The National Organic Standards Board convened, at 8:00 a.m., in the Emerald I Meeting Room at the Red Lion Hotel, 1514 Fifth Avenue, Seattle, Washington, Tracy Miedema, Chairperson, presiding.

MEMBERS PRESENT

TRACY MIEDEMA, Chairperson
COLEHOUR BONDERA
STEVE DEMURI
JOSEPH DICKSON
KRISTINE "TINA" ELLOR
BARRY FLAMM
JOHN FOSTER
WENDY FULWIDER
KATRINA HEINZE
NICHOLAS MARAVELL
ROBERT "MAC" STONE
JENNIFER TAYLOR
C. REUBEN WALKER
STAFF PRESENT

MILES McEVOY, Deputy Administrator, National Organic Program
MELISSA BAILEY, Director, Standards Division, National Organic Program
LISA BRINES, Standards Division, National Organic Program
EMILY BROWN ROSEN, Standards Division, National Organic Program
LISA AHRAMJIAN, NOSB Executive Director
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  Chair

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CHAIR MIEDEMA: Good morning, everyone.

We have quorum, and we will go ahead and get back in session for day three of our spring 2011 meeting.

We have an announcement this morning from Deputy Administrator Miles McEvoy of the National Organic Program.

MR. McEVOY: Good morning.

We are making progress on more topics. We do have the proposed residue-testing rule that will be published in The Federal Register tomorrow. It goes on display today. The residue-testing rule meets the OFPA requirements outlined in the Organic Food Production Act, was identified in the OIG audit from last year as a missing piece of the requirements that certifiers have to conduct periodic residue testing.

The proposed rule will require
certifiers to collect and test from 5 percent of the operations that they certify, provides flexibility of who they choose to collect samples and tests. The testing is in addition to any targeted testing that they may be currently conducting. The sample collection must be done by a qualified third party. Certifiers must pay for the sampling and testing. We estimate that the cost of this will be less than 1 percent of their operating budget. We believe that this is very important to monitor compliance, to deter fraud, and to meet consumer expectations of what the certification process is all about.

So, we will have a press release out later today, and, then, the full rule will be published in The Federal Register tomorrow.

Thank you.

CHAIR MIEDEMA: Thank you.

Any questions for Miles?

(Laughter.)

MR. McEVOY: Any questions from
the Board?

(Laughter.)

CHAIR MIEDEMA: I will recognize Marty Mesh.

MR. MESH: What is the effective date of this proposed rule?

MR. MCEVOY: There's no effective date. There's a comment period. So, we have a 60-day comment period that's open until June 20th, yes, late June.

CHAIR MIEDEMA: Thank you, Miles. All right, let's proceed with public testimony.

The first speaker this morning is Jackie Von Ruden, and David Will is standing by.

MS. VON RUDEN: Jackie Von Ruden from MOSA.

Livestock guidance versus rule. The new pasture rule has added time to organic inspections, even on operations that are compliant. Although MOSA called for
operations to provide pasture before the added pasture rule, we have accommodated and appreciated its elucidation of the requirements.

We have also been faced with animal welfare issues and confronted them as non-compliances without additional rulemaking. But we are still receptive to more specificity, particularly relating to organic poultry. There are comments in regulations.gov from certified poultry operations that claim their second-story aviary hens have outdoor access by going down ladders. Do hens really go up and down ladders?

At the same time we endorse more specificity so that certifiers and producers must meet basic tenets of animal welfare, we want to caution against so much specificity that a four-hour livestock inspection takes eight hours. Rule is rule, and guidance can serve to educate producers and inspectors on
what management practices may need to change
to meet the rule.

We do not want inspectors required
to body score or lameness score every animal
on an organic farm. But we believe that
guidance documents like the example that we
provided on sheep could help inspectors and
certifiers identify the causes of an
operation's deficiencies in meeting the
requirements of feed, living conditions, and
handling as related to animal welfare.

Transport, handling, and
slaughter. MOSA is concerned that requiring
slaughter plants to meet all FSIS
requirements, including the Humane Slaughter
Act, could eliminate the use of small plants
that operate solely under state inspection.
The Act does not specify the percentages noted
in this recommendation, who is responsible for
verifying those.

The Act does not address poultry
slaughter. Poultry are covered in 9 CFR 381,
which requires thorough bleeding and that breathing be stopped before scalding. Please consider our handout which describes slaughter requirements under these two regulations.

We also note that it is not clear who is responsible for verifying the percentages of livestock slips and falls.

Animal welfare. The revised animal welfare recommendation would require that calves over two months of age shall not be tied. This new proposal needs more farmer input on the impact to calf management. We have farmers who are doing an excellent job with calf-grazing systems utilizing tethers up to six months of age. The contradiction with the current rule which allows tethering up to six months would need to be reconciled.

More consideration needs to be given to space requirements. We maintain that the requirements for hogs and layers are too low. If organic layers are to go outside, pullets need to go outside before 12 weeks of
Crops. We do not support changing annotations of materials without adequate technical review. We support the relisting of tetracycline and streptomycin to allow for viable alternatives for fire blight control to be researched and developed for humid, as well as arid conditions.

And last, we have a pretty good and well-recognized materials reviews program, and we would welcome the opportunity to provide more input.

Thank you.

Any questions?

CHAIR MIEDEMA: Colehour?

MR. BONDERA: Thank you.

Sorry, but you spoke so fast and I just sat down. So, I am going to be a little slower. I apologize.

I think that the first thing that came to me, though, I would like to hear regarding livestock, because in your quick
comments I didn't hear, at least clearly
enough, how the issues that you raised could
be improved. Like, do you have any
suggestions or recommendations for "therefore,
what?" Like you said something about guidance
versus rules. So, what should happen?

And you mentioned how to get
something about farmer input. It's like you
didn't say how. And so, I just wonder if you
could address -- I think my question is, how
or what to improve or address those issues?
That's my question.

MS. VON RUDEN: Specific to the
line that was added at this meeting, the
calves over two months of age shall not be
tethered, that was added here. We haven't had
time yet to ask our farmers whether or not
that would impact their farming systems.

I have been on several farms -- I
am an inspector as well -- where the tethering
systems that they have are fantastic systems.
I would really hate to see them not be able to
do that.

So, I would like the opportunity
to poll our 650 livestock farmers to find out
what kind of an impact this line specifically
would have.

But, in general, the added
regulations of all of these specifics into the
rule -- the rule is rule; we have to stand by
it, but guidance could serve to provide the
inspectors and the certifiers with just
additional requirements -- no, not
requirements -- additional guidelines that
would help us assess whether or not the farms
are meeting basic animal welfare principles.
So, we would prefer to see a lot of things in
guidance rather than specifics in the rule.

Does that answer your question?
Excellent.

CHAIR MIEDEMA: Any more
questions? Mac?

MR. STONE: So, Jackie, the
changes that we heard yesterday that, as you
say, haven't been sort of vetted out, back
out, and in line with the guidance versus
rulemaking, as a certifier, rulemaking is a
deal-breaker versus guidance which allows
certifiers to work with growers to develop
these systems.

And I guess I am pretty concerned.
I know we have been talking about it a long
time, but a rush to judgment here can have
such long-ranging impacts on the farm later
and in the certifier office.

So, I guess I am mostly concurring
with what you say, as a certifier, because it
is a big deal that will last a long time.

MS. VON RUDEN: Yes.

MR. STONE: All right. Thank you.

MS. VON RUDEN: Thank you.

CHAIR MIEDEMA: Reuben?

MR. WALKER: You mentioned space
requirement was too low. Was that for all
species or were there any in particular?

MS. VON RUDEN: You might have
missed me saying layers and hogs.

MR. WALKER: Layers and hogs,
okay.

MS. VON RUDEN: Those are the two areas that we feel need some work.

CHAIR MIEDEMA: Nick?

MR. MARAVELL: Yes, if you do go back out to your producers, could you also ask them a little bit about the paperwork requirements that would be necessary here? We heard some of that earlier, and I have been hearing that from farmers. So, if you develop any information on that, that would be helpful to the Board.

MS. VON RUDEN: Excellent. We would be happy to provide you with any information.

CHAIR MIEDEMA: Thank you.

MS. VON RUDEN: Thank you.

CHAIR MIEDEMA: David Will is up, and Paul Frey is standing by.

MR. WILL: Good morning.
My name is David Will, and I work for Chino Valley Ranchers.

While we don't own any organic chickens, we are owned by a husband and wife that own six different ranches that have organic layers and, in addition, we source product from 20 family-owned, single-barn farms.

Just to give you a little background, we have no aviary systems, and 100 percent of our production is, from 1997, when we have been certified organic, has access to dirt or soil at all times.

I also want to personally thank a lot of the NOSB members and the NOP for this last little time you have gone out and visited some farms. And I know that you have seen some different styles of houses, and we appreciate the fact that you guys have taken the effort to educate yourself.

I really have three things I wanted to address. The first one was pullets
going outside at 12 weeks of age. We know that the document was originally written with an age to be out at six weeks, but now it has changed to 12. And if there is any way you can provide us, as an industry, any feedback, what that shift was, we would sure appreciate it because we still don't feel that 12 weeks is sufficient.

We all operate in different climates, environments, and have different challenges from those, due to disease and other things that can impact the health of the birds. We have all over years developed a vaccine program and schedule for our climate in order to allow us to have a chicken, when it reaches the environment where it is going to live for the rest of its life, to be able to be healthy and productive.

That is probably the most important thing that I wanted to get across to you guys, is that our goal is to develop and produce a healthy chicken that can go on for
a long and productive life.

The tantamount rule in farming is
to take care and stewardship of your animals.
And having us put birds out at 12 weeks is a
new and interesting challenge for us because
all of our experts tell us that it is just too
soon, that the birds haven't worked up their
time to get anything into their blood, and we
still are finishing with major vaccines.

Also, Mr. Foster, I wanted to
address a comment that you had made yesterday.
You asked a specific question about what
percentage of the birds would not comply to
the outside access. I would like to challenge
you guys to go and challenge the NOP, as you
did with the Canadian equivalency standards,
and actually go back and ask through the ACAs
all of the producers to answer that question
for you. Because, in my humble opinion, and
just doing a grassroots poll, the number is
shocking. I don't think it's insignificant at
all.
And, then, the last thing is you have a temperature regulation in there for low temperature, but you don't have one for high. We would like to propose you look at somewhere between 90 and 100 degrees for that.

How am I doing? Okay. And that's it. Thank you very much.

CHAIR MIEDEMA: Questions?

MS. FULWIDER: We went with the six weeks originally, and, then, we had changed it back to 18 for public comment. And, then, we had a lot of public comment that they felt it should be taken back to six weeks because there are producers that get them out when they are fully feathered and by six weeks of age without any problems.

And, also, the other species, we don't keep any other species indoors until they are adults because they might get sick if they are not fully vaccinated by the time they go outdoors.

And I guess I don't see any
problem with putting in a high temp, but I would assume the birds would choose to go back indoors or be in the shade when it is a high temperature. And so, that is why we did not address that.

MR. WILL: Okay. Yes, we just thought it was interesting you had one range and not a temperature to the other side. I appreciate the clarity on that, too, Ms. Fulwider.

CHAIR MIEDEMA: Colehour?

MR. BONDERA: Thank you, and thank you.

You know what struck me, and I want to ask you about, is just to clarify what I think I heard, which was that it seemed like what you were saying at the beginning is that all farms aren't the same, and that you can't easily just take numbers, whether they are temperature numbers or weeks, or whatever, and apply them everywhere.

And so, I just want to verify that
you were saying, you know, you need to make
sure that this is more flexible and
incorporates the whole range of truths. And
I want to ask if that is an accurate
interpretation.

MR. WILL: I think that is. Where
I was going is that our main operations are in
southern California. We don't have the
benefits of freezes. So, we have a much more
aggressive vaccination schedule than perhaps
a company would in the Northeast or in
northern Michigan, just because of the fact
that they have a cleaner environment than we
do.

It is also, in part, associated
with who your neighbors are. There's a
variety of different factors. None of us use
the same vaccination schedule. None of us use
the same timing between. We have all had to
add some due to the new FDA egg rule, but we
all have a different program that we have to
follow that works for us.
CHAIR MIEDEMA: Thank you.

MR. WILL: Thank you.

CHAIR MIEDEMA: Paul Frey is up next.

MR. FREY: Good morning.

My name is Paul Frey from Frey Winery, a winemaker at Frey Winery. We have been making organic non-sulfide wines for almost 30 years. I come from a family of 12. Mother and Father both medical doctors. And we have won over 300 awards on 100 wines over the last 13 years.

So, we are going to do a three-minute presentation on the 8,000-year history of non-sulfide winemaking.

(Laughter.)

Next slide, please.

There's no solid evidence that sulfur dioxide was really used in ancient times. Greeks and Romans didn't seem to use them. Most of the 8,000-year history was without sulfides.
Many natural plant and mineral-based additions were added to help preservation, but they still considered the best wines to be those without additions.

A quote from Columella, AD 65, "We regard the best wine as any that can keep without preservatives."

Strabo, AD 18, "Again, our valley wine was excellent. It did not need to be resinated and could be aged 50 years."

They did use neutral pine resin as a mild preservative. Natural preservatives were sometimes needed in the past because they did not have the use of hot water sterilization, micron filtration, and zero oxygen bottling, which is what modern organic winemakers use today.

Next slide, please.

Sulfur dioxide use was controversial from the very beginning. It appears that around 1450 AD sulfur dioxide was used, mostly to sanitize barrels. They soon
realized that if you put enough sulfur in, it will stop unwanted fermentations. This isn't needed in today's world because sterile micron filtration does the same thing as sulfur dioxide.

After much controversy, they did allow very limited amounts of sulfur use. The rule stated you could only use it once because overuse of sulfur dioxide was hurting regional wine reputations. Burning sulfur once in a barrel leaves a small amount of sulfur; after a couple of years, approximately 10 parts per million.

Prohibitions against the use of sulfur in Germany in many towns.

Next slide, please.

From 1450 to the 1970s, sulfur wasn't really extensively accepted. In 1865, Jules Guyot says, "I cannot recommend it." Jules Chauvet, 1960, "Sulfur is not indispensable. The ideal would be not to use it."
Organic grape growers and also a UC Davis professor are some of the early organic no-sulfur-dioxide winemaking pioneers of the seventies and eighties.

Next slide, please.

Conclusion: organic grape growing and winemaking, an 8,000-year success story. Total NOP wine grape acreage is about 12,000 acres, equal to about 4 million cases or 50 million bottles of wine, or about 1.5 percent of all wines sold.

Some of the bigger wineries only mention that it is organic on their websites, brochures, and tasting rooms because it is great PR. Other NOP wineries make from organically-grown grapes and, then, some add no sulfides just to give consumers a choice.

Any changes to organic standards should strengthen rather than weaken --

CHAIR MIEDEMA: Thank you.

MR. FREY: -- existing standards.

CHAIR MIEDEMA: Thank you very
much.

MR. FREY: Thank you.

CHAIR MIEDEMA: Any questions for Mr. Frey? Jay?

MR. FELDMAN: Can you tell us what the impact -- I have two questions. One is the issue of need, essentiality of the sulfites in producing the wine.

And, then, if we were to change what our existing practices are, what economic impact do you think that would have on you?

MR. FREY: Sulfites isn't needed in any winemaking in our approximately 30-year experience.

The second part I didn't quite understand.

MR. FELDMAN: If we were to change the rules as they currently exist --

MR. FREY: Meaning?

MR. FELDMAN: You know, the labeling, if the labeling were to change on wine.
MR. FREY: Right. To where you had the USDA seal and, then, said contains sulfite?

MR. FELDMAN: Yes. What economic impact do you think or would that have any economic impact on those that are currently not using sulfites?

MR. FREY: Well, we believe it would have an economic impact on all of organics because it would water down the entire standards of organics. So, for all the other people that are making eggs and other things, the perception of organics would be harmed.

CHAIR MIEDEMA: Mr. Frey, one more question.

Steve?

MR. DeMURI: All other things being equal, if I took two bottles of wine side by side, everything else was exactly the same, variety, processing methods, bottling, everything, the one with sulfites and without,
is there a difference in shelf life between
the two?

MR. FREY: Not that we have found.

We have opened 15-year-old Cabernet Sauvignon.
It tastes outstanding. The wine you drank
yesterday at the party, those were both non-
sulfite, organic wines comparable to anything
out there.

As I mentioned, 300 awards with
100 wines over the last 13 years. These wines
can stand up to any other wines out there in
the marketplace.

CHAIR MIEDEMA: Steve?

MR. DeMURI: So, a quick followup.

I want to make sure I understand. You are
saying that there would not be any shelf-life
difference between the two?

MR. FREY: Not that we have seen.

And there is a statistic that says most wine
that was drunk between six and twelve months,
actually, a lot of people don't realize that,
that the majority of all wines, a lot of
people don't really hold wines, you know, red wines, for 10 years much anymore.

CHAIR MIEDEMA: Any more questions?

(No response.)

Thank you.

MR. FREY: Thank you.

CHAIR MIEDEMA: Todd Brendlin, you are up next. And, Christopher Ely is standing by.

MR. BRENDLIN: Good morning.

I'm Todd Brendlin, the Organic Production Manager of Grimmway Farms and Cal Organic Vegetables.

Natural Chilean nitrate or sodium nitrate has an available form of nitrogen like no other material and is a complement to other organic nitrogen sources that contain little or no nitrate.

We grow over 30 different vegetables year-round in five different regions of California. Sodium nitrate is
especially crucial to the production of many of these vegetables during the months of December through February, when soil temperatures dip below 60 degrees and microbial activity slows down.

We anticipate that we will not be able to supply our customers with the quantity and quality of lettuce, spinach, green onions, and sprouts because they demand, if we cannot use the material.

I came to this meeting somewhat baffled by the two sodium nitrate recommendations from the Crops Committee. The two different votes seemed to contradict each other. I was relieved yesterday when I heard the Crops Committee discussion between, I believe, Mr. Maravell and others explaining that the first recommendation to be voted on will be the one to remove the annotation, and the second one is merely a backup, should the first one fail to pass.

This explanation relieved my
concerns that the full Board would be robbed
of a fair opportunity to choose whether to
completely prohibit sodium nitrate or to allow
current limited use. Considering the likely
split-vote outcomes, it is easy to see that
reversing the order of voting on the
recommendations would change the entire
situation to one in which the Board members
would no longer have a fair choice, but would
be forced to choose between completely
prohibiting sodium nitrate or allowing
unlimited use. In effect, this is not a
choice at all since no one in the industry
wants to see unlimited use.

Regarding liquid fertilizer
alternatives mentioned by the Crops Committee,
we have elected not to use them at this point
in time because of concerns about the past
synthetically-adulterated products on the
market as well as the uncertainty of corn
steep liquor being ruled as a synthetic.

The judicious use of sodium
nitrate has proven to be a valuable contribution to the success of organic ag and Grimmway Farms. It allows organic ag to improve its productivity, sustainability, and its potential to produce fresh food of high quality year-round. Food production of high quality and in sufficient quantity is one of the most important objectives of organic ag. We support relisting sodium nitrate with the annotation.

Thank you.

CHAIR MIEDEMA: Thank you.

Can we have a clarification from the Crops Committee Chair, John Foster, on how you expect the voting to proceed tomorrow? I think there might be some confusion.

And if you need to, we can refer back to the process that we have all agreed on.

MR. FOSTER: I would prefer to do that.

CHAIR MIEDEMA: Okay.
MR. FOSTER: My head is not in the space of clarifying that kind of thing right now.

CHAIR MIEDEMA: No problem.

MR. FOSTER: I mean, honestly, I know we can get there.

CHAIR MIEDEMA: Sure.

MR. FOSTER: But, in this moment, it would not be a good thing, I don't think.

CHAIR MIEDEMA: No sweat.

(Laughter.)

Mr. Brendlin, I believe there's some confusion, and it resulted from the way the published recommended was organized. The voting procedure tomorrow will proceed like this:

All materials that have an annotation change during Sunset, the Sunset change has to be voted on after the material is initially has a chance to be relisted as is.

So, let me recap. Vote No. 1 is
to relist the material as is with the current annotation. Vote No. 2, in this situation, would be to remove the annotation, which, because of this place on the National List, has the effect of making the material completely prohibited.

There's nothing on the table, there's no motion that anyone has discussed so far being on the table tomorrow that provides for sodium nitrate to be used at the 100 percent nutrient level.

MR. BRENDLIN: Okay. Thank you.

CHAIR MIEDEMA: Sure.

Any NOSB members need to check me on that? Do I have that right?

Jay?

MR. FELDMAN: I think our process is to vote first on the annotation and, then, vote to relist, so as to enable the material to remain on the list in the case of OMB and OP not being able to facilitate action before the expiration of the Sunset.
CHAIR MIEDEMA: Katrina?

MS. HEINZE: I believe that is correct. That is what I had in my presentation on Tuesday, but I will verify in the actual policy.

CHAIR MIEDEMA: Okay.

MS. HEINZE: But I would concur with your statement that we have nothing on the table for tomorrow that would allow it unilaterally. So, I think that is probably the most important thing that you said.

CHAIR MIEDEMA: Right. Okay. This is a really important question that you raised. Over the very first break, we will get absolutely clear on that and make an announcement because it sounds like there's some real concern there.

MR. BRENDLIN: Okay. Thank you.

CHAIR MIEDEMA: Sure.

Any other questions?

(No response.)

Okay. Christopher Ely is up.
Steven Frenkel is standing by.

    MR. ELY: Morning.

    I am Christopher Ely, co-founder of Applegate Farms, and I am also a PACO-certified animal welfare auditor.

    Applegate welcomes the idea of a single national organic animal welfare standard and congratulates the NOSB Livestock Committee for their hard work in the creation of the proposed standards.

    Even though Applegate has posted a more detailed document regarding the proposed animal welfare standards, I would like to reiterate a portion of our posted comments.

    Applegate has been working with organic and antibiotic-free livestock and poultry farmers since 1986. We have seen a full gamut of animal welfare practices and have learned what does and doesn't work. In the end, there are two categories of standards, science-based and perception-based, which at times can cause contradictions.
There is perception amongst the general public, and even within the organic community, that organic-handling and slaughter standards address animal welfare at a much higher level than commercial operations that follow the AMI guidelines written by Dr. Temple Grandin. This is not true.

As much as it would be wonderful to greatly distance organic from commercial standards, the reality is you would be hard-pressed to improve the present system of measurable core criteria that is science-based. It would not make sense to arbitrarily add different audit criteria to slaughter operations who are already using the standards developed by respected experts in the slaughter industry.

Applegate commends the NOSB Livestock Committee for recommending the proposed livestock standards to adopt these AMI standards. Most plants today are already participating in at least one, if not more,
third-party animal welfare slaughter audits on
an annual basis. Organic auditors would only
need to verify that the plant has had an AMI-
based animal welfare audit on an annual basis
and that that plant has passed the audit.

Our only concern are small state-
inspected plants that generally do not adapt
AMI standards and protocol and may not have
annual animal welfare plant audits nor the
proper resources to comply to these standards.

In the NOSB Livestock Committee
document, the Proposed Recommendations Animal
Handling, Transport, and Slaughter, as dated
March 1st, 2011, it is stated in the section
Slaughter Plant Audits that "Organic
certifying agents can review documentation
from these third-party animal welfare audits
and can do an additional auditing as
necessary."

Applegate feels this leaves a very
grey open area of interpretation by certifying
agents who are not properly trained in animal
welfare by such organizations as PAACO. This could lead to unbalanced standards between certifying agencies who may interpret established welfare protocol, who may misinterpret -- excuse me -- established welfare protocol.

Applegate believes that science-based and perception-based standards are both important criteria to consider when proposing animal welfare standards --

CHAIR MIEDEMA: Thank you.

MR. ELY: -- but there is an abundance of science -- thank you.

CHAIR MIEDEMA: Does anyone have a question for Mr. Ely? Katrina?

MS. HEINZE: I am trying to figure out what that means you are asking us to do. It sounded like keep working on it. Am I correctly interpreting that?

MR. ELY: Yes.

MS. HEINZE: I know it was more detailed than that.
(Laughter.)

CHAIR MIEDEMA: Wendy?

MS. FULWIDER: I would like for you to propose some way to address this.

MR. ELY: Well, my biggest concern is the state-inspected plants. An example that I will use, that even federally-inspected plants, the very small ones, do not have the resources. When I have audited, I have occasionally failed them because they lacked the resources to have proper programs to pass their standards.

Having grown up in both the state- and federally-inspected meat industry, I have been at many state plants, and they are going to struggle. The bad part of that is much of the organic industry, the very small producers, need somebody like the state inspectors. It is important so that they can market their product. But I am not sure the resources are there for these standards to be passed by the state or by these state-
inspected plants. So, I think that this is a real touchy area, and I am not quite sure what the answer is.

CHAIR MIEDEMA: Any other questions? Colehour?

MR. BONDERA: I am going to follow up on what you just said, which is you are not really sure what the answer is. And so, the implication I hear is, so let's figure out what the answer is or let's address it. Is that --

MR. ELY: Yes.

MR. BONDERA: What are you suggesting by saying that, is my question.

MR. ELY: Well, the standards, if small federal-inspected plants are having a hard enough time to pass the MI standards, I am not sure whether the state-inspected plants are even aware of some of these standards. They may be. And because they are doing a lot of what is referred to as "custom kill", they haven't followed them.
So, how do we get them onto that protocol to help the small organic growers? I don't have the answer to that. I just think it is something that hasn't been addressed and needs to be addressed.

CHAIR MIEDEMA: Colehour?

MR. BONDERA: Thank you. I understand what you are saying. You don't know how. I guess my followup question is, if you were in this position, what would you do? What would you do to seek that or pursue that or figure out how to deal with it? Any ideas of what you might do?

MR. ELY: Well, if I was a small plant and I knew that I now had to follow AMI standards, I would probably have to hire somebody to teach me how to do it. So, there are people out there on occasion because some of the small federal plants use these people, and a lot of them are sometimes ex-USDA plant inspectors who no longer wanted to be inspector. They are now running this service
and they teach them how to put together HACCP programs, and they teach them how to put together these -- can teach them the AMI standard.

But their plant themselves may not meet the standards, meaning that the equipment itself may be so archaic that they are going to struggle, and it is going to be a huge capital expenditure for them to update their plants to meet the standards.

CHAIR MIEDEMA: Mac, and then Nick, and then we will need to wrap up.

MR. STONE: I guess I would suggest that that is another additional burden that the certifier is going to have to take on to accomplish that on the producer's behalf, but working through that facility. It is going to follow the certifier at this point.

MR. MARAVELL: Yes, you referred to what the plants, small plants, state-inspected and small federal plants might have to do to come into compliance, so to speak.
What is the possibility that they simply won't meet these standards and we won't have access to anything but custom kill, so to speak? Are you getting my drift here? Am I using the right words?

MR. ELY: Well, if I understand it, you are saying that what they need is capital, and a lot of it, because the equipment is expensive.

MR. MARAVELL: Right, and what I am saying is I know the plants I deal with, you know, they might just say I'm opting out of this. Then, what do I do?

MR. ELY: Good question.

CHAIR MIEDEMA: Thank you.

Steven Frankel, you're up. Ron Christensen is standing by.

MR. FRENKEL: Hi. I'm Steve Frenkel from Organic Vintages.

We are probably one of the largest organic wine distributors in the U.S. at this time. We service the New York Metropolitan
Region, licensed in New York, New Jersey, and Connecticut. And we just celebrated our 23rd year in business on April 1st. So, we have a lot of history behind selling and marketing organic wines.

We represent a large portfolio, representing more than 35 different wineries, including many that are true organic wines and have the USDA seal, and, then, many others in the made-with category.

It is my strong contention that it will be a big mistake to change the rule as it exists. We find that the majority of the wines we sell and that the retailers want and the consumers want are the ones that are organic with no sulfites with the USDA seal, the vast majority. Even though we make every effort to market the wines in the made-with categories well, and those sales for us have been growing over the years, we do pretty well; we represent lots of different made-with wines that are very, very good, but a lot of
the consumers have tried both or some
consumers who don't mind sulfites buy the
made-with and are satisfied with them. We
sell them to lots of restaurants, lots of
stores as well, but some retailers only want
USDA organic wines on their shelf and none in
the made-with category, a lot of the smaller
mom-and-pop stores, in particular.

Larger stores like Whole Foods
that we sell to, they buy a range of our
wines, and they feel that the consumers can
tell the difference. They look at a label;
they can see what they are looking for. If it
says "USDA", that gives them the trust and
confidence that they are buying the wine they
want.

Others don't mind the sulfites.
They want to try different wines, and they buy
the made-with, and they are happy to see "made
with organic grapes".

I don't think it would make a
difference in sales. I know someone asked
about the impact, the economic impact, of changing the rule. I really don't think it would help the sales of the made-with category significantly. And, yet, I think it would be not a good idea. I think that the made-with winemakers, hopefully, can move in the direction of making wines without sulfites because you can make world-class wines without sulfites. Currently, that is the way it is. There are some really good winemakers out there making these USDA wines with no sulfites that are really very high quality and winning awards, and so on.

For example, a very small producer we represent, Coates Vineyards, makes barrel-aged organic wines with no sulfites that they are just great. They are European in style. People really like them. We have a lot of good fans. They are not inexpensive because he is using American and French oak.

CHAIR MIEDEMA: Thank you.

MR. FRENKEL: So, he is spending
CHAIR MIEDEMA: Any questions?
Let's start with Katrina, then Jay, then Nick.
MS. HEINZE: I have two questions.
MR. FRENKEL: Sure.
MS. HEINZE: So, I will give them both.
So, the first is sulfites, do they have to be labeled or not in wine? We have covered this before. I just can't remember. And, then, the second is, do you think consumers -- and this would be a hypothesis on your part -- prefer the USDA-certified because it is 95 percent or because of the no sulfites?
MR. FRENKEL: The regulation, federal regulation, requires that "contains sulfites" must be put on a label if it contains more than 10 parts per million sulfites. So, that is one requirement. And as far as the rule right now, organic wine must have 100 percent
organically-grown grapes and processed
organically with no sulfites.

CHAIR MIEDEMA: Jay?

MR. FELDMAN: I am interested in
the comment you made about the industry moving
more toward 100 percent as a result of this
label. If we had, say, started out with the
USDA organic label, allowing sulfites and
disclosure or notification of sulfites, do you
think there would be any pressure to move
toward no sulfites? Or how do you think the
industry would have evolved or would evolve in
that situation?

MR. FRENKEL: Well, I think what
you are implying is truth. I think that there
would have been less pressure and less
motivation for a number of winemakers to learn
how to make wines without sulfites. Because
there is a learning curve like in anything,
and more and more winemakers are going in that
direction. We just started marketing some
imported wines from Italy with no sulfites
that are very well made and, also, one from Spain now that has come out. And Chile has one coming out. And there are many countries, and, then, in the U.S. many winemakers are experimenting with making wines without sulfites, and I think partly because of wanting to move in that direction.

CHAIR MIEDEMA: Nick?

MR. MARAVELL: Yes, you made a statement that you didn't think this would make a difference in sales and, then, you qualified that by saying it would not help sales of made-with wines. Do you think it could hurt sales in any way, if a change were made?

MR. FRENKEL: Yes. Possibly what could happen, what I am afraid of is that the consumer could be fooled into thinking the wine that they are looking for that has the USDA seal on it, and that they know is pure, 100 percent pure as far as they are concerned without any sulfites, and so on, if it now had
a wine labeled with a USDA seal that did contain sulfites and it was hidden on the back label, which nowadays they are putting "contains sulfites" on the back of the label instead on the front, and so on, people could be misled. It could create problems and confusion.

CHAIR MIEDEMA: Nick?

MR. MARAVELL: So, I didn't realize that. So that, made with sulfite can be on the back of the label and the USDA seal could be on the front of the label, is that correct?

MR. FRENKEL: Yes. Now I don't know if -- anyway, yes, that is my current, saying that the TTB requires "contains sulfites" on the label, but now many winemakers are putting it on the back.

MR. McEVOY: Point of clarification: with made-with products, if you add sulfites to wine, you can't use the USDA seal.
MR. MARAVELL: No, right now, yes. Would that situation change if we were to change the rule? That is what I was talking about.

MR. McEVOY: Yes, if you allowed sulfites in wine, in organic wine, then, yes, you could use the USDA seal.

MR. MARAVELL: And, then, the "contains sulfite" would be on the back of the label?

MR. McEVOY: We will check into that.

MR. MARAVELL: Thank you.

MR. FRENKEL: Thank you.

CHAIR MIEDEMA: Ron Christensen is up. Matthew Miller is standing by.

David Gard, are you here?

MR. GARD: Yes.

CHAIR MIEDEMA: Please come up and wait in the standing-by section.

MR. CHRISTENSEN: If I can direct your attention to the slides, welcome Idalou
Egg Ranch. I am Ron Christensen.

This is our ranch. Some of you haven't been able to make it, but I will bring it to you then.

In the foreground, we have our hair sheep ewes and our lambs. We have organic pecans in the back. We have are baby chick houses in the back.

Next slide.

Our ewes and lambs grazing on winter wheat.

Next slide.

We compost all our waste.

Next slide.

What I am here for, though, is outdoor access. These are our houses comparing a couple of things. One, we have 10,000 birds on the inside of our houses. You will not see any more than 2,000 birds, or 20 percent of the birds, out at any one time in these slides. So, every bird out there is getting at least five feet per bird or more.
Also, compare house 12, house 31 access doors. House 13 on the right has only six. We did an experiment to see if access doors made the birds want to come out more. It did not.

Next slide.

This is now nine o'clock. The birds are out a little more. But, still, it looks like 13 with six doors has more than 31 with 31 doors. Also, there is no more than 2,000 birds out there.

Next slide.

This is 10 o'clock.

Next slide.

Here's indoors, fully lit, sunlit houses, curtain sided. Birds go up and down to the water, across the house, inside and out, as they need. We are really proud of what we do there.

Next slide.

Eleven o'clock, 12 and 13, minimum birds out, over five feet bird you're seeing
there.

Next slide.

Next slide.

One o'clock.

Next slide.

Two o'clock.

Next slide.

Three o'clock, the birds are coming in and out as they desire. Their doors are always open.

Next slide.

Sunshine finally comes out today, and the birds are in and out.

Next slide.

Remember, we have got 10 feet per bird right there with the number of birds outside.

Next slide.

Indoors at five o'clock, again, sunlit, beautiful, good air quality. The birds want to be inside. It is a great place.

Next slide.
Six o'clock.
Next slide.
Seven o'clock.
Next slide.
The sun is going down. The birds are outside more. Still no more than 20 percent of the birds are outside. Five feet per bird is given.
Next slide.
This slide is thrown out. Some people say the birds have to be trained. This is the birds' first day out. These birds are 22 weeks of age, as our vaccination program and our plan, we can have them inside until that day. This is the first day out. You will see they have no problem coming outside and enjoying the great outdoors.
Next slide.
This is the same houses at four o'clock. The older birds have learned that they like to be inside a little more at that same time of day. The same day, just
different ages.

   Next slide.

Thank you. A beautiful sunset in west Texas.

I would like to just say please reconsider. Your two feet per bird is based on birds housed. And as you can see, we would be totally out of compliance. We only have 1.2 feet per bird outside --

CHAIR MIEDEMA: Thank you.

MR. CHRISTENSEN: -- and 1.2 for a bird inside. And the two feet per bird on birds housed makes us woefully inadequate.

CHAIR MIEDEMA: Thank you, sir.

MR. CHRISTENSEN: Thank you.

CHAIR MIEDEMA: Joe Dickson?

MR. CHRISTENSEN: Yes, Joseph?

MR. DICKSON: Thank you very much.

You showed us sort of your experiment where you tried different sort of amounts of access to the outdoors, like in
terms of like the linear feet of door, and saw
that there was very little difference there.
Have you tried the placement of food and water
outside, and does that have any bearing on the
birds that go outside?

MR. CHRISTENSEN: No, we haven't
done anything with the extra feed and water.
That is all in the indoors.

MR. DICKSON: Thank you.

CHAIR MIEDEMA: Any more
questions?

(No response.)

Thanks very much.

Matthew Miller, you are up next.

Oh, okay, and, then, David Gard is still
standing by.

MR. MILLER: Thank you, NOSB members, for your commitment to organic
standards and allowing me the opportunity to
provide input on the proposed animal welfare,
transit, and slaughtering regulations.

I am Matthew Miller from Iowa.
For the past seven years, as my full-time occupation, I have conducted over 1600 organic inspections of various operations, including livestock, crops, and processing plants in the upper Midwest.

I do not have a personal vested interest in this debate. Here's my criticism: you are turning organic livestock production into some new form of Puritanism.

And here's what I mean by Puritanism that comes to mind: you are making a big deal out of something very small. You are being overly legalistic. The Salem witch trials, prohibition in the 1920s, and debating the length of women's dresses are things that come to mind.

Organic production is tiny. Only 1 out of every 100,000 pigs in the U.S. are certified organic. One Iowa farmer could raise, if these pigs are conventional, could raise all the pigs in four typical confinement barns. There is only 1 in every 10,000
broilers in the U.S. that are certified organic. Only 1 in 10,000 lambs in the U.S. are certified organic. For hens, it is a little higher, 1.5 percent. This is tiny.

The other thing that is a problem is that these proposals are not going to be criticized too much by our farmers because they are common sense. It is in the best interest of the farmers to provide the best environment for their animals. And I guess the problem we have is with codifying it.

Basically, in order to save time, Jackie Von Ruden from MOSA, I want to rubberstamp what her concerns were about 1500 times because she hit the nail on the head. This is going to increase the cost of certification for our producers. And especially small producers are going to be hurt worse.

The man from Applegate Farm alluded to that by saying that the small processing plants are going to be hurt the
worst, and he doesn't know if they can comply with it.

The other thing is that these prescriptive regulations are demeaning to farmers because they basically imply that farmers have no common sense that they will do the right thing. On the other hand, it also shows how naive some people are about commercial livestock production.

The other thing about Puritans is they create these false devils to attack. And this time it is not drinking alcohol, but from listening to your discussion yesterday on ethylene gas and, also, reading Cornucopia's report, our devil is large organic production.

From my experience of visiting large farms and small farms, the large farms try to more perfectly meet the organic regulation. And what's going to happen is that --

CHAIR MIEDEMA: Thank you, sir.

MR. MILLER: -- the livestock
producers, the crop producers --

CHAIR MIEDEMA: Thank you.

MR. MILLER: -- are going to be hurt.

Go ahead. What are your questions?

(Laughter.)

CHAIR MIEDEMA: Jay Feldman?

MR. FELDMAN: Well, because of your enthusiasm, I will ask you a question --

MR. MILLER: Sure.

MR. FELDMAN: -- which will give you more time to continue.

(Laughter.)

MR. MILLER: Okay. Well, the other thought is --

MR. FELDMAN: I haven't asked my question yet.

(Laughter.)

MR. MILLER: Okay. Sorry.

(Laughter.)

MR. FELDMAN: You know, your
comments sort of remind me of 30 years ago
when we sat around and talked about organic,
they told us it was a pipedream and it
couldn't happen commercially. So, it is not
convincing to me to hear that people who have
aspirations and visions about things being
different, that it can't happen. So, within
that mindset, I ask you this question.

MR. MILLER: Okay.

MR. FELDMAN: If we believe our
consumers have expectations for what they are
paying for, and how operations operate, how do
we balance that with your perception of how
things are? How do we balance the perception
or the consumer perception of what organic is
with the reality of how things are going?

So, my point is, could you
envision, despite the way things are, that we
could move closer to consumer expectations or
what we perceive to be consumer expectations?

MR. MILLER: A very good question, Jay.
There is already organizations out there, such as Global Animal Partnerships, Certified Humane, and other organizations, that put a lot of work into animal welfare standards. And there are organic products out there that carry both seals.

And I think that it makes the most sense to utilize those type of organizations to meet that customer demand that you are talking about. But, remember, organic is tiny, and so we are nitpicking really. We want to grow this.

Go ahead.

Oh, you've got to be called on.

I'm sorry.

(Laughter.)

CHAIR MIEDEMA: Please proceed.

MR. MARAVELL: There are other organizations out there oriented towards animal welfare.

MR. MILLER: Yes.

MR. MARAVELL: And as you just
pointed out, some products carry both seals, organic and a welfare seal.

How would that impact on the total amount of cost to the producer and the total amount of paperwork, having to carry two seals rather than one seal?

MR. MILLER: I will say this: it is similar to an organic farm that has crops and livestock that they are going to certify versus one farm that just has crops and one farm that just has livestock.

Put the two farms together, and there is really no cost savings because it is, for me, two hours on a crop farm alone, two hours on a livestock farm alone. Put them together; it's a four-hour inspection.

I think that you would see similar things because, yes, it is just going to really increase the cost. I don't see any benefits to packaging it.

And the other thing is there's already animal welfare standards in the
regulation. When it is appropriate, I cite those things, and really they are all adequate, in my opinion.

CHAIR MIEDEMA: Any more questions?

(No response.)

Thank you.

MR. MILLER: Thank you.

CHAIR MIEDEMA: David Gard, you're up next. Greg Herbruck is standing by.

MR. GARD: Could you back up one slide, please? Or one more?

I am speaking today on two topics, calcium acid pyrophosphate, or CAPP, as a healthy leavening option and sodium acid pyrophosphate, or SAPP, for improved quality in packing of produce.

Next.

These ingredients provide opportunities to better meet the expectations of organic food consumers.

Next.
Unlike most leaveners, CAPP is based on calcium and contributes no sodium.

Next, please.

The USDA and Health and Human Services are recommending a reduction in sodium intake because -- next -- 90 percent of Americans consume too much sodium, contributing to hypertension.

Next.

Grain-based foods account for about 37 percent of the daily sodium intake for Americans.

Next.

Currently, monocalcium phosphate and SAPP are allowed for use in organic baked goods. SAPP provides a controlled leavening reaction, but is based on sodium. While MCP is calcium-based, its use and performance is quite different from that of CAPP. For most uses, CAPP cannot be substituted by monocalcium phosphate as the leavening functionality is greatly reduced.
Next.

This slide shows the potential effect of replacing the leavening agent in some current organic food products. Use of CAPP could provide approximately 25 percent reduction in sodium, and calcium claims could be advertised for the products.

Next.

In summary, CAPP replaces calcium for sodium in controlled-release leavening, providing advantages in the baking operation and increasing the types of healthy organic baked goods available.

Also, I wanted to mention the environmental information in the technical report is really not representative of the manufacture of CAPP in the United States. It is, therefore, very misleading.

Next slide.

The second petition relates to the use of SAPP, or sodium acid pyrophosphate, in produce. It improves produce quality and
texture, process efficiency, can provide potential health benefits, and allows for more eco-friendly packaging.

Next slide.

In potatoes, SAPP inhibits browning after peeling and development of a gray color after cooking.

Next.

Currently, organic potatoes are selectively bred for less color development, but this potentially reduces the antioxidant content. Potatoes are now processed quickly in small batches, and they may be treated with citric, but it is not very effective for the gray color and leaves an off-flavor.

Products require non-ecological packaging to restrict exposure to the air; for example, Mylar bag.

CHAIR MIEDEMA: Thank you.

Any questions? Katrina?

MS. HEINZE: I have a question about leavening. Can CAPP replace SAPP in all
applications or only some applications?

    MR. GARD: I would say CAPP could replace SAPP in most applications.

    MS. HEINZE: But not all?

    MR. GARD: I am not sure if it is good in all or not, but at least probably most.

    CHAIR MIEDEMA: Katrina, I have a question for you. In our materials deliberations, do we use healthier products, i.e., you know, lower sodium as a yardstick in materials consideration?

    MS. HEINZE: You know, I think that gets at that tough question about essentiality, right? So, if a consumer, if it drives a consumer need, I think that is always that debate around essentiality.

    CHAIR MIEDEMA: Steve, did you have a question?

    MR. DeMURI: Yes. Do you have any consumer data available that would show us that it is something that consumers really
would like to see?

MR. GARD: In the handouts, which has additional information, we do have some results of studies from the Natural Marketing Institute. Let's see if I can refer you to it.

But there are results. Let's see, this would be like around slides 28, 29.

They do indicate that about 43 percent of the general population is looking to reduce or eliminate sodium from their diet. And if you look at the category they refer to as well beings, which would probably include organic consumers, approximately 55 percent are looking to reduce or eliminate sodium.

CHAIR MIEDEMA: Any other questions?

(No response.)

Thank you very much.

MR. GARD: Thank you.

CHAIR MIEDEMA: Please state your name for the record.
MR. HERBRUCK: Good morning.

My name is Greg Herbruck, and my brothers and I are organic egg producers in Michigan.

I also submit to you letters from some of the hundreds of organic grain suppliers that sell us their grain and some of the 25 organic egg producers that are part of our system.

And I wanted to comment on the Livestock Committee recommendation for animal welfare.

My primary concern is with the outside access standard that would put the NOP in direct conflict with the FDA's egg safety rule. The NOP was required in the 1990 Organic Food Production Act, Part No. 2120(f) titled "Effective Other Laws," to recognize and comply with other departmental authority.

The FDA issued the final rule in 2009 that requires egg producers to implement measures to prevent Salmonella enteritidis
from contaminating eggs on farms and from further growth in storage and transport. They did this because, quote, "SE is among the leading bacterial causes of food-borne illness in the U.S., and shell eggs are a primary source of human SE infections. The final rule will reduce SE-associated illness and deaths by reducing the risk that shell eggs are contaminated with SE." Unquote.

A primary component of the egg safety rule, 21 CFR 118.4, is biosecurity and requires producers to, quote, "ensure that there is no introduction or transfer of SE into or among poultry houses."

Among them is a requirement to, quote, "prevent stray poultry, wild birds, cats, and other animals from entering poultry houses."

Science has documented that rodents are a known transmission vector for SE infections in birds. The FDA began auditing poultry farms to this standard in the fall of
2010 and noted non-compliances and cited numerous farms with 483 warnings. Specifically, there were citations for holes in the sides of building perimeter as small as a half-inch by two-inch.

Now, on to the proposal. The outside access requirement for hens' openings of 5-foot by 18-inch per 1,000 hens and directly to the soil, organic producers in this situation will be in direct conflict with an FDA rule.

The Committee recommendation specifies that porches would not comply, which eliminates an effective control point. A porch is currently accepted and affirmed through NOP judicial rulings in 2003. So, I ask, how can a federal agency prescript a production standard that puts food safety at risk and directly conflicts with the FDA final rule?

Soil-based outside access may work for some regions, but the farmer needs to be
the one to make the risk determination. Lethal bacteria make no distinction between organic and non-organic egg production systems.

Science and legal rulings have affirmed the porch as a viable outside access method while according the producer the ability to comply with an FDA biosecurity requirement. Therefore, I recommend that the recommendation from the Livestock Committee be withdrawn as proposed.

Thank you.

CHAIR MIEDEMA: Thank you. Any questions? (No response.) I have one. Deputy Administrator Miles, may I ask you a question? If the Livestock Committee were to pass this recommendation and farmers found themselves trying to figure out which set of rules to follow, NOP and FDA, and they were at odds with one another, how would you all sort it
MR. McEVOY: Well, we are working with FDA. Currently, we are working with them in terms of the implementation of the SE rule because it will start to affect operations with more than 3,000 birds. It is currently in effect for operations that have more than 50,000 birds.

And so, nothing in terms of our conversations with them say that outside access for birds is prohibited. What they are concerned about food safety. So, we will continue to work with them, so that the two requirements of the organic rules and the food safety rules that FDA has SE prevention can work in harmony.

MR. HERBRUCK: And I think I would add that we talk about the consumer expectations, and food safety is, obviously, one of the highest. There is no magic bullet to stop this. This is one of the known risk vectors, and this is a real problem that any
farmer is going to have to struggle to comply.

CHAIR MIEDEMA: Thank you.

MR. HERBRUCK: Thank you.

CHAIR MIEDEMA: Mac, and, then, we will go to Melissa. Go ahead, Mac.

MR. STONE: A couple of years ago, it seems like there was a lot of conservation about avian influenza and birds being outside, and they were going to make us all put birds indoors and not allowed outside. What is your take on that or where is the conversation at this point?

MR. HERBRUCK: Well, the bird is not a pasture animal, but it does and is at risk to many of these things. We just had in one of our operations -- we are in Michigan; the birds don't go out all winter. It is below 50 degrees. It freezes. We have frozen ground for five months.

We just started letting them out in the spring, and it is migratory season in our part of the world, and we had an ILT
breakout, which is laryngotracheitis. Fortunately, it was not a strong strain, but we lost several hundred birds in this strain, just because we started letting them out, not me.

So, this is the problem with poultry, forcing them to have this and not giving the farmer the local -- you talk about outcomes-based program. The outcome base of some of these things is a porch helps certain areas, people that have those high-risk factors, the ability to prevent some of these entrances to their farms.

CHAIR MIEDEMA: Melissa Bailey?

MS. BAILEY: Melissa Bailey, NOP.

Just for the Board's consideration, and we discussed this on the Livestock Committee call as well, there is kind of two, I just want to make sure the Board understands there's two issues going on here. We have the current issue that the NOP regulations have always required outdoor
access for poultry. So, aside from what the Board decides on the animal welfare recommendation, the program is currently, and will continue to work with FDA on how to satisfy that requirement with the current regulations. And, then, anything that the Board decides would, of course, complement or be something that we address following that.

So, just to keep in mind that there are two very related, but kind of distinct issues at play here.

CHAIR MIEDEMA: Thank you.

Any more questions?

(No response.)

Thank you.

MR. HERBRUCK: Thank you.

CHAIR MIEDEMA: Kim Dietz is up next. Paul Klingerman is standing by.

MS. DIETZ: Good morning.

My name is Kim Dietz, and I would like to welcome all the new Board members and thank each and every one of you for your
service to our industry.

For those new members, I served on the NOSB as handler representative from 2000 to 2005. During that time, I acted as Materials Chair and Board Secretary.

I am one of the founding members of OMRI as well as the Materials Working Group and a manager for Smucker Natural Foods' regulatory compliance, 14 operations, and in my spare time I do some consulting.

The Sunset process. I chaired the Materials Committee through the first round of Sunset review. So, this process is very important to me.

While I agreed with the concept to change annotations during Sunset, it was only if alternatives are available to this industry. Some of the annotation changes recommended during this meeting are jeopardizing historical use of our materials and taking away critical farming tools. Sunset is not the time to make changes unless
you are absolutely confident that there are alternatives. You must honor prior Board decisions and do your best with the ability and the information you have.

Crop materials. The company that I work for, Smuckers, manufactures organic pear juice. And without Bartlett pears, we would not be able to make this product. Please keep that in mind.

Vitamins and minerals. For the record, I disagree with the removal of the vitamin and mineral annotation. You heard public comment from a number of organizations, OTA, Richard Theuer, the National Organic Coalition and Cornucopia, all supporting the same annotation recommendation which you have in front of you. I encourage you to do the right thing and support the industry recommendation.

Materials. For the past several years, I have made public comment urging you to clarify the definition of "insignificant".
I support the current Materials Committee recommendation and ask the Board to approve that document.

There was a question yesterday asking about the difference between technical and functional. When the Materials Working Group presented that, we took it directly from the CFRs. That definition includes both words, and it is also in the NOP definitions.

Decisive votes. There was a comment made yesterday about some of the previous NOP votes not meeting a two-thirds majority. At the time when I was on the Board, abstentions went with the majority; today that is different. So, please keep that in mind as you make those types of comments.

For new Board members, if you are unsure of how to vote or feel you do not have enough information, please abstain. Your decisions are critical for this industry.

In closing, your role as an NOSB member is to represent your segment of the
industry, and it is your charge to consider all current and prior information when you look at an issue. I urge you to refrain from personal opinion and uphold your duty as your industry representative.

There has been a lot of talk of scale, which is healthy discussion, but please remember that --

CHAIR MIEDEMA: Thank you.

MS. DIETZ: -- that might be a personal biased opinion.

Thank you.

CHAIR MIEDEMA: Any questions for Kim? Jay Feldman, and, then, Reuben Walker.

MS. DIETZ: That's tough in three minutes.

MR. FELDMAN: Yes.

MS. DIETZ: Sorry.

MR. FELDMAN: I have a lot of questions. Can I ask two questions, please?

CHAIR MIEDEMA: No problem.

(Laughter.)
MR. FELDMAN: Okay. I will start
with my second question, then, and then, if I
can have a chance to ask the other.

The whole issue of significance
you know we have talked about.

MS. DIETZ: Yes.

MR. FELDMAN: It occurred to us,
some of us, that we have a standard for
allowable residues in organic food, you know,
from unavoidable --

MS. DIETZ: Right.

MR. FELDMAN: -- contamination
such as drift of pesticides.

MS. DIETZ: Five percent, up to 5
percent of EPA --

MR. FELDMAN: Right. Now that is
5 percent of what?

MS. DIETZ: That is 5 percent of
the EPA tolerance.

MR. FELDMAN: Okay. So, we, as a
Board, and as an institution, have basically
said that we don't believe that the tolerance
established by EPA is acceptable to the organic community and have taken a very small fraction of the allowable level of exposure identified by the tolerance, right?

MS. DIETZ: Right.

MR. FELDMAN: That's correct.

So, here we have a proposal by the Materials Committee, a majority of the Materials Committee, that says we, as a community, now will allow as insignificant --

MS. DIETZ: Yes.

MR. FELDMAN: -- the tolerance that EPA has established. How do you reconcile those two concepts?

MS. DIETZ: Well, my background is food. So, when the Materials Working Group worked on this, we really were referring more to the CFRs and the tolerance levels allowed for an incidental additive in food. And as you know, incidentals, they are not labeled. Sometimes you don't even know that they are in there.
And in those CFRs, there's levels. So, you know, I agree there's that difference of 5 percent of EPA and then what's allowed in a food.

You know, we have just begun this discussion. I do think we need to define it because we do have a lot of critical materials pending.

So, I know that didn't answer your question, but, you know, we need to just come to terms with it.

MR. FELDMAN: You endorse the Committee proposal.

MS. DIETZ: I do.

MR. FELDMAN: And now you are saying we need more discussion?

MS. DIETZ: I endorse the proposal from a food perspective.

MR. FELDMAN: Yes.

MS. DIETZ: And again, my background is not in EPA.

MR. FELDMAN: Right, but the
proposal specifically, in the majority proposal, it specifically says, if you have a choice between an OSHA standard and an EPA tolerance, in the scenario described we will take the EPA tolerance as insignificant. That is the same tolerance that we take as unacceptable as a residue on our farm.

CHAIR MIEDEMA: Is there a question in there?

MR. FELDMAN: Well, the question is, am I misinterpreting? You're agreeing with me.

MS. DIETZ: No, you're not. I do support the recommendation --

MR. FELDMAN: Right.

MS. DIETZ: -- oops, I knew that would happen -- to allow any tolerance by law. So, I do support that.

Any other questions?

CHAIR MIEDEMA: Do any other Board members have questions? Reuben, yes. Sorry.

MR. WALKER: As a new member, I
appreciate seeing and hearing from past members. Is there any other suggestion you have for the new members?

MS. DIETZ: Oh, boy.

(Laughter.)

MR. WALKER: Because I know that we --

MS. DIETZ: We don't have all day.

(Laughter.)

I know, and we had a nice discussion last night. It was a pleasure speaking with you.

You know, just, again, I think I put it in my three minutes. You have to do the best job that you can with the information that you have. I know it is a lot of material. It is a lot of reading.

Look at the history of the regulations. Look at the history of this industry. All these people out here, most of us have been to every meeting since the nineties. So, use us when you can and use the
information you have got.

    Thank you.

CHAIR MIEDEMA: Any other Board members have questions?

    (No response.)

Okay. Thank you, Kim.

We are at our five minutes and our number of times. Thank you.

I am going to go ahead and announce the person standing by, too. So, just a moment.

We have got Anne Mosness standing by. Go ahead.

MR. KLINGERMAN: Hello. I am Paul Klingerman, a Washington pork producer.

And I understand you have made some recommended changes last night on your pig criteria. I do think they look very good from last night. I can accept that.

What I had seen on the internet before wasn't an acceptable thing because it didn't even meet what the National Pork
Producers and the National Pork Board was recommending, and there has been a lot of research in that.

But I think it is very important that the outside area be looked at from the standpoint that the animal has enough area to exhibit its natural behavior and what it likes to do. And so, I wanted to just say I do support the changes that were made last night, and I challenge the Committee to be inspired.

Thank you.

CHAIR MIEDEMA: Thank you very much.

Any questions for Mr. Klingerman? Reuben?

MR. WALKER: So, I am understanding that you support the changes that the Livestock Committee had made?

MR. KLINGERMAN: Last night, what someone showed me this morning.

MR. WALKER: So, you are satisfied?
MR. KLINGERMAN: Yes. I cut myself short. Thank you.

CHAIR MIEDEMA: Anne Mosness is at the podium, and Beth Unger is standing by.

MS. MOSNESS: Good morning.

My name is Anne Mosness. For 28 seasons, I commercially fished for salmon locally on the Copper River and in Bristol Bay, Alaska. I have worked with the Institute for Agriculture and Trade Policy, Public Citizen, and other organizations on aquaculture and wild fish issues, and I a Food and Society Policy Kellogg Leadership Alliance Fellow.

As an ad hoc advisor to the PCC on sustainable seafoods, I have written four of their lead articles in The Sound Consumer, and I wrote this one in this latest issue, which will be given to you later on this afternoon when another PCC representative will be speaking.

This article is titled "Can Farmed
Fish Be Organic?" And it outlines only some of the problems. This is a very complex issue.

As B. James stated in 2008, "Organic certification of seafood should be determined on a case-by-case basis." Some species that are neither migratory nor carnivorous and are reared in closed containment systems could be considered. Salmon and other migratory carnivorous finfish should not be. Around the world, open-cage aquaculture is notoriously incapable of confining fish, pollution, parasites, pathogens, and chemicals.

Since Washington is one of two states that has allowed salmon farming, we have experience with the impacts. In four years, more than 613,000 non-native Atlantic salmon escaped into our waters. Several winters ago, we had an outbreak of viral hemorrhagic septicemia. Dr. Arthur Whitely has calculated that the farms right across
from Seattle put more than 5 million pounds of fecal matter annually into Puget Sound.

With the FDA considering approval of genetically-engineered fish, and NOAA promoting open-cage aquaculture three miles to our coastline, it would be an additional bitter blow to thousands of small fishing businesses if products reared in marine feedlots were considered for organic certification which has been denied to wild seafoods. We would also find it unfathomable that wild fish could be used in feed for these organic fish.

Many wild fish populations are healthy and abundant. In Bristol Bay, between 25 million and 65 million sockeye salmon return in a month. They are harvested by more than 2500 small boats and set-net operations. Those who harvest most species of wild fish appreciate the exuberance they exhibit as they swim freely around in our oceans and in healthy and richly-biodiverse coastal regions.
Economic interests want to rear high-value species in the cheapest way possible, and they would be replicating the worst practices of factory farms on land in our marine environment. They may offer arguments about feeding the world, but independent scientists have demonstrated that --

CHAIR MIEDEMA: Thank you.

MS. MOSNESS: -- that raising those carnivorous species results in a net loss of protein.

CHAIR MIEDEMA: Thank you very much.

Any questions for Dr. Mosness?

MS. MOSNESS: Would you like me to pass out the statement that I have then? There's a couple more sentences.

CHAIR MIEDEMA: Sure.

MS. MOSNESS: Thank you.

CHAIR MIEDEMA: Beth Unger, you are up, and Didier Jacquet is standing by.
MS. UNGER: Thank you.

I am Beth Unger from CROPP Cooperative.

I am not going to go into any lengthy introductions. I am going to try the three-minute drill here.

I want to thank the Livestock Committee for considering the public comment and editing your documents. Those are some very good improvements. It has been a long road, and we understand the need that you have to move forward and go on to other business. But we strongly suggest that you continue to listen to public comment today, as you have thus far, and take what you hear back to the Committee and come back in the fall with a blended document that will be easier for the entire community to understand and comment on.

And as you do so, I would strongly suggest that you take time to consider all the comments and seek stakeholder input to make a stronger document. It will be a year from now
before the full impact of the pasture rule
will be known to the organic community, but,
you know, I can tell you that, so far, it has
created a lot of pain and agony and increased
paperwork and what will surely be increased
inspection time. That is a burden
particularly for the smaller family farms
which we so dearly support. So, these are
items that need to be taken into consideration
as you go forward with this document.

I briefly want to touch on the
transportation and slaughter doc. I think
there has been some very good public comment
on it today. We appreciate very much the
rewrites that happened. It improved the
document considerably, but there was a
gentleman earlier that made some pretty good
points regarding the effect that it could have
on smaller businesses. These need to be taken
into further consideration.

And, also, there was some public
comment online that I wish I could speak to a
little more clearly. But I don't remember it
and I have one minute left. I have got to
move along here.

(Laughter.)

So, you know, talk to some of
these smaller businesses that have been
mentioned in the public comment. See how it
affects and how you could come to something
that is meaningful for the entire community
and doesn't hurt the smaller businesses.

Nutrient vitamins and minerals.

Jay, I agree with the suggestion that you put
forth to the Board yesterday about coming
annotation change that clarifies. And to
that, I would like to speak to the Board as a
whole. Please get this work done tomorrow.

It is critically important.

I think the best course of action
is to change that annotation to include 109.1
and 107.100. It clarifies and aligns with the
1995 NOSB recommendation that we have been
talking about since the beginning of this
Thank you.

CHAIR MIEDEMA: Thank you, Beth.

Mac?

MR. STONE: Beth, what percentage of your all's producers are bumping into the 30 percent, 120-day grazing rule?

MS. UNGER: None of them. At least that is our sincere hope. This has been a policy on our books for a pretty long time. So, this was not any news to us.

But I will tell you, Mac -- and, as a certifier, I am glad to have the opportunity to address that with you -- the paperwork burden that has come forth as a part of that pasture rule has been pretty difficult to deal with.

MR. STONE: Good. I was hoping that was where you were going with that.

(Laughter.)

CHAIR MIEDEMA: Nick?

MR. MARAVELL: I wanted to
address, you to address, rather, some aspects of the animal welfare standards. You mentioned, and following up a little bit on what you just mentioned about the paperwork requirement from the access to pasture rule, we are sending things out. Farmers have to respond.

But do you see the animal welfare aspect as being somewhat comparable in terms of impact? Or do you see that perhaps the impact is different, either greater or less?

MS. UNGER: Both. Whatever goes into rulemaking is going to come out to the certifiers where they are going to have to adjust their application and renewal forms to include any additional rulemaking, which goes off to the farmers in terms of additional information on their organic system plans, additional recordkeeping requirements to assure compliance, and most painful of all is getting the livestock inspectors up-to-speed to deal with these issues.
CHAIR MIEDEMA: I saw another hand. Jay?

MR. FELDMAN: Yes, thank you.

Thanks, Beth.

My question goes to comparability. The crop standards in terms of animal welfare, how do they compare with what the Livestock Committee is proposing?

MS. UNGER: I guess to put it in a summary form -- it was hard to go through this on a point-by-point basis -- our standards are higher than what has been presented by the Committee. And we have a method of internal inspections, and this is a new program for us. So, we definitely have a lot of work to do on it.

For instance, on the outdoor access for poultry, we have a five-square-foot requirement, and you have two in the document.

CHAIR MIEDEMA: Any other questions?

(No response.)
Thank you.

MS. UNGER: Thank you.

CHAIR MIEDEMA: Didier Jacquet, you are up next, and Dag Falck is standing by.

MR. JACQUET: Good morning.

So, my name is Didier Jacquet, and I am a winemaker and quality control professional, active since 1997 both in the United States and Europe. And my specialty is certified organic sparkling wine, which I pioneered in the U.S. with LaRocca Vineyards out of Forest Ranch, California.

So, quality wine is produced every day in this country and elsewhere without the use of synthetic additives such as sulfur dioxide. I felt it was important for the sake of the organic wine industry that I address this Board on that issue.

SO2 is an industrially-produced additive used as an antioxidant and preservative in many foods and beverages across the globe. Three main forms are
commonly used in wine: pure gas, liquid
solution, and powder known as potassium
metabisulfite, or KMBS.

That latter form introduces
potassium, which is another source of concerns
in terms of consumer health. There is no
obligation for producers to disclose which
form of SO2 they use in wine.

As a winemaker, I have used SO2
before converting organic. It mandates the
use of cartridge respirator, gloves, and
goggles in the winery. Even with this
equipment, I personally experience discomfort
every time I use these additives.

As the winery emitted the product,
we used large extraction fans, as we are
instructed to end all additions one hour to
the first public tour.

I have attached the MSDSes of
commonly-used forms of SO2 to illustrate this
topic. They speak for themselves.

From an environment, health, and
safety standpoint, these products should be phased out of the wine industry altogether sooner or later. In wine, SO2 has a definite smell and taste, often described as metallic and harsh, modifying the natural taste of the grape, even at relatively-low concentrations. In excess levels, the aroma is described as pungent, sharp, and soapy.

Heavily-sulfurated red wines often lack suppleness, delicacy, and exhibit decreases color properties due to the bleaching effect of SO2. SO2 has been known to cause severe allergic reactions, which prompted legislation to impose labeling for wine, but not in other food products such as raisins, for instance.

Viable alternatives exist, such as better cleanliness in the cellar, filtration, and use of inert gases to protect against oxidation. Unlike SO2, these gases are not retained in the finished product.

There is no credible data to
substantiate that wines produced without added SO2 have a shorter lifespan, if handled properly like any wine. There is significant difference in the evolution of the wine over time, however, as SO2 is an inhibitor of enzymatic reactions, which true organic wine producers believe are essential for the quality of their wines.

If sulfites are allowed in USDA organic wines, I wonder what will be next, genetically-modified grapes, yeast, and bacteria, industrial nutrients such as DAP or diaminophosphate. They are already being used in conventional winemaking, which should not be allowed in a truly natural food product where only the freshest and unspoiled ingredients should be included.

There is a great risk of confusion --

CHAIR MIEDEMA: Thank you.

MR. JACQUET: -- and discredit from --
CHAIR MIEDEMA: Thank you.

MR. JACQUET: -- the consumer labeling laws of their country to be in their best interest.

CHAIR MIEDEMA: Thank you, sir.

MR. JACQUET: Yes.

CHAIR MIEDEMA: Questions?

MR. JACQUET: Absolutely.

MR. FELDMAN: Indulge me. As a Frenchman, how does California wine compare to French wine?

(Laughter.)

MR. JACQUET: It would be comparing pears and oranges.

(Laughter.)

We grow grapes in very different places under very different conditions. So, there's no possible comparison. Your preference and your taste should be what leads your choice.

(Laughter and applause.)

CHAIR MIEDEMA: Thank you.
MR. JACQUET: Any more questions?

(No response.)

All right. Thank you very much.

CHAIR MIEDEMA: We will have one more comment before the break here, Dag Falck.

MR. FALCK: I am Dag Falck, Organic Program Manager for Nature’s Path Food, North America’s largest certified organic cereal producer.

We have submitted comments, written comments, on several of the issues on the agenda, but now I will cover only two issues that are not on the agenda, GMOs and the confusion and threat to organic by the natural label.

GMO. The issue of GMO contamination has developed over the last few years to a point where it could threaten the survival of organic. I am going to make two points.

One, the organic regulations are a practice standard. We have all agreed that
organic should be ascertained through prescribed practices, not through testing or finished product purity for things like pesticide residue. However, in the case of GMOs, I argue that effective and appropriate practices cannot be implemented without the use of testing and thresholds.

My second point is many organic manufacturers are now aware that GMO contamination is creeping into organic products, and there are varying efforts being made to prevent this. Even though many know this, many do not and question if there really is a problem of contamination out there.

To establish whether or not additional measures need to be taken, we recommend that a thorough industry-wide study of current levels of GMO contamination in certified organic raw commodities like soy, corn, and cotton meal, and canola should be done.

Without such a study to establish
a baseline and more adequately addressing potential contamination, the organic label is in danger of losing consumer confidence. This study must be undertaken by an NOSB and NOP agreed-upon body in order to provide the required credibility of a study like that.

As random pesticide testing is being ramped up by the NOP, this is a good time to also do GMO testing. To bury our heads in the sand on this issue will not serve us well when contamination levels get out of hand and we haven't done anything about it.

On the issue of natural claims infringing on organic markets, according to a Heartland Consumer study which is in my handout to you, more than half of consumers think that a natural claim means more than the organic claim. This, of course, is not true as there is no regulation or even a consistent definition for natural. The consumer then believes they are getting organic benefits through buying natural, which undermines the
very industry that we are building.

The reason most of us are involved with building this organic industry is to provide benefit to environments, people's health and livelihoods. None of those benefits are being realized when the organic industry does not defend its turf.

The NOP preamble states that the final rule was implemented to provide a common set of definitions on organic attributes. Now those attributes are being undermined in the marketplace by inconsistent and unregulated natural claims.

Nature's Path believes that the NOSB should take responsibility for defending the organic claim by, one, asking for an NOP-led campaign for public education about organic attributes and, two, asking for enforcement on truth in labeling and require purported natural attributes to be labeled specifically.

CHAIR MIEDEMA: Thank you.
Any questions for Mr. Falck?

Nick has a question here in just a moment.

MR. MARAVELL: I have a question, but I need -- well, let me come out with it, even though I haven't thought it through and reviewed your testimony.

First, a conflict of interest. I do eat your products.

(Laughter.)

But are you saying that you believe that there should be a tolerance level for GMO contamination or there should not be an established tolerance level for GMO contamination in commodities?

MR. FALCK: I think there is a lot of confusion around that discussion. I would not call it a tolerance level. I would call it a threshold level, which I think needs to be established in order to establish an appropriate and effective practice.

We would have to focus on this
being a practice standard, but in order for us to practice, we do need to see where the contamination is. We are now practicing without knowing when something is contaminated. So, we say, the NOP says that we cannot knowingly add GMOs in our products while growing or processing, but we don’t know if it is there. So, it is kind of meaningless.

We cannot apply the practice without the tool of testing. And if you are going to test, you need to have a threshold in order to make it meaningful, so that you have a goalpost. So, it is not an allowance.

CHAIR MIEDEMA: Sure, Nick.

MR. MARAVELL: Yes, a followup question. There are agricultural inputs and, then, there are agricultural products or raw commodities -- let’s call them raw commodities -- and, then, there are products that are produced through the handling procedures.
You run different places in that continuum. Are you suggesting that thresholds be established for all of those areas or just some of those areas? And would the thresholds -- well, you can't predict anything about the thresholds now. But are you suggesting that we look at all of those areas for potential threshold situations?

MR. FALCK: Yes, I think all the levels need to be addressed. There might be some differences in the way it is addressed.

Nature's Path has enrolled our products in the Non-GMO Project because we feel the NOP is not stringent enough and effective enough in addressing the GMO issue. So, we feel like we needed to have an additional step for consistency in approaching the issue, and we are hoping that the whole industry will work together.

CHAIR MIEDEMA: Mac?

MR. FALCK: And so, we are suggesting that the NOP address this and
incorporate more stringent rules.

CHAIR MIEDEMA: Mac Stone?

MR. STONE: What is the technology for screening and/or more definitive levels of contamination? And is the contamination coming out of the field or as part of the handling process?

MR. FALCK: Those are some of the questions that we think really need to be established. We don't currently know exactly where the contamination sources are coming from. Some are coming from seeds in the fields, and some are coming from handling.

And we feel like, without testing, again, we are not actually applying the tool that we need to apply in order to find out where the heights of the most contamination is coming, in order for us to, then, increase our efforts to keep it out.

So, all of those levels have to be addressed and looked at. Currently, through the NOP, we are not driven to do that. There
is nothing that drives us to do that. So, that is the entirely voluntary thing right now, if companies want to do that or not. So, there is no consistency.

MR. STONE: And is there a litmus test that says the presence versus more analytical definitions?

MR. FALCK: We think that there are two systems of testing out there. One is a strip test, where it is an operator-applied, very simple test. It costs about $3 per test. But it is not very accurate. And so, it is a good guideline, but we believe that, like the Non-GMO Project requires, is a PCR laboratory test which is much more accurate, that that is used as a part of the system.

CHAIR MIEDEMA: Any more questions?

(No response.)

MR. FALCK: Thank you.

CHAIR MIEDEMA: Okay, we are going to take a 15-minute break. That puts us back
here at 9:56. Board members, please be seated at 9:56.

(Whereupon, the foregoing matter went off the record at 9:42 a.m. and resumed at 10:04 a.m.)

CHAIR MIEDEMA: We're back in session.

First up is Elissa Sosland.

MS. SOSLAND: Thank you.

My name is Elissa Sosland, and I am the Farm Animal Program Associate at the Animal Welfare Institute in Washington, D.C.

At AWI, we work on policy issues that affect the welfare of farm animals. We support high-welfare family farms, and we work toward goals to achieve more humane transport and slaughter.

We also operate the Animal Welfare-Approved Program that I know many of you are familiar with. Fifty-eight percent of the farms in the Animal Welfare-Approved Program are dual-enrolled in the USDA National
Organic Program.

We have been following the progress of NOP's proposed standards for animal welfare for the past few years, and we commend your efforts to propose standards that address animal welfare under USDA organic. We believe setting standards according to good animal welfare practices under the Organic Program will bring the level of the program up to match what consumers already expect from the label when they buy organic animal products and byproducts.

We do have some concerns. We strongly urge the Board to improve these deficiencies in stocking rates for growing pigs and chickens, in particular, before submitting the proposal to the USDA.

We are really happy to see that you have increased the proposed stocking densities for growing pigs. We note, however, that the stocking rates are still well below that of Canada organic.
And one thing we would really like to see is harmonization between the U.S., Canada, and EU organic programs for the sake of consistency and clarity.

The current proposed standards do not satisfy the U.S. and Canada equivalency agreement under which U.S. agricultural products derived from animals must be produced according to livestock stocking rates, as set out in the Canada organic standards.

The current NOSB proposed space allowances for chickens and pigs do not meet the Canadian standard.

For poultry, we see a similar problem. Poultry expert Anne Fanatico has quoted some organic certifiers looking for stocking densities of 1.5 square feet per bird outdoors. So, the stocking rate of 1 square foot per meat chicken in the proposed standards seems to be less than what organic certifiers would look for. These would appear to be a step down for the welfare of the
birds. We also contrast that with Animal Welfare-approved program requirements of 4 square feet per bird outdoors, which just highlights the deficiency there.

Thank you for your efforts to create animal welfare standards to improve the treatment of farm animals under the Organic Program. The proposed standards are a great start, but we do see some problem areas that we think should be improved.

CHAIR MIEDEMA: Thank you very much.

Any questions?

(No response.)

All right. Next up, Phil LaRocca. Harriet Behar is standing by.

MR. LA ROCCA: Good morning.

My name is Phil LaRocca. I am the owner of LaRocca Vineyards. I have been in the organic industry for over 38 years, 30 of those in the wine industry, 28 of those running my own operation. Pretty much my
entire income comes off my organic wine production. I am a part-time professor at Butte Community College where I teach viticulture as well.

I also served as Past President of the California Organic Farmers. During that time, I worked very close with this Board to create the present rule that you have today regarding wine. I was very instrumental in getting what we have today.

This was not an easy thing to do because the Food and Production Act of 1990 absolutely outlawed the use of sulfur dioxide in any form of organic production. So, there was a lot of backdoor politicking.

I may add that this rule did not affect me at the time because I have always been 100 percent organic in that. But I felt that those that were growing the grapes organically should be allowed some form of recognition. So, we worked very hard. We had to deal with Senators from the State of
California and Senators from the State of Kentucky to actually get the Boxer Amendment which allowed for the made-with organic category. And that is what it was allowed for, and that is what this Board passed.

And for the last 10 years, it has been quite successful. There has been over 133 percent increase in wine, organic wine and those made with organic grapes, since the adoption of this rule.

Being a hot-headed Italian, I am a little bit angered at having to do this 10 years later because this is working quite well. There is no need for a change.

Earlier today, people were talking about the label, the label. As a licensed winemaker, I can use between 112 and 118 different synthetic products in my wine. The only one that is required by law -- required by law -- is the use of sulfur dioxide in wine. This would be an absolute oxymoron to have a warning label contains sulfites next to
the USDA organic seal. This would be detrimental to the entire organic community.

And if there is anything that you remember what I say today, it is that this label represents truth and integrity in organic. We can never compromise integrity. You would be hurting the industry to do so.

There have also been arguments which I passed out which say that the organic industry is not growing. Contrary to that fact, we see that in the last four years CCOF showed a 77 percent growth in wine grapes. We also saw that in the last year, in 2010, which was a bad year in the economy -- I am talking so fast here -- that Christine Bushway, the Organic Trade Association, in her State-of-the-Union Organic Address at the Annual Meeting of the CCOF said, "If organic saw a 4 percent growth, that would be considered very good in this economy." Wine experienced a 12 percent growth, and wine grape production experienced a 15 percent growth.
Now I have been around here for a long time. I was the first certified apple grower. I was told you could never grow an organic apple. This is not true. This was told to me by the head of the Pomology Department at the University of California, Davis.

CHAIR MIEDEMA: Thank you, sir.

MR. LaROCCA: You're welcome.

(Laughter.)

I talk a lot. So, to go three minutes is hard.

(Laughter.)

CHAIR MIEDEMA: Any questions for Mr. LaRocca? Nick?

MR. MARAVELL: Just a point of clarification. Those increases are for California or nationwide?

MR. LaROCCA: Well, let's just put it this way: 93 percent of all wine production is from the State of California.

So, when we are talking wine -- I know this is
a new Board. So, if there's any questions of how we put this rule together, I would love to share that with you. I couldn't tell you the whole process in three minutes, but I spent over a thousand hours working with this Board to come up with this made-with category and the certified organic wine.

And how we did it was like a backdoor deal. We actually piggybacked it on a bill that is something to the effect that said: allow senior citizens to get a discount in generic drugs. Oh, and by the way, sulfur dioxide could be put in the made-with category.

(Laughter.)

CHAIR MIEDEMA: Any other questions for Mr. LaRocca? Melissa Bailey?

MS. BAILEY: Melissa Bailey, NOP.

I think it was Nick who asked -- pardon me if I am wrong -- about the sulfite statement, the requirement from TTB. So, we have a clarification on that, just to
contribute to the discussion that the requirement for the sulfite declaration is that it shall be stated on a front label, back label, strip label, or neck label. So, the fact that there is so variety there about where it can be, there is no requirement that it necessarily be on the front label.

MR. MARAVELL: Thank you very much.

MR. LaROCCA: Thank you.

CHAIR MIEDEMA: Harriet Behar is up next. Mohamed Mousa is standing by.

MS. BEHAR: Hello, everyone.

I have a few -- I know I have to be announced -- so I have a few comments based on what has happened yesterday.

I want to just ask that the animal welfare standards go back. I don't feel that they are ready to be put forward into The Federal Register for public comment or even to go to the NOP.

I think they need to balance
practicality in that language that provides consumer confidence. I think there is also a need to be more in step with the Canadian and EU regulations because those are our sister standards.

And, then, on another topic, I would like to talk about yesterday's discussion, or lack of discussion, among the Board. Many of us come to these meetings to hear you discuss, and you are stakeholders representing many different aspects of the organic community. And we really need to hear a discussion.

Even if you agree with the proposal, we need to hear, well, the handler likes it because it helps with their inputs; the farmer likes it because it is practice, or vice versa, the consumers are concerned about health effects.

And yesterday's lack of discussion makes it very difficult for us here in the audience to, then, go back to our constituents
and say, "Well, you know, this is why the decision was made because this priority came forward from this stakeholder group."

So, I just wanted to encourage you. I think the discussion is very important for you all to also build community.

And I know that you were discussing in committee, but that is not transparent. We don't see it out there in the audience. We cannot, then, pass that on to our constituents and get by it.

And I will tell you that that's something that I do a lot with my farmers. People do ask me, "Why was that material approved?" or "How come it was written this way?" That is why I come to these meetings. So, then, I can pass that on. And when I explain it was a compromise between these issues, then they have buy-in and we can move forward as a community.

I wanted to also talk quickly about TAP reviews. I think we need to ask the
NOP to start working with a whole variety of scientists that are going to be in waiting to be, when you have handling issues, livestock issues, pest control, crop issues. We need to be starting to train these people about what compatibility with an organic system means because I think you are having a lot of problems with your TAP reviews because you don't have people who are prepared to do the work that you need to do.

And you don't know what is coming down the pike. So, you need to start identifying a pool of reviewers. And I think you really need to go back to the three-person TAP review.

I received a phone call about sodium nitrate, and I would just say that I don't believe that my opinion --

CHAIR MIEDEMA: Thank you, Harriet.

MS. BEHAR: -- was expressed. And so, don't believe that whole survey. That was
somewhat, from my opinion, a fraud.

    CHAIR MIEDEMA: Thank you,
Harriet.

    I see some questions. Let's start
with Katrina, then Jay, then Nick.

    MS. HEINZE: Okay. Could you
finish that last thought? Because I'm not
sure we want that hanging out there.

    (Laughter.)

    MS. BEHAR: I was called by
someone who was hired by a company that
produces sodium nitrate. I didn't write it
down, who it was. And, then, they said, "So,
you agree with keeping sodium nitrate as
written on the National List?"

    And I said, "Well, no, actually, I
do not."

    And they said, "Well, we'll mark
you down as being in line with this proposal."

    And I said, "No, you won't."

    And, then, they said, "Well, we
really appreciate you giving us your opinion
that you're going to be right there with us."

And I was like, "No, I'm not, and
I want my name written down as saying, 'No, I
don't.'"

And I don't know what you
received, but I really doubt that my name is
written down as being opposed. So, I don't
know.

The questions were very leading,
and I just don't feel like it was a very
objective survey.

CHAIR MIEDEMA: Thank you.

Any? Jay?

MR. FELDMAN: Thank you.

Harriet, can you tell us some
more, a little more detail, the elements of a
TAP review, you know, what the various
elements of a TAP review are as compared to a
technical review, which we are getting now?
We are all getting these technical reviews, as
you know. How do you distinguish that? Give
us a little more detail on the composition of
TAP panels and how that would better inform our decisions at the Committee level and the Board level?

MS. BEHAR: Well, I know in the past we have had at least three people, and in those TAP reviews there was written debate between those, and there wasn't always agreement between the three people who were on that TAP panel. That I think helped frame the issues for the Board, to really see that these are not black-and-white issues, and the various competing ideas and science would come forward. It gave the Board much more of a broad range of what the issues really were.

I just feel, too, that you can't have one group of scientists being able to handle handling questions, you know, like food science versus pest control in an orchard. You need to start assembling a whole pool of possible TAP reviewers. So, when you have a pest control issue in crops, you have got these people you can pull upon who have
expertise in that area.

CHAIR MIEDEMA: Nick?

MR. MARAVELL: Yes, I would like
to go back to your comments on the livestock
standards. Is there some other process that
you might envision, other than the one that --
I mean we tried our hardest here to meet
expectations. But is there some other process
that you might suggest that might get us
closer on our first try?

MS. BEHAR: Well, I would have
liked to have seen along in the chart the
animal humane standards being compared, but,
also, having EU and Canada up there as well,
so we could see what our sister organic
standards had.

I think there were so many
substantial changes yesterday that we really
need to go out to the larger community and
find out what those effects will be.

So, I know that you were
listening, but I feel that there's many people
not here that will be affected. So, we need
to kind of go out and give people more chance.
This is way too big of an issue to kind of
feel like we have to get it done right now.

MR. MARAVELL: Who is the "we"
when you say, "We need to go out."? Is that
just the NOSB or?

MS. BEHAR: The process of those
recommendations will go out. It will give a
chance to certifiers, people like Moses who
are dealing with far more organizations, to
then say, "How do you feel about these new
proposals? Are these more in line with what
you are willing to do or capable of doing, or
how will this affect you in the long-run?"

So, I guess the farmer
organizations, NODPA, you know, the organic
dairy producers, et cetera.

CHAIR MIEDEMA: Tina?

MS. ELLOR: Just to answer a few
of those concerns, we have been working on
this since 2007. It has gone back and forth.
We have gotten our ears pinned back so many times.

(Laughter.)

And we also heard from a lot of constituency that said, "Get something done. Get some rules that everyone needs to follow."

And we do have a lot of support for this amongst a lot of farmers.

MS. BEHAR: I just feel like there was a lot of changes yesterday that many of us haven't had a chance to digest. We need to ruminate a little more.

(Laughter.)

CHAIR MIEDEMA: Thank you.

Mohamed Mousa is at the podium.

Seri Sedlacek is standing by.

MR. MOUSA: My name is Mohamed Mousa.

Thank you very much for giving me this opportunity to address you.

I have been in this business for 35 years, and I am a geneticist by education
and also immune system development in poultry. I am here today to speak about science, and I really want you to give the science in your program. What a great program. My heart goes out to you and my support to you with everything you are doing.

I want to make sure that I open that part of science which I see personally and may be misinformed, but not enough, that it is missing from what I read about your program.

First, I will talk about bird welfare. We are here, everybody here, even if it is a few birds or a thousands or 10,000 or more, bird welfare is important. Mixing the birds, the domesticated birds with the wild reservoir, it is a major, major undertaking.

In this country, over 50 years or so now, the industry developed a system which can eradicate all diseases. If we leave the birds outside to be mixed with the wild reservoir under any reasons, we are going to
impact the organic movement and, also, the
non-organic.

The other issue, Greg Herbruck, when he talked here, talked about ILT. I have a farm currently, and today, because I leave the birds out, and geese and ducks from the wild birds are there, and I couldn't keep the birds in because the temperature was over 60 degrees, we lost several thousand birds. It is a big loss.

The other issue is the pullets and vaccination. There are two things happening in those baby chicks when we receive them, and we take care of them just like our children and grandchildren. You vaccinate them. They are not ready to go outside and fight all these field viruses and bacteria until we get them vaccinated.

The other issue I want to speak about is the issue is food safety. The food safety is a major issue. We operate under a different climate in the United States. This
is a continent. You know, if you have feed
and water and you put it outside the birds,
like what Mr. Joseph asked the question, what
you do, you are going to invite rats; every
other animal or bird can come down to eat with
those. Then, you are contaminating the feed
and contaminating the birds and, also,
contaminating the eggs.

Dr. Peter Holt from USDA in
Watkinsville, Georgia, I have got it in here
in my handout. You are going to have, if the
soil is contaminated for any reason, you are
going to have PCPs, DDT, whatever was in the
soil. Dioxin, north Germany was shut
completely in the last few months because of
only dioxin.

Thank you for listening to me.

CHAIR MIEDEMA: Thank you very
much.

Any questions? Tina?

MS. ELLOR: So, what you are
saying is that you don't think birds should be
allowed, you don't think chickens should be allowed to go outside?

MR. MOUSA: No, I said early I approve your program. The birds can go outside and poultry can go outside in a controlled environment that you know they are safe and the soil is not contaminated. I have birds outside, and I apply these rules to them.

CHAIR MIEDEMA: Wendy?

MS. ELLOR: If you are letting organic birds outside on organic soil, I am not sure what the contamination problem would be.

MR. MOUSA: This is very interesting. There is in Brazil a test that the soil was not even used for nine years. You have it in your packet over here. It is in the presentation from Victor Hall. They had 1,000 DDT level toxins in the eggs after nine years from stopping using it. It is in the soil because the bird is not a grazing
animal. Birds go down in the soil and dig and 
inhale and, also, absorb a lot of what the 
soil contains.

In a town in south Egypt, a small 
village in south Egypt, I have this report, if 
anybody wants to see it. They had a gold mine 
from the time of the pharaohs, 4 or 5 thousand 
years ago. Five percent of every infant that 
was born in that village was blind before they 
get to 6 years old. They found out that this 
is from the chemical that was used, and it is 
in the soil.

CHAIR MIEDEMA: Wendy?

MS. FULWIDER: I believe that is 
probably the exception to the rule. But my 
concern would be, you know, we have a lot of 
organic poultry farms where they do have the 
chickens having outdoor access. I don't 
believe there has been any significant problem 
with Salmonella or anything else.

MR. MOUSA: Does anybody check?

And is the soil checked?
I will ask the panel over here to put in all those outside ranches like what they did over in England and, also, what Dr. Ken Anderson did over in North Carolina, put the science in there. You will get more information.

I believe the science has no place with this panel at this time, and I can prove that to you from all the research I have. I have 150 researches from Europe and the United States.

I am not saying the birds don't go out. I am saying the birds go out under a controlled, clean environment. That is what I am saying.

CHAIR MIEDEMA: Thank you.

MR. MOUSA: Thank you.

CHAIR MIEDEMA: Next up, Seri Sedlacek. Josh Hinerfeld is standing by.

MS. SEDLACEK: Hi. My name is Seri Sedlacek. I work for Badger Mountain Vineyard and Powers Winery in Kennewick,
Washington.

We are unique in the world of wine because we produce all three tiers, certified organic with the USDA certified seal, which we put no sulfites in. We make a made-with-organic-grapes in which we do add small amounts of sulfites, and we make conventional wine under the Powers label.

I have worked for this winery for six years. I can say from my personal experience that, when I pour all three at a table, I have given up predicting what a consumer will call quality or not. It seems to me the premise of the petition before you was based a lot on quality wine is better with sulfites added because it is a preservative, and I don't find that to be true in my experience, nor does my winery.

I am also an avid organic consumer, and I serve on the Board of the PCC Farmland Trust. So, I am definitely an advocate of organics of all kind.
For the last nine years, our winery has embraced educating the public on what that USDA seal means and why we are proud to have that symbol on our wines. As you know, educating the consumer takes time.

We embrace it completely, and so do our consumers, as our no-sulfite-added series has increased 250 percent over the last nine years. We make just over 30,000 cases in that category, and it outsells/outscores the growth of our other wines.

The current standards are easy to explain. They protect the consumer. They are clear and they represent pure, authentic organics with no additives.

Consumers who are seeking organic wines are very savvy and most definitely ask a lot of questions, as I know Mr. LaRocca would back me up as well. We get phone calls every day about what that means, and we are happy to take the time to explain it.

I have sold wines for nearly 20
years, and we are storytellers. We talk about vineyards and trellising and pH and acid, and we also tell the story of why the USDA symbol is very important to us.

Consumers are getting it. I encourage you to believe that the consumers are smart and savvy, and that they can make decisions based on what is on the label. When you start adding products like sulfites to wine, it gets to be very murky. It is not a black-and-white story to tell anymore. It is very confusing.

I just want to conclude in saying, in 1986, before it was a marketing buzz, our owner, Bill Powers, decided to transition our vineyard from conventional farming to organic farming. And he did it because he believed in the process, and now we make the three levels of wine.

It takes courage to be the first. We were the first certified organic wine grape vineyard in Washington, way behind Mr.
LaRocca, but the Washington wine history is fledgling compared to what they are in California.

But the reality is I believe in authentic, pure organics, and that means no additives of any kind.

CHAIR MIEDEMA: Thank you.

Steve?

MR. DeMURI: So, are you finding in your conversations with consumers that there is a lot of confusion out there regarding this issue?

MS. SEDLACEK: That isn't my experience at all, and it is quite contrary to the survey that accompanied the petition. In the petition, I believe there were 166 people that were contacted. Sixty-three were in Minnesota, twenty-three were in Colorado, and two were on the West Coast. I don't know where most of the organics are sold in the nation, but I would speculate that perhaps on the West Coast we sell a higher percentage
than .01 percent.

It is a story to be told, and I know a lot of wine stores that spend a lot of time explaining it, but that doesn't make it any less valuable.

CHAIR MIEDEMA: Go ahead, Steve.

MR. DeMURI: One other question I was curious about, organic wines that have the USDA seal on them, do some winemakers also put "no sulfites" on that label as well?

MS. SEDLACEK: We do. We actually put "No sulfites added." And ours always test out below the 10-parts-per-million level. It is a notification to our consumers, and it also makes it a difference between our made-with-organic-grapes label that we do add sulfites to.

CHAIR MIEDEMA: You mentioned that your no-sulfite portfolio is performing very well. Do you have no-sulfite conventional wines or know how no-sulfite conventional wines are performing out there?
MS. SEDLACEK: I do not have that statistic.

CHAIR MIEDEMA: You don't have conventionally-grown grapes?

MS. SEDLACEK: Yes, I would think that if the winery is going to go to the effort of making a wine with no sulfites, that they would declare it as such.

I know that there are a lot of organic wine grape growers that don't bottle their wine organically, but it is seldom in the reverse.

CHAIR MIEDEMA: I think I was asking more conventional grapes, but no sulfites. Is that a category of wine that is grown --

MS. SEDLACEK: Not that I am familiar with.

CHAIR MIEDEMA: Okay. Okay. Yes, I was just curious.

Thank you.

MS. SEDLACEK: Thanks.
CHAIR MIEDEMA: Jose Hinerfeld, and Kathy Pryor is standing by.

MR. HINERFELD: Good morning.

My name is Josh Hinerfeld, and I am the CEO of Organically Grown Company. We are a certified organic distributor headquartered in Eugene, Oregon.

So, decisionmaking in our company is guided by our mission, which is promoting health through organic agriculture as a leading sustainable organization. And our four core values; my comments to you this morning are informed by one of our four core values, partnerships.

We believe that the success of our business and the organic trade in general hinges on the cultivation of positive, long-term relationships that are built on trust. American consumers have placed trust in growers, packers, distributors, and retailers to provide them with safe, high-quality produce as well as uphold the integrity of the
Organic label.

Conversely, growers have placed trust in the government and their trade partners to provide some measure of predictability in the market for their crops.

I urge the Crop Committee to adopt the time-limited extension for tetracycline until January 2014 to create a predictable and economically-viable way for the domestic organic pear and apple industry to transition away from antibiotics.

In 2010, our company purchased approximately 2.2 million pounds of organic apple varieties that are known to be susceptible to fire blight. That was about 49 percent of our organic apple purchases from Washington and Oregon.

OGC also purchased about 450,000 pounds of organic pear varieties that are known to be susceptible to fire blight, about 47 percent of our organic pear purchases from Washington and Oregon growers.
So, collectively, these purchases of susceptible varieties accounted for nearly 3 percent of our total fruit and vegetable purchases.

According to our apple and pear buyer, the growers of these crops uniformly stated that they would transition to conventional production if tetracycline were disallowed under the NOP in 2012.

Another one of our buyers returned last week from New Zealand, where he had learned about a non-pathogenic bacterium product labeled Blossom Bless that is used by apple and pear growers as protection against fire blight infection. The use of this product down under suggested that development of commercially-viable, natural alternatives to antibiotics may be possible.

Our company believes that disallowing use of tetracycline after October 21st, 2012, in the absence of a commercially-viable natural alternative would be bad for
the organic trade and bad for our growers.

OGC supports the National Organic Coalition's recommendation to allow tetracycline until January 2014, to provide growers time to get up to the learning curve on new protectant products.

We also support the NOC's proposal to convene an NOSB Fire Blight Task Force to monitor progress in various alternatives to antibiotics.

CHAIR MIEDEMA: Thank you.

MR. HINERFELD: Thank you.

CHAIR MIEDEMA: Jay Feldman?

MR. FELDMAN: Thank you.

That is interesting data. Let me make sure I understand what you are saying. Okay. So, 49 percent of the apples you are growing are of resistant or non-resistant varieties? Is that what you are saying?

MR. HINERFELD: Yes, let me clarify that data point, yes.

MR. FELDMAN: So, that would mean
51 percent are from resistant varieties or no?

MR. HINERFELD: Yes, so what we did is we looked at the total apple purchases, organic apple purchases, from Oregon and Washington growers, and I looked at the subset of the varieties that are known to be susceptible to fire blight; namely, Fuji, Gala, Granny Smith, and Pink Lady. And those collectively accounted for 49 percent of our Oregon and Washington organic apple purchases last year. And we did a similar exercise on pears.

MR. FELDMAN: So, the other 51 percent, presumably, are varieties such as?

MR. HINERFELD: Well, the list is long and I can't tell you with great assurance that they are not susceptible to fire blight, but some examples: Jonagold, Braeburn, Cameo, Cripps Pink, Opal, Red Delicious, Empire, Golden Delicious, McIntosh, Ginger Gold, Honey Crisp. The list goes on de nova.

MR. FELDMAN: Red Delicious,
nobody is buying those, are they?

(Laughter.)

MR. HINERFELD: There are not many. We don't sell a lot of Red Delicious.

MR. FELDMAN: Okay.

MR. HINERFELD: But we have a pretty big list that were not on that short list that we knew as susceptible varieties.

MR. FELDMAN: Thank you.

CHAIR MIEDEMA: John, and, then, Tina.

MR. FOSTER: I just want to point out there is a difference between resistant varieties and less susceptible varieties. And that is pretty critical. I have a feeling it is going to be more critical than it has already. So, when we are using that language, it is going to be real important to be precise with that.

MR. HINERFELD: And I am not a scientist. So, I appreciate that, John. Thank you.
CHAIR MIEDEMA: Tina?

MS. ELLOR: Were those apples for the fresh market or for processing?

MR. HINERFELD: These were for fresh. So, we primarily are a distributor to resell grocers in Oregon and Washington.

CHAIR MIEDEMA: Thank you.

MR. HINERFELD: Thank you.

CHAIR MIEDEMA: Okay. Kathy Pryor is up next. Roxanne Green is standing by.

MS. PRYOR: Hi. Thank you for the opportunity to speak with you today.

I represent the Washington State Chapter of Physicians for Social Responsibility. However, the information I will be presenting today was actually compiled and published by one of our partner organizations, Healthcare Without Harm.

I am here today to speak with you because we oppose the inclusion of any genetically-engineered foods in any phase of the production of certified organic foods.
Genetically-engineered foods have not been adequately assessed for their credible adverse effects on human or animal health or on the environment in which they are a part.

Also of concern is the threat posed by genetic engineering to environmentally-sustainable food production and the threat to the economic livelihood of farmers pursuing sustainable production methods.

The health community is particularly concerned about three primary human health impacts in the consumption of genetically-engineered foods, and those are: allergies, antibiotic resistance, and toxicity.

The first, allergies. Genetic engineering moves proteins novel to the human diet into the food supply. For the majority of genetically-engineered crops, these novel genes have not been fully assessed for allergenicity.
And editorial in The New England Journal of Medicine stated that this is because FDA requirements to not apply to foods that are rarely allergenic or to donor organisms of unknown allergenicity.

Secondly, antibiotic resistance, which you can imagine is of particular concern to the health community. Most genetically-engineered foods in production today carry fully-functioning genes that confer resistance to one or more antibiotics. This raises concerns that genes or other determinants of antibiotic resistance could occur from GE plants to bacteria living in the animal or human gut.

And third, toxicity. Genetic engineering can unpredictably increase levels of a naturally-occurring toxin in foods. Unexpected changes in food are common with genetic engineering, and the existing inadequate safety evaluations could miss potentially-toxic changes.
Finally, we oppose the use of genetically-engineered foods due to the following threats to public health and the environment: increased herbicide use, threats to non-target species and soil ecology, and threats to organic farming.

Although industry groups claim GE crops reduce pesticide use, closer examination reveals a dramatic increase in the amount of pesticides used since the adoption of GE crops, often used to combat herbicide-resistant weeds. This increase in herbicide use adds toxic chemicals to our air, water, and soil and is known to be harmful to the health of farm workers and farm communities.

We are concerned about threats to non-target species because lab studies and field trials have shown that GE crops could harm butterflies and other insects as well as wildlife and soil ecology.

And finally, we are concerned about threats to the future of organic farming.
due to increased weed resistance, increased insect resistance, and we feel it is unfair to burden farmers using sustainable practices with these unpredictable factors.

CHAIR MIEDEMA: Thank you.

MS. PRYOR: If I can just wrap up, I will say that, because GE foods are not labeled in the United States, USDA certification, organic certification has been the only standard by which American consumers are able to avoid GE foods.

CHAIR MIEDEMA: Thank you.

MS. PRYOR: Please do not weaken the organic standards resistance to these --

CHAIR MIEDEMA: Any questions?

Jay?

MS. PRYOR: Thank you.

MR. FELDMAN: I have a question for you. Would it be appropriate to put resistance in a more general context or?

MS. PRYOR: What was that?

MR. FELDMAN: In a more general
context about antibiotic resistance?

MS. PRYOR: Absolutely.

MR. FELDMAN: Okay. I wanted to know, from a public health perspective, if you could just talk briefly about the issues around antibiotic resistance and the various contributing factors. I mean we heard, we have gotten some data here that we are deliberating on that speaks to the issue of lateral transfer of resistant genes and the contribution that we might be making to the problem of resistance to antibiotics by utilizing antibiotics in crop reduction, in organic crop reduction.

Can you enlighten us any further on that?

MS. PRYOR: I would say, let's see, I am just going to pull from the report that was done here. They are saying that concerns have been raised. It is actually about people who would be consuming the GE foods while taking prescribed antibiotics.
They are saying that it would weaken the therapeutic effect of the prescribed antibiotics.

Does that answer your question?

CHAIR MIEDEMA: Thank you.

MS. PRYOR: Thank you.

CHAIR MIEDEMA: Next up is Roxanne Green. Leslie Zuck is standing by.

MS. GREEN: Hello. I am Roxanne Green. I am a long-time employee at PCC Natural Markets. Those of you that know Goldie, I have been there as long as she has, a long time.

But I am talking today as an organics consumer because I am one of those allergy people, and we were talking about allergies a minute ago, and organics really makes a difference in my quality of life. So, I am here today just talking about organics consumers and about animal welfare.

So, organic food is now a mainstream item that can be found in most any
supermarket in the country. It is time for us to ask ourselves what we want this word to mean. Without a solid base to stand on, the word is virtually meaningless.

As consumers who want to make ethical choices in our purchases, we are willing to pay premium prices. However, we have expectation that our dollars will be supporting farmers who are adhering to a higher standard than the industry average.

Along with the regular requirements of organic certification, organic feeds, prohibition of using hormones, antibiotics, or genetically-modified organisms, we expect that organic livestock be raised in a healthy, humane environment.

To produce animal products with integrity, the animals should be raised in an environment that allows them to engage in their natural behaviors, move about freely, and be subjected to stressful situations as rarely as possible.
The current NOSB Livestock Committee proposal for organic pork or chicken does not even come close to the standards of industrial-scale producers and falls far below the European Union organic standards.

As informed consumers, we are already growing increasingly suspicious of label claims that do not meet our expectations. Consider the recent rash of Heart Healthy labeling claims that were required to be removed from product packaging.

Humanely-raised, local, natural, free range, and cage-free don't mean what we have been led to believe they do.

What we want is transparency, integrity, ethics, and honesty. Please give us some standards that we can believe in. Just don't pay lip service to organic standards. Make them mean something.

We deserve to have access to at least the same quality organics that are available in other countries, if not better.
If we hope to ever have a clean, healthy food supply produced in a respectful way, it needs to start here, and it needs to start now.

Thank you.

CHAIR MIEDEMA: Any questions for Ms. Green?

(No response.)

Thank you.

MS. GREEN: Thank you for your time.

CHAIR MIEDEMA: Leslie Zuck is up next. Dave Carter is standing by.

MS. ZUCK: Hi. I am Leslie Zuck. It looks like I am here to make general comments. I will see if I can do that.

I am the Executive Director of Pennsylvania Certified Organic. I am also a certified organic farmer, which I might not be much longer if I don't get my renewal application in by the end of tomorrow.

(Laughter.)

It may surprise you to know that
Pennsylvania ranks third in total organic production at the farmgate, after California and Washington State.

As I listened to your discussion yesterday, I was again reminded of how hard your job is. You all do your homework. You work really hard. You want to do the right thing, and you try to make the right decision. Then, someone stands up here and says you've got it all wrong.

I am not going to do that because I really do appreciate all of your well-presented and differing opinions and perspectives. The problem is that you have to all come together and make that decision, and that is really the hard part.

And I don't know if this will help in your deliberations, but I don't think it is completely necessary to re-review every material during the Sunset process with the same scrutiny that you do if the material were being petitioned for the first time. That has
already been done, as you know, five or ten years ago, and even longer in some cases.

Organic producers have developed organic system plans that rely on certain management techniques and materials which are allowed under the current organic rules, which may not be perfect, but they are the here and now. And when those farmers learn that certain materials are subject to being re-reviewed and might disappear on a five-year interval, it kind of makes them want to run for the hills.

Obviously, if there is a compelling reason, based on new evidence not known at the time that the material was originally petitioned, producers will understand that, and they will probably agree with you.

An organic livestock producer who in a very rare situation might resort to using a prohibited antibiotic to save the life of an animal can sell that animal on the
conventional market and buy a new organic animal the very next day. And this is a rare situation that that happens anyway. The farmer would not have to take their entire herd out of organic production.

An apple producer who, again, in a rare situation resorts to antibiotics to save the life of a block of trees doesn't have the option to replace those trees with new organic trees the very next day. If the material used turns out to be prohibited, the producer would very likely have to take the entire acreage out of organic production, not just the trees actually treated.

We have been able to see an increase in the production of organic tree fruit in Pennsylvania and New York with the help of Penn State and Cornell. It has become a viable means for commercial-scale, family-owned orchards to remain in agriculture at a time when conventional tree fruit production in our area has taken a big hit due to mainly
to competition from the Pacific Northwest apples.

(Laughter.)

Most apples are grown for processing, and the organic applesauce and apple juice processor plants in Pennsylvania have had to source organic apples from Washington State. We would like to see the trend of organic apples in our area be able to continue, and I personally have an interest in eating them.

Thanks for that, and those were my comments as a farmer and a consumer.

CHAIR MIEDEMA: Thank you, Leslie.

Jay?

MS. ZUCK: Why did I think you were going to ask me a question?

(Laughter.)

MR. FELDMAN: So, you are telling me I don't really need to think that much about sodium nitrate. That is really good news.
(Laughter.)

Do you use sodium nitrate?

MS. ZUCK: As a farmer, no, I do not.

MR. FELDMAN: Do you find that many in Pennsylvania are using it?

MS. ZUCK: Yes, we usually find it in blended fertilizers that come in a bag, small farmers, vegetable producers. It is an ingredient in that product.

So, it is a little complicated because we have to figure out not only what percentage it is in the product, but also what other nitrogen sources are in there. And we get a lot of help from the manufacturers to figure all that out, and we do verify that. So, there are a lot of those out there.

MR. FELDMAN: So, what impact would it have on Pennsylvania organic agriculture?

MS. ZUCK: The loss of sodium nitrate?
MR. FELDMAN: The loss of it.

MS. ZUCK: I don't know enough about it to know what they would replace it with, but I do know that it would mean that there are a lot of products on our list right now that farmers just automatically know are allowed, and they could end up making mistakes. We would have to go through and review hundreds of products and making sure that they don't have that in them at all, because a lot of times it is just a really small amount. It is not 20 percent of the nitrogen source in that bag. It is just a little boost, because I think it is expensive. So, that's why.

CHAIR MIEDEMA: Nick?

MR. MARAVELL: Leslie, what would be the impact of not having tetracycline and streptomycin for the Pennsylvania fruit growers?

MS. ZUCK: Well, Kyla made some comments about that yesterday. We did survey
our producers to see who was using it, what
they thought about it.

And most of them said, well, they
hardly ever use it, but if they didn't know
that they could when they needed to, they
wouldn't really be wanting to stay in organic
production because that is really scary. They
have contracts they have to meet. You know, they
contract with someone that they are going
to sell their organic apples to. You know, it
kind of has them shaking in their boots a
little bit, I would think.

And they are small producers.
They are not the pictures you saw the other
day with these really giant, large farms. We
wouldn't see that in Pennsylvania because it
would be a big hill, for one thing.

(Laughter.)

Thank you for those questions.

CHAIR MIEDEMA: Thanks, Leslie.

Ann Schwartz -- oh, yes, here he
is. Thanks, Dave. Ann Schwartz is standing
MR. CARTER: Good morning.

Dave Carter, National Bison Association, an NOSB refugee, itinerant consultant, here today representing the Organic Pet Food Manufacturers, working through the Pet Food Institute.

We came and testified a year ago to complain that nothing was being done to develop the regulations for pet food pursuant to the action that was taken by the NOSB in 2008. So, having done that, I now am compelled to come here and thank the NOP for starting to work on developing the regulations.

The process has begun. Miles and his crew are doing work, and we are very pleased and looking forward to seeing some work, hopefully, later this year.

Having said that, I do want to weigh in. We do have, excuse the pun, a dog in the fight in the issue of the nutrients.
What I would do, first of all, is admonish you or ask you that in this discussion that we eliminate the term "accessory" when talking about that. There are some nutrients that are accessory; there are many that are necessary, and we need to distinguish that.

This is particularly true in the field of pet food. The recommendation that you developed in 2008 had an appendix with 12 different nutrients that would have to be petitioned for organic pet food.

And for us, this isn't a game of horseshoes. We don't get points for getting close. If any one of those nutrients is missing from a product, we lose the ability to label a product as a complete and balanced diet.

And so, you have, then, the customer that will be going in and picking up rendered stuff that is labeled as complete and balanced nutrition or an organic product that
has to be labeled for intermittent and supplemental feeding only.

So, that is why we support the idea of, to the extent that a category of nutrients can be backed by regulatory or statutory reference, in our case, the NRC and AFCO would both suffice, that we feel that there is justification, then, to address those as a category.

That being said, I want to welcome the new NOSB members. This is the most enjoyable experience that you will ever endure painfully for the next five years.

And I know my time is running out, but I would have some advice for you, if you would care to ask a question.

CHAIR MIEDEMA: Jay?

MR. FELDMAN: I don't want any advice, but --

(Laughter.)

I do want some advice on this issue of having been, sitting around this
table, a former Board member especially. We are being asked to approve a category --

MR. CARTER: Right.

MR. FELDMAN: -- say, nutrients.

You are calling it nutrients. And I appreciate that. I understand that.

But getting down to a more specific level, how do we differentiate, what is the best way for us to effectively differentiate between a synthetic form of an individual compound or substance in that category and the synthetic form?

I mean, do we just assume that if a commercially-available form of that particular nutrient becomes available, then we review a petition? Or can we somehow do that at the front end in a more effective way?

MR. CARTER: Well, I think in the front end, you know, you will be looking at all of the nutrients that are part of that required category. In our case, it is things like lycine, taurine, you know, the like.
As some things come available, yes, they could be petitioned individually. But, you know, essentially, you have got this in place right now in terms of vitamins and minerals. And particularly in livestock feed, you have the categories of vitamins and minerals that were reviewed back in 1995 and brought in as a category. This is the same approach that we would ask to be taken for the other nutrients.

MR. FELDMAN: And a followup. I am asking, though, was that adequate? Was bringing that category in sufficiently reviewed? Was that category sufficiently reviewed to determine whether there was a non-synthetic form of any individual nutrient or vitamin in that category? I am just not familiar with the history on that.

MR. CARTER: Yes, and I wasn't there in 1995, either. So, we would have to defer. But, you know, my standpoint is at least from the terms from the livestock world,
and dealing with the feed that is there, I mean I think there is satisfaction that the vitamins, trace vitamins, trace minerals, as allowed by FDA, is sufficient.

CHAIR MIEDEMA: I have a clarification for my colleague Jay and, then, a question for the program.

Our Handling Committee brought forward the work of the Pet Food Task Force a couple of years ago. And we learned that taurine is only available in nature in raw heart muscle. So, it is also required in all dog and cat food to be called a complete and balanced diet. So, in other words, a synthetic is really the only way for that organic category to exist.

So, my question is now for the program, now that you are developing pet food regulations, it sounds like, organic pet food regulations, would essential vitamins and minerals or essential nutrients, I should say, required for pets need to be petitioned
individually?

We have in our Handling Committee a petition for taurine right now. Will that become a moot point, based on what the NOP is working on?

MS. BAILEY: Sorry, Tracy, can you just repeat the question? We were conferring.


When the NOP develops organic pet food regulations, will you have essential nutrients for dogs and cats included? Or will they still need to be petitioned to become part of that reg?

MS. BAILEY: Melissa Bailey for NOP.

Yes, as Dave mentioned, we are currently working on the draft proposed rule for pet food standards. One of the things under consideration is a regulatory reference to include those essential nutrients and vitamins as required for pet food.
So, if there's more clarification,
I guess, needed on that, we can provide that,
but that is what we are looking at right now.

CHAIR MIEDEMA: The reason I am
asking it at this meeting is our Handling
Committee is about to embark on the work of
reviewing the taurine petition. I would just
urge that work not to be pointless. If you
are going to have that already being listed,
let's not spin our wheels on that petition for
the next six months.

MR. CARTER: And as the writer of
that petition, I would concur. I mean, if
there is an approach that will allow for a
review of these as a category, I would support
that.

MS. BAILEY: Yes, the regulatory
reference, my understanding is that it only
covers vitamins and minerals, and that taurine
would be an amino acid that would not
necessarily be covered by that regulatory
reference.
But I agree with you that certainly makes sense from a process perspective, and we can work with the Board to provide that. So, you're not doing work that is not really necessary.

CHAIR MIEDEMA: Thank you.

MR. CARTER: Yes, if we can't look at them as a category, I mean we are looking at a minimum of 12 separate petitions to come before this Board. And all of them have to be approved. Like I say, it is not horseshoes.

CHAIR MIEDEMA: Thank you.

Anne Schwartz is up. Sam Carruth is standing by.

MS. SCHWARTZ: Good morning.

You didn't quite get my subject matter on, but I am providing two pieces of testimony, one for me and from another farmer in eastern Washington. That other farmer does refer to that.

Thank you for your service. I have been involved in the world of organic
agriculture for over 30 years. I farm about 100 miles from here in eastern Skagit County.
I have been a certified organic farmer since 1980, originally certified by Tilth Producers, and, then, the Washington State Department of Ag, starting in 1989.

I served on the Board of Directors for Tilth Producers for over 30 years. We represent nearly 600 organic farmers, businesses, and research faculty working to increase organic agriculture in Washington.

Tilth Producers strongly supports increased outdoor space requirements for poultry, hogs, and all ruminant classes of livestock. Sheep and goats should have similar scale-appropriate requirements as defined for cattle.

Poultry and hogs should be turned out to living, growing pasture during the growing season that provides some significant nutritional fulfillment of the animals' daily rations.
The European standard provides the model and creates the opportunity for the benefits of such exposure to accrue, including self-selection of insects and plants to eat, exertion and exercise that will reduce metabolic, reproductive, and musculoskeletal diseases, and the opportunities for animals to seek space from or companionship of other animals.

Organic livestock systems must be based — one minute left, really?

Anyway, I really agree with looking at Canadian and European standards for livestock. If growers that really disagree with the standard have a problem, then, they can label their products as fed with organically-raised feed, but raised under confinement operations.

Tilth Producers members are also strongly in support of continued availability to use antibiotics, namely, streptomycin and oxytetracycline, as recommended by various
regional management strategies to control fire blight in apples and pears.

I have submitted my comments, and I will just say that, as a 30-year veteran of organic farming, the margins for farmers to stay in business are extremely tight. Many of the farmers that we are hearing from, the threat of loss of their tree fruit in an incredibly competitive arena -- the Pennsylvania growers recognize that it is hard to compete with Washington tree fruit producers. Washington tree fruit producers have a hard time competing with the scale of tree fruit production here in Washington State.

And I guess I am just going to urge that you all recognize that the dedicated farmers that are out there are not getting rich doing this. The costs of production make this very difficult.

I will take any questions.

CHAIR MIEDEMA: Go ahead, Katrina.
MS. HEINZE: We ran out of copies of Mr. McMillan's written for these two folks.

MS. SCHWARTZ: Okay.

MS. HEINZE: If you could get them?

MS. SCHWARTZ: I can do that. You bet.

MS. HEINZE: Thank you.

CHAIR MIEDEMA: Will you please state your position, then, on streptomycin and tetracycline?

MS. SCHWARTZ: We are in favor of a continuation of the Sunset clause while biological alternatives are explored and researched.

And another point I really wanted to make was that we believe that the NOP and NOSB should have some agreement with USDA that links the identified research priorities to the research community, so there is a flow of identified priorities that goes to the research community that really guides their
selection process of research.

CHAIR MIEDEMA: Jay Feldman?

MR. FELDMAN: Anne, I don't think you mentioned in your written statement anything about sodium nitrate. Do you use sodium nitrate?

MS. SCHWARTZ: I have never used sodium nitrate. I think for most producers in Washington alternative protein nitrogen sources are generally available. And that is even dealing with very cold soils and lots of rain.

MR. FELDMAN: Thank you.

CHAIR MIEDEMA: Katrina?

MS. HEINZE: We found the two copies.

MS. SCHWARTZ: Oh, great.

Thank you for your service. We really appreciate you being here.

CHAIR MIEDEMA: You're welcome.

Sam Carruth, you are at the podium. David Lively, you are standing by.
MR. CARRUTH: Good morning.

My name is Sam Carruth, representing SQM, the producer of natural Chilean nitrate.

It was mentioned yesterday that a reason to consider removing the annotation was because natural Chilean nitrate was originally put on the prohibited list 15 years ago. It is our understanding that this grew out of a concern from the certifiers over solubility of nitrates.

To address the concern, initially, the use was limited to 20 percent. The only way to limit the use of a natural product in the system of rules is to put it on the prohibited list and add an annotation.

We would like to point out that the solubility and leaching of nitrates is a concern, no matter what the source of nitrogen. All forms of nitrogen are eventually converted into nitrate.

The key to address this is to
manage nitrogen availability carefully and synchronize it as best as possible with crop needs. When it comes to impact on soil life, ample research has shown earthworm populations depend on interactions between several factors. Negative influence on earthworm populations is largely the effect of tractor traffic, soil acidity, and low soil organic matter content.

Natural Chilean nitrate is not acidifying and, on the contrary, transformation of organic, ureic, and ammoniac sources of nitrogen into nitrate, whether synthetic or natural, does have an acidifying effect.

Natural Chilean nitrate also increases yield that, in turn, leaves more crop residues on the field, increasing soil organic material, which encourages earthworms.

Regarding new information since the last Sunset review, the Crops Committee speaks of availability of new, alternative,
rapid shots of nitrogen in the form of liquid fish or soy products. These are not equivalent alternatives as they contain little or no nitrate, consisting mostly of nitrogen as a component of proteins and amino acids. As such, they still need conversion into nitrate mineralization and are not as quick-acting.

In a soil that is below 60 degrees Fahrenheit, the mineralization is extremely slow and basically stops below 50 degrees Fahrenheit. Nitrogen in its organic carbon form is not available for plant uptake. This is when farmers use natural nitrate for available nitrogen in cold soils.

Specific to liquid hydrolized fish fertilizers, please note that they also often contain natural Chilean nitrate as an added ingredient in order to give a rapid shot of nitrogen and to overcome the lack of available nitrogen during cold temperatures. This is the only way that an alternative liquid fish
product could be an equivalent to natural nitrate. And I hope that is clear.

So, liquid fish or soy-based protein nitrogen products are not affected during cool soil temperatures. If growers cannot use natural Chilean nitrate, U.S. production of organic cool season vegetables will decrease dramatically in both quantity and quality, and foreign imports from more favorable climates will inevitably take over to fill the void.

Once again, natural Chilean nitrate provides the farmer more control of what he is applying to the field, preventing excess application of other nitrogen sources that may have nutrient imbalances.

CHAIR MIEDEMA: Thank you.

MR. CARRUTH: Thank you.

CHAIR MIEDEMA: Any questions?

Steve?

MR. DeMURI: Are you the only producer of Chilean nitrate?
MR. CARRUTH: No. There is another producer in Chile that produces it.

CHAIR MIEDEMA: Jay, and, then, Nick.

MR. FELDMAN: Do you have any studies that look at the need for this boost of nitrogen relative to the percentage of organic matter in the soil?

MR. CARRUTH: The boost of nitrate nitrogen? I am sure there are several studies out there regarding availability of nitrogen. I can certainly dig some up and have them sent.

MR. FELDMAN: I am wondering if there is a relationship there with higher organic matter. Would you see less, you know, the induction of the Chilean nitrate? Or are you seeing no variability there?

MR. CARRUTH: Not off the top of my head, I don't have a study that relates organic matter to nitrate.

CHAIR MIEDEMA: Nick?
MR. CARRUTH: But, again, all nitrogen is eventually converted into nitrate in time.

MR. MARAVELL: Yes, I was just wondering if you have any information what would be the impact of lowering the 20 percent to, let's say, 10 percent or raising it to 30 percent? I am just trying to get an idea. I don't know how the 20 percent came around. This is a product you deal with all the time. Let me know.

MR. CARRUTH: The 20 percent, from our understanding, was when it was initially listed, and the concern was over the solubility of nitrates leaching. From my understanding talking to farmers, they seldomly ever get up to the 20 percent. So, decreasing down to 10 percent I still think would be a very valuable method, and in terms of getting that quick nitrate, because the majority of the product is, as mentioned earlier, blended with other sources of
nitrogen, whether it be liquid or dry.

And going to 30 percent, it is hard to quantify the difference of 10 to 20 to 30 percent, but we do feel that is a good restriction in there, allowing it just to be a supplemental tool to complement standard organic breakdown, nitrogen mineralization processes.

CHAIR MIEDEMA: I have a question for the National Organic Program. This 10 percent allowance that the gentleman is proposing, does that help with harmonization issues or international trade and organic issues? Or is it a zero tolerance that that program was looking for?

MR. McEVOY: What we identified is that it is a clear difference between the U.S. organic standards and other organic standards around the world. The U.S. is the only country that allows sodium nitrate under their organic standards.

So, it doesn't really matter what
level of allowance in terms of these trade agreements or getting your products into foreign countries. Any grower that is producing crops for export to a foreign organic standard cannot be utilizing sodium nitrate in their production. So, 10 percent wouldn't make any difference.

MR. CARRUTH: And again, that is a decision that should be left to the farmer. If he wants to export, then he wouldn't use it. If he wants to serve his local community, he shouldn't have that tool taken away from his arsenal.

CHAIR MIEDEMA: Any more questions?

(No response.)

Thank you.

MR. CARRUTH: Thank you.

CHAIR MIEDEMA: David Lively is up. Jake Lewin is standing by.

MR. LIVELY: Good morning.

My name is David Lively, and I am
the Vice President of Sales and Marketing of Organically Grown Company, a certified organic produce distribution company headquartered in Eugene, Oregon.

In my comments today, I would like to respond to the Crop Committee's proposals on two topics, ethylene and pheromones.

Ethylene. OGC sources organic pineapples from Costa Rica, the United States, and Mexico. Last year we handled 15,433 cases of the fruit.

OGC respectfully disagrees with the Crops Committee's recommendation to prohibit ethylene gas for regulation of pineapple flowering. We contacted the producers of the pineapples that we buy and found that every one of them not only uses ethylene, they consider the material essential to their operation.

Because pineapple flowering is commonly delayed or occurs unevenly throughout a field, growers rely on ethylene to manage
the timing of the plant's flowering and, therefore, the timing of harvest. Growers report to OGC that the impact of ethylene is not only beneficial at harvest, it also facilitates efficient cultivation, management of the growing plants, and helps avoid overproduction in the peak periods.

OGC concurs with the information presented in the Supplementary Technical Report commissioned for this meeting. Specifically, we urge the Board to consider two points from this report.

One, that there has been no new alternatives to the use of ethylene gas identified since the material was first reviewed, and, two, that there are methods of applying ethylene that are both affordable and practical for use by both large and small growers.

OGC urges the NOSB to continue listing ethylene gas for regulation of pineapple flowering.
Pheromones. The Crops Committee recommends that the NOSB continue listing of pheromones, but with an annotation that would restrict their use to, quote, "passive dispensers without added toxicants and with only approved inert ingredients".

OGC agrees with the Crops Committee's statement that pheromones, quote, "have become essential to organic fruit growing". We consider pheromones to be a good fit for organic fruit production because, in general, they are low in toxicity and eliminate the use of much more toxic products.

OGC moves many tons of tree fruit throughout the marketplace each year. When we contacted the growers of this fruit about the Committee's recommendation, they told us that the impact of prohibition of pheromones as mating disrupters would have grave impacts on their operations. One grower noted, "Pheromones are our first defense for worms. Without this tool, organic fruit growing would
most likely be impossible. One fertilized female can lay down 100 or more eggs. At this time, there is no viable alternative to pheromones to organic."

Another grower stated, "There is no way to continue organic tree farming without pheromones. The only alternative would be to spray Spinosad two to three times and alternate with horticultural oils. Burning copious amounts of fossil fuel and alternately applying three expensive spray items eight times is worse than dumb. Pheromone ties allow growers time out from using their sprayers."

We agree with the Crops Committee that the issue of inert ingredients in pesticides is very important to address. However, we urge the Board to address this topic in a broader way before changing the current regulations related to the types of inert materials in pheromone products.

We ask the Board to relist
pheromones without the portion of the proposed
annotation that refers to passive dispensers.

    CHAIR MIEDEMA: Thank you, David.

    MR. LIVELY: Yes.

    CHAIR MIEDEMA: Mac?

    MR. STONE: Would you elaborate a
little more on the cost associated with not
applying the ethylene, whether it is trips
through the field, application of other pest
controls, or aspects of it, not just
efficiency of harvest?

    MR. LIVELY: I can refer to that a
little, but I am certainly not an expert on
it. But the materials that I have read and
the growers we talked to, in both of these
cases, basically, you are moving from what I
would call a rifle shot to a shotgun in that
it greatly increases the number of passes.

    What I have been told in the case
of ethylene, cold water, ice water is the best
product, and it is a staggering quantity that
would have to be applied to the field, and the
number of passes is tremendous.

CHAIR MIEDEMA: Tina?

MS. ELLOR: Not being very familiar with pheromone use, in a practical sense, what other kinds of dispensers are used besides ties?

MR. LIVELY: Well, one I guess that would be allowed -- and a lot of this is growers' perceptions. One thing that I have learned is that the growers are getting information regarding this that is a little different than what is actually happening.

But, you know, basically, there is a pheromone monitoring trap which would be allowed. You know, it does not dispense throughout the orchard. But they regard those not as a control mechanism, but simply as a monitoring mechanism. And I am not sure what other means they would have.

CHAIR MIEDEMA: Jay?

MS. ELLOR: So, what would the example of a non-passive dispenser, for
example?

MR. LIVELY: To a question like that, if you would forward that to Zea Sonnabend, when she speaks on this topic a little later, that would be great.

MR. FELDMAN: Yes, our intent was not to -- I'm sorry -- our intent was not to take away the mating disruption tool, which we understood to be in the form of passive dispensers. So, I am glad -- we will talk to Zea when she comes up.

MR. LIVELY: Yes.

MR. FELDMAN: Thank you.

CHAIR MIEDEMA: David, would you mind reading the full annotation alternate that you were proposing? I think you got through about half of it.

MR. LIVELY: No, I was complete.

CHAIR MIEDEMA: That was it?

Okay.

John? John and, then, Nick.

MR. FOSTER: Do you have an
approximation of how many acres of pineapples
feed your supply chain, and just a ball park?

And, then, you mentioned, you said
growers. So, I am assuming more than one.

MR. LIVELY: Yes.

MR. FOSTER: About how many growers
are you pulling from, give or take?

MR. LIVELY: Well, I would have to
get you that information, which I could do
easily enough. I don't know the acreage, and
I don't know that anyone has ever studied the
acreage.

And until this, you know, there
are certain growers we work very directly with
and then there are others we move through
brokers primarily, which has been the case in
a lot of what we bring in from out of the
country, where there are people, companies
that we work with, who are really intimately
involved with those growers. And usually, we
uptake information out of those guys.

But I know that we contacted
several organizations in Costa Rica and in South America. I read Dole's testimony, but we also contacted some of the growers down there that are fairly small-scale and are doing fair trade. And they were able to just quantify literally to the number of families that were going to be impacted, the number of people in those families, employees, and stuff like that.

So, I can get you any of that information you would like. And in fact, one of the reasons we are here today, and one of our goals, is to establish a long-term relationship between this body, the organic distributors in the United States, of which there's about 10 -- we operate as a group called the Organic Produce Wholesalers' Coalition -- and growers, to where we can become more active in things such as when we talk about the antibiotics in apples, we have the power -- as I understand one of the issues on that case is that these growers have
actually been moving into varieties that are creating a problem, Pink Lady, for instance. You know, the ones that Josh mentioned earlier, relatively new varieties on the market. They have a lot of impact and volume. And we are in a position where we understand where you are going long-term to actually work with those growers. And you are walking into a boxed canyon, and you are not going to be able to get out of it. So, that is a lot of what we want to be able to do, is participate in that dialog with them and bring the monetary aspect to the market which they understand well.

CHAIR MIEDEMA: Nick? Then, we will wrap it up.

MR. MARAVELL: You mentioned that there were no known alternatives to the use of ethylene gas for controlling flowering since this was put into the rule originally. I was wondering if you could elaborate just a little bit on how you determine that, particularly
for the farm producers. You know, what
information do you have that shows that there
is no alternatives?

MR. LIVELY: In our case, we
relied upon the growers who we believe are on
the ground and trustworthy to tell us what
their capacities are and aren't.

MR. MARAVELL: And these were from
both U.S. and foreign sources?

MR. LIVELY: Yes. Costa Rican
primarily.

CHAIR MIEDEMA: Thank you.

MR. LIVELY: Okay.

CHAIR MIEDEMA: Jake Lewin is up
next. Joseph Ward is standing by.

MR. LEWIN: Hi, everyone.

Thank you for this opportunity to
address the Board and for all of your
dedication.

My name is Jake Lewin. I am the
Chief Certification Officer for CCOF
Certification Services. CCOF is one of the
oldest and largest organic certifiers in the U.S. We certify about 2400 operations of all types and perform about 3,000 inspections annually.

The material reviewed, discussion paper is complicated. It is important, but it is a subject I can't really address here.

We have submitted detailed comments that cover our thoughts and ideas for required best practices in this area, and I am now asking the Board to form an industry working group to address this over time or to work very closely with the commenters as you deliberate.

Meanwhile, we do believe the NOP can audit material review organizations within the accreditation process of existing certifiers.

All right, new subject, unannounced inspections. I am here to ask the CACC to address this item that was on their work plan previously.
Specifically, CCOF is asking the CACC to recommend a minimum unannounced inspection requirement for all certifiers. NOP could, then, enforce this in the accreditation process through rulemaking, guidance, or some other directive mechanism to certifiers.

CCOF's unannounced inspections are particularly valuable to the certification process. Further, as our community grows, this underused practice is increasingly important.

CCOF performs unannounced inspections representing about 5 percent of CCOF's certified operations each year. That is about 100 inspections, about 115 a year.

Other organic standards or accreditation models have enforceable minimum requirements for unannounced inspections. CCOF, the Accredited Certifiers' Association, and other certifiers also have a wealth of tools to support broad implementation by a
variety of certifiers.

Due to administration concerns, cost constraints, and inertia, consistent application by certifiers is unlikely with an enforceable federal-level imperative. Therefore, I am respectfully asking the CACC to pick up this languishing item, address it, and establish a required minimum number of unannounced inspections annually.

This is really an important opportunity in front of you to improve the certification process for years to come. I would also note that an unannounced inspection requirement overlap quite well with the residue-testing requirement that we have learned about today. I think those two, they can work together pretty well.

So, thank you for your consideration.

CHAIR MIEDEMA: Thank you.

Steve and, then, Barry and, then, John.
MR. DeMURI: Isn't there already a requirement for unannounced inspections in the regulations?

MR. LEWIN: There is the right to perform them, but no mandate to do so.

MR. DeMURI: Okay.

CHAIR MIEDEMA: Barry?

MR. FLAMM: Jake, who pays for those unannounced inspections in California?

MR. LEWIN: Unannounced inspections, by and large, are paid for by the certifier, which ultimately means that they are paid for by the clients. Functionally, they are paid for by the clients since they are ultimately going to have to be reflected in certification fees. But, as a matter of per-inspection, 95 percent of the time they are paid for by the certifier themselves, absorbed into our cost of doing business.

CHAIR MIEDEMA: John and, then, Katrina.

MR. FOSTER: So, my question is
about kind of the infrastructure that a
certifier needs to have in order to do this.
How doable is it?

MR. LEWIN: It is fully
achievable. The infrastructure is the same
infrastructure you have in existence to
perform the inspections you are already
mandated to do. The additional expense of
performing a minimum number of unannounced
inspections is really not all that
significant. Our current expense for this is
about .45 percent of our expenses to do
unannounced inspections at 100 a year.

CHAIR MIEDEMA: Katrina?

MS. HEINZE: Just a followup to
the who pays question.

MR. LEWIN: Yes.

MS. HEINZE: I guess I have always
assumed, as a handler, that we would pay
because it would be, right, it is like our
annual certification; it is just happening
unannounced. I am a huge supporter of that.
I have said this before. It is how we do both our in-house and third-party food safety audits. I have just assumed it would be billed like our annual certification. Is there a reason it can't be?

MR. LEWIN: With this part of the rule, there is no regulatory reason that I understand why it could not be paid for by the operation. Because we do them based on complaints and random, we do not want to impose an additional burden on clients randomly, and so, would rather absorb the cost ourselves and spread it across the entire client base as a best practice. But there are a variety of models.

CHAIR MIEDEMA: Katrina, you can follow up, and, then, we have Nick, Joe, Mac. Let's be brief.

MS. HEINZE: Is there a reason the annual, in addition to compliance, is there a reason that the annual recertification audit couldn't be done unannounced?
MR. LEWIN: There is no reason that cannot happen. It is not typical since it is not always fair to expect the operation to be able to have every last person they need ready for an unannounced annual inspection. So, by and large, we use them as spot inspections and not as annuals, but they do have the capacity to serve that function. And all models are doable.

CHAIR MIEDEMA: Nick?

MR. MARAVELL: Yes, I would just like clarification on something you said about the unannounced inspections could overlap with the residue testing. Maybe I didn't hear it quite right. Could you just elaborate on what you were referring to there?

MR. LEWIN: My expectation would be that some percentage of our forthcoming unannounced inspections would also have a residue-testing component, and we would be serving both goals during the same visit.

MR. MARAVELL: So, you would be
collecting samples on a random, unannounced basis at that time?

MR. LEWIN: Yes, I would expect so. That would make sense. I don't think every unannounced inspection will involve residue testing. However, there will be overlap for a number of good reasons.

CHAIR MIEDEMA: Mac, did you still have a question?

MR. STONE: Yes. Jake, as certifiers, and I agree with unannounced inspections, but if you get there and the owner is at the market and the guys are out in the field, how do we maintain the right relationship with our members as a matter of order?

MR. LEWIN: I think it is very important for certified operations to understand that they have granted certifiers the right to perform inspections during normal business hours. And if nobody is there, you have other legal matters. However, we have
found that we can very successfully perform
any number of observations without trespass
and can perform unannounced inspections every
single day, regardless of if people are home.
It is very easy to go look at a field to see
whether or not it appears to have herbicide
damage, and that can suffice as an unannounced
inspection.

CHAIR MIEDEMA: Thank you.

MR. LEWIN: All right. Thank you
very much.

CHAIR MIEDEMA: Joseph Ward is up
next. Maggie Lucas is standing by.

We are not going to take a break.
I urge members, if they want to take a break,
to go ahead, so long as we maintain quorum up
here. We are going to try to get caught up
before lunch.

DR. WARD: My name is Dr. Joe
Ward, and I have a Ph.D. in animal nutrition
and currently serve as the President of the
Iowa Organic Association.
I come before this distinguished Board to voice concerns to the recent recommendations that outline specific parameters for animal welfare, transport, and slaughter. On the surface, these recommendations appear to address the animal's behavioral traits as well as physical space considerations. Unfortunately, the recommendations do not adequately address the numerous factors that are associated with housing considerations, adequate floor space, biosecurity, or their exposure to disease and predators.

There are too many variables that influence these decisions to set in stone specific numbers as absolute requirements versus recommendations. This Committee cannot foresee and legislate all combinations and permutations for raising livestock.

If the intent of this Committee was to increase the awareness of the need to provide outdoor access and adequate housing,
and to provide guidance on these issues for
all species, then we commend you for your
efforts.

It would appear that a more
realistic expectation for providing adequate
floor spacing and access of the outdoors based
on temperature considerations should be left
to those that are directly, that are actively
engaged in animal food production.

The Chair of the Livestock
Committee provided testimony yesterday
representing numbers for the space and housing
considerations for livestock from the American
Federation of Dairy and Animal Science that
were described as requirements from this
group. These space requirements are used by
this group in the content as a recommendation
and are not viewed as absolute minimum
numbers, as described by the Chair.

So, when these numbers are
transposed in the proposed rule by the NOSB,
they move from an industry recommendation to
specific numerical requirements by this Board.

We believe that the proposed rules must be tempered with realistic expectations and warrant further review and further discussion. We ask this Board to reconsider the proposals as a must-do versus proposed in the content as a guidance or a recommendation. Let the scientific community composed of animal behaviorists, animal nutritionists, veterinarians, and farmers work together and make the correct recommendations for the individual operation versus this Board making sweeping mandates that clearly will have far-reaching, unintended consequences that would not serve the highest good of the organic industry nor its consumers.

Respectfully, on behalf of the Iowa Organic Association and its members, I thank you for consideration.

CHAIR MIEDEMA: Thank you.

Wendy?

MS. FULWIDER: We were just
attempting to show you that we had looked at a lot of numbers that are put out and published by other groups. We did look at other numbers that we did not put up on the board yesterday in Committee, but we just wanted to give you an example of the numbers that we did look at.

And we do need to have some base for enforcement. And that is why we have put numbers forth, at the request of many that are in the audience here today.

CHAIR MIEDEMA: Nick?

MR. MARAVELL: Yes, I would just like some clarification on two things you said. Are you saying that, if our recommendations were put forward as guidance pending further back-and-forth with the community, that that would be an acceptable approach?

DR. WARD: Absolutely. I believe when you put the word "requirement" based on the NOP rules, they are a must-do. When you
put them as a recommendation, then, when the certifying agency is on the farm, they can look at the aspects that affect that particular rule and make clear recommendations and clarify why a producer may be doing something different than the actual recommendation.

MR. MARAVELL: And, then, you said let farmers, veterinarians, and I think certifiers, sort of work this out. Are you referring to on a farm-by-farm basis or are you referring to looking at our standards or our proposal here? I am just trying to clarify what you are saying.

DR. WARD: What I am talking about is, as far as guidance and recommendations, obviously, the Board has worked very hard to come up with recommendations. But when we make them hard, fast rules across all different types of farming situations, I think we are in error.

We should allow those who are the
experts that deal with it at the farm level
make those determinations on actual adequate
floor space or ventilation considerations or
outside access. Those considerations should
be done at that level, not at this level.

MR. MARAVELL: And so, the
certifier --

CHAIR MIEDEMA: Nick? Wendy, you
had a followup? Okay. All right, just one
more brief one will be fine. Go ahead, Nick.

MR. MARAVELL: I will hold.

CHAIR MIEDEMA: Steve?

MR. DeMURI: So, based on your
proposal, how would you propose that the
certifiers were going to enforce that?

DR. WARD: Enforce what?

MR. DeMURI: Enforce the welfare
requirements. I mean without any hard, fast
numbers.

DR. WARD: Well, we have numbers
as recommendations, but when we put them in as
requirements, then it is an absolute. Then,
the certifying agency has to adhere to that number, and the farmer may be in violation.

When you place them as recommendations, then, at that point, the farmer must provide evidence why he does what he does in his organic system plan. So, therefore, there are ways to review those situations and not be a hard-and-fast rule, as it would be as a requirement.

CHAIR MIEDEMA: Do you still have a followup, Nick?

MR. MARAVELL: Yes. It is very similar to what Steve just asked. But what I am wondering is, do you have a way to get together with the other certifiers and come up with something that we could look at that would really be workable? We have to have enforcement, and we have to rely on our certifiers. So, is there something here that, a process -- I'm talking about a process, not a standard here -- is there a process here that you think all the certifiers would feel
comfortable going forward with?

   Essentially, the process you are
talking about do you think that --

   DR. WARD: I believe it is
imperative that you do involve the certifying
agencies and those that are on the ground
because the amount of time and the
implications and understanding it at the farm
level is paramount.

   So, getting them involved would
sure clarify the issues, as Harriet described
when she is talking with producers or talking
with other organic groups. You are able to
clear up why the NOSB does what it does. So,
I think it would be a great idea, and I would
welcome that opportunity to be involved in
that.

   CHAIR MIEDEMA: Wendy, last
question.

   MS. FULWIDER: I think especially
the new Board members need to be aware that
this has been up for public comment for a
number of years, and the Committee has worked
on this for a long time and put a lot of
effort to get these numbers right. And
certifiers and farmers and everyone have been
involved.

CHAIR MIEDEMA: Thank you.

DR. WARD: Thank you.

CHAIR MIEDEMA: Maggie Lucas is up
next. Are you here, Maggie?

(No response.)

Okay, Dragan Macura is up next.

Tony Dryak is standing by.

MR. MACURA: My name is Dragan
Macura. I am the founder and part owner of
AgroThrive, Incorporated. We use corn steep
liquor as part of our process of making liquid
organic fertilizers. This is my third time
presenting on the topical of corn steep
liquor.

I support the recommendation by a
majority of the Crops Committee to continue
listing steep liquor as the non-synthetic and
allowed in the use of organic fertilizers.

Today I would like to present some of the scientific information that seems to be either misunderstood or not interpreted correctly by some of the opposition who is advocating the listing of steep liquor as synthetic.

Basically, they are using the information that is obtained on the basis of laboratory circumstances, which are totally different than the industry conditions for production of corn steep liquor by the countercurrent corn steeping process.

I have presented these before. I again summarize them in this table.

To be sure, I have never advocated or tried to present that sulfur dioxide does not break disulfide bonds. Sulfur dioxide, to be clear, does break disulfide bonds under certain laboratory conditions, and these conditions are summarized in the table, in the left side of this table.
In particular, the corn kernel pH has to be high, relatively high. The introduction of high concentration of sulfur dioxide has to be continued throughout the process.

If you can take a look at the Biss and Cogin, the best available science, they have used a high concentration of sulfur dioxide 11 times during the time that the process takes place in 50 hours. And, also, SO2 must be in its active form. These conditions absolutely do not exist in the steeping process in industry, and the conditions for that are summarized here.

Could you have the next slide, please? Actually, the last slide.

This is the process that actually happens in the industry. And the last slide, additional information, this is a publication by Hull, et al., in 1996. That separated individual components that are important in determining this sterile water they found
releases as much carbohydrate and protein as
the industrial process. When they add lactic
acid, it has no effect. When they add sulfur
dioxide, it actually levels or decreases the
release of proteins or carbohydrates, proving
that sulfur dioxide does not release proteins
--

CHAIR MIEDEMA: Thank you.

MR. MACURA: -- or carbohydrates,
as claimed by the opposition.

CHAIR MIEDEMA: Thank you.

MR. MACURA: Thank you. I would
entertain any questions.

CHAIR MIEDEMA: Tina?

MS. ELLOR: If sulfur dioxide is
not releasing proteins in varieties, why is it
used then?

MR. MACURA: From looking at the
process, it is used to stop the fermentation
-- the process is a biological process; there
is no doubt about that. The fresh corn is
added to steep liquor when it has very high
lactic acid fermentation going on. It is very well known that lactic acid bacteria are proteolytic and they hydrolyze pretty well everything, carbohydrates, starches, and proteins alike.

It is used to help select for lactic acid bacteria that, then, produce lactic acid, stabilize the process, and continue the release of starches during the initial phase of the process.

It is used at the very end, and you will see in the description of the process it is used at the very end, only an hour and a half before the 50-hour process is complete, to stop the fermentation, so that the hydrolysis or digestion of the components does not continue and carry over into the other components of the process.

CHAIR MIEDEMA: Tina?

MS. ELLOR: So, just to follow up, and very briefly, if you could, because this is such a complicated issue, could you sum up
what the essential -- we have two experts here
telling us two different things. Sum up very
simply and clearly and briefly, if you would,
where those differences occur.

MR. MACURA: First of all, the
experts, and I don't want to be disrespectful,
but one of the thing, as an expert, as a
science expert, the first thing you need to do
as a scientist is to look at the experimental
design of the research in question.

With all due respect, Dr. Johnston
did not read or he misinterpreted the
experimental design of the Biss and Cogin, the
most relevant research in this respect. He
missed, totally missed, the clear explanation
in the materials and methods that very high
concentrations of sulfur dioxide were used
right throughout the process every five hours
in the laboratory conditions that were set by
Biss and Cogin. That is not what happens in
the industry. Biss and Cogin explained that
very clearly, and they showed ample evidence
that that is not what happens. He chose to in
the largest part ignore that.

And, also, we have seen testimony
yesterday, or at least the presentation by our
respected member of the NOSB here, that
emphasized some of the things that were just
not expressed in the research. Some of the
comments were made in the introductions and in
the textbooks, but that is not -- as a
scientist, you go to the experiments. You
evaluate whether the experiments were done
correctly. Then, you look at the conclusions
that were made and evaluate them on the basis
of how the experiments were set up. That
wasn't done in the expert opinion, and it is
clear from their --

CHAIR MIEDEMA: Any other
questions? John?

MR. FOSTER: I was wondering if you
had had a chance to read what Richard Theuer
had provided on this --

MR. MACURA: Yes.
MR. FOSTER: -- and whether that informed your opinion any more or less --

MR. MACURA: Yes.

MR. FOSTER: -- relative, inasmuch as it might clarify or draw attention to what you have already said?

MR. MACURA: Yes, I did. There was a question of, if sulfur dioxide was involved in the breakdown, in the breaking of disulfide bonds, as we all agreed that it does under certain conditions, there would have been an increased sulfur content in the final product in steep liquor.

Richard Theuer did a very meticulous calculation of whether there is extra sulfur found in the countercurrent steeping, resulting steep liquor. He concluded that there was none.

What else? I think that was the most important.

CHAIR MIEDEMA: Thank you.

Last question, Jay.
MR. FELDMAN: So, not only -- I just want to make sure I understand this -- Dr. Johnston's misinterpreting the literature, and the basic textbook Corn Chemistry and Technology, 2nd Edition, is not telling us the right thing, is that correct?

MR. MACURA: I am not going to comment to that. I haven't read it. But the textbooks usually use general statements. I did not see any discussion of any research that leads to that, nor did I see any research published by Dr. Johnston in the area of sulfur dioxide use.

MR. FELDMAN: Well, he has a paper --

MR. MACURA: He has mentioned in his introductions to all of his papers. His expertise lies in enzyme use in the steeping process; it is not in sulfur dioxide use. He also has not published anything peer-reviewed on the disassociation chemistry of sulfurous acid. That is where the crux of
the problem is. There is no chemical environment in the countercurrent process to allow for disulfide bond breakage by sulfur dioxide.

MR. FELDMAN: Well, you just said earlier that sulfur dioxide breaks disulfide bonds.

MR. MACURA: Under the conditions --

MR. FELDMAN: Now you are saying it doesn't.

MR. MACURA: No, under the conditions, laboratory conditions, clearly outlined by Biss and Cogin, which are not present in the countercurrent process.

MR. FELDMAN: Madam Chair, I am beginning to think this is the organic community's evolution debate.

CHAIR MIEDEMA: Excuse me. Please wait to be recognized.

MR. FELDMAN: We have got textbooks that are --
CHAIR MIEDEMA: Jay?

MR. FELDMAN: -- respected in the field which are being --

CHAIR MIEDEMA: Okay, let's wait to be recognized, please. Thank you.

I have one final question. It is actually for our Materials Chair. When we look at the production of the material, and it can be produced in a lab one way and it can be produced at scale for production another way, are we usually privy to those two different production methods? And which do we use in evaluating the material?

MS. HEINZE: Well, we need to review the one that is going into being used as an input. And, you know, if you go back to that November of 2009 recommendation, one of the things we said was we needed to do this deep dive. So, I think this deep dive is very important and we need to understand the process that is being used as an input.

And, then, the other thing we said
was we needed to use annotations to clarify that.

CHAIR MIEDEMA: Thank you.

MR. FELDMAN: Madam Chair, can we ask OMRI which they have done to evaluate? Because I have been told that OMRI used our policy to evaluate the countercurrent commercial process.

And so, you are asking a question that implies that we are relying on a scientific study, and we are not.

CHAIR MIEDEMA: I asked a different question, and Katrina has answered it.

Thank you.

MR. MACURA: Thank you.

CHAIR MIEDEMA: Tony Dryak is up next. Richard Mathews is standing by.

MR. DRYAK: I come here for the third time to talk about particularly organic laying hens.

My background is I have been
farmer for 37 years. I have experience with all species of livestock. I think, as a result, I have become pretty qualified to discuss through observation.

I am going to speak from two perspectives in the three minutes allotted. I am going to speak from an outsider point of view. That is, as a farmer that has gone outside our country to promote U.S. agriculture output, Asia as well as Europe.

When you are in those emergents, you find out how wholly inadequate the standard has been up to this point in time. The standard that is being suggested right now is a massive improvement, but it is still a work-in-progress, but it does give us some guidance.

Today, given the USDA standard, I cannot export an egg in any form to another country because we simply don't meet the requirements. The EU has thousands of years, the area has thousand of years of experience
with laying hens, and they have evolved a
system that works very well. So, it behooves
us, and we can see that the standards that the
Livestock Committee has relied upon really
follows models that have come mainly from the
European continent. The humane farm animal
care standards are modeled after the European
and American farm, the same.

My other perspective is I look at
the situation from the perspective of a
chicken and how the consumer perceives what is
being produced for the U.S. market. I would
venture to guess that most organic eggs are
produced in the system you see on the right
and not on the system you see on the left.

You can go to the next slide.

This would be an example of a free
range.

Go to the next slide.

This is another example of free-
range organic.

Go to the next slide.
This is another example of cage-free organic production with no outdoor access.

Go to the next slide.

This is another example of organic within the system.

And so, as a consumer, the consumer perceives they are receiving products from the example on the left side, which is an example from Europe where the hens range freely and they are able to exhibit all the natural behaviors, including foraging. A chicken is an omnivore, which means he eats both plant and animal material.

CHAIR MIEDEMA: Thank you.

Mac, Katrina, and John.

MR. STONE: If your certifier documents that you would meet EU standards, can you still, would you be able to export?

MR. DRYAK: Yes, but you first have to set up a system that meets the standard. One example is that the EU requires
that you feed grass/plant material to a chicken through the wintertime. And on our farm, we have done that and successfully.

CHAIR MIEDEMA: Katrina?

MS. HEINZE: If I have learned anything from materials classification, it is that a rush to do a rule gets you in trouble really fast.

(Laughter.)

So, it is a little bit of declaration of where I stand, since we got a reminder to do that.

But my question for you is, if we implemented the more prescriptive, the things that are under debate as guidance, so certifiers had a line that they were trying to certify to, but, then, had certifier discretion to interpret when things weren't that way, do you feel that is a good first step, as we grapple with this and try to get to where you want us to be?

MR. DRYAK: Well, could you
describe the second condition? Could you
describe your second condition a little
better, please?

MS. HEINZE: Okay. So --

MR. DRYAK: If you are using the
proposal as a minimum, I am talking about the
discretionary part on the part of the
certifier.

MS. HEINZE: I guess my concern is
that I don't fully understand the unintended
consequences if we put this in the rule. So,
if we made it guidance and said this is what
we think is right, certifiers would go audit
to that, and chances are sometimes they would
find things that didn't comply with that.

If it is in the rule, they have no
discretion. If it is in guidance, they, then,
dig deeper. They may have to have
conversations, you know, with the NOP,
whoever, for those differences. Some are
going to be clearly not okay, and some might
be okay. You know, another way to get to the
performance standard we are trying to get to.
So, that is the discretion.

I am starting to think that seems like a first good first step. I am trying to figure out if you think that is a good first step.

MR. DRYAK: Okay. As a farmer, I have been certified by four U.S. certifiers in the almost 20 years of being a farmer. I have never found one inspector to interpret, nor the inspection agency to interpret, the rule closely and similarly enough.

I have been a farmer that has gotten in trouble three times, I haven't been decertified, but even though I engage in due diligence about fertilizer, about chickens, whether or not they should have a beak trimmed or a beak left on the bird.

And with the bird question, I beak trimmed mildly. That certifier at that time said they would not certify my hens.

So, I think allowing discretion is
a real slippery slope, and you are not going
to see the kind of change that really needs to
happen out here.

CHAIR MIEDEMA: Tina Ellor?

MS. ELLOR: With the Chair's
permission, I would like to ask the NOP if
they have a preference, as of this time,
whether they would like guidance or whether
they would like a recommendation.

MS. BAILEY: Melissa Bailey for
NOP.

We talked about this a little bit
on the Livestock Committee call as well, but
for the benefit of the Board, our preference
would be, as with other sort of practice
standards that the Board may have recommended,
it is a little bit different than the National
List where we are more constrained in
following the recommendation provided by the
Board.

With a practice standard
recommendation, we, the agency, has some
latitude to look at the recommendation and
decide what, based on the current regulations,
the state of affairs, what is more appropriate
for guidance versus rulemaking.

So, what we had discussed was that
the Livestock Committee be clear in their
intent, and that the program could, then, take
that recommendation, sift through it, and
figure out what is most suitable for a rule
change versus more appropriate guidance. That
was my understanding of what we discussed with
the Committee.

CHAIR MIEDEMA: Nick?

MR. MARAVELL: Just a
clarification. You said the EU requires you
feed grass/plant material through the winter.
Are we talking about a green pasture with
grass with roots in the ground?

MR. DRYAK: No, the regulation
talks about feeding a silage grass.

MR. MARAVELL: So, this is
something that has been harvested and kept in
silage form?

MR. DRYAK: Correct.

MR. MARAVELL: And you do that?

MR. DRYAK: And I have done it as an experiment. Right now, I am in a position where I do not have an ongoing house operating. But I am in another business that relies upon eggs from the organic egg industry. I make liquid egg products and frozen organic egg products.

And so, I look into millions of eggs' interiors and I get to see what kind of quality comes through. So, that is a long-winded answer.

CHAIR MIEDEMA: John Foster?

MR. FOSTER: Hi. Thanks. I think you might be just exactly the right person to ask this question I have been dying to ask about European models. I was kind of jogged by the photos you had up there.

I am sure that there are hawks and falcons and coyotes in Europe, too. The last
time I checked, they had all those.

MR. DRYAK: Yes. Yes.

MR. FOSTER: And they had all the human pathogens that --

MR. DRYAK: Yes.

MR. FOSTER: -- not all, but certainly enough to carry their own.

MR. DRYAK: Yes.

MR. FOSTER: So, in those systems, what is either the procedural or the consumer expectation difference that would allow those either predators or food safety to not be a problem? Or are they? Do they have the same problems and are tolerated differently or have not the problems? And in the case of the latter, why don't they have those problems?

MR. DRYAK: First of all, in Europe eggs are not washed and they are not refrigerated. And so, when you go into a store, they are in the ambient temperatures.

The European poultry people will argue that you compromise the integrity of the
egg when you wash it because you wash off the oil film that is there. An egg has 17 to 18 thousand pores in that surface, and when you wash it, you, then, remove one of the barriers to the interior of the egg.

On the numerous farms I have been on in Europe for the purpose, I have been invited there because I go and I have exhibited in Germany and in London, and I exhibit U.S. organic eggs, not USDA NOP. I mean it is on my label, but I strive for a higher standard. And I do presently move products overseas, the product part, not the shell egg.

But in being on the numerous operations, when I show that picture of the many birds out there in a pasture pretty far away from a house, that is real. They do it.

CHAIR MIEDEMA: Sir, would you mind addressing the question about the predators?

MR. DRYAK: They appear, the
poultry producers appear to spend more time with their birds. It is not just feed them and collect the eggs and move on. And they appear to use dogs to protect, llama.

CHAIR MIEDEMA: Thank you.

Last question, Wendy?

MS. FULWIDER: Could I ask what the size of the farms are over there, how many hens per farm?

MR. DRYAK: Well, I can tell you from my experience that there will be, there could be a farm with 20,000 hens in four different groupings of 5,000. They are divided.

Some of the technology like the electric fences that exist today called web electric fences, all of that innovation is from Europe. All the cages, the systems we use in U.S. barns, most of them, if not all of them, are made where the innovation occurs, which is in Europe.

CHAIR MIEDEMA: Thank you.
MR. DRYAK: Okay. Thank you.

CHAIR MIEDEMA: Richard Mathews is up next. Julie Weisman is standing by.

MR. MATHEWS: Richard Mathews, NOP Solutions, Incorporated, commenting on the animal welfare recommendation, all warm fuzzies removed due to time constraints.

Any rulemaking on this recommendation will be classified as significant for purposes of Executive Order 12866. It will be reviewed by the Office of Management and Budget and other federal departments such as the Small Business Administration, Environmental Protection Agency, and the Food and Drug Administration.

Executive Order 12866 requires in part that NOP identify and assess the problem to be addressed; assess the regulation's costs and benefits; base decisions on information concerning the regulation's needs and consequences; identify and assess alternative forms of regulation; avoid regulations that
are inconsistent, incompatible, or duplicative of other regulation; tailor regulations to impose the least burden.

This regulation does not define the problem, analyze the problem, or develop possible solutions. It provides NOP with nothing that enable it to comply with Executive Order 12866.

Passing this recommendation will signal change in the absence of actual change. While NOP wrestles with what to do about this recommendation, some certifying agents will try to implement its provisions, thereby increasing the problem of inconsistency in standards application.

Further, those seeking instant application of the recommendation will generate illegitimate complaints. These complaints will incite uncertainty in the mind of consumers, to the detriment of producers.

One example: in May 2002, Analyst B heard testimony regarding dioxin hazards and
developed a compromise outdoor access position. They also acknowledged that porches would comply with outdoor access. What changed in the past nine years?

Please withdraw this recommendation until you have defined the problem, analyzed the problem, documented alternative solutions, and explained and documented what has changed since May 2002, thereby, providing NOP with an actionable recommendation. Use Appendix A of your Policy Manual as your guide.

CHAIR MIEDEMA: Thank you.

Any questions for Richard Mathews?

(No response.)

Julie Weisman is up next. Peggy Miars is standing by.

Our lunch recess today will be from 12:10 to 1:00 p.m. Actually, we will see when we start.

(Laughter.)

MS. WEISMAN: All right. Hello.
My name is Julie Weisman. I am a former NOSB member. I was one of the handling representatives from 2005 to 2010. I chaired the Handling Committee for several years and was also Vice Chair for a year.

Despite what is up on the screen, my comments at this time are my personal opinions. They do not necessarily represent those of my companies, Elan Vanilla and Flavorganics or other groups of which I am a member.

In the runup to this spring 2011 meeting, I am seeing a pattern with regard to Sunset recommendations that is disturbing to me and which I fear belies a general attitude regarding the National List.

And I was feeling the need to question this before I arrived in Seattle. Even though I have things I would like to say about lots of specific things, I felt this was way more important. And sitting in the room for the past two days has strengthened that
feeling.

During my tenure on the Board, our charge during Sunset, as we understood it, was to evaluate whether there was any new evidence that a material was harmful to humans or the environment or that a more benign material was available to replace it. If neither of these conditions was met, we were to respect the work of previous Boards.

It has been long understood in these meeting rooms that, once a material is listed and products have entered the stream of commerce, the disruption of having access to ingredients, either by handlers or by farmers, if that is cut off without adequate replacement, it is detrimental to our entire organic community.

Such disruption would, obviously, be justified in the wake of credible, new revelations about human and/or environmental health and safety. But, short of that, it was not justifiable; it was not seen that way.
The Crop Committee's packet of Sunset recommendations and the discussion that I have witnessed here over the past two days flies in the face of the work of previous Boards. Almost half of the 12 synthetic materials, crop materials, up for Sunset review, the Crop Committee has recommended against relisting in situations where no new information on human or environmental toxicity or about the availability of alternatives has emerged.

It appears to me that a sentiment has overtaken some Committees, maybe not the whole Board, that the mission of the NOSB is to make the National List as short as possible, and that a shortened National List is equated with greater organic integrity. And I challenge this view.

I would like to underscore the words of our Deputy Administrator McEvoy on Tuesday morning, that there is no requirement in the statute to shorten the National List.
I touched on this issue somewhat in my comments before this Board last fall in Madison, and I will refer you back to -- anyway, all I have time to say is that the idea of adding a material --

CHAIR MIEDEMA: Thank you.

MS. WEISMAN: -- one material to the list often results in the most number of acreage in production, and the beneficial result of that is the purpose for our being here at all.

Thank you.

CHAIR MIEDEMA: Thanks, Julie.

Any questions for Julie Weisman?

John Foster?

MR. FOSTER: Could you refer us back to any document or resource, perhaps the one you were about to refer to a moment ago, that would help clarify or elucidate, expand on your opinion?

MS. WEISMAN: I was referring to my comments last fall at the meeting in
Madison, and I made a comment that had mostly to do with 606 and the issue of commercial availability. And I guess I would encourage people to go back over transcripts and documents written by myself and other people regarding that because it gives many, many examples of situations where adding an item to 606, for instance, you know, on the outside it is making the list longer. It is adding a material that is not organic. But it is also providing a way, they are providing ways to actually increase organic integrity.

Colors was an example. Even though the reason why they came off the list was a bit unique, people say one item came off and 18 items went on, but those, the addition of those 18 items increased the organic integrity of products because they were replacing synthetics that had been used.

MR. FOSTER: Thank you.

CHAIR MIEDEMA: Katrina, did you have a question?
MS. HEINZE: I think Jay was ahead of me, but, yes, I do.

MR. FELDMAN: Yes, first of all, as you know, when the Committee deliberates on these things, they look at the record and transcripts going back to the first Board of the NOSB, and many of the materials, I would say a significant number, at that time were put on the list with an understanding that they would be reevaluated because there were concerns about missing data, and so forth.

But, just to give you an example, my question goes to the antibiotics. Are you including that, antibiotics, which includes two of our materials, streptomycin and tetracycline, among those that the Board is not, in your judgment, following protocol?

MS. WEISMAN: I would say yes. I would say yes.

MR. FELDMAN: Okay. Because, as you know, the Board voted on tetracycline in 2008 --
MS. WEISMAN: I was on the Board.

MR. FELDMAN: -- to remove it by 2011. So, that would, in effect, force us to relook at that with a lens, don't you think, with a lens that would be very critical of its continued use? And the same would go for streptomycin, wouldn't you think, because of the history on the Board where we have seen numerous votes that either were very close --

CHAIR MIEDEMA: Please ask your question.

MR. FELDMAN: The question is, since the votes were very close, don't you think the Board has a duty in that context to sort of evaluate the thing more carefully than just relying on a very close vote?

MS. WEISMAN: Certainly, but I believe that there are, it feels like there are factors influencing -- I mean, first of all, that was a compromise. I was on that Board. I was part of that vote, and putting the extension was a compromise.
And I think that I would never argue against taking a look, but I feel like the same information can always get interpreted in different ways. I don't believe that there is new information from today from the time that was vote was taken.

CHAIR MIEDEMA: Thank you, Julie. Board members, I want to remind us all what we agreed on at the beginning of this meeting, and what the NOP published an emergency Federal Register notice on. That is three minutes for public comment, and, then, we agreed two minutes of repartee questions to clarify.

Let's make sure that we don't debate the public, that what we really do is respect the fact that people travel long distances to share their opinion, and we want to have a chance to ask them questions. But really let them share their opinion.

We have started to drift a bit from that five minutes. So, we are going to
make sure and tighten that back up in the
second half of the day, and recess now for
lunch.

   It is quarter after. Let's all be
seated at 10 after 1:00.

   (Whereupon, the foregoing matter
went off the record at 12:14 p.m. and resumed
at 1:13 p.m.)
CHAIR MIEDEMA: The NOSB is back in session. We have quorum, and we will get started.

First up today is Darren Jones, and standing by is Robin Allan and, then, Terry Shistar.

We first have a correction from our Materials Chair on a piece of information she provided yesterday.

MS. HEINZE: Hi. So, this is for the Board. I have two things.

Are you guys ready? Okay.

First, right before the break, John asked if there was a foundational document on our Sunset process, and there is. Once Lisa is back, I will ask her to get copies to you guys. It is a March 2005 NOSB Sunset process that goes through a lot of the things that you heard Kim and Julie talk through.
The second thing is that yesterday during the Materials Committee presentation on classification, Colehour asked me a very good question which was, is that "and" or "or"? And I answered incorrectly. And thank you for Calvin for being persistent.

So, the answer is the recommendation says it is chemical change or present at a significant level. And I don't know where my brain was. That was incorrect. So, either of those two things makes something synthetic.

So, if you have questions, we can talk about it tomorrow, but I wanted to get that on the record.

CHAIR MIEDEMA: Thank you, Katrina.

Okay. Any other announcements or clarifications before we proceed with public testimony?

(No response.)

Okay. First up, then, is Darren
Jones at the podium.

And it looks like we will need to do a little switcharoo here, that Darren is not quite ready. So, Robin, do you mind going ahead? Okay.

MS. ALLAN: Everybody feel ready here? Okay.

All right. Hello. My name is Robin Allan. I'm the Director of Grower and Livestock Certification for CCOF. We are the largest certification agency in the United States. So, we are representing a fair number of livestock producers here.

We strongly support the move of the NOSB towards explicitly addressing animal welfare in the NOP standards. We are committed to the long-term development of enforceable and consistent standards.

We believe that organic can be, and should be, the leading option for livestock certification, and organic producers should have no reason to seek additional
humane certification.

    We thank you for the obvious effort, Wendy, that you put into taking the public comment into account and making a number of the necessary changes to the two documents that you presented yesterday. From a non-Board member point of view, it was very, very difficult to follow the conversation and the changes that were made, but we really thank you for making those publicly available and posting those online, so that we could look them over.

    Up until yesterday, I was prepared to come up here to advocate that the proposals be withdrawn and not be voted on, and be reworked. After yesterday's Livestock Committee presentation, I am able to say that I think that the proposals can move forward to the NOP. I don't necessarily think that these need to end up being fully in rulemaking, but I do really support, we have stated this before, and I continue to support
a lot of this to go to guidance. And I trust that the program can differentiate between what should be guidance and what should be rulemaking.

I do think that both the proposals have some significant flaws in the specifics, but we will be prepared to submit more detailed comments during a future rulemaking process where we have more time. This is very difficult, a short period.

I really recognize that the Board feels you have beat this proverbial horse to death, that we don't beat the cows, just the horses, and you are ready to move forward. You know, Tina said there's a push to do something, and I really recognize that.

So, I do want to say that, as a general point, organic livestock producers are really suffering under the weight of increased burdens of paperwork and increased regulation. Please let's be very careful about unchecked increases on requirements for OSP.
descriptions, operator documentation, and inspection requirements. Such requirements often are unrealistic and do not necessarily improve animal welfare or ensure organic integrity.

So, thank you very much.

CHAIR MIEDEMA: Thank you, Robin.

Any questions? Reuben and, then, Nick.

MR. WALKER: I was talking, and I didn't get your organization. You mentioned that you were in support of the recommendation of the Livestock Committee?

MS. ALLAN: Yes, I work for CCOF.

MR. MARAVELL: Yes, I was just wondering if you could comment on the increased paperwork requirements. You are probably going to hear this from me quite a bit because I am representing the producers.

MS. ALLAN: Yes.

MR. MARAVELL: What do you feel has contributed to that, and is there anything
that the certifiers can do independently?

Just with what is there now, is there anything
certifiers can do to reduce that paperwork
burden? Or do you feel that you can't reduce
it on your own? So, what's contributed to it,
and can you do anything now?

MS. ALLAN: Yes. Specifically,
the implementation of the pasture rule for
ruminants over the last year, starting last
June and going through to this June, has
really significantly increased the paperwork
burdens. And a lot of the way that that rule
was written includes all the specifics that
must be described in the organic system plan
and must be documented.

So, we find that even for a
completely free-range beef producer that may
feed a couple bales of alfalfa in the winter,
they now have to keep very detailed documented
records of their dry matter intake, dry matter
demand in a way that doesn't really improve
the organic integrity, but is required because
the rule says that it must include that.

We would really like to decrease those requirements, but are not sure how to do that well, enforcing the rule as it is written.

CHAIR MIEDEMA: Mac?

MR. STONE: Which part might you like to see in rulemaking versus guidance?

MS. ALLAN: I definitely think that guidance is more appropriate for the specific stocking rate densities. I think that those are somewhat untested in the organic community, and that putting those directly into rulemaking could really be problematic.

I would say the same thing for some of the requirements, some of the definition-type items, too, such as soil, the definition of soil. I think that these things can have some long-term repercussions that are often hard to anticipate right away.

CHAIR MIEDEMA: Thank you.
Next up is Darren Jones or, sorry, Darren Williams, and Terry Shistar is standing by.

MR. WILLIAMS: Hello. Darryl Williams with Oregon Tilth.

Let's start with chlorine. We agree with the annotation change by the Handling Committee for chlorine materials and support the relisting of chlorine. However, we request that the Crops Committee revise their annotation to be consistent with the Handling Committee and suggest the annotation from the Crops Committee is not clear or that the suggested annotation for the Crops Committee is not clear in stating that chlorine materials are allowed for direct food contact.

We concur with the OTA and others that the annotations for both handling and crop usage should allow for alternative intervention steps and/or testing which will reduce and verify that the residual will
satisfy the Safe Water Drinking Act.

We ask that clarification will be made after this regarding the labeling of organic commodities, 100 percent organic or organic, which are sanitized in accordance with the new annotation.

Vitamins and minerals. We support the renewal of vitamins and minerals to the National List, but do not support the current annotation for vitamins and minerals, as it doesn't support nutrients which were originally supported by the NOSB.

We do not fully support the revised annotation from the NOSB. Verification of what is allowed could be problematic for the certifier. An example, if we are presented with a nutrient and we review the regulation and verify compliance based on our research, and down the road a complaint is filed because we approved X, Y, Z, how will the NOP determine if X, Y, Z is allowed or not? Some certifiers are saying the only way
to know is a prescriptive list, but, generally, we don't support a closed or prescriptive list.

Additionally, all certifiers will need guidance and very good communication with the NOP in making certification compliance decisions based on this recommendation.

Corn steep liquor. We support the Crop Committee's recommendation listing of corn steep liquor as non-synthetic. Sulfur dioxide does not chemically change the corn steep liquor when consulting the definition of chemical change.

For the proposed annotation, we do not support the reoccurring process listing, quote, "via the traditional countercurrent corn wet milling process" as this causes a burden on certifiers to determine if the process follows the exact process denoted by this statement.

Sunset materials, tocopherols. Agree with the Committee to relist
tocopherols, but would like an annotation change or some sort of clarification be made that the use of organic rosemary extracts as opposed to a non-organic source of rosemary extract.

CHAIR MIEDEMA: Thank you, Darryl, and my apologies for saying your name wrong twice.

MR. WILLIAMS: That's fine.

CHAIR MIEDEMA: It looks like a couple of questions. Steve and, then, Jay.

MR. DeMURI: Can you reiterate your agreement or non-agreement with the nutrient, vitamins, and minerals proposal? I am interesting in what exactly you would like to see.

MR. WILLIAMS: So, we are not in current support of the current annotation. We like the way it is going with the revised annotation, but we believe that it is not defined enough. Yet, we don't want a completely closed list because of the
allowance for anything new in the future that is found, and, then, you know, if the FDA is going to list that right away, which is probably not going to happen.

CHAIR MIEDEMA: Steve?

MR. DeMURI: No. 2, so a followup.

MR. WILLIAMS: Okay.

MR. DeMURI: So, you don't like the annotation as it currently stands. What if there was no annotation, just nutrient vitamins and minerals, period?

MR. WILLIAMS: Well, from what we saw yesterday in the list that was brought up, because of that, we wouldn't necessarily agree with no annotation, either. I think the revised annotation that is coming out is the best one by far, but I think it needs to be a little more detailed as to where people can go to find what they need.

CHAIR MIEDEMA: I have one more question, and, then, Jay, we will get to you. So, when you say "revised
"annotation", did you mean the recommendation the Handling Committee published to regulations.gov?

MR. WILLIAMS: Yes. Yes.

CHAIR MIEDEMA: Okay. Thank you.

Yes, we have had a lot of information out there. I just wanted to make sure --

MR. WILLIAMS: Yes.

CHAIR MIEDEMA: -- we all knew what we were talking about.

Jay?

MR. FELDMAN: Can you give us an example of -- this relates to the Crops' motion -- an example of a product or a process that you would think could be eliminated as a result of the language that has been proposed by the Crops Committee?

MR. WILLIAMS: I am not really -- could you repeat? I am not really --

MR. FELDMAN: I am trying to figure out if there is a specific -- you said that you don't think the current language will
allow chlorine products to come into direct
contact with food. I think that is what you
said.

MR. WILLIAMS: Yes.

MR. FELDMAN: So, I am trying to
ask if you could give us an example of a
product or products or even process that would
be at risk if this language were to be
adopted.

MR. WILLIAMS: So, I do agree with
what the Handling Committee is proposing.

MR. FELDMAN: The Crops Committee.

MR. WILLIAMS: Okay.

MR. FELDMAN: I am talking about
the Crops Committee.

MR. WILLIAMS: Okay. So, the
Crops Committee, I think that language should
be added to their annotation as well, so it is
clear to the farmers for post-handling harvest
processes that they know what they can use,
and that it is clear to certifiers as well.

MR. FELDMAN: Right.
CHAIR MIEDEMA: Thank you.

Okay. Next up is -- and, by the way, I stopped Jay there just because we were at about the six-minute mark -- let's see, Terry Shistar is next.

And, Lisa, I didn't quite get who was standing by on the list. Thank you.

Bart Alexander is standing by, and Mel Gaiman is after that.

MS. SHISTAR: Okay. I have got some slides up there.

I am Terry Shistar, and I am on the Board of Directors of Beyond Pesticides, and I have been for something like 26 years.

And I submitted several written comments. So, this is going to be fairly quick.

Next slide.

The first thing I want to talk about is corn steep liquor. We support the minority view that corn steep liquor is synthetic according to the policies adopted by
the Board because it is the result of chemical change produced by the introduction of a synthetic.

Every independent scientist the Board has heard from has found CSL to be synthetic, including the USDA scientists who were requested to give their evaluation and OMRI.

Next slide, please.

And when the Committee and/or Board rejects the scientific expert opinion that they have invited, it makes the decisions appear arbitrary and capricious.

Next slide, please.

On to antibiotics. The use of antibiotics contributes to resistance to antibiotics in human pathogens, and this is an important human health impact that I am afraid that the Board is not taking, well, it has not been hearing from, hearing about very much.

If bacteria on the plants and in the soil are sprayed with an antibiotic, those
with genes for resistance to the chemical increase compared to those susceptible to the antibiotic. And this can be any bacteria, whether it is the fire blight bacteria or natural soil-dwelling bacteria, whatever.

Those genes may be taken up by other bacteria by a number of mechanisms collectively known as horizontal gene transfer. They include transformation, in which the bacteria pick up DNA that is free in the environment, for example, from dead and degraded bacteria; conjugation from direct cell-to-cell contact, which may involve unrelated bacteria and is mediated by plasmids or transposons, and transduction, the transfer of DNA via phage.

Next slide, please.

So, this is just a picture, and I think you saw it in the Committee's presentation.

Next slide, please.

So, once the resistant genes are
present in any bacteria, they increase the pool of resistance genes and the likelihood that human pathogens will acquire that resistance. And I passed on an article to that effect.

Next slide, please.

The next thing I want to talk about is the significance of synthetic residues. And we support the minority proposed definition.

Next slide, please.

The majority's reliance on standards set under other statutes is contrary to the Organic Foods Production Act. Standards set under FIFRA, the FFDCA, and the Clean Water Act rely on risk assessments that in various ways discount health and environmental effects.

As someone who has taught courses in risk assessment and hazardous materials policy, I know that the number of things that OFPA requires that you consider go far beyond
those other laws.

Next slide.

And this was covered this morning, but I thought I would put it up here because this shows another example of where the actual tolerances are insufficient.

CHAIR MIEDEMA: Thank you very much, Ms. Shistar.

Any questions? Katrina?

MS. HEINZE: I am wondering if you could tell me what makes a scientist independent, from your perspective.

MS. SHISTAR: Well, in this regard, I think an independent scientist is one who doesn't stand to benefit from the way this turns out, the decision turns out.

Colehour -- or --

(Laughter.)

CHAIR MIEDEMA: Colehour?

MR. BONDERA: Thank you, Dr. Shistar.

I think I want to raise that
question, too, because it is a little confusing to me. The Crops Committee really didn't listen to the opinions of the consultant scientists. And I wonder if you could expand on that in terms of this process related to the CSL decision that was made, and specifically, on the topic, my personal interest -- and I don't know if you will get to this or not, but I think this came up earlier in the CSL dialog -- was related to the distinction between chemical and biological change processes going on with the corn steep liquor issue. I don't know if you are going to fit that in or not, but specifically about --

MS. SHISTAR: Well, I might be able to if Lisa will give me the next couple of slides. Go on.

Well, I have some quotes here from Dr. David Johnston from what he submitted. And I just wanted to highlight, I am going to mention the things that are in bold here, so
I can flip through them fast.

He mentioned that the breaking of disulfide bonds does occur as the result of sulfur dioxide addition.

Can I have the next one?

There are new chemicals formed due to the addition of sulfur dioxide, and these are formed during the breaking of disulfide bonds.

Next slide.

And as to whether this is a necessary part of the countercurrent wet milling process, he quoted from this text. I guess that is about it.

CHAIR MIEDEMA: Any more questions, just real quick as we wrap up?

(No response.)

Thank you.

MS. SHISTAR: Thanks.

CHAIR MIEDEMA: Bart Alexander is next. Are you here?

(No response.)
We are going to keep moving. Mel
"Gaiman" or "Gehman"?

George Bass is standing by.

MR. GEHMAN: Good afternoon, Board
and Program.

I am Mel Gehman, Heritage Poultry
Management from Pennsylvania.

I have worked in poultry husbandry
and health and nutrition all my life. I grew
up on a poultry farm that was a layer pullet
farm with cage-free birds. That is the way
the birds were back then.

I later worked, after being
educated in animal science, I worked for USDA
at the Agricultural Research Center,
Beltsville, Maryland, in the Poultry Branch.
I also served on the Pennsylvania Certified
Organic Board.

This public input is a very vital
part of the organic egg program as well as
other organic programs. At this very critical
time, we are making the organic egg program
more relevant to the consumers' viewpoint.

At the same time, the egg safety program is being enforced. This is very important for us to get this right, and we must finish the job.

Our management company has been involved in producing organic eggs under certification since 1997, and we have focused on doing it right and have anticipated a strengthening program.

Our flocks have been under the Egg Quality Assurance Program, specifically, the Pennsylvania Egg Quality Assurance Program, and our eggs have been under the PEQAP and certified humane seal.

There are two items that I would like to address in relation to the FDA egg rule for egg safety. We recommend that pullets are not put out during the growing period. The pullets must be grown up, strong, and healthy with a well-developed immune system. The hens receive their last SE
vaccination at 13 weeks of age with three weeks to build immune response and recover from the handling stress before they are adapted to a new environment.

The other item, the house openings, to meet the FDA rule of keeping the house tight, we think there is excess openings at the five foot per thousand birds. We think that two foot per thousand would be adequate, and has been shown to be adequate in our systems for the birds to go outside and enter.

CHAIR MIEDEMA: Thank you.

Any questions?

(No response.)

Thank you, sir.

MR. GEHMAN: Thank you.

CHAIR MIEDEMA: George Bass is up next. Trudy Bialic is standing by.

MR. BASS: Thank you very much for all the great work of the past and the present for the NOP, the volunteers, the NOP staff, the producers, and the public.
In Massachusetts, we are the only large egg farm left, and we have an organic farm. As you know, the largest egg company in the United States has about 27 million hens. I bought an old farm that was out of business. They had 60,000 hens and pullets. Now we have about 68,000 hens in one place.

Now we give our hens access to the outdoors on porches in good weather. The AMS allowed us to use porches in 2002.

Here are the three points on porches:

No. 1, there are many diseases, worms, and rodents on soil. There are five strong, good veterinarians that told us that we should not put hens on the soil. Two vets have Ph.D.s. We have those letters from the scientists.

We have neighbors on the left, on the front, on the right, in the back. Massachusetts has their own area. We just don't have space. If we had all the hens on
the soil, the manure would put out an awful stench.

   No. 3, the Quabbin Reservoir is 65 miles west of Boston and 40 communities use this for water. Every day they use 200 million gallons of water.

   There was a small brook close to the farm. If there were hens on the soil, the manure would contaminate the brook through runoff. The brook goes on a river and, then, goes to a huge aqueduct for nine miles to the reservoir. I present you with two maps of the area.

   Thank you for your time.

   CHAIR MIEDEMA: Thank you very much, Mr. Bass.

   Any questions?

   (No response.)

   Thank you very much.

   Trudy, you are up next.

   Joan Smiley is standing by.

   MS. BIALIC: Thank you for your
Our company, PCC Natural Markets, has nine certified organic stores, soon to be ten, 46,000 active member/owners. We are the largest consumer-owned, consumer-operated grocery retailer in the country. Today I am speaking for management.

We realize that synthetic nutrient additives was postponed as a topic until this fall, but we already have had to face consumer questions and concerns. So, we feel compelled to share our experience today.

It is very easy to empathize with the expertise and time needed to review individual additives; we know that. But the recommendation to allow any synthetic additive deemed a nutrient without petition and review we feel is an abdication of responsibility vested in NOSB for very good reason.

Organic consumers expect that, if any synthetics are allowed, each one is vetted through the formal petition and review
process. To surrender that power that we fought so hard to give you to protect the consumers' interest, very hard fought and hard won, to surrender that authority voluntarily betrays public trust.

When a grandmother recently asked if the DHA and ARA in a certain formula was safe for her grandson, we had to answer in all honesty, in the interest of transparency, that NOSB did not vet those additives. Yes, we realize there are complaints of side effects.

For these reasons, we feel that companies that have been using DHA and ARA, knowing the petition and review process, should not get an automatic pass.

PCC has discontinued, suspended the sale of organic products with these additives. We pulled the infant formula, flax oil, and children's vitamins two weeks ago.

We support enforcement action that would require removing these questionable synthetics from products bearing the organic
We ask you to honor the mandate given NOSB to protect the consumers' interest. We sell trust, really, much more than we are selling individual products. Please ensure that synthetic additives of any kind, nutrient or not, are the rarest exceptions, not business as usual, and that each one is reviewed individually from a precautionary position.

Consumers are very grateful for the NOP's age of enforcement.

Thank you very much. Any questions?

CHAIR MIEDEMA: Thank you, Trudy. Any questions? Jay?

MR. FELDMAN: Thanks, Trudy.

So, what do you think we should do?

MS. BIALIC: Enforcement action.

Well --

MR. FELDMAN: No, in terms of the
issue of moving forward on vitamins, nutrients, and minerals with open-endedness or with citations?

MS. BIALIC: Vitamins and minerals seem to be a different category than the basic nutrient additives.

MR. FELDMAN: Yes. Yes.

MS. BIALIC: So, I mean, to me, I am trying to address specifically the synthetic nutrient additive recommendation that was put forth by the Committee --

MR. FELDMAN: Okay.

MS. BIALIC: -- allow any without review and process --

MR. FELDMAN: Right.

MS. BIALIC: -- of synthetic nutrient additives.

MR. FELDMAN: Okay. Thank you.

CHAIR MIEDEMA: Do PCC consumers know that most of the essential vitamins and minerals are synthetic?

MS. BIALIC: I don't -- well,
essential vitamins and minerals, I know that, for example, like vitamin C, for example, we have discussed that a lot of the vitamin C is synthetic. Yes, they do know that, for example. Yes.

CHAIR MIEDEMA: Thank you.

MS. SMILEY: My name is Joan Smiley, and I am with Falcon Lab.

I am here to encourage the Board to expedite the review and approval of the ammonium nonanoate petition for use as an herbicide on food crops. To support this group in determining an appropriate annotation, we have included recommended wording in the petition.

Ammonium nonanoate already has an EPA exemption from residue tolerance. And according to the EPA, residue due to the active application of ammonium nonanoate as labeled will likely not exceed that already present in nature and, in fact, would be indistinguishable.
I would like to acknowledge the balance this group must consider. USDA has the goal of increasing organic acreage. To make this happen, barriers to productivity for organic farmers, weeds being the biggest issue, must have better solutions.

Organic farmers want to know that they can be productive within standards. Machine-driven weed-control methods are costly in time, money, and soil health, and currently-allowed methods only include expensive hand labor or very expensive, ineffective NOP-allowed herbicides.

Consumers want the safety that the term "organic" ensures for them and deserve integrity to the standards.

So, what is ammonium nonanoate? It is, by definition, soap. Soap is a significant part of everyday living. It is in every household and plays a huge role in most industries, including healthcare.

According to the EPA, residues
from pesticide uses of soap salts are not likely to exceed the levels of naturally-occurring fatty acids in commonly-eaten foods. And the FDA lists ammonium salts, soap, as allowed food additives.

Soap is already allowed as a synthetic substance, and it is on 205.601 with restrictions to non-food. Ammonium soap salts are considered chemically-identical to potassium and sodium salts, which were placed on 40 CFR 180.950 in 2006.

That ammonium salts did not get the same placement seems an incongruent technicality that has significant lost economic opportunity to organic farmers. Ammonium nonanoate biogrades in less than 24 hours and will not translocate in soil. Thus, environmental persistence is not an issue. And according to the EPA, ammonium nonanoate is already on soil and crops naturally.

And I would like to clarify. A petition was submitted for a new substance
addition rather than an annotation change for
the broad category of soap because it has been
discussed at these meetings that, if
substances are considered, it should be in the
specific, not in the general.

Ammonium nonanoate is a precise
subset of the broad category of soap with a
distinct CAS number, and is the only ammonium
soap that both occurs in nature and has
herbicidal qualities. Being precise makes
sense for maintaining high standards.

Can an organic herbicide be
effective? The answer is yes. Here is one
eexample of a very persistent crop-draining
weed, lamb's quarters. And less than one day
later, the applied areas are weed-free.

It is a no-brainer that weeds are
the most expensive productivity challenge to
organic farmers. This substance would be one-
third to one-fourth the cost of other options
and would provide a much-needed tool for
organic farmers.
In addition, ammonium nonanoate meets all the criteria for all the constituencies.

CHAIR MIEDEMA: Thank you.

Any questions? Jay Feldman?

MR. FELDMAN: Okay. So, I have a couple of questions. The current listing that we have for fatty acids you are saying does not include this. And ammonium nonanoate is chemically-identical to what exactly?

MS. SMILEY: Potassium and sodium salts.

MR. FELDMAN: Okay.

MS. SMILEY: According to the EPA.

MR. FELDMAN: Okay. Now, the first question.

MS. SMILEY: The first question is soap-based herbicides are actually on 205.601 --

MR. FELDMAN: Right.

MS. SMILEY: -- with an annotation for non-food use.
MR. FELDMAN: I see. So, you would like, what you are looking for is an allowance in crop reduction, essentially?

MS. SMILEY: Correct, for a precise subset of what is already on the --

MR. FELDMAN: Of the fatty acids?

MS. SMILEY: -- allowed synthetics.

MR. FELDMAN: Okay. Thank you.

MS. SMILEY: Thank you.

CHAIR MIEDEMA: Sure.

Joan Smiley is up next.

(Laughter.)

Oh, I am so sorry. Okay.

Thank you, Joan.

Patty Lovera is up next. Alexis Randolph is standing by. We'll get it.

MS. LOVERA: Hi. My name is Patty Lovera. I work for an organization called Food and Water Watch. We are a consumer organization, and Food and Water Watch is a member of the National Organic Coalition.
So, in the interest of time, I will just say that we support NOC's recommendation on conflict of interest.

And, also, my colleague Tyler Shannon talked about aquaculture on Tuesday. So, if folks have questions about aquaculture, I could answer those as well.

Also, I will just say very, very quickly on the animal welfare issue, you know, we share the concerns a lot of other groups have expressed about lining up these standards with the other standards that are out there and really taking a good look at that, because that is a huge, huge concern of the folks who are our members and supporters. They are very motivated by the animal welfare issue, and there is a lot of competition out there in the marketplace already.

I am going to spend a little bit more time on the nutrients issue. Given all of the changes and things that have happened in recent weeks, we are just interested in
figuring out what can we deal with now. And it seems like the vitamins and minerals piece we can deal with now. I think there has been lots of good discussion about that.

I think we would echo a lot of what Trudy was just talking about, even on the other nutrients issues, about the control and organic having its own process for dealing with these, as opposed to kind of a blanket approval process. Blanket approvals without the annotations about which foods qualify for fortification with which vitamins and minerals, we think would be a mistake.

You know, the control that organic has, that the NOSB and the NOP have to create these lists with these kinds of conditions, puts us in a position, hopefully, to then use these systems to find the natural or non-synthetic alternatives. And if we give that control up, we miss that opportunity to use what is supposed to be this marketplace incentive about finding those replacements to
keep the number of synthetic materials down.

So, I think we are very interested
in tying that list of allowed synthetic
vitamins and minerals to FDA's 104.2 list with
annotations about what products qualify for
fortification and not just letting that list
be eligible for any food in organic, and it is
worth, yes, a second line to talk about infant
formula and to tie that to the 107.100 list.

The last thing, quickly, I will
talk about is corn steep liquor. Food and
Water Watch supports the minority opinion that
it is synthetic. We think a key component of
that for our members and supporters who are
consumers is being able to explain how that
was decided. A widely-understood definition
is really a basic consumer expectation. So,
we think being able to explain that is
important. We think the minority opinion does
that well.

And we understand there are ripple
effects from decisions, and that making this
synthetic might change other materials that are already in the organic world. But we have to, when we have these opportunities to set a good precedent and make the right decision, we think that has to be the decision that is made because that is integrity ripple effect is just as important as the work ripple effect.

CHAIR MIEDEMA: Thank you, Patty. Jay?

MR. FELDMAN: Thanks, Patty.

On the nutrient vitamins and minerals, what exactly is the proposal that you are supporting? You mentioned 104.2 and 107 or 107.100. So, do you want those specified in the annotation? Is that what you are proposing?

MS. LOVERA: Whether the annotations are coming from FDA's listing, which for most fortification is --

MR. FELDMAN: So, you are asking for that?

MS. LOVERA: Right. As opposed to
just a list of what can be used, the list has
the annotation that says it can be used for
these products that are supposed to be or
qualify for fortification, and that infant
formula seems to be a different list. So,
let's have that as its own item to say we are
ty ing it to this list from FDA; this is what
is allowed.

MR. FELDMAN: Thank you.

CHAIR MIEDEMA: Colehour?

MR. BONDERA: So, you are here
from Food and Water Watch, right?

MS. LOVERA: Yes.

MR. BONDERA: I cannot remember
the name of the person who was up here a few
days ago. And I was racking my brain to try
to reformulate my question because I had to
remember it because my question by her was
postponed for when you were up here --

MS. LOVERA: Right.

MR. BONDERA: -- if I remember
correctly.
Ahhhh.

(Laughter.)

So, my question specifically was about ocean and organic farmed fish, and I asked for, because she referred to the newest information or recommendations that your organization had on that topic, and she said that I should ask you that when you were here. And I think I have now asked you that, please.

MS. LOVERA: Okay. So, it was actually Tyler Shannon, who is a guy, but I won't tell him that. He's not here; he won't know.

So, he was delivering a memo that I think you all have now that we tried to compile what we have seen since 2008 about two main categories, escapes, environmental impact, what we have learned about open-net pens, and, then, also, what we have learned about wild fish as feed.

So, that has been distributed to you. It is fairly detailed. But, to
summarize, the escapes piece is very -- we are kind of always adding to our list or our file of stories about escapes of farmed fish. And you know, it is all over the world; it is not one part of the world. It is Europe. It is South America. It is the Mediterranean.

And, then, in terms of the wild fish as feed, that is just a growing body of study about the contaminants and things. So, we tried to summarize some of those studies and put the cites in there.

CHAIR MIEDEMA: Thank you.

MS. LOVERA: Thank you.

CHAIR MIEDEMA: Alexis Randolph, you're up.

Zea Sonnabend is standing by.

Zea, are you here?

MS. SONNABEND: Yes.

CHAIR MIEDEMA: Okay.

MS. RANDOLPH: Good afternoon.

My name is Alexis Randolph, and my comments are on behalf of QAI, an organic
QAI supports the Materials and Handling Committee's decision regarding the classification of materials to return to the 2009 definition of chemical change. However, QAI feels that defining a significant level of a synthetic in the final material needs further thought. QAI would like clarification on what the final material refers to.

Yesterday the Committee discussed the definition of technical and functional effect, but QAI would still like further clarification of the technical and functional effect that the final material is, for example, on a 605(a) material or the finished product that the 605(a) material is going into.

This written recommendation seems to be implying the effect is on the material being reviewed, but discussion yesterday implied the finished organic product.

QAI would like to encourage the
Board to prioritize the development of a guidance document and to move the school recommendation forward for implementation. The Board as a whole has asked for input about the oversight of material review programs and has successfully identified the challenges of such an undertaking.

The expeditious publication of materials classification guidance to ensure this Board, certifiers, and material review institutes are being consistent when determining synthetic versus non-synthetic will be the first, and perhaps most important, step in attaining the larger goal of uniform and consistent material review.

Our comments regarding chlorine are addressed to both the Crops and Handling Committee. QAI supports the Handling Committee recommendation for chlorine in general, and we appreciate the Committee acknowledging in their discussion yesterday the critical change QAI feels need to be made
in order to accommodate no-rinse sanitizers. In addition to a potable rinse, there are other methods for ensuring residual chlorine is at or below the safe drinking water level of 4 milligrams per liter. These methods include, but are not limited to, a product purge, a rinse with another approved material on the National List, and testing for residual chlorine.

We recommend that the annotation be modified to require a potable rinse or other intervening event that is verified through testing.

QAI also supports the Crop Committee's recommendation and requests the annotation be amended to further clarify that chlorine listed on 205.601 applies to pre-harvest product contact only.

Furthermore, we would like to know -- sorry, three minutes is stressing me out (laughter) -- to implement either chlorine annotation successfully as a certifier, it is
necessary to define when the scope of an
operation changes from crops to handling.
Many certifiers currently issue a crop
certificate to operators who perform post-
harvest on-farm washing of produce. Other
certifiers, including QAI, define that
activity as post-harvest handling.

We would like to know how much
chlorine will be allowed for edible sprout
production. Even though sprout seeds are
discussed under Crop Section 205.204, in
reality, most sprout production takes place in
a processing facility or building located
adjacent to a farm.

If the NOSB cannot address these
conflicts of scope through annotation changes
alone --

CHAIR MIEDEMA: Thank you.

MS. RANDOLPH: -- the QAI
respectfully requests you work with the NOP to
issue guidance that accompanies the National
List.
CHAIR MIEDEMA: Thank you, Alexis.

MS. RANDOLPH: Thank you.

CHAIR MIEDEMA: Questions? Katrina?

MS. HEINZE: Thank you for your comments on our classification recommendation. I could not agree with you more that we need to move forward with guidance. So, my question to you is, or I guess a preface, the reason we brought the significant question to a vote is we needed Board direction on how to move forward. Do you have any opposition to us passing it as guidance, so that, then, we can move forward to get the rest of the guidance completed?

MS. RANDOLPH: I don't have any opposition if the guidance documents give clear examples of types of materials where the technical and functional effect are applying to either the material being reviewed or the final organic product being created that uses that material.
MS. HEINZE: I will write it down right now.

MS. RANDOLPH: Okay.

CHAIR MIEDEMA: Any other questions? Jay and, then, Steve.

MR. FELDMAN: Thank you for your comments.

I am trying to get a handle on the scope issue that you mentioned with chlorine.

MS. RANDOLPH: Yes.

MR. FELDMAN: So, if you could help me with that, I would appreciate it. So, you are saying that any post-harvest handling in the field is considered handling in your world? Is that field? Because, as you know, a lot of processing is happening in the field, right? So, there is the pre-harvest that you said the Crops Committee recommendation should apply to. What kind of language would you --

CHAIR MIEDEMA: Jay, please repeat your question for the record.

You have distinguished between pre-harvest and post-harvest.

MS. RANDOLPH: Yes.

MR. FELDMAN: If you could just help explain that for me one more time?

MS. RANDOLPH: Sure. The majority of post-harvest activity that we see at the farm is actually adjacent to the field in a shed-type environment, not necessarily always a shed, but also, you know, a more sophisticated facility environment, where they are washing produce and applying, obviously, chlorine into the wash water.

Some certifiers certify that entire activity at that location as crops, and QAI would certify that as two separate certifications, the second one being post-harvest handling as a handling standard. And therefore, in that scenario the chlorine could be used according to the new annotation at any level, provided there is a potable rinse.

MR. FELDMAN: Is that common? I
am just trying to get a sense of whether that
is industry-wide. Are you an exception? Or
are you the rule? How does it break out among
the certifiers? Do you know?

MS. RANDOLPH: I don't know --

CHAIR MIEDEMA: Thank you.

MS. RANDOLPH: -- the percentages,
you know.

CHAIR MIEDEMA: Thanks. No
problem.

Miles has a --

MR. McEVOY: A point of
clarification from the program. This came up
during the ACA training in Portland this year
as an area where certifiers are looking at
post-harvest in different ways. The rule is
not clear in this particular area. So, you
have post-harvest materials like floatation
agents like sulfonate and sodium silicate that
are under the 601, and, then, most of the rest
of the handling materials are under 605.

So, this is an area that the
program is working on providing clarification
to the certifiers and the organic community,
so that we are all on the same page. We
realize there are some distinctions. The
standards are still being met. It is just
that, where do you draw the line; what do you
call post-harvest handling?

MS. RANDOLPH: Can I just respond
to that really quickly?

We recognize that not all
materials are up for review at this time, and
therefore, not all materials would be getting
an annotation change. For example,
diatomaceous earth is another example of a
crop material that is allowed for pesticide
application in the crop environment, but not
once the grain moves to the post-harvest, to
the facility processing.

So, we just thought at this time
chlorine is an opportunity to clarify the
annotation, but if it is more appropriate to
allow the program to make that clarification
on a larger scale, then we are fine with that as well.

CHAIR MIEDEMA: Okay. Thank you. Jay, did that answer your question, from the program?

MR. FELDMAN: I have a question for the program.

CHAIR MIEDEMA: Okay.

MR. FELDMAN: Yes, just quickly, so in terms of the recommendation coming out of the Crops Committee, Miles, what would that apply to, the recommendation that is currently? Because, as you know, as John described yesterday, the recommendations coming out of Handling and Crops are slightly different. So, I was wondering what the Crops Committee recommendation would apply to as you are thinking about the rule.

MR. McEVOY: Well, we will be providing clarification on this in the final guidance that will be out shortly. So, I would say we will take the recommendation from
the Crops and Handling Committee about chlorine into account for providing clarification.

CHAIR MIEDEMA: Thank you.

MR. McEVOY: That didn't really make any sense, did it?

CHAIR MIEDEMA: It sounds like it is to be determined.

Okay. Thank you very much.

Zea Sonnabend is up next, and Susan Cheney is standing by.

MS. SONNABEND: Good afternoon.

I am Zea Sonnabend, Policy Specialist and Organic Inspector for CCOF.

From 1994 to 1996, I was the original contractor for the TAP reviews. So, I can try to help if there is any questions that arise from some of those very old TAP reviews.

Since 1993, I have been standing here commenting to this Board about the need for thorough and scientifically-based
materials review. To that end, we are very grateful to see the materials classification document finally coming to fruition, and we do support the language that is now proposed and hope you can get it through this meeting because it will affect the whole certifier community every day in making decisions for materials.

It is also particularly important that you have good review in considering changes in the Sunset process because your own Board Procedures Manual requires you to consider the force of evidence of new information that would contribute to any change in Sunset. If you can't get a current technical review on time, then please respect the deliberations of the previous NOSB members who heard lots and lots of public comment and deliberated long and hard, not all of which is captured in the transcripts of that time.

That being said, I want to point out some flaws in the existing crops
recommendations. The one for magnesium sulfate has no technical report, no reasons or evidence, or no assessment of commercial availability for non-synthetic sources.

The pheromones one has a change of annotation that is seriously flawed because the passive dispenser language is currently in the inert section, and limiting passive to language for all inerts would thwart a lot of new technologies with low environmental footprint and apply a more strict standard to pheromones than anything else on the list, while pheromones are one of the safest materials on the list. Please work with inerts through the Inerts Working Group and not through the pheromone annotation.

In doing a thorough review, it is important for you each to be critical thinkers when it comes to looking at the information presented to you, and be aware that not all statements made by everyone are supported by evidence that backs them up.
The TAP reviews should be read carefully for what they say and what they do not say. If I had been able to see the technical report for tetracycline and streptomycin before the written comment period, I would have liked to challenge several assertions that have been made to the Board in there, but it was not posted on time for me to incorporate it into my written comments.

And I have three particular things that I would like to challenge, which if I run out of time, you can ask me afterwards. Other people got the benefit of seeing it ahead of time, and I did not.

For instance, the statement that antibiotic use in pears and apples has been linked to human pathogen resistance is not a statement outright made in the technical report. And I will go back and read the paragraph to you later. It does specifically say that, while we can surmise that this
lateral transfer of resistance could occur, the link between human pathogen resistance and antibiotic use in apples and pears has not yet --

CHAIR MIEDEMA: Thank you.

MS. SONNABEND: -- been made.

CHAIR MIEDEMA: Thank you.

Any questions for Zea? Tina?

MS. ELLOR: Would you be willing to share the other two with us, please?

(Laughter.)

MS. SONNABEND: Yes. Thank you.

I have one sentence on that one. In the technical review, the EPA said they will be reviewing this very issue, with their review due to come in 2014. And so, I think you should consider that if you consider a compromise proposal to keep it going for a short period of time.

Secondly, the assertion that tetracycline can be taken up by apples and found in the peel and core is not correct.
The research was done for streptomycin which could be taken up by apples, and it could be present in the core at .0019 parts per million.

But if you look at the technical review carefully, you will see that the tetracycline and the streptomycin behave very differently in the environment. The tetracycline gets into the soil and is bound to the soil particles and is not that likely to move. Yet, it degrades very quickly in the sunlight. Plus, it is only applied at bloom and is not present in the fruit.

So, this would lead us to think that it stays in the soil and is not going to be taken up by the trunk as fast. Yet, it degrades in the light. And so, it is not going to remain on the twigs and blossoms by the time the fruit is set.

The streptomycin, on the other hand, when it hits the soil, is fairly mobile, and they have shown residues taken up by
vegetables. And that is new research since
the last Sunset review of the material. And,
yet, it can be sprayed once the fruit is on
the tree post-infection, and therefore, it has
a much higher likelihood of being taken up by
the fruit. And you would have to determine
whether that level is relevant to your
deliberations for resistance.

The third point, the assertion
about resistance transfer in genes. I read
that paper that was cited a little while ago.
And while the concerns or information are
valid in hospital settings and population
settings where there is this horizontal
transfer happening all the time, and in nature
we cannot deny that such things are possible,
in actual practice, from that article it looks
to me like a sick person would have to go into
an orchard that had been sprayed with the
tetracycline and either ingest the soil or the
blooms repeatedly for the resistance factor to
transfer to humans.
The resistance factor is very high to the fire blight organization, which is what is present in the field and what is being targeted repeatedly, and so will have all of that gene interaction that was discussed in the article. But we are not there yet in proving that it actually happens to transfer to human pathogens.

CHAIR MIEDEMA: Thank you.

Lisa, what are we at right now on our count? Okay.

Quick, please.

MS. SONNABEND: I know people wanted to ask about pheromone technologies.

CHAIR MIEDEMA: Yes, make it brief, please.

MR. MARAVELL: You mentioned that the language with regard to passive pheromone dispensers could thwart new technology. Could you expand on that and say what the new technology is?

MS. SONNABEND: Okay. There are
three relatively-new technologies I am aware of. The first one is material that is like a putty or a paste that is designed to be applied to the tree trunks and/or phone poles, or anything else, and is impregnated with pheromones. That material is not designed to be removed from the field. It is actually a clay-based sort of material that will fall off the trunk as it degrades and break down into clay.

At our insistence, because they were going to use it in our emergency spray situation for the light brown apple moth, they reformulated the product to have only List 4 inerts in it. So, it doesn't even need this whole List 3 exemption thing. But under your proposed annotation, that would be prohibited because you cannot really define that as passive. The definition of passive is unclear.

Second, puffers. Puffers are things that are in the field, a few per acre.
They emit little puffs of pheromone. Over the course of a season, they actually use less pheromone and, therefore, less inert ingredients than the twist ties do.

They have been reformulated. So, some brands are available that are only List 4. Unclear whether that is passive because it does push it out, but, then, it does volatilize.

And the third one is a product. It is called microflake, disruption microflake. And it is a laminated polymer sandwich or flake that is about one-eighth-inch square with the pheromone between two layers of inert polymer that they say biodegrades.

We have not approved, let me say that we have not approved this for use in organic farming, because the question of what it biodegrades into is completely unclear, and it does not include any List 3. It is only List 4's. But it is in this polymer matrix
that is very unclear where that falls in the organic regulation.

CHAIR MIEDEMA: Thank you.

MS. SONNABEND: So, we have not approved it.

CHAIR MIEDEMA: Thank you very much.

We really do need to keep moving out of fairness of everyone that is signed up today.

MR. FELDMAN: Can't she get a few minutes for every year of service to the organic community?

(Laughter.)

CHAIR MIEDEMA: We would be here a lot of minutes today.

(Laughter.)

Susan Cheney is up next. Andrew Wilcox is standing by.

MS. CHENEY: Hello. Susan Cheney with Martek Biosciences.

Martek supports the continued use
of vitamins, minerals, and accessory nutrients in organic foods, and we appreciate the work the Handling Committee is doing to fully evaluate the information and comments that have been provided on this topic, so that they can develop an annotation that takes into account the 1995 Board recommendation and continue to protect the integrity of organics.

Based on the Board's discussions, and particularly some of the comments, it is apparent that the fortification annotation question involves many different viewpoints and opinions. We have supported the original Committee recommendation to replace the flawed annotation with one that tracks the FDA's approach on fortification, and we have also supported the postponement until the fall to allow the Committee to fully review the record on that proposal.

Yesterday's suggestion to sunset the flawed annotation by not voting it in again, but to leave the category of vitamins
and minerals intact and add new annotation
language in the fall, appears to be a good
compromise. The NOP's clarification of how
that would work seems to be reasonable and
acceptable as well.

Separate from the fortification
question, several erroneous statements have
been made about Martek's DHA and ARA,
materials that were petitioned last summer and
will be reviewed at the fall NOSB meeting.

Let me give you a quick statement of the
facts.

DHA and ARA are safe. They have
been evaluated for more than 15 years in over
200 preclinical and human clinical studies,
including studies with infants.

FDA and regulatory agencies
worldwide have reviewed the safety of our
products on numerous occasions, and all have
agreed that these ingredients are safe for use
in infant formula, foods, beverages, and
supplements.
Our DHA and ARA are products of fermentation, a natural biological process which provides a non-genetically-modified, sustainable vegetarian and allergen-free source of DHA and ARA.

Lastly, the health benefits of our materials is continually being recognized on a global basis, as is evidenced by the European Parliament approving a visual development claim for DHA earlier this month, and the European Food Safety Authority recommending several health and nutrient content claims relating to DHA last fall.

We look forward to working with you during our petition review and trusting your ability to separate fact from fiction and complete a fair and objective review of our materials over the next few months.

Thank you.

CHAIR MIEDEMA: Any questions?

Steve and, then, Jay. Anyone else? Okay. Go ahead.
MR. DeMURI: Are you aware of any studies or data regarding allergic reactions to your ARA or DHA?

MS. CHENEY: Completely unaware of any.

CHAIR MIEDEMA: Jay?

MR. FELDMAN: So, just to be clear, you are good with subjecting your products to full review outside of the mineral, nutrients, and supplement category? Or I always get it wrong. Vitamin, mineral, and nutrients, is that right? Close enough.

MS. CHENEY: I understand.

We are. Based on the meeting last April, it was very clear that these materials would have to be petitioned. We left the meeting -- I'm sorry. What did I say?

Okay. Yes, we are.

MR. FELDMAN: Okay. Thank you.

Thank you. Thank you.

CHAIR MIEDEMA: Thank you very much.
MS. CHENEY: Thank you.

CHAIR MIEDEMA: Andrew Wilcox is up next. Beth Robinette is standing by.

MR. WILCOX: Hi. My name is Andy Wilcox. I am an egg farmer from Roy, Washington, approximately 60 miles south of here.

We support the new livestock standards for egg layers. Since 2005, we have been letting our birds go outside. We really haven't seen any issues.

We understand there is more risk as far as disease, and it is tougher for biosecurity, but we have put that into our cost of production and done as much measures as we can to prevent those types of issues.

The only area, we have started building our buildings at the five square foot per thousand. And actually, the cooler weather and the cooler temperatures haven't been a problem. The toughest with that square foot is the higher temperatures. When you are
at 85 or 90 degrees, the ventilation systems that you are trying to design, it is really tough when you have that much opening space. So, it has been very viable, except for at those really upper temperatures above 85 degrees.

The one area we do have a concern on the standards is the pullets. We vaccinate, like others, at between 12 and 14 weeks. And what we have seen, and I understand the reasoning is that you are encouraging the birds to go outside if they are pullets and such, what we have seen is, as long as we are getting the birds outside between 20 and 25 weeks of age, they are learning; it takes about two to three weeks. The birds learn to go outside, and they are fully utilizing the paddocks or the outside access.

That's it.

CHAIR MIEDEMA: Thank you very much.
Any questions for Mr. Wilcox?

Wendy?

MS. FULWIDER: What age would you support sending birds outdoors?

MR. WILCOX: At 24 weeks. Like I said, between 20 and 25 weeks is what we practice on our farm.

CHAIR MIEDEMA: Mac?

MR. STONE: Is it NPIP that kind of regulates some of the vaccine schedules or some other agency or group?

MR. WILCOX: Generally, there is not necessarily an agency. We just utilize the advice of our veterinarians. And you know, there are certain ages. You have multiple vaccines that you have to utilize. And so, we are just going off the advice of our veterinarian at those ages.

CHAIR MIEDEMA: Thank you.

Beth Robinette is up next. Howard Koozer is standing by.

MS. BETH ROBINETTE: My name is
Beth Robinette, and I am a fourth-generation cattle rancher.

I am here today to ask you to stand in solidarity with farmers and ranchers who face the imminent threat that GMOs face to producers.

As a young person in agriculture, the proliferation of the organic standard has been a beacon of hope. It has convinced me that an ever-growing segment of consumers is seeking food that is grown in a way that is respectful to the earth. I want nothing more than to produce wholesome food for my community and be a steward of my land.

Everything we do on our ranch is with an eye toward transparency and the health of our animals, the earth, and our customers. But the threat of GMOs could bring all that crashing down.

As I am sure most of you are aware, the scientific testing of the environmental and human safety of GMOs has
been anything but rigorous, not to mention the food security threat that is inevitable when a small handful of corporations own the intellectual property contained within the majority of food grown in this country.

Many of my customers buy our beef because I can guarantee them that our animals never consume any genetically-modified organisms. With the release of Roundup Ready alfalfa, it will be extremely difficult to guarantee that to my customers any longer. At some point, the risk of contamination will become inevitable.

Our ranch has recently begun the process of organic certification as a way to communicate to our customers that our beef is raised according to certain standards of animal and human well-being. Being GMO-free is a large part of that.

Soon I fear I will have to face my customers in the spirit of transparency and confess to them that we can no longer provide
them with food that I can morally stand behind 100 percent.

As others have stated before me, and I am sure as many will hereafter, co-existence with GMOs is not possible. There is no way for me to prevent GMOs from contaminating my fields. If nothing is done, then very soon no farmer or rancher who grows alfalfa can make a claim that their crops are GMO-free.

In an effort to protect organic producers, the NOSB has stated that GMOs will be allowed in organic food as long as they are the result of contamination and not intentional introduction. This erodes the meaning of the word "organic".

If no one stands up to the corporations that release these biological weapons of capital domination into the environment, eventually, the contamination will become so prevalent that consumers can no longer trust the organic label.
That is why I am asking the Board to craft a letter to Secretary Vilsack and President Obama asking that the decision on Roundup Ready alfalfa be rescinded.

I also ask that the Board support the labeling of any products that contain GMOs, whether they be conventional or organic. Farmers and ranchers have been robbed of their choice to decide whether or not they will grow GMOs on their land. Don't allow the same fate to fall on consumers.

(Applause.)

CHAIR MIEDEMA: Thank you very much, Ms. Robinette.

Any questions? Jay Feldman?

MR. FELDMAN: Do you grow alfalfa?

MS. BETH ROBINETTE: Yes. We don't sell hay. We just grow a small amount of hay, and, obviously, our cattle graze on pasture. We do grass-fed beef.

MR. FELDMAN: How do you do that without GMO alfalfa?
MS. BETH ROBINETTE: Well, it is a little-known fact that over 90 percent of the alfalfa grown in this country does not require any pesticides to be grown.

MR. FELDMAN: I knew that. Thank you.

(Laughter.)

CHAIR MIEDEMA: Any other questions?

MS. BETH ROBINETTE: Can I quickly mention that former Board Member Jennifer Hall has already stated that she would gladly support such a letter and would sign it.

CHAIR MIEDEMA: Thank you.

Howard Koozer is up next. Elizabeth Fry is standing by.

MR. KOOZER: Good afternoon.

I am Howard Koozer. I have a moderate-sized organic chicken egg farm a little ways north of here.

The issue we have is with regard to the guidelines requiring the pullets to
have outdoor access. And there are three primary reasons.

One, the first reason, which really was the first one to come to mind when we were designing our layout, is that one of the big challenges is to get the body weights of the bird to the target weight for beginning of lay by the time, the age they need to be transferred.

So, in order to keep them from going into lay too early, they developed, they are utilizing a natural part of the chicken's repertoire in the wild, and when the birds grow up during the fall when the day length is decreasing. When they become adults, they don't start laying eggs for reproduction because they can't successfully produce brood.

So, we utilize that part of their genetic repertoire to keep them from going into lay while their body weight is too low. You decrease the amount of light they have incrementally, so that they think that it is
fall. And so, they don't start laying eggs
before their bodies are mature enough to
support it successfully.

Then, the next reason that is
quite important is the vaccination program is
not complete. In our program, the last
vaccination takes place at 14 weeks of age,
and it takes a few weeks for the immune system
to fully respond to each vaccination.

Some of the vaccinations are
incremental. There is one of them that is
done in three steps, and the last one is
combined with one that is just a single.

So, to put them outside when their
immunity is immature is risky to the welfare
of the bird as well the welfare of the farmer,
who has got a large investment in them.

So, the population-at-large is
more concerned with the welfare of the bird,
and it is no less the concern of the producer.
However, he also has to be worried about
staying in business.
CHAIR MIEDEMA: Thank you very much.

MR. KOOZER: Any questions?

CHAIR MIEDEMA: Wendy?

MS. FULWIDER: So, what age do you support outdoor access?

MR. KOOZER: We put our birds into the adult production rooms at the age of 18 weeks. And at that point, they have access to the outdoors, weather permitting.

The birds that are put out into these lay barns, at that point in time, take about a week to learn go out. Significant numbers of the birds are going out in one week.

CHAIR MIEDEMA: Mac?

MR. KOOZER: And as far as nest training, the only thing that is necessary is just wait until early afternoon, after they are done laying, open the doors, and they are okay. So, that is not an argument.

CHAIR MIEDEMA: Mac?
MR. STONE: What season do you and other pullet producers shoot for? Or is there a year-round pullet production? What is the seasonality of your all's operation?

MR. KOOZER: In my operation, we have six production clocks, and they are in 10-week age steps. So, every 10 weeks, we get a group of babies. Then, after 10 weeks, they get moved from the brooder rooms to the pullet rooms. And, then, in another nine to ten weeks, we put them into the production rooms. So, it is continuous all year long.

MR. STONE: So, that is why the light management is critical to --

MR. KOOZER: Yes.

MR. STONE: -- development at those various stages --

MR. KOOZER: Right.

MR. STONE: -- depending on the time of year?

MR. KOOZER: And so, letting them out with the light pattern makes it very
difficult.

CHAIR MIEDEMA: Thank you.

Any other questions?

(No response.)

All right.

MR. KOOZER: Thank you.

CHAIR MIEDEMA: Elizabeth Fry, you're up next. Cathy Franck is standing by.

MS. FRY: Logistics. There we are.

I am Liz Fry. I am the Whole Foods Market Quality Standards Coordinator for Animal Products. I have been working on animal welfare standards for almost nine years.

In the preamble to the proposed animal welfare standards, it states that you seek to make these standards the gold standard. Whole Foods Market agrees with this goal. The incredible amount of work that the Livestock Committee has done is a huge step in this direction.
From listening to our shoppers who are looking for the best food for their families, we know the prevalent belief is that organic certification is already the gold standard when it comes to animal welfare.

We believe that the standards should coincide with consumer expectations. Especially with emerging transparency into animal production systems, it is essential that the national organic standards truly impact the welfare of farm animals.

Whole Foods Market has recently launched the Global Animal Partnership Five-Step Animal Welfare Rating, which is an animal welfare program that rates farms according to welfare practices to six different levels.

With the level of transparency this program provides, the customers' assumptions about animal welfare practices will be supported or not. This is the first, but judging from the enthusiastic consumer response, will not be the last program of its
The most frequently-asked question in the area where we have had this program rolled out the longest is, why is the organic chicken in these particular stores only a Step Two? And our answer to that up to this point has been because the organic standards are looking at inputs and surroundings rather than animal welfare; these standards focus specifically on animal welfare.

We believe that the current proposed standards are too general. Laying hens and broilers have different welfare needs. Under the proposed standards, beef cattle welfare is addressed by the same standards as dairy cattle, but the two types of cattle are raised in very different environments and have very different welfare issues and different needs.

There are different types of animal production that should be included in the standards. Each of these types of
production should be identified with different standards that will provide transparency to the consumer.

On Tuesday, we heard Matt O'Hare point out that two square feet of outdoor space is insufficient for laying hens on pasture. Two square feet is appropriate for outdoor access from an indoor system. But, yet, there are no standards for what a pasture system should look like.

We heard Ashley Swaffar talk about the problem that transport time limits don't pertain to poultry, and they don't even pertain to, you know, they are not exactly right for all the mammals. Twelve hours is not right for everybody.

Different types of production require different standards. Different species require different standards. And the same species bred for different purposes require different standards.

CHAIR MIEDEMA: Thank you.
MS. FRY: These complexities need to be considered in the developing standards for animal welfare, so they are clear and so there are not more loopholes created by lumping very different animals and situation into the same overarching set of principles.

CHAIR MIEDEMA: Thank you, Liz.

Any questions? We will start with Nick, and, then, Jay.

MR. MARAVELL: I have seen the Whole Foods stratification on animal welfare, but I don't recall, do you manage to do what you are asking us to do, which is to look at species-by-species type of production and, then, final product? You are able to sort that through and make different standards, if you will, or different criteria for the different classifications?

MS. FRY: Yes, the different step levels are focused on different types of production systems, and there is a set of standards. Right now, the Global Animal
Partnership, they are not Whole Foods standards. Global Animal Partnership standards are finished for three species, and they are working on standards for other species, but, yes, essentially.

CHAIR MIEDEMA: Jay?

MR. FELDMAN: I think my question was the same. I am trying to get at how you operationalize the standards in your buying practices, which is I think a similar question, so that you are adhering to these global standards, these global international standards, and you are applying those to your purchasing decisions when you go out and source the product. You are currently applying those standards?

MS. FRY: Currently applying the standards for beef, chicken, and pork because those are the only ones finished.

MR. FELDMAN: And are you having trouble applying those standards?

MS. FRY: What Whole Foods did was
they asked all of the current producers to become certified to the Global Animal Partnership Program. They gave them a year of lead time.

And the producers have stepped up to the plate. There was a little bit of resistance initially because of cost. I have heard a lot of concerns about cost. There have been concerns that we would lose producers. I have heard that concern voiced, too.

But what we have found is that the producers step up to the plate. The producers have been much more innovative than we expected, and they have come up with novel ways of producing animals. They have changed their practices, and it has been quite effective.

CHAIR MIEDEMA: Thank you.

Cathy Franck, you're up. Steven Moore is standing by.

MS. FRANCK: Hi. My name is Cathy
Franck, and I sell real estate for my livelihood, but I try to eat daily and I am very concerned about our nation's food supply, so concerned I have created a consumer-oriented project called the Real Food Watch Club Biodiversity Project.

I have owned a farm, but was so busy with work, I didn't farm that extensively.

The Real Food Watch Club's main concern is GMOs that reproduce or in some way spread their DNA in the open environment. The only federal GMO-free label we have in this country is the USDA certified organic label.

You all have an awesome task, and this a complex puzzle. My hope is that you keep the program logical for the farmers, so they do not get frustrated or discouraged with the program.

We consumers want to see more organic labels, not fewer. When you remove or restrict an existing material, tool, or
practice method from the program, for that one farmer you find whose livelihood depends on that material or practice usage, can he or she be grandfathered in to continue that practice until he or she is able to successfully replace that practice with an alternate acceptable method or material?

Is there a way that you can educate him or her in alternate methods? And is there a way you can look to the European or even Canadian models for guidance, if you have a need to change the program?

From a consumer choice standpoint, I recommend keep it simple. Advanced organic buyers understand the range of farming philosophies, but, in general, parents want healthy food for their kids; people want healthy food for themselves and loved ones.

The target market should be huge. Keep the consumers in mind. We want organic and more of it. Though we are very educated in label reading, we are still at our core
simple people and gratefully buy organic for simple reasons. No synthetic pesticides, herbicides, and fungicides, and we understand that there are limited exceptions. No sewage sludge. No irradiation, and no GMOs.

Thank you all for your work in protecting this label, keeping it simple for the farmers who, for whatever reason, choose to produce such healthy food and carrying the torch forward this label, so we can eat food with genetic makeup as Nature created and intended.

CHAIR MIEDEMA: Thank you very much.

Steve?

MR. DeMURI: So, from a consumer standpoint, would you support mandated GMO testing of organic products?

MS. FRANCK: That is a question I haven't really totally thought through. I will get back with you on an answer for that.

CHAIR MIEDEMA: Fair enough.
Nick?

MR. MARAVELL: From the consumer standpoint, you said that keep it simple, no synthetics, but with limited exceptions. How do you feel that is understood by the consumers that are buying organic products? Do you think that is how they view it, no synthetics, but limited exceptions? How well-known is that, I guess is what I am getting at. Just your opinion.

MS. FRANCK: Well, I can only speak for myself and people I talk to, but we understand there are exceptions.

CHAIR MIEDEMA: Thank you.

John Foster?

MR. FOSTER: Hi. You had kind of used air quotes there --

MS. FRANCK: Yes, yes.

MR. FOSTER: -- earlier, early on, where I believe you quoted GMO-free. And so, I wonder if you could clarify what the air quotes meant specifically.
MS. FRANCK: On that, it is just that is what I had in my paper. Okay? I just had that written down.

(Laughter.)

MR. FOSTER: Okay. So, that was -- okay.

MS. FRANCK: So, it didn't mean --

MR. FOSTER: Okay.

MS. FRANCK: -- but it could. But it could.

(Laughter.)

MR. FOSTER: Right. I guess maybe I was reading too much into it, then, because that is a hard term, as you obviously know.

MS. FRANCK: We understand, well, I understand there is an issue, yes, but it wasn't for that. Yes.

CHAIR MIEDEMA: Thank you.

Steven Moore, you're up next. Is Steven Moore in the audience?

(No response.)

No? Okay.
Gwendolyn Wyard, you are up next.

Eli Penberthy is standing by.

Go ahead, Gwendolyn.

MS. WYARD: All right. Good afternoon.

My name is Gwendolyn Wyard. I am the Associate Director of Organic Standards with the Organic Trade Association. I also co-chaired the Materials Working Group with Kim Dietz.

OTA's complete and detailed comments were submitted in writing. Today I will highlight several points on multiple topics.

OTA supports the recommended definition of chemical change, and we support separate guidance documents for crop, livestock, and handling.

In regards to significant and insignificant, we support the direction of the majority to base allowable levels on applicable regulatory limits and the lack of
a technical or functional effect in the final product. This was the language originally recommended by the 2005 NOSB. It was incorporated into the 2006 NOP framework document and, then, supported by the Material Working Group in their 2009 presentation.

OTA requests the NOSB pass the recommendation and, then, provide further guidance by detailing the applicable regulatory agencies and examples of limits that would be used for crops, livestock, and handling.

Corn steep liquor. OTA urges this Board to respect and support the decision of the 1995 Board and their classification of cornstarch as non-synthetic. Corn steep liquor is produced using the same process as cornstarch.

And in 1995, Dr. Richard Theuer and his Committee asked the same questions that are being asked today: does the process chemically change the cornstarch? And does a
significant amount of SO2 remain in the cornstarch? The answers were no and no, and the same applies to corn steep liquor.

OTA is pleased that we do not observe anyone arguing the classification criteria per se. Instead, we observe a difference in scientific opinion. It is extremely complicated. Therefore, OTA supports your choice as an individual Board member to abstain if you are not ready to vote.

Nutrient vitamins and minerals. OTA supports a Committee vote to retain nutrient vitamins and minerals with the current annotation. And we thank the Committee for recognizing this first and very important step.

While we understand the concerns of adopting a new annotation at this meeting, we prefer and encourage a second vote to adopt OTA's clarified annotation referencing specific CFRs. The annotation is certifiable
and enforceable and has received broad support
at this meeting.

Crops. Three take-home messages.

NOSB decisions need to be scale-neutral. The
National Organic Program is a globally-applied
standard, and neither an operation's location
nor its size should be a factor when deciding
the essentiality or fate of a material.

Decisions should not be made in
the interest of reducing the number of
materials used in organic production. Growers
rely on the NOSB to make decisions that are
based on factual evidence and a thorough
evaluation to all of the criteria for organic
materials review. If a viable alternative is
not commercially-tested and available, a
material should not sunset.

NOSB recommendations need to be
based on the force of evidence. If new
information is needed and a technical review
is not received, the Committee should not
recommend the removal of a material.
CHAIR MIEDEMA: Thank you, Gwendolyn.

MS. WYARD: Thank you very much.

CHAIR MIEDEMA: Thank you.

Any questions for Gwendolyn Wyard?

Okay, let's start with John and, then, Jay.

MR. FOSTER: On the ever-popular corn steep liquor discussion, when you said something about differing scientific opinion, could you clarify that or at least get more specific about what you meant by that?

MS. WYARD: Absolutely. So, one thing that has been really encouraging, I think a great thing that is coming out of the discussion is that what I see in both the minority and the majority is everybody is asking the questions that are in the classification document as far as the criteria for determining synthetic and non-synthetic.

The difference of opinion, the main differences of opinion that have been discussed today have been between Dragan
Macura and Dr. David Johnston from ARS, the
ARS researchers that have been referred to.
But there are also other scientists that are
involved.

And I get concerned because a lot
of the discussion has been about whether or
not the scientists have a horse in the race.
I think that, based on the research that I
did, that Dr. David Johnston, he holds a
patent in enzymatic process for corn wet
milling. I think that Dr. Johnston also has
a horse in the race. But I also know of
another individual, a very well-respected
scientist, that doesn't necessarily have a
horse in the race, but he has certainly been
going to the horse races and he understands
the context extremely well.

(Laughter.)

I would say that he doesn't even
have a nickel to gain. That would be Dr.
Richard Theuer.

Thank you.
He was the TAP reviewer in 1995. He knows the process very well, and he has submitted multiple comments on corn steep liquor. And he has determined corn steep liquor to be non-synthetic.

So, I think if there is a scientific opinion out there that has weighed-in on this, Richard Theuer would be a great one to focus on, and his determination focuses on corn steep liquor and the chemical change has not occurred in the corn steep liquor.

CHAIR MIEDEMA: Okay. Thank you.

MS. WYARD: Thank you. Yes.

CHAIR MIEDEMA: All right. Can you make it brief, Jay? We are overtime.

MR. FELDMAN: Yes. Thanks, Gwen.
You have mentioned Theuer now. You have impugned the reputation of David Johnston. So, I am wondering what the reputation of OMRI is and why, you know, the new Board members should know and have your explanation for this because this is critical.
OMRI, who we rely on as a community --

CHAIR MIEDEMA: What is your question?

MR. FELDMAN: -- has a 10-member Board, a Technical Advisory Board that reviews all these materials, and seven of three --

CHAIR MIEDEMA: Please ask your question. NOSB members, please ask your question.

MR. FELDMAN: Okay. Why do we not hear your critique of the OMRI decision and history on the corn steep liquor decision, which was very strong, extremely strong and technical? Why does that not come up in your analysis?

MS. WYARD: It didn't come up in this analysis. It could come up. I would be more than happy to do that.

MR. FELDMAN: But you are telling us we should rely on Richard Theur; whereas, the entity, the institution this community relies on for technical information, it just
seems --

CHAIR MIEDEMA: Jay, you have

asked your --

MR. FELDMAN: It just seems like

you are leaving that out.

CHAIR MIEDEMA: Okay. Let her

answer. Jay?

MR. FELDMAN: I am trying to

figure out why you are leaving that out.

MS. WYARD: I did not --

CHAIR MIEDEMA: Let her answer

your question, please. Okay? Let's not

badger the public and let them answer the

questions we ask.

MS. WYARD: Again, it comes down

to scientific opinions. I would really need

OMRI to speak for their decision that they

made. I believe that their decision came down

to whether or not there was a change in

functional properties, and I would have to go

back and reexamine that.

But I did choose to focus on
Richard Theuer primarily because, again, I want us to respect the decision of a past NOSB Board. And I think that Richard was an appropriate person to look at because the Board had already made a determination that cornstarch is non-synthetic. And I think that was the area I chose to focus.

And I would have to ask OMRI to discuss their determinations. I am aware of them, but I am not prepared to go into them in detail.

Thank you.

CHAIR MIEDEMA: Okay. Thanks very much.

Next up is Eli Penberthy or "Ellie" Penberthy. John Ashby is standing by.

MS. PENBERTHY: Hi. My name is Eli Penberthy, and I am here speaking as a consumer as well as the seafood advisor at PCC Natural Markets here in Seattle.

The Board's recommendation to certify farmed fish is flawed as written and
must be revised. The marine feedlots of open
ocean aquaculture violate fundamental organic
principles. I ask you to revise the
recommendation, so that only vegetarian
species in closed land-based systems may be
certified organic.

Carnivorous fish, such as salmon,
tuna, cod, and halibut, raised on pellets made
from wild fish must not be eligible to be
certified organic. The dioxins, PCBs, and
other contaminants concentrated in the feed
are passed along to consumers. The
Environmental Working Group found farmed
salmon have 16 times more PCBs than wild
salmon.

The Board's recommendation for
farmed salmon would allow up to 25 percent of
the feed to be wild-caught fish. This
violates the principle that organic animals
must be raised on 100 percent organic feed.
It also results in an unsustainable loss of
protein. To add a pound of weight to farmed
salmon requires three to nine pounds of small fish. Cod, halibut, tuna, and other carnivorous species may need up to 15 to 20 pounds.

One-third of the ocean's harvest is herring, anchovies, mackerel, and other small fish which are made into fish meal and oil for fattening farmed fish and animals. The aquaculture industry already uses more than half of the world's fish meal and more than 80 percent of the fish oil. This is simply unsustainable and violates the core organic principle to restore, maintain, and enhance ecological harmony and balance natural systems.

Floating feedlots endanger native marine species, flushing unfiltered fish waste into the environment, while sea lice and other parasites and diseases are rampant and linked to die-offs of juvenile wild salmon and other fish. Sea lice are showing resistance to chemical pesticide treatments.
Confining migratory wild fish with strong instinctual drives, such as salmon, in cages prevents them from exercising their natural behaviors, violating another core organic principle.

Current recommendations are too broad and should not automatically include all species. They fail to meet the high standards that organic consumers expect. A better approach would be to consider for certification closed land-based systems that recirculate water, collect waste for fertilizer, can provide organic feed for vegetarian fish, and do not threaten wild stocks. Catfish and tilapia would be a good place to start.

I also brought copies of PCC's newsletter, "The Sound Consumer", and the cover story this month is about organic aquaculture, the question of whether it is feasible.

CHAIR MIEDEMA: Thank you, Ms.
Penberthy.

Any questions?

(No response.)

John Ashby is up next, and, then, we will go to a short break.

MR. ASHBY: I am John Ashby with California Natural Products.

Last time I gave comments, I gave them in the form of haiku, and I got so much grief for it that I swore I would never do it again.

(Laughter.)

But I figure the iambic pentameter format of the Elizabethan sonnet, that should be safe.

(Laughter.)

Hence, what silicon through yonder window doth flow? In our mortal lives, we aren't always able to sagaciously ferret the fact from the fable. To make a powder seems simple enough, though to make a powder, you must make it flow.
(Laughter.)

I've been making powders for 20 years more. The one biggest fear is that it won't pour.

(Laughter.)

A powder food maker has three tools in their kit. There's fiber and silicon and calcium; that's it.

(Laughter.)

There's so many forms of these three simple types. Sometimes one works; sometimes others. You need them all. Yipes!

(Laughter.)

One thing ain't the answer. That never will work. To think otherwise is to just be a -- unknowledgeable product developer.

(Laughter.)

The petitioner's item is rice hulls. Yahoo! C&P is rice. But it's 70 percent fiber, 17 silicon, that's true. It's fiber, not mineral. So, what will it do?
Will work in some cases; in others, no, no.

Alas, though a fiber just isn't a rock, it acts like a fiber, not silicon. What? Shocked?

It don't defoam liquids because it ain't SIO2. It acts like a fiber. The foam, it won't do.

Without having silicon, my solids will stick. I'll be out of business. I can't sell a brick.

(Laughter.)

A fiber won't do it. Don't know other tricks. Need silicon dioxide, so my powders don't stick.

(Applause.)

CHAIR MIEDEMA: Thank you.

Katrina?

MS. HEINZE: I get one off-the-cuff one. Do you teach that as a skill?

(Laughter.)

MR. ASHY: I'm not sure. Okay?

CHAIR MIEDEMA: All right. Thank
you very much.

We will take a 10-minute break.

Five minutes after the hour, please, Board members.

(Whereupon, the foregoing matter went off the record at 2:56 p.m. and resumed at 3:13 p.m.)

CHAIR MIEDEMA: We're back in session.

Next up is Dave Martinelli. Dave, are you in the room?

MR. MARTINELLI: Here.

CHAIR MIEDEMA: Thank you.

Brynn Arborico, you are standing by. Brynn, are you in the room?

MS. BRYNN ARBORICO: I am.

CHAIR MIEDEMA: Thank you.

Go ahead, Mr. Martinelli.

MR. MARTINELLI: Dave Martinelli, Coleman Natural Foods.

I want to thank Madam Chair for allowing a break between John Ashby and I. He
would be a tough act to follow.

(Laughter.)

So, this time I am actually not
going to speak to you all about methionine, so
you get a break from that topic. I know it's
a disappointment.

But I have a very kind of detailed
comment about one aspect of the animal welfare
slaughter/transport document. There is a
provision in there, Item 5 under Section (a).
"Slaughter plant management shall coordinate
with transporters to assure that waiting time
on the shipping container is no more than one
hour." And my understanding is that would be
the wait time of the delivery truck with the
live animals at the processing facility.

I think for certain species that
may be appropriate. I would tell you for
poultry it is completely unworkable. And the
reason for that is those animals are not put
in any other holding area prior to slaughter.
They go immediately from the truck to the
slaughter facility. It is physically impossible to schedule with that degree of accuracy, that the birds would never be on the truck for more than one hour after they arrive at the plant.

Really, it is also a significant disadvantage for smaller processors who, by virtue of the size of their facility and the speeds of their line, often it takes them multiple hours to process a single load of birds. So, they would be in violation of the standard virtually all the time.

I would tell you that producers in general have a significant disincentive from keeping birds or any livestock for an extended period of time in a holding, a shipping container. You do have yield loss that occurs on the animal, and purely from an economics perspective most processors will self-regulate and try to keep the birds or other livestock in a shipping container for the minimum amount of time that is possible.
That being said, in the case of poultry specifically, the birds do need a certain amount of calming and settle time after transport. So, you would probably leave them on the trailer for maybe an hour, up to a max of six or eight hours would probably be a better maximum, if you felt you needed to have a maximum number in the regs.

One thing I would like you to consider is maybe, rather than focusing strictly on the amount of time that the animals are waiting, is maybe beefed-up language -- a bad pun -- stepped-up language around the conditions under which the animals are held, so the environment that they are in. You know, to maybe add some more language around the fact that they need to be sheltered; they need to be adequately cooled or heated, dependent on the outside conditions. That might be a more appropriate way to address the welfare of the animal during that period of time.
And lastly, a question that came up yesterday, I believe, around whether we are going down the path of having this be a regulation or a guidance document. You know, one concern that we would have is whatever wait time is determined to be appropriate, and let's say it's eight hours, and there is a breakdown in the facility that requires that those birds stay on the trailer for a longer period of time, nine hours. Technically, at that point the processor is in violation of the organic standard. I mean, are those birds able to be sold as organic at that point is the question.

CHAIR MIEDEMA: Thank you.

Any questions for Dave Martinelli?

(No response.)

Thanks very much.

MR. MARTINELLI: Thank you.

CHAIR MIEDEMA: Brynn Arborico is up next.

Mark Kastel, you are standing by.
MS. BRYNN ARBORICO: So, hi. My name is Brynn Arborico, and I am 16. I am a tenth-grade student at Seattle Academy, as well as being a five-year chicken owner.

So, I have four hens. It is generally my job to let them out of their coup where they spend the night every morning. It is a pretty hard job to forget because, if I do, they will just kind of kick up a ruckus and start clucking and yelling.

And as soon as I let them out, they all just kind of pour out of the coup. Then, they will go to like different parts of the yard and do whatever I guess it is that chickens do best.

(Laughter.) And I just say this because I think that for me it is a really definitive just example of how much space is important to chickens. I know that my hens just really aren't too happy when they are in something like one square foot or two square feet per
bird.

So, my chicken ownership hasn't made me a vegetarian or anything. I still like my beef and my chicken. But I think it has really drawn my attention to the welfare of these birds and to the fact that, basically, all this livestock is being raised and is kind of sacrificing its life so that I can eat it. I think that that makes me feel like I have a responsibility towards making sure that its life is as good as it can be.

So, like different animals require different things for happiness. So, I don't know. As a human, you might require a fun job and a plane ticket around the world, but as a dog, you might require two walks a day. As a cow, you might require pasture.

And I think that, given my experience as a chicken owner, the things that chickens need most or value most is outdoor access and space. So, this kind of brings me to the label organic. It is that whenever I
bug my parents or housemates to buy organic, it is generally not out of like a health concern for myself or something like that, but it is more that I feel it is an ethical choice. Because I believe that doing so results in, it contributes to having like happier small-scale farms, a better environment, and, then, also, more humane treatment of livestock.

I think that the same thing could be said about a lot of people I know who buy organic. So, for me, since happy animals is such a big part of that, I just think that happy animals is really more than one square foot per chicken.

So, thank you.

(Applause.)

CHAIR MIEDEMA: Thank you very much.

MS. BRYNN ARBORICO: Okay.

CHAIR MIEDEMA: Any questions?

(No response.)
Thank you.

Mark Kastel, you are next.

MR. KASTEL: Hello. My name is Mark Allen Kastel. I am Co-Director of the Cornucopia Institute. We are based in Cornucopia, Wisconsin. I am here today representing over 4,000 members, most of whom are organic farmers, and I have a proxy from Cornucopia's newest Board member and former NOSB member, Kevin Engelbert.

The Chair and Executive Committee has broken tradition this week and broken the rules governing the conduct of this body, as articulated in the Procedure Manual. Although the language would indicate that the Chair has the authority to deviate from the specified five-minute public testimony, past Board members have said when it was promulgated, it was clear that it was written with the intent to give people more time, not less.

But what is not open to debate is that the Manual requires the use of proxies,
taking testimony in the order of regulation. It does not give the Chair the authority to limit questions by the Board and selecting who is going to get two minutes of questions and who is going to get five to ten minutes of questions.

We understand the challenges, but other alternatives could have been developed to provide the maximum amount of information exchange between the community and these valuable Board members.

Hogs. Although the Committee modifications are an improvement and acceptable in many regards, the space requirements for small pigs are still woefully inadequate and in line with the standards for major CAFO groups in the United States. We would recommend adopting the European standards, and they are delineates in one of the handouts I just spread out.

Poultry. The proof is in the organic pudding. Hundreds of commercial-scale
certified organic poultry producers around the country are complying with the law and letting their birds outside.

Birds are not dropping dead. Avian influenza and other pathogenetic outbreaks are not occurring. Consumers are willing to pay premiums for nutritionally-superior eggs that are safe.

The testimony of Mr. Greg Herbruck, who called himself a, quote, "farmer" and his staff member represents other industrial producers, Herbruck with well over somewhere between a million and 2 million birds, he called himself an organic farmer. Conventional, mostly in cages, sold to Eggland's Best or McDonald's. These folks should not be setting the standard for this industry. They own one corporate-owned farm with four buildings with 100,000 birds per building that never go out in the legitimate outdoor access. And even though this debate is taking place, they are building two more
buildings at that same facility in the same model.

I have no reason to question their sincerity, but this is a voluntary program. If they truly believe their birds are better off and their eggs are healthier that's fine; keep them inside. Just don't put the organic seal on there.

CHAIR MIEDEMA: Thank you, Mr. Kastel.

MR. KASTEL: So, I am open to questions. I didn't get a chance to cover the FDA rule, outdoor access for pullets, and the vaccine protocol.

And here is the total of 2,000 signatures on the latest petition, just since we gave you our signatures the other day.

CHAIR MIEDEMA: Thank you, Mr. Kastel.

Any questions?

MR. KASTEL: Thank you.

CHAIR MIEDEMA: Jay Feldman and
Nick.

MR. FELDMAN: So, in terms of outdoor access for pullets, what are you saying about the safety proposal on the table?

MR. KASTEL: Well, I would respond two ways. One is, since there is the contention that outdoors in this beautiful planet of ours is soiled and spoiled, and that we can't safely let the birds out, I guess we shouldn't be growing organic crops outdoors, either. So, we should sterilize the soil, grow them within greenhouse structures. You know, we have to deal with the environment, and, hopefully, we are all contributing to improving the environment.

There are widespread problems with avian influenza and other disease outbreaks, but they haven't happened at homes, like our last testifier. They haven't happened on hobby farms, and they are not happening on commercial-scale organic production facilities for poultry.
They have happened on CAFOs where the birds' immune systems are compromised, where they are being fed medicated feed, where they are under tremendous stress because they are not able to exhibit their natural instinctive behaviors.

But, more specifically, I would tell you that before I came here, I was asked by a certifier the same question. And I called Ryan Miller, who runs Farmer's Henhouse in Kalona, Iowa. They manage 35 flocks. Their eggs are marketed both by Farmer's Henhouse and Organic Valley.

They have had over the years one positive Salmonella outbreak that was traced to rodents inside a building. I visited all 35 of these farms during our research study that we have shared with you folks, and they all legitimately get their birds outside, mature birds.

They raise their own pullets. Depending on the producer I talk to, they are
somewhere between six and twelve weeks. No
disease problems, no positive SE swabs.

MR. KASTEL: Nick Maravell has a
question, too.

MR. KASTEL: I'm sorry.

CHAIR MIEDEMA: Do you mind if we
get to our second --

MR. KASTEL: Yes.

CHAIR MIEDEMA: -- Board member's
question.

MR. KASTEL: Yes, Tracy, I was
done. Thank you.

CHAIR MIEDEMA: Okay. Nick?

MR. MARAVELL: Mark, I don't think
anybody on the NOSB is trying to limit debate,
but we are trying to get the job done and it
is taking some time.

What I would like some input on is
how you and other members of the community
might be able to help us out here. Are there
ways in which we can still get the information
in the way that you would like to see us get
it and still not make our Board meetings longer than they are now? I think, historically, Board meetings may have started out at two, two-and-a-half days, and now we are up to four days.

So, if there are some constructive things that we can do here, things that would put people's mind at ease, if there are things that technology can help us with, bring us something. Nobody wants to limit debate. We need all the input that we are getting. We just need to be able to do other things in life.

MR. KASTEL: Nick, we sympathize because we are in here, at least one of us from Cornucopia, the whole time.

We will send the Board members some ideas. But one would be to cut off debate at some point or cut off registration at some point. We were an hour ahead of time, and I would testify that that would equal all the proxies from past years at five minutes,
not three minutes.

   And, for instance, the three of us
at Cornucopia, if we are tight on time, we
don't require all three of us to have proxies
and 10 minutes apiece. But I can tell you,
some of the people that didn't show up were
our farmer members who said, after it was cut
down to three minutes, they said, "This is so
disrespectful. I can't invest five hours each
way to drive into this event to speak for
three minutes." They just didn't show up.

   So, there is a happy medium
somehow here. The most egregious aspect of
this, in my opinion, is cutting off your
questions. I want to hear Marty Mesh talk
about Oprah.

   MR. MILLER: Thank you, Mr.
Kastel. You did receive much more than the
five minutes, and it is time for --

   MR. KASTEL: Yes, I did, but not
everyone did.

   CHAIR MIEDEMA: -- our next
MR. KASTEL: I appreciate it.

CHAIR MIEDEMA: Let's go ahead and move on to Marley Arborico.

MR. KASTEL: Thank you.

MS. MARLEY ARBORICO: Hi. So, I am Marley Arborico. I am a freshman at Seattle Academy of the Arts and Sciences.

When I was little and I had pets like guinea pigs and rabbits, my mom, who is in a psychology, taught me that the only way that you can tell whether an animal is happy or whether it is experiencing discomfort is to give it freedom and see what it is attracted towards and what it avoids.

And I have owned lots of chickens. I have owned them for five years. Right now, we have four. And when our chickens are let free in our yard, they never choose to go in the coup. And they are never static; they are always moving, and they are changing the sites of their dirt baths and changing the sites of
where they are eating. And they are never
close together, either. They are always
spread out. They know where each other are,
and they communicate, but they don't choose to
be packed body to body.

And at my house, the two things
that agitate my chickens the most are when a
cat comes in the yard or when we force them to
be in their coup all day.

Sometimes we take our chickens up
to our island. We have a cabin on an island.
There they can roam basically as much as they
want. When we bring them back to our home in
the city, they always are agitated by the fact
that they can't get beyond our fences. I
think that this really shows how important
freedom and space is to them.

To me, the idea of a chicken
having only one foot inside or two feet
outside is just horrifying. I know that when
I sit down at my dinner table I want to be
able to feel good about what I am eating. I
personally don't want to buy food or eat food 
that I feel is inhumane. I don't think that 
two feet or one foot is enough.

Thank you.

(Applause.)

CHAIR MIEDEMA: Any questions for Ms. Arborico?

(No response.)

Thank you.

Hal Kreher is up. Eiko Vojkovich is standing by.

MR. KREHER: Hi. My name is Hal Kreher. I am a third-generation poultry 
farmer from Buffalo, New York. My family has 
been raising chickens for over 87 years.

I am submitting an entire packet 
of information I hope you will give careful 
consideration to. There are a few letters, 
most noticeably, one from a parasitologist 
from Cornell University Veterinary College 
that details the parasites that are now rare, 
which will become increasingly a problem for
organic flocks with exposure to soils.

These are things that my grandfather and my father had to deal with. Unfortunately, they are no longer with us to come and talk. I sure wish they were.

Pardon my voice. I am a little upset after a previous speaker who claimed that the avian influenza is a problem of CAFOs. There are currently two avian influenza cases in the United States, do you know that, right now?

There is one on a turkey farm in Missouri. They have 30,000 turkeys. That is technically not a CAFO. Okay?

And, then, there is another, and this is in the packet of information that I am sending around, there is another one in Nebraska in backyard flocks. So, yes, it does happen in backyard flocks.

You know, I am a little upset when somebody would come and spread misinformation like that. It is very upsetting to me.
There is a handout, a fact sheet from the USDA on avian influenza. One of the things it shows is that in 1983-84 we were hit by a tsunami, the outbreak of high-path avian influenza in Pennsylvania and Virginia. Seventeen million birds were euthanized to control it. We must prevent this from ever happening again. It is the right thing to do for proper animal care.

There are also two handouts. I talked about those already. There is a handout that is a USDA biosecurity guide which is recommended by NOP Policy Memo 11-12. This memo directs organic producers and certifiers should review APHIS guidance on this issue and determine any action necessary to protect organic poultry flocks.

The guidance contains a section on steps to disease prevention. The first step is to keep your distance, to keep flocks in the best of health, editor's note, highest animal welfare, you need to isolate your birds.
from visitors and other birds. Here's how; it goes on.

"Game birds and migratory waterfowl should not have contact with your flocks because they carry germs and diseases. If your birds are outdoors, try to keep them in an enclosed area with a solid roof" -- it is on there right from APHIS -- "and wire mesh or netted sides."

I also included a chart that was developed as part of the European research into the welfare implications of different housing systems for laying hens, known as the "Lay Well Study".

It is a study of the research that is done on poultry welfare. What they basically found was that all these different housing systems had tradeoffs. There were various risk factors for animal welfare, and the amount of risk for each particular welfare indicator varied, depending on the system. There was no one system that ensured that the
hens were cared for in the best way.

So, the system that is used in order to address these risks has to be managed. And I suggest developing a list of the various humane care standards, American humane farm animal care, and let the farmers choose a system off that. All of these are third-party audited to ensure compliance and continuous improvement in the management system.

CHAIR MIEDEMA: Katrina?

MS. HEINZE: Animal welfare is turning out to be a tough one at this meeting.

MR. KREHER: Yes.

MS. HEINZE: You know, we have heard from so many people that they want us to move forward. So, my question for you is, if we move forward indicating a strong desire that much of this be in guidance, so that it could evolve as we learn, what does that mean for you?

MS. ALLAN: Well, first of all,
let me say that there are no producers that are against animal welfare. We all depend on these animals for our livelihoods. We take excellent care of them. Their health is paramount to our success.

To me, the best thing that you could do would be to develop this list. And it shouldn't be just one. It should be a list of American humane certified, humane farm animal care, food alliance. You know, if you want, that GAP five-step program.

And let the farmers choose off of that list which one. They have all looked at so many more things than you have looked at. They have looked at not just perch space, but they have looked at feeder space. They look at nesting space. There are so many more issues.

For American Humane care, you have to look at your mortality every day and write down a cause of death, so that they know you looking at that, and if you have got a
problem, that you are addressing it.

Maybe it wouldn't be appropriate
for a small farm, but over a certain size a
third-party system seems to me to be a good
idea.

CHAIR MIEDEMA: Katrina?

MS. HEINZE: I think that meant
no. Is that correct?

(Laughter.)

MR. KREHER: No to?

MS. HEINZE: If it moved forward
as guidance, you don't like that option?

MR. KREHER: Well, I could see it
moving forward as guidance.

MS. HEINZE: Oh, I'm glad I asked.

(Laughter.)

CHAIR MIEDEMA: Any other
questions?

(No response.)

MR. KREHER: Thank you.

CHAIR MIEDEMA: Thank you, Mr.

Kreher.
Eiko Vojkovich is up next. Zareb Herman is standing by.

MS. VOJKOVICH: Hello. My name is Eiko Vojkovich. My husband and I own Skagit River Ranch, and we sell about 200 head of organic grass-finished cattle, about 20,000 dozen eggs, 200 hogs a year.

We have been farming organic 12 years now. I also sit on the Washington State Organic Advisory Board.

I want to thank you for bringing the meeting to this area, the only reason I could be here this week. I hope you continue to go around the country for NOSB meetings.

Sitting through this week, I realize I am one of those minute and insignificant group of farmers that Mr. Miller from Iowa talked about. And we are also proud to be making a minute living. And I am proud of the fact that our eggs scored the highest number 5 in the Cornucopia organic egg scoreboard. We sell to about 500 families
through four local farmers' markets, eight restaurants, five health food stores on a weekly basis.

With due respect, I disagree with Mr. Miller that we are an insignificant group. I would even venture to say it is these small organic farmers that keep the backbone of this organic industry.

Today I want to focus on the consumers' aspect of this industry, since my farm mostly does direct marketing, and I know knowing what my customers want directly affects our farm's survival. The consumers are the ones who are demanding this animal welfare. And as a sustainable farmer, I fully support the movement.

I would also like to appeal to the common-sense approach of food safety, providing a more healthy environment that Nature intended. Therefore, increasing the immune system of the animals is what leads to food safety, not confining them any further.
If USDA regulation, that conflicts with the welfare of the animals, then perhaps it is a USDA regulation that needs to change and not the advancement of animal welfare.

As this country grapples with an epidemic of obesity, we know that USDA is changing their recommendation of what we eat. So, they are also evolving.

I urge you to go forward with this animal welfare proposal. Have courage to come up with the best plan and go forward.

Yesterday I heard two mothers on this Board speak about their kids' eating habits of apples. That was the most real connection to the real consumer base that I saw in the entire meeting that I deal with every day. I feel that is the heart of the mothers we all need to have to advance this program forward. Our customers seek -- they are very educated customers -- they seek nutrient-rich whole foods that are humanely raised.
Thanks to Deputy Director Miles McEvoy and his crew, I see some violators are being penalized to keep the integrity of the program. The law has to be sound and reasonable to keep farmers' and consumers' faith in the system.

I urge you to go forward with the animal welfare, and I appreciate your keeping small farmers like us and consumers in mind while you are making the deliberation.

Thank you so much for your time.

CHAIR MIEDEMA: Thank you.

Any questions for Ms. Vojkovich?

Yes?

MR. FELDMAN: I'm curious what you think the large commercial industry can learn. We have heard from the younger generation what they feel the large commercial industry can learn from their experience with chickens. What can we learn from you?

MS. VOJKOVICH: You know, I think in many ways our chickens are -- you know, I
was calculating the requirements, stall requirements, and ours is about six to seven square feet per chicken. And they're happy.

(Laughter.)

I encourage you all to go visit the poultry farms because there are happy chickens and there are unhappy chickens, period. End of story. There is no BS there.

So, I hope you listen to those young folks because they consumers are very knowledgeable. They want to eat humanely-treated animals. That is what we want to do.

And it is our farmers' responsibility to make them happy while they are in care. I think that is our primary goal.

Thank you.

MR. MILLER: John Foster?

MR. FOSTER: Thank you.

I had a question. If you have a general sense of about how far away are your consumers from you?
MS. VOJKOVICH: They're about 100 miles.

MR. FOSTER: Just ball park?

MS. VOJKOVICH: A hundred, 150 miles.

MR. FOSTER: That helps me. Thank you.

MS. VOJKOVICH: Yes.

CHAIR MIEDEMA: Thank you.

One more. Barry?

MR. FLAMM: I can tell you are very in tune with your customers and consumers. I wonder if you have an opinion on the use of antibiotics and how your consumers would react if they knew that the apples they were eating were treated with antibiotics.

MS. VOJKOVICH: You know, that is interesting. I think I know where you are going, but I don't think I am going to bite to the bait.

(Laughter.)

Because let me tell you something.
That is why I said about the mothers talking about that. And I am going to get back at you with the questions because what you talk about, the kids not eating inedible apples are the real story. Unless we can satisfy the consumer who wants to eat Fujis and Galas, we're out of business. So, I hope you keep that in mind.

It might be great to have a McIntosh, but it is going to take millions and years to develop that marketing change. So, that is a marketing problem.

Thank you.

CHAIR MIEDEMA: Thank you.

(Applause.)

Zareb Herman is up at the podium, and Maurice Robinette is standing by.

Maurice, are you in the audience?

(No response.)

MR. HERMAN: Okay. Thanks.

Good afternoon.

My name is Zareb Herman. I am a
nutritionist with the Hain Celestial Group. Prior to my employment there, I worked as a research scientist for the Agricultural Research Service, which is part of the USDA. And I am addressing the Board on the subject of nutrients in organic foods.

Regarding the 205.605(b) listing of nutrient vitamins and minerals, it is coming up for Sunset review. Our company supports any action that allows the continued use of vitamins and minerals in organic foods. We would also agree with the clarification to the annotation that includes the nutrients listed in other portions of the CFR.

And very importantly, we would support any action by the Board that allows the continued use of so-called accessory nutrients until those nutrients can go through the petition process.

Now accessory nutrients are not unimportant nutrients. They just are not classified as vitamins and minerals. Examples
include amino acids, nucleotides, carotenoids, fatty acids such as DHA and ARA. And we understand that any of these substances will need to go through the National List process to be evaluated by this Board.

Now, for women who cannot breast feed, my company offers organic infant formula that contains some of these accessory nutrients. And so, why do we add them? The answer is that they naturally occur in breast milk. They are natural ingredients. They are absolutely safe. They are backed by numerous clinical studies, and their use is supported by leading pediatricians, infant formula experts, and sound scientific research.

And most importantly, they provide the best possible nutrition for babies. If I had a baby that had to be on formula, you can be assured that baby would receive these accessory nutrients in that formula.

Now a question: do consumers want fortified organic products? A recent OTA
survey showed that 78 percent of the respondents said choosing fortified foods for their family is either very important or somewhat important. So, many organic consumers do want to have this option, and we say let the consumers decide.

And lastly, this Board is going to be evaluating petitions on these nutrients. We recognize it is a very emotional issue for some persons, and you are going to be bombarded with conflicting opinions. You know how many opinions in public comments you have already received.

We just strongly urge the Board to make the decisions based on scientific evidence that comes from scientists, doctors, and other credible sources.

Thank you.

CHAIR MIEDEMA: Thank you, Mr. Herman.

Any questions?

(No response.)
Thank you.

Maurice Robinette is at the podium. Fritzi Cohen is standing by.

MR. MAURICE ROBINETTE: Thank you for this opportunity to exercise my right to comment on a very serious issue.

I am a rancher, and I am transitioning to organic certification for my pasture and my beef. The USDA is helping me do this.

I hope my comments can be helpful to address a very divisive issue in agriculture and lead to a constructive solution.

I mention my rights because I think my right to grow what I want to is being jeopardized by the introduction of GMO alfalfa. GMO alfalfa pollen will eventually find its way to my field as long as bees fly from field to field. When this happens, I will be growing GMO alfalfa, and I don't want to. I cannot stop the bees from pollinating
my alfalfa.

This genetic trespass is a violation of my right to grow what I want. If my bull trespassed onto a neighbor and bred his cows, I would be responsible and I would accept that responsibility.

I go to great lengths to prevent this. I can stop my bulls, but not my bees.

(Laughter.)

When I cows eat GMO alfalfa, my customers will no longer buy my beef. I may lose my pending organic certification. I will be damaged due to someone else's actions. I won't blame the farmer that grew the crop. I will blame the multinational corporation that made the genes in the first place and our government organization that allowed them to be released. This is the United States Department of Agriculture, the same organization that is paying me to transition to organic certification, the same organization that violated the law and ignored
thousands of comments in the Environmental Impact Statement about GMO alfalfa, that allowed them to be released, and its potential damages to our livelihoods.

I know this is a simple version of reality, and the underlying issues and politics are very complex. But the basic problem is simple. I am being denied the right to grow what I want. Consumers are being denied the right to buy what they want.

Simple problems often have simple solutions. And I am asking this Board to help with that simple solution. Please consider doing whatever is in your power to establish mandatory labeling of all GMO food.

(Applause.)

You may think this is outside your job description. However, isn't a label, the organic label, the end product of everything you do?

Thank you.

(Applause.)
CHAIR MIEDEMA: Thank you very much, Mr. Robinette.

Any questions? I see a couple.

Let's start with Nick Maravell and, then, Jay Feldman.

MR. MARAVELL: I think we have exited from the statutory authority of the NOSB. So, you can rule me out of order here, Madam Chair, if you like.

Secretary Vilsack addressed a group of us concerning the GMO alfalfa decision, and he raised an issue that you are also raising. I am not quite sure how to respond to him. So, let me ask you.

He said non-organic farmers want the right to grow what they want to grow. I mean that is the argument he used with us. Therefore, he has to respect their right if they want to grow GMO alfalfa.

So, I have been thinking about that. And if you could help with some input on that, on what to say back to Secretary
Vilsack on that matter, it would be helpful,
I think, to a large number of us in this
community.

MR. MAURICE ROBINETTE: Well,
while I don't like the idea, I think if the
product was labeled and everything that the
product consumed was labeled, I would be happy
with letting the consumer make the decision
and the end result to that.

MR. MARAVELL: So, you are saying
that the end product being, let's say, because
consumers don't eat alfalfa, the end product
being beef, let's say, in this case, that as
long as it were all labeled, then the consumer
could decide whether or not they wanted to buy
--

MR. MAURICE ROBINETTE: Yes.

MR. MARAVELL: -- beef that had
consumed GMO --

MR. MAURICE ROBINETTE: Yes.

MR. MARAVELL: -- alfalfa? I
don't know if that gets to me where I need to
be to convince the Secretary. But thank you.

    CHAIR MIEDEMA: Okay. Thank you.

Fritzi Cohen is at the podium.

MS. COHEN: Hi. I'm -- excuse me.

    CHAIR MIEDEMA: Sorry. One more.

Mabell Rivas is standing by.

    MS. COHEN: I am Fritzi Cohen, speaking as a mere mortal and tax-paying citizen, but, also, a victim of pesticide drift on my oyster beds in Willapa Bay.

    Supporting organic agriculture is not a new interest. In the eighties, the Tabard Inn had a market garden in Virginia that provided organic vegetables to our restaurant there and others in D.C. My husband's philosophy was no synthetics.

    In a nutshell, I believe that my family, including my animals, have a right to good drinking water, to eat food that we know is free of pesticides, pharmaceuticals, not GMOed, and that the animals that we eat have been treated humanely, and that the fish are
Our small farmers should not become endangered species. It is critical that organic regulations distinguish between large agricultural entities and small farms. The notion of the family farm is as American as apple pie.

The organic label should mean that the product is produced in ways that are compatible with organic principles. That is, adhering to practices that restore, maintain, and enhance ecological harmony.

We know maintaining integrity is not as uncomplicated as it should be. If the consuming public cannot trust the organic label, then there is no point in having it.

That is why, as USDA and the NOSB consider amendments to the soil and additives to products, and I am sure there are other things, they must apply sound, independent science case by case. This is the only way to guarantee that decisions are consistent with
the basic notion and science of what is
organic.

I always knew that soil was
everything, and that point was driven home
when we started gardening at the Moby Dick
Hotel and Oyster Farm. The soil in Virginia
was very different from that in Nahcotta,
Washington, but the method of building soil
with natural nutrients and compost was very
similar. What you put into the soil winds up
in the crops that grow in the soil, winds up
in the animals that eat those crops, winds up
in the people that eat those animals, and,
ultimately, winds up in everything.

And all of the pollutants that end
up in our waters from agricultural runoff,
storm water runoff, and direct pesticide
application, which is happening, tons of
pesticides that is too common all over the
State of Washington, and which I have
personally observed in Willapa Bay, and,
basically, I think are likely to be in the
fish, mollusks, and crustaceans that we consume.

Keeping carbon in the soil, rather than letting it escape into the atmosphere, makes for healthier crops and combats global warming.

The USGS has found pesticide residues in almost all of the rivers and streams in the United States. Maintaining soil free of pesticides is the only way to reduce pesticide runoff into our streams and rivers, and to --

CHAIR MIEDEMA: Thank you, Ms. Cohen.

MS. COHEN: Excuse me?

CHAIR MIEDEMA: Thank you very much.

MS. COHEN: All right. Well, I would like to just mention one thing because I haven't attended all of the things. But, you know, the President's Council found, basically, that the true burden of
environmentally-induced cancers has been grossly underestimated. I think that, based on that, we really need to be very careful. It is time to go organic and save our planet and ourselves.

CHAIR MIEDEMA: Thank you.

(Applause.)

MS. COHEN: And I have something. Where do I --

CHAIR MIEDEMA: Okay. Any questions for Ms. Cohen?

(No response.)

Thank you.

Okay. Mabell Rivas is at the podium. Margaret Wittenberg is standing by.

MS. RIVAS: I am Mabell Rivas, Certification Program Director of Pennsylvania Certified Organic.

First of all, I would like to thank the Livestock Committee for the changes that have already been incorporated into the document, based on the written comments that
were submitted by the organic community a few weeks ago. I can see a few changes that were suggested by ACA that have already been incorporated.

I would also like to say, for the record, that we support this recommendation in general, as we feel that it does clarify many issues that are not clear in the pasture rule.

Today, instead of making specific comments, I would like to take this opportunity to suggest two general improvements to the process of making changes. We feel that these two process improvements will ensure the best possible outcome for all our stakeholders.

One process improvement is simply that we need more time to collect more comments from the industry. We support ACA's comments that points toward a more careful multi-step process, first, incorporating all NOSB recommendations into the pasture rule and, then, polishing a cohesive, integrated,
new document for public written comments. And after receiving another round of comments, doing a final overall revision and presenting a final recommendation in the fall.

The main reason we suggest this is that the voice to be heard in response to the new overall system that is being proposed by this new document in its totality.

The other process improvement that we would like to see is a strong commitment to an economically-reasonable transition time for certified operators/corporations to build any needed new infrastructure.

The document incorporated specific measures as part of the rule, and being so specific ties adjustment to the operators' systems currently in place.

When talking about indoor and outdoor areas space requirements, for example, we are talking about potentially significant and expensive changes in infrastructure. It would be programmatic as well as unfair for a
certifier to start enforcing these densities immediately without giving the existing operators a reasonable timeframe in which to make these changes. Some time for adjustment of a specific system that is already in place is absolutely necessary.

Thank you very much for considering these ideas.

CHAIR MIEDEMA: Thank you.

Mac?

MR. STONE: How do you communicate with your growers on an issue like this and get info back and forth, but, then, also, a final recommendation to them?

MS. RIVAS: Well, in Pennsylvania, the vast majority of our membership is actually Amish farmers. So, the way that we communicate is actually very retro, I would say. We use mail. Our process includes a lot of handwritten forms, to be honest. So, it does take time to communicate these changes and receive information back and their
suggestions and comments. And that is why we
feel that there should be more time given to
them.

CHAIR MIEDEMA: Thank you. Thank
you, Ms. Rivas.

MS. RIVAS: Thank you.

CHAIR MIEDEMA: Margaret
Wittenberg is up next. Richard Reese is
standing by. Thank you.

MS. WITTENBERG: Okay. Good
afternoon, and thank you for the opportunity
to provide comment today.

My name is Margaret Wittenberg,
and I am the Global Vice President of Quality
Standards and Public Affairs for Whole Foods
Market.

As a former retail representation
on the National Organic Standards Board from
1995 to 2000, I highly appreciate the enormous
amount of time and dedication it takes for you
to fulfill your duties as Board members, as
well as I highly regard the public national
organic standards development process, including the opportunity for the new material petitions process for the National List and the accompanying five-year Sunset review. Accordingly, I would like to offer a couple of suggestions to the Board.

First and foremost is a reminder that everything you do goes far beyond a philosophical discussion. Each of your votes highly impacts real people's lives and livelihoods as well as the continued opportunity for the organic industry to develop and learn as it goes along.

I know how difficult these decisions can be to make, especially on topics that may or may not be in someone's particular expertise. Ask any former NOSB member. You will be learning a lot of new information while on the Board on topics you never thought you would have to know.

So, thorough listening and reading, asking questions, and being totally
engaged is critical. A lively Board discussion during the meeting, includes each of you, is one of the most important parts of the process, and dare I say can even be more important than ending on a prescribed time.

While it can sometimes seem intimidating being on a stage, so to speak, it is often the one who knows the least about a subject that comes up with the best questions that can be beneficial for the group.

Good decisionmaking requires a step beyond your own personal opinions, utilizing many filters within your decision matrices, including stepping back and looking at the big picture, and remembering we want to have more land, animals, and products being developed as organic rather than the alternative.

This includes making sure decisions are reasonable, not overly burdensome, scale-neutral, rather than judgmental, as well as honoring that there are
many ways to achieve a desired outcome.

Voting in a Sunset review also includes the understanding that the industry is ever evolving with continued research and experimentation, with the intent that, when possible, it will provide new or additional avenues and tools that could mean that along the way that few materials wouldn't need to be relisted or, on the other hand, underscore why a material needs to be continued. In other words, the five-year review provides the time for that continued evolution of the organic industry to occur.

I appreciated Katrina's material guidelines presentation yesterday which highlighted both the established process for determining the classification material and determining synthetic and non-synthetic that Board members are expected to follow to ensure consistency in the standardization process. I can ensure you that these definitions and procedures which we former NOSB members helped
establish many years ago were formed with a
great deal of effort and deliberation, using
the expertise many of us had in standards and
process development.

There is something to be said for
maintaining and honoring foundational work.
It provides assurance and consistency for all
stakeholders.

Thank you very much.

CHAIR MIEDEMA: Thank you.

Any questions for Margaret
Wittenberg?

(No response.)

Thank you.

MS. WITTENBERG: Thank you.

CHAIR MIEDEMA: Richard Reese is
up next. Keith Stavrum is standing by.

MR. REESE: I wanted to address
the question about Secretary Vilsack, and I
apologize for my sarcasm. But perhaps the
Secretary would like to be reminded that wind
is a vector of GMO contamination in crops.
I don't feel that there has been enough science about using GMO in the first place. What about runoff? What about the effect on fish? What about the effect of our own digestive bacteria? We just don't enough to have it planted out.

And I am chagrined and quite depressed that there is so much GMO crop in the world today. So, one of my concerns about the use of GMO currently, the way it is being done, is its effect on small communities. Small communities have a delicate economic tapestry that is shredded by the predatory business and legal practices of companies like Monsanto. There may be other countries who are involved in GMO dissemination, but I don't know what they are.

There is a book that was written by two guys, Miller and -- what's his name? -- Conko, I think it was. It was called The Frankenfood Myth. And I quote here, "USDA's rules for organic production which bar the use
of genetically-engineered crops are based on
process, not outcomes. In other words, as
long as organic growers adhere to permissible
practices and do not intentionally plant
genetically-engineered seeds, unintentional
cross-pollination by genetically-engineered
plants does not cause those crops to lose
their organic status."

In other words, it doesn't matter
about the integrity of Nature. It only
matters if we can follow the rules and if we
can create the rules to follow in the first
place.

In the recent tsunami and
earthquake disaster, the amount that a person
could, of radiation exposure they could handle
was raised the morning of the disaster from
100 millirems to 250 millirems. So, that is
a lot of what is happening with these large
corporations whose predatory practices in
small communities, you know, a small farmer
cannot go up against Monsanto. They don't
have the money. They don't have the time.

They would like to do it. They would like to be able to think that they could win their case against Monsanto, but can they really? It's tough. It's expensive. Often, it just shreds their ability to continue doing business.

I hope that you are hearing the same dang thing all over the country, that consumers are concerned about food safety; that, as citizens, we have lost faith in the government oversight of GMOs.

I mean, when GMO first came along, I ignored it, you know. It is too crazy for words. It is not going to happen. But here it happened.

And I feel that labeling is a short-term solution to give consumers some sort of voice, but in the long-run I would like to see GMOs withdrawn from planting in the first place.

CHAIR MIEDEMA: Thank you.
MR. REESE: Thank you.

CHAIR MIEDEMA: Thank you.

Any questions?

(No response.)

All right.

MR. REESE: Okay. So, in answer to the previous question about Secretary Vilsack --

CHAIR MIEDEMA: I'm sorry, I don't think there was a question. Was there a question posed to Mr. Reese?

MR. MARAVELL: Yes, if you have got something that could elucidate that for us, that would be helpful, because he said all farmers have the right to plant what they want, whether you an organic or non-organic farmer.

I might add, I don't think that Secretary Vilsack feels that this issue is over.

CHAIR MIEDEMA: Nick, can you please ask your question? Would you mind?
MR. REESE: Thank you.

MR. MARAVELL: So, what do we have to go back with him on that?

MR. REESE: Well, my concern is that there is not enough science, that the decision to promote and plant out GMO is an economic-based decision, rather than a decision which promotes the integrity of nature.

So, thank you. Thank you.

(Applause.)

CHAIR MIEDEMA: Keith Stavrum is at the podium, and Pat Kane is standing by.

MR. STAVRUM: Hello. My name is Keith Stavrum. I am the President of the Independent Shellfish Growers of Washington State.

We don't belong to the Pacific Coast Shellfish Growers Association, which are a big industry that sprays poisons all over the waters in this State.

One of the things that I am here
to talk about is the integrity of the tilth, which I support totally. You know, we had a problem in this State where they called it this invasive grass, spartina, and all of our members mowed this grass, got rid of this grass. We didn't use any poisons whatsoever.

But there was this wonder chemical called Amazapeer that was sold and said, look, Washington State, USDA, all of the Pacific Coast oyster growers, let's spray and kill this horrible grass, which is loved on the East Coast, by the way.

Well, it turns out that in 2008 Federal EPA, actually, and I have the document and I have handed these out to you, the document states, you know, to remove estuary and marine from applications of this chemical. This was in 2008, and there was a loophole in the law that says, hey, you've got 16 months to get rid of this stuff, though, if you already have it.

And each and every one of those
entities I talked to -- and in the back you will see -- all over Puget Sound, Hood Canal, this whole State, all the waters, the Nature Conservancy, everybody sprayed this chemical.

These people have done something that none of us do as the independents. We have 327 members.

So, I am kind of here to piss in my corner, to tell you the truth. I would like to be up here and let you know, if you are going to do something with shellfish, whether it be clams, geoducks, whatever, you need to deal with us small farmers, the ones that don't poison everything, the ones that get double the price for our stuff. Our shellfish don't take like mud.

It isn't Taylor Industry, Northern Oyster, Coast Hilton. These people will infiltrate, and I am afraid of this, the Board, as they did for the people of Puget Sound, and start giving fundraisers. And in doing the fundraising, all of a sudden,
they're loved and hugged and everything.

The integrity of the tilth has
something to do with something that goes back
to the farmers. I am going to address a
question that you kept asking. Let me say
this: years ago, if you stole something, you
know, you might have got beat up or something,
you know, hundreds of thousands of years ago.
But somewhere along the line someone said
we're going to cut your arms off now. If you
steal something, we're cut your arms off.

So, if you go back to the
beginning of time, nobody had GMOs. When GMOs
come, that's the problem. We have to remember
it that way. Answer it that way to the man.

But, you know, to sum this thing
up, I want to make sure that we are involved
in any aquaculture. And there is an MPDS
permit that comes out where people actually
go, hey, you know, we're going to spray
poisons in the waters of Washington. If
anyone has applied for that in the last five
years, they should have nothing to say to this tilth Board.

But, again, to get back to the old farmers, say two farmers are there. One has a bull. "Hey, you raise my bull, and we are going to split it in two when it comes up."

They don't line it up and cut it down the middle with two legs over here and two legs over here, and, you know, the bull back end and the front end. They saw it down the middle and they do it equally.

So, let's make sure we take care of that, and the integrity of the tilth is with a handshake, and we keep it. All right?

Thank you.

(Applause.)

CHAIR MIEDEMA: Thank you.

MR. STAVRUM: Any questions?

CHAIR MIEDEMA: Any questions for Mr. Stavrum?

(No response.)

Pat Kane is next, and Nicole Dehne
is standing by.

MS. KANE: Thank you all. I am
Pat Kane. I am the Coordinator of the
Accredited Certifiers Association.

I would just like to briefly thank
you for all your work.

I would like to provide comment on
the CACC discussion document regarding NOP
oversight of the Materials Review
Organization. ACA did provide written
comments. They were posted. So, I hope you
have had a chance to look at them.

In 2010, ACA had a working group
that did prepare a white paper regarding
materials review, and this identified many of
the same issues that the CACC discusses.

In our comments, we stated that we
believe that the development of a separate
accreditation scope is a long-term process and
should not be the primary focus at this time.
We believe that, prior to the establishment of
the scope of accreditation for review of
materials, the National Organic Program should provide detailed guidance describing the appropriate process and procedures desired for review of materials.

We believe that increased enforcement oversight by the National Organic Program of all organizations reviewing materials is needed prior to the establishment of the scope of accreditation for reviewing materials.

Our members have stated that accreditation auditors had generally not reviewed the materials review process or procedures with the same scrutiny that the certification process receives.

We do believe that there are two distinct types of materials review organizations, ones such as OMRI, WSDA, who conduct material reviews for manufacturers and publish a list of materials, and, then, accredited certifying agents who conduct materials review as an integral part of the
certification process at the request of the client, but do not publish a list of approved materials.

It is also noted in our comments that in Europe, it is quite common for certification agencies to conduct a review of materials on behalf of a manufacturer and publish a list. So, we have got all kinds of schemes going on.

ACA believes that ACAs and organizations that review materials independent of the certification process should not be considered similar when it comes to regulation. ACAs review materials for use by a specific client in a specific situation rather than provide a blanket product approval for a manufacturer.

We do believe that all forms of review programs should receive scrutiny. That is not to except ACAs that review for clients.

We encourage the formation of a task force or working group with broad
stakeholder participation, including the National Organic Program staff, the National Organic Standards Board, ACAs, non-governmental organizations, and representatives of the input sector --

CHAIR MIEDEMA: Thank you. Go ahead.

MS. KANE: -- should be formed to assist with the further development of this process.

CHAIR MIEDEMA: Thank you very much.

Any questions for Pat Kane? Joe Dickson?

MR. DICKSON: Thank you, Pat.

Just a quick clarifying question. I think I understand your comments. Do you have a position on whether non-ACA materials review organizations should be accredited in the long-term picture?

MS. KANE: I think our group felt that, yes, they should be. The concern with
our group was that ACAs who review materials for clients, who may choose not to proceed with a scope of accreditation, how would that affect the review system? They don't feel that the review of materials can be taken out of the certification process. So, that was our concern.

CHAIR MIEDEMA: Mac Stone?

MR. STONE: Pat, do you have any idea or guesstimate how many lists there are floating around the among the ACAs or how many thousands of products are floating around being used in this world?

MS. KANE: Many.

(Laughter.)

Since the lists aren't public -- I mean every certifier reviews materials. So, the assumption is every certifier has a list. But, no.

CHAIR MIEDEMA: Thank you.

MS. KANE: Thank you all.

CHAIR MIEDEMA: Nicole Dehne is
next.

Carrie Little, you are standing by.

MS. DEHNÉ: Hi. My name is Nicole Dehne. I am the Certification Administrator for Vermont Organic Farmers, and I am representing 580 certified organic farms and processors today. And I appreciate the opportunity to speak, and I am going to try to be quick.

It is clear that the NOSB feels, as we do, that animal welfare is an essential component to organic regulations, but it not a regulation that we feel that should be rushed.

And we suggest the following modifications to the current proposed regulations. I want to say I was able to scratch out some of my modifications due to changes that the Committee already made. So, I want to say thanks for that.

But we recommend more specific
language regarding minimizing pain during
dehorning cattle. We suggest a requirement
for using local anesthetics when dehorning
calves older than 12 weeks.

And in regards to stocking rates,
it is important to assure the consumer that
organic regulations require animals to have
more than the minimum required space. So, we
recommend increasing stocking rates for
poultry and small grower pigs to require more
space that is the minimum of what is
considered acceptable.

We also believe all beak trimming,
in addition to beak removal, should be
prohibited. And currently, all of our VOF-
certified poultry producers do not practice
beak trimming of any kind.

As far as the welfare handling,
transport, and slaughter standards, we are
concerned about the practicality of these.
There is a shortage of slaughter facilities in
Vermont, and it is not a problem that is
unique to our State. Slaughterhouse owners have so many customers to choose from that they often don't see the value in getting certified for a few organic producers that need them to be certified.

If we make the regulations unachievable or too burdensome, we are afraid that our three slaughterhouses that are currently certified will decide to drop, leaving certified livestock producers in a pretty serious situation. We suggest working with maybe the USDA and state inspectors already present in the facilities to audit animal treatment, but we worry without a comprehensive approach that slaughterhouses will decide not to pursue organic certification due to an overly-burdensome system of verification.

And we do not support a recommendation that expands the number of unreviewed or ill-defined accessory nutrients in organic food. And we support the Joint
National Organic Coalition and Cornucopia position in regards to those materials.

And finally, we support a limited extension of the use of streptomycin and tetracycline for management of fire blight in organic orchards. For our producers, successful and profitable organic apple production in Vermont requires access to, and occasional use of, those products. But we do support the National Organic Coalition's phaseout strategy for those materials.

MR. MILLER: Thank you.
Any questions? Joe Dickson?

MR. DICKSON: Nicole, you said that some of the stocking rates were lower than VOF would like to see them. I am wondering if you can tell us which ones specifically --

MS. DEHNE: Yes.

MR. DICKSON: -- and if you have suggestions for specific values.

MS. DEHNE: Specifically, for
poultry, we thought that Cornucopia had some
good details as far as large the stocking rate
should be and, also, for small grower pigs.
Those are the ones specifically we thought
were too small.

CHAIR MIEDEMA: Mac Stone? Sorry,
one more.

MR. STONE: Nicole, what percent
of your membership direct markets and has
direct contact for communication about how
their animals are raised?

MS. DEHNE: I would say the
majority of our livestock producers direct
market, and we have about 200 dairy and maybe
50 livestock producers, or maybe a little bit
more.

CHAIR MIEDEMA: Thank you.

Carrie Little, you're up next.

Julianne Lamsek is standing by.

MS. LITTLE: Greetings. My name
is Carrie Little, and I come on behalf of the
ecosystems of two farms, Mother Earth Farm, a
project of Emergency Food Network, which grows 75 tons of fresh produce annually for hunger organizations here in Pierce County, Washington.

In addition, I go home to a farm called Little Earth, and we just became certified organic as of a week ago.

(Applause.)

We raise pasture poultry, sheep, pigs, and bees, as well as mixed vegetables, berries, hops, and fruit trees there.

Thank you for taking the time to hear our voices, especially of those on the ground deeply involved in the actual work of organic farming. It is our hope that our collective voices impact your decisionmaking.

I have four areas of concern regarding possible changes. First, please do not weaken standards in regards to animal welfare where stronger rules about allowing animals on pasture is needed.

Second, please do not weaken
standards allowing human waste in organic farms. Until our culture learns to value water usage and respect the end result, we can't have contamination of heavy metals or pharmaceuticals in our soils.

Third, we would like to see a much stronger emphasis on the use and sourcing of local materials. The petroleum factor should be a top consideration when enforcing the use of certain materials.

I find it troubling that Chilean nitrate is an approved material when there are local sources of nitrogen that are not strongly encouraged.

And lastly, I would like to speak to the plight of the seed. It is clear the battle lines are drawn. Multinational corporations like Monsanto are aiming to control the seed supplies of food.

Seed savers like myself are fearful for what is in store. GMOs, once released in nature, will never go away. So
critical is your job in not allowing contamination of GMOs, that the entire food web depends on this decision. If we falter here, we will fail as stewards of the earth and as members of this planet.

Thank you.

CHAIR MIEDEMA: Thank you, Ms. Little.

Any questions?

(No response.)

Thank you.

(Applause.)

Julianne Lamsek is next. Dave DeCou is standing by.

Dave, are you here?

(No response.)

Jim Koan is standing by.

MS. LAMSEK: I am Julianne Lamsek, speaking as a concerned consumer. I am here to comment on animal welfare recommendations for poultry and swine. I understand the pressure you are facing from
the nation's largest livestock producers to make organic production as cost-efficient as possible. At the same time, I expect that all organic livestock be treated humanely.

When I buy organic eggs or chicken, I expect those hens to spend a good portion of their lives outdoors, foraging a vegetated range with sunshine. When they are indoors, I expect them to be in a healthy environment, not wreaking with ammonia. I expect hogs to be able to roam about freely and socialize.

It is hard for me to understand why the space recommendations are so low, especially compared to the standards of other animal welfare certifiers.

Standard factory farming practices in this country are inhumane. It is not acceptable for organic standards for the living conditions of poultry and swine to be a little above the average conventional except for organic feed.
For these reasons, I advocate at least two square feet per bird indoors for layers and broilers. I am aware of the EU standard for 43 square feet, and I am dismayed that the United States is so far behind. I advocate for at least five square feet per bird outside, since Organic Valley recommends it as feasible.

I am pleased the NOSB is attempting to control ammonia levels, but the 25 parts per million level cited in the recommendation as high should not be acceptable at any time. Chronic exposure at 20 parts per million affects the health and welfare of chickens.

Research shows a precautionary guideline for prolonged ammonia exposure at 10 parts per million. So, I believe farm plans must demonstrate control at this precautionary level.

I ask the Livestock Committee to adopt these recommendations as the highest
animal welfare standards in the nation. They are what I and other organic consumers want and expect.

CHAIR MIEDEMA: Thank you.

Mac?

MR. STONE: I hope this comes off right. So, as a consumer, I raise eggs on my farm, and if I told you that the chickens that are roaming free and in their grass all the time, that if they scratch through the cow manure and eat the larvae of insects from that, is that repulsive to you or a good idea?

MS. LAMSEK: That is not necessarily repulsive to me, if it is a humane environment that those chickens are existing in, and the cattle are also in a sustainable environment.

MR. STONE: Which is the case, but the customer that I told that to has never bought an egg from me again.

(Laughter.)

CHAIR MIEDEMA: Thank you.
MS. LAMSEK: Thank you.

CHAIR MIEDEMA: Jim Koan is next.

Jeremy Shapely is standing by.

MR. KOAN: I have been here all day. I am tired. I learned a lot. I know you have learned a lot, more than I have. My brain is slow.

I learned one important thing today, and that is the people that get up here and they talk fast, they are talking a foreign language. I can't integrate it anymore. So, I hope you can integrate what I am saying. So, I am going to talk really slow.

I am an apple grower in Michigan. I should be home right now on my farm trying to grow apples and fighting scab. It has been raining about two weeks.

But I decided I needed to come here and talk to you and tell you my story because, if you let streptomycin sunset, I won't have a farm to fight apple scab with anyhow.
So, I grow about 150 acres of apples. That is about 2.5 million pounds. I also grow some crops.

Barry, I retail to local citizens as well as wholesale. We process, and I even do a few hogs and greenhouse.

I have been growing apples for 35 years, 20 years conventionally, the last 15 years organically.

I worked with Michigan State University for years, and a plant pathologist, and I am here to tell you that we in the East, North, and South cannot grow apples without antibiotics sometimes. If you understand the science, if you understand the biology and how this works, once in a while, we have to have that or we are going to lose our crop.

If we lose our crop, we are also going to lose our trees. As a businessman, it is impossible to recover from that. It is just a given that we will phase out of the business and we go into something else.
In the last six years, I probably used the streptomycin three times. We use a computer model that tells us how fast that biology is building, that bacteria, and, then, it predicts by plugging in weather exactly when you are going to have an infection and if you need to go in and spray that, so that you are just not whimsically spraying this.

There is a lot of science out there that tells you that it is not in the fruit and that it is not traceable. And there's a lot of people telling you a lot of things that aren't true.

The most important thing to remember here is that the growers on the East Coast, Central, South regions, without antibiotic, are going to have to get out of the business over time.

Any questions?

(No response.)

CHAIR MIEDEMA: Thank you, sir.

(Applause.)
Jeremy Shapely is next. Lauren Yoder is standing by.

Lauren, are you here?

(No response.)

Luis Monge is standing by.

MR. SHAPELY: Hi. As you guys have heard, my name is Jeremy Shapely, and I am going to speak real fast.

I am a wine importer, and I have been such since 2003. I currently import conventional wines, wines made from organic grapes, and 100 percent organic wines.

My largest supplier is the world leader in no-added-sulfate, organic wines. They also are the first organic certified winery in the world. The 2010 production saw 384,000 cases of wine globally. In 2012, we should see about a 30 percent increase on that. So, by standard wine volumes, they are probably considered a mid-sized winery.

Although most folks in the wine industry will tell you that there is a growing
market in the U.S. for all three of these wine categories, the U.S. is now the No. 1 wine consumer in the world.

There are wine drinkers who could care less about any organic farming or production methods. There are consumers who like the idea of supporting pesticide-free products through their purchasing habits, whatever is convenient to them. And there are consumers who 100 percent solely want to consume 100 percent organic products, which is largely where my consumers fall.

Although we have seen the organic industry and the FDA struggle to end up where we are today with organic labeling, I believe that the labeling rules provided today in the wine industry provide truth in labeling for wine drinkers for the wines that fall into these three categories.

The allowance of wine made with organic grapes to be labeled as such by TTB on the front and back of their labels ensures
that any brand-owner who wants their consumer

to know that their wines are made from organic
produce can very easily do so.

And we have seen in the farming
practices in both this country and throughout
the world, the organic farming practices that
is, explode, and it is downright false to
imply that the current FDA labeling standards
in wine do anything to discourage organic
grape farming. If anything, they are
encouraging the explosion, one that I, as a
wine importer, see daily with new organic
wineries approaching me trying to get
importation and distribution into the U.S.

Some have argued that the
disallowance of SO2 in organic winemaking has
held the organic wine industry back. But as
someone who works daily beside retailers and
consumers, I wholeheartedly disagree with this
assertion.

After eight years of talking to
wine drinkers, I believe the consumers who buy
organic milk, organic meat, and organic produce, then, buy conventional beer and wine because they somehow believe all wine and beer to be inherently organic. Why do they believe this? I believe this is because the FDA does not require ingredient labeling on either beer or wine. So, many consumers have no idea that synthetic or artificial ingredients are being added to their beer and wine.

They are always surprised to know that there is oftentimes much more added to beer and wine other than fermented grapes, hops, and malt. If consumers could see what else was in their wine and beer besides grapes and barley, I believe that the organic wine industry would mirror that of the organic milk industry, which still definitely booming.

All of us in this room have seen the organic industry evolve over the past couple of years and seen large commercial interests trying to weaken the labeling standards in an attempt to gain more of this
growing organic market share without having to change their farming or production practices to follow organic guidelines.

But other consumers --

CHAIR MIEDEMA: Thank you, Mr. Shapely.

MR. SHAPELY: Okay. Thank you much.

CHAIR MIEDEMA: Any questions?

(No response.)

MR. SHAPELY: Thank you.

CHAIR MIEDEMA: Luis Monge, you are up next.

Dain Craver is standing by.

MR. MONGE: Good afternoon.

She is Penelope Pineapple. I am Luis Monge. We are both from Costa Rica.

(Laughter.)

She is obviously an organic pineapple.

I am the Manager of the Organic Program at Dole Fresh Fruit International.
Today I am not only representing my company, but, also, the organic pineapple industry from my country.

We have read the Supplemental Information Report on the use of ethylene gas and we strongly support such document in most of its conclusions and, also, would like to provide the following information:

We agreed when the report when it stated that controlled flower induction allows for the best possible management of plantations and results in better production, taking the concept of management to its broadest meaning, which includes, among others, pest management, decision management, fertilization, culture practices, et cetera.

We also support the report on its main conclusion to this question. It says, "It can be concluded that the use of ethylene gas remains important to organic pineapple production."

In fact, EcoLogica, a
certification agency for Costa Rica, has stated on its full-length comment that ethylene has shown to be indispensable for organic pineapple production.

About the current use pattern for ethylene, Costa Rica is by far the largest pineapple supplier for the U.S. market. It is a good example for small, medium, and large production entities producing high-quality organic pineapples for the international markets.

In all the scales of production, the use of ethylene is, without a doubt, a major need, and it represents less than 2 percent of the total production cost. What the farmers cannot afford is the production of organic pineapples without an induction agent.

About the topic of other alternatives, we fully concur with the report when it stated that the commercially-available treatments worldwide have not changed since the 1999 TAP review for ethylene gas. The
alternative methods have not proven to be efficient and/or consistent.

The report mentioned an investigation made in Taiwan with a totally different pineapple cultivar and under conditions that did not reflect the reality on the fields that supplied the organic pineapples for the U.S. consumers.

Please take into account that, according to this investigation, the alternative to ethylene will mean that a small grower of 1 hectare will need 1 million pounds of ice during this flowering.

Finally, we want to state that, from the farmers' point of view, successful organic pineapple cultivation is not possible at the present time without the use of ethylene.

Therefore, we, the Costa Rican organic pineapple industry, Miss Penelope Pineapple, and myself respectfully ask the NOSB to continue the releasing of ethylene gas
under 205.601(k) on the National List.

Thank you.

CHAIR MIEDEMA: Thank you.

Tina and, then, Barry.

MS. ELLOR: Do you have some numbers at your disposal? It would be really helpful. What percentage of organic pineapple producers in Costa Rica use ethylene? And what percentage of the import market are Costa Rican pineapples to the U.S.?

MR. MONGE: Okay.

MS. ELLOR: Do you have that?

MR. MONGE: Yes. One hundred percent of the organic pineapple producers in Costa Rica. It doesn't matter the scale. From 1 hectare to 500 hectares, they use ethylene gas for the induction of flowering.

And Costa Rica represents, according to one report from the United Nations in 2002, more than 82 percent of the organic supply of pineapple for the U.S. market. And it was in 2002 when the
production in Costa Rica was still too low.

CHAIR MIEDEMA: Barry?

MR. FLAMM: Luis, you made the remark that there was no reasonable alternatives at this time, suggesting perhaps that you see something down the road. Could you elaborate on that?

MR. MONGE: Yes. It was a previous question to Mr. David Lively today, asking what other alternative has been proven in Costa Rica, a list. We tried everything. And you have to read the public comment from Gabriella Soto from EcoLogica because it is really in there.

There is an experience of two American ladies opening organic pineapple farms in Costa Rica, and they tried everything because it was previous to the approval of the ethylene and the NOP. And they failed. They are no longer organic farmers there.

They tried the cold-water treatments because it is nothing new, by the
way. It is there since several years now.
So, they tried the cold-water treatment. They tried a horse urine, everything, almost everything, and they failed.

CHAIR MIEDEMA: Yes, real quick.
We are running -- Barry, we do have one other Board member that has a question, too. So, go ahead.

MR. FLAMM: So, I guess I misinterpreted your comments. So, from you have just said, you don't see a viable alternative?

MR. MONGE: No. At this point, no, not today.

CHAIR MIEDEMA: Thank you.
No? Okay. All right.

MR. MONGE: Thank you for the opportunity to speak on behalf of so many people that couldn't put their comments in front of you today.

And it says Gibberellic acid. We will talk about Gibberellic acid in Georgia
with Bobby Banana.

(Laughter.)

CHAIR MIEDEMA: Thank you.

Dain Craver is coming to the podium. Diane Dempster is standing by.

Diane, are you here?

(No response.)

Robert Beauregard? Robert Beauregard, are you here?

MR. BEAUREGARD: Yes, I'm here.

CHAIR MIEDEMA: Thank you.

Mr. Craver, please proceed.

MR. CRAVER: Okay. Thanks. I appreciate you guys letting me talk today.

I think it was great that we put together this national Board because there were so many times when some states would have regulations and other states wouldn't, and it was a nightmare. So, I am glad this thing is put together.

I am glad Miles is in charge of it. I worked with him on the Organic Advisory
Board here in Washington State. He did a marvelous job.

I appreciate the time you guys put in. I have been on boards and commissions. You are pretty much probably brain-dead by now, and I feel for you. I have been there.

But what I want to talk to you today about is the tetracycline. I am an organic farmer and have been for 19 years. Every spring break, my daughters will go out and we plant 15 acres. I have seven daughters, and we would plant 15 acres and we were organic. And that's how our farm got started.

I am also a consultant, and I consult on 10 organic growers. I also do conventional, but I do 10 organic growers, myself included. Nine of those 10 use tetracycline. Only one doesn't, and that's me. You can ask me that, why, later.

What we do, though, is I wanted to tell you how we control fire blight. You
know, you have heard a lot of comments about it. But this is from a grower's standpoint. This is what I tell my guys.

First of all, we have to have cultural practices. We have got to keep our vigor down low. The disease will spread real easy. We have got to keep moisture out of the orchard. That triggers the whole problem.

And so, we come in and we try to do those things. And, then, we come in right as we start to bloom and we spray an antagonist bacteria. We spray it at 20, 50, and full 100 percent bloom.

We use this material, and, then, we come in. If we get a bad infection, we use a blight model, just like my bro there from Michigan was talking about. We use a computer model from WSU. And when we see that coming, we come in and we spray and we use tetracycline.

And, then, we do a lot of scouting through the orchard to cut out any of the
blight strikes, infect the cutting materials each time so that we don't have that spread.

And this is how we pretty much control it. It is like building a house. You have all these tools in the toolbox. Well, if you look at one of the most important tools, it is a hammer. And that's what tetracycline is for us.

It is a product that I think we can use, and I think it would be a shame if we took it out. Like I said, nine of my growers would drop out.

I am the only European-certified grower out of the bunch, and the reason why is because I chose not to use the tetracycline. But I still think it is a product that we need really bad.

I heard somebody ask, well, do the consumers like to eat that? Well, I go and do in-store demos across the United States. I go from Minnesota to Washington to Idaho. I grow 14 different varieties and some of my own.
So, I want to get those out in there.

And I show them exactly how we take care of it. And do you know that the consumer doesn't have a real issue when I tell them what we spray for fire blight. Their big issue is when I tell them we spray a virus for codling moth control. That gets them a little kinked. And so, I just want you to know that consumer preference on this I think would be okay.

I want you to know that we do not spray the fruit. We spray the flowers only. And we only spray when we have the problem. So, when you see a usage that says only five out of ten, 50 percent of the growers used it, well, the reason that is because we didn't have an infection period.

So, my time is up. I appreciate it. If you have any questions --

CHAIR MIEDEMA: Thank you.

MR. CRAVER: Yes.

CHAIR MIEDEMA: Steve and, then,
Jay.

MR. DeMURI: So, on an average, how many times every five years would a grower have to spray it?

MR. CRAVER: Well, my growers right now, I would say we spray it seven out of ten years because of the chance with the fire blight.

CHAIR MIEDEMA: Jay?

MR. FELDMAN: My first question is, why? Right? You said we could ask you why you're --

MR. CRAVER: Oh, why I don't?

Yes, I'll tell you.

MR. FELDMAN: And, then, my second question is for you and your bro from Michigan, who was speaking so slow that my brain slowed down, and I forgot my question.

(Laughter.)

That is, why -- you know, we are talking about some modeling here that goes to the question of a prediction, predicting a
problem that you are spraying for. And we
have heard statements in terms of strep that
that can be more of a curative application
after -- that's what I meant to ask him --
after the disease expresses itself.

MR. CRAVER: Once the disease
expresses itself, there is nothing you can do
but cut it out of the tree. There is nothing
that is going to cure it.

The guys back East might have a
little different idea on that. But if you
have got fire blight, if you have got an
infection period, the only way to get rid of
it is through sanitation and cutting it out
and making sure you don't have any things
later.

And again, it is a bloom spray.
And after that, if you missed it and you got
fire blight, then you have got to go through
and cut it out.

And the other thing about fire
blight is a neighbor can have a really bad
infection next door to you, and you could be
the cleanest, greatest grower, but those
bacteria can move throughout the orchards.

MR. FELDMAN: So, why aren't you
using it?

MR. CRAVER: Why aren't I using
it? Okay. My orchard was, you know, I
started 20 years ago. My orchard is located
around a game preserve. And so, I am very
isolated. Isolation is important for
organics.

At that time, I wanted to get into
Europe. I felt that was where the demand was
for apples, smaller fruit, and whatnot. So,
I made the choice to go European certified.

Like I said, I grow 14 varieties
of apples, five of cherries, and I used to
grow three varieties of pears. Two of them
became infected with fire blight, and I made
the decision to cut my trees out instead of
spreading it to some of my apple varieties.

I use all of the other care that I
have talked to you about of doing it. And I just made that choice not to spray Mycoshield and I want to stay in the European Union. But the growers that I consult on, they don't care. I think if you pull this off, they are just going to immediately drop out of the program.

We can't go on in pear production and some varieties of apples without it. I just made a personal decision on that. I think my orchard is located in a situation where that is able to do it.

CHAIR MIEDEMA: Thank you, Mr. Craver.

MR. CRAVER: Okay. Thanks.

CHAIR MIEDEMA: Robert Beauregard is up next.

Is that Diane Dempster?

Come on up and work that out with Lisa while Mr. Beauregard goes.

MR. BEAUREGARD: Hi. My name is Bob Beauregard, and I am with the Country Hen.
We are organic egg producers.

    We here at the Country Hen would like to thank you for the opportunity to comment on the proposed recommendations for animal welfare. We greatly appreciate the time and effort that goes into creation of improved standards and are happy to provide our comments from a producer's point of view.

    We do, however, have very serious concerns about the challenges we face as organic egg producers, based upon suggested recommendations to free-range poultry at two square feet per bird directly on soil.

    I have included several attachments with regards to our primary concerns of disease, internal and external parasites, and the health and safety of the hens.

    The Country Hen respectfully suggests that the Livestock Committee reevaluate the recommendations and consider both the intended and unintended consequences.
that may occur as a result of pursuing these recommendations.

   During this process, we hope you will take the following into consideration:
   Will or should the recommendations overlap other federal, state, or local agency regulations with regards to food safety, environmental protection, drinking water quality, and/or storm runoff pollution?
   The risk involved for poultry producers with regards to potential health and disease issues that will increase nationwide due to the increase of poultry exposed to the presence of geese, ducks, and shorebirds, coupled with the inability to ensure these birds against these diseases.
   As far as food safety concerns, is the anatomy of the chicken prepared to handle the possible contamination of soil dioxins and internal parasites which could be incorporated into the egg during the shell-forming process?
   The financial impact that
currently-certified organic producers would incur in either attempting to adhere to these standards or as a result of being unable to adhere because they cannot possibly accommodate these changes to their production model due to space, building size, environmental issues, and/or topographical location to watersheds.

A science-based study that would clearly demonstrate the viability of soil-based runs at two square foot per bird and how many rotational paddocks would be required at this density to maintain soil integrity.

And finally, in an effort to resolve these issues and work together to improve the standards in a safe and viable manner, should an organic poultry symposium be formed, as was formed with the organic dairy producers before those recommendations were made?

Again, we thank you for the opportunity to comment on these
recommendations and for your hard work and efforts.

CHAIR MIEDEMA: Thank you, Mr. Beauregard.

Any questions? Nick Maravell has one.

Mr. Beauregard? Mr. Beauregard?

We have one question for you. Thank you.

MR. MARAVELL: You are suggesting an organic poultry symposium be formed.

MR. BEAUREGARD: Yes.

MR. MARAVELL: So, obviously, because of your background, your concern is only for poultry. How would that work in your mind, and how would that help?

The Committee has heard a lot. So, what did we miss here that --

MR. BEAUREGARD: Well, I don't think the Committee has heard everything. And in three minutes, that is almost impossible to do.

Our concerns, basically, are all
based on internal and disease control. When you put chickens at two square feet per bird, and with no recommendations or guidance as far as how they should be rotated in order to maintain the soil -- we are right on the Boston water supply. So, I would have to rotate, in my own point of view, based on European standards at 43 square feet per bird, if I am going to put them at two, I would have to move those birds on a daily basis in order to maintain that soil integrity. So, that means I would need over 800 acres of land in order to move my birds. I just couldn't do that. There is no way that we can move those birds around.

I mean we are considered as a factory farm from consumer advocate groups. And my largest flock size is 7,000 birds. We base our standards --

MR. MARAVELL: I don't think you are addressing my question, but I appreciate the input. And in the interest of time, Madam
Chair, should we move on?

CHAIR MIEDEMA: Thank you, sir.

Melissa?

MS. BAILEY: I think Nick raised

the issue of a poultry symposium. Just to

follow up on Bob's comment, and for the

benefit of the Board, the program is currently

considering for poultry conducting a symposium

early this summer. So, that is something that

is on our radar.

CHAIR MIEDEMA: Wonderful. Thank

you.

I just want to do a quick

housekeeping check-in here. I would like to

go ahead and call out the names of everyone

still scheduled today to provide public

comment, just so I can plan whether or not we

should take a break.

And, then, I also had a question

for the program. This is very general. I

received a concern from a member of the public

who wished to refute something that was said
about them or their organization. We don't provide a forum for sort of cross-postings here at the Board level.

And I wanted to just make a general announcement for members of the public how they can put on the record in some other way a response, if they feel their reputation has been impugned and they don't have a chance to get up and speak again.

MR. MILLER: I am sorry. This is a full --

CHAIR MIEDEMA: Sir --

MR. MILLER: I need to correct it in the public. I'm sorry.

CHAIR MIEDEMA: You're out of order. You are out of order, sir.

But, Miles, the Deputy Administrator, please reply.

MR. McEVOY: Yes, I think we need to think about this a little bit because there could be many people that want to submit comments in response to things that were
submitted. So, it is all part of the public record. As the Board continues to work on things, as the program continues to work on things, there is ample opportunity to provide continued public input and comments into this process.

So, we will think about it.

CHAIR MIEDEMA: Might we suggest the next comment period as one forum for that? Would that be something appropriate?

MR. McEVOY: You are suggesting that there be one forum just for people to respond to --

CHAIR MIEDEMA: Not at all. Not at all.

(Laughter.)

No. We will have a comment period again before our next meeting.

Okay. So, I am going to go ahead and call out the names of everyone signed up. If you would mind waving, so we can find out how many of you are still here?
Diane Dempster, I see you are here.

Jerry Bartlett?


Jenise Silva? Jenise Silva, are you here? Or has anyone seen her? Okay.

Bob Durst?

MR. DURST: Here.

CHAIR MIEDEMA: Okay. Herwig Opdebeeck? Mr. Opdebeeck?

MR. DURST: He's here.

CHAIR MIEDEMA: Okay. All right.

Well, we have already said enough names that a break will be appropriate.

Board members, please be seated, again, in 10 minutes. Thank you.

(Whereupon, the foregoing matter went off the record at 4:57 p.m. and resumed at 5:11 p.m.)

CHAIR MIEDEMA: We're back in session. The NOSB is back in session.
Diane Dempster is coming to the podium. Jerry Bartlett is standing by. Thank you.

MS. DEMPSTER: Hi. My name is Diane Dempster, and I am delivering public comments on the Crop Committee's proposal on ethylene on behalf of Melody Meyer, Vice President of Global Initiatives at Albert's Organics, who is unable to be here today.

Albert's is headquartered in Bridgeport, New Jersey, and has been a pioneer of the organic fresh foods industry since 1982. They have grown to become America's largest organic produce distributor with centers in California, Colorado, Florida, New Hampshire, Minnesota, North Carolina, and New Jersey. They have their own national, regional, and international buying centers, creating longstanding relationships with organic farmers locally, regionally, and globally.

Albert's Organics maintains an in-
stock status of over 300 seasonal fruits and vegetables, providing product to over 5,000 natural food stores and supermarkets.

Albert's sources organic pineapple from Ecuador, Costa Rica, the USA, and Mexico. Last year they sold over 65,000 cases of organic pineapple. In 2010, they began directly importing pineapple from Ecuador and Costa Rica, developing direct relationships with small and medium-sized growers.

Most of the growers are in underprivileged areas of the central and southern hemisphere where organic agriculture and international trade is the only means of achieving financial stability.

In visits to these growing regions, it is evident that good roads, electricity, and running water are the benefits that would not be achieved without the organic agriculture activities.

Albert's Organics respectfully disagrees with the Crop Committee's
recommendation to prohibit ethylene for regulation of pineapple flowering. Melody just made a trip to Latin America last week and talked to many pineapple producers. Every grower uses ethylene and considers it essential to their operation.

From the mouth of one producer, "If ethylene use is eliminated in organic pineapple production, it is the end of organic pineapple."

This, then, would result in the loss of thousands of labor jobs on farms and scores of additional jobs in the community.

It is the very essence of pineapples for the flowering to be delayed and occur unevenly throughout the field. Organic pineapple growers rely on ethylene to manage the timing of the plants' flowering and, therefore, the timing of harvest.

The impact of ethylene is not only beneficial at harvest, it also facilitates efficient cultivation, size management, and
helps to avoid over- and underproduction. Without even ripening and size consistency, a grower cannot fill containers to ship to our northern climates.

Good management includes pest and disease management, fertilization, and cultural practices. Plant uniformity during harvest reduces the incidence of worker injury and accidents.

Allowing the organic pineapple producer to maximize all management and cultural practices, including ethylene, will result in healthier plants, prosperous people, a sustainable crop, and a vital U.S. sales market.

The result of banning ethylene will mean more conventional pineapple and, hence, more pesticides, herbicides, and fertilizers in the soils and waters. The organic produce market will be less vital as a result.

Please also reference the
information presented in the Supplementary
Technical Report commissioned for this meeting
that supports our position that there have
been no new alternatives to the use of
ethylene gas identified since the material was
first reviewed, and that there are methods of
applying ethylene that are both affordable,
practical for use by large and small growers.

CHAIR MIEDEMA: Thank you, Ms. Dempster.

Any questions?

(No response.)

Thank you.

Oh, we have one. Barry Flamm?

MR. FLAMM: Did I understand that
you say that you are getting organic from
Ecuador?

MS. DEMPSTER: Ecuador and Costa Rica.

MR. FLAMM: I understood from
previous comments that all the shipment to the
United States was from Costa Rica. So, I just
wanted to make sure I understood.

What percent of the total production is from Ecuador?

MS. DEMPSTER: You know, I don't know because I am speaking on behalf of someone else.

MR. FLAMM: Okay.

CHAIR MIEDEMA: Barry, you are referring to a statistic earlier. It was 82 percent that Luis Monge said, not 100 percent.

MS. DEMPSTER: I also want to just say quickly that we support the tetracycline in apple and pear production.

CHAIR MIEDEMA: Thank you.

Jerry Bartlett is up next.

Matthew Grieshop is standing by.

MR. BARTLETT: Thank you.

I am Jerry Bartlett. I am the Chief Environmental Sustainability Officer for Cedar Grove Composting, and I am also representing the Washington Organic Recycling Council today.
I am a composter in this State and have had a registered compost product for over a decade.

The issue before us today has to do with the types of feedstocks that we take into our composting business. As the food waste recycling or food waste diversion programs have intensified in the United States, particularly in the Seattle area, we have also been kind of forced with the issue of taking in lots of compostable food or dinnerware, compostable bags, and those types of products. And we take those feedstocks in and we compost those.

There are a couple of test methods that I think that you should look at as adopting as rules for feedstocks going to composting. They are ASTM methods. There are three of them that do heavy-metal analysis, vital toxicity, and microbial disintegration of the material.

Now, remember, these products
aren't applied directly to agricultural lands. They are feedstocks for composters. Composters turn them into compost, and, then, that product is then sold. Currently, we separate out all of these materials from our feedstocks that are going to organic compost production.

So, I wanted you to be aware of that, and I also wanted to turn in kind of a letter from the Washington Organic Recycling Council that kind of explains the test methods a little bit more clear and more in detail.

It also happens to be the time with the ASTM methods that are being opened up for changes as well. So, I think that it is important, if you are likely to approve an ASTM test method as opposed to having each product individually petitioned, which takes, obviously, months, and as I found out in this conference, years, it would probably save the Committee a lot of time by adopting these methods. And if there is something wrong with
those methods, maybe advocating some changes
in those methods that would satisfy the
organic growers.

Thank you.

CHAIR MIEDEMA: Thank you.

Any questions?

(No response.)

Okay. I guess not.

MR. BARTLETT: Okay. Can I turn
them into you? Great. Thank you.

CHAIR MIEDEMA: Matthew Grieshop,
and please correct my mispronunciation.

MR. GRIESHOP: It gets pronounced
all kinds of ways, but usually "Greeship" or
"Gership". But it is just fine.

So, my name is Matt Grieshop. I
am the Assistant Professor of Organic Pest
Management at Michigan State University. I am
also on the Board of MOFA, the Michigan
Organic Food and Farm Alliance.

I am here to talk about
streptomycin and its importance to organic
apple production in Michigan and, really, the more humid part of the country, so the eastern portion of the country.

The reason I brought MOFA up is really, to a large extent, I think this is also an issue of the production of local organic food.

I was going to talk a lot about management, but Dain did a much better job than I was in that regard. Growers typically do a good job of doing that.

But I will talk a little bit about fire blight. Fire blight is really a concern when we hit an epidemic. To give you a point of reference, in 2000, in Michigan, in southwestern Michigan primarily, we had a fire blight epidemic. We lost 400,000 trees. Many of those trees were Red Delicious, which is one of the most resistant fruiting varieties to fire blight. That translates to $42 million.

Now this wasn't organic acreage,
but it was significant to the Michigan fruit industry. And essentially, we lost 18 percent of our acreage in Michigan. We also lost 15 percent of our farmers. They just weren't able to come back. They lost their massive investment in their trees, and that was it for them. They had to roll up the carpet.

And that epidemic was due to some very unusually warm, wet weather followed by winds and hail. And it is when we get these kinds of conditions that fire blight is truly a threat, and really farmers without an antibiotic treatment are one epidemic away from crop loss and total farm failure.

I was going to talk about management at this point, but, as I said, Dain did a good job.

I did want to clear what sounded like some confusion about resistance. When we talk about resistance in fire blight, it is not total resistance or a complete resistance or what oftentimes plant pathologists call
qualitative resistance. It is quantitative resistance.

To the best of my knowledge, all commercially-produced apples are susceptible to fire blight. The level of susceptibility is what is variable.

Fujis are very susceptible. Pink Ladies are very susceptible. Things like Liberty -- how many people here have eaten a Liberty apple? Okay, we've got two people. Hey, that's good. Jim will like that. He likes those apples, yes.

(Laughter.)

At any rate, those are quite resistant, but the problem is that consumers don't have a good recognition of that fruit.

So, that is an important thing to think about. We don't have true resistance in the sense that there is a gene-to-gene or even multi-gene-to-gene relationship that is well understood.

So, why streptomycin? So, I think
Dain said it best. He talked about early on in the season in Washington he asks his growers to make sure they keep things dry. The reason that is is that fire blight develops under moist conditions and under warm conditions.

Now I don't know how many of you are familiar with Michigan. We get rain all the time. I mean the natural landscape there is a temperate forest.

So, we can't keep our trees dry. I mean it is, like this time of year, we have had two weeks of rain. Right now, in bloom is coming up, when we are susceptible to fire blight.

And I can stop there.

Does anyone have any questions?

CHAIR MIEDEMA: Mac Stone?

MR. STONE: Matthew, we, the Board, has been hesitant just to automatically renew a Sunset, and what is the incentive for growers? But could you speak to potential
resistance to tetracycline? Like, how long do
the growers have or is there work being done?
Because, regardless of this Board, isn't there
work being done because of the fear of lack of
efficacy of tetracycline anyway?

MR. GRIESHOP: That is a really
good question. I would say, yes, I think both
conventional and organic growers are dreading
the day that we see resistance to
tetracycline. Its mode of action is not quite
as extreme as streptomycin. So, it has been
slower to develop. That said, you know, it is
going to happen.

As far as I know, there aren't any
organically-acceptable antibiotic replacements
on the pipeline. And Dr. George Sundin, my
colleague who is a plant pathologist, a tree
fruit plant pathologist at MSU, has informed
me of that. I think there may be some
products for the conventional market, but that
is not going to do our organic growers much
good.
To segue a little bit, but, hopefully, not too much, and I am not trying to butter my own bread here as a researcher because I am not a microbiologist by training, but we really need research funding for fire blight management. And this really crosses the line between organic and conventional. Right now, our management strategies are very unified across the two, these two types of cropping, crop production systems.

I would say that a good place to start would be to look at integration of some of the biological tools that Dain mentioned. So, competitive organisms with antibiotics, and some early work that George Sundin has done has shown that you can actually potentially reduce antibiotic use by doing that.

But, beyond that, I think we need new biologicals that produce antibiotics, like Serenade. Not everyone realizes that, but Serenade is an antibiotic product as well. It
is an unknown antibiotic, but it is an antibiotic produced by that organism. But we need to move in that direction.

    CHAIR MIEDEMA: Thank you.

    Jay Feldman?

    MR. FELDMAN: Thank you.

    Do you see any difference in terms of susceptibility to the infection between conventional orchards and organic orchards?

    MR. GRIESHOP: Well, there definitely is. I think, again, I mean Dain touched on it. And, to me, it was a good explanation, but maybe to someone who is not in orchards a lot it wouldn't be.

    What it really comes down to there is nutrient management. Fire blight does well on young nitrogen-rich foliage, and it does even better when that foliage gets a little torn.

    So, typically, in an organic nutrient management plan, you are not putting on a lot of nitrate or straight ammonium.
Well, I guess there might be a little Chilean nitrite, but you should be putting on compost or manure, depending on your management plan. And that usually cuts down on tree vigor and you don't see as much susceptible tissue to fire blight.

Pruning is also important. If you prune at the wrong time of the year, and I have learned this in my orchard, if you prune around bloom, you are asking for it because you get a lot of young foliage coming back and some nice wounds, and if any bacterial ooze gets on that, then you are going to have some fire blight problems.

CHAIR MIEDEMA: Thank you.

MR. GRIESHOP: All right.

CHAIR MIEDEMA: John Baker, please come up to the podium. Jenise Silva is standing by.

Jenise, are you here?

(No response.)

Bob Durst, please come on up and
in the standby area.

Go ahead, Mr. Baker.


I am also the founding member of PATHS, Progressing Agriculture Towards Healthy Sustainability, a sustainable farmers' advocacy group.

I am here to tell the story of two studies regarding laying hen diseases. Specifically, these studies examine frequency of certain disease occurrence under different housing formats. Both studies were done in Europe, and the results were published in the mid-2000s.

The first one I will present is often used to condemn outdoor pasture access, and the second one is used to promote it.
these studies are often referred to in comments and press releases, but are not specifically named. so, it is likely you have not heard of them and do not know their sources.

this study, most often cited by anti-pasture advocates, was done in sweden. the source for its results -- excuse me a second; okay -- the source for its results -- okay, it was done in sweden. the source for its results were extrapolated from mortality records and were not a result of laboratory research.

the study was carried out by sweden's national veterinary institute. this data research found a higher incidence of mortality and evidence of various diseases in cage-free and free-range flocks when compared to caged layer houses. the incidence of live SE salmonella were not studied because the results were gleaned from mortality records and not live samples.
While the conclusions reached by the study found litter-based and free-range systems to be the culprit, it also concluded that poor knowledge of best or good management practices to be the biggest reason for the higher mortality. This is because many operators of the flocks studied had only recently converted from cage systems to cage-free or free-range systems and lacked the husbandry knowledge needed to be successful.

The study that supports greater outdoor access and, indeed, pasture availability as an important component of that access comes from a study commissioned by the European Union. For this study, the EU directed their food safety and disease control agencies to collect data on laying flocks in EU countries phasing out barren cages, using a live sample laboratory research model.

The EU study is far more focused, more vast in scope of sample taken, and was a live culture study. For example, the total...
size of the samples taken number 30,000 while
the Sweden only examined 914 samples.

While the anti-pasture advocates
often cite the Sweden study to defend their
position, you can see that this study didn't
even examine occurrence of SE in its research.
It is used often to support concerns about
compromising food safety as it relates to
greater outdoor access for laying hens.

The results of that study were
this: 43 percent lower SE odds in cage-free
barns than in caged; 95 percent lower SE odds
in organic than in caged; 98 percent lower SE
odds in free-range than in cage.

My personal conclusion: make eggs
safer to eat. Get the layer hens out of the
cages and barns. Get them outside in pasture.
It is a public health issue.

CHAIR MIEDEMA: Thank you.

Any questions?

(No response.)

Thank you very much.
Bob Durst? Herwig Opdebeeck is standing by.

Mr. Opdebeeck, are you here?

MR. DURST: Bob Durst, Simple Organic Solutions, a consultant.

I support the majority decision to determine that CSL is a non-synthetic. I know that the Board is quite polarized on this issue. And while as a chemist, I could go into the chemistry involved, you have heard from many others about that and have a number of detailed resources in front of you.

While the decision process for CSL that has been recommended to be non-synthetic may not be perfect, and to some this seems to be a one-off decision, there are significant ramifications to this decision, and it might be useful to straighten out the decision process before many more similar decisions have to be made. But don't delay this anyway.

When agricultural waste is composted, the synthetic/non-synthetic
decision tree from the Materials Working Group, which I know has not been adopted yet, is not a suitable tool to determine the acceptability of composted material.

I heard earlier today that consumers want an explanation of how one can justify acceptance of CSL. The answer is the composting process. This has been deemed to be an acceptable intervening step for a wide variety of nasties that are present in green waste.

There is no debate about the GMO status of the input corn. Composting makes it acceptable. There is no debate about the presence of herbicides and pesticides in the corn or with bifenthrin in yard waste, as an example, that gets composted. It is acceptable.

Sulfurous acid, which is SO2 and water, made on farm has been accepted, 601(j)(9), for direct soil application as a soil amendment. Yet, exposure at
insignificant levels to SO2 early in the
process of producing corn steep liquor is
demed to make it synthetic. This just does
not seem consistent or justifiable.

Remember that CSL is not being
applied directly to the soil. It is an input
which undergoes further microbial digestion
and blending with other ingredients to
formulate a suitable soil amendment.

The fallout from CSL being deemed
synthetic would have wide-ranging adverse
impact on farmers' ability to provide adequate
plant nutrition to an organic farm.

Since I have a little more time, I
am going to talk about pheromones for a quick
second. Don't change the annotation. The
suggested language for "added toxicants or
substantially similar to" are not definitive
language. The current rule and language
noting acceptance of EPA List 3 and List 4
items are more than adequate to define the
acceptability of pheromone materials.
Thank you.

CHAIR MIEDEMA: Any question?

Okay, Jay Feldman?

MR. FELDMAN: Thank you.

A great way to end the day, Bob, huh?

(Laughter.)

MR. DURST: Why not?

MR. FELDMAN: Our favorite topic.

(Laughter.)

I was wondering if you are familiar with the OMNI decision tree when --

MR. DURST: The OMRI decision tree?

MR. FELDMAN: What did I say?

OMRI. See, it is late. The OMRI decision tree on CSL, which, as you know, found it to be synthetic because of the breaking of bonds in portions of the process, although biological --

CHAIR MIEDEMA: Question, please.

Question.
MR. FELDMAN: Well, these are the decisions. Include a chemical change process. Are you familiar with the decision tree of OMRI?

MR. DURST: Yes, I am.

MR. FELDMAN: And so, what do you think about it?

MR. DURST: Again, just like the Materials Working Group decision tree, I don't think it adequately captures the process that composting goes through and is used when making a decision. There's too many really close or knife-edge kinds of decisions that have to be made in that decision tree about whether something is synthetic or not, when there is this massive biological process of composting going on which is massively changing the chemical structure of the material, which is deemed acceptable.

CHAIR MIEDEMA: I have a followup question, and, then, Nick. Okay. Then, if we have time, we can do round two.
I have a question on a different topic. You mentioned during a break that the prestigious Linus Pauling Institute wished to weigh-in on the nutrient vitamins and minerals material for relisting on 605(b), and that they decided not to attend the meeting once the NOP announcement was put forth.

Do you have any idea what their comments would have been, had they known to come?

MR. DURST: I don't know exactly what the comments would have been, but I will read you what the mission statement is just real quickly from the Pauling Institute.

It is "To determine the function and role of vitamins and essential minerals, micronutrients, and chemicals from plants, phytochemicals, in promoting optimum health and preventing or treating disease."

We strongly weigh-in in favor of these kinds of materials.

CHAIR MIEDEMA: Okay. Thank you.
We are at five. If we can make
our followup questions from Nick and Jay very
quick, we can indulge them.

MR. MARAVELL: In stating that we
need to look at compost feedstock a little bit
differently than we might look at other
agricultural inputs, because it goes through
a composting process, is your argument
basically that the composting process would
ameliorate or remediate anything that was
coming in that might be deemed objectionable?

MR. DURST: Yes.

MR. MARAVELL: I am just saying I
just want to know if that is your argument.

MR. DURST: Yes, absolutely.

MR. MARAVELL: Okay.

MR. DURST: The kinds of materials
that are going in would never be deemed
acceptable if they had not gone through a
composting process which is degrading them and
breaking them down.

CHAIR MIEDEMA: Jay, do you have
a -- okay.

Thanks.

Herwig Opdebeeck, and Cheryl Van Dyne is standing by.

MR. OPDEBEECK: Good afternoon.

My name is Herwig Opdebeeck. I am a scientist. My company is Opdebeeck Consulting from Switzerland.

Eight years ago, on my own initiative, I started looking into natural nitrate, trying to understand why there was so much dramatically-charged opposition against it in Europe.

I found that the origin of the sentiment was based on fundamental misunderstandings about crop nutrition related to organic principles, which I explain in the book I wrote based on more than 100 peer-reviewed references, about half of them originating from organic research institutes. That is the book.

These misunderstandings that led
to the total prohibition of natural nitrite in Europe did have, and still has, its negative consequences. For example, in Switzerland, over 90 percent of organic wheat is imported from overseas, where it is the case for only 40 percent of conventional wheat. The reason Swiss organic wheat has such a poor baking quality is because of lack of protein caused by too low of nitrogen availability during critical growing stages in the early spring.

As explained by people that preceded me, similar nitrogen availability problems exists in this country for all the crops. Such unintended consequences would not have happened if the EU wouldn't have been married to the outcome, but would, instead, have looked more carefully into scientific evidence.

For example, the conclusions of a recent study on the renown DOC trial plots, the Swiss Organic Research Institute reached, "The nitrogen use efficiency of any fertilizer
can only be increased by better synchronization of the nitrogen supply, and that this is best achieved by combining animal manure and other carbon sources with mineral fertilizer."

This and other evidence are, indeed, relevant new science-based information since the last Sunset review.

Equivalency may be an underlying concern, but it shall be up to the farmer to decide if it could be used for the local market or to export overseas. In any case, the non-use of natural nitrate in organic agriculture in Europe is not a done deal.

Wouldn't it be ironic that maybe a synthetic soluble liquid, but less efficient nitrogen source such as CSL and other inputs would replace the natural soluble and more efficient nitrogen source? Let's not take away from farmers a tool that exists for over 150 years --

CHAIR MIEDEMA: Thank you, sir.
MR. OPDEBEECK: -- and replace it with a non-natural and less effective source. Thank you.

CHAIR MIEDEMA: Any questions for Mr. Opdebeeck?

(No response.)

Thank you, sir.

MR. OPDEBEECK: Thank you.

CHAIR MIEDEMA: Cheryl Van Dyne is coming to the podium, and Peggy Miars is standing by.

MS. VAN DYNE: Hi. My name is Cheryl Van Dyne. I am representing J.M. Huber and, also, a couple of organizations. One is SASSI, and the other one is DITA. SASSI is an organization about silicon dioxide, and SASSI is a defoamer institute. The organizations have provided some data for us as well as from Huber.

We are here to talk about the difference between ground-up rice hulls and silicon dioxide, and to provide you with some
facts for helping you make your decisions. We are hoping that you will decide not to delist silicon dioxide because there is a need for it in the industry.

You asked for information about its approval status and its use. This presentation is very long, and I don't intend to give it all to you. But I did want to provide it to you, so that you had an opportunity to review it after the meeting is over and at your leisure.

Next slide, please.

Silicon dioxide is approved by the FDA in all kinds of areas, defoamers. It goes into dried egg yolks, animal feed, feed additives, drinking water.

The FCC monograph provides the purity criteria for silicon dioxide, and it is very important to understand that the purity criteria, as an international standard, allows for the prevention of adulteration and impurities. The FCC also lists the functions
for silicon dioxide as anti-caking, defoaming, carrier, conditioner agent, et cetera.

Next slide, please.

These are some of the lists of applications on the left side. And, then, as you can see, across the top are different products that Huber offers. Based on the particle size, the particular application of the ingredient will call for a particular particle size of the silicon dioxide.

Some of the typical properties are available for you to read. These are a little bit of eye charts. So, we won't stay here.

Next slide.

There is a long history of safe use of silicon dioxide in the food industry, and it provides anti-caking and free-flow solutions. And without adequate anti-caking and free-flow properties, certain organic certified products would not be able to move through the conditions in use of commerce and arrive to the consumer of the organic
products.

As you can see, there is just some more information about clumping, lumping, and what our silicon dioxide will do as an anti-caking, free-flow agent.

We did some comparisons. Just in all fairness, we are not asking silicon dioxide to replace rice hull, ground-up rice hulls. We are just saying take a look at what the differences are.

The ground-up rice hulls are 14 to 21 percent silicon and up to 22 percent ash. This comes from their specifications online. Silicon dioxide product is a pure -- I'm done?

All right. Can we do just one more picture? One more. One more. There.

(Laughter.)

Okay. I wasn't sure where it was. On the lefthand side is the control, and on the righthand side is the silicon dioxide. In the middle are two new flow products. And as you can see, there
really isn't anti-caking going on in this.

So, with that, I will end.

CHAIR MIEDEMA: Thank you.

Any questions?

(No response.)

I guess we're set.

Ms. Van Dyne? Ms. Van Dyne, the court reporter had a question for you.

Is that what he is called, court reporter? Transcriber?

(Laughter.)

Sorry. I just elevated our entire proceeding to something else. Okay.

Peggy Miars, come on up to the podium.

And, Lisa, who is standing by?

And then Garth Kahl.

Go ahead, Peggy.

MS. MIARS: Next slide, please,

Lisa. Thank you.

Good afternoon.

I am Peggy Miars, using my time to
present comments on behalf of Bill Wolf who
was unable to attend this meeting at the last
minute.

And I want to make it clear that
these comments are neither mine nor OMRI's.
I am the messenger, and I will be speaking
quickly.

For those of you who don't him,
Bill is President of Wolf DiMatteo and
Associates, the oldest organic consultancy in
the United States and maybe even the world.
He has been involved in organics for 40 years.

And now in his words, "Colleagues,
I've got to be blunt. I don't like where this
train is headed.

Many of the recommendations on the
table, such as Epsom salts and nickel are,
quite frankly, an embarrassment to Bill. He
smells a combo of bad science and misguided
intention, and in some cases a dubious
process, all which add up to trouble for the
organic farmer and, ultimately, if this trend
continues, for the organic consumer.

The National List is central to the NOP regulations, and everybody in the supply chain depends on it. And the National List has to provide organic farmers with a complete and up-to-date toolbox for providing nutrient-dense organic foods.

Whenever we are recommending a product for or against inclusion on the National List, it has to be based on both good science and organic principles.

This slide shows two of the most important questions we should be considering when making our decisions. There was never any intention to bring the National List to zero. Its purpose is to support organic farming and to do it responsibly. Removing materials when there are no viable alternatives does not support better organic farming. It threatens organic.

And this new concept that having materials on the list is bad is hamstringing
the organic farmer, and if it continues, will
halt research as well.

Let's look at a couple of the
recommendations. How many people in this room
like organic apple pie? Well, guess what?
There we go. Okay. The way we are headed,
this may be a -- oh, he was going to actually
have apple pie and serve it to you. So, too
bad for you.

(Laughter.)

So, if he had, he would say this
would be among your last slice of apple pie,
organic apple pie, and it's no joke.

Without tetracycline and
streptomycin, organic apple pie and pear crops
are hugely vulnerable to the devastating fire
blight disease. In an ideal world, would we
want to stop using these items? Sure, but
there is no fully proven alternative.

So, we have a choice here. We can
hamstring the organic farmer and stop making
organic applesauce for our kids or we can
ground this discussion in both science and reality. The choice is clear to Bill. These are essential tools as part of an integrated pest control strategy and can be used responsibly, so organic farmers can bring apples and pears successfully to market.

Does anyone in this room still have a nickel in your pocket? Well, according to the recommendation on the table, you are putting yourself at risk. So, please go put your nickels in the toxic nickel collection containers out in the hallway.

But, seriously, pecan pie is the same story. It is well understood that pecans need trace amounts of nickel. And when pecan trees are suffering a deficiency --

CHAIR MIEDEMA: Thank you.

MS. MIARS: -- they need to receive it quickly and efficiently.

CHAIR MIEDEMA: Thank you, Peggy.

MS. MIARS: Oh, I'm sorry.

CHAIR MIEDEMA: That's okay.
MS. MIARS: Sorry.

CHAIR MIEDEMA: Okay.

MS. MIARS: I thought it was my one-minute warning.

CHAIR MIEDEMA: Any questions?

(No response.)

MS. MIARS: Thank you.

CHAIR MIEDEMA: Thank you.

Callyn? And Garth Kahl, you are standing by.

MS. KIRCHAR: My name is Callyn Kirchar. I am Farm Program Technical Specialist for Oregon Tilth, and today I will be commenting on the Livestock Committee proposed recommendations.

We greatly appreciate the Committee's work and their willingness to discuss these proposals with us during this week. We have talked during breaks, lunches, dinners, and one impromptu discussion that occurred in the bathroom.

Oregon Tilth's written comments on
these subjects detailed the specific sections
of the proposals that we found to be in some
cases unclear and conflicting. I will not go
into those specific examples today.

Today I wanted to bring to light
the far-reaching effects of these proposed
recommendations and the need to obtain all of
the necessary industry input.

Oregon Tilth notified all of our
organic producers of the Livestock Committee
recommendations, but, due to the short
timeline and the time of year, we,
unfortunately, received very little
correspondence from them.

We appreciate that the Committee
is willing to incorporate input from those
folks that are here prior to the Friday
voting. However, we would like to see that
all organic producers have the ability to
comment on these proposed recommendations.

It was noted by the Board that we
have discussed this issue for a long time, but
we have had changes to the recommendations
themselves as recently as yesterday, which
gives producers no time for input prior to the
vote.

    The producers' perspective is very
important to this decision. Robin from CCOF
said it very well, and I would agree that we
have found with the pasture rule regulation we
have clients that clearly meet the regulation,
but are having difficulty keeping up with the
amount of paperwork in order to prove it.
And we all know as auditors that, if it wasn't
written down, it didn't happen.

    For significant rule changes such
as this, where modifications will need to be
made to all organic operations and
recordkeeping and time, there needs to be a
look at the industry impact. Looking at the
economic viability of organic producers is not
counter to the intentions of organic
agriculture.

    I have heard commenters also this
week state that it is the end consumer that is the most important. However, looking at producer viability is very important as well. Without organic farmers, processors, and handlers, there is no organic food.

We wholeheartedly agree with MOSA who stated that they could have a producer poll about the impacts of these recommendations and provide any other data that you would like to see. If this is done, please include Oregon Tilth in this effort.

We also agree with other commenters today. Please take all of the public comment into account, put it into one document, so that we can see everything together, including have it combined against as it was when it was first presented and bring it back to the fall 2011 meeting. We can drum up more comment from our producers by then.

Thank you.

CHAIR MIEDEMA: Thank you.
MS. KIRCHAR: Thank you.

CHAIR MIEDEMA: Any questions for Callyn?

(No response.)

All right. Garth Kahl, you're up next.

Jason Woulfin, you're standing by.

MR. KAHL: Hello. My name is Garth Kahl.

And I, first of all, want to thank all you brain-dead people for suffering through this. You are probably, well, almost undoubtedly, more brain-dead than all the rest of us in here put together. So, thank you.

(Laughter.)

Since 1996, I have worked as an organic inspector, consultant, and hired policy wonk for over a half dozen certifiers, including my current employer, Oregon Tilth, whose views are not necessarily reflected in my comments.

As regards my current comments, I
am also co-owner of Common Treasury Farm, a
diversified crop and livestock operation that
has been certified since 1993. Common
Treasury Farm produces certified organic
blueberries, vegetable starts, seeds, locker
lambs, and eggs.

Today I want to specifically
address a number of issues: the vote to allow
magnesium sulfate to Sunset and, secondly, the
impact of any proposed change to the rule,
especially animal welfare standards, and what
they would have on producers and inspectors.

Magnesium sulfate. This material
with its current annotation requiring
documented soil deficiency is a valuable tool
for producers. On my own farm we use cover
crops, vermicompost, kelp, and dolomite to
supply micronutrients, including magnesium.
Even so, on particular crops, especially
garlic and onions, we have found foliar
applications of this material to be a very
valuable tool.
In spite of the lack of a complete technical review and the fact that there does not at least appear to be any widespread human health, environmental, or other adverse effects from the use and manufacture of this product -- heck, thousands a people a day soak their feet in it -- the Crops Committee chose to recommend its removal from the list.

This would result not only in the loss of another tool for organic producers, but an additional burden on producers, inspectors, and certifiers who will then have to document that only non-synthetic sources are used.

An uninformed observer might, watching the proceedings this week, conclude that there is a rampant attitude of, hey, let's whack some low-lying synthetics because we can.

I would urge that the Board please remember that every change to the National List represents in the aggregate massive
additional hours for inspectors, reviewers, and certifiers, and an additional cost to producers in the form of longer inspections, discarded materials, and possibly responses to non-compliances or even the loss of certified ground. The National List should not be changed without taking into full account the economic effects on all parties involved, particularly growers.

With respect to the animal welfare standards, I would just conclude that my farm could easily comply with them, but I will also conclude that this year I spent more time doing animal and crop OSPs than I did filling out my taxes, which included a 1040, a Schedule C, and a Schedule F. And I am an "organicrat". I have been doing this for 15 years for multiple certifiers on multiple continents in multiple languages.

It is a burden. It is coming down on producers, and they are going to leave. They are going to go to natural certified.
They are going to balk.

So, we need to do something about this. Please consider that as you make changes.

Thank you.

CHAIR MIEDEMA: Thank you, Garth.

(Applause.)

MR. KAHL: Any questions?

CHAIR MIEDEMA: Nick Maravell?

MR. MARAVELL: Yes, I would just like you to fill in a little more detail. What makes you say that organic producers might go to other certification-type programs?

MR. KAHL: They already are. In my experience, I know -- sorry.

MR. MARAVELL: You actually have examples, anecdotal examples?

MR. KAHL: I have anecdotal examples of at least two who have abandoned organic certification in favor of natural, particularly beef production, because they didn't want to deal with the pasture rule.
And there's others. I mean, you know, in our area Farm Alliance here in the Pacific Northwest, they are strong and there's a lot of people that think that Farm Alliance is better, although they still allow glyphosate. I mean it is happening. People are leaving. Producers are leaving. And the recordkeeping requirements and the burden of certification is part of it.

CHAIR MIEDEMA: Jay Feldman?

MR. FELDMAN: If I understand you correctly, you are saying the proposal before the Board is too stringent for growers?

MR. KAHL: With respect to which?

MR. FELDMAN: Animal welfare.

MR. KAHL: Animal welfare, I would echo the comments that other people have been making all afternoon. It needs to be done very carefully. I agree that there needs to be an improvement in animal welfare standards, but it needs to be handled very carefully and it needs to be done in a way that does not
unduly burden producers, and that producers have a lot of notice, like a big sign that says, "This is coming. By the way, this is coming. Oh, yeah, this is going to come."

It needs to be implemented slowly and carefully. Producers need that because they are busy doing other things. They are not watching what policy is doing. They are trying to farm. And, then, the inspector gets out there and says, "You're non-compliant. You have 30 days to respond to this non-compliance or, boom, you're suspended." It has just got to be more sensitive to the folks on the ground out there.

Thank you.

(Applause.)

CHAIR MIEDEMA: Thank you.

Jason Woulfin?

MR. WOULFIN: Well, good afternoon, and I commend all of you on your stamina today. This has been an impressive process for me as a first-time attendee to see
all of this.

   My name is Jason Woulfin. I am with SQM and, as you probably know, we are a producer of natural sodium nitrate.

   I simply wanted to shed some light on SQM's stats and claims of statements of support and petitions that have been presented to the NOSB so far at this meeting.

   Regarding the statements of support, we did hire a company to contact people within the organic community, specifically targeting organic farmers as certified on the documents we found. This was done specifically because users of natural Chilean nitrate began contacting us with statements of support, asking how to communicate this properly to the Board.

   We felt that, as significant industry support was cited as a reason for considering the removal of the annotation by the Crops Committee, we felt we needed to find an effective means for displaying that there
is actually significant industry support for keeping the annotation regarding the use of natural Chilean nitrate and bridging the communication gap we felt existed in portraying this information.

The intention of this program was to contact individuals within the organic community, capture statements of support as it relates to the continued use of natural Chilean nitrate. Upon confirming if the individual wished to make a statement of support, the individual was informed that they would be recorded and their comment would be shared with the NOSB.

Via this process, 273 individual comments of support from up to 40 different states were recorded and transcribed to the regulations.gov web page.

For anyone concerned as to misrepresentation, you can clearly search the web page to view a statement. These statements range from quite technical to
general and were not edited or reviewed by SQM in any way prior to being submitted via a third-party company to the NOSB web page.

If needed, we can also provide full copies of the recordings for any statement of support that was submitted to the NOSB on behalf of one of these individuals.

Separately, the petition that was formally submitted to the NOSB on Tuesday by Emmanuel De Marez with a little over 500 signatures was a written petition that went to individual organic farmers throughout many states for their signatures, if they chose to support it. These were sent back to SQM through various channels prior to submitting to the NOSB.

Referring to another comment made earlier regarding usage in the State of Washington, I would like to just note that close to 20 percent of the signatures did come from the State of Washington in support of the Chilean nitrate.
Thank you.

CHAIR MIEDEMA: Thank you very much.

Any questions for Mr. Woulfin?

(No response.)

Thank you.

We are almost done. We asked the Materials Committee last meeting to take a look at flavors and the notion of forming a Flavors Task Force. In the shuffle of priorities, it was not deemed something that NOP could take on right now, forming a task force. And the industry came together to form their own Flavors Task Force.

We have asked if we could get a quick update from the Flavors Task Force. This wasn't on the agenda, however. And so, just to make sure we are following our processes, it would take about three minutes, and I would ask NOSB members if they would be willing to make this change to the agenda with a show of hands.
All in favor of hearing from the Flavors Task Force?

All opposed?

We have two representatives from the Flavors Task Force, Gwendolyn Wyard and Julie Weisman. Please approach the podium.

Mac?

MR. STONE: While they are coming, I need to acknowledge that I was asked by Steve to represent the Board in their Task Force and listen into the phone calls, and I was not able to do so. So, I wanted to acknowledge that.

Sorry about that, Steve.

CHAIR MIEDEMA: No problem. You can catch up.

(Laughter.)

MS. WYARD: Hello. My name is Gwendolyn Wyard.

MS. WEISMAN: My name is Julie Weisman.

And we co-chair the OTA Flavor
Task Force.

This was originally signed up for public comment because we knew we were not on the agenda, and we relinquished that spot. But we are going to keep it to three minutes, which we are going to use to introduce the OTA Flavor Task Force and draw your attention to the comments that we submitted to regulations.gov regarding what is a non-agenda item for this meeting.

And I think people who have been on the Board for a while have heard some of this dilemma and discussed it. So, for those of you who are new, basically, flavors are allowed, non-agricultural, non-synthetic ingredients, under 205.605(a) of the National List since the National Organic Program's inception, with no requirement to source organic alternatives.

At the same time, we have a steadily-increasing number of certified organic flavors. And while the percentage of
organic flavors compared to their conventional
counterparts is very small, and for certain
types don't exist at all, organic flavors are
available, and they have been for a long time.

So, the issue, then, becomes one
about, because flavors are a broad category,
of agricultural ones and non-agricultural
classification, so, therefore, commercial
availability requirements.

The National Organic Standards
Board at the October 2010 meeting in Madison
recommended the formation of a Task Force on
Flavors, and the NOSB responded to their
request in a December 17th, 2010, response
memorandum which stated the following:

MS. WYARD: Now it is my turn.

"The NOP concurs with the need for
a more extensive review of the category of
flavors currently listed on 205.605(a) to
determine if there are flavors that should be
considered agricultural and required to be
organically-produced. The NOP does not
believe there is a need for an NOP-sponsored task force on flavors at this time. The NOP believes the formation of an informal industry group to develop a flavor recommendation for the NOP to consider would be accomplished more effectively through an industry-formed group."

In response to the NOP and the need for an information industry task force, OTA invited interested parties to join such a group. The OTA Flavor Task Force is comprised of 12 members and has been meeting once a week since February 18th of 2011.

We have the list of participants up on the slide there. As you can see by this list, we have an experienced, knowledgeable, and well-rounded representation, including former NOSB members, current NOSB member. Thank you, Mr. Mac Stone; we will look forward to you on the next calls. We have got flavor manufacturers and end-users, consultants, and the primary trade association for the flavor industry.
We have completed our first round of work, accomplishing our first recommendation. Understanding that flavors are not on the agenda for this meeting, again, we simply want to make the Board aware of the OTA Flavor Task Force and draw your attention to our written comments and our recommendation.

Additionally, we respectfully request that the treatment of natural flavors on the National List becomes a Handling Committee work plan item for the fall meeting.

The Task Force plans to continue our work, and we look forward to providing the NOSB with a complete presentation at the fall meeting.

Our comments can be found at regulations.gov, Comment No. -- time to write this own -- AMSNOP1100143182. And you also should have them in your book.

So, thank you very much.

CHAIR MIEDEMA: Thank you.
MS. WYARD: We really appreciate your time.

CHAIR MIEDEMA: Thank you.

Any questions for representatives of the industry Flavors Task Force? Steve?

MR. DeMURI: Not so much a question, but a comment. You guys did a tremendous amount of work in two months. So, thank you very much. You have made great progress already.

CHAIR MIEDEMA: All right. Super. Before we recess for the day, I want to remind NOSB members that we may have some edits to do in Committee based on the last few days. Please make sure you check in with your Committee Chairs before you leave the room this evening.

And we will reconvene at 8:00 a.m. tomorrow for voting.

Thank you.

(Whereupon, at 6:06 p.m., the above-entitled matter went off the record.)
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In the matter of: National Organic Standards Board

Before: USDA

Date: 04-28-11

Place: Seattle, WA

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