside people. It doesn't necessarily have
to be me, but I think it's a good idea. There
are a lot of people who could contribute to
this process.

So I'd be happy to do that, but I
think there are a lot of people that could be
chosen. I think it would be helpful to do
that. Zea, may I make or Madam Chair, may I
make a comment on this? Okay.

Last night we were at dinner, and
an older gentleman came over to the table and
was doing some magic tricks for us. He asked
Colehour to pick a card from the deck, and
Colehour hesitated.

The gentleman said "Hurry up and
decide before I die," and that's sort of how
I feel. You had to have been there, right, to
see this guy. He was rather elderly.

MR. BONDERA: He was awesome.

MR. FELDMAN: That's sort of how I
feel about this whole process, although I
should say I do appreciate the program's
receptiveness conceptually to this process,
and the acknowledgment that it has to be done.
We're struggling with getting it done in a
timely way, so that we can move things along.

One of the most important things
we could do right now, which wasn't really
mentioned here Emily in your presentation, is
to ask manufacturers that are producing
materials for use in organic production,
whether the list that has been generated by
the -- sorry, by the Inerts Working group, is
a complete list.

So that EPA does this all the time
as you know through data calling notices. I
believe it was the intent of the Inerts
Working Group to publish such a list, which
really are materials that fit into the
categories that were already released to the
public.

At the Providence meeting in 2012,
we actually in our presentation listed the
categories that were developed as a result of
that list being generated. So all we would do is in a sense fill in that list, publish it in the Federal Register and put out notices through the certifiers, through the environmental or through the organic community, and request the community of registrants in a sense -- these are materials that are registered for the most part with EPA in some way -- to help the working group and thus this Board identify the list as being complete or incomplete in some way.

In that way, when the Board goes and reviews these materials in the future, it knows that if it's not on this list and under review, then those inertS cannot be used. So you've got a finite list, and they can all be petitioned and we can go through that process or the Board can go through that process.

So I don't know if that's still part of the process, Emily, and if that could be expedited in some way so that when the Board or when the working group is ready to
move on these things, it has the framework, it
has the full list of materials, at least, for
a starting point to begin the actual review.

MS. BROWN ROSEN: Yes. I didn't
explicitly say that, but you know, we would
have to do a Federal Register notice to
announce, and we haven't decided exactly what
format that would be. But most likely that
would be effective to give advance notice.

I think our EPA colleagues advised
that would be a good way to, you know, get
everything, you know, assure that when you do
get to rulemaking, that you've provided an
opportunity for people to come to the table.
I think that is a good point, yes.

MR. FELDMAN: Right. The other
thing I wanted to -- thank you -- the other
thing I wanted to note for the Board, you saw
that little colloquy we had with Neudorff
yesterday, the manufacturer of the ferric
phosphate product Sluggo.

That -- and you heard, this is
something everybody should take note of, I think. You heard the manufacturer say that they are searching and moving towards safer inert ingredients.

One of the things this process does and you should be aware of, and you may already be, that when a Board like this discusses matters of this nature in public and publishes lists for public input, manufacturers start voluntarily moving on their own to find safer products.

They look for Design for the Environment, they look for the 25(b) program, which is a safer pesticide program within EPA. They look for -- it creates incentive for them to search around for safer inert ingredients. So there's the regulatory part of what the Board does, but there's also the public conversation that has -- incentivizes manufacturers to find safer materials for their products.

So the longer this stays in the
Inerts Working Group, the longer this does not get out into the Federal Register, and really give the opportunity to the manufacturing community, the opportunity to weigh in, have the conversation, understand what this Board passed as a matter of policy back in 2010.

The longer we wait on all of that, the slower this process will be. So I would just again really appeal to the program, to bump this up as a higher priority within all the other important priorities and things you're doing, and move this along. Thank you.

MS. SONNABEND: I think what Jay is suggesting is in part going to happen by our commissioning the TR for the NPEs, and at the point that that TR comes back, those issues will very much be made public for the formulating community to see that they may need to start looking for alternatives.

It's not out of the question if DFE process is slow for us to ask for TRs for other groups that we've identified within the
process. Okay. We're ready to move on, unless there's more inerts comments.

Colehour, you had one?

MR. BONDERA: Yeah. I'll be very quick. I just -- I haven't been on the NOSB since 2010, but when I came on, I felt certain that oh, a relatively new person, Jay, is participating in this. This will be done before he goes off, no problem.

And so from my experience and observation it's slow. I understand bureaucratic processes. I understand these governmental issues. But I'm not exactly repeating what Nick was asking, but it really resonates with me in terms of continuity, and actually moving this process along, because I think that if Jay is not continuing to be involved, then some other person or other organization represented in this working group.

I just think that the learning curve and the slowness, my observation and
experience is we're going to add a few more years to this very slow process. So I really encourage whoever is in the deciding positions, to recognize that continuity and moving forward by continuing as is viable with the existing members would not slow things down, but at least allow them to continue.

So I encourage Jay and Beyond Pesticides to continue to be involved, so that this doesn't keep going to quote-unquote the next sunset and the next sunset, etcetera, etcetera. Thank you.

MS. SONNABEND: Okay. Our next step is our discussion document on contamination issues in farm inputs. In that, we turn to Jay.

MR. FELDMAN: Thank you. So y'all have seen the document that the Crops Committee's been working on, in protecting against contamination of farm inputs. We appreciate all the public comments we received on this. This is an important topic, I know,
So we have a short presentation, which will sort of summarize what the intent of the subcommittee is and some of the public comments that we've received. These are the issues that are driving this project, heavy metal contamination of manure, compost, mined minerals and fish products; neonicotinoid residues that could harm pollinators when taken up by plants; insecticide residue such as bifenthrin that can be detected in compost; excessive foreign materials in compost and green waste; antibiotic residues and manures that can result in tetracycline-resistant bacteria; genetically engineered plant material that may or may not break down in compost.

These are important issues that are out there in the environment. We're not saying these are problems for the organic community. However, these are issues that need to be questioned or at least considered.
in looking at inputs that organic producers may choose to use.

The pathways for contaminants that may enter the organic production system products and eventually consumers, is through fertilizers and soil amendments, irrigation water, genetically engineered plant material and contamination in the field.

In terms of fertilizers and soil amendments, there's the potential for heavy metals, pesticides, antibiotics are among the contaminants that arrive in organic materials used for compost and mulch. There's the potential for herbicide contamination in a particular problem -- or is a particular problem because it damages plants.

Again potentially, manure from animals raised in non-organic agriculture may contain residues of antibiotics fed to the animals that may or may not decompose using compost, and contaminants may be in pesticides and fertilizer products.
So we went out as a subcommittee to seek public input in the following areas:
Contamination incidents in the past, contaminants of concern, contamination pathways of concern, expert and other resources that would assist the subcommittee in its goal of ultimately proposing a process for addressing contamination, or I should say prevention of contamination of inputs that may be brought onto the farm.

The concept is and obviously this is open to ongoing discussion, is that the Crops Subcommittee would proceed by inviting expert speakers to upcoming meetings of the subcommittee. Between the fall, this meeting and the spring meeting, the subcommittee may select an area of focus.

At the spring -- so of all the issues that were raised in these previous slides, obviously the best way to go at this is to identify an area of focus and begin with that, and then proceed through the rest of the
list as necessary.

So at the spring 2015 meeting, the subcommittee plans to present a paper examining the state of knowledge on the first identified focus area, based on literature reviews, current practices in organic and conversations with experts.

A discussion document and a set of research priorities will accompany the paper. The discussion document will pose several possible strategies to the public for comment, including monitoring protocols, testing protocols, mitigation strategies, possible annotation changes for materials.

These are all possible areas of consideration. The subcommittee will propose an approach to the priority contaminant cluster utilizing input from experts.

Now in terms of the comments received so far during this process, 15 organizations and 89 individuals wrote during this last comment period in support of the
process undertaken by the Crop Subcommittee,
and we see here the list of organizations that
weighed in on this, including farm,
environmental, health, farm worker
organizations.

So a broad range of organizations
that supported the Crops and the NOSB going
forward with this. Then we did receive a
comment. As you heard in public testimony
during this meeting, one organization, CCOF,
does not support the process.

Quoting from their written
comments, "Existing organic standards,
certifier oversight and regulatory guidance
are sufficient to safeguard the organic food
supply from possible input contamination." So
that's an argument that we already have the
systems in place to address this issue.

Other comments we received from
Crop. "After consulting with our staff
agronomist, there is one more class of
contaminants that we are concerned about, that
is not addressed in the document, and that is hormones.

"Hormone treatment in conventional livestock is prevalent. We feel it is something we should be concerned about, particularly with manure." So another possible topic for focus by the Crops Subcommittee.

Other suggested areas of focus came in. GMOs and farm inputs, specifically corn gluten. GE and wheat contamination. OTA mentioned seed-borne contaminants and several commenters mentioned herbicide contamination.

This is a big part of moving forward, identifying experts. The Subcommittee's already identified a number of experts. These are suggested additional experts, with some misspellings here, sorry. You can see the names there, including public interest groups and university researchers, and of course OMRI being a tremendous source.

We've already had a presentation
from OMRI at the subcommittee level. So that concludes the presentation. Thank you.

MS. SONNABEND: Thank you Jay, and there were two more experts recommended that I think you didn't catch from NOFA Vermont on their compost residue. But we'll go back and capture them before the -- before we proceed.

MR. FELDMAN: Thank you.

MS. SONNABEND: Comments? Miles.

MR. McEVOY: Yeah. This issue of contaminants in composts has been something that certifiers have dealt with for a long period of time.

When I was at Washington State Department of Agriculture, we had significant problems with clorpyralid and Picloram in compost that was affecting both organic and conventional production, and there were restrictions put on those pesticides, so that it led to less contamination in the compost, not just for organic producers but for all producers in the state.
So I would suggest that potentially the Washington State Department of Agriculture, with their experience in dealing with pesticide residues in compost. I know California, CDFA has had similar issues in some of the compost that they've had, with bifenthrin residues in compost.

I think this is an area that we might be able to really utilize the influence of the NOSB to really affect some change outside of just our direct authority in the National Organic Program by working with EPA. Because at least on the pesticide contaminants, that EPA is the one that registers or regulates these compounds that potentially are negatively impacting producers, both organic and conventional, gardeners as well, and having them be part of that discussion.

So that this information can get in front of them and potentially have some changes on a national level, so that we can
mitigate these kinds of negative impacts.

VICE CHAIR FOSTER: Thank you,

Miles. Zea, was there any further discussion on this topic?

MS. SONNABEND: Yeah, go ahead.

Are you discussing?

VICE CHAIR FOSTER: I was just stepping in for Jean while she's out, asking if there was further discussion on this particular topic, or if we're ready to move on to the next.

MS. SONNABEND: So you call on people? I don't call on people as chair?

Okay.

VICE CHAIR FOSTER: I'm happy to do it. Nick was first, then Jennifer.

MR. MARAVELL: Yeah. Jay, are you -- are you expecting out of this process that there would be a need for a rule change or a need for guidance, or you're not sure?

MR. FELDMAN: Not sure. I mean, you know, I'm a big promoter of rule changes,
because that's something the Board can actually influence. If there could be a collaborative process with the program to come up with guidance, I think ideally that would be a quicker, although not that much quicker, process.

But I think that remains to be determined by the Board, as to what the most efficient way to work with the, you know, grower community, producer community to ensure that the contamination doesn't occur.

VICE CHAIR FOSTER: Is that Jennifer up next?

DR. TAYLOR: Okay, thank you. I just wondered, would we also have an interest in looking at the contamination impact on the nutrient density? Some of the contaminants are contamination through like the glycosides also impact, have residue. Will then impact the nutrient density of the crops, mixed crops.

So that could be an added category
or if that is an added interest, as we look at contamination.

VICE CHAIR FOSTER: More thoughts, considerations, questions?

MR. FELDMAN: No. Jennifer's suggesting that we add a category to look into the impact on contaminant, I'm sorry, of contaminants on nutrient density of crops, and you know, that's another suggestion. I think that the committee should look at that.

VICE CHAIR FOSTER: Thanks for clarifying, Jay. Are there other questions or considerations on the topic? Mac.

MR. STONE: We heard some pretty compelling testimony a couple of days ago about the impact to, in the greenhouse the other day. So maybe this is one of those, the gravitas of this conversation, Jay, just like on -- we can have regulatory and official action. But if we can elevate the conversation, if Betsy in her work, Miles working through the Secretary's office can add
that to the work with the EPA and whatever.

So if we have this conversation, that may help faster or elevate the conversation would be something we could do outside of any regulatory authority.

The certifiers do a great job of helping their clients to avoid these types of things, and when clients hear the horror stories like we heard the other day, I think they're pretty aware of it. But if we can elevate it at the national level, I think it's something we can try to do.

VICE CHAIR FOSTER: Miles.

MR. McEVOY: Yeah. One more thing I would add to this whole discussion with contaminants in compost or other inputs is that it would be nice to have the -- the principle that the solution doesn't fall on the backs of the organic farmers, that it's not more burden, regulatory burdens on them to solve this problem, that to solve this problem, it really should be done outside of
on the backs of organic farmers.

VICE CHAIR FOSTER: Thank you, Miles. Other comments? Seeing none, Zea, do you want to move on the next agenda item?

MS. SONNABEND: Okay. Now we're ready to start the 2015 sunset reviews, and so I'm imagining the same ground rules and approach as yesterday, and Jean, we don't need to repeat that again, right?

CHAIR RICHARDSON: Right.

MS. SONNABEND: So we can just start in with the first one, which is sulfurous acid, and that would be Colehour.

MR. BONDERA: Okay, thank you. Sorry. Jay, you need to ask Lisa to read.

MS. SONNABEND: Thank you. Sorry, Lisa.

MS. BRINES: No problem. The list for sulfurous acid is included on the National List at Section 205.601, paragraph (j)(9), listed as a synthetic substance with the following list.
Sulfurous acid, CAS No. 7782-99-2, for on farm generation of substance utilizing 99 percent purity elemental sulfur, per paragraph (j)(2) of this section. This substance was added to the National List in 2010, following a petition from 2008 and previous technical reports are available from both 2010 and 2014. Thanks.

MR. BONDERA: So sulfurous acid, like it says, we're moving along and this is pretty much what you just got presented by Lisa. So our evaluation criteria we went through, and like it shows, we did have some public comment questioning our -- the first answer, in terms of if that should be a yes or a no.

This is what the Subcommittee concluded, but it didn't work, I guess, sorry. I've tried to summarize to some degree, and I admit in advance that I have left things out and/or chosen things that may or may not be exactly what we could have. But I think that
my goal was to try to bring this together.

The Crop Subcommittee members who supported a renewed listing, like it says, pointed out that there are other organic options, but they're not deemed as efficient or as effective. The impact on crop quality and potential environmental impact when using alternative materials can also be a concern, and that we must support, excuse me, producer's needs.

Members who opposed the renewed listing identified that it can be -- sulfurous acid can be substituted with alternatives, including cultural practices and biological controls, that since it's a synthetic product and a tool designed for non-organic agriculture, it's not consistent with organic or sustainable production systems, and the quote-unquote need may reflect unsustainable farming practices.

And although we have received public comment and it's true that there is
some international standards that do allow
sulfurous acid in crop production, that
generally speaking that's not the way it is.

You know, we have gone through
this process for the previous meetings, so the
initial posting had eight comments, and I
hesitate to even point out numbers, because
I'm not going to be exact.

But we had the comments in favor
of relisting and comments opposed to relisting
of sulfurous acid. Like I said, that's sort
of the ratio. The second review or second
posting, however we want to characterize this
process, didn't really affect the content of
what we were presenting.

However, I estimated that there's
over 24 comments favoring relisting, and I'll
point out we all received on our table here
the results of a survey from quoting more
exact numbers of producers that are favoring
relisting.

But I just -- you know, and we
received a number of those opposed to relisting like we had. But we also received over a 100, and again I'm not going to cite who's counting how, that requested that the -- so quite a number, a significant number, that requested a recommendation be sent back to the Subcommittee and reconsidered, rather than move forward given the process at hand.

Some of the public comments, and again this is a somewhat randomized sampling, so I'm not going to be able to quote or cite all of them. But just I chose a few that I thought were characteristic or important enough public comments that came in.

From CCOF: "Sulfurous acid is necessary to California organic crop production, and severe drought heightens the need for sulfurous acid in California."

Again, that's California certified organic farmers. So that's focusing on that topic.

We heard testimony, live testimony from Reiter Brothers, from Abernathy, and he
said in his written: "Sulfurous acid benefits our plants and soils. It's not a fertilizer, but it allows our fertilizers to be more effective by improving our water and soil quality."

So I think that those are relevant and important, and you know, to add to what I already said, this survey from Organic Trade Association points out that responses came from western United States, Mexico and Saudi Arabia.

I think when I was putting this together and looking at -- this is the results of their survey but, you know, I was noticing that a lot of the comments had come from the -- the written comments we received had come from California. I'm going to get the states wrong, but they were western states, all of them, Utah.

So I think, you know, pointing out that it includes Mexico and Saudi Arabia is not unimportant. Public comments against
relisting. Cornucopia said "More research is needed to understand its modes of action in different soils. The potential emissions of sulfur dioxide into the air and the occupational safety hazards of sulfur burners."

That goes back to that comment that I made, in terms of impacts on human and environment, which I think is not irrelevant to consider. Its manufacture is fossil-fuel dependent. Quote-unquote "Enables unsustainable agricultural practices to continue." That comes from Cropp Cooperative.

And from CATA, Farmworkers Support Committee: "We urge the NOSB to refer the motion back to Subcommittee, based on the lack of supporting rationale." So I just say all of that to show you that there's a range of understandings and consideration at hand, and I'm going to wrap this up.

But I do want to, you know, just summarize what the Subcommittee did in this
process. Like it says in what you received, based on the Subcommittee's review, the Subcommittee proposes removal of the substance from the National List, based on the criteria that were cited, 6158(m)(7), its compatibility with a system of sustainable agriculture.

So there was a motion to remove sulfurous acid from the National List, and there's the vote. Four were for that, three were opposed to that, and I think I just want to share with you, and it also is in what we distributed, but I don't have it up on a slide.

But I just want to read to you the minority statement on -- because when you look at that vote, you know, that's a tight vote. The minority statement was "While the minority of the Crop Subcommittee agrees with the majority, that the full NOSB should vote on sunset materials, in voting against the motion it is following what we believe are a required procedure of AMS, USDA, as established by the
September 16th, 2013 Federal Register notice, which states that motions to remove be justified by criteria established by OFPA.

"Because of concerns that a change in NOSB procedures should be disclosed to the public before taking effect, the minority does not accept the compatibility criteria from U.S.C. 6158(m)," what I already cited, "that was provided in this case."

"Furthermore, AMS NOP has said that no action by the NOSB maintains the sunset material on the National List." So I just feel that it's worth considering the fact that I think like our chair Zea said, you know, are we looking at the material, or are we contemplating the reality, which is the process that we are engaged in?

I personally feel that we can't do them in an isolated manner. So my final slide, I think, speaks a plethora for it, which is enjoy the sunset.

VICE CHAIR FOSTER: Beautiful.
MR. BONDERA: Thank you.

MR. McEVOY: Point of clarification, that the last statement is not accurate, that no action by the NOSB, the material would sunset and be invalid.

MR. FELDMAN: Madam Chair, I rise to a parliamentary inquiry?

CHAIR RICHARDSON: Please.

MR. FELDMAN: It's friendly.

CHAIR RICHARDSON: Be friendly.

MR. FELDMAN: It's friendly. I just want the Board, the question I'd ask you, Madam Chair, is whether the person making the motion, in this case a motion to remove, can speak against his motion.

So in this case, John Foster made the motion in Subcommittee to remove this material from all discussions in subcommittee. It was clear that John did not support the removal of this material, and it would be improper at this time for the maker of the motion to speak against the motion. Robert's

CHAIR RICHARDSON: Yes, you're correct. So in order to do this, you would need to put forward a new motion.

MS. SONNABEND: But he hasn't spoken against the motion.

MR. FELDMAN: He hasn't spoken against it.

CHAIR RICHARDSON: He hasn't spoken against it, this is true. But you could withdraw the motion and start again with a fresh motion if you wanted to. You don't want to do that?

MR. FELDMAN: No.

CHAIR RICHARDSON: You just don't want him to speak against the motion. Very good.

MR. FELDMAN: Sorry John.

CHAIR RICHARDSON: Zea and then Nick.

MS. SONNABEND: I would just -- since we're in discussion, this is a point of
discussion. I would like to point out that it seems incredibly hypocritical that the minority would question the compatibility motion as being -- the compatibility criteria as being valid, when almost all of the evidence presented by the minority highly questions the compatibility criteria and the compatibility of this material.

So I entirely think that the issue of compatibility in this case is well-supported in the summary document, and is a valid criteria to consider removal from the National List. If you're not going to vote to remove it, that means you think it's compatible, and so therefore your vote is on the record as such, should you choose to do that.

CHAIR RICHARDSON: Nick.

MR. MARAVELL: Yes. Taking a refrain from last night at our dinner, I'm a little bit older than you are, Colehour and Zea, and before I die, I would just like to
know, maybe under the old system or whatever, what did the Subcommittee really think and who was supporting a removal from the National List?

Or not who, but I mean what was the sentiment? I'm confused.

CHAIR RICHARDSON: Well let's just first start with the motion on the floor. There is a motion on the floor, which was made by John Foster, seconded by Harold Austin, to remove this material from the National List.

So if we could then go back and perhaps ask the -- does the chair want to do this, Zea, to discuss the scope of discussion and what that vote actually meant? Zea.

MS. SONNABEND: Okay. I think I -- I think the whole committee believes that the full Board should be voting on sunset materials.

Miles told us at the spring meeting that the only way to do that, and he actually said it again yesterday, the only way
to do that is to bring a motion to remove
before the Board, the full Board.

So in order for the full Board to
be able to vote, we have brought a motion to
remove before the full Board. The fact that
the minority did not like this procedure led
them to vote against it. But then they put
this minority opinion, because they wanted --
they thought they wanted to make it clear that
they supported voting before the full Board,
but they just didn't think this was the way to
do it.

But this is the way we've been
given to do it. So allowing my statement, I
said yesterday this is what we're doing.

CHAIR RICHARDSON: Nick.

MR. MARAVELL: What I'd like to
avoid -- thank you Zea -- is let's say John
wants to contribute to this conversation, and
yet it would appear that he would not be able
to. I would think that the same would
probably apply to Jay, no, because Jay voted
in a different way.

But what I'm saying is have we muzzled ourselves here? I mean I would really like to hear the full texture of the Subcommittee deliberation, because as you can see from the public comments, this raises some very important issues.

It's a very difficult decision to make, and I'm just not really clear where the Subcommittee comes out on the substance. I think what we have here is process colliding with substance. Is there some way to get to the substance?

CHAIR RICHARDSON: Harold.

MR. AUSTIN: Okay. As the individual that seconded the motion, I am allowed to speak, according to Jay, right.

Okay, all right. The Crops Committee on this motion, this was actually one of the first materials that we came -- we had to come to grasp with the new process.

And I think as we talked a little
bit yesterday, there's a lot of wrinkles that
we need to take and try to figure out how to
do this in a way that makes it clearer, a lot
more clarity, so that the audience understands
what we're talking about, the public
understands, but more importantly the Board
understands.

So that when we're in this
position, that we have an idea. This was one
of the first ones, and so I think, as I
alluded to yesterday, we kind of changed on
how we voted during the Handling
Subcommittee's presentations, so that our
votes more reflected the overall sentiment of
the Subcommittee.

We did not have that luxury in
Crops, because Crops, this was our first
attempt to deal with it. While I have the
mic, I will say that this particular material,
I think we've heard a lot -- we are into
discussion at this point, are we not Madam
Chair?
We've heard a lot of discussion in support of this material. I think the overall sentiment of the Crops Subcommittee was that -- from the majority position was that this material was needed. I think it's a great example of something that has been allowed for use, that really does take and coincide with the very basic fundamental feel, what we really look at when we're talking about organic, and that's soil health.

Because everything that we do, organically out on the farms, begins with the health of the soil. At the end of the day, we want to improve it. We want to leave it in a better position and condition than it was when we started.

This is a material that does afford the farmers in the drier western areas and some of the south as well, that opportunity. With the waters and the soil conditions that we have, it's very difficult. A lot of our water pH is 8.2, 8.3. Our soil
is 7.5 to 7.8.

This material, as we've heard through written public testimony on oral presentations yesterday, helps to alleviate some of those difficulties that the growers are faced with. So for me, as the second of the motion, I'm going to vote against the motion, because I think this is something that should stay on the National List, for the growers to be able to continue to utilize.

CHAIR RICHARDSON: Mac.

MR. STONE: Nick, I think some of the confusion is the quote "minority opinion actually voted -- there were more votes in the minority opinion," and that's where it gets confusing here when I analyze this, what we get here.

But we're allowed to use sulfur and pH for blueberries, and this seems like a -- from what I hear, it's a viable way to manage soil fertility in these alkaline soils. I too intend to vote no, to allow it to stay
on the list.

CHAIR RICHARDSON: Francis.

MR. THICKE: As a member of the Crops Committee and as a soil scientist, my analysis is that we've got to remember first of all we're farming. This is being used for farming in desert conditions using alkaline water. Now we can argue whether or not we should farm in deserts.

But if we're going to farm in deserts under these conditions, then this product will make farming more sustainable, because it will help improve soil quality. It will help improve plant quality, and it will help reduce the number of inputs needed. So I'm going to vote to list it, to relist it.

CHAIR RICHARDSON: Other questions, comments? The motion on the --

yes, Carmela.

MS. BECK: In line with Francis and Harold, I firmly believe that it contributes to sustainability, and that it
complies with the OFPA criteria. I think we heard substantial testimony from growers, attesting to the need for this product, and that -- again that it only contributes to the soil. Thank you.

CHAIR RICHARDSON: Other comments on the motion on the floor? Nick.

MR. MARAVELL: This product was added in 2010 to the National List. I was just interested in the Subcommittee's assessment or impression, what sort of change have we seen? What happened before 2010 and what is happening now after 2010?

I understand the soil chemistry works. I understand that, but what was -- is there any qualitative difference for the organic community pre-2010, when this material was not approved and now? In other words, what are we seeing as an overall difference, because there are -- there were many comments raised about, you know, how this fits into an overall picture of agriculture.
CHAIR RICHARDSON: Zea.

MS. SONNABEND: Yes, I can address the answer to your question. When before the NOP rules came in and this technology was just starting to be adopted, we looked at it in CCOF as the machinery, not as an input.

So we -- and since it was sulfur and since sulfur was allowed for other uses, we had approved it. When we got issued a non-compliance by the early NOP, and we had to tell a grower who had made a big investment in the machines that they had to stop, and at that point, the petition was developed.

At that point, not wanting to have unfair competition, we pointed out that Washington State, where Miles was in charge, also allowed it, so they had to stop allowing it also. But to the extent that it had not been ruled on by certifiers but was shown to be beneficial, that's what happened.

VICE CHAIR FOSTER: Thank you, Zea.
MR. McEVOY: I'd just like to add to that that I think that it might be similar on the international standard that was noted. As we saw with the biodegradable mulch situation, under the European organic standards, they don't specifically have biodegradable mulch listed.

But biodegradable mulch is allowed in a lot of European organic farming systems, because of the different way that they look at materials and substances. So I think that we could go back and check with the EU Commission. But I would guess that the way that they're going to look at it is that this is a water treatment. It's not applied to the field, so therefore it doesn't have to be on their particular list. That's how some certifiers were looking at it before the NOP ruled on this in the mid-2000's.

CHAIR RICHARDSON: Harold. We are running late. I should just point that out to
everybody.

MR. AUSTIN: Okay. Just briefly also, to help answer Nick's question. With the addition of this to the list, and the ability for the growers to be able to utilize it, it's reduced the amount of physical inputs that have had to be used in place of this, reduction of the amounts of citric acids, soil-applied sulfur, a lot of different things that have happened, because this really truly is a water treatment.

So by being able to treat the water, we're also treating the soil at the same time. It's allowed for increased -- especially for blueberries and some of the tree fruit, it's allowed for an increased amount of acreage to transition and move into the organic status, rather than the conventional.

So it has helped grow the organic farming segment in those crops, by the ability to be able to treat the water and be able then
to compete, and without all of the inputs. It really truly is environmentally a significant step in the right direction from plant health, soil health.

CHAIR RICHARDSON: Jay.

MR. FELDMAN: The Crop Subcommittee did review the material as required in the Federal Register notice September 16th, 2013. I concur with the minority opinion, that that review was sufficient for the Subcommittee not to act on that material, but to simply review that material.

By not acting, I'm referring to adopt a motion. Therefore, it's not required that the full Board act on that motion, except to accept the review and consider the review of the Subcommittee. Therefore that no action, meaning no motion is required at the full Board level. I just want to clarify that for the program.

Given that there was no
justification provided for the criterion that was cited here in the majority position, I can't -- I don't see this process as fulfilling the requirements as outlined in the Federal Register notice.

Although I see this material as relatively innocuous, and having great benefit as we've heard over the last several days, in my mind this is a classic example of the need for a rigorous sunset process, so that growers can come back on a five-year basis and share with the NOSB what is happening, and the public can know that the review of that material is going to be the most rigorous, and the public can be assured that all the stakeholder groups have come together, through a sunset process that requires a vote by the full Board to relist the material.

For that reason, Madam Chair, I will be voting against this. My vote, I realize, will not hurt or have any negative impact on growers that are currently dependent
on this, and for that I am grateful.

CHAIR RICHARDSON: Zea.

MS. SONNABEND: I would just like to point out that I couldn't disagree more with Jay about the criteria not being provided. In the motion to remove the lack of satisfying OFPA criteria, 6158(m)(7), which is compatibility with a system of sustainable agriculture.

On the evaluation checklist provided by the minority, the box for compatibility and consistency is checked "no." Thus supporting this criteria being put forward in the motion to remove.

CHAIR RICHARDSON: The motion on the floor is to remove sulfurous acid from the National List. Are there further questions? Nick?

MR. MARAVELL: Zea, just to clarify. Are you saying that the checklist that we're looking at is the minority position?
MS. SONNABEND: Yes.

MR. MARAVELL: Could I hear from the minority? Is that your understanding?

MR. FELDMAN: Yes. The minority developed that information as part of the deliberations in the Subcommittee, and there were issues of compatibility in agricultural systems, as outlined in the checklist.

MR. BONDERA: I'm sorry. In development of the --

CHAIR RICHARDSON: Colehour.

MR. BONDERA: I'm sorry, thank you. In development of the checklist, which went through the whole subcommittee, was reviewed by the whole subcommittee and we could have changed the checkboxes, upon discussion, that was what was presented to the Subcommittee and after the fact, it turns out you're referring to minority or majority votes that occurred after the checklist was prepared.

It's not as if the checklist was
prepared by a certain group of people after
the vote happened. So I just want to make
sure that this process is represented
accurately, which is that the checklist was
prepared, and I was responsible for preparing
the checklist, and it turns out that my vote
is in the minority.

But the checklist isn't
representative of the minority position per
se. It wasn't questioned or changed by
anybody who voted in the majority. So I think
we're getting very lost in process here. I'm
sorry, Zea. You added to that by saying
that's the minority opinion.

That's not accurate. It's the
Crop Subcommittee's position, and the
checklist that we, the Crop Subcommittee,
prepared. Yes, I took the lead on that, but
that doesn't mean it's my positions. Thank
you.

CHAIR RICHARDSON: The motion on
the floor is to remove sulfurous acid from the
National List. I sense we might be ready to vote. Mac.

MR. STONE: No ma'am.

MR. FELDMAN: Yes.

MR. AUSTIN: No.

DR. FULWIDER: No.

MS. SONNABEND: No.

DR. WALKER: No.

MR. MARAVELL: I abstain. I don't quite understand what I'm voting on.

MR. BONDERA: Yes.

DR. TAYLOR: Yes.

MR. THICKE: No.

MS. BECK: No.

MS. FAVRE: No.

MR. DICKSON: No.

VICE CHAIR FOSTER: No.

CHAIR RICHARDSON: The chair votes no.

(Pause.)

MR. STONE: I have three yes, 11 no's, one abstention, and even with the
abstention, there are still ten votes necessary, and we achieved 11. Motion fails.

CHAIR RICHARDSON: Okay. I suggest we take a 15 minute break at this point. Come back at quarter to 11:00. We are running, I would say, depending on how the following discussions go, I would say at least half an hour behind our schedule. See you back here at quarter to 11:00.

(Whereupon, the above-entitled matter went off the record at 10:31 a.m. and resumed at 10:46 a.m.)

CHAIR RICHARDSON: If we could take our seats please.

[TRUMPET PLAYING.]

CHAIR RICHARDSON: All right. On that wonderful note, I would like to move us into this continuation of the Crop Subcommittee, and right before we take up the next set of materials, I would like to have Deputy Administrator McEvoy introduce the fourth of the new upcoming NOSB Board members.
I believe Paula is here in the room. Miles.

MR. McEVOY: Yeah. I have the
pleasure to introduce Paula Daniels, who's
been appointed to the National Organic
Standards Board starting in January of 2015.
So welcome Paula. If you could introduce
yourself to the Board. Thank you.

MS. DANIELS: Hello, and thank you
for having me here. It would be a great
pleasure to be part of a Board that has such
musical talent in commencing its meetings.
But I really am delighted to be here and be
part of this Board meeting.

It cannot go without notice that
there are about 60,000 Future Farmers of
America in Louisville, Kentucky today, and one
of the things that made me think about that in
relationship to this Board is that most of the
meetings that they're in are about marketing.

Then, you know, with all the
marketing meetings that they have and the
marketing plans that they're developing about
agriculture, to have the National Organic Standards Board meeting down the hall I think is of interest.

A lot of people think of organic in many ways. One way that they think of it as a way to market or at least to help people understand what is -- how the food is produced. That is something for sure that America cares about.

Given the fact that organic has grown in the way that it has over the years, people care about how their food is produced, as you all know. What they don't know about is what goes into the decision-making of what makes something organic, a label which is pretty highly trusted.

The fact that you're having these discussions here and the way they're taking place, and the discussions that take place everywhere from the barns to the ballrooms here are a part of democracy that I really cherish.
The ballroom discussion is only one part of all of it, and it, you know, deals with so much that people that are buying organic and look at it as a label that helps them understand what's happening. They don't understand the discussions that are going on in this room, but they're pretty significant, and the struggle is valiant.

There's a quote that I have here, that I just learned on Tuesday when I was in Los Angeles, from the Mayor of Curitiba, Brazil. "Better the grace of imperfection, than perfection without grace." So the struggle here, the devil in the details, I think, is pretty important. The details show quite a bit of deep philosophy at work, and I'm privileged to be a part of it.

My background is that I'm with -- or had been, at least in terms of food policy, with the Mayor's office, the Mayor of the City of Los Angeles, and helped develop the Los Angeles Food Policy Council, in which we were
bringing together the different groups from across the food systems, farmers that are in production, people from the Farm Bureau, people in retail, people who care about food security, all of the people across that spectrum, all of which have different points of view, but all of whom are struggling pretty valiantly towards the same thing, which is a healthy food system, and that's what this organic, National Organic Program, National Organic Standards Board is about. It's a very righteous struggle.

And some have asked me how is it that I come to this. I think you could say maybe it came from starting the food policy framework for the City of Los Angeles and showing how an urban area hopefully can be a leader in sustainable food production and healthy food and good food for all, in a region that produces quite a bit of it.

But I would say honestly, it came to me probably from the time I was young, and
the fact that my family was raised -- we're from Hawaii, and my father grew up on a sugar cane plantation. I'm part Native Hawaiian, and agriculture is a deep part of our family history.

This struggle is righteous.

There's that word in Hawaii that Colehour might know. Pono, which means righteousness, integrity of action, and the motto of Hawaii is something I just want to say hello to you all with, because I think this is what this struggle is about.

It is "Ua Mau ke Ea o ka Aina i ka Pono." The life of the land is preserved in righteousness. To me, that's what this program is about. It's about the life of the land, the sustainability of production methods. "Ua Mau ke Ea o ka Aina i ka Pono."

Thank you for having me here, and I really look forward to being part of this group.

(Appause.)

CHAIR RICHARDSON: Okay, great.
Before we go back to the Crop Subcommittee --
well, part of the Crop Subcommittee, as chair,
let me just state the following from Robert's
Rules of Order No. 40.

"By taking advantage of
parliamentary forms and methods, a small
minority can disrupt the business of a
deliberative assembly, having short sessions,"
which is what we have, and further that "using
parliamentary forms merely to obstruct
business, he or she should -- the chair should
rule them out of order or refuse to recognize
them."

So Robert's Rules has provisions
for some of the discussions that we're
struggling with over the last -- the
discussion of the last material. I enormously
respect Jay and all that he does, and I also
believe that there are clarifications that are
needed in the sunset process.

I think the discussion over the
last material and the discussion we had
yesterday on sunset is sufficient to indicate that there are things in the process that need to be clarified.

So I would very much appreciate it if for the next two substances that we have to look at, if we could refrain from dealing with the process. The same issues are there, in effect, and we just don't need to hash them out, belaboring an obvious point.

I would prefer it very much if we could stick to a discussion of the substance of the motion, which is the substance material that we're looking at. Over to you, Zea.

MS. SONNABEND: Thank you. The next material on our agenda is sodium carbonate peroxyhydrate, which doesn't lend itself to a concise set of initials, but maybe SCP, if we have to. Lisa.

MS. BRINES: Thanks, Zea. The listing for sodium carbonate peroxyhydrate is currently included on the National List as a synthetic substance at Section 205.601(a)(8).
It's listed as follows:

"Sodium carbonate peroxyhydrate, CAS No. 15630-89-4. Federal law restricts the use of this substance in food crop production to approved food uses identified on the product label.

"The substance was added to the National List in 2010 following a petition from 2005, and in support of the review, there are two technical reports available, one from 2006 and a newer edition from 2014." Thank you.

MS. SONNABEND: Thank you, Lisa. Okay. This material is a combination of hydrogen peroxide and sodium carbonate, and it's primarily used in ponds, irrigation lines and in rice paddies to control algae. A new TR was commissioned in 2014 to address some of the alternatives and the use patterns of it, because it had only been newly registered for use in rice at the time it was first added to the National List.
So there was not very much previous experience with it, and we were seeking in our first posting to get more information on the subject, and also in the TR. The TR did come up with some alternatives, primarily from information from other countries.

But of course the main alternative in this country is the use of copper sulfate or bluestone for control of algae in rice. We received very little public comment directly on the subject of the material, either for or against.

We received additional information from the petitioner, which addresses some of the issues around alternatives, and also gives some more efficacy information and other information which I'm sure you all had the opportunity to read in your packet.

Then we received some information reposted from the first time, which we addressed in our summary, and then some people
procedurally wanting to take it off the list
or to refer it back to Committee.

We did receive no comments from
users. Although CCOF shows 34 clients have it
on our OSP and we urged them several times to
turn in comments, but I think people are
reluctant to comment, seeing that their
comments have not -- they don't see any
results from their comments in the past. So
I think that they are somewhat reluctant to

In any event, new information
beyond what is in the summary was not
presented that was not procedural, and I feel
that we would be ready to proceed, based on
the information that we have. So a motion has
been put on the floor, and let's see. I have
to go back to my other thing.

The motion to remove, as we are
doing customarily, that based on our review,
the Subcommittee proposes removal of the
substance from the National List, based on the
following criteria in the Organic Foods Production Act, 7 U.S.C. 6158(m)(7), the compatibility with system of sustainable agriculture.

The majority of the Subcommittee found no concerns regarding the continued listing of sodium carbonate peroxyhydrate, but feels that the whole NOSB needs to consider and vote on each material. So this motion is put forward by me and seconded by Harold.

CHAIR RICHARDSON:  Motion is on the floor to remove whatever it is, carbonate -- sodium carbonate peroxyhydrate.

Discussion.

(No response.)

CHAIR RICHARDSON:  No discussion on this substance. We can move to vote on it. Is that correct? The first person will be starting, Jay.

MR. FELDMAN:  Yes.

MR. AUSTIN:  No.

DR. FULWIDER:  No.
MS. SONNABEND: No.

DR. WALKER: Yes.

MR. MARAVELL: Yes.

MR. BONDERA: Yes.

DR. TAYLOR: Yes.

MR. THICKE: No.

MS. BECK: No.

MS. FAVRE: No.

MR. DICKSON: No.

VICE CHAIR FOSTER: No.

MR. STONE: No ma'am.

CHAIR RICHARDSON: Chair votes no.

(Pause.)

MR. STONE: Five yes, ten no, motion fails.

MS. SONNABEND: Thank you. Our next material is aqueous potassium silicate, which will be presented by Jay, but first Lisa will tell us about it.

MS. BRINES: Thanks. There are two listings for aqueous potassium silicate that are under consideration under 205.601.
One listing at paragraph (e) as insecticides, including acaracides or mite control, and one listing under paragraph (i) as plant disease control.

Both listings are identical and read as follows: "Aqueous potassium silicate, CAS No. 1312-76-1. The silica used in the manufacture of potassium silicate must be sourced from naturally occurring sand.

"The substance was added to the National List in 2010 and there are two technical reports available, one from the original review in 2003, and a new report that was developed in support of this sunset review for 2014." Thank you.

MR. FELDMAN: Thank you. I guess this is somewhat repetitive, but anyway two listings that the Subcommittee is looking at: 601(e) as insecticides, including acaracides or mite control. Aqueous potassium silicate, the silica used in the manufacture of potassium silicate must be sourced from
naturally-occurring sand, and 601(i), as a plant disease control. I won't read the rest of that.

Summary overview here is uses as insecticide, acaracide and plant disease control listings. We've already mentioned technical reports in 2003 and 2014.

Petitioned originally in 2006. Passed NOSB actions. The NOSB review and recommendation for addition to the National List in 2007.

Regulatory background. Proposed rule, including justification, was published in '09, and added to the National List in 2010. So the sunset date is the end of next year.

We received some public comments. One grower and CCOF, so you did get one grower out there. We got -- we received some in opposition to the renewed listing, three organizations and five individuals. Public comments that came in included these topics. When APS enters the soil from plant treatment,
it is indistinguishable from silicates already present in the ground.

APS is used as a foliar application not for roots. Management systems can be used to build the silicate in the soil, to improve the plant's resistance to disease and reducing the likelihood of needing a pesticide treatment.

However, when an infestation occurs and a treatment is required, APS should be an available option for organic growers. Information is needed on accumulation of silica in plants. International standards do not allow aqueous potassium silicate in crop production. Organic methods and soil conservation make its use unnecessary.

The majority opinion held that, as Zea already stated, the Crop Subcommittee believes that the full Board should have an opportunity to vote, and if the motion to remove fails to receive a majority, the motion will still be put forward to the full Board.
for review.

The motion to remove is voted by the full Board and needs to receive a two-thirds majority. The minority position, which we've heard previously, thought that this review process could be conducted by the Subcommittee and reported to the full Board, and remain on the Board with the consent of the chair.

The CS proposal, based on the Subcommittee's review, the Subcommittee proposes removal of this substance from the National List, based on OPFA criteria, 7 U.S.C. 6158(m)(7), which is a compatibility criterion, and let's see.

Commenters supporting relisting of APS include one company, the manufacturer. Commenters opposing relisting, one organization. Commenters requesting that APS be returned to subcommittee, based on the process failures.

There's a risk -- this is a
summary of the comments that came in. Risks of exposure are negligible. APS is a non-toxic chemical. Correction was suggested to the TR. Silicon reduces the availability of toxic elements such as magnesium, iron and aluminum.

Foliar application is superior to silica soil amendment for disease control.

Those opposing the relisting commented initial approval was based on insufficient review, specific use. The fertilized disease control insecticide should be clarified. Alternatives are available. Information is needed on accumulation of silicon plants. International standards do not allow aqueous potassium silicate in crop production.

You know, we're seeing the comments on returning to committee as you've seen in the other materials, and this explains the reasoning, which we've already been through with the previous materials. Thank you.
CHAIR RICHARDSON: Thank you, Jay.

Question. Questions on the -- discussion on the motion, sorry.

(No response.)

CHAIR RICHARDSON: No discussion on the motion? Are we ready for the question? Yes. I believe on this one, we would start with Harold.

MR. AUSTIN: No.

DR. FULWIDER: No.

MS. SONNABEND: No.

DR. WALKER: Yes.

MR. MARAPELL: Yes.

MR. BONDERA: Yes.

DR. TAYLOR: Yes.

MR. THICKE: Yes.

MS. BECK: No.

MS. FAVRE: No.

MR. DICKSON: No.

VICE CHAIR FOSTER: No.

MR. STONE: No ma'am.

MR. FELDMAN: Yes.
CHAIR RICHARDSON: The chair votes no.

(Pause.)

MR. STONE: Six yes, nine no, motion fails.

MS. SONNABEND: Okay. We're ready to proceed to the 2016 sunset materials. The first one is ferric phosphate, and Lisa will describe it and then Carmela will present.

MS. BRINES: Thanks. The listing for ferric phosphate currently appears on Section 205.601 of the National List as a synthetic substance under paragraph (h). The listing reads as "Slug or snail bait, ferric phosphate, CAS No. 10045-86-0. The substance was added to the National List in 2006, following a petition from 2003.

"There are three technical reports available in support of this substance, from 2004, 2010 and a supplemental TR from 2012."

Thanks.

MS. BECK: So this is the first of
two meetings to request information to support
or oppose the continued allowance on the
National List for ferric phosphate. On
January 7th, 2014, the Subcommittee determined
that no TR was needed because there had been
-- there was no new information available.

There were 47 public comments in
favor of delisting. The vast majority of the
commenters submitted a form letter in support
of removal. There were five public comments
in favor of relisting. OMRI submitted a
letter, indicating that they had 17 registered
products with ferric phosphate.

The arguments in favor of
delisting include the following. There was
opposition to relisting because ferric
phosphate alone is not essential because it is
not effective, and ferric phosphate in
combination with EDTA poses risks to soil
organisms and earth worms. It uses highly
toxic materials in manufacture, and is not
compatible with organic agriculture.
The arguments in support of relisting include the following: Ferric phosphate meets the three OFPA criteria. It's not harmful to human health or the environment. It's consistent with organic farming and it's essential for the growers.

Organic farmers rely on ferric phosphate-based snail and slug baits as an effective pest management material, and no less environmentally harmful alternatives exist. CCOF also made mention of having completed a literature -- having reviewed the literature summaries that were cited in the formal recommendation from the NOSB to the NOP on a petition to remove ferric phosphate on 10/16/2012, and found that there was no compelling evidence that EDTA causes significant harm to earth worms.

Also, the last comment was that the review of inerts will be addressed by the Inerts Working Group. So that concludes my summary of the comments.
CHAIR RICHARDSON: Zea, you want to take questions on this?

MS. SONNABEND: I thought you were taking questions.

CHAIR RICHARDSON: Okay.

Discussion, input on this material? This is the first time we've discussed it at the Board level. Input from anyone? Jay.

MR. FELDMAN: I'd just like to make a suggestion to the Crop Subcommittee that it consider reviewing the EDTA in the context of its review of this material, as a way of sending a message that the Board is serious about the Inerts review, and because the manufacturer has indicated that they are already moving to an alternative material.

So I think it's a confluence of factors that enable the Board to both make a statement, that this is an important review in terms of a material review, and at the same time, work with the manufacturer to verify that the timing would work for them.
CHAIR RICHARDSON: Any other discussion, comments, questions? Okay. Move to the next material.

MS. SONNABEND: Okay, thank you.

Our next one is hydrogen chloride for cottonseed delinting, which will be presented by John, after Lisa tells us about it.

MS. BRINES: Thanks, Zea. The current listing for hydrogen chloride appears on Section 205.601 of the National List under paragraph (n). It's listed as seed preparations, hydrogen chloride, CAS No. 7647-01-0, for delinting cottonseed for planting.

"This substance was added to the National List in 2006, following a petition from 2002. There are two technical reports available, one from 2003 and a new limited scope technical report that was commissioned for this sunset review." Thank you.

VICE CHAIR FOSTER: So this is the first, as with the prior material, is the first meeting where this is being discussed,
first posting. It will be revisited at the next meeting. On this posting, there were roughly 60 or so comments, 50 or so from public interest groups and those that they inspire.

Of the remaining, in those there were several substantive comments. Of the remaining ten, a lot of somewhat more technically relevant comments that was very helpful from both public interest groups as well as industry members, including some farmers.

They generally all included fair assessments about the viability of mechanical alternatives at a commercial scale at the moment, which appears to be not quite ready for commercial use, but does show some genuine promise.

All agreed on the hazards of the substance, and all agreed that mechanical delinting would be preferable when it does reach a commercially viable scale. Comments
from those directly involved with cotton
production or processing affirm the need for
further research and development of mechanical
methods and the Subcommittee strongly urges
those involved with those to swiftly find a
viable, commercial-scale process.

CHAIR RICHARDSON: Questions of
John on this material, discussion? Anybody?
Any other input? Yeah, Jay.

MR. FELDMAN: Just one quick
thing. I think this is a classic example of
a material that needs to be subject to a very
rigorous sunset process, because everybody
agrees it's hazardous. Everyone wants to move
toward an alternative, but the incentives just
aren't quite there. A rigorous process helps
incentivize the alternatives.

CHAIR RICHARDSON: John.

VICE CHAIR FOSTER: So I was
fortunate enough, when I was doing inspections
years ago, to be able to a fair number of
cotton inspections in different parts of the
country, and was trained in cotton gin processing and organic cotton gin processing.

When I was -- prior to getting into the organic space, I did a lot of research on, oddly enough, pesticide use, and cotton is one of the big -- conventional cotton is one of the big users of conventional ag-chemicals.

I actually used some information from Beyond Pesticides at that time. Thank you for that, Jay and company. So when I got into the organic space of organic cotton, there's just -- there's not that much of it.

So in my mind, you know, anything that can facilitate organic cotton production is going to make a huge footprint on the overall pesticide load in the environment, certainly in North America, and I would also argue in other countries.

China, for example, has a tremendous cotton industry. So if we can get these -- if we can get these other methods in
place, I think that would serve everyone's
best interests.

CHAIR RICHARDSON: Nick.

MR. MARAVELL: Just an
observation, Madam Chair. This to me is an
excellent example of why annotation at sunset
can sometimes be a very reasonable policy
route, and I think everybody agrees with what
John just said, and when alternatives become
available, this would be phased out. That
could be handled in an annotation, such that
this is permitted in the event that
commercially viable alternatives are not
available.

CHAIR RICHARDSON: Thank you.

Other comments, questions. Zea.

MS. SONNABEND: I think that
concludes the section on the Crop
Subcommittee. Thank you, Madam Chair.

CHAIR RICHARDSON: Thank you, Zea.

What we need to move to next will be to take
up the motion from yesterday on tragacanth
gum. So I turn this over to Harold, Chair of
the Handling Subcommittee. Jay is trying to
pass around some VerMints, so I would like
this to be noted.

Handling Subcommittee -- Tragacanth Gum

MR. AUSTIN: All right. At this
time, the Handling Subcommittee would take and
recall our motion that was temporarily tabled
yesterday, to allow the Board to have time to
review the additional information that we were
given.

The motion before us is a seconded
motion, and it is to remove tragacanth gum
from 205.606(x). I don't believe we need to
redo Lisa's part at this time, since we've
already covered that. So at this point, I'm
going to turn it over to Joe as the lead on
this. Joe, any further commentary from
yesterday?

MR. DICKSON: I don't have any
further comments beyond what I said yesterday.

Do you want to check in with Nick Maravell,
who had asked that we table the voting, so
that he'd have a chance to read the letter
from the producer of the product in question
that's being passed around the table.

CHAIR RICHARDSON:  Nick.

MR. MARAVELL:  Yes.  I have no
objections to keeping this on the list, having
reviewed the letter.  I just hope one day, if
I'm the only user of a product, that this
Board will show the same compassion to me.

CHAIR RICHARDSON:  Jay.

MR. FELDMAN:  I have a question,
maybe for the program, on how the untimely
ruling works in a case like this.  Is this new
information that is considered untimely or
not?  How does that work, because this is
obviously -- Joe, this isn't information that
was considered by the Subcommittee, because it
wasn't available at the time.

And I was thinking that in a
perfect world, the Subcommittee would take
this information and evaluate what VerMint is
saying, relative to other alternative materials in that type of product. That's under the essentiality clause, which you haven't really done, or have you?

MR. DICKSON: Well to clarify, I mean there are two public comments. I mean one was QAI at the podium, testifying directly, that one of their certified clients was dependent on the substance, and that to me alone is sufficient to warrant the essentiality of this.

The letter that we have, which was submitted outside of the written comment period, is supplemental to that, but I don't believe the whole thing rests on this letter.

CHAIR RICHARDSON: I would like to ask Miles, however, for clarification as raised by Jay, because the sunset does say, has this phrase that information would be considered untimely for purposes of sunset review if it comes in after the public comment period is finished.
MR. McEVOY: Well, I think that refers to if the information that comes in would substantially change. If you wanted to do something completely different, then there are mechanisms in place, where you could do those completely different things by petitioning for either addition or removal or changes to the annotation.

So any new information that comes in that would -- there are many mechanisms that the public and the Board can utilize to continue to have discussions on a particular material. The sunset process has a certain timeliness that needs to be maintained, in order for the process to work, because of the deadline of the sunset date.

CHAIR RICHARDSON: Zea.

MS. SONNABEND: I perceive the untimely clause to be pretty much what Miles said, information that would necessitate our changing the motion or having to do a lot more research on some TR question or something like
that.

But since input that is designed
to influence our opinion to vote yes or no is
not necessarily untimely, because we can still
make up our own minds to vote yes or no on the
motion on the floor.

CHAIR RICHARDSON: Harold.

MR. AUSTIN: I would just agree
with what Zea had just said. That was kind of
where I was going to go with it too. I don't
think it brought information that was going to
have to get referred back to the Subcommittee
to do extensive research in looking at this
material, based off of this one written
comment that was given.

It just, I think, substantiated
the comment by QAI. So it gave us better
clarification and a little more definition was
primarily all of that. But I would use it as
an example, as we look ahead to the spring and
the fall meetings next year, that the need for
all of the stakeholders to take and be
diligent in paying attention to the materials that are up for sunset review, and getting their commentary, both written and public oral comment, get that in and get signed up for the oral testimony.

But be diligent on what's on the agenda and what's looming on the horizon, because in the future, we probably won't have time to take something up like this. This we did. We had the time. But if we were to get 35 of these, I would probably say that we probably wouldn't look at them.

CHAIR RICHARDSON: Nick.

MR. MARAVELL: Yeah. I'd just like to emphasize Harold's comment, because the impression that I got from talking with Joe was that, you know, this was something that was looked at in the Subcommittee, but there was a limit to how deeply it was looked at, because there seemed to be no apparent interest in continuing it.

So we need to hear from the
industry, so that you know, we can do our job.

CHAIR RICHARDSON: Ready for the question? I think we are. The first person to start this is Wendy.

DR. FULWIDER: No.

MS. SONNABEND: No.

DR. WALKER: No.

MR. MARAVELL: No.

MR. BONDERA: Yes.

DR. TAYLOR: Yes.

MR. THICKE: No.

MS. BECK: No.

MS. FAVRE: No.

MR. DICKSON: No.

VICE CHAIR FOSTER: No.

MR. STONE: No ma'am.

MR. FELDMAN: I like VerMints.

Yes.

MR. AUSTIN: No.

CHAIR RICHARDSON: The chair votes no.

(Pause.)
MR. STONE: Three yes, 12 no, motion fails.

CHAIR RICHARDSON: It is 11:30 and I think that brings us to the end of the Handling Subcommittee report, all of our final votes, and so the afternoon, we will have NOSB officer elections and the work plans will be being discussed, etcetera.

So we will reconvene back here at one o'clock, at one o'clock. It says 1:15 on the agenda, but I suggest we could do it one o'clock. Okay. You can go eat now.

(Whereupon, the above-entitled matter went off the record at 11:30 a.m.)
AFTERNOON SESSION

1:09 p.m.

Election of Officers

CHAIR RICHARDSON: Ladies and gentlemen, the first item on the agenda is the election of officers. We will entertain a motion for Chair.

MR. MARAVELL: I nominate Jean.

Well, let me see if I can read that. Jean Richardson.

CHAIR RICHARDSON: Is there a second for the nomination of me?

MR. AUSTIN: I second it.

CHAIR RICHARDSON: Seconded by Harold and Jay. Are there any other nominations to be put up for the office of Chair? Are there any other nominations for the office of Chair?

(No response.)

CHAIR RICHARDSON: Mr. Secretary.

MR. STONE: I would suggest while I'm enjoying some dark chocolate that we --
Jean be named as a Chair by acclamation.

DR. WALKER: Second.

CHAIR RICHARDSON: There being no objection to me continuing on to serve as Chair for a year, it's recorded and thank you very much. I really appreciate your support, and I hope to do a good job and I will try to work with everyone as a team on an equal basis and I appreciate your input any time, with any kind of complaints or of course praises, any time you feel like doing so.

(Applause.)

CHAIR RICHARDSON: The next officer is the office of Vice Chair. Are there any nominations? Harold.

MR. AUSTIN: I nominate Tracy.

CHAIR RICHARDSON: Is there a second?

DR. WALKER: Second.

MR. MARAVELL: I second.

CHAIR RICHARDSON: Nominated by Harold, seconded by both Calvin and Nick. Are
there any other nominations for Vice Chair?

Are there any other nominations for Vice Chair?

(No response.)

CHAIR RICHARDSON: Hearing none,

Mr. Secretary?

MR. STONE: Madam Chair, with one nomination Ms. Favre nominated as Vice Chair, I declare she be appointed by acclamation.

CHAIR RICHARDSON: Good luck, Tracy. You have to follow John.

(Applause.)

MS. FAVRE: I appreciate that vote of confidence. Thank you.

CHAIR RICHARDSON: The third office that we have to have a nomination for is that of Secretary. Are there any nominations for Secretary? Nick.

MR. MARAVELL: I nominate Harold.

CHAIR RICHARDSON: Harold has been nominated. Second?

MS. SONNABEND: Second.
CHAIR RICHARDSON: Seconded by Zea. Are there any other nominations for Secretary? Jennifer.

DR. TAYLOR: I nominate Colehour.

CHAIR RICHARDSON: Colehour. Is there a second for nominating Colehour for the office of Secretary?

MS. FAVRE: I second the nomination.

CHAIR RICHARDSON: Been nominated and seconded by Tracy. Are there any other nominations for Secretary? Are there any other nominations for Secretary? I would ask -- Calvin, sorry.

DR. WALKER: Is this for the Secretary of Agriculture?

CHAIR RICHARDSON: Secretary of the NOSB. This should be done by secret ballot. The Secretary is distributing a green card.

Please write the name of the person that you would like for Secretary on
that card. Those cards should then be
returned to the Secretary. The Secretary and
Chair will tally them and announce the votes.

The actual total number is not
announced, but simply who is the winner of
that illustrious position.

(Pause.)

MR. STONE: Harold will be the
next Secretary of the NOSB for the next term,
two terms. Thank you.

(Applause.)

Subcommittee Work Plans

CHAIR RICHARDSON: The next item
on -- congratulations, Harold. The next item
on the agenda is the Work Plans of the
Subcommittees. Shall I put those up? Well,
it still says "work plans" on this agenda. Do
you want to talk about the change of
terminology?

MR. McEVOY: Yeah. The NOSB has
had the term work plans that have been used
for a long period of time, in terms of what
the topics are that they're working on for the
upcoming year or the upcoming semester.

The term "work plan" within the
Department of Agriculture is used for moving
rulemaking and guidance documents through
clearance. So we are suggesting that in order
to not get people all excited within the
Department of Agriculture, that we have the
NOSB work be considered not a work plan but
some other word that expresses the topics that
they're going to be working on in the upcoming
semester.

So we've thrown out a few
different terms. We thought agenda items.
I've heard syllabus, topics. Work plan item,
yeah.

CHAIR RICHARDSON: We could have a
competition.

MR. McEVOY: So that -- we're just
suggesting a different name, so that we can
keep the work of the NOSB and the agenda items
that the NOSB's working on separate from any
departmental action.

MS. ARSENAULT: Miles, may I add that we plan on posting these on the website?

CHAIR RICHARDSON: Okay. So first is Carmela. You want to report on your Committee's work plan?

MS. BECK: So our work plan is to bring forth the discussion document and turn it into a proposal for spring 2015. Okay. That's all we have at this point.

CHAIR RICHARDSON: Oh. Anything else you want to say?

(Off mic comments.)

CHAIR RICHARDSON: Are there any other topics that other members of the Board would like to think of being added to the CACS, whatever it's called, work plan agenda I'll use, or work agenda I'll use? Are there anything else, a syllabus? Yeah, Mac.

MR. STONE: I can't remember what it is, but there was one, I think it was in Betsy's presentation, maybe Miles, something
during the USDA that came up. They thought it was something that CACS could work on. But at this moment, it plumb evades me.

MR. McEVOY: Yeah. We have another item that we'd like the CACS to work on, in terms of peer review, the National Organic Program accreditation. This is a requirement under the Organic Foods Production Act, and also within the USDA organic regulations.

So we have to -- we have a draft process that we've developed, in terms of how we would implement this. Our plan would be to send the draft process to the National Organic Standards Board. Certification and Accreditation Subcommittee is the appropriate subcommittee that should take a look at this, and get their input for discussion on the public agenda for spring 2015.

CHAIR RICHARDSON: Are there any other additions or comments you have for Carmela?
(No response.)

CHAIR RICHARDSON: Okay. The next syllabus item is from the Crops Subcommittee, Zea.

MS. SONNABEND: Thank you. We have quite a full list coming up here, as 2017 sunsets will start to be presented. But first we have several new petitions, some of which have -- are not that new, but are still wending their way through the process.

There are four we expect to have on our spring agenda. Laminarin, which you recall was discussed last time, and it was decided to send it for a TR. Exhaust gas. Allyl isothiocyanate and calcium sulfate, which as you might know is the same as gypsum, but it's being petitioned for a new -- from a new source.

And then we have one new petition, 3-decene-2-1, which probably won't be ready in time for our next agenda, but we will start the process of discussing it and requesting a
TR in the next semester. Undoubtedly, we'll have another inerts update.

We probably will have one at every meeting where we see where we have gone between now and then in the inerts review process, and there will be a further discussion document on the contamination issues, as we move those issues along.

I'm not going to read all the 2017 sunsets, but we have, I don't know, 58, a certain number in that ball park that will be coming about maybe 10 or 12 of them are having TRs done. So if the TRs aren't done in time, they may not make it for summary to the next agenda.

But I suspect the bulk of them will, and the ones we didn't get TRs on will also be summarized at the next meeting. And that is our agenda, syllabus, whatever.

(Off mic comments.)

MS. SONNABEND: Oh, I would like to mention one other brief thing. Miles and
I had a discussion about -- I didn't go into this right at this meeting, but the sodium carbonate peroxy-hydrate, which just got renewed. It has an annotation on it that's pointless. It has no information and there's no incentive for anyone to petition to remove it.

So we would be eagerly awaiting any new policy on how to change an annotation without a petition, and that is a strong candidate to be changed early. So I don't know if that falls back to the Crops Subcommittee after the whatever other committee's dealing with it, but I would like us to take that up.

MR. McEVOY: Yeah. I think that the concept of changing annotations during sunset, that that should be taken up by the policy development subcommittee, in terms of the process of how that could occur.

MS. SONNABEND: But possibly once the process is in place, it will be something
that Crops would then take up, right?

MR. McEVOY: Sure.

MS. SONNABEND: For that specific one.

MR. McEVOY: Okay.

CHAIR RICHARDSON: Zea, I have to tell you that for the record, you have to read them all. You have to read all your substances, because Miles said so.

(Off mic comments.)

CHAIR RICHARDSON: This way, it will be in the written record.

MS. SONNABEND: They're in writing, though. The written record can't be handed to the other written record, and Harold's going to have to read all his too?

MR. McEVOY: We could have Lisa Brines read them into the record if you'd prefer.

MR. MARAVELL: You know in Congress, you know, they give unanimous consent to read documents into the record. I
mean could we do that?

MR. McEVOY: Okay. We'll have it somehow, there will be a record that these are the substances that are up for sunset review starting in the spring of 2017, 2015.

MS. SONNABEND: I think it's already been posted in your sunset time line, where you did have lists.

CHAIR RICHARDSON: It is out there. All right. Any discussion of the syllabus for the Crops Subcommittee that's been presented? Any questions of Zea? Any other items that you want to add to her agenda?

MR. McEVOY: At your own risk.

CHAIR RICHARDSON: At your own risk, right. Okay. So then we turn to the syllabus for the Handling Subcommittee, Harold.

MR. AUSTIN: Okay. For the spring semester agenda items for the Handling Subcommittee, the substances that we will be
working on as far as proposals, whole algal
flour, ammonium hydroxide, and I would like to
just clarify. Whole algal flour has been
referred back to the Subcommittee to continue
to work on, along with glycerine.

So those two have been referred
back, and we will continue to work on those
and hopefully come out in the spring. Along
with those, we will have ammonium hydroxide,
which is a boiler water additive. We will
have polyalkaline glycol monobutyl ether, from
now on hence known as PGME.

Triethyl citrate, sodium lactate
and potassium lactate. We will also have the
ten 2016 sunset materials, which were
previously discussed during yesterday's
presentation. So those are all listed for the
record there, as well as 104 2017 sunset
materials, which have also been previously
listed in the record, so that there is a
reference point if anybody wants to look at
exactly what those are.
It's just a minor workload that we've got in front of us. Along with all of that, we will continue to work in the ancillary substances, and back in the Handling Subcommittee we will then begin to work on a discussion document for BPA. That's it, short and sweet. Not much going on this next year.

CHAIR RICHARDSON: So are there any other things people would like to suggest get added to the Handling Subcommittee syllabus, or any questions of Harold with regard to syllabus? Zea.

MS. SONNABEND: Well, I'm very much hoping that we will get the opportunity to evaluate BPA and packaging, as Miles has told us. A memo should be forthcoming.

MR. McEVOY: Yes. We support it being on the agenda for the next semester. We do have a memo that you should be receiving very shortly, to provide some parameters for that work.

CHAIR RICHARDSON: Anything else
for this subcommittee? Okay. So thank you, Harold, for the presentation. The next one, Livestock Subcommittee, Tracy.

MS. FAVRE: Thank you, Madam. We have the ever-present, ever-painful subject of methionine on our spring work plan, syllabus, whatever. Acidified sodium chloride, excuse me, aluminum sulfate, sodium bisulfate, zinc sulfate, all as petitioned materials.

We have, I believe it's 42 or 43 2017 sunset materials, and that's all that we currently have on our work schedule, with the possibility that should the aquaculture draft standards come out, those might be reactivated within our Subcommittee. Thank you.

CHAIR RICHARDSON: Any questions of Tracy or any additions you might suggest for her working agenda? Discussion. Mac.

MR. STONE: So is aquaculture on there, so that if we wrap up your bread crumb trail document and have it in there, so if the rules are out let's kind of officially have it
on there?

MS. FAVRE: Yes, thank you.

That's an oversight on my part. I should have mentioned that. We will actually have that finalized for the spring meeting.

CHAIR RICHARDSON: So we should add -- to that agenda, we should add the aquaculture discussion document to the spring agenda? Yeah Francis.

MR. THICKE: Since the animal welfare standards are going to be coming on real soon, maybe we need to be thinking that needs to be on at some point.

CHAIR RICHARDSON: I think you're joking, right? I hope he's joking. Harold, you look like you have something to say?

MR. AUSTIN: A general statement Tracy, not as specifically for Livestock. But I wanted to clarify back for our Handling, and then I'll do it now for here, is that the 2016 sunset materials, this will be their second and final listing, and the 2017, this will be
their first listing for public commentary when they come out in the spring. Just for clarification onto the record.

CHAIR RICHARDSON: Thank you.

Anything else for Livestock? Okay. The next subcommittee is Materials GMO Ad Hoc. Zea?

DR. WALKER: Thank you. Thank you Madam Chair.

CHAIR RICHARDSON: I'm sorry, Calvin. My apologies.

DR. WALKER: No problem. We have three items. One will be seed purity from GMO. We are looking at bringing a report back to this august body at our next biannual meeting. The second topic will deal with excluded method terminology.

We were looking at a discussion document. However, we got word yesterday that that may not be the best way, that we may have look at something in terms of a policy memo or instruction to certifiers, and we'll be getting with the program to see what the best
method to bring the document forward to the public.

Third item deals with prevention strategies, guidance for excluded methods in crops and animals, and that Francis Thicke and I will be working on that particular document. We apologize for not getting it out for this particular round, but we hope to have it for the spring. That concludes the three that we have.

CHAIR RICHARDSON: Thank you, Calvin. Are there any other suggestions for additions or comments, discussion on the items that you see on his agenda? Yes, Nick.

MR. MARAVELL: Calvin, we're combining -- okay, exclusion methods in Crops and Handling all at once, right, in the same, and there are no topics for Livestock; is that correct, under that?

DR. WALKER: That's correct.

CHAIR RICHARDSON: Okay. The next subcommittee is here back again. You should
all be pleased to see, we have back the Policy Development Subcommittee, and we have two items that are approved to be on our agendas for the spring semester.

We have -- we'll be getting back the policy and procedure manuals, which would be updated and reorganized, and the NOP and the NOSB will collaborate on this document. It will go out for public comment as before, and we will work on that really hard this spring semester.

The other item, which we have all recognize we need to reconsider is a work agenda item, which will deal with annotations. That too will be on our agenda to be worked on fast as we can do, since we can see that it's something that's really needed.

I am obviously stepping down as the chair of the PDS, since I'm Chair of the NOSB. So a new chair will be designated within the next couple of weeks. So that committee will be able to officially meet to
take up its work very soon. Questions? Mac.

MR. STONE: So just in that little chart here, it says "Best Practices and Use of Annotations in Proposals," and but that's also sunset? Is that two separate items sort of?

CHAIR RICHARDSON: Well, let me explain this one. Several months ago, when there was no PDS subcommittee, Harold and one of his other -- NCS. He's on the CACS Committee, he was concerned that there was a lack of annotations and that they were necessary.

Therefore, he began to propose an annotation working agenda item in CACS, that as soon as we were able to have the Policy Subcommittee back again. Therefore, we've moved some of the proposed -- the proposed document that Harold had begun developing over to the subcommittee, the Policy Subcommittee.

So all aspects of annotations will be being looked at at the same time, and it's what will be taking place. Thank you. Any
other questions? Yes, Jennifer.

    DR. TAYLOR: Would we want to
address here something about how to focus on
or address the comments such as the Vitamint
comment that was provided to us today on the
floor? How to address this during the
meeting? Wasn't that a topic that we said
that we would have through the Policy
Development Subcommittee, how to address the
new information that comes in from the floor?

    MR. MARAVELL: Timeliness of
information, as in the VerMints.

    CHAIR RICHARDSON: Oh, timeliness
of information.

    DR. TAYLOR: Timeliness. Is that
a topic that needs to be listed as a --

    CHAIR RICHARDSON: How do people
feel about a timeliness? You mean timeliness
of information coming in as part of the sunset
process?

    DR. TAYLOR: Yeah.

    CHAIR RICHARDSON: Yeah. Is that
-- that's what the intent is of your suggestion? Would that be something that we would be working on, PDS folks, as part of our general revisions of the PBM? Mac, what do you think?

MR. STONE: I think that's the logical place to do that. We obviously it's happening at the same time that we're trying to discuss it. So I'll use that as the launching pad to I think all of us in committee work and the audience, to help us to get the word out on these sunset materials, Harold, to be sure that especially this long list and this first reading.

We heard from certifiers that, you know, their clients don't necessarily recognize the names that we're using. So maybe in some of our proposals that go out in, it's probably February, Michelle, whenever those go out, that we use common names and do all we can to get the word out and urge the audience, the groups in the audience, to help
us get that word out. It should. I think
that should be part of that Policy Committee.

CHAIR RICHARDSON: Any other
questions, comments on Policy Subcommittee?

(No response.)

CHAIR RICHARDSON: Okay. So that
concludes that section of our agenda items.
That's what we're calling it, yes. Got
something you want to say?

Subcommittee Assignments

MR. McEVOY: So the other thing
that happens after the fall meeting is with
the new members coming on and members leaving
is the subcommittee assignments change, and
new people get assigned to subcommittees. So
I would ask the Chair to maybe discuss how
that process is going to work from -- during
this transition time?

CHAIR RICHARDSON: Yes. During
the transition time, what happens is that the
positions, the officer positions take place
immediately, and the past chairs, etcetera,
become known as acting. So we now have an
acting secretary and a real secretary, as the
way the PPM is written, for example, and an
acting chair and real -- a vice chair and a
real one over there.

So it's a little bit cumbersome.

Actually, it's some of the sorts of things I
might change when we're working on this PPM.
So they -- so they will -- so both vice chairs
and secretaries will be functioning as though
-- on all the subcommittees, on all the usual
committee work that they do right away.

Then within 30 days, the
subcommittees themselves will be restructured,
based on discussion amongst the officers and
amongst the present chairs. During that same
period of time, we will be determining, based
on the qualifications of the incoming four
members, which subcommittees they should be
asked to serve on, and that's normally done at
the Chair's discretion, so to speak.

But certainly I would be doing it
in consultation with everybody, to be sure we
get them put in the right place, to be sure
they get all that work, for example, in the
Handling Subcommittee where we need people.

That will all take place within 30
days, so that by the time we get to the time,
the period when the new Board members take up
their position formally on the Board, that's
what, January the 24th I believe it is, 24th.

By that time, they'll know which
subcommittees they're on. They'll have done
their homework and be ready to go on our
conference calls. So that's what we will be
doing during this transition time. Is there
anything else you wanted me to comment on
that? We will be specifically following the
PPM procedures on all this.

MR. McEVOY: Yeah. Just to add a
little bit to that. As soon as there's
determinations made on the subcommittee
assignments, then we will be able to provide
that information through an NOSB or a USDA
Organic Insider, so that the public will know about these new subcommittee members.

The other thing that we plan to do, as Michelle mentioned, is to post the agenda items or action plan for the spring, so that the public also sees that list of topics that the Board will be working on and getting ready for.

The other thing to keep in mind, the Board has obviously a lot of work to do between now and the next meeting. But all of their proposals for the spring meeting, which is in La Jolla or San Diego the last week of April, that seems a long way away.

But they'll have to have their proposals completed by the end of February, because the proposals have to be completed, and then they have to be posted and available for public review and comment. So it's a lot of work for them to do with the holidays and the transition, between now and the end of February.
CHAIR RICHARDSON: Right.

Anything else on the changing committee structure? So Jennifer.

DR. TAYLOR: I would like to suggest that I know in the PPM we had something written about providing mentors, and that would be mentors to the new committee members and of course subcommittee members, as well as maybe mentors to those as you change committees.

If you have committee reassignments, it might be appropriate as well to bring everybody up to speed.

CHAIR RICHARDSON: Yes. In terms of the mentors for the new full Board members, as required by our PPM, I have already worked with them and with mentees on the Board. So mentees and mentors to match them together, in a manner that seems appropriate, and they've all agreed. So all that is set up.

DR. TAYLOR: Great.

CHAIR RICHARDSON: For the mentors
for the incoming Board members. Your suggestion that there be mentors for those people sort of switching committees is what you're thinking?

DR. TAYLOR: Also, I just think that that would make the flow and the rate of knowledge exchange to be better.

CHAIR RICHARDSON: Good suggestion.

DR. TAYLOR: Uh-huh, instead of just jumping into the meeting, to have some kind of information about what takes place in that particular subcommittee.

CHAIR RICHARDSON: What takes place, you mean for the incoming Board members?

DR. TAYLOR: Yes.

CHAIR RICHARDSON: Yes. Absolutely, yes. They'll get more information probably than they really want, and they already are. I mean they're all four of them are very active in trying to accumulate as
much knowledge as they can do before they jump in.

Because as we all recall, it is a very big amount of material thrown at you as you come onto the Board. Thanks, Jennifer. Any other comments on the changed committee structure or other matters similar to that?

(No response.)

CHAIR RICHARDSON: Okay. So the next item on the agenda is really a rather wonderful thing. Well, wonderful in some ways, sad in others. We're going to be making presentations to the outgoing members, which Miles, you'll be doing that, and then we have some special things from the NOSB for these members as well, and each member will be making some closing comments.

Tribute to Outgoing Board Members

MR. McEVOY: Okay. So these Board members have been on the National Organics Standards Board for five years, nine meetings. I missed one unfortunately last year. Wow.
It's just amazing that so much time has gone by and we've had so many fun conversations about corn-steeped liquor, carrageenan, inerts and sunset.

So been a lot of fun, a lot of good times, been a lot of good places and a lot of good conversation, some very deep discussions and debates. But it's all been good. These are really, really wonderful people. They've really contributed to the forward movement of the organic sector, the organic community. They all deserve an immense amount of respect and support and gratitude for the public service that they've provided.

One does -- I'll start with Wendy Fulwider. Wendy is one of the more quiet members of the Board. But if it wasn't for her, we wouldn't have the animal welfare recommendations that were passed in 2011, a couple of years ago now, and without those recommendations, the USDA would not be able to
move forward with implementing those
recommendations on furthering animal welfare
requirements under the USDA organic
regulations.

So Wendy Fulwider, for your
efforts on animal welfare, been an immense
contribution to the organic community, and
thank you so much for your service.

(Applause.)

(Off mic comments.)

DR. FULWIDER: Okay. How time
flies. I can't believe five years have gone
by. It doesn't feel that way. It's been
really wonderful and a privilege, you know, to
serve on the Board with all the different
folks that have been here over the years.

During my time as Livestock chair,
we unanimously passed the two recommendations,
the animal welfare and stocking rates, and
animal handling and transport to slaughter.
I really enjoyed working on those. So I hope
that, you know, they do move forward, and if
you need any advice, give me a call because
I'd be happy to answer questions. I like
that.

So I think this shows, you know,
that we passed these two recommendations, that
we can work together and we did a really great
job doing that. We passed those
recommendations unanimously, so that was
really cool. While the animal welfare piece
has been criticized a few times for not going
far enough, I do believe it's a really great
start, and I believe that future boards will
be able to build on this.

I hope that the Livestock
Committee will put the well being and the
needs of the animals first as they move
forward, and this isn't always easy. As
anyone who has followed the methionine
recommendations and story knows.

While I've been on this Board, my
son Cody has been home growing the farm and
the number of animals on the farm and the
number of acres that we're working, and he's been sending me pictures every day of new calves as his dairy cattle are starting their calving season.

So I believe he is anxious for me to get back home and take care of some of those calves for him. So thank you.

(Applause.)

MR. McEVOY: Next, I'd like to recognize Jay Feldman for his contributions. Jay is not one of the quieter members of the Board, has contributed an immense amount of public discussion, and we've had -- you know, it might appear to you all from the audience that Jay and I maybe are not agreeing on a lot of things at times.

But I have immense respect for Jay, for all of the knowledge. You bring that passion and just the technical knowledge that you bring to the Board and share with anybody in the community really, really moves everything forward. So thank you so much for
your service and everything you've done for organics.

(Applause.)

(Off mic comments.)

MR. FELDMAN: Thank you. Well thank you for those kinds words, Miles. I concur. I agree with you. You know, this is part of a process, and the process is important to moving organic forward.

I want to share with you folks what I've learned. The record's clear on what we've accomplished. I feel proud to have been a part of a lot of positive growth forward. What have I learned as an NOSB member in the environmental position?

On the public, I've learned to trust the public, ensure that the public trusts you. Assume that we are all here to grow organic, but that we may see organic growth in different ways with different prerequisites for growth.

I'm working with others.
1 Inclusion always works better than exclusion.
Disagreement does not equal disrespect.
Listen carefully to those you disagree with.
Accept different personalities, even when you may not like them. We do not like everybody in our families, but we are part of an organic family.

How we get there is important as getting there. On process, full participation in decision-making builds trust in the decisions. Allow people to make mistakes and know that all mistakes are not a conspiracy or part of a conspiracy.

On collaboration, collaboration is challenging sometimes, but it's fun. On facts, facts matter. Don't be afraid of facts, even if you think it will make you or your cause look bad. The law matters. On mistakes, mistakes happen along the way. I've already said that.

Resources. Resources funding is incredibly important. Technical reviews are
critical to the deliberations of this Board. On defining organic, organic is a lifestyle cultural choice that is now pervasive in society. Society really does look to this NOSB to create a gold standard for defining organic.

So what goes on here has effect throughout society, in terms of managing practices in our homes, institutions, in our communities, our parks, our schools, our home gardens in addition to the marketplace of food. Organic is part of the systemic changes that must take place, as we chart a sustainable path forward.

On environmentalists, listen to the environmental voice in the deliberations. The law was created because it was understood by those who participated in writing the law, that conventional practices were not or are not sustainable. So seek out the science and perspectives of environmentalists.

They're 20 percent of the Board
and intended by Congress to have a significant impact on the Board decisions, especially when combined with consumers, another 20 percent. Environmentalists want to work with farmers, another 20 percent.

On government involvement, government has had an incredibly important role in this process. However, the NOSB is here to be an independent voice. Corporate influence. Even though corporations are people under some definitions, corporate interests do not always align with organic interests, and companies' fiduciary responsibility to their owners or shareholders to raise revenue.

However, our job is to try to align those corporate interests with the core values and principles of organic. When the OMB, Office of Management and Budget, while they may represent business interests and protect against uncertainty in the marketplace, remember our striving for
continuous improvements creates an ongoing climate of uncertainty, in which organic flourishes. We have a history of that.

So on a personal note, I'm almost done Jean -- on a personal note, I need to thank Terry. As hopefully you all know, Terry is a cherished colleague of mine who has contributed so much to my ability to dive deep into the work of this Board.

I hope you all can find someone like Terry, preferably someone available 24-7, who can help you sort through these difficult issues. I'd like to thank Michelle and the staff of the NOSB, all hard-working people that want to facilitate the work of this Board.

Use them, cherish them as kind and considerate individuals that want this Board to work. But Michelle, Michelle, you are special. You redefine the definition of government worker, and we need a new definition for government worker, because all
-- you'll find as Board members and those on the Board know, she is available to you almost 24-7.

I need to thank my family, because as you all know as Board members, this does take a toll on family. I'm envisioning myself standing on the Schoodic Peninsula in Maine this summer where, you know, trying to find time to find not only a cell connection, but a time to get on an NOSB call.

So with the commitment that we all make to this Board, it does take a toll on family time. I must thank my wife Josie, who many of you have met, and my children as well, Gabriel and Kira, for all those vacations where I had to step aside at times.

But at the end of the day, I need to thank all of you in the audience and all of you on the Board. I mean you all put in an incredible amount of time and resources, and believe in this process and want this process to work. I will continue to support you in
any role that I have going forward.

So thank you all for everything you've done and continue to do to make organic grow and make organic strong, and ensure that the public trusts the integrity of the process going forward. Good luck to everybody. Thank you for welcoming me. Thank you for your patience with me. Thank you for listening to me and I look forward to working with you from the other side of the table. Take care.

(Applause.)

MR. McEVOY: Okay. Joe is next.

Joe Dickson, five years. Lots of meetings, lots of discussions on a whole bunch of different things. Your insight into the various parts of the handling and distribution network has been very valuable to all the Board and to the program as well.

Your -- he does a lot of interesting things. You should talk to him about his farm and his animals, because I think that also brings your roots in the soil
and in the farming community, and that's a part of Joe that maybe not a lot of people know.

But it's been a pleasure to know you, and I hope we can continue to work together as you go on to other pastures.

(Applause.)

(Off mic comments.)

MR. DICKSON: Thank you, Miles. Thank you for making me come right after Jay. My comments are not going to be anywhere as extensive, but they will be just as heartfelt. So you know, all the hallways conversations the last couple of days have been like "So, you're excited to be done?"

I'm like yeah, I'm so excited for all the time I'm going to get back, how fun it's going to be to sit back there and get up and go walk around and go to Starbucks and get my own coffee and all that stuff.

We were having all these conversations, and then as last night rolled
around, I think, you know, we had a Board
dinner last night that had some very heartfelt
conversations and toasts and, you know, real
expression of sentiments to the outgoing and
incoming and current Board members.

I started to feel this really
incredible sadness, that this was all coming
to an end. This is an unseemly brilliant,
interested, committed group of people, like so
opinionated and so expressive, and I have
learned more sitting at this table for the
last five years than most, you know, Master's
degree programs would impart, you know.

I mean it is just -- each and
every person at this table is just a genius,
and brings so much to this process. I'm very
lucky to work for a company and for a boss
that understands the value of the time I spend
at this table.

I'm very fortunate and, you know,
the work here at the end of the day basically
considered part of my job. However, Francis'
cows, Mac's turkeys, Wendy's growing herd of all kinds of things, which is really exciting, Nick's vegetables and animals and all that, I don't think they're as forgiving as my boss is.

I really want to acknowledge the amount of time it takes to sit here at this table, and especially the impact that has on people who are running very small, very hard to manage agricultural operations, and to fly off to Louisville for five days and just sit at a table and talk is really powerful and really important, but it must be a huge struggle. So I really want to acknowledge the people on the Board who don't work at a desk all day.

About what we're doing here, I mean I started working in organic food because I believe that what was happening on organic farms, and as I came to learn in this room, is part of our work to -- and part of the power of organic agriculture to heal the earth, to
undo the damage of industrial agriculture, to
look powerfully at the way we treat animals
and each other and plants.

The questions on that syllabus for
the fall, a lot of those are big, serious,
fundamental questions about who we are as a
people, how we get our food, what consumers(expect and the role that standards and labels
can play in creating a new kind of
agriculture.

We've been successful in doing
that and, you know, what -- that success has
been largely because of what's happened at
this table over the last 20 or more years.
That's it really. I mean I want to
acknowledge too the incredible tone of this
meeting. I think it's been one of our most
productive and collegial meetings that I've
been to in a really long time.

I think that's a testament to Mac
and Jean's leadership of this Board over the
last few years, and possibly a little bit the
power of bourbon. But I leave this meeting
with a lot of optimism for the future of this
Board and the work that y'all are going to do.
So thank you.

(Applause.)

MR. McEVOY: Okay. Now John
Foster. John Foster I've known for quite a
long time, when he used to be an inspector and
we used to work for Oregon Tilth and I guess
he was the executive director there for a
while. So I knew you there when I was at WSDA.
So he's been in the certification
and inspector world for a long time, and I
have a lot of respect for John in his work as
an inspector. Then he brought that experience
to more production organic agriculture, and
has brought all those experiences and
perspective to the Board, which I think has
been of immense value to the discussions and
to the Board, both that understanding of
organic production agriculture and the
certification and inspection process, of how
you can create standards that are verifiable
and have real meaning and will work in the
farms and handling and processing facilities.

So John, great work. Look forward
to working with you in the future, and best of
luck with your new family.

(Applause.)

(Off mic comments.)

VICE CHAIR FOSTER: Y'all know
what I look like, I think, anyway. So thank
you Miles for that. It's been a real
privilege. I've known you for I think almost
20 years now. So before I get going on
parting thoughts, I do also want to really
thank my family, which I don't do on a regular
basis here.

But as everyone in this room knows
and Jay said very, very well, it really takes
a toll. So I really appreciate that they've
supported me and supported the house while I'm
not there, and I'm not cleaning roof gutters
and I'm not doing dishes and I'm not going
grocery shopping and changing diapers, which
actually in an odd way I really do miss when
I'm not doing it.

Let's see. Also, I should also
thank my employer. Joe, you did a nice job
with that. I remember the day I asked Will if
it would be all right if I applied for the
position. He said "Oh yeah, that would be
great. Awesome, great." Then he paused. He
said "You still have to get all your work
done."

I'm like -- but yeah. Go do that.
Whatever you need to do, go do it. That's
fine. So you know, for every hour on a
conference call, you make it up, in the
evenings. You make it up on the weekend.
More of a toll on the family, as Jay said.

But they allowed a lot of
flexibility to get things done, a lot of
accommodation, and rearranged a lot of things
and a lot of people, because they knew the
value of the commitment to the community.
Also I want to echo the thanks to the NOP staff, who work every bit as hard if not harder than all of us too, and it shows in the quality of the work and the quality of the people that we're honored to work with. So I really do appreciate sincerely all of the program staff that support us.

So over the last five years, I hold my tongue a little bit more than I really want to. But so if I go on a little bit long, Madam Chair, I hope you give me a little indulgence. I will not go on ad infinitum, I promise.

So not surprising to those who know me, I'm going to make a lot of literary and other cultural references in these comments. Some are explicit, some are not, some not so much. To those who are so inclined, as in past years, feel free to send me a list of those you can identify, and if you get them all, I'll be delighted to buy you some classic beverage at a future meeting, so
start writing.

One of my favorite poems in the world starts with this. "Turning and turning in the widening gyre, the falcon cannot hear the falconer. Things fall apart, the center cannot hold. Mere anarchy is loosed upon the world. The blood dimmed tide is loosed, and everywhere the ceremony of innocents is drowned. The best lack all conviction. While the worst are full of passionate intensity."

And there are times when I've been sitting at this table -- that's the end of the quote, by the way -- there are times where I've been sitting here where I feel like that, that things are just out of control, and this -- that was -- that's a Yeats poem called the Second Coming, and it was written right after he turned 50 in the aftermath of World War I. Things were pretty dreary in Europe.

But what it also talks about is that's the nature of cycles. It's paradigm shifts. It's spiraling, the nature of
spiraline evolution, and that's a promising thing for me.

I have in the last five years been a lot of things and called a lot of things. But the ones I think of when I think of my happier times are that I've gotten to be a farmer, I've gotten to be an inspector, horticulture teacher, a trainer of other inspectors, a reviewer, administrative processor, candle maker, bouquet maker, chicken herder, egg gatherer, cert director, executive director.

I've settled lawsuits. I've solved problems, I've grown seed and tried to be a good husband, brother, father, son, friend. I've developed a real interest in mixology, done a lot of painting, and I've started making bitters and shrubs, and I've gotten the word "threvee" into the public record twice now.

Of course, I've quoted a lot of the Big Lebowski in this setting. So while
I've heard a lot, you know, and I've heard a lot of things that cause me a lot of angst, I've also heard a lot of things that are some of the most encouraging and brilliant and thoughtful comments, certainly heartfelt, full of passion and full of life, and that's been a true privilege and honor.

That's the only thing that keeps me an optimist actually, and even through the darkest times. So the five years that we've -- this group has been on the Board have been Woodland, California, Madison, Wisconsin, Seattle, Savannah, Albuquerque, Providence, Portland, San Antonio and now Louisville.

Not one has been in Washington, D.C., and I would love to have come back there at some point. I think that would be just fine. There's farms near D.C. as well.

I have a little book that my grandmother put together, that talks about all of the John Fosters in my family, back to about 400 years ago actually in Scotland, and
all they did was raise sheep, lots of sheep.
Sheep, sheep, more sheep, and in the cemetery
in this little town where they're from,
there's grave markers that have family members
for another 200 years, and they raised sheep.

I have barrel coopers in my family
and I have lots of chicken farmers in my
family, and on another side that came from
Sweden, they got booted from Germany during
the Reformation and they farmed. What's
really I don't want to lose track of, that
even though a lot of us don't make our living
farming, most of us owe our whole existence,
our whole family's existence to farming at
some point.

None of us would be here without
farming, even if that's not what we do for a
living. So we all owe it, to the great
farmers of history that got us here. That's
where it starts for me.

I'm going to skip to my next
favorite piece of writing actually, from Erwin
Schrodinger. This is the thing that I found when I was looking for more inspiration, and it describes kind of how I feel about this process we're in.

"Thus, you can throw yourself flat on the ground, stretched upon Mother Earth, with a certain conviction that you are one with her and she with you. You are as firmly established as invulnerable as she, indeed 1,000 times firmer and more invulnerable.

"As surely as she will engulf you tomorrow, so surely will she bring you forth anew, striving and suffering, and not merely Sunday; now, today. Every day she is bringing you forth not once but thousands upon thousands of times, just as every day she engulfs you a thousand times over.

"For eternally and always there is only now, the one and same now. The present is the only thing that has no end."

For me, it's easy to forget -- I use the phrase a lot "get down in the weeds"
in this venue, and it's easy to forget the context for me. I like the idea that we have a long way to go, and we'll only get there together. I like to remember that.

I'm going to close. I remain optimistic because of a lot of great writers and poets, but I also remain optimistic because of a lot of people who are in this room right now. All of these colleagues on the Board, all of the people who I know in the gallery are familiar faces, and it's --

I'm optimistic because of all of that passion and all of that caring. Even if it's a position I don't particularly agree with, I have never lost admiration for the passion and the intent. The intent is all good, and that's optimistic for me.

Lastly, let me read -- what I'd like to ask is not that we drop our opinions. I don't really like that phrase "circular firing squad." It's not a great image for me, but I also don't know that that's really an
apt metaphor anymore. It's a pretty big circle, and it would be sad if we weren't all one circle anymore. I don't like to really consider that.

But I guess what I'd ask is not to forget our differences, but to focus on what we agree on first, and when we talk in public, think about what we -- talk about what we agree on first, because a lot of comments that I've heard over the years is that we share more than -- we have more in common than what separates us.

I would just ask that we talk about that first. We don't often get a chance to do that, and until we've had a little opportunity in recent years to get together more socially, ahead of the formal meeting, we kind of forgot who each other were.

The moment that we were able to spend a little time together before the meeting proceeded is when I felt there's a little change in recognizing the humanness in
each other. I think without that, we don't have much of a chance of success in anything. So I would encourage that. But I know resources are limited. We don't always have time to do that. But I would just ask that we imagine what we could do if we spoke to our common ground first, not casting aside our opinions, not changing -- I mean not letting go of those things that make us different. That's important too.

But I'm just asking we go first to our common ground, speak to our common goals first. When we write for our publications, write about that first. When you give interviews, talk about that first. When we work, work for that first.

Debate, agree to the commonalities first and always get that -- use that starting point, please. I know we will get to more gritty differences and that's fine. But I just wish we would start with what binds us first.
You know, I'd like to -- I'd like
to read one last thing here, and those of you
who are here this morning will recognize it.
But I think it's different now. I'll read it
again. "The magnificent here and now of life
in the flesh is ours and ours alone, and ours
only for a time. We ought to dance with
rapture that we should be alive and in the
flesh and part of a living, incarnate cosmos.

"I'm part of the sun as my eye is
part of me. That I am part of my earth my
feet know perfectly and my blood is part of
the sea. My soul knows that I am part of the
human race. My soul is an organic part of the
great human soul, as my spirit is part of my
nation.

"In my own self, I'm part of my
family. There's nothing of me that is alone
and absolute except my mind, and we shall find
that the mind has no existence by itself. It
is only the glitter of the sun on the surface
of the waters."
So that was written, as I said this morning, by D.H. Lawrence. I think it's some of the nicest English language craft ever put down on paper. A couple of other Englishmen said it a little more plainly, and it starts like this:

"I am he and you are he as we are me and we are all together." It happens to end with "I am a walrus, koo koo ka-choo."

With that, I thank you Madam Chair for your indulgence. That was very indulgent of you and I appreciate it, and all of your kind words, your confidences, your humor, your challenges, your passion, your cocktail recipes and your commitment.

It's been a distinct pleasure and a real privilege serving with all of you on the Board. Thank you.

(Appplause.)

CHAIR RICHARDSON: All right. May the dude abide. Calvin, come on up. Calvin has a few things.
DR. WALKER: Yes. I'll, if I may just reside right here, and Colehour will get help. About two months ago on an executive call, I made the recommendation that as Board members leave, they shouldn't just leave with a plaque, but they should have an opportunity to say some final words.

We are glad that the program and the executive committee consented that we do that, and there's a saying. "Be careful what you ask for, because you might get it." So the Chair, Dr. Richardson said "Calvin, that's a good idea. We'll let you coordinate that."

So this is the final piece of that. We want them to say words. First, we're going to do -- this is on behalf of the Board, 11 of us that are still here. We talk about what John, Jay, Dr. Fulwider and yes Joe have done.

What I'd like to do is start with Dr. Wendy Fulwider. This particular certificate reads "Well, the USDA National" --
CHAIR RICHARDSON: Microphone.

DR. WALKER: Pardon?

CHAIR RICHARDSON: Use the microphone.

DR. WALKER: Yes. We, the United States Department of Agriculture National Organic Standards Board family, thank you for your tireless service to the organic nation and world. During your appointment, your service was inclusive of the following." This is for Dr. Fulwider.

2014 member of the Compliance, Accreditation and Certification Subcommittee; 2010 through 2014 member of the Materials Subcommittee; 2013 Vice Chair of the Livestock Subcommittee; 2011 through '12, Chair of the Livestock Committee, and we certainly hope those welfare rules come out soon.

In 2010, 2012, 2013, she served as the Secretary, and bear in mind that she served as the Secretary where she didn't need any help. As you can tell, since she was no
longer the Secretary, that myself, Mac, we've all needed help in recording these votes. So she was able to do it singlehandedly.

In 2010, she served as the Vice Chair of the Livestock Committee. In the final words, as we rotate off the NOSB, let us view it not as a sunset, but a sunrise. This is signed by all the current members of the NOSB, and Colehour, we can give this to our president for a photo op, and this is a token, Dr. Fulwider, of your fellow Board members. There's candy, it's apples, it's cheese, it's some of everything.

(Applause.)

(Off mic comments.)

DR. WALKER: Okay, next. Joe Dickson. It reads similar, a few words and committees have certainly changed. We, the United States Department of Agriculture National Organic Standards Board family wish to thank you for your tireless service to our organic nation and world.
Some of the appointments that you have served so faithfully include 2014 Vice Chair of the Livestock Subcommittee; 2014 Vice Chair of the Compliance, Accreditation and Certification Committee; 2010 through '14 member of the Handling Subcommittee; 2010 through '13 member of the Livestock Subcommittee; 2012 through '13 member of the Policy Development Subcommittee; 2012 member of the Policy Committee -- near the end.

2011 Vice Chair of the USDA National Organic Standards Board; 2013 through '11 Chair of the Compliance, Accreditation and Certification Committee, and finally, in 2010, he was a member of the Compliance, Accreditation and Certification Committee.

We also have a bag and something from your fellow Board members.

(Off mic comments.)

DR. WALKER: Next, John Foster.

It reads very similar at the beginning and the end. "We the United States Department of" --
and also we thank John Foster for these particular. Our names have been transposed to a language he said he didn't know what it was. So but it was uniquely done, and we appreciate that.

He promised me that he would give me the definition of twick, twerking and tweaking, because I have them confused. "We, the United States Department of -- the USDA National Organic Standards Board family wish to thank you for your tireless service to the organic nation and world."

John's appointment include 2013-14 Vice Chair of the National Organic Standards Board; 2013-14 member of the Policy Development Subcommittee; 2014 member of the Compliance, Accreditation and Certification Subcommittee; 2013 and '14 Vice Chair of the Handling Subcommittee; 2013-14 member of the Corp Subcommittee; 2010 member of the Crops Committee; 2010 through '11, Vice Chair of the Handling Committee; 2010 through '12, member
of the Materials Committee; and 2011, Chair of
the Crops Committee. Just to show the number
of committees that he has so aptly served.

(Applause.)

DR. WALKER: Last but not least
Jay. The word that I best describe him, as
Colehour was mentioning, I used the word
"focused." The certificate reads "We, the
National Organic Standards Board family wish
to thank you for your tireless service to the
organic nation and world."

Some of the committees Jay have so
aptly served, 2013-14, member of the Policy
Development Subcommittee; 2010 through '14,
member of the Crop Subcommittee; 2013, Chair
of the Crop Subcommittee; 2013, member of the
GMO Ad Hoc; 2010 through '14, member of the
Materials Subcommittee.

2013, member of the Inerts Working
Group; 2010 through '12, member of the Policy
Development Committee; 2013, member of the
Policy Development Subcommittee; and 2010,
Vice Chair of the Materials Committee. It's closed by "As we all rotate off NOSB, let us view it not as a sunset, but a sunrise."

On behalf of all the subcommittees of the NOSB, we want to say thank you for all the work you've done.

(Applause.)

(Pause.)

CHAIR RICHARDSON: Is there any other business to come before this meeting? Is there any other business? (No response.)

CHAIR RICHARDSON: There being none, right, we declare -- come on Miles -- we declare this meeting is adjourned.

MR. McEVOY: The meeting to be adjourned.

(Applause.)

(Whereupon, the above-entitled matter went off the record at 2:27 p.m.)
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In the matter of: National Organic Standards Board

Before: USDA

Date: 10-30-14

Place: Louisville, KY

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

[Signature]
Court Reporter