UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURE MARKETING SERVICE (AMS)
NATIONAL ORGANIC PROGRAM (NOP)

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MEETING OF THE NATIONAL ORGANIC STANDARDS BOARD (NOSB)

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FRIDAY
APRIL 29, 2011

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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
COLEHOURL 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 MIEDEMA: We're back in session for day four of the National Organic Standards Board meeting. Today is voting day, and we have a few reminders and announcements about our process, and about the protocols under which we'll operate today, so we'll work through those first, and then get right into Crops Committee votes this morning.

First, a word from the National Organic Program about conflict of interest or what's called balance of interest and ISO. Deputy Administrator Miles McEvoy.

MR. MCEVOY: Good morning. The Organic Food Production Act set up the National Organic Standards Board to have a variety of interests represented on the Board: four individuals who operate an organic farming operation; two who own or operate an organic handling operation; one individual who owns or operates a retail establishment with
significant trade in organic products; three shall be individuals with expertise in areas of environmental protection and resource conservation; three shall be individuals who represent public interest or consumer interest groups; one shall be an individual with expertise in the fields of toxicology, ecology or biochemistry; and one shall be an individual who is a certifying agent as identified under section 2116.

And the concept I think is well described in ISO Guide 65 of this concept of balance of interests, that there's a number of different stakeholders that are on the Board, that we want this balance of interest, these stakeholders to weigh in on the decisions that affect the organic trade and the organic community. And so from ISO Guide 65, one of the sections there, I can't actually read the section number here, "the structure of the certification agent"--this is regarding certification--"shall be such to foster
confidence in the certifications." And then it talks about "the certification agent shall have formal rules and structures for the appointment and operation of any committees which are involved in the certification process. Such committees shall be free from any commercial, financial and other pressures that might influence decisions or have a structure where members are chosen to provide a balance of interests, where no single interest predominates and will be deemed to satisfy this provision." So--and this is also incorporated into the International Federation of Organic Agriculture Movements, their requirement of balance of interest in their accreditation criteria. So the National Organic Standards Board is set up in that kind of concept.

In addition, the NOSB Policy Manual covers conflict of interest, which is separate from the concept of balance of interest. And there, that's defined as "that
members of the Board shall refrain from taking any official Board action from which that Board member is or would derive direct financial gain, and Board members shall disclose their interest to the Board and the public when they or their affiliated business stand to gain from a vote which they cast in the course of Board business. Under certain circumstances, the Board may determine whether it is appropriate for the member to vote."

So there's a lot of different votes that are coming up today, and the concept is we want the Board--we understand that there are interests involved, and that's how the Board is designed. And so the Board members should vote to represent their interests that they represent, and then the conflict of interest is to recuse yourself if you or your company would gain direct financial gain from the decision. So I hope that helps to kind of make that distinction.

So please do not recuse yourself if you have
an interest that you're representing, but you
would want to if you would gain direct
financial gain for you or your company.

CHAIR MIEDEMA: Thank you Miles.

This is an important topic, and one that has
come up at every meeting, and for those of us
that work for either larger companies or very
diverse organizations such as, say a retailer
that sells nearly every organic food under the
sun, or a certifier that represents producers,
handlers of every stripe, growers that use a
whole range of materials, we're here because
we have that depth of expertise, and we would
not be able to vote on maybe anything if you
really peered into the full web of
connectedness of this very tight knit organic
community.

So we have to make judgment calls,
because we're here to vote, that's our
responsibility. We really have a
responsibility to take a stand and weigh in.
I'm spending a little extra time on this this
morning because we have new members, and we really haven't had a lot of time to talk about this together. So we will ask for conflict of interest; sometimes Board members will make decisions to recuse based even on the appearance, unfortunately, of conflict, when it may be better that somebody votes, but it feels like you're inviting exposure. So that's just sort of an unfortunate side effect of applying this policy to our work. But we're going to do the best we can, and I always assume best intentions. I'm assuming best intentions of every single person up here at the table, and of all of you too out there in the audience. So thanks for letting us spend a little time on this. Questions from the Board on this topic? Katrina and then Colehour.

MS. HEINZE: So, I am an experiential learner, so it might help if we could do a couple of examples. So maybe on the two extremes--I asked this question
earlier--so someone who, in Tracy's example, works for a large company, they probably use a lot--they're connected to everything. At what point does it become personal financial gain versus not personal financial gain? So that's one. Then on the other hand, someone who maybe works for a consumer group, when does it become personal financial gain for them? If we could have some examples, that would help me. Obviously, it's going to be something I need to do right.

CHAIR MIEDEMA: I would invite fellow Board members, anyone to weigh in on that. I do think that there's a modicum of personal decision though, that ends up being applied on a case by case basis to each of us individuals, and to each vote. But if anybody wants to throw something out to illustrate the point, they're welcome to. Miles.

MR. MCEVOY: Yes, I would think that if your company uses a particular material, that's not direct financial gain,
but if you owned--if you're voting on a
national list material, and your company owned
an interest in that particular substance, then
that would be potentially a direct financial
gain. So--yes.

CHAIR MIEDEMA: There's an
example.

MS. HEINZE: What about the other
side of the spectrum? Someone who maybe
represents an interest group, or--

MR. MCEVOY: So if that interest
group also had an interest in--a financial
interest in a material that was being sold,
then that would be a direct financial gain.

CHAIR MIEDEMA: Any other
questions on this? Colehour, yes.

MR. BONDERA: I just want to ask
for the sake of--even if it's just personal
clarification, just to make sure I understand
this, and I think through example I'll see it
as it plays out. But I personally would
rather, in advance, understand. If somebody
does--one of us does say that--share with the Board our potential conflict of interest, is the Board going to discuss that, and how--or is the Board going to give feedback to that member about a suggestion, and am I accurate that in the end, it's the individual Board member to decide to recuse themselves or not?

So that's a sort of double parted question, but I'd like clarification on it before implementation.

CHAIR MIEDEMA: Anybody want to take a--I recognize Kim Dietz in the audience.

MS. DIETZ: Sorry I wasn't ready to get up; I'm traveling today. In the past, what the Board has done is if somebody's declared a conflict of interest, or even maybe not know they have a conflict of interest, but just said I'd like the Board to decide, the Board would actually say whether or not they thought. So they would almost kind of take a hand vote, and it's up to the Board to--because the perception of conflict of interest
is important, too. Anything else? So for example, you know, when Julie Weisman was on the Board, she was a flavor manufacturer. So if they were voting on flavors, because she made a financial gain, she would recuse herself, or she would say I might have a conflict, what does the Board think? And then the Board would go on and say yes, we do think you have it—or no, we don't.

CHAIR MIEDEMA: Thank you.

MR. MCEVOY: Yes, and I think it's also important to recognize that it's not expected that the Board would recuse themselves if they had a strong perspective on a given substance or policy. It's set up so that there is this balance of interests, and we want that balance of interest to be part of the process, and the voting process, unless there's that direct financial gain.

CHAIR MIEDEMA: Okay, let's talk about voting. We operate on a two-thirds majority for all decisive Board votes, which
is pretty much everything we're doing today. And recusals and abstentions count toward quorum in this room. So, so long as there are ten people present at the table at the time of voting, we have quorum. Recusals and abstentions do not count toward the total vote count, and so the two-thirds majority is a ratcheting down set of numbers based on the number of yes and no votes. So if all 14 of us vote, a two-thirds majority is 10. If it's 13, it's nine. 12, it's eight. 11 people voting, it's also eight. Ten people voting, seven. Nine is six, eight is six, seven is five. Six is four, and then we have hit the minimum number to keep our quorum.

Okay, so I will be getting help from Joe Dickson making sure my math is correct on every one of these. Any questions about what a two-thirds majority vote means in our voting procedures today? Okay great. We didn't mention abstentions. You may abstain from a vote if you feel like you are simply
not ready to vote for a whole host of reasons.
You can make that determination yourself if
you feel that you are not prepared to vote on
a particular material or motion.

With that, we're going to move
into the Crops Committee--oh, some questions.
Steve and then Katrina.

MR. DEMURI: One other thing you
might want to explain, especially for the new
members is the way that we propose our
recommendations, always in the affirmative.

CHAIR MIEDEMA: Katrina, can you
please explain that one?

MS. HEINZE: Sure. If you
remember from my materials recommendation
update, which was on Tuesday, early in the
morning, which probably feels like weeks ago,
we always make our motions in the affirmative.
So we move that a document be accepted, or we
move that a material be re-listed, or we move
that an annotation be changed. And that's so
that the Board, for those things, the yes or
no is definitive. So for example, if we move
to accept a document, then if you support the
document, you vote yes; if you don't support
the document, you vote no. So in general, for
any of these motions, so say material to be
listed, if the motion does not get a two-
thirds vote, the motion then fails, and if
it's a petition material, for example, it
would not be listed. So you just need to
really keep track of yeses or nos.

The other thing you need to pay
attention to is if a committee, for example,
has got a petition, and they reviewed it, and
they do not think it's going--they are not
recommending it for listing, their motion will
be in the affirmative, but their vote total
will be most likely zero yeses, some number of
nos. So if there's more nos than yeses, that
is a recommendation not to list. And we can
go through it in individual cases.

CHAIR MIEDEMA: Nick.

MR. MARAVELL: Katrina, when you
say more of one or the other, more has to be
a two-thirds for a decisive action to not re-
list?

MS. HEINZE: For the Board. To be
honest, I don't know if that's true in
committee. Do we do two-thirds in committee?

MR. MARAVELL: Oh, no.

CHAIR MIEDEMA: No, it's a simple
majority in committee. And Katrina, what she
was referring to is if you look through our
materials that you have on our disc, and you
want to refer back to how the committee voted,
you know, you're refreshing your memory on the
discussions we had, but also on the documents,
Katrina was referencing just how to read the
votes that were tallied at the committee
level.

What we haven't covered yet, and
it's important that we do, this is the first
time that this Board may make changes to
annotations during sunset. We have a brand
new policy on that that we have never used.
So let's make sure right now before we start voting that we are totally square on how the order of the votes will proceed, because that can have a great impact. The intent of the order of the votes was that no material should drop off the list inadvertently because we couldn't agree on an annotation change. Who feels best prepared to describe--thank you Katrina, I was hoping you were going to raise your hand.

MS. HEINZE: The Material Chair is having to work a lot harder than she's had to in the past. Okay. The sunset policy change that this Board approved at our last meeting says that the Board takes two votes. The first vote--I thought you were going to bring it up there for a sec. That's okay. The first vote is for any change to the annotation; the second vote is to re-list as is. You always take both votes, so part of the concern with making this change to our policy was that an annotation change makes the
sunset docket possibly material, so it could make it much more difficult for the program to get that docket through. So we wanted to give them a backup with this re-list as is, so that if the docket got hung up, they could put the re-list as is into the sunset docket and handle the annotation change in a separate recommendation. So we need to give them both votes so that they can do that. Does that explain it? But that's the order that you do it.

CHAIR MIEDEMA: Yes, thank you. And that is counter to what I said the other day, when I was talking with the gentleman about how the vote would go on Chilean nitrate. And there was some concern there, and I had said that the material itself would be voted on first, and it is the annotation. Essentially, the second vote overrides the first vote. It doesn't override it?

MS. HEINZE: It complements it.

CHAIR MIEDEMA: Complements it,
okay. Okay.

MS. HEINZE: So it--both are recommendations from the Board. So if you re-list as is and say you want an annotation change, the program executes both.

CHAIR MIEDEMA: I got you. Okay. All right. Away we go. Oh, thank you.

Miles.

MR. MCEVOY: Yes, and I think that the reason for that is that there could be an annotation change that you're requesting that when we take it to the Office of General Counsel, and they take a look at it, it's either, you know, it's not clear or it's going to conflict with something, and so in order to--if we get that kind of feedback, then we have that fallback position that we could move forward with the re-listing, and deal with the annotation change through some other longer process.

CHAIR MIEDEMA: Thank you. We're going to vote today in the same order as our
voting sheet, and that means we're going to start this morning with tetracycline. Do I have a motion?

MR. FOSTER: To get started? Yes, sorry. So a couple of things just by way of introduction. Board members, I have really hot cinnamon candies here, painfully hot, and espresso beans. So I'm going to be passing those around through the course of the day; take them if you're interested. I've only been here a year, but I'm down with the espresso beans now.

So yes, we have a motion. Sorry Tracy. The--I also will ask a little indulgence; I'm new at this Crops Chair thing, new with the annotation, and as you all know, we've had a number of annotation changes in front of us, so I beg your indulgence and patience with the new Crops Chair, if you would be so kind.

The--we do, we have a recommendation. We met last night as a Crops
Committee, a full committee of seven--

CHAIR MIEDEMA: Excuse me. Please state the motion and then we'll have time for a discussion.

MR. FOSTER: Sorry about that. Education starts quickly. Yes, the motion is to recommend the adoption of the petition to amend the listing for tetracycline to remove the expiration date of October 21, 2012, and be annotated as follows: 205.601 (i) as plant disease control, (10) tetracycline (oxytetracycline) for the fire blight control in apples and pears only until October 21, 2012. So sorry, 2014 as it is expressed on the screen.


MS. ELLOR: In response to the plethora of public comment we got on this, we did get together as the Crops Committee last night, and put forward this compromise based
on a lot of the comment that we got, and hoping that this will move things forward in the right direction.

CHAIR MIEDEMA: Nick.

MR. MARAVELL: Yes, I think it's the expectation of the committee that we will see progress come to the NOSB from time to time, as we're nearing the next deadline here, and that that progress should be viewed as significant towards making a transition away from this material.

CHAIR MIEDEMA: I have a question. Is the Crops Committee willing to go on record saying that if there still isn't an adequate replacement, that they would be willing to consider extending that date again? John.

MR. FOSTER: I--Crops Committee, correct me if I'm wrong--we did talk about that; I believe there would be an openness to the consideration of it, if certain expectations are met, which is what the last line up there is intended to convey.
CHAIR MIEDEMA: Thank you.

MR. MCEVOY: Could you read that last line that's included in your recommendation?

MR. FOSTER: The last line is "the committee expects that members of the industry will collaborate and coordinate efforts in preparing for the eventual removal of this material from the national list, specifically optimizing the use of resistant root stocks and cultivars while also the use of alternate allowed chemical controls whenever warranted."

CHAIR MIEDEMA: Jay.

MR. FELDMAN: We talked in the committee last night about feeling the need to see progress in this direction over the next three years, and we mentioned this concept of transition plans, which I thought we could incorporate in this language. Sorry I wasn't able to get back to you, John. So that we as a Board can look at these transition plans and have some means of evaluating whether progress
is really being made or was made. We would
hate to find ourselves back here in three
years in the same exact situation we are
currently. I mean the Board has previously
voted to remove this material, we're reversing
a Board decision of 2008 was it, and I guess
people bring their own judgment currently as
to whether there's been progress made, but
certainly it was the understanding, if you
read the transcripts of the past Board
decision, it was the understanding that an
alternative would have come along, an
alternative as you've described, a combination
of materials and practices, or practices and
materials that would have made this material
unnecessary at this point.

So, the idea of encouraging, we
can't, you know, encouraging the industry to
work together to develop transition plans
which address elements of practice and
product. We heard a lot about product in the
discussion from growers, waiting for the yeast
product or this product. I personally would like to see more discussion about practice, you know, trees per acre, you know, density, pruning, soil management. I'd like to see all these things, in addition to root stocks and cultivars and varieties and all that. I'd like to see--otherwise, I'm not going to be able to vote to continue this in three years.

CHAIR MIEDEMA: Point of information. You've said three years a few times; don't you mean two years, if this is--

MR. FELDMAN: Three years from right now. I mean two years past the date of expiration, yes.

CHAIR MIEDEMA: Yes, it would be--any reconsideration would need to happen in two years, so, from--

MR. FELDMAN: Right, that's true.

CHAIR MIEDEMA: --okay--

MR. FELDMAN: Thank you.

CHAIR MIEDEMA: Okay. Katrina.

MS. HEINZE: I have a couple of
comments and questions on this. So in theive years that I've been coming to NOSB
meetings, we talked a ton about methionine for
livestock. And we voted, or the Board has
voted prior to me being on the Board, on
methionine at least two or three times, and
the conversation is very similar. And each of
those methionine conversations, folks stood up
and said there's going to be alternatives,
we're working on it really hard, and then they
come back and say yes, it worked good in the
lab, but wasn't scalable.

The development of new practices,
new materials takes a very long time. And so
I'm concerned with the 2014 date. I just
don't think that's long enough. So that was
my statement. My question is if this motion
fails, then tetracycline comes off in 2012,
correct? So if I want to keep it, I have to
vote for this or offer an alternative, is that
the right process?

CHAIR MIEDEMA: Yes. Okay Jay,
then Nick, and then Mac.

MR. FELDMAN: You know, we were hoping that the industry would look--and hopefully the Department also would collaborate in this as well. I mean it would be nice if the Department spearheaded something like this, this collaboration with industry to effect a transition and help motivate or incentivize the changes through research support, coordination and so forth. But the Organic Fruit Tree Association basically has endorsed the time frame, if that makes any difference, Katrina, to your thinking. And so I think we have an opportunity here to motivate, to also tell our consumers that we're serious about this, that we know where you want us to be, and we are going to be monitoring in more specific terms than we've done in the past what that progress is, so that we can make an evaluation, informed evaluation in two years.

CHAIR MIEDEMA: Katrina.
MS. HEINZE: I totally agree we should all be working on this, and I appreciated all the commitment on that. The reality is, that's three years from now, and so in order to properly assess whether progress has been made in time to keep the material if it's necessary, you're going to be looking at a petition a year and a half from now. Nothing happens in a year and a half. That's my only concern. I get people have endorsed it, I just--we've been down this road on one material; that's a lot of work for everyone; I'm just questioning whether it's really practical.

CHAIR MIEDEMA: Nick.

MR. MARAVELL: Well Katrina, I totally agree with what you said--oh, I forgot to reset my phone. And I'm going to speak personally here as opposed to on the part of the committee, and I don't know if other members of the committee would agree with this or not, but I think what we're saying is we're
not comfortable with where the situation is now and how it's proceeding right now, and it was the--let me rephrase that. I am not comfortable with where the situation is now, and that if I were to take a look at that situation a year and a half from now and see significant change, we're not asking for the impossible in terms of results. I'm fully aware of the time lines for research, development and adoption. I will get rid of this, yes.

So I think what you're saying is that we're going to be in effect creating a little bit more work for ourselves. I am willing to put up with that work, because I think it will be a helpful incentive to the community to make this transition, and we very much want--I very much want them to make this transition. So that's where I'm coming from personally, I don't know how other members of the committee feel about it, but that's why I voted for this.
CHAIR MIEDEMA: Colehour, and then Barry. Okay Barry, Colehour just gave you his spot, and then we'll go to you.

MR. FLAMM: I appreciate the comments Katrina made, but the fact is that the committee now has twice in the period of time I've been on the Board, expressed itself, the beliefs that the antibiotics ought to come off the list. We received quite a bit of comments from growers, and not surprisingly, many of them, not all, but many of them have said they needed the product or needed more time. We got some very thoughtful and substantial comments that Jay alluded to from the National Organic Coalition, from groups in the Midwest, Director of Agriculture in Minnesota, and here I'm overlapping our two antibiotics, but providing ideas and I wouldn't say a compromise, but a way to move this along, and there's strong support for moving this issue along.

Many of the comments, for example
in Vermont, supported that the antibiotics had to come off the list, but they needed a little more time. And it's more, as Jay referred to, it's much more important than just an input substitution. The culture practice and management, and I've had some experience in doing this, it is doable, and we want to see--and the recommendations you'll see later on too, that we got out of the public comments, suggest ways to make progress forward. We'll have to decide what the progress is, and make the judgment what we do, you know, down the road here, but we want to see progress.

CHAIR MIEDEMA: Colehour.

MR. BONDERA: Yes, I think I want to at least say to the whole Board, but I'm not certain if maybe it needs to also be--really it's a question, and maybe it needs to be to NOP as well, because I think that there is a real important line to be paying attention to between the word expect or expectation, because in this we're putting
forth an expectation, versus a recommendation, which is what we've already started. And Nick, I think a lot, and Jay also started alluding to, and I think it's unclear for me if we need to be putting forth a separate recommendation of what we would want to see happening. And I'd like to clarify and congeal that. We don't have, in my opinion, in what we're looking at here, a concrete recommendation of how that process would occur, or what it would include. And so I would like to discuss that further and/or better understand what that should include. Thank you.

CHAIR MIEDEMA: Mac.

MR. STONE: I think, I mean I have to vote for it. I just want to--whoever gets strong armed to being the Chair over the next few years that if we're going to talk about tetracycline in a year and a half, and then strep in another four years, that it's just going to take a lot of time, and I could see
tying them together so the conversation is a little condensed, would be my thought.

CHAIR MIEDEMA: Okay, I don't want to cut off discussion, and I'll call on you Reuben, I just want to make a statement of fact, which is we're an hour in; we have 33 votes to take today, so Reuben.

MR. WALKER: I would, certainly being a new member to the Board, stress the fact Katrina alluded to, is that some of these things that we are deferring for two years, it takes longer than that for research and outreach. It may take eight, nine or 10 years for any of these things to happen. So I would certainly encourage the industry groups of organics to impress upon our 1862 universities. Here it's the University of Washington; in Oregon, it's Oregon State University, and also impress upon the 1890s, which are your historically black colleges. Jennifer is from Florida A&M, a historically black college. There's 17; they receive USDA
funding for research, and your 1994s, which are Hispanic institutions. There's a total of about 109. Because some of this will require research. Other than that, the next five years we will continue to see these things being deferred, with no viable alternative for the organic community.

So I would encourage all of us to call the administrators. When the public stakeholders call, they will respond. Other than this, a lot of these products that we are looking at will continue to be deferred and continue to surface.

CHAIR MIEDEMA: Jay.

MR. FELDMAN: I actually like Mac's suggestion about folding in the streptomycin, because some of this conversation overlaps and I think we've taken the same strategy for that. But to Colehour's point, I would like to hear from the Department as to whether a separate recommendation on incorporating the NOC
proposal and the organic tree fruit, which was
done in collaboration with the Organic Tree
Fruit Association, and with our additional
language of a transition plan, is something
that the Department would be interested,
willing to collaborate on. But outside of
that, I do think we need a document which is
more explicit on our expectations, which is
what we talked about last night, so that there
aren't any surprises here.

And to the issue of extending this
beyond, I'm not able to do that. I realize
there are administrative issues, and I would
even encourage the industry to put in a
placeholder petition in case anything goes
wrong, but I can't see extending this thing
again, and I also--I wouldn't be able to vote
for more than a two-year extension at this
point.

CHAIR MIEDEMA: Katrina.

MS. HEINZE: Thanks everyone, but
the motion on the table doesn't have an
extension on it, so Madam I think we should call the question.


MR. MCEVOY: Yes, the recommendation as written is not--it has the wrong number, the wrong citation, has (10) on it, it also changes--it has tetracycline, oxytetracycline, which is not the current listing, and it says for fire blight control in apples and pears, which is also a change, just to note that. So the question is are you suggesting to changing the actual citation of the substance itself?

CHAIR MIEDEMA: What was the intent of the Crops Committee?

MR. FOSTER: Jay, you and I maybe want to tag team on this; is that all right? The intent on the parentheses was to hopefully clarify what everyone was assuming, but was not in print, which was that the tetracycline we were looking for was oxytetracycline, and
in the industry, that's how it's referred to.

So it was only a clarifying intent there.

CHAIR MIEDEMA: Katrina.

MS. HEINZE: Might I suggest that we defer a vote so that the Crops Committee can go back and make sure that they have the right listing, rather than spending time--either way it's just, since we're behind it might be faster for them to huddle real quick at a break.

CHAIR MIEDEMA: Okay, we do have a call for the question, so are you rescinding your call for the question?

MS. HEINZE: I suppose I could, since we have new information.

CHAIR MIEDEMA: Okay. Thank you.

Nick.

MR. MARAVELL: So Miles, I think one was a typo, but the other is that we've added pears and apples, which does not occur in the original listing, and I think we can work that out, John.
MR. FOSTER: Yes, we can circle back quickly and make the typographical corrections.

CHAIR MIEDEMA: Okay, so the--we would need to table this motion to move on to other business.

MR. FOSTER: I move to table this motion.

MS. HEINZE: I second.

CHAIR MIEDEMA: Parliamentarian Lisa Brines, do we need to vote to table a motion?

MS. BRINES: I think you can just ask if there's any objection, and if there is, you can take the vote.

CHAIR MIEDEMA: Any objection to tabling this motion? Seeing none, hearing none, we're going to move on to the next Material Crops Committee. Please prepare your document and any motions you would need for annotation change at the break, and Board members, we're going to have to speed it up.
We are zero votes, and we've got to start voting. Next on our voting docket today is nickel. Do I have a motion?

MR. FOSTER: Yes, there's a--we have a motion to--sorry, I want to make sure I get the order right here--that we're voting twice on this. One on the classification, and then next on the committee action; is that correct?

CHAIR MIEDEMA: Yes, so your first motion will be on the classification. We'll vote on that, and then we'll vote on whether to list or not.

MR. FOSTER: Yes, we have a motion to list--accept the petition to list nickel as a micronutrient added to 205.601(j)(6)(ii), with the following annotation: not to be used as a defoliant, herbicide or desiccant, those made from nitrates or chlorides are not allowed; soil deficiency must be documented by testing. And under (ii), sulfates, carbonates, oxides or silicates of zinc,
copper, iron, manganese, molybdenum, nickel, selenium and cobalt. So sorry. The motion is to consider nickel to be a synthetic material.

CHAIR MIEDEMA: Do I have a second?

MS. ELLOR: I will second.

CHAIR MIEDEMA: Okay. It has been moved and seconded that nickel be classified as a synthetic. Any discussion? Discussion completed. Are we ready to vote? Any recusals for conflicts? Voting will begin with Wendy Fulwider. We'll stagger the voting, so Wendy will go first on this vote, Tina will go first on the following vote, et cetera, et cetera. We'll go clockwise around the room.

MS. FULWIDER: Yes.

MS. ELLOR: Yes.

MR. MARAVELL: Yes.

MR. WALKER: Yes.

MR. FLAMM: Yes.

MR. FELDMAN: Yes.
MR. DEMURI: Yes.

MS. TAYLOR: Yes.

MS. HEINZE: Yes.

MR. STONE: Yes.

MR. FOSTER: Yes.

MR. BONDERA: Yes.

MR. DICKSON: Yes.

CHAIR MIEDEMA: Yes. 14 yes, zero no; motion passes. Do I have a motion on the listing of nickel?

MR. FOSTER: Yes we do. A motion to amend 205.601(j)(ii) to include nickel in the list of micronutrients. It would read "205.601, Synthetic Substances Allowed for Use in Organic Crop Production, (j), as plant or soil amendments, (6), micronutrients, not to be used as a defoliant, herbicide or desiccant, those made from nitrates or chlorides are not allowed, soil deficiency must be documented by testing. (ii), sulfates, carbonates, oxides, or silicates of zinc, copper, iron, manganese, molybdenum,
nickel, selenium and cobalt."

MS. ELLOR: I'll second.

CHAIR MIEDEMA: Okay, Tina has seconded, it has been moved and seconded for nickel to be listed with the description just read into the record and on the screen right now. Any discussion? Jay.

MR. FELDMAN: Conflict of interest disclosure.

CHAIR MIEDEMA: That will be taken right before voting; we're in the discussion. Tina.

MS. ELLOR: I believe I was one of the positive votes for this in Crops Committee, and I have since changed my mind. This is a different case from other micronutrients in that it is a very well known epigenetic carcinogen, so I have changed my opinion about this material, and will vote against listing it.

CHAIR MIEDEMA: Katrina.

MS. HEINZE: Could you explain
that a little bit more, because it's fairly ubiquitous in nature, so I guess having read the TR, it's not clear to me at that point.

MS. ELLOR: It is ubiquitous, the forms are different, and the way it would be applied would be different. And Jay might be able to shed more specific light on this, because this--well and also John took point on this material. But I ran into this sort of through a back door. I was looking at epigenetics in another context, and ran across this issue with it.

MR. FELDMAN: Well as you know--

CHAIR MIEDEMA: Jay.

MR. FELDMAN: As you know, materials are classified by the federal government, in this case, EPA, and this one, as are other materials we've looked at as a Board, such as arsenic, is classified as a human--known human carcinogen. So in the TR, they cite the background data on that, which is captured through the ATSDR, Agency for
Toxic Substance and Disease Registry, and that classification is pretty clear. So it's unequivocal on that issue. You know, I don't know if you want me to go further into the mechanisms, but we have to dig into the documentation, but as you know, we're not talking about anything other than the technical data we've received and evaluated based on the classification by EPA and ATSDR.

CHAIR MIEDEMA: Any further discussion? Hearing none, any recusals for conflicts? Okay, we are ready to vote, and we'll start with Tina Ellor, and I note here no one need recuse themselves on having an opinion on whether something is synthetic or a non-synthetic, so that's why that's not going to get called. This yes vote is to list this material. Tina, we're starting with you.

MS. ELLOR: No.

MR. MARAVELL: No.

MR. WALKER: No.

MR. FLAMM: No.
MR. FELDMAN: No.

MR. DEMURI: No.

MS. TAYLOR: No.

MS. HEINZE: Yes.

MR. STONE: Yes.

MR. FOSTER: Yes.

MR. BONDERA: No.

MR. DICKSON: Yes.

CHAIR MIEDEMA: Yes. Secretary Fulwider, what is our tally?

MS. FULWIDER: No.

CHAIR MIEDEMA: Wendy, thank you.

What was your vote, Wendy?

MS. FULWIDER: No. We have five yes.

CHAIR MIEDEMA: Five yes, nine no; motion fails. Next up is chlorine materials for sunset 2012, 205.601. Does the Crops Committee have a motion?

MR. FOSTER: Yes, we have a motion to amend the existing annotation to read: "chlorine materials (calcium hypochlorite,
chlorine dioxide and sodium hypochlorite) for pre-harvest use, residual chlorine levels in the water in direct crop contact, or as water from cleaning irrigation systems applied to soil must not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act for disinfecting or sanitizing equipment or tools in edible sprout production. Chlorine products may be used up to maximum labeled rates."

MR. DEMURI: I'll second.

CHAIR MIEDEMA: Any discussion?

Our procedure here on this one--Nick.

MR. MARAVELL: I'd just like some clarification from the program. There was some discussion yesterday about where post handling--post harvest stops being crop and starts being handling, and there was some discussion that guidance was going to be issued on this question, and how once a crop has been harvested, that it might be under handling guidelines with regard to the use of
chlorine. Did I understand that correctly?

MR. MCEVOY: Yes, there's post

harvest materials that are listed under 601,
as well as under 605. So clarification is
needed in this area.

MR. MARAVELL: And then my second

concern is will it be easy for farmers to know
that?

MR. MCEVOY: Well it's not easy

now, so once we provide that clarification, we
would expect it to be easier to determine what
is the appropriate section. Is the question
about this annotation change that you're
suggesting?

MR. MARAVELL: I just--I'm fine

with the annotation as is, what we agreed on
in committee. I just want to make sure that
farmers go through, they look at the
regulations, and then they're told oh, well
that's what it says here, but you've got to go
over here to see what it means over there, and
I just want to make sure that the program has
a plan in place so that farmers will know where to look and be aware of this, whether it's an educational program, whether it's through the certifiers, or whatever.

MR. MCEVOY: Yes, we certainly intend to provide more information and clarification on the appropriate substances that can be used under both crop use, post harvest handling, whether that's on the farm or off the farm, that clarification will be provided, and also covered during training with certifiers.

CHAIR MIEDEMA: Jay.

MR. FELDMAN: Can I ask the program if it views this language as an expansion of current uses?

MR. MCEVOY: Clarification of current uses. We would view this as a clarification of current uses. I think there's a recognition that the chlorine annotation that's in the National List currently is challenging to understand, and so
that's why we put out draft guidance in the fall, to provide clarification on the use of chlorine, both in chlorine materials for crops, livestock and handling. Final guidance is forthcoming, our final guidance aligns very closely with the recommendation from the Crops and Handling Committee on chlorine, the only clarification we would ask for is that you voted to renew chlorine for livestock in the fall without an annotation change, would you want the annotation change to also include the re-listing of chlorine under livestock materials to align with your annotation changes for crops and handling?

MR. FELDMAN: Thank you.

CHAIR MIEDEMA: John.

MR. FOSTER: If the Livestock Committee feels appropriate, I would be more than happy to suggest in whatever way is important and necessary to get the livestock chlorine listing aligned with this one. Procedurally, I need assistance to know how to
do that. But conceptually, yes, I think
that's appropriate to do so.

CHAIR MIEDEMA: Any more
discussion? Oh, Katrina?

MS. HEINZE: Just a process check--
this is a sunset review, correct? So we need
to take two votes on this material?

CHAIR MIEDEMA: That's right.

What we're considering on this first motion is
the annotation change; the second vote will be
a re-listing as is.

MR. MCEVOY: Yes, and the question
would be if you wanted to include livestock
with this type of an annotation change, your
recommendation could include "and align the
livestock annotation with this
recommendation."

CHAIR MIEDEMA: I'm seeing a lot
of heads shaking no right now. Steve.

MR. DEMURI: I wouldn't feel
comfortable doing that at this meeting. Maybe
the next meeting, but I'd like to get that out
to the public first for comment, because I
don't know much about it.

CHAIR MIEDEMA: Any further
discussion? Hearing none, seeing none, any
recusals for conflicts on this annotation
change as read? Okay. Katrina.

MS. HEINZE: So are we supposed to
declare? It has been the past practice of
folks who work for handlers to do kind of a
general, you know, we could use all of these
materials. Given all the discussion we've had
on conflict, I work for a company that makes
organic products in, like, virtually every
category. While I have no personal knowledge,
I'm confident that every material on this list
at some point somehow touches our process. Is
that the level of revelation that you're
expecting us to make? And then do I need to
make it for every material?

CHAIR MIEDEMA: So noted. Once is
good enough.

MS. HEINZE: And then how does the
CHAIR MIEDEMA: Wendy, you had your hand raised.

MS. FULWIDER: I was just wondering how you felt, and if I should declare I work for Organic Valley. I have no idea what happens in the processing part; I only work with the live animals.

CHAIR MIEDEMA: We'll take that as a blanket declaration. Might as well work through all of these. Joe Dickson.

MR. DICKSON: I work for a retail grocery company that sells, processes or in some way has an interest in every material on the National List, including those being voted on today.

CHAIR MIEDEMA: I work for the world's largest organic row crop company, and we use nearly every material at some point in the supply chain that is approved for use on the National List. Steve.
MR. DEMURI: I too work for a very large company that uses, or our suppliers use, probably 90% of the items on the list for sunset, at least on the handling side.

CHAIR MIEDEMA: Tina.

MS. ELLOR: I work for a farm and we use some materials, not all. Chlorine happens to be one that we do use in processing and in sanitizing equipment, but there are others, so I will approach that individually, since we don't use very many of them.

CHAIR MIEDEMA: And a reminder from Miles this morning, whether we have a direct financial stake in a, for instance, chlorine materials company, would be the question we were asking right now. Any other declarations that members want to put on the record? John, and then we'll just do this one time, guys.

MR. FOSTER: I work for a large company with many suppliers, and I'm fairly certain at some point in our very extensive
supply chain, every material that is up for a vote is in there somewhere. Chlorine specifically, we use chlorine in our processing facility.

CHAIR MIEDEMA: Okay, let's proceed with voting. Again, this is vote one of two votes on chlorine materials; this one is for the annotation change as was read into the record earlier, and the voting will begin with Nick.

MR. MARAVELL: Yes.

MR. WALKER: Yes.

MR. FLAMM: Yes.

MR. FELDMAN: Yes.

MR. DEMURI: Yes.

MS. TAYLOR: Yes.

MS. HEINZE: Yes.

MR. STONE: Yes, ma'am.

MR. FOSTER: Yes.

MR. BONDERA: Yes.

MR. DICKSON: Yes.

CHAIR MIEDEMA: Wendy?
MS. FULWIDER: Yes.

MS. ELLOR: Yes.

CHAIR MIEDEMA: And I vote yes.

14 yes, zero no; motion passes. Materials
Chair Katrina Heinze, in the event an
annotation change during sunset vote passes on
the first vote, do we necessarily need to take
the second vote?

MS. HEINZE: Yes, for the reasons
we discussed this morning.

CHAIR MIEDEMA: Okay. Do I have a
motion?

MR. FOSTER: Yes, the motion is to
re-list chlorine on 205.601(a) accordingly, as
an algicide, disinfectant and sanitizer,
including irrigation system cleaning systems.
(2), chlorine materials, except that residual
chlorine levels in the water shall not exceed
the maximum residual disinfectant limit under
the Safe Drinking Water Act. And then (i),
calcium hypochlorite, (ii), chlorine dioxide,
(iii), sodium hypochlorite.
MS. ELLOR: I will second.

CHAIR MIEDEMA: Any discussion?

Discussion sounds complete. We're ready to vote.

MR. WALKER: Yes.

MR. FLAMM: Yes.

MR. FELDMAN: Yes.

MR. DEMURI: Yes.

MS. TAYLOR: Yes.

MS. HEINZE: Yes.

MR. STONE: Yes, ma'am.

MR. FOSTER: Yes.

MR. BONDERA: Yes.

MR. DICKSON: Yes.

MS. FULWIDER: Yes.

MS. ELLOR: Yes.

MR. MARAVELL: Yes.

CHAIR MIEDEMA: And I vote yes.

14 yes, zero no; motion carries. Next material, copper materials. Crops Committee, do I have a motion?

MR. FOSTER: Yes. The Crops
Committee recommends an annotation change to the continued listing of coppers on the National List. And I think it's going to be up on the screen in a second. It would read--it would fall under plant disease control, coppers, fixed. Copper hydroxide, copper oxide, copper oxychloride, includes products exempted from EPA tolerance, provided that copper-based materials must be used in a manner that minimizes accumulation in the soil and documented through periodic testing, and shall not be used as herbicides. Copper sulfate, substance must be used in a manner that minimizes accumulation of copper in the soil and documented through periodic testing.

CHAIR MIEDEMA: Do I hear a second?

MR. DEMURI: Second.

CHAIR MIEDEMA: Steve DeMuri seconded. Any discussion? Katrina.

MS. HEINZE: We had some written comment, and then on Wednesday, when we
discussed this, Miles made some comments
around why this needed to be in the annotation
versus through guidance, you know, that we
heard that a lot of people are doing this
already. I could use some help with that as
well, because the current annotation says
"that minimizes accumulation," so the public
comment we heard said that that requires that
folks do something to demonstrate that. This
seems overly prescriptive.

CHAIR MIEDEMA: Any further
discussion? Mac.

MR. STONE: Certifiers kind of do
that anyway, especially on perennial crops,
but I don't know that it hurts anything being
in there; it's kind of already status quo,
frankly.

CHAIR MIEDEMA: We have a motion
and a second. Any more discussion? Jay.

MR. FELDMAN: In addition to this,
there was the sense of the committee--and Mac,
maybe you can help with this--that because of
the severe, acute poisoning-type issues, especially related to respiratory effects, that we somehow wanted to make sure that inspection dealt with worker protection-related issues regarding this material in particular. And so we had a sense of the committee that we'd like, if possible, to get guidance to that effect from NOP. I guess the question to you, whether you would see that as a feasible type of thing to ask the inspector to look at; in other words, many of the labels require protective--personal protective equipment. Is that protective equipment on site? Is that a difficult thing to verify? Some of them have re-entry times back into the field; are inspectors checking for that? Is that a difficult thing to verify? We thought that was the prudent thing to do, especially since many of our organizations work very closely with farm work organizations, and they certainly would appreciate a higher level of scrutiny around
these issues.

MR. STONE: I mean, those are valid; there is scrutiny at the inspection level in auditing trails, everything from manure use down to very complicated operations; you might not get this far, but there's no reason not to draw attention to it and send the message that it's something the Board thinks is important. So I mean, it's fine.

MR. FELDMAN: Could I ask the Department whether that—whether we would need something formal to request that something like this be done, whether it already is being done; whether it could be easily incorporated into any guidance manual or training, whatever?

CHAIR MIEDEMA: Miles, what's the most appropriate method of this request? In other words, should this be an annotation, or should it be something the program does with enforcement?
MR. MCEVOY: So the question is whether or not this--the intent, or what would be the effect of the annotation change to have it documented through periodic testing?

CHAIR MIEDEMA: Yes.

MR. MCEVOY: No. I just returned, sorry.

MR. FOSTER: In addition to the annotation, there's a sense of the committee that we could be doing a little more vis-a-vis inspection. Not that it's not happening, but it could maybe be happening more uniformly, with more rigor, to ensure compliance with worker protection standards regarding protective personal equipment, and enforcement of label restrictions on re-entry standards. That that be--that we take a higher level of concern associated with training, enforcement, et cetera around those issues, in particular with copper because of the specific associations with acute toxicity.

MR. MCEVOY: I think that the
certifiers have a huge job to do, they're doing a great job at what they're doing in terms of verifying that the organic standards are being met, and that in terms of worker protection standards and requirements for the application of worker protection equipment, that's really an EPA role, working through the states, and that putting that additional burden on certification agencies, I think, is not really appropriate, because you have other agencies that are responsible for that, and I'm not sure if you want to have resources redirected into that area that's already covered by other agencies.

CHAIR MIEDEMA: Katrina.

MS. HEINZE: I didn't properly ask my question the first time. So, our sunset process says that we need to look at new information or an alternative. And it is not clear to me why--what new information has prompted this annotation change, and why it could not be addressed in guidance. So I was
hoping that the committee could help me understand that.

CHAIR MIEDEMA: I plan to vote no on this because I think it's a burdensome requirement for certifiers, and I think that there's adequate language in the existing listing to cover the concerns. Tina.

MS. ELLOR: And judging from the public comments that we got on this, and talking with certifiers in the audience, I'll probably vote no on this as well.

CHAIR MIEDEMA: Any more discussion? Okay. Any recusals for conflicts? Barry, we'll start the voting with you.

MR. FLAMM: Yes.

MR. FELDMAN: Yes.

MR. DEMURI: No.

MS. TAYLOR: Yes.

MS. HEINZE: No.

MR. STONE: Yes.

MR. FOSTER: No.
MR. BONDERA: Yes.

MR. DICKSON: No.

CHAIR MIEDEMA: No.

MS. FULWIDER: No.

MS. ELLOR: No.

MR. MARAVELL: Yes.

MR. WALKER: No.

CHAIR MIEDEMA: Madam Secretary, the tally?

MS. FULWIDER: Six yes.

CHAIR MIEDEMA: Six yes, eight no; the motion fails. Crops Committee, we are now addressing the material as it is currently listed. Do I have a motion?

MR. FOSTER: Yes, to re-list coppers on 205.601, Synthetic Substances Allowed for Use in Organic Crop Production, as follows: (i), as plant disease control, and (2), coppers fixed, copper hydroxide, copper oxide, copper oxychloride, includes products exempted from EPA tolerance, provided that copper-based materials must be used in a
manner that minimizes accumulation in the soil and shall not be used as herbicides. And then three, copper sulfate, substance must be used in a manner that minimizes accumulation of copper in the soil.

CHAIR MIEDEMA: Do I have a second?

MS. HEINZE: Second.

CHAIR MIEDEMA: It has been moved and seconded to re-list copper materials as it's currently listed on the National List. Any discussion? Hearing none, we'll proceed with voting. Jay, the voting will start with you.

MR. FELDMAN: Yes.

MR. DEMURI: Yes.

MS. TAYLOR: Yes.

MS. HEINZE: Yes.

MR. STONE: Yes, ma'am.

MR. FOSTER: Yes.

MR. BONDERA: Yes.

MR. DICKSON: Yes.
CHAIR MIEDEMA: Yes.

MS. FULWIDER: Yes.

MS. ELLOR: Yes.

MR. MARAVELL: Yes.

MR. WALKER: Yes.

MR. FLAMM: Yes.

CHAIR MIEDEMA: 14 yes, zero no; motion carries. Next material up for voting is alcohols. Does the Crop Committee have a motion?

MR. FOSTER: Yes, to re-list on 205.601, Synthetic Substances Allowed for Use in Organic Crop Production, this is without annotation change, (a), as algicide disinfectant and sanitizer, including irrigation system cleaning systems, (1), alcohols, (i), ethanol and (ii), isopropanol.

MS. ELLOR: I'll second.

CHAIR MIEDEMA: Moved and seconded; any discussion? Hearing none and seeing none, we will proceed with voting. Steve, the voting will start with you.
MR. DEMURI: Yes.
MS. TAYLOR: Yes.
MS. HEINZE: Yes.
MR. STONE: Yes, ma'am.
MR. FOSTER: Yes.
MR. BONDERA: Yes.
MR. DICKSON: Yes.
CHAIR MIEDEMA: Yes.
MS. FULWIDER: Yes.
MS. ELLOR: Yes.
MR. MARAVELL: Yes.
MR. WALKER: Yes.
MR. FLAMM: Yes.
MR. FELDMAN: Yes.
CHAIR MIEDEMA: 14 yes, zero no; motion carries. Next material up for consideration is newspapers, (b)(2)(i). Crops Committee, do I have a motion?
MR. FOSTER: Yes, to re-list on 205.601, Synthetic Substances Allowed for Use in Organic Crop Production, (b), as herbicides, weed barriers as applicable, (2),
mulches, (i), newspaper or other recycled paper without glossy or colored inks.

CHAIR MIEDEMA: Do I hear a second? Barry has seconded. Any discussion? Hearing none and seeing none, we will proceed with voting. Jennifer, you will be the first to vote.

MS. TAYLOR: Yes.

MS. HEINZE: Yes.

MR. STONE: Yes, ma'am.

MR. FOSTER: Yes.

MR. BONDERA: Yes.

MR. DICKSON: Yes.

CHAIR MIEDEMA: Yes.

MS. FULWIDER: Yes.

MS. ELLOR: Yes.

MR. MARAVELL: Yes.

MR. WALKER: Yes.

MR. FLAMM: Yes.

MR. FELDMAN: Yes.

MR. DEMURI: Yes.

CHAIR MIEDEMA: 14 yes, zero no;
motion carries. Next up, Crops Committee, do you have another listing for newspapers?

MR. FOSTER: I do, I was just alerting myself to that fact. We have a motion to re-list on 205.601, Synthetic Substances Allowed for Use in Organic Crop Production, (b), as herbicides, weed barriers as applicable, (2), mulches, (ii), plastic mulch--I'm so sorry, Madam Chair, you asked me about newspapers, didn't you?

CHAIR MIEDEMA: You're fine. Do I hear a second?

MR. FOSTER: I didn't quite finish, so--I will restate the motion. Can I do that?

CHAIR MIEDEMA: Please restate the motion.

MR. FOSTER: Thank you. To re-list on 205.601, Synthetic Substances Allowed for Use in Organic Crop Production, as herbicides, weed barriers as applicable, (2), mulches, (ii), plastic mulch and covers,
petroleum-based, other than PVC.

MR. STONE: Madam Chair, can I ask for clarification here?

CHAIR MIEDEMA: Yes.

MR. STONE: Are we skipping a vote and going down to plastic?

CHAIR MIEDEMA: No, we're not.

MR. FOSTER: My apologies. I was thinking it would be sequential, and that's my error. My mistake. May I rephrase the motion again, please?

CHAIR MIEDEMA: Please restate the motion.

MR. FOSTER: To re-list on 205.601, Synthetic Substances Allowed for Use in Organic Crop Production, (c), as compost feed stocks, newspapers or other recycled paper without glossy or colored inks.

CHAIR MIEDEMA: Do I hear a second? We have a motion and a second. Any discussion? Hearing none and seeing none, we're ready to vote. Katrina.
MS. HEINZE: Yes.

MR. STONE: Yes, ma'am.

MR. FOSTER: Yes.

MR. BONDERA: Yes.

MR. DICKSON: Yes.

CHAIR MIEDEMA: Yes.

MS. FULWIDER: Yes.

MS. ELLOR: Yes.

MR. MARAVELL: Yes.

MR. WALKER: Yes.

MR. FLAMM: Yes.

MR. FELDMAN: Yes.

MR. DEMURI: Yes.

MS. TAYLOR: Yes.

CHAIR MIEDEMA: 14 yes, zero no; motion carries. I didn't ask for conflict on newspaper. Anything we missed there? Okay.

Plastic mulch is next on our agenda. Crops Committee, do you have a motion?

MR. FOSTER: Yes, to re-list on 205.601, Synthetic Substances Allowed for Use in Organic Crop Production, (b), as
herbicides, weed barriers as applicable, (2),
mulches, (ii), plastic mulch and covers,
petroleum-based other than PVC.

CHAIR MIEDEMA: Do I have a
second?

MS. ELLOR: I'll second.

CHAIR MIEDEMA: Any discussion on
plastic mulches? Any recusals for conflicts?

We're ready to vote. Mac.

MR. STONE: Yes ma'am.

MR. FOSTER: Yes.

MR. BONDERA: Yes.

MR. DICKSON: Yes.

CHAIR MIEDEMA: Yes.

MS. FULWIDER: Yes.

MS. ELLOR: Yes.

MR. MARAVELL: Yes.

MR. WALKER: Yes.

MR. FLAMM: Yes.

MR. FELDMAN: Yes.

MR. DEMURI: Yes.

MS. TAYLOR: Yes.
MS. HEINZE: Yes.

CHAIR MIEDEMA: 14 yes, zero no; motion carries. Next up on our agenda is pheromones. Crops Committee, do I have a motion?

MR. FOSTER: We do. To amend the current listing of pheromones to read "as insect management, pheromones, provided they are formulated with only approved inert ingredients."

MR. BONDERA: I'll second.

CHAIR MIEDEMA: Colehour seconds.

Any discussion? Katrina.

MS. HEINZE: Well, we had quite a bit of public comment on this, so it seems it's worthy of some discussion. We had public comment that folks wanted us to handle the inerts through our inert process. I don't have all the public comments summarized in my head, but the general tone I got was that they thought this was not necessary, and again, I don't plan to vote for this because I don't
understand what the new information is that is
requiring a change to the listing. And that
is our process.

CHAIR MIEDEMA: Steve, and then
Jay.

MR. DEMURI: We talked about this
at length at a committee meeting last night,
and substantially changed the annotation from
what it was in the presentation on Tuesday to
coincide with a lot of that public comment.

CHAIR MIEDEMA: Jay.

MR. FELDMAN: Yes, a little bit
more background to supplement what Steve just
said, which is correct. As you know,
currently the listing under list three inerts
restricts pheromones to passive dispensers.
The committee originally proposed to limit all
pheromones to passive dispensers. We heard
statements from the public, experts et cetera,
that that would cause undue burden given the
evolving technology. There was concern on the
environmental side that we're not adequately
following the new technology and evaluating the real impacts of that new technology. There's a lot new in pheromones, by the way. But the compromise that was worked out, since the bulk of the issues around inerts -- around pheromones goes to inerts, is that we would just drop the passive dispensers that relate to the list four inerts, which is what this section applies to, and drop the additional toxicants, you know, new toxicants or additional toxicants, and leave it at approved inerts, which effectively means the current list four--well, it's not current, but the list four inerts that we reference.

So it essentially is a status quo provision with an emphasis on the inert issue. It puts--it keeps the inert issue in front of us, but doesn't change the effect, and you might want to ask the Department about that.

CHAIR MIEDEMA: Katrina.

MS. HEINZE: I was hoping Lisa could make it bigger so I could read what your
change is. That was number one. And number

two is, currently as I read it, aren't list
three allowed in pheromones?

    MR. FELDMAN: Only in passive
dispensers. There are two provisions, one for
pheromones, and then one for inert, list three
inerts. It's the only time we allow list
three inerts as a group.

    MS. HEINZE: Yes, I just didn't
hear you say it, so I was confused. And then
why do we need this language? Because isn't
it true that they can only use approved
inerts?

    MR. FELDMAN: Yes, it's true.

    MS. HEINZE: So why do we need the
language?

    MR. FELDMAN: It emphasizes--see,
because inerts are--well, yes, it's an
emphasis. We're learning about pheromones and
how dependent those formulations are in the
inert ingredients as volatile organic
chemicals, so it's a key issue. And as we've
noted in the discussion, and as came up in
many of the statements, we will be revisiting
this issue as an inerts issue, as a separate
inerts issue.

CHAIR MIEDEMA: I plan to vote no
on this annotation change, simply because the
Inerts Working Group is working on this issue,
and that seems to be the appropriate place to
keep it in front of us. Tina.

MS. ELLOR: I see a lot of
frowning and shaking of heads at the Program;
would they like to comment on this?

MR. MCEVOY: Well, it seems like
it's already covered by the current
regulations, so we don't see how this would
clarify anything.

CHAIR MIEDEMA: Which would argue
for a no vote on this annotation change, I
guess that's what the program is arguing for
in that statement. Tina.

MS. ELLOR: Well, I wouldn't think
that they would argue one way or the other,
but it does make it clear that they way they read it is that it is a duplication on the list.

CHAIR MIEDEMA: Possibly some unnecessary rulemaking and work for people on their desks. Any more discussion? Nick.

MR. MARAVELL: Jay, does this satisfy your concerns, the Program's statement and the discussion here?

MR. FELDMAN: Yes, I guess so.

MR. MARAVELL: So you would not be opposed to going, re-listing as is?

MR. FELDMAN: If the Department believes it's a redundancy, then that's fine. I don't want to create extra paperwork for anybody.

CHAIR MIEDEMA: Would the Crops Committee like to withdraw this motion?

MR. FOSTER: Yes.

CHAIR MIEDEMA: How about the person who seconded? Colehour?

MR. BONDERA: Yes.
CHAIR MIEDEMA: Okay, this motion is off the table. Crops Committee, do I have a motion on the simple re-listing of pheromones?

MR. FOSTER: Yes, to re-list on 205.601, Synthetic Substances Allowed for Use in Organic Crop Production, (f), as insect management, pheromones.

CHAIR MIEDEMA: Do I hear a second?

MS. ELLOR: I'll second.

CHAIR MIEDEMA: Any discussion? Any recusals for conflict? Okay. Any further discussion on this pheromones re-listing? Hearing none and seeing none, let's proceed with voting. We'll start with John Foster.

MR. FOSTER: Yes.

MR. BONDERA: Yes.

MR. DICKSON: Yes.

CHAIR MIEDEMA: Yes.

MS. FULWIDER: Yes.

MS. ELLOR: Yes.
MR. MARAVELL: Yes.

MR. WALKER: Yes.

MR. FLAMM: Yes.

MR. FELDMAN: Yes.

MR. DEMURI: Yes.

MS. TAYLOR: Yes.

MS. HEINZE: Yes.

MR. STONE: Yes, ma'am.

CHAIR MIEDEMA: 14 yes, zero no; motion carries. Next on our agenda is sulfur dioxide, we have a request from NOSB members to take a short break. Will the Crops Committee please reconvene during this break and prepare your document on tetracycline for voting?

MR. FOSTER: Yes.

CHAIR MIEDEMA: Let's be seated in 10 minutes, which would be five after 10.

(Whereupon, the above-entitled matter went off the record at 9:55 a.m. and resumed at 10:10 a.m.)

CHAIR MIEDEMA: The next material
is sulfur dioxide. Crops Committee, do you have a motion?

MR. FOSTER: Yes, we do. The motion is to re-list sulfur dioxide as underground rodent control only, parenthetically (smoke bombs) on 205.601(g)(1).

CHAIR MIEDEMA: Do I have a second?

MS. ELLOR: I'll second.

CHAIR MIEDEMA: Any discussion? Katrina?

MS. HEINZE: What material? I'm sorry, I did not hear the motion.

CHAIR MIEDEMA: Sulfur dioxide.

Tina.

MS. ELLOR: This was that very interesting material that through the tap, we were thinking that it was inappropriately listed, but AMRI kind of gave us a different point of view on that, so the committee had voted not to re-list it, and I have to say I
have changed my mind on that, and I would like
to see it go back on the list.

CHAIR MIEDEMA: Katrina.

MS. HEINZE: So this wasn't
originally an annotation, it was just a
straight re-list that did not pass the
committee?

MS. ELLOR: Yes. I do believe--
correct me if I'm wrong, Crops Committee.

MS. HEINZE: Thank you for the
clarification.

CHAIR MIEDEMA: Jay.

MR. FELDMAN: So there--this is a
formulated material, okay. So the issue is
whether we had significant--enough information
on all the material. I wonder if we could ask
for some expertise coming out of the audience,
because there is distinction in terms of how
certifiers look at and allow this product,
depending on the formulation, and there's
something regarding the different components,
the different elements of it.
CHAIR MIEDEMA: Do you have a specific question we would be able to ask?

MR. FELDMAN: Yes, I think Zea might be able to help with the formulation--

CHAIR MIEDEMA: Who?

MR. FELDMAN: Zea Sonnabend, if she's here.

CHAIR MIEDEMA: Katrina.

MS. HEINZE: Just a reminder, our sunset process says we need to consider if there's new information, so I would ask before we get additional public comment, because we've had it on this material, if the Crops Committee could articulate what the new information is.

CHAIR MIEDEMA: Tina.

MS. ELLOR: The new information that we got through the technical review was pretty profound, and what the technical review was telling us was that, in fact, sulfur dioxide is not the active ingredient, but it is a formulated material, if I understand this
correctly, that when ignited, does generate sulfur dioxide. So--

MR. FELDMAN: Smoke.

MS. ELLOR: --in smoke. So you know, to make that clear, you know, it's possible we might need some help to see how that's interpreted. But there was definitely new information.

CHAIR MIEDEMA: John, do you have a sense for how the Crops Committee vote stands as of today, since it sounds like it differs from when it was taken in committee?

MR. FOSTER: I don't. We did not cover this in last night's meeting; being something that we didn't change, we didn't talk about it. I do not have a sense.

CHAIR MIEDEMA: Okay. I plan to vote to re-list this material. Colehour.

MR. BONDERA: I just, following up on some of the comments about new information, my sense, I guess, along the lines of what Jay was saying is that it's been indicated that...
there is clarification to the new information that Tina referred to, that might help the whole Board understand the situation better so that the vote is based on as much information as possible.

CHAIR MIEDEMA: Is there any further discussion about this material? Katrina.

MS. HEINZE: So that sounded like two folks who thought we should get some clarification from someone in the audience; did I hear that correctly?

CHAIR MIEDEMA: We'll have to have a very specific question as opposed to just sort of inviting broad discussion.

MR. FELDMAN: The question would be: what are the components of this formulated product, and how have the certifiers dealt with it, and have they dealt with it equally, because I don't believe they have.

CHAIR MIEDEMA: Zea Sonnabend, would you be willing to answer that for us?
MS. SONNABEND: Thank you. Zea

Sonnabend, CCOF. I can answer some of the questions. I do believe new information was presented, number one. I did not have time to fully read the technical report, because it wasn't posted in time for the written comment period, and so I didn't read it all, so I'm not positive what it says, but I do agree with what Lindsey said to the extent of you could consider it as a post-whatever it was reaction. But I was also trying--and so you do have to decide as a Board whether you think it should be the individual components before they explode that are on the list, or the resulting smoke that is sulfur dioxide is on the list.

The formulated products though, as far as we know, all contain an igniting material, which--the ones we can get in California come with something called red phosphorus, which is like what's on the head of a match, to get the explosion to happen.
And red phosphorus is listed on the label as an active ingredient, and has not been reviewed or petitioned, and is very unlikely to be. And so therefore, we in CCOF have not allowed any of these materials, so it's a moot point to us whether it's on or off the list.

Anecdotally, we've heard that other certifiers do allow them and ignore the fact that this igniting agent is in them, but anecdotal, I don't know for sure what other certifiers do, and I think red phosphorus is not the only igniting material that could possibly be used. So I do think that you should decide what you think about whether the material is listed correctly, but then decide if you also need to think about red phosphorus or some of these other components. Does that help?

CHAIR MIEDEMA: Mac.

MR. STONE: Representing the certifiers, for the reasons that she commented, we would not be in favor because of
the inconsistency or the inaccuracy of the
annotation.

CHAIR MIEDEMA: Katrina.

MS. HEINZE: So this is a question
for folks more familiar with crops than I am.

So my understanding is this is a material that
is currently being used, so if the motion
fails, this material comes off the list, as
opposed to it being re-listed and giving us an
opportunity to address the annotation. So my
question for Crops is, is it true that this
material is being used by our farmers?

CHAIR MIEDEMA: Tina.

MS. ELLOR: We did have a number
of comments, and that's sort of, you know,
what we were looking for, to see if people
were actually using this material, and in fact
we had a number of comments, and I don't
remember the specifics of it, that people are
using it, yes.

CHAIR MIEDEMA: John.

MR. FOSTER: My experience in
mostly western U.S. is that it's used as part of a kind of a multi-pronged approach for underground rodents, for the most part. Usually, when I--in my--out in the field, it was with, in combination with traps and with, in some cases, lots of water and not all at the same time, but because a lot of those varmints can be tough to deal with, it generally required multiple approaches, and smoke bombs are one of those, when I was out on farms anyway.

MR. FELDMAN: California though.

CHAIR MIEDEMA: Barry.

MR. FLAMM: John touched on it, but there are alternatives, and in my own personal experience, the alternatives like trapping is much better. Smoke bombs have very limited use, especially in pocket growth or control, which would be one of the main target organisms.

CHAIR MIEDEMA: Katrina.

MS. HEINZE: So if we want to keep
this tool in the toolbox for the farmers, or if I do, which I intend to do, I would vote yes for this? I guess I would ask could the Crops Committee add to their work plan addressing kind of a long term fix for the listing, or at least evaluating whether that's necessary?

CHAIR MIEDEMA: Jay.

MR. FELDMAN: You know, this is exactly the kind of situation in which our community evolves, and we do get new information, and we need to take it seriously. I mean, you know, issues like this suggests clarification of what is in a formulation, which is our duty, impacts that we, you know, that go to non-target effects and you know, which were things that probably, or may have been considered in the past. But the process I would like to see in a situation like this, where we are uncovering new information and there is a deficiency that is supported, an ongoing use that is a relatively limited use,
I believe, and we are looking at other materials in fact, in this docket, for rodent control, like Vitamin D, that we de-list it and encourage a petition be submitted and done the proper way. That's not our responsibility to continue something that is found to be improperly reviewed. That's exactly our role, to make that judgment. So I think we could re-list something based on a petition on an expedited--in an expedited way if there was really, really serious need, and we could clean up what the formulation is and an evaluation of all its components.

CHAIR MIEDEMA: John, and then Tina.

MR. FOSTER: We can easily put this on the work plan for the next semester. I would expect there to be some interaction with the Materials Committee to some extent, because it's re-framing the question about what constitutes--it's asking about whether we mean what goes into the product, or what
actually does the work of the product as
applied, and that's probably got consequences
outside of smoke bombs. Having said that, my
inclination would be to re-list it at the
moment, because my experience has shown that
it's not--well, my experience is that it's not
used as the sole control measure. It seems to
have been used in balance with other methods,
and I think by virtue of looking at the
material as I had mentioned a minute ago, will
give us focus in a reasonable amount of time
to effect change if we need to.

CHAIR MIEDEMA: Tina.

MS. ELLOR: I think a couple of
commentors mentioned that we do have another
petition for rodent control coming up in front
of the Crops Committee, and asking if we could
put this back on the list until we've looked
at that petition and you know, I think their
point was we should accept that one, because
they see it as a better alternative. But I
also think that this is a very different
control, and used in a very different way than
D₃. I don't--I'm not sure that you would put
D₃, in fact I think it would be against
labeling to take this out into a situation
where you would be using smoke bombs. And
Nick might be able to address that, because he
looked at the D₃ label when we were looking at
that. I think they're two different--these
are rodent controls used in two very different
situations.

CHAIR MIEDEMA: Jay, and then
Nick.

MR. FELDMAN: I mean, the problem
is the five year, you know, the five year
renewal, because once we vote five years,
it's--we can't come back to it, as we know.

CHAIR MIEDEMA: Nick.

MR. MARAVELL: Well, just a
clarification on what Tina was--the D₃ is
generally used in a bait station and above
ground and near buildings. And so that limits
its use. That's how it's labeled. Whereas
the smoke bombs really have to be taken to the
burrows and put in, you know, just shoved down
into the burrow and then close up as many
holes as you can, et cetera. So they're
really used in two different ways, and they
could be--the smoke bombs don't have to be
used in proximity to buildings or anything
like that.

CHAIR MIEDEMA: Miles McEvoy.

MR. MCEVOY: Yes, just a point of
clarification. If it is re-listed, it does
not preclude the Board from taking this up and
looking at the annotation or putting a
different expiration date on the substance in
a separate review than the sunset review
process. You've done that on tetracycline,
for instance, putting an expiration date on
that as part of a petition. So you have broad
discretion to look at materials if you choose
to do that; you just have to make sure you
follow an open process, publish it in your
agenda, and what the proposal is and get
public comment.

CHAIR MIEDEMA: Any more discussion on smoke bombs for rodent control being re-listed? Jay.

MR. FELDMAN: Just one more point. What I heard Zea say is it's not allowed under the CCOF certification in California, so I don't think we're risking much in terms of expediting a new petition on this or on some other material. I think it's our responsibility when we come across something where we've identified new information and a deficiency to bring that in line, even though there may, as in the course of that having happened, some people in our community may have become dependent on that. It's an unfortunate effect, but our job is to review the material and evaluate it. And here we have a situation where there are limited uses.

CHAIR MIEDEMA: Miles, thank you for the clarification that this Board has broad discretion to revisit this. It seems to
make a lot of sense to--for the Materials Committee to clarify the manner in which we listed this; whether we list the component parts or the way they come together in usage. I share Katrina's predisposition not to take tools away from farmers. Any further discussion? Hearing none and seeing none, any recusals for conflict? Okay, we'll start with the vote. Colehour.

MR. BONDERA: No.
MR. DICKSON: Yes.
CHAIR MIEDEMA: Yes.
MS. FULWIDER: Yes.
MS. ELLOR: Yes.
MR. MARAVELL: Yes.
MR. WALKER: Yes.
MR. FLAMM: No.
MR. FELDMAN: No.
MR. DEMURI: Yes.
MS. TAYLOR: No.
MS. HEINZE: Yes.
MR. STONE: No ma'am.
MR. FOSTER: Yes.

CHAIR MIEDEMA: Nine yes, five no; motion fails. Smoke bombs will be removed from the National List. Next up is Vitamin D₃. Crops Committee, do you have a motion?

MR. FOSTER: Yes, let me pull it up. Yes, the Crops Committee recommends the continued listing of Vitamin D₃ on the National List 205.601(g) as rodenticides; no annotation change.

MR. DEMURI: I'll second.

CHAIR MIEDEMA: Any discussion? Hearing none and seeing none, any recusals for conflict on D₃? Okay, we'll start the voting with Joe Dickson.

MR. DICKSON: Yes.

CHAIR MIEDEMA: Yes.

MS. FULWIDER: Yes.

MS. ELLOR: Yes.

MR. MARAVELL: Yes.

MR. WALKER: Yes.

MR. FLAMM: Yes.
MR. FELDMAN: Yes.

MR. DEMURI: Yes.

MS. TAYLOR: Yes.

MS. HEINZE: Yes.

MR. STONE: Yes ma'am.

MR. FOSTER: Yes.

MR. BONDERA: Yes.

CHAIR MIEDEMA: 14 yes, zero no; motion carries. Next up from Crops Committee is streptomycin. Crops Committee, do you have a motion?

MR. FOSTER: Yes we do have a motion to make an annotation change, listing streptomycin on 205.601 for fire blight control in apples and pears, only for post-inspection use until October 21, 2014.

CHAIR MIEDEMA: Do I have a second?

MR. DEMURI: Second.


MR. FELDMAN: Last night we talked
about the restriction for post-infection. Is
that a part of this motion?

MR. FOSTER: My mistake, I was
reading the wrong section, yes. No, I need to
read it correctly, it's my error.

CHAIR MIEDEMA: Please restate the
motion.

MR. FOSTER: Thank you. Crops
Committee recommends the continued listing of
streptomycin with a revised annotation,
205.601, Synthetic Substances Allowed for Use
in Organic Crop Production, (i), as plant
disease control, (10), streptomycin, for fire
blight control in apples and pears for post-
infection use, only until October 21, 2014.

CHAIR MIEDEMA: It's 11, John.
Can you please restate--restate the motion.

MR. FOSTER: Yes, perhaps I'll
read it off the screen, which I can read now.
Thank you Lisa, for making that larger. Thank
you. Annotation change to re-list
streptomycin on 205.601, (i), as plant disease
control, (11), streptomycin, for fire blight control in apples and pears for post-infection use, only until October 21, 2014.

CHAIR MIEDEMA: The person who made the second, are you still seconding this motion?

MR. DEMURI: I'm still seconding.

CHAIR MIEDEMA: Okay. Any discussion? Mac.

MR. STONE: I'd just like to note that I want to vote yes, I will vote yes for this, with the concern that the eastern growers, the post-infection, it'd be very tricky for them to get the control because of their climatic conditions. So they're going to be very, very concerned about it, but glad that it's on there.

CHAIR MIEDEMA: Katrina.

MS. HEINZE: So this is a sunset review, correct? So we're taking two votes, one on the annotation change, and one on the re-listing. It is not clear to me that we can
do an annotation change, since it was not
posted for public comment. This is really a
process question; I believe it's been our
practice in the past to try to post these
ahead of time.

CHAIR MIEDEMA: This is our first
annotation change during sunset, so I think
we're trying some new waters here.

MS. HEINZE: So I think maybe just
a little bit of discussion around how various
perspectives on the Board feel about this.

CHAIR MIEDEMA: Okay, Barry; and I
would also like to have read into the record
what the existing listing is, so we know what
our comparison is. Barry.

MR. FLAMM: Okay, this language,
and the idea came from the public comments,
and it came from growers out of the Midwest,
upper Midwest, and they had put together
groups of people and came up with this
suggestion. And as you know, the committee's
recommendation was to de-list streptomycin,
but with the public comments we received, and
the interest, we were convinced of a
continuing need, but we were also convinced we
had to do something to move this along and
terminate. But the ideas in language came
from the public comments and in fact, we
pretty much borrowed that language. And so at
least it has a strong support from an element
of the organic community.

CHAIR MIEDEMA: I'd like to ask a
question of my colleagues on the Board. How
many of you would be open to adding one more
year to tetracycline and streptomycin to let
some true research have a chance to take hold?
One, two, three, four, five, six, seven,
eight. Okay. For the record, there were--did
you raise your hand, Barry?

MR. FLAMM: I'm still thinking
about whether raising my hand--I'm not so much
of objection, but since we spent a lot of time
last night talking about this and going over
the comments, I wasn't quite ready to just
throw out what we decided.

CHAIR MIEDEMA: Nick.

MR. MARAVELL: Yes, I did not raise my hand. I think that if there's any way that the NOSB can provide a sense of urgency to this issue, we should, and that's my reason for not raising my hand; not because I expect to get the magic bullet within the time line.

CHAIR MIEDEMA: Steve, Colehour, then Jay.

MR. DEMURI: I think I mentioned at the Crops Committee meeting last night that at any time, if the Crops Committee feels like there's not enough progress being made, you can put a petition in to de-list it.

CHAIR MIEDEMA: Jay.

MR. FELDMAN: I just want to say for the record, I am so close to voting against this, I can't tell you how close I am. And that doesn't feel good, because I feel like we're developing a reasonable
collaboration for moving forward with growers and consumer interests, and I can go back to consumer groups and say see the urgency that the NOSB is bringing to this issue. So I'm echoing what you're saying, Nick. Having said that, I really think that we do need to come up with a plan for getting in place a task force that encourages our community to continue the kind of dialogue and discussion that was really good in this room about what the needs are on the one side, and what the expectations are on the other, and work this out together. That's why we call ourselves a community. So I think we have--and we talked about this last night, and we came up with this concept of a transition plan, or the idea that we are--we all do believe we need to transition away from this. I don't think anybody is saying we shouldn't be doing it.

So I'm looking for not shortening this thing, but I'm looking for the Board's guidance in how we can ensure that the urgency
that I feel around the table and the sense in
the audience or in our community that we do
this, and I would like to suggest that we do
develop a task force, and that we bring
together growers and researchers and consumers
and farmers and nail this thing down fast,
like really, let's get together, start next
month, and get this going.

CHAIR MIEDEMA: Colehour.

MR. BONDERA: Yes, I think that
it's possible that what I wanted to say has
already been alluded to at least, which is
that, you know, we did in our meeting last
night directly associate the tetracycline and
the streptomycin, and the time frame that we
chose was specifically related to--agreed
upon, given that we would be able to see not
conclusions, but at least some action on
addressing these issues by that time frame.
Things will have started, not that research
will have been completed or anything like that
necessarily, but action will have gotten
going. And for that reason, I think, you
know, longer time doesn't help do anything
except for say that we don't need to see
action until that time frame, because we're
not looking for one way or another, but we're
looking for some things to be moved on.

CHAIR MIEDEMA: John.

MR. FOSTER: So it sounds like we
had a really long meeting last night, because
there's a lot of references to it, and you'd
be right. It was long, and we're not done
yet. I do, Jay, as we talked about, I've been
writing down some specific steps relative to
work plan items for this next semester or
term, I guess, along these lines. And as I
keep hearing them, we'll add those to the
list. Having said that, I would still be open
to a year extension, because I feel very
confident that the whole community gets the
message.

CHAIR MIEDEMA: I would also add
that for brand new NOSB members, 2014 seems
really far off, but in NOSB time, it's going
to be the blink of an eye that people are
right back in the room. It seems that if a
respectful and firm request was made to the
community to update this Board at each and
every meeting, and that we really did give
folks enough time to work so they weren't
spending all their time terrorized at not
having options, then we could strike a
compromise that would give farmers motivation
to support research, yet not be terrorized at
losing their orchards. Miles.

MR. MCEVOY: Yes, I think that
because of the huge impact of these materials,
and the discussion at the Board that the
program is going to take some action to try to
facilitate more research in this area, we'll
send a letter to ARS Organic Coordinator to
tell them of the importance of this particular
topic, and also to the Organic Research and
Education Initiative to copy both of those
programs to see if we can get some dedicated
research on this as quickly as possible so there can be alternatives developed as quickly as possible.

CHAIR MIEDEMA: Katrina.

MS. HEINZE: I thank the Crops Committee for the discussion. I understand the rationale for the 2014. My concern is the post-infection use; that's an annotation that the public has not had an opportunity to comment on. I got that we've gotten some comment from the people in this room, but as we've heard from all sides of the spectrum, they're not all our public, and I would just urge caution on doing annotations that affect the list without that due process, and that this is the first meeting that we've allowed annotation changes during sunset, and we have to be very cautious, because we do not understand the consequences.

CHAIR MIEDEMA: Lisa, can you please put on the Board the existing listing for streptomycin so we can read that into the
record; then Mac and Nick.

MR. STONE: Madame Chair, Matthew Grieshop, the researcher from Michigan State is in the audience that addressed this for us yesterday; I don't know if maybe he could address the post-infection aspect of this for us.

CHAIR MIEDEMA: I think that's reasonable. Let's look at the existing listing for streptomycin first, and hear from Nick.

MR. MARAVELL: Katrina, would you be willing to support 2014 on streptomycin if we took away pursuant to hearing from the research community post-infection restriction?

MS. HEINZE: While, I would understand your rationale; I did not vote for that on tetracycline; so no, I could not support it on strep. But I do very much understand the rationale. So in spirit, yes I support you, but I couldn't vote for it.

CHAIR MIEDEMA: Why not? Why
can't you vote for it?

MS. HEINZE: I didn't agree with it on tet, so why would I agree with it on strep?

CHAIR MIEDEMA: Okay. I'd like to take another straw poll on how many Board members would be open to striking for post-infection and changing the date to 2015.

MS. HEINZE: Can I take that back? Tet was a petition; this is a sunset. I don't know. Let me think about it.

CHAIR MIEDEMA: Are any Board members interested in making these edits? And you know, there's no--this is not a vote. I saw Steve.

MR. MARAVELL: I could make one, but not the other. Would it help the Board to hear from the research community on the post-infection issue? If it does, I think we should hear from--

CHAIR MIEDEMA: Okay. This needs to be the exception today rather than our
normal course of action. We did spend two
days hearing public testimony. Very quickly
though, Matthew from Michigan, would you be
willing to approach the podium and address the
question of post-infection treatment?

MR. GRIESHOP: I'd like to thank
the Board for giving me a chance to speak for
my growers, and the growers in the Northeast
and Southeast. I have a couple of concerns
with post-infection period as a researcher.
The first would be the definition of post-
infection. So are you talking about after
fire blight symptoms are present? If that's
the case, then it's too late. I mean, the
product has lost its efficacy. If you're
talking about within a limited time after a
computer-predicted infection event, you still
will get some efficacy from streptomycin, but
it will be significantly reduced, and that's
pretty well supported through research, some
of which conducted at Michigan State by my
colleague, George Sundin.
Another concern that I would have, and this would be more along the lines of policy, is just thinking about it from a grower's perspective, and I do a little hobby farming, is that if you tell me that hey, you can apply tetracycline pre-infection, but you can only apply steptomycin post-infection, my logical course of action, if I'm worried about saving my orchard is I'll do both of those things. I'll apply tetracycline pre-infection or infection period, and I'll apply streptomycin post-infection period. So what you'll essentially be doing for the East Coast is potentially doubling application of antibiotics to the orchard. If we can apply streptomycin before infection, there's no reason to apply tetracycline.

CHAIR MIEDEMA: Thank you. Crops Committee, does that answer your questions about potential unintended affects of this annotation change that wasn't floated to the public? Jay.
MR. FELDMAN: The annotation change came to us through the public comment period, so I'm curious as to what--why--what you think of this statement, which came to us from the Organic Tree Fruit Association and the Commissioner--is it the Commissioner of Agriculture? Or the Director of Agriculture from the State of Minnesota. The Organic Tree Fruit Association requests an annotation to the current rule to limit the use of antibiotics to post-infection use only. We would like this limited use to be allowed for--they originally said five years, and they agreed to the 2014 date--while growers learn to use the new protecting products and begin planting the field immune root stocks.

MR. GRIESHOP: Right.

MR. FELDMAN: So is there something different that these Midwest growers are experiencing?

MR. GRIESHOP: Well, the Midwestern growers are using streptomycin, so
their concern is really the streptomycin. They're not using oxytetracycline at this point, except in very rare instances. We have two pockets of resistance in Michigan that are very small, and there are no organic growers there. So I think their focus was on maintaining streptomycin for the next several years at least to preserve their orchards, and my interpretation of when they say infection period, or when they say infection, my interpretation would be a computer-predicted infection period, because again, and I think you've heard this from all sides, once you have fire blight symptoms two or three weeks after an infection period, it's too late.

Yes.

CHAIR MIEDEMA: Yes, this testimony from our public, we need to wrap it up and go back to Committee, go back to Board discussion. One last question for Matthew.

MR. MARAVELL: Yes, this is similar to what we heard yesterday, and the
other issue, I mean the line between what is post-infection is actually a preventative spray, and we sort of heard that yesterday, and I tried to make that somewhat clear without putting words in anybody's mouth. And also the reference to immune root stock I think is probably layman's terms as opposed to research terms, because I'm not sure--and if you correct me--that there is such a thing as root stock which provides immunity to fire blight.

MR. GRIESHOP: May I answer the question? So as I stated yesterday in my testimony, if you think about--when you look--I'll have to get a little sciency, Miss. If you think about an apple tree, it's really two trees. You have root stock, and you have the fruiting one that's grafted on top of that tree. All fruiting woods, with the exception of a transgenic variety developed at Ohio State University, which will never be organic, are not, they are not completely resistant to
fire blight. So the Geneva strains that were developed at New York are resistant to fire blight, but that's just the root stock. So if you have a susceptible on top of that, what essentially will happen is it will kill it, all the way down to the root stock, and you're faced with an even worse problem, because then you need to top graft; when you top graft, you get a lot of vigor, as we discussed yesterday. Vigor sets up a good environment for fire blight, and you know, you're going to cash out, or the farmer will cash out. I don't know if any of you all are apple growers. Does that answer your question sufficiently?

CHAIR MIEDEMA: Thank you.

MR. GRIESHOP: All right. Thank you very much for this opportunity.

CHAIR MIEDEMA: Sure. Okay so a reminder we have a motion on the table, and a second for an annotation change during sunset to streptomycin that has been proposed and was not posted to regulations.gov. Any more
MR. DEMURI: Last night I did vote for the annotation that is before us now, but having heard the researcher and discussion here, I would be willing to agree to removing that part of the annotation, and make that part of the task force to ferret that out. What I said was that I would be willing to remove that part of the annotation for post-infection use, based on what I just heard, and make that part of the process that the task force will examine.

CHAIR MIEDEMA: Nick, I see you nodding your head; are you also open to removing that?

MR. MARAVELL: Yes, the post-infection, because it's so difficult to determine. But I would still like to keep the 2014 and bring that sense of urgency to the grower and the research community.

CHAIR MIEDEMA: Okay, Barry.

MR. FLAMM: To me, this is a key
part of our making a strong step forward and I would have a hard time supporting it at all without this included in it, and I would have to vote against the re-listing of the material.

CHAIR MIEDEMA: I think we need to do a straw poll here, and figure this out. Keep it 2014 and remove post-infection, how many?

MR. FLAMM: Could I--

CHAIR MIEDEMA: Did you have a--

were you still--

MR. FLAMM: I really think we've got a motion on the floor, and I think we ought to vote on that, and if you want an amendment to it, that's the way to proceed, rather than doing a straw vote. I think this is really not proper procedure.

CHAIR MIEDEMA: Sure. That's also okay, and somebody can make that friendly amendment, or propose an amendment. Yes, another motion, sorry. Barry, were you
calling for the question? I didn't hear that in there.

MR. FLAMM: I'll call for the question.

CHAIR MIEDEMA: Any recusals for conflict?

MS. ELLOR: Can I have a clarification?

CHAIR MIEDEMA: Yes.

MS. ELLOR: So what we're voting on now is the motion as it was proposed, post-infection only until 2014. If this motion is defeated, then we'll go on to either make another motion, or to re-list it as it's currently listed; is that correct?

CHAIR MIEDEMA: That's right.

That could be done right now; this motion could be defeated, and another motion put forth. Katrina, could that be done prior to the vote to re-list the material that's listed right now?

MS. HEINZE: I would defer to our
Parliamentarian. Once the question is called, can there be a motion to amend the motion? I know we've done that before. That's not the right wording.

CHAIR MIEDEMA: I was asking a different question. In our sunset change during annotation procedures, we have it set up as a two vote procedure. What I was asking is, could there be an additional proposed annotation change during sunset, prior to the re-listing of the original material?

MS. HEINZE: I don't know, Barry; what do you think? It's--you guys had all the discussion in the Policy Committee.

MR. FLAMM: I believe--and I may be wrong--but if this--if the motion fails that's on the table, and another motion is, I think should follow before we vote on a listing or de-listing. I think that's right.

CHAIR MIEDEMA: Katrina.

MR. FLAMM: If it fails.

MS. HEINZE: I don't disagree with
your conclusion. I think it's probably something that we'll have to clarify as we continue to work through the sunset process. But that seems reasonable to me.

CHAIR MIEDEMA: Okay, so we've heard from our Materials Chair and our Policy Committee chair that it would be appropriate, if this motion fails, to--for another motion to be proposed with a different annotation change for the material. Colehour.

MR. BONDERA: I just--I'm not sure, but it was unclear, and I'm wondering, it seems like the program had some comments on this, and I'd like you to give them a chance to respond to it as well.

CHAIR MIEDEMA: Lisa.

MS. BRINES: Lisa Brines for the Program. So we have had a call for the question, which would end debate and cause a vote for this, the motion that's on the table. However, that call for the question has not yet been seconded. So that--at this point in
time, you don't need to vote until that has
been seconded, and then approved by two-thirds
of the Board.

MR. FELDMAN: Second.

CHAIR MIEDEMA: The motion has
been seconded. Any recusals for conflict?
Okay, hearing none, let's proceed with voting,
and we'll start with Wendy Fulwider. Sure.
There's been a call for a restating of the
motion to alleviate any confusion in the
intervening discussion here. The motion on
the floor--I'm sorry Lisa, you're raising your
hand.

MS. BRINES: Just to clarify, so
the first vote is going to be required two-
thirds vote to end debate, and to allow the
Board the opportunity to vote on this motion.
So, you first need to vote to end debate and
force the vote on the current motion as it's
listed on the screen. So there's two votes;
one to--I'm not sure if that was clear.

CHAIR MIEDEMA: Okay, by calling
for the question, then, the motion on the floor is a motion to end debate. Let's proceed with—and it has been seconded. Let's proceed with voting on the motion to end debate on this annotation change for streptomycin. Wendy, we'll start with you.

MS. FULWIDER: Yes.

MS. ELLOR: Yes, to end the debate.

MR. MARAVELL: Yes.

MR. WALKER: Yes.

MR. FLAMM: Yes.

MR. FELDMAN: Yes.

MR. DEMURI: Yes.

MS. TAYLOR: Yes.

MS. HEINZE: Yes.

MR. STONE: Yes ma'am.

MR. FOSTER: Yes.

MR. BONDERA: Yes.

MR. DICKSON: Yes.

CHAIR MIEDEMA: Yes. We've ended debate, and we will now proceed with voting on
the motion, and I'm going to restate it now. The motion is to change the annotation for the listing of streptomycin to read "as plant disease control, (i)ll, streptomycin for fire blight control in apples and pears for post-infection use, only until October 21, 2014. Voting will start with Tina.

MS. ELLOR: No.
MR. MARAVELL: No.
MR. WALKER: No.
MR. FLAMM: Yes.
MR. FELDMAN: Yes.
MR. DEMURI: No.
MS. TAYLOR: Yes.
MS. HEINZE: No.
MR. STONE: No.
MR. FOSTER: Yes.
MR. BONDERA: Yes.
MR. DICKSON: No.
CHAIR MIEDEMA: No.
MS. FULWIDER: No.
CHAIR MIEDEMA: Five yes, nine no;
motion fails. Crops Committee, would you like
to propose a motion on annotation change
during sunset for streptomycin?

    MR. FOSTER: I don't think it
would be in anyone's best interest for me to
do that at this moment, I'm not clear; so if--

    CHAIR MIEDEMA: It's open for any
member of the NOSB to propose a motion.

    MR. FOSTER: --if another member
could do so, that would be appreciated by--

    MR. MARAVELL: I will make a
motion.

    CHAIR MIEDEMA: Nick, please
proceed.

    MR. MARAVELL: I don't know if I
can read behind my back here. I would make
the motion to re-list--can I just start at
(i), as plant disease control, streptomycin
for fire blight control in apples and pears
only until October 21, 2014.

    MS. ELLOR: And I will second.

    CHAIR MIEDEMA: Any discussion?
Hearing none and seeing none, we'll proceed with voting. Voting will start with Nick Maravell. Oh, is it with Tina?

MR. MARAVELL: Yes.

MR. WALKER: Yes.

MS. TAYLOR: It's unclear to me--

CHAIR MIEDEMA: Please speak up, Ms. Taylor.

MS. TAYLOR: --exactly are we voting on. What are we voting on with this vote?

CHAIR MIEDEMA: We're voting on an annotation change for the material streptomycin; there will still be a vote for the material as is after--yes. Okay, sorry for the interruption. We're going to go ahead and start the voting again, and we're going to start with Nick.

MR. MARAVELL: Yes.

MR. WALKER: Yes.

MR. FLAMM: A very disappointed yes.
MR. FELDMAN: Ditto, yes.

MR. DEMURI: Yes.

MS. TAYLOR: Yes.

MS. HEINZE: No.

MR. STONE: Yes ma'am.

MR. FOSTER: Yes.

MR. BONDERA: Yes.

MR. DICKSON: Yes.

CHAIR MIEDEMA: Yes.

MS. FULWIDER: Yes.

MS. ELLOR: Yes.

CHAIR MIEDEMA: One no; 13 yes; motion carries. As part of our sunset re-listing procedure, we will now proceed with a vote, or with a motion, please, on the existing material streptomycin. Is there a motion from the floor?

MR. FELDMAN: Yes, to re-list on 205.601, Synthetic Substances Allowed for Use in Organic Crop Production, (i) as plant disease control, (10), streptomycin, for fire blight control in apples and pears only.
CHAIR MIEDEMA: Do I hear a second?

MR. BONDERA: Second.

CHAIR MIEDEMA: We have a motion and a second; any discussion? All right, we'll proceed with voting. Reuben.

MR. WALKER: Yes.
MR. FLAMM: No.
MR. FELDMAN: No.
MR. DEMURI: No.
MS. TAYLOR: No.
MS. HEINZE: Yes.
MR. STONE: I'm confused.
MR. MARAVELL: I think there may be some confusion here, Madame Chair.
MR. STONE: I want to continue strepto--

CHAIR MIEDEMA: Time it.

MR. STONE: Okay.

CHAIR MIEDEMA: I need to check in with our Parliamentarian whether we can stop in the middle of voting like this. Lisa, can
we pause for any clarification on voting
procedures?

MS. BRINES: I'm unclear at this
time. I think if it's a clarification
question on what you're voting on, it would be
appropriate to get that clarity.

CHAIR MIEDEMA: Okay. Please
state your question, Mac.

MR. STONE: My question is, if I
vote yes to put streptomycin on the list, it
is with the previous voted annotation; is that
correct?

CHAIR MIEDEMA: I'll let Katrina
Heinze, Materials Chair, weigh in.

MS. HEINZE: So this is part of
our changing annotation during sunset process.
The reason for this second vote is that the
annotation change could be material in the
docket. So the annotation change just passed;
that requires that the Program take that and
work it through. However, it could case a
delay in the sunset docket, so our changing
annotation during the sunset process policy
created a second vote as a back up plan. I
wish we had had this before we voted. If this
motion fails, and they need--they do not have
anything to put in the sunset docket for
strep, and--I don't know. Miles, you
articulated this very well when we had this
clarification at the beginning; perhaps you
could discuss it. This is a back up vote to
give the Program time to get the annotation
through.

CHAIR MIEDEMA: Would any NOSB
members re-cast their vote now that this
clarification has been made? Shall we--I
believe we should vote again now that the
clarification has been made. Is this only
related to clarification of the motion? Yes.
Jay.

MR. FELDMAN: I think Katrina
stated it successfully, that we didn't want to
create disruption by inadvertently passing an
annotation that could not be processed in a
time frame, in a timely way to enable
continuity, right, loss of access. That was
the intent, and I think we're in a very
special situation here, that--

CHAIR MIEDEMA: All right. Let's
--okay. We're going to re-cast votes now that
we have this clarification, and we're going to
start the voting again on the same motion that
is on the table now that--Katrina.

MS. HEINZE: I'm sorry. I just
want to make sure, this is the first time
we've ever worked through this. Before we
start the votes, could you ask if anyone has
any questions.

CHAIR MIEDEMA: Does anyone have
any questions about strictly the clarification
of voting procedures, and not on the motion

MR. BONDERA: For the sake of
clarity, I would appreciate it if we would
allow it to be restated by Miles before we
vote again.
CHAIR MIEDEMA: What do you want restated?

MR. BONDERA: Sorry, the process which Katrina referred to that Miles did refer to earlier about the complexity if—the back up process of the two votes essentially, since this is like you said, the first time we've done this this way, with an annotation change for sunset material.

CHAIR MIEDEMA: Miles, would you be willing to weigh in on this for--

MR. MCEVOY: Yes. Our understanding of your first vote was to re-list streptomycin with the annotation change, so that we would go forward with the sunset 2012, with a proposed rule that would re-list streptomycin with the approved annotation change. This vote would be just to re-list streptomycin without an annotation change, so that if we ran into technical difficulties or other issues during the process of doing the proposed and final rule that we couldn't make
those annotation changes, then streptomycin would be potentially listed if you approved it for re-listing without the annotation changes.

So the first one is to relist it with the annotation change; the second vote that you haven't taken yet would be to re-list with no annotation changes.

CHAIR MIEDEMA: Okay. We're going to go ahead and--Barry.

MR. FLAMM: One more point of clarification to Miles. If it's just a delay and this gets carried forward, I'm not troubled so much by delay, and then that go in effect, and we have a method of continuing use. But if it's something that an annotation doesn't get approved, then that changes it completely for me. You see the difference? If it's just a time delay, and we need--you need more time to get it done, that's one thing. But if it's the situation which it isn't approved and streptomycin just goes back on the list like it is now.
MS. BAILEY: Melissa Bailey, NOP.

So I think what you're asking, Barry, is if—okay, if we did it with the annotation change in sunset, and there was a delay, that we would--are you asking--or would we still pursue the annotation change through a different mechanism, and we'd have to do something else in the sunset docket to address streptomycin; is that the question?

MR. FLAMM: Not exactly. I think if it's just delayed, and it's going to take six months more or even a year more to get through, but this annotation becomes the rule, I'm okay with it. But if it's--if the suggestion is overruled, let's say in OMB, you know, it doesn't get through the process, and it's killed, then I have trouble with just falling back on what we have now.

MR. MCEVOY: Yes, we have to move forward with the sunset docket, so we'll be moving forward with any of the substances that you want to have re-listed, and those that you
want annotation changes would be included in that process. So I'm not sure if I understand your question, Barry.

CHAIR MIEDEMA: Yes. Steve.

MR. DEMURI: I think what he's saying is his concern, and something I thought about too, which is why I voted no, is that if OMB was to kill it, then streptomycin would be back on the list for five years, until the next sunset, unless we petition it, which I think we would have to reserve as an option.

CHAIR MIEDEMA: Katrina.

MS. HEINZE: The other side of that argument is if OMB kills it, and we don't have the second vote, then it comes off the list in 2011. Thank you. So that, I mean that's the crux of what people are voting for, is do you want it off in 2012, or do you want it off in whatever that other date was, five years from then? If the annotation change gets mucked up in rulemaking.

MS. BAILEY: Melissa Bailey, NOP.
So if we move forward the sunset docket with 
the annotation change as voted, and there was 
some problem and had to pull it out, the fate 
of streptomycin would depend on your second 
vote, which as I understand there is a motion 
on the table for. And if the motion failed, 
then at that point streptomycin would come off 
the list. Is that--does that clarify? If the 
motion passes, then we would default to that 
re-listing as it currently stands in the rule 
as part of the sunset.

CHAIR MIEDEMA: Any more questions 
from NOSB? Joe Dickson.

MR. DICKSON: For absolute safety 
here, I just want to confirm with the new 
members of the Board that everyone understands 
this policy and its structure, and any 
questions--I just to confirm with new members 
of the Board that they understand this policy, 
and don't have any remaining questions about 
it.

CHAIR MIEDEMA: All right, we're
going to vote again, then, now that we've had these various clarifications, and Melissa's last statement really summed it up nicely. We have voted on a annotation change during sunset; that is the go forward motion that the Program will be working on. If it fails, then the Program will default to the vote that we're taking right now. And just so you know the effect of the vote that we're about to take right now, a yes vote would reup this material to 2017 as is; a no vote would cause the material to drop off in 2012. Okay. We'll start the voting, and please remind me who we're starting with.

MR. WALKER: Yes.

MR. FLAMM: No.

MR. FELDMAN: No.

MR. DEMURI: Yes.

MS. TAYLOR: No.

MS. HEINZE: Yes.

MR. STONE: Yes.

MR. FOSTER: Yes.
MR. BONDERA: No.

MR. DICKSON: Yes.

CHAIR MIEDEMA: Wendy.

MS. FULWIDER: Yes.

MS. ELLOR: Yes.

MR. MARAVELL: Yes.

CHAIR MIEDEMA: And the Chair votes yes. Four no, 10 yes; motion carries. Crops Committee, the next material up for voting is lignin sulfonate. Do I have a motion?

MR. FOSTER: Let me scroll to that particular document. I have--Lisa, there you go. Thank you. Madam Chairman, I see now that the language is not perfect here. If you'd like I can defer this until later, until I can re-write it. The intent is accurate, but the language is not precise.

CHAIR MIEDEMA: Okay, we'll skip that item and move on to--shall we skip the other lignin sulfonate as well?

MR. FOSTER: No, I believe we can
go through with that. That was not modified
last night.

CHAIR MIEDEMA: Do I have a motion
on lignin sulfonate that's listed as (j)(4) on
our voting sheet?

MR. FOSTER: We do have a motion
to amend the annotation for lignin sulfonate
on 205.601(j)(4), to read "a chelating agent
and dust suppressant."

CHAIR MIEDEMA: Do I have a
second?

MS. ELLOR: I'll second.

CHAIR MIEDEMA: Any discussion?

Tina.

MS. ELLOR: It came up in
Committee that this may be a duplicate
listing, and we couldn't think of any
application, nor did we hear any public
comment that there's actually a use for this
as a floatation agent under the first listing,
as plant or soil amendments. We couldn't
imagine, you know, why the floatation agent
part was in there, and we thought that it was a duplicate listing, so we elected to take it off to try and straighten it out.

CHAIR MIEDEMA: Is that clarification the sole purpose of the annotation change?

MS. ELLOR: That annotation change, yes.

CHAIR MIEDEMA: What was the Crops Committee vote on this material with annotation change?

MR. FOSTER: The vote was five yes and two absent.

CHAIR MIEDEMA: Any more discussion? Katrina.

MS. HEINZE: Did we have any public comment opposing this recommendation?

CHAIR MIEDEMA: Tina.

MS. ELLOR: No, we did not.

CHAIR MIEDEMA: Any further discussion? John.

MR. FOSTER: Just want to point
out that the subsection (j) is Materials for
Use as Plant or Soil Amendments, and so the
specific annotation that includes, in this
particular listing, as a flotation aid, that's
why it appears to be not applicable, so we
opted to get rid of it. Because in the
context of being a plant or soil amendment, it
is not also a flotation aid.

CHAIR MIEDEMA: Any further
discussion? All right, we'll start the
voting. Actually, let me call for any
recusals. Okay. Barry, please start the
voting.

MR. FLAMM: Yes.

MR. FELDMAN: Yes.

MR. DEMURI: Yes.

MS. TAYLOR: Yes.

MS. HEINZE: Yes.

MR. STONE: Yes ma'am.

MR. FOSTER: Yes.

MR. BONDERA: Yes.

MR. DICKSON: Yes.
CHAIR MIEDEMA: Yes.

MS. FULWIDER: Yes.

MS. ELLOR: Yes.

MR. MARAVELL: Yes.

MR. WALKER: Yes.

CHAIR MIEDEMA: 14 yes, zero no; motion carries. Crops Committee, do you have a motion on this material to re-list the existing material as is?

MR. FOSTER: I'm sorry, are we back on--what is the material at question here?

CHAIR MIEDEMA: Lignin sulfonate, (j)(4), and as part of our sunset process, we need to vote on the material as is as well.

MR. FOSTER: Yes, thank you.

CHAIR MIEDEMA: Any motion from the floor on this?

MR. FOSTER: Yes, I have it here. To re-list on 205.601, Synthetic Substances Allowed For Use In Organic Crop Production, (j)(4), as plant or soil amendments, lignin
sulfonate, chelating agent, dust suppressant, flotation agent.

CHAIR MIEDEMA: Do I have a second?

MR. MARAVELL: Second.

CHAIR MIEDEMA: Any discussion? Hearing none, seeing none, let's vote.

MR. FELDMAN: Yes.

MR. DEMURI: Yes.

MS. TAYLOR: Yes.

MS. HEINZE: Yes.

MR. STONE: Yes ma'am.

MR. FOSTER: Yes.

MR. BONDERA: Yes.

MR. DICKSON: Yes.

CHAIR MIEDEMA: Yes.

MS. FULWIDER: Yes.

MS. ELLOR: Yes.

MR. MARAVELL: Yes.

MR. WALKER: Yes.

MR. FLAMM: Yes.

CHAIR MIEDEMA: 14 yes, zero no;
motion carries. Next material on our agenda for voting is magnesium sulfate. Crops Committee, do you have a motion?

MR. FOSTER: Yes. We recommend the re-listing of magnesium sulfate, allowed with a documented soil deficiency as a soil amendment.

MS. ELLOR: I will second.

CHAIR MIEDEMA: Any discussion?

Tina.

MS. ELLOR: This is one that we took back to Committee last night I believe, and changed our original vote from a recommendation to not re-list to a recommendation to re-list, based on information we received during public comment.

CHAIR MIEDEMA: Thank you. Any further discussions? Hearing none and seeing none, let's vote. Steve, we'll start with you.

MR. DEMURI: Yes.

MS. TAYLOR: No.
MS. HEINZE: Yes.

MR. STONE: Yes ma'am.

MR. FOSTER: Yes.

MR. BONDERA: Yes.

MR. DICKSON: Yes.

CHAIR MIEDEMA: Yes.

MS. FULWIDER: Yes.

MS. ELLOR: Yes.

MR. MARAVELL: Yes.

MR. WALKER: Yes.

MR. FLAMM: Yes.

MR. FELDMAN: Yes.

CHAIR MIEDEMA: That's one no, 13 yes; motion carries. Next material on our agenda for voting is ethylene gas. Crops Committee, do you have a motion? Is there a motion I should say?

MR. FOSTER: Yes, to re-list ethylene gas for regulation of pineapple flowering on 605.601(k).--I'm sorry, 205.601(k).

MS. ELLOR: I'll second.
CHAIR MIEDEMA: Any discussion?

Tina.

MS. ELLOR: Sorry. This is something that I subsequently changed my mind on after hearing public testimony. I don't believe we brought it back to Committee last night; I could be wrong, it was really late, but I--okay. Apparently I was sleeping, but I did change my opinion about this material, and would like to see it stay on the list.

CHAIR MIEDEMA: Any further discussion? Jay.

MR. FELDMAN: This is a situation where the material got ahead of the process I believe. Just for the record, I just want to say this. It's--an industry was created around this material, with an approach that is typical of conventional agriculture, which expects uniform ripening and tools of production that are not necessarily good for the environment, but good for the scale of production. We can't grow everything, I don't
believe, under the organic system, with a method of agriculture that is wholly reliant on a tool like this. At that point, we're faced, as John raised early on in this discussion, we're faced with an issue of scale, and whether this product can be grown in this way with this material, and only with this material. We face this, by the way, we face this in other points of history. Alar, some of you may remember way back, very similar kind of thing, a uniform ripening, but it happened to be hazardous, and so hazardous that it didn't even meet the standards in conventional agriculture ultimately.

But in this case, I believe, and many of us believe that it would change the method of production. Yes, it might be a little more labor intensive perhaps; it might not be as efficient an operation perhaps, but it would meet the basic principles of organic production. So, thank you. Add this chemical.
CHAIR MIEDEMA: Thank you, Jay. I think a million pounds of ice per acre or hectare was very significant, not--

MR. FELDMAN: That's only to effect uniform ripening. I'm saying--

CHAIR MIEDEMA: That's right.

MR. FELDMAN: --we can grow this crop without uniform ripening.

CHAIR MIEDEMA: Sure. You know, we would need to change the entire distribution system carrying a pineapple or two at a time, as opposed to filling containers.

MR. FELDMAN: We do it in Haiti for mangoes. It can be done.

CHAIR MIEDEMA: Katrina and then Jennifer.

MS. HEINZE: Just a reminder that our sunset review process says that when new information comes to the Board, that is different, new to information considered by the prior Board, we re-evaluate the listing
and, and when an alternative exists. I think Julie Weisman, a former member of this Board, articulated this very well. It is a longstanding practice and in our policy that we uphold prior decisions of the Board unless there is new information.

CHAIR MIEDEMA: Any further discussion? Nick.

MR. MARAVELL: Well, just in defense of what the Committee did, we did feel we had new information; there were some alternatives; they may not be viable alternatives, and Jay has pointed out to an alternative that is not specific to the pineapple, but from Haiti and mangoes that might be a way to address some of the economic issues. So we did consider some new information; that isn't to say that was enough to not re-list ethylene.

CHAIR MIEDEMA: Jennifer.

MS. TAYLOR: I believe that the consumers and public would not be supportive
of the practice, given the opportunity to know
that it takes place.

CHAIR MIEDEMA: Barry.

MR. FLAMM: Just for the record,
this is what our policy and procedure manual
now says. It was revised, and I think some of
the information is outdated. It says "the
review is conducted on a force of evidence as
presented by Board members, public comments,
and scientific data from other sources. This
includes the original recommendation the Board
lists." The original--that information is
used, but it's not necessarily the determining
factor; all those things are used. And it
goes on to say "the Committee may request
third-party technical reviews," which we have
done in just about every case, and sometimes
we didn't get it.

CHAIR MIEDEMA: Katrina.

MS. HEINZE: I agree. There are
also two Board recommendations on sunset that
supplement what's in the policy manual. My
question for the Crops Committee is did the original Board consider the alternate method, Jay, that you talked about with the non-uniform ripening? Was that considered by the Board as a method, and did they--how was that discussed in their deliberations? Because I'm assuming that that existed as an option then as well. I mean, I don't think that's probably new, right?

MR. FLAMM: When this first got on our work agenda, I went back and looked through the record and the discussions, and one of the issues was a big growers, you know, corporate growers and the small growers, and how this was affecting. And there were some concerns and comments that this method gave advantage to the bigger companies at the disadvantage of smaller. In our testimony, however, I have to say it appears that in terms of the method and bail bill equipment, even small acreage growers do have that available, but--
CHAIR MIEDEMA: What was the changed vote of the Crops Committee last night?

MR. FOSTER: Sorry, I'm looking it up here.

MR. MARAVELL: I have it, Madam Chair, it was four to three in favor of the motion.

MR. FOSTER: Thank you, Nick.

CHAIR MIEDEMA: Any further discussion? Jay.

MR. FELDMAN: If I may just try to answer your question. You know, as you know when you go back and look through the record, you've got to go back to the beginning, and a lot of--when you go back to verify the discussion, sometimes the record's clear, and sometimes it isn't. And part of what we need to do in doing that, and in this case we couldn't find a very clear record, but the question that the Board always has to, I think, force of evidence issue, the Board
always has to question whether what was done
previously is in compliance with the Act and
so forth. And ripening agents are really not,
you know, in the Act. So it's borderline to
begin with, and I guess what I'm trying to say
is the record isn't clear enough to make a
judgment as to whether all the considerations
that we would now today consider and document,
as a part of our process, was actually done at
that point.

CHAIR MIEDEMA: Tina.

MS. ELLOR: This is not completely
off topic, but in further discussion about
this material itself, we heard from people who
work with a lot of farmers, large and small,
who have developed farms and built up an
economy around, you know, pineapple production
and what their take on it is, is that this
would affect a lot of farmers pretty
profoundly if we let this drop off the list,
and I really do take that into very serious
consideration.
CHAIR MIEDEMA: John.

MR. FOSTER: I'm sorry, I can't find it at the tip of my fingers here, but I'm wondering if anyone remembers reading what the original NOSB vote was for this material? When it was first voted on, the list what the voting was? I just can't remember.

CHAIR MIEDEMA: Colehour.

MR. BONDERA: I just would like to put forth a potential conflict of interest, since I do grow pineapples, and I don't use ethylene gas as a flower induction. Just to put that out there.

CHAIR MIEDEMA: Yes, Nick.

MR. MARAVELL: Just for the information of the other Board members, we sort of verify that this is primarily an issue that affects the import market into the United States, so the farmers we're referring to here are not in the United States.

CHAIR MIEDEMA: Colehour.

MR. MARAVELL: Well, the ones
we're referring to who are using the ethylene
gas predominately. Okay, I could be wrong.
Colehour, please correct me.

   MR. BONDERA: All--I would say,
I'm not going to give a percentage, but
pineapples that are sought for uniform
ripening in all areas, including Hawaii, and
I cannot comment on California production, but
I'm sure in areas of California, when
transportation is the rationale for the
process of being able to bulk move them
around, it is used. And it isn't necessarily,
just like in these other examples, at one
scale or another. Everyone in Costa Rica is
growing all of those pineapples for export, no
matter which size their farm is, because they
are all contractors of the distributor. It's
not--they're not making the choices, they're
following the lead of their contract, which is
only a very small piece of the large contract.
So it's all the farms added together adds up
to one large container to be shipped. So that
is how it works, and it does -- there still is at least one producer in Hawaii that does use ethylene gas for flower induction.

CHAIR MIEDEMA: Maker of the motion, will you please restate the motion?

MR. FOSTER: Yes. The motion is to re-list ethylene gas for regulation of pineapple flowering on 205.601(k).

CHAIR MIEDEMA: It's been moved and seconded, any further discussion? Hearing none and seeing none, any recusals for conflict? Okay, we will start the voting with Jennifer.

MS. TAYLOR: No.

MS. HEINZE: Yes.

MR. STONE: Yes ma'am.

MR. FOSTER: Yes.

MR. BONDERA: No.

MR. DICKSON: Yes.

CHAIR MIEDEMA: Yes.

MS. FULWIDER: Yes.

MS. ELLOR: Yes.
MR. MARAVELL: Yes.

MR. WALKER: Yes.

MR. FLAMM: No.

MR. FELDMAN: No.

MR. DEMURI: Yes.

CHAIR MIEDEMA: 10 yes, 4 no, motion carries. Crops Committee, next up on our agenda today is sodium silicate. Do I have a motion?

MR. FOSTER: Yes. The motion is to re-list sodium silicate for tree fruit and fiber processing on 205.601(l)(2).

CHAIR MIEDEMA: Do I have a second?

MR. DEMURI: I'll second.

CHAIR MIEDEMA: It's been moved and seconded, any discussion? Tina.

MS. ELLOR: This is also a material where we received information from public comment that we did not have before that had to do with--we as a Crops Committee had seen lignin sulfonate and sodium silicate.
as equivalent materials, when in fact sodium silicate--lignin sulfonate is incompatible with any chlorine washes, and sodium silicate is compatible with chlorine, so they're not exactly equivalent. So we did bring this back and change some votes within the Committee.

CHAIR MIEDEMA: Any further discussion on sodium silicate? Katrina.

MS. HEINZE: What was the new vote?

MR. FOSTER: The new vote was seven in favor, and zero not in favor.

CHAIR MIEDEMA: Any further discussion? Hearing none and seeing none, we'll proceed with voting. Katrina.

MS. HEINZE: Yes.

MR. STONE: Yes ma'am.

MR. FOSTER: Yes.

MR. BONDERA: Madam Chair, I request--I'd like to abstain and request that you come back around to me, please.

CHAIR MIEDEMA: I can't come back
around, but you're welcome to abstain. What
is your vote, Colehour?

MR. BONDERA: Very good, I will
abstain.

MR. DICKSON: Yes.
CHAIR MIEDEMA: Yes.
MS. FULWIDER: Yes.
MS. ELLOR: Yes.
MR. MARAVELL: Yes.
MR. WALKER: Yes.
MR. FLAMM: Yes.
MR. FELDMAN: Yes.
MR. DEMURI: Yes.
MS. TAYLOR: Yes.
CHAIR MIEDEMA: That's 13 yes, one
abstention, motion carries. Crops Committee,
we'll return to an item that we--a motion that
we tabled for tetracycline. Would you like to
restate the motion with the clarification?

MR. FOSTER: Yes, I would. The
motion is to change the annotation--let's see,
I'm sorry, we're on petition. To adopt the
petition to amend the listing for tetracycline, removing the expiration date of October 21, 2012, and be annotated as follows:

205.601, Synthetic Substances Allowed For Use in Organic Crop Production, (i), as plant disease control, (11), it should read--I'm sorry, (12) it should read, (12), yes, for fire blight control in apples and pears, only until October 21, 2014.

CHAIR MIEDEMA: Do I have a second?

MS. ELLOR: I'll second.

CHAIR MIEDEMA: Any discussion? Katrina.

MS. HEINZE: Could just give Lisa a chance to catch up so that what we're looking at matches what we're voting on? That would be helpful, I think.

CHAIR MIEDEMA: This would be an annotation change during sunset, so it's--

MR. MCEVOY: It's a petition.

CHAIR MIEDEMA: Sorry. This is a
petition, so we do not need to do the two-step process on this. My apologies. Okay, we have a motion and a second, any further discussion? Jay.

MR. FELDMAN: Okay. Just to reiterate here, I--it's very difficult for me to vote for this without some more clarity around what we're going to do as a Board to expedite the coming together of the community, growers, researchers, root stock and varietal development people, those involved with alternative treatments, consumers, et cetera, in an expedited fashion so that we can get a report back--encourage the development of a--the coming together of a group and the reporting to this Board on progress that's being made. So Madam Chair, I don't know how we accomplish that, but without some sense of the Board that that's what we would like--want to see, it's hard for me to vote for this.

So I would like to try, and I think that is in line with our discussion last
night in the Committee, I believe. I don't
I'm misrepresenting that. So I'm hoping we
can find a way, like we've taken straw votes
or polls, or get a sense of the Board here if
there's any objection, whatever method you
would choose to use, to get a sense that that
is indeed what the Board would like to see.

CHAIR MIEDEMA: Okay. I'd like to
reply, since you had directed that question to
me. Since you are making your intent clear,
granted it's a soft intent, it is now in the
transcript that any affirmative vote that you
make is predicated on industry action and task
force activity and really moving toward non-
antibiotic alternatives. Without building a
separate recommendation that comes before this
Board, it's only those types of soft measures
that we could put on the record at this point.

MR. FELDMAN: We could get a sense
of the Board, if you chose to.

CHAIR MIEDEMA: Sure, sure. And
you're welcome to take that kind of poll too,
if you'd like.

MR. FELDMAN: Thank you, I would like to do that. But maybe at the end of our conversation, so people may have more information, John?

CHAIR MIEDEMA: Tina, you had your hand raised.

MS. ELLOR: Also, Miles made it clear that he's going to be forwarding this request to the, you know, his governmental community to aid us in this process, so I think it would be a good thing to make that intention clear.

CHAIR MIEDEMA: John.

MR. FOSTER: Barry, I think--sorry, Jay, I think you characterized the discussion last night right on the money, that there's a very significant, as with streptomycin, a significant need on the part of certainly the Crops Committee to see progress in a demonstrable way in fairly short order, and I would expect as similar to
streptomycin, I think it would make sense to
kind of bundle our discussion through the next
term about what specific measures we'd like to
see. I don't see any reason why we wouldn't
put that in the form of a recommendation of
some sort for the next meeting, along the
lines that we talked about. That, for
example, optimizing use of resistant root
stocks, or cultivars, using other chemical
controls when warranted, and also more
cultural practices like spacing, thinning and
so on. I think we can get down in the weeds
as it were on that, and can commit to that and
moving that forward in lock step, hopefully
with the Program.

CHAIR MIEDEMA: Jennifer.

MS. TAYLOR: And are those changes
that we could also see reflected in the
organic system plan that the growers have to
turn in on a yearly, annual basis, where we
can see them start addressing the changes that
need to take place?
CHAIR MIEDEMA: That would be outside the scope of this Board's purview, that would be an enforcement issue, unless we were to write a guidance document as a follow up work plan item. Jay.

MR. FELDMAN: John, I think you said it perfectly. I would--the only thing I'd add to that is we would like to get some sort of report from a body that, you know, obviously this could be done in different ways. A body that convenes to address this, and if you think it's appropriate, having followed up on the Committee work, if we could ask the Board as to whether there's any objection around the table to that, then we could go back to the Committee with clear guidance from the Board to help make that happen.

CHAIR MIEDEMA: John.

MR. FOSTER: I don't know quite what the question was, but I'm guessing something like, does anyone have objection if
we put that on the Crops Committee work plan
to take a deeper dive on specific movement
that we feel should be made in short order?
Is that acceptable? Any objections?

CHAIR MIEDEMA: Okay, any further
discussion? I didn't hear any objections.
All right. Hearing none and seeing none,
let's move forward with voting. Mac.

MR. STONE: Yes ma'am.

MR. FOSTER: Yes.

MR. BONDERA: Yes.

MR. DICKSON: Yes.

CHAIR MIEDEMA: Yes.

MS. FULWIDER: Yes.

MS. ELLOR: Yes.

MR. MARAVELL: Yes.

MR. WALKER: Yes.

MR. FLAMM: Yes.

MR. FELDMAN: Yes.

MR. DEMURI: Yes.

MS. TAYLOR: No.

MS. HEINZE: Yes.
CHAIR MIEDEMA: 13 yes, one no, motion carries. Crops Committee, the next material on our agenda for voting today is sodium nitrate, as part of the sunset 2012 for 205.602. May I have a motion?

MR. FOSTER: Might I ask that we go back to the lignin sulfonate, the one we skipped, first? Is that all right?

CHAIR MIEDEMA: That'd be fine.

MR. FOSTER: Lisa A., I'd sent--I just sent you some revised language. Thank you for anticipating my next need. Madam Chair, we do have a motion to re-list lignin sulfonate on 205.601(1), (l)(1), as floating agents in post harvest handling, lignin sulfonate.

MR. DEMURI: I'll second.

CHAIR MIEDEMA: It's been moved and seconded, any discussion? Katrina.

MS. HEINZE: Is this a change from the recommendation that had an annotation change? So we're doing a--the Committee has
pulled their annotation change recommendation, is that correct?

MR. FOSTER: Yes.

MS. HEINZE: Thank you for clarifying.

CHAIR MIEDEMA: What was the Committee vote on the straight re-listing of this material?

MR. FOSTER: It was seven yes and zero no.

CHAIR MIEDEMA: Any further discussion? Hearing none and seeing none, let's proceed. John Foster, please begin.

MR. FOSTER: Yes.

MR. BONDERA: Yes.

MR. DICKSON: Yes.

CHAIR MIEDEMA: Yes.

MS. FULWIDER: Yes.

MR. MARAVELL: Yes.

MR. WALKER: Yes.

MR. FLAMM: Yes.

MR. FELDMAN: Yes.
MR. DEMURI: Yes.

MS. TAYLOR: Yes.

MS. HEINZE: Yes.

MR. STONE: Yes ma'am.

CHAIR MIEDEMA: 13 yes, one absent, motion carries. Crops Committee, the next material on our agenda for voting is Sunset 2012 materials, sodium nitrate, and then corn steep liquor. We'll begin with sodium nitrate. May I have a motion?

MR. FOSTER: The motion is to re-list sodium nitrate on 205.602(g), without annotation. And Madam Chair, may I ask when it's appropriate to discuss potential disclosure of interests?

CHAIR MIEDEMA: That'll be just before voting. Do I hear a second?

MR. DEMURI: Second.

CHAIR MIEDEMA: Discussion? Mac.

MR. STONE: So for clarity, because of where it is on the list, if we re-list without annotation means it will come off
the list, is that correct?

MR. FOSTER: No, that’s not correct. What it means is that the allowance that's currently in place for up to 20% of nitrogen need will no longer be an allowance. The material will be prohibited without exception.

MR. STONE: The end result is the same?

CHAIR MIEDEMA: Can Crops Committee Chair John Foster, just so we're perfectly clear here then, the Crops Committee is proposing an annotation change that would prevent any further exemptions of the 20% use of this material, and this is an annotation change during sunset?

MR. FOSTER: That is correct.

CHAIR MIEDEMA: Okay. And so the second vote on this material would be to re-list with the current annotation, which would preserve the 20% exemption?

MR. FOSTER: That is also correct.
CHAIR MIEDEMA: Any discussion?

Any recusals for conflict? John Foster.

MR. FOSTER: Yes, I'm going to recuse myself.

CHAIR MIEDEMA: I'm also going to recuse myself. Any further discussion? If I were to vote on this material, I would have voted to preserve the exemption of the 20% use. Any further discussion? Katrina.

MS. HEINZE: This feels like a very material vote for industry, I'm concerned we're not having any discussion about it. This is not my area of expertise. If at least someone could summarize the arguments on both sides. This just feels like something that we need to make sure that has been due deliberation before we make a decision, and we need some discussion on the record.

CHAIR MIEDEMA: Why did the Committee vote the way they did? Do we have any sentiment there? John Foster.

MR. FOSTER: I think once I've
recused myself, I probably shouldn't navigate that. Tina, would you mind walking us through, as Vice Chair of Crops, would you mind walking us through?

CHAIR MIEDEMA: Procedurally, John, there's no conflict in discussing this material, but you're welcome to take whatever action you want. Tina.

MS. ELLOR: I can speak for myself, and perhaps other Committee members could speak as well, but this is a prohibited natural. We did get, you know, information, extensive information on mining practices, usage, I think there was a general consensus that this is often used as a substitute for soil building as a little bit of a shortcut, and I think that was the -- that was my general feeling, and why I voted for this dropping of the annotation.

CHAIR MIEDEMA: Mac.

MR. STONE: A simple statement, I guess. It's quite problematic for certifiers
in the audit trail process of verification of the 20% of input nitrogen.

CHAIR MIEDEMA: Katrina.

MS. HEINZE: What was the new information, since the Board listed this, that came up, besides the--I get there's the request from the NOP, but new technical information? And then the sense I got, and I haven't done a tally, is that we got quite a bit of public comment that said that our farmers still need this. And so if someone could address that for me, to help me understand this issue, that would be helpful.

CHAIR MIEDEMA: Tina.

MS. ELLOR: There was a new, actually I think a TAP that we found very, very helpful in looking at this material, and especially surrounding practices and alternatives, and you know, a lot of information on where it comes from, and you know. So I think in reviewing the technical--the new technical material, we felt that we
had sufficient new information to take a
pretty good, clear look at this, and we
decided not to look at it specifically through
harmonization with other standards, because
we're reviewing materials for use under the
National Organic Program, so we chose not to
do this separately outside of sunset.

    CHAIR MIEDEMA: Mac.

    MR. STONE: As a new Board member,
I would like to say that I've heard several
comments of being careful to take tools away
from farmers.

    CHAIR MIEDEMA: Procedurally, what
would be the impact of both motions carrying?
The first motion that re-lists the material
without the annotation, and a second vote that
also was affirmative? I think we should know
in advance what would happen.

    MS. HEINZE: Perhaps the Program
could work through a very lucid explanation,
like they did on streptomycin, which says, you
know, if the annotation passes, then this--
that was just very helpful, so perhaps they
could answer that. My second question was the
public comment we received, if this annotation
passes, which would prohibit use of sodium
nitrate, what would be the impact to farmers?
Because I feel that a lot of people stood up
and said that they need this material. So I'm
just trying to understand that.

CHAIR MIEDEMA: The impact that we
heard about, one of them was when the soil
temperature dips below 60 degrees in certain
areas of the country, that large amounts of
organic acreage would be less productive in
terms of quality and yield.

MR. MCEVOY: Our understanding
would be with the first recommendation to re-
list sodium nitrate without the annotation, it
would mean that in the proposed Sunset 2012
docket, we would propose to re-list sodium
nitrate without the annotation, and then
sodium nitrate would no longer be able to be
used in organic crop production. The second
recommendation would be to re-list with the annotation, which would continue the allowance of sodium nitrate at 20% of the total nitrogen needs of the crop. So we would need clarification from the Board, if you pass both recommendations, which one trumps the other?

CHAIR MIEDEMA: Katrina.

MS. HEINZE: Remember this is part of the changing annotations during sunset, so just like we did for strep, if the annotation change passes, but the re-list fails, this is the timing of your docket question. Melissa, we're glad to have you back. You did a very good job explaining this to us for strep, we need help on sodium nitrate, of the implications of the second vote. Sorry to put you on the spot. Maybe Jay, have you thought about this?

MS. BAILEY: Let me--Melissa Bailey, NOP. Let me answer, assuming I know the question. Okay, so if the annotation--we'll take it in two parts. So first, the
annotation vote. If the annotation—oh wait a minute, this is—okay, so you're changing the existing annotation, you're removing it, so that's the annotation change, correct?

Okay. So, if that motion passes, that's what we would move forward in the Sunset 2012 docket with. If there were an issue for whatever reason, we would turn to the second vote, so it is to re-list as is, with the 20% limitation. If the motion fails, then it falls off the prohibited list, and therefore, sodium nitrate would be allowed with no restriction.

MS. HEINZE: Then if the second—the motion to relist with the current annotation fails, right. So the second one really needs to pass to keep it on the prohibited list, correct? Is that—I see Jay nodding his head.

CHAIR MIEDEMA: Yes.

MS. HEINZE: Can you confirm that, Jay?
MR. FELDMAN: Yes, because the effect is if it got hung up somehow, then it could return as an unregulated natural, theoretically.

CHAIR MIEDEMA: This seems like an important vote to get a sense of what the sentiment of the Board is on that second vote. Yes. I haven't heard anyone in the organic community suggest a wide open door for sodium nitrate, not a soul. So, we should make sure that's where this Board is at before we vote on the annotation change. Is there any Board member that's wanting to vote no on the second vote in this two-step process? Okay. Thank you. Any further discussion on sodium nitrate and the annotation change to remove the exemption, which effectively removes sodium nitrate from organic production systems? Hearing none and seeing none, we're proceed with the first of--this vote. Colehour?

MR. BONDERA: Yes.

MR. DICKSON: Yes.
MS. FULWIDER: Yes.

MS. ELLOR: Yes.

MR. MARAVELL: Yes.

MR. WALKER: Yes.

MR. FLAMM: Yes.

MR. FELDMAN: Yes.

MR. DEMURI: No.

MS. TAYLOR: Yes.

MS. HEINZE: No.

MR. STONE: Yes.

MR. FOSTER: Recusal.

CHAIR MIEDEMA: And the Chair recuse. Two no, two recusal, 10 yes, and the motion carries. Crops Committee, do you have a motion on the existing material, sodium nitrate?

MR. FOSTER: Yes. The motion is to re-list sodium nitrate on 205.602(g), unless use is restricted to no more than 20% of the crop's total nitrogen requirement.

CHAIR MIEDEMA: Do I have a second?
MS. HEINZE: Second.

MR. DEMURI: Second.

CHAIR MIEDEMA: Okay. Katrina seconded, just a reminder that the basis on which the two-thirds majority will be calculated will be 12 votes, since there will be two recusals. That means we need at least eight yes votes to carry this motion that we spoke about a few minutes ago as being very important to carry. Any further discussion?

Okay.

MR. DICKSON: Yes.

MS. FULWIDER: Yes.

MS. ELLOR: Yes.

MR. MARAVELL: Yes.

MR. WALKER: Yes.

MR. FELDMAN: Yes.

MR. DEMURI: Yes.

MR. FLAMM: Yes.

MS. TAYLOR: Yes.

MS. HEINZE: Yes.

MR. STONE: Yes, ma'am.
MR. FOSTER: Recuse.

MR. BONDERA: Yes.

CHAIR MIEDEMA: And the Chair recuses. Two recusals, 12 yes, motion carries. The next item up for voting on our agenda is corn steep liquor. Board members, let's have some stamina if we all can and get through this, the docket of crops materials before we go to lunch. Do I have a motion on corn steep liquor?

MR. FOSTER: Yes, the motion is to consider corn steep liquor to be non-synthetic when produced via the traditional countercurrent corn wet milling process only.

CHAIR MIEDEMA: Do I have a second?

MR. DEMURI: Second.

CHAIR MIEDEMA: It's been moved and seconded, any discussion? Any further discussion? Okay. Any recusals for conflict of interest? John.

MR. FOSTER: I will be, yes,
recuse.

CHAIR MIEDEMA: Okay. Katrina.

MS. HEINZE: No discussion? We

had virtually no discussion--

CHAIR MIEDEMA: Sorry.

MS. HEINZE: --on this.

CHAIR MIEDEMA: Yes, I called for

it a couple of times, I'll call one more time. Any

The Chair also recuses on this one. Any

further discussion on the non-synthetic
determination of corn steep liquor when
produced via the traditional countercurrent
corn wet milling process?

MS. HEINZE: Jay had his hand up,

he can go first.

MR. FELDMAN: I want to ask you

what did you want to talk about?

MS. HEINZE: Gee. We have five

new members, we spent hours at our last

meeting discussing this, we've had a ton of

public comment. I just think our public

deserves getting both sides out, so it's out
on the table. We heard a lot of public
comments from former members that that's our
duty. That's my point. And I'm feeling a
little bit of a burden as the Materials Chair,
because I went through and tried to argue on
both sides, but there's strong opinions on
this Board, and it deserves to be out for our
public.

MR. FELDMAN: Having been the
advocate for voting this as a synthetic, it's
clear that the record is very deep on this
issue. I mean, there's--I don't think anyone
could suggest that we haven't discussed this,
and we did have a full discussion the other
day. We did get some additional comments that
we haven't discussed, yes, we did get
yesterday. So all I can say is that my own
personal opinions have become stronger, and I
have tried, as you know, I was involved with
writing the minority opinion, to capture that
on a number of different levels.

First and foremost, what our duty
is under the law, under the statute. We all know we have a responsibility to evaluate synthetic non-synthetic. And then the other duty we have is to follow the Board policy. As you know, I think there are imperfections in the chemical change policy, but that is the policy, and we should be true to that policy. I think when you work--although we don't have a formal decision tree, when we put it through a decision tree on the minority side, we found that, you know, all of the characteristics that were needed to identify chemical change associated with the introduction of a synthetic material, chemical change caused by a synthetic material, were there. That, you know, we saw breaking the disulfide bonds, equal covalent bonds, we saw the breaking of the protein matrix, we saw changes in functionality, and we saw the formation of new chemicals.

I mean, these are all the elements in the--when you go through a decision tree.
So our--the major--as I said the other day, the major task I felt that we needed to accomplish over these many months since the last Board meeting was to seek somehow "independent", I mean obviously you can always challenge a scientist's independence, we know that. But try to seek independent scientific assessment of the various pieces of information that we've received, that the Board has received. We did that. We looked around the scientific literature for experts in the corn wet milling process as it exists in the commercial sector, whether it's Corn Products U.S. or it's ADM or whoever it is, we asked the questions to get verifications on claims that were made to the Board, and we brought that back to the Committee, and the Committee heard it, and the Committee deliberated on it.

You know, one of the things that is always difficult in something like this is the conflicting science, and where the science
is coming from. You don't want to impugn anyone's reputation, because I think all the people involved in this debate are honorable people who are trying to do the right thing. I said earlier we're a community, we have different viewpoints in the community, but I think we're all after the same thing. My goal in looking at this as closely as I have is to set in stone the ability and the responsibility of this Board to carry out its statutory duty to evaluate materials. And if we make the wrong move on this, there may be a whole bunch of materials that--I'm not saying whether we want them or not, but there will be a whole bunch of materials that we, in the long term, maybe not in the short term, but in the long term, will not review for conformance with the underlying principles of the Organic Foods Production Act. So that's why many in our community have called this a foundational issue, and so I want that ability to review.
I voted for a lot of synthetics today. I may not have voted for every synthetic that everybody in our community would have wanted me to, but I voted for a lot of synthetics. And I did that in accordance with the standards of the law. I don't want to give up that ability. I don't want this Board in any -- whether we're talking about accessory nutrients or we're talking about materials that we use as inputs, I think that's our responsibility. That's why we're here. And I know it's a balancing act, I know it's tough and I know it may increase the workload. I know you're concerned about that, and believe me, after being here a year, I'm with you on that one, I really am.

We are going to be the mainstream agriculture in this country. We are going to be that, so we've got to recognize what the job is to keep this thing credible, with an incredible amount of trust and belief that this Board is doing what it needs to do, and
we need a hell of a lot more resources to do that, because the kind of reviews we're going through do not happen on the conventional side. I know some of the companies are involved on both sides of the fence here. But in my experience of 30 years, this is a beautiful thing what's happening around this table, even though it's painful sometimes. This is a beautiful thing. And it's -- we need to take on that challenge in a way that gives us the ability to go through these things, even though it's a mountain of stuff. We're going to figure it out, we're going to get the resources, and long term, we're not going to be -- we've already grown to what is a $50 billion industry, one, two percent of agriculture, 30 years ago we were told this was not a commercially viable form of production in this country.

So, I don't think we need to worry about the outcome of this decision. I think we cannot be married to the outcome, we have
to, in your best judgment, look at the
science, look at what AMRI has said, they are
a trusted institution as I said the other day.
They are unequivocal on this issue of it being
synthetic, sorry. Boy, I would hate to give
that whole speech and then say this is a non-
synthetic. So they're unequivocal on this
being synthetic, and then just, you know, go
with your gut and what feels right. But
please don't make your decision based on what
you think the outcome will be, because then
you're going to be -- find yourselves,
especially to the new Board members, you're
going to find yourself down the road
conflicted over the principles that we have to
leave as a legacy for organic. That's what
you're doing here on this Board. You are
creating a legacy for the future of a trusted
form of agriculture unlike anything else we've
seen in this country.

So, use the information that way,
don't be cowered or don't be frightened by the
fact that we may increase the workload or
that. So, when you come back -- I'm
concluding -- when you come back to the
science, I think the science is clear. All
the data that we've heard is an evaluation of
the commercial countercurrent process. It is
-- the bottom line, it is the sulfur dioxide
that breaks the bonds, this would not happen
as a truly biological process by itself. Yes,
there is biological activity going on in that
corn wet milling steeping process, but it
doesn't happen, unfortunately. The other
thing to keep in mind down the road is we,
with this action, we will encourage, I
guarantee it, we will encourage the
development long term of a non-synthetic corn
wet milling process. It's available, it's
there, and one of the great things we're doing
on this Board is creating incentives to move
in the direction of the true definition of
organic. Thank you.

CHAIR MIEDEMA: I'd like to hear
from some others as well. Katrina.

MS. HEINZE: Thank you so much, Jay, for putting that on the record. That--I very much appreciate it. I'm going to try as hard as I can to divide my comments into two pieces. So as a scientist rep on this Board, what I have tried to do over the last couple of days is to go through all the public comment and the TR and identify areas where I think various technical experts have agreed, and areas where they have disagreed. Jay, if you could help me, if I missed something, or in my summary I did not do that correctly, please correct me.

CHAIR MIEDEMA: I want to--I'm going to want to just make sure that enough people get turns. I'll need to recognize him. Thanks.

MS. HEINZE: Okay. Just so everyone understands where the science is on this, and then perhaps other people could comment, and then I'll make my personal
comments after that.

So just a reminder, and Jay referred us to this earlier as well, that our classification document, which has been approved by this--a prior Board, says that a material is synthetic if it is chemically changed by the process, with a chemical change being defined as a change in identity of the substance, and then it says a substance is something that has a unique identity, and it has some descriptors for that. We can pull it up if that would help people in their decision-making process. Or, if there is a significant amount of a synthetic input used in the process.

So it appears--so there's a couple of things. We all know corn is an input, sulfur dioxide is an input. It appears that all the technical experts agree that the sulfur dioxide is used to stop fermentation; we've heard varying testimony on whether it also functions to break disulfide bonds, so
some of the technical experts said yes; some said no. Okay then, so that's--could be material to your decision on chemical change. Then with regards to the residue level, a couple of public comments referred to a paper, Dufresne et al, Journal of Dairy Science 2002, which listed a residue level of 1.9%; that was actually the sulfur level. So other technical experts listed residue levels between .009 and .015% of the sulfur dioxide itself. That was Liggett and Koffler.

Then our third scientific source, which is Richard Theur, says that the sulfur dioxide is present at less than two percent of the original. So the conclusion there would be that there are some varying perspectives on how much residue is left, so it's somewhere between less than two percent and those small percentages. Okay, I think that's all I have on the science piece. If people want to ask me questions on that, and I'll reserve my personal comments for when you're ready, Madam
CHAIR MIEDEMA: Go ahead.

MS. HEINZE: So some personal comments. The duty we have as a Board on classification is to resolve the materials that the rest of our community have not been able to resolve. I could not agree more with Jay; it is a very important task. It is an ultimate duty that we have.

So as I looked at the record last night, OMRI did classify this, it's a material that has been widely used; they were asked to classify it; their advisory board classified it with I believe a mixed vote, if I remember the record correctly, but classified it as synthetic. They were questioned on that, and so asked that it be brought to this Board. So really what they said is hey, there's differences of opinion on this, and we would like for Board to weigh in.

It is one of the hardest materials--so I'm seeing Lindsey shaking her
head, that's maybe not exactly, but somehow through the process, someone said there are differences of opinion, and the Board is being asked to look at this. So I apologize, Lindsey for--so we are the final arbiter on that.

You know science is not black and white. I know everyone wants science to give you an answer yes or no; it really doesn't. Science is based on the preponderance of evidence, and the weighing of evidence, and often requires quite a bit of vigorous debate. So I'm happy with the process that we've had.

And then I want to speak a little bit about residue levels. I guess just that I think people need to dig in and really say how much is too little, you know the Richard Theur and the Liggett and Koffler amounts are part per million ranges, like 10 part per million, and I understand that there is varying opinions on the impact of that, but think long and hard about the implications of
your decision. I can go find 10--our analytical methods are quite good, so understand that.

And then my final point is with regards to disulfide bonds. So there is--we have varying scientific opinions on whether disulfide bonds are broken, and you know, I'm not exactly sure what's happening in that little pot, big pot, so I'll give you that disulfide bonds are broken, but oh my gosh, that happens all the time in nature. And so I went out and looked and said okay, where's that happening. So if any of you are bread bakers, you take wheat, it's got gluten. What happens during proofing is that you're breaking and reforming disulfide bonds. Those proteins are reorienting, they're breaking, they're stretching. That is disulfide bond breaking and reforming, which, if you go with the person who said disulfide bonds are breaking, I'm not so sure from a consumer perception that they think that bread proofing
is chemical change.

And ultimately, my perspective is that as the Board over the last 20 plus years has looked at chemical change, they've had to weigh what a chemist thinks chemical change is. So chemical change happens all around us all the time. If you ask a chemist, which I know the Crops Committee did, a chemist, a scientist is going to say chemical change happens all the time. I'm not sure a consumer understands that.

A consumer doesn't necessarily think of their egg cooking, their bread baking as chemical change, and that's what we as a Board have to weigh. So I would ask you to view, as you weigh this very difficult decision, that you think that through.

CHAIR MIEDEMA: Tina.

MS. ELLOR: This has been an incredible journey, and boy, I've learned so much, and I started out through this process thinking no, of course it's not synthetic,
it's a food processing waste, and we can't take food processing wastes out of organic agriculture. And having gone through the process and learned so much about corn steeping processes, corn wet milling, both in the laboratory and outside of the laboratory, and having two very highly qualified scientists and a number of stakeholders as well weighing in on this, I've come back around to say that I just can't consider this particular food processing waste as synthetic.

I just don't see it that way, and we've gone into all the detail about where the bonds are broken, and how the bonds are broken, and residue in the final food processing waste. But when it comes right down to it, I still see this as a pretty basic food processing waste, and I don't see that in the applications that it's used, that it's causing a significant or even, you know, not even any harm to the systems to which it's applied.
So you know, I just think about this, and I think of all the other food processing wastes that are used to make composts in organic agriculture, and I just can't see this one, you know, amongst all the others, as synthetic.

CHAIR MIEDEMA: Steve.

MR. DEMURI: Tina pretty much took the words right out of my mouth. I'm of the same mind set that Tina is; I just can't see it as synthetic either. I recognize the science on both sides; everybody's got great viewpoints, but that's just the way that I have settled on it, and we've discussed this now for a couple of meetings at great length, and I would ask the new members if you have any questions, this would be a good time to ask those, rather than us keep discussing this all afternoon. If you have any questions, specific questions, it would be a good time to ask them.

CHAIR MIEDEMA: Mac.
MR. STONE: So Jay, you said something a few minutes ago, but I ask that if we determine this to be a non-synthetic, what is the effect that has on other products that might be brought before the Board?

CHAIR MIEDEMA: Yes, that's a question for the Materials Chair, really, talking about what precedent-setting kinds of activities happen from voting one material or another.

MS. HEINZE: Does that mean you want me to talk?

CHAIR MIEDEMA: Sure.

MS. HEINZE: Okay. You know on this one, I'm not--I get there's huge implications for our community; I'm not sure it's precedent-setting.

This material is exactly the kind of material that the classification document was intended to address, you know, where it said wow, we have to really dig deep. Well holy cow, we've dug deep. So I think it has
very big implications for the industry, or from the community, because it's in use today, right, so if we classify it--well, if we classify it as non-synthetic, nothing changes. If we classify it as synthetic, then they have to discontinue use, unless it's petitioned to the Board for review and approval. So that's--I think your question--obviously Jay, if you disagree with my statement, please do so.

I was also going to remind everyone, again this is a process thing, we're voting on classification only. We are not voting on whether you think it's compatible with organic agriculture; that is a separate question. So, if you think the use of sulfur dioxide is not compatible with organic agriculture, but you also think that its use here does not cause chemical change, then you vote to classify it as non-synthetic, because there's no chemical change, and there's no residue. I want to get that in, or a residue that's not significant. But then, you might
be someone who would want to petition it as a non-synthetic for review by the Board to be prohibited. So remember, two different decisions. So I concur with Steve. Boy, if you have questions, now is the time.

CHAIR MIEDEMA: Okay, let's make sure we hear from everybody once before we start replowing ground. Colehour.

MR. BONDERA: I want to start by saying I'm sorry that this might take longer still, because while you're talking, I'm trying to think, and while I'm thinking, I'm looking. And so I'll admit I do not understand science well enough to be able to explain it to somebody else. So this is therefore going to need some level of response in the form of a question. However, my understanding is--and it may be inaccurate, so I'd be happy to receive corrections--but when I look through some of this stuff, and I read something about this, like that lactic acid is the driving force for the chemical change
rather than sulfurous acid, and lactic acid is produced naturally in the steeping process through the conversion of the dissolved sugars, I think that's all good.

And then when I then read that if sulfurous acid is present, it can react with the proteins, but the breaking of the disulfide bonds is an irreversible process that, like you said, and it happens all the time. I actually make and have bread at the farmer's market every week, you know, it's not that I don't understand these things at all, but I think that the point that in an industrial process, some of the bonds are probably broken by lactic acid, but the assumption that the entire degradation is due to that unilateral action in the fermentation reaction is what turns me over to the, it would only happen in the synthetic process is the bright flag for me of the shift.

And I think that by putting it in terms of that concept, well you know, it's
lactic acid, it's going to happen, that's the natural process, and then you know, reading other people's summaries of it, where it's like yes that's true but the entire degradation is not occurring that way, so you can't say all or nothing, and it's not one way or the other makes me feel like only happening--it's not that it wouldn't happen naturally in some ways.

I think, you know, and what popped to my brain when you were talking about examples of--you know, it's the right things in the right pot together at the right time and the right temperature and the right process and if that includes a synthetic ingredient, I just feel like you know, put it all out on the table in terms of honesty, not just say well, this is the major thing, therefore everything else is irrelevant.

And I think that your--the comments about, you know, X number of parts per million and how people want to look at
those things and understand them, and of course over time, you know, we're able to get more and more details, I think that's important.

But I think that from my perspective, it's still vital to look, you know, inside yourself and think about--sorry, that's what I do, I'm going to look inside myself, and I'm going to recognize that, and you know in this case, I agree. It's a fine line, that distinction between, you know, between synthetic and non-synthetic, but you know, I brew beer and I make mead, and if you look at a commercial scale of those kinds of processes, too, a lot of times the distinction, and the distinction I'm sorry to say, but I'll say it, whether you're, you know, I don't do any of those things that are certified organic, but from an organic perspective versus a non-organic perspective, you're looking at usually only one very minor detail, like adding sulfites or not adding
sulfites.

And so I don't think it needs to be a very major variation from that line. For me, that's where I'm at, I mean, that's where I come from, and that's how I understand it, and that's how, when I look at this CSL thing, that's how it sits for me is, you know, I think I'm just going to be done saying that, but that's why I end up concluding, you know, if we're going to add that synthetic, and then claim it's not synthetic, I--it doesn't come together for me.

CHAIR MIEDEMA: New members, if you have any discomfort with any of the material and feel like you really needed more time to research it, please abstain. Feel free to be an abstention on any of the votes today, including this one. That's absolutely within your right. Any further discussion on corn steep liquor? Barry.

MR. FLAMM: I'd just like to make a comment. My own perspective, because this
has often been characterized as a value judgment, and people on one side or another, I have to say myself, I had no idea what corn steep liquor was before this started, and I've asked people in Montana what their thoughts were, and nobody ever heard of it. So I had a totally clean slate, so I can honestly say that all I've done is look at the narrowest of questions and that is what we were asked, is whether it's a non-synthetic or synthetic. Many of these other things brought up has not entered into my conclusion, which is that it's synthetic.

CHAIR MIEDEMA: Any further discussion? Seeing none and hearing none--oh, John.

MR. FOSTER: Something just struck me. The going with the gut, I think that's what turns it for me. The science is--science is science, and I love science, but I'm really more of a humanist, and I kind of go with gut and heart more often than probably is healthy
for me, but I do it anyway. And I can't--and
I've mentioned this before, and so it's
nothing new here, but it's what I come back
to, it's kind of where I--what Colehour, you
more eloquently said, kind of going within
yourself.

I can't get my head around that
what I generally consider to be every day
things that are on this table and in my mouth,
I don't feel those being synthetic, and I know
there's bonds being broken every minute, every
second, and some of that's due to synthetic
food additives, it happens. I just can't get
my head around those things, we don't consider
those things synthetic in our world, and I
don't see how we can do it here for this
reason either.

CHAIR MIEDEMA: I haven't spoken
yet on this. I'm getting really hungry, and
I'm wondering if other people's blood sugar is
dropping, so I do think we need to pick up the
pace of the discussion here, and tighten up
our thinking and our comments. Let's cut right to the chase on all of this, okay. So if anybody has--let's really avoid the filibuster, or even getting into sort of tangent topics. If we can be tight, then let's get the vote and proceed, okay.

Katrina.

MS. HEINZE: With all due respect to the hearts, we have a process which we approved in November 2009. Remember chemical change; remember level of the synthetic input. That's what you're voting on.

CHAIR MIEDEMA: Jay, and then Tina.

MR. FELDMAN: And you know, Katrina, we've talked about this a lot. This is really not a question about chemical change in a vacuum.

We acknowledge, and we recognize in the organic rule that chemical change, John, does happen all the time, and it happens through cooking, baking, you know. I remember
my first call on, what was it, the Crops Committee, we were talking about whether toast was, you know, a chemical change. And we all agreed it was chemical change, but we recognized it was induced by heat and the process wasn't sort of a natural process, blah blah blah.

So we recognize that chemical change is occurring around us all the time. The central question here is, is what's inducing that chemical change. Are we manipulating nature, in a way, with synthetics that should cause us to take another look at whether that's acceptable in organic, or compatible?

If we don't pass this as a synthetic today, we will miss the opportunity to take that other look at whether that chemical change, which is induced by the introduction of something unnatural, okay, introduction of sulfur dioxide, is something that we recognize causes chemical change
because of the introduction of that synthetic, 
because of the introduction of that sulfur 
dioxide. 

And then, we really don't have a 
choice, I don't believe, as Board members. 
We--whether it feels right or not, we have a 
responsibility to put it in the queue, and to 
evaluate it under our national list criteria. 
The only way we get to put it in the queue and 
evaluate it is if we deem this process 
synthetic.

CHAIR MIEDEMA: Tina.

MS. ELLOR: I don't want you to 
think that we touchy feely people didn't apply 
science to forming our opinions also. We went 
through the same process, and we came up with 
a different conclusion. We came to a 
different place going through the same 
process, and that's what's made this material 
so difficult. So you know, the majority 
opinion I think sorts through how we applied 
the materials documents to this process and we
came out in a different place than the minority opinion. So--but I don't want you to think we were shirking our responsibility and not applying the materials that we had to make this decision.

It just so happens we have a difference of opinion and a difference of conclusions while running through the same process. It's a very difficult process, and I know that as we go on in the history of the Board, I hope these things will become more clear.

CHAIR MIEDEMA: Any further discussion? Colehour.

MR. BONDERA: Just a very quick logistical commentary about the fact that the Committee vote on this, that's the immediate history, is not the current Crop Committee, it was the previous Crop Committee that voted it as it was voted, four-three.

CHAIR MIEDEMA: Thank you. And just so everyone in the audience knows, that's
standard procedure that our Board work carries on from the time of one meeting ending and before new members are appointed, so I just wanted to make sure people knew that was quite standard. Any further discussion? Seeing none and hearing none, we will vote.

MS. ELLOR: Madam Chair, can we restate the motion?

CHAIR MIEDEMA: Yes. Maker of the motion, please restate.

MR. FOSTER: I'm opening it back up. The motion is that corn steep liquor produced via the traditional countercurrent corn wet milling process be considered as non-synthetic and allowed for use in organic crop production.

CHAIR MIEDEMA: Wendy, please start the voting.

MS. FULWIDER: Yes.

MS. ELLOR: Yes.

MR. MARAVELL: No.

MR. WALKER: No.
MR. FLAMM: No.

MR. FELDMAN: No.

MR. DEMURI: Yes.

MS. TAYLOR: No.

MS. HEINZE: Yes.

MR. STONE: Abstain.

MR. FOSTER: Recuse.

MR. BONDERA: No.

MR. DICKSON: Yes.

CHAIR MIEDEMA: Recuse. Madam Secretary, we'll await your tally. And please start by tallying the total votes cast. Eleven votes cast; five yes, two recusals, one abstention--sorry guys, we just want to make sure we've got our voting sheet absolutely accurate over here. Okay. Six no, five yes, two abstentions--sorry, two recusals, one abstention; motion fails. That concludes the docket of agenda items for Crops Committee.

MS. HEINZE: I think it would be worth putting on the record what the implications of that vote mean, because that
 --

CHAIR MIEDEMA: The implications of not determining this material to be non-synthetic should be spelled out very precisely by the folks who would be enforcing this, the National Organic Program.

MR. MCEVOY: So, what just happened here is that you did not make a decisive decision to approve this recommendation and consider corn steep liquor a non-synthetic. You have not made a motion to consider it a synthetic, and you have not made a decisive determination that it's a synthetic, either. So there's no decisive decision on this particular topic. Therefore, the substance retains its current status, which is undetermined by the NOSB, until you make a decisive determination.

CHAIR MIEDEMA: I will take only precise clarifying questions right now before the lunch break.

MR. FELDMAN: I think our rules
suggest that we should try to reach a decisive vote, and in that spirit, I think we should entertain a motion to classify corn steep liquor as a synthetic material. My reading of the rules suggests that that would be appropriate.

CHAIR MIEDEMA: It's 12:55, we're breaking for lunch, and we will reconvene at 2:00 p.m.

(Whereupon, the above-entitled matter went off the record at 12:55 p.m. and resumed at 2:17 p.m.)

CHAIR MIEDEMA: We're back in session. Today is voting day and we will quickly complete the topic of crops. Where we left off was on our non-decisive vote on the classification of CSL as non-synthetic. We didn't reach the two-thirds majority. Jay Feldman, you had something you were going to say right as we adjourned. Before I call on you, I wanted to make a change of -- or a clarification I should say.
Colehour had asked about changing the order of his vote and even though that really hasn't been the way this Board has operated, I think people are perfectly open, that it's okay for people to change their vote later in the order. Until voting closes it's open, it's not like a chess game where you take your finger off the button up here and it's too late. So I think I made a mistake there and if--hopefully we don't bog down our system by people asking to change the order a whole bunch here, okay. But technically I don't think there's anything inappropriate about it.

MR. BONDERA: Thank you, Madam Chairperson. Just for clarification, you're talking about when you're taking the vote around the table, but then at the end of that when you tally the vote, you're not going to--you're not--that's when the voting closes, correct?

CHAIR MIEDEMA: That's right.
Yes, and we're not going to routinely be asking does anybody want to change their vote or anything like that. It's just a courtesy to new members who are, you know, looking for guidance from some of their peers to see how they would like to align on votes.

Okay, we're going to get started, complete our last agenda item, just final remarks on that before we move on to the Livestock Committee. Jay.

MR. FELDMAN: Thank you. I had, as you recall, I had suggested before the break that we have another vote in the positive on synthetic, but realized that the procedure really requires us to go back to Committee and formulate that as a motion, so I am withdrawing that right now and we can talk about that in Committee if we want to do that at some future moment.

CHAIR MIEDEMA: Thank you. Okay, we're moving on to the Livestock Committee. The Livestock Committee has two voting items.
The first item is Animal Welfare, Stocking Rates. Do I have a motion? Do I have a motion? Thanks.

MS. FULWIDER: I'd like to make a motion to accept the documents as per edits that we made yesterday.

MS. ELLOR: I'll second.

CHAIR MIEDEMA: It's been moved and seconded to accept the Livestock Committee document, Animal Welfare, Stocking Rates as edited. Any discussion? Katrina.

MS. HEINZE: Could you review the edits for us please and your rationale for them?

MS. FULWIDER: I would like to do a little introduction before I go to the edits. First, the Livestock Committee documents contain revisions as requested in Thursday's Public Comment and by our fellow board members. Animal Welfare is a complex issue and the Livestock Committee has requested that the NOP places no more than
necessary into the rule and the rest into
guidance. The Livestock Committee wants to
assure consumers that the NOSB and the organic
community shares their concern for animal
welfare.

The numbers in the space
requirements charts are to be considered
minimums and larger, enriched environments are
preferable. The charts alone would be
meaningless without outcome based standards
and species specific guidance documents that
are in the LC Work Plan for the fall. Four
previous Livestock Committee members who
contributed to these documents were either
here or emailed all of us to voice their
approval and support of the documents. The
Livestock Committee reviewed U.S. and
international animal welfare programs and
consulted with Temple Grandin. The current
Livestock Committee passed these documents
unanimously. The handling, transport,
slaughter and slaughter document contains
industry standard requirements and has been edited to support the small local plants.

The only additional language that needs to become industry standard protects the newborn calf. If we succeed in passing these documents today, they will be reviewed and reworked by the NOP before being posted for another period of public comment. If the NOP finds a problem, they will come back to the Livestock Committee for clarification or correction. With that, I would like to go through the revisions we've made to these documents.

Okay, under recommendation, okay. I'll read this paragraph, most of this is new here, to satisfy the Board. The language shown in the following pages is recommended for rulemaking. The Livestock Committee respectfully requests that the National Organic Program places only what is necessary into rule and the remainder into guidance. The Livestock Committee wants to assure
consumers that the organic industry practices
a high level of animal welfare. The Livestock
Committee does not wish to unnecessarily
increase the paperwork burden or certification
costs for the organic community.

Under 4, shelter, designed to
allow for, that's it. We added dairy before
calves, there to designate that it is dairy
calves that may be housed in individual pens
rather than beef calves because it's a species
specific situation. We also deleted calves
over two months of age shall not be tied,
because that would be a problem for our small
organic dairy farms. Then above the charts,
we added here in this sentence the values
presented in the following charts are minimum
amounts only, and provision of larger areas of
enriched environment is encouraged. So that's
all the edits that we made to this document,
if you want to discuss these before going on
to the second document?

CHAIR MIEDEMA: Any discussion?
Steve.

MR. DEMURI: In the Committee's mind do you feel like you've addressed all the public comment concerning--concerns they had with the previous edition?

MS. FULWIDER: Yes, I believe we have, and we have had support from a number of the groups that are here, and a number of the farmers have also come up and expressed their support.

CHAIR MIEDEMA: Katrina.

MS. HEINZE: I am wrestling with this one. We heard a lot of public comment about the impact of these access to pasture on small farmers and certifiers and the paperwork. So I appreciate that you added the language encouraging the program to do as much as possible in guidance. My question for you, Mac, is if it ends up as guidance, which is what I would prefer, what are the implications for that burden of paperwork for certifiers?

MR. STONE: Guidance doesn't
necessarily help at times when there has--
sometimes a hard, fast rule gives the
certifier some credibility in having a
producer meet a standard, versus one
certifier's interpretation is different than
another. And then if one is a little lenient,
then producers can start certify shopping, et
cetera. So it's really tricky, and I have not
spent enough time with the Committee and with
the Program and with the ACA to know which of
these outcome based, which of these numbers,
should be where. But it's a pretty critical
juncture, I guess, of how to make that
delineation.

And Madam Chair, while I've got
the mic, if--so I would like to work with the
Committee and all as a certifier and I raise
all of these animals except pigs because my
mother-in-law said they smell too bad. There
is, you know, how do we dovetail with the FDA
and inspections on the other document with the
other regulatory bodies? I don't know without
talking to the Program. Richard Matthews made some pretty strong statements about working it through the system and it's ability to go and I don't understand enough about that. But ultimately I guess my real concern is we maintain some degree of specie or site specificity to allow the vast array of production systems to still work and not be too prescriptive.

CHAIR MIEDEMA: Any further discussion? Joe Dickson.

MR. DICKSON: Yes. Like Katrina, I've been wrestling with a couple of areas of this one too. I think, you know, in the last day or so, I've probably changed my mind on sort of how to vote on this recommendation probably six or seven times, which to me is probably a sign that I don't feel 100% confident voting for this. And my reservations largely stem from the fact that you know, we did hear yesterday from a number of stakeholders in the organic community. We
heard from companies, we heard from producers, we heard from certifiers. We heard from a number of entities who asked this Board to withhold this recommendation and to work a little bit more on polishing it and getting it ready for prime time.

On the other side, we also heard today and yesterday from many former members of this Board who've worked very long and hard on this recommendation. You know Wendy's been shepherding this recommendation for the last 18 months, and we've probably had, you know hundreds of hours of Livestock Committee work and calls on this. I mean it represents a lot of thinking and a lot of very careful work and a lot of expertise and you know, the danger of holding it back is that you know, its something that a lot of people are clamoring for. The program has asked for, many certifiers are looking for, and you know it is--at the end of the day, we do owe the animals in organic production a higher and
more prescriptive and more careful standard of care.

So it's--you know, I see really good arguments on either side of the aisle for passing this recommendation or for working on it a little bit more, and I would be interested in getting the overall thoughts of the Board for a bit of group discussion on where everyone sort of feels.

CHAIR MIEDEMA: Tina and then Barry.

MS. ELLOR: Yes, we've had a lot of input on both sides, you know, people saying please, you know, get us something so that there will be a standard that we can follow and that everyone will have to follow. We've heard a lot on that side and we've heard a lot on you know, this is okay but you know, it needs to be better.

So we've been at this since, I think it was November 2007, when Kathleen Marion came in front of the board and asked us
to get started on this process, and honestly, I've never seen quite so much public support for a recommendation as I have. It might not be enough but it's more than I've ever seen before.

So this is year four, we could pull it back for another six months. I'm not sure, you know, if we could figure out a better way and I've heard some talk about this, to work directly with our constituency during committee work, that would be great. That would save us a lot of this trouble, but you know so far we haven't quite figured that out.

CHAIR MIEDEMA: Barry.

MR. FLAMM: Like Joe, this is kind of a dilemma for me and I realize the whole time I've been on the Board, Livestock has been working on this, and I know how much work has gone into it and I trust the people and good people doing it.

On the other hand, there was such a volume of comments before the meeting that
I studied and read and then I've heard a lot of comments here, and when I thought that the-and was told that the public's--these concerns were addressed and revisioned, and then I would hear from people here in the audience that their concerns hadn't been met and, frankly, it's been changing. I haven't been able with all else that's going on to be able to sort it all out in my mind.

I mean I really want to see it go forward and I want to see good animal welfare and I don't--but I'm not sure if it's flawed, which some people think it is, we'll do more harm than good by releasing it now. So that's just off the top of my head comment.

CHAIR MIEDEMA: John.

MR. FOSTER: So I somehow magically found time to study this, and as list sunset petition centric as crops has been, it was actually really refreshing to read something that was narrative and full of obvious thought. I come to these kinds of things
always deferring to the existing regulation
and I'm one for whom for most things, I think
the rule is pretty good, but obviously the
wiggle room is in implementation, inspection,
review, certification and that variability I
know is maddening.

So my bias going in, and I've said
this before, is not to be prescriptive unless
absolutely necessary, and my instinct says
that, and a pretty good chunk of the public is
still saying that. So I'm--I haven't decided
yet actually, but to be honest, but I'm--I
want to hear more comment but I need to hear,
I would like to hear, where--what is the
specific, a specific example, pick anyone,
that could not have been managed by what's in
the regulation already? That will give me an
idea of specific case.

CHAIR MIEDEMA: Go ahead, Wendy.

MS. FULWIDER: I guess we're not
exactly sure what you mean.

MR. FOSTER: If you could pull out
any example from the recommendation that there
is absolutely no way that could have been
addressed under the existing interpretive
ability that remains to certifiers from
language already in the regulation.

MS. FULWIDER: I think maybe that
would be a great question for Mac, as a
certifier.

MR. STONE: Thanks, John.

MR. FOSTER: Welcome, aboard.

MR. STONE: Yes. There was
discussion, and frankly, I had dinner with
Jeff Moyer last night to talk specifically.
He felt very strongly that the work of the
Committee and the conversation, his
recommendation--now I'm getting to your--but
his recommendation was they've done the work,
the program is going to start drafting some
proposed rule and the guidance document, et
cetera.

So there's a lot of work yet to be
done, let's get it in the pipeline and let's
move on. My concern with that is if this recommendation goes out to the certification world and those producers that are sitting at their computers or BlackBerrys watching this recommendation and see there some specificity that just doesn't seem right, will it cause some angst in the conversation to where it's not as fluid of a conversation? So that's a concern I have of that.

But the way we interpret in our program, in Kentucky, if you look at the birds, the birds are feathered, the animals don't have manure, they're not dealing with mud, somatic cell counts are going to show you on dairy quality standards, et cetera, and the animal's look and whatever.

So there are ways -- we've been operating without this type of level to this point and frankly, I think we still can. I've told some of you the reason I agreed to be nominated for this board was I'm still fairly upset about the pasture rule and its
implementation problems in the field at the
farm level and at the certifier level, and I
see this going that same direction.

So personally I think it can be.

We imposed the -- maybe it's a consumer view
of the farm. Do the animals look healthy?

Our feed conversions look right? Do the
facilities look well maintained, et cetera,
without having to go to this? But other
certifiers haven't had that luxury that we
have, and some of the testimony that we've
heard is these birds don't ever need to go
outside; you're going to make me--all my birds
are going to die if you make me put them
outside and we have to get these birds
outside. Whether this document gets them
outside or not I don't know because right now,
the rule says you've got to get them outside.

Does that answer your question?

CHAIR MIEDEMA: Any further
discussion? Tina then Nick.

MS. ELLOR: The first welfare
standard we came out with as a committee was
an outcome based standard which we thought was
great and we really thought that was what
people wanted, and it was just that sort of
recommendation, and the certifier community
said there's just no way, we can't do that.
We need numbers. And now we brought numbers
back and then we're being told no, we can't
have numbers, so I'm flabbergasted.

I mean I would like to see a
combination of both because it is the outcome
that's important. You know, it's the actual
animal welfare and if we need a combination of
numbers and the outcome based part that we
hope to work on and present next fall, I think
that would be ideal. Numbers to hold people's
feet to the fire, but outcomes to say this is
a process but this is what we're looking for.
So I don't really know the best steps. We've
taken this step with the numbers. We hope
that the next step would be the outcome based
standards.
CHAIR MIEDEMA: Nick?

MR. MARAVELL: I sympathize with Wendy. Yesterday, I tried to ask several times from the groups that were coming up and talking to us well, if we didn't get it right--and I'm not on that Committee just so people know--but if we didn't get it right, where was the process, what was lacking here and I didn't ever get a good answer.

So I think the committee tried very hard. I think we are hearing though that members of the community would like to come together on this, and I would suggest that giving it one more shot might be worth it if--all right you can't, like you just said, Tina, you can't have it both ways. First we give you the numbers; no, we don't want numbers. If we didn't give you the numbers the first time, you wanted the numbers.

All right, so we've got both approaches out there. We've got tremendous willingness from the industry to get together
on this. All right, let's do it, but I don't
feel comfortable where it is right now and so
that would be my suggestion.

I think Wendy has done a great job
of doing this and trying to put it into the
form that the committee wanted it to be in.
So let's make up our minds, but let's pull
together on this and let's get a group that
can work with this Committee, and I think the
people are here, you know who they are and
let's do it. That would be my suggestion, but
I don't know how you feel about that, Wendy.

CHAIR MIEDEMA: Mac had his hand
raised, and then Wendy.

MR. STONE: A couple of specifics.
We heard the dairymen say that their stalls
are 32 square feet, 3 X 8 I guess they are.
The math on the chart at the 10 square feet
per 220 pounds I think it was, I emailed my
office, the average Holstein at 1500 pounds,
that would be 68 square feet per cow, average
Holstein. So they would essentially double
their barn space and that is a huge investment for them to maintain of bedded space.

I'm not sure just how--and just for relative, our birds are on the grass all the time. Some of the pictures I saw that if those--some of those barns, if they were in a wet climate, they couldn't raise those birds organically in my opinion under the systems that they have. They could go outside but they didn't really want to, and in a wet environment that just would not work in an organic system.

But our birds, I don't know how you want to figure it, on a given day, they'd have 21 square feet per bird for the layers, but since they move once a week around the pasture, that would be 1109 square feet per bird, if you--depending on how we're looking at that. So the stocking density or stocking rate, it's two different things.

Broilers are about one and a half square feet per bird on a given moment of
time, but over their lifetime they've covered
84 square feet per bird. So those are the
kinds of the things that we can get to, to
kind of get some of your specifics, John.

CHAIR MIEDEMA: Wendy, did you want
another turn? Okay, Wendy.

MS. FULWIDER: For the tie stalls
you know, the space requirements that we have
listed there are for loose housing. They are
not for tie stalls at all. The document—or
free stalls, you know and we had the language
in there to change that previously, we went
over that the other day. So that has been
remedied, but the space requirements for the
poultry, you know, that—if it's two square
feet outdoors that's the size of their pasture
per bird, and if they want to split that up
and rotate birds that's up to them; if they
want to provide more space we certainly
encourage that.

CHAIR MIEDEMA: Any further
discussion? Steve, Colehour, Katrina.
MR. DEMURI: Just a quick question, it might have been up there and I missed it. What was the committee vote on this recommendation? The final recommendation?

MS. FULWIDER: We were unanimous.

CHAIR MIEDEMA: Colehour?

MR. BONDERA: I just want to say that as a committee member, that the amounts and kinds of feedback and consideration and shifts even in this last week, have made it so that people that I've talked to or people who have interacted with me say a whole range of things including that they can't even understand what the modifications are, that some of these things are too complicated.

So I think to try to address the question that you just asked, you know, we haven't voted on the current form of it. This was when we last voted on it, it was unanimous. So I think that there are some pieces of it that it seems like the biggest thing I'm hearing is that there does need to
be more time and more input that several of
you have already suggested, and I think is
what we need to have, which is a different
kind, an additional kind of dialogue to make
these more of coming from the whole organic
community, and I think that that's what feels
at this point in time like it's missing. It
feels like it's being directed to or down
rather than with, and that's I think where I'm
at in this process and that issue.

CHAIR MIEDEMA: Okay, clarification
then. This is not actually a committee
recommendation at this point. This is a
motion from the floor that did not go through
our agreed upon due process of being a
committee document and we just need to be
really clear on that. That's quite different
than how we run things.

MR. MARAVELL: Please explain for
the uninitiated.

CHAIR MIEDEMA: A member of the
NOSB has brought forward a recommendation and
it has been seconded that a committee did not vote on in its current iteration. Our due process is for committees to bring recommendations that they've voted on to the floor. Now we don't have anything that prevents any one member from making a motion on anything at any given time. Now it might be ruled out of order if it's out of order. That's important for us to all approach this as not being a committee document though. This is a motion from the floor. Katrina.

    MS. HEINZE: I had a comment. I am vaguely remembering sometime in the last four years that we had a similar situation with last minute edits, and the committee took the vote at the Board meeting. So that might be an option. Can I proceed with my question?

    CHAIR MIEDEMA: Sure.

    MS. HEINZE: So this is to the Program if I may or I'll ask you and then you can ask the Program. Okay, several meetings ago we had a recommendation, I can't remember
what it was, and the Program said what do you
want us to do with this if it passes? And I'm
wondering, that question intrigues me on the
animal welfare because I'm struggling, just
like Joe, we have heard an overwhelming number
of public comments that say please take action
on this. We need the Board to send a signal
that we care about our animals.

The counterbalance with that is
this is a very complicated topic and we can
take it back and work on it, but chances are
in six months when we come back, there's still
going to be stuff to work on. So I'm
wondering if we do pass it in its current
form, are we giving you something that you can
work with and continue to iterate to the right
place or do we need to do the work? I know
that was a complicated question.

MR. MCEVOY: Well, whatever--if you
do pass a recommendation, we'll work with it.
One thing to--as a little bit of context here,
is that the OIG report from last year
identified a number of different areas that needed clarification. They found inconsistency in terms of how the certifiers were implementing the rule, and one of the areas was around outdoor access for poultry. So we've tried to address that through draft guidance. We'll be putting out final guidance.

The recommendation from the Board would help give the Program some clarity of what the Board would like us to do, and we'll take a look at that and determine whether or not we have to go back to the Board to clarify certain areas; are there areas that we would put into guidance or areas that need rulemaking?

If it goes into guidance or rulemaking, the process is for guidance we put out a draft guidance, we get public comment, and then we put out final guidance. If it needs rulemaking, then there's the proposed rule, public comment, take into consideration
all those comments and then come out with a final rule change.

So if you don't pass anything at this meeting, then we have the discussion documents that you've had, all the discussion here at the meeting, the transcript that will help us in terms of trying to understand where you want to go. It'd be more definitive if you come out with a recommendation for guidance or recommendation for rule change.

CHAIR MIEDEMA: Any further discussion? Mac?

MR. STONE: So, Madam Chair, does that in effect, give the Livestock Committee professional staff for them to work with to help them so they don't have to do it all, and in fact may strengthen their work and support them that they've kind of been working on their own, if you will?

CHAIR MIEDEMA: I think that's above my pay grade question. That would be a question for the Program. Before we ask that,
let's see what the makers of the motion have
to say.

  MS. ELLOR: So, first I just want
to comment on Colehour's comment about working
with the community. We've been going back and
forth with this very issue with our community,
formally, informally, at meetings, between
meetings, since 2007. We do have a lot of
interaction with our community, and I think
that we've grown together and closer on what
we would like the final result to be, and
perhaps we're not close enough yet. But we've
certainly gotten a lot closer than we were in
the beginning.

  We have a lot more approval, I
think, than we did to start with. So I think
we're headed in a good direction. I'll let
Wendy make this determination. I'm the
seconder, she made the motion; but perhaps
she'd want to pull it back right now and get
back with the Committee, since we did not vote
on these changes as a Committee, which is an
important issue.

MS. FULWIDER: I would also like to note that we have had certifier input as far as edits that we have made and document that we had put forth in committee.

CHAIR MIEDEMA: Not yet. Wendy and Tina, did you have a rescinding of motion?

MS. FULWIDER: Yes, we'll rescind the motion on this.

CHAIR MIEDEMA: And the second is okay with that?

MS. ELLOR: Yes.

CHAIR MIEDEMA: Okay. The next agenda item for the Livestock Committee is animal handling transit and slaughter recommendation. Before I move on to that, was there another motion on stocking rates, animal welfare? Hearing none, I'm moving onto the next agenda item, Animal Handling Transit and Slaughter Recommendation. Do I have a motion? Call to repeat the question. The next agenda item is Animal Handling Transit and Slaughter
Recommendation. Do I have a motion?

    MS. FULWIDER: Yes, I make a motion
    that we have a look at the document; accept
    the document?

    MS. ELLOR: And I'll second for the
    sake of discussion.

    CHAIR MIEDEMA: Maker of the
    motion, can you please restate your motion?

    MS. FULWIDER: I would like to
    accept--okay, I would like to make a motion to
    accept the Animal Handling Transit and
    Slaughter Document.

    CHAIR MIEDEMA: Do I have a second?

    MS. ELLOR: Yes, I'll second.

    CHAIR MIEDEMA: Any discussion?

    MS. ELLOR: I guess I'd like to
    bring up--and this is--this all seems very
    insane to me, but have we made significant
    changes to this document since the Committee
    voted, and if so, we're in the same situation
    we are with the last document.

    MS. FULWIDER: That is correct.
CHAIR MIEDEMA: Okay, so we--what just came out of that discussion is that we have another motion from the floor that is not a document that's been voted on by Committee, and any further discussion? Steve?

MR. DEMURI: Maybe just a question; was there a reason why the Committee didn't vote? You didn't have time or--

MS. FULWIDER: We've just been busy making edits, and that's been our focus.

MS. ELLOR: Yes, I think in our rush to please everybody, that we felt like they weren't especially substantive changes but having heard comments since then, they're more substantive I think than we thought to start with. Is that completely confusing? Anyway.

MR. DEMURI: No, I totally understand. I mean we're under time pressures. Would there be a possibility to delay this vote to give you guys time in the next break to vote on this? It depends on how
badly you want to be voted on today.

     MS. ELLOR: Yes, and I would say, you know, once again we have more support from the community than we have in the past; documents, we still, even within the Committee, we've been finding in the past day or two discussion aren't completely comfortable and feel like we need to pull these back. So I think at the end of this, I would ask that we withdraw the motion and take both documents back to Committee and present them again next fall. I'm disappointed, but I can definitely see the good in that.

     CHAIR MIEDEMA: Any further discussion? Mac and then--Joe did you--just Mac.

     MR. STONE: If the program has been asked by OIG to develop proposed rule or move forward, can in fact the Committee work closely with staff, frankly, to have the resources that they provide to help the Committee in moving the conversation along or
is that necessary?

CHAIR MIEDEMA: Miles McEvoy.

MR. MCEVOY: Yes, well we'll
certainly be working with all the committees
on all of the work that you have on your
agenda. At the same time as we're working on
any kind of proposed rule or draft guidance,
we do consult with experts in the field, which
may include members of the NOSB, but there's
kind of two separate things. If we're working
on guidance or developing rules, there's a
whole bunch of people that we're working with
to come up with the best proposal possible.
In terms of the Board business, you have your
agenda that you're working on, your work plan,
and we will provide technical support for the
work that you're doing as a Committee or as a
Board.

CHAIR MIEDEMA: Okay, any further
discussion? Okay, go ahead.

MS. FULWIDER: We withdraw our
motion.
MS. ELLOR: And that's fine with me.

CHAIR MIEDEMA: Okay, the motion to recommend the Animal Handling Transit and Slaughter Recommendation has been withdrawn. I'd like to ask the Livestock Committee whether they intend to bring these items back for voting later today so we can manage our time. We're quite behind today. That was a head shaking no for the record.

MR. DICKSON: Could I ask that the --this is not an issue the Livestock Committee discussed during our break huddle and report back following that?

CHAIR MIEDEMA: That's fine with me. Okay, yes. It's 3:00 p.m. We were set to finish voting 15 minutes from now. We have 14 more items for voting. Those are just checking in on some facts here. We're going to move into Handling Committee.

MR. DEMURI: Thank you, Tracy. Our first vote this afternoon is for a listing of
attapulgite. So at this point I'd like to
make a motion to list attapulgite to the
National List, section 205.605(a).

    CHAIR MIEDEMA: Is there a second?
    MR. STONE: I'll second.
    CHAIR MIEDEMA: Any discussion?
    Hearing none and seeing none, Katrina.
    MS. HEINZE: Steve, I think we've
got one public comment on this but I'm fuzzy.
    Could you recap that?
    MR. DEMURI: We did have one public
comment from Jim Riddel who had a concern over
possible heavy metal contamination in the
production of attapulgite. It was more of a
concern than a actual fact of it, but he did
bring that up in his comment.
    CHAIR MIEDEMA: Any further
discussion on attapulgite? Jay.
    MR. FELDMAN: Can you just quickly
review again what it's used for and all that?
    MR. DEMURI: If it gets too
technical, I'm going to refer it to John
because he was the lead on it. He didn't have
enough to do, so we gave him attapulgite. Its
use is for clarification of oils basically,
vegetable oils for food production.

MR. FELDMAN: On the essentiality,
what was the thinking there?

MR. FOSTER: The thinking was that
while there is bentonite already on the
National List, the physical structure, the
crystalline structure is slightly different
making attapulgite slightly more--a little
more effective in certain--some applications,
and for which bentonite would be less
appropriate, less effective. Then also the--
there's a slight preference toward attapulgite
which, according to the information at hand,
does not require an acid activation. Our
understanding is, again, from the information
available that bentonite does require that,
and we felt it was preferable to have that as
an option, perhaps leading toward removing
bentonite down the road for what we--what
sounds like to be a more favorable material which isn't exactly essentiality I know, but it's certainly interrelated with that, and but it kind of tipped the scales so that the increased efficacy over bentonite in some applications, there's enough utility there. Because it's otherwise preferable, that kind of tipped the scales.

CHAIR MIEDEMA: Any further discussion? Jay and then Tina.

MR. FELDMAN: I'm sorry. I'd like to ask the processors whether this is something you would think you'd be using down the road or does it have applications outside your venue?

CHAIR MIEDEMA: Katrina.

MS. HEINZE: We don't process oils. I don't have an answer for you.

CHAIR MIEDEMA: Tina.

MS. ELLOR: I just wondered what the Committee vote on this was?

MR. DEMURI: This one was
unanimous. Six yes, zero no, one absent. But --excuse me, that was for synthetic/non-synthetic. Five yes, one no, one absent.

CHAIR MIEDEMA: Thank you. Any further discussion? Steve.

MR. DEMURI: I need to backtrack a minute, thanks to Katrina's reminder. We do have to take a synthetic/non-synthetic vote on this material before we do the motion to list. So I'll have to rescind my previous motion.

CHAIR MIEDEMA: Okay. And is the second okay with the rescinding?

MR. STONE: Yes.

CHAIR MIEDEMA: Okay. Do I have a motion on synthetic versus non-synthetic for this material?

MR. DEMURI: So I would like to move that attapulgite be listed as non-synthetic on the National List.

CHAIR MIEDEMA: Do I have a second?

MR. FOSTER: I'll second.

CHAIR MIEDEMA: It's been moved and
seconded. Any discussion on the synthetic/non-synthetic determination of this material? Okay. We'll begin voting. Where are we? We'll begin with Wendy.

MS. FULWIDER: Yes.

MS. ELLOR: Yes.

CHAIR MIEDEMA: Wait. An affirmative vote declares this material synthetic or non-synthetic? Okay, just to be crystal clear, a yes is non-synthetic. Yes.

MR. MARAVELL: Yes.

MR. WALKER: Yes.

MR. FLAMM: Yes.

MR. FELDMAN: Yes.

MR. DEMURI: Yes.

MS. TAYLOR: Yes.

MS. HEINZE: Yes.

MR. STONE: Yes ma'am.

MR. FOSTER: Yes

MR. BONDERA: Yes.

MR. DICKSON: Yes.

CHAIR MIEDEMA: Yes. That's 14
yes, zero no; motion carries. Do I have a motion on attapulgite re-listed to the National List?

    MR. DEMURI: Yes. I'd like move for the listing of attapulgite to the National List 205.605(a).

    CHAIR MIEDEMA: Do I have a second?

    MR. STONE: Second.

    CHAIR MIEDEMA: And again, this is a petition to list the material?

    MR. DEMURI: That's correct.

    CHAIR MIEDEMA: It's been moved and seconded, any discussion? Colehour.

    MR. BONDERA: Just for clarification and I apologize. And I'm actually not looking there, I'm looking at my computer screen so I'm a teeny bit worried I'm looking at the wrong thing, but according to what's here, it says "with annotation as noted, attapulgite allowed as a processing aid in the handling in the plant and animal oils," and that's not what you read into the motion.
And that's—and so I'm just wondering if your motion is what you said, or if it's what I'm reading, because they don't match.

MR. DEMURI: Good point. You are very correct. It should read "attapulgite allowed as a processing aid in the handling of plant and animal oils." Thank you.

CHAIR MIEDEMA: Is the second okay with that correction?

MR. STONE: Yes, Ma'am.


MR. BONDERA: I apologize again; however, before you rescinded the previous—this motion the first time, and we went back to the previous motion, and then there was a question about the vote on this one that you didn't—you never addressed because we went to the previous one. And I would still like to hear the answer to that question, which I'm
not going to be able to recite properly, but it was can you please tell us about the vote for this motion?

MR. DEMURI: Certainly. The committee vote was for listing, five yes, one no, one absent.

CHAIR MIEDEMA: Any further discussion? Okay well, hearing none, we will begin voting with Tina.

MS. ELLOR: Yes.

MR. MARAVELL: Yes.

MR. WALKER: Yes.

MR. FLAMM: Yes.

MR. FELDMAN: Yes.

MR. DEMURI: Yes.

MS. TAYLOR: Yes.

MS. HEINZE: No.

MR. STONE: Yes, Ma'am.

MR. FOSTER: Yes.

MR. BONDERA: Abstain.

MR. DICKSON: Yes

CHAIR MIEDEMA: Yes
MS. FULWIDER: Yes

CHAIR MIEDEMA: That's 12 yes, one no, one abstention; motion carries. Handling Committee, the next material on our voting sheet is CAPP.

MR. DEMURI: Yes, CAPP, otherwise known as calcium acid pyrophosphate, was petitioned to us to add to the list in 205.605(b) for use as a leavening agent in baked goods. So I move for the addition of calcium acid pyrophosphate to the National List 205.605(b)--

CHAIR MIEDEMA: Steve, you need to do the synthetic/non-synthetic first.

MR. DEMURI: Thank you. One of these days I'll remember that. I would like to move for listing of calcium acid pyrophosphate to the National List as a synthetic.

CHAIR MIEDEMA: Do I have a second?

MR. DICKSON: Second.

CHAIR MIEDEMA: Joe Dickson
seconded. Katrina?

MS. HEINZE: I'm not sure that
language is right. I think you want to
classify it as synthetic. Not list it as a
synthetic. Sorry.

MR. DEMURI: So I will rescind my
first motion.

MR. DICKSON: Yes, I'm fine with
that

MR. DEMURI: Okay, so I move that
we classify calcium acid pyrophosphate as a
synthetic on the National List.

CHAIR MIEDEMA: Do I have a second
on that classification?

MR. BONDERA: I'll second that.

CHAIR MIEDEMA: Any discussion on
the determination of this material as
synthetic/non-synthetic? Hearing none and
seeing none, we'll proceed with voting. Nick?

MR. MARAVELL: Yes.

MR. WALKER: Yes.

MR. FLAMM: Yes.
MR. FELDMAN: Yes.

MR. DEMURI: Yes.

MS. TAYLOR: No.

MS. HEINZE: Yes.

MR. STONE: Yes ma'am.

MR. FOSTER: Yes.

MR. BONDERA: Yes.

MR. DICKSON: Yes.

CHAIR MIEDEMA: Yes.

MS. FULWIDER: Yes.

MS. ELLOR: Yes.

CHAIR MIEDEMA: That's one no, 13 yes; the material is classified as synthetic.

MR. DEMURI: Okay, the next motion is for listing calcium acid pyrophosphate to the National List 205.605(b) for use as a leavening agent in baked goods.

MR. STONE: Second.

CHAIR MIEDEMA: Mac Stone seconded.

Any discussion? Steve and then Katrina?

MR. DEMURI: The vote for listing on this material in the Committee for listing
was zero yes, five no and two absent.

CHAIR MIEDEMA: Katrina.

MS. HEINZE: I just want to highlight that we did receive written public comment on this and verbal public comment. Only one and I appreciate that the petitioner didn't bring in lots of people. But a key question in the Committee was essentiality on this material. We had hypothesized that one of the reasons it might be a useful addition to the list was that it was a non-sodium leavener, and so we did hear testimony to that. And I just wanted to, in the midst of everything we've discussed, just bring that to everyone's attention so that they know that you have it. Or that we did receive that.

CHAIR MIEDEMA: Any further discussion? Hearing none and seeing none, any recusals on calcium acid pyrophosphate? Okay hearing none, let's proceed with the voting.

Reuben.

MR. WALKER: No.
MR. FLAMM: Yes.

MR. FELDMAN: No

MR. DEMURI: No.

MS. TAYLOR: No.

MS. HEINZE: Yes.

MR. STONE: No.

MR. FOSTER: Yes.

MR. BONDERA: No.

MR. DICKSON: Yes.

CHAIR MIEDEMA: Yes.

MS. FULWIDER: No.

MS. ELLOR: No.

MR. MARAVELL: No.

CHAIR MIEDEMA: Tally is five yes, nine no; motion fails. Handling Committee, the next material on the agenda is SAPP. S-A-P-P.

MR. DEMURI: Yes, the next item is sodium acid pyrophosphate, petitioned to the Handling Committee to be used in an expanded manner. It's already listed for use as a leavening agent, but the petitioner would like
it to be expanded to be used as a sequestrant
on cooked and uncooked produce. So I'll make
a motion first for the classification. It
looks like there's a typo on the--looks like
there's--isn't an X in the synthetic box on
that copy. But it was voted as a--we did vote
as a synthetic up there.

MR. MCEVOY: It's already on the
list as a synthetic.

MR. DEMURI: True. So we don't
need to vote on it again, for this use? I
wouldn't think so. Okay.

CHAIR MIEDEMA: No sweat.

MR. DEMURI: Good. That's one less
vote. Okay, so I move for the expansion to
the listing of sodium acid pyrophosphate to be
used as a sequestrant on cooked and uncooked
produce, to National List 205.605(b).

CHAIR MIEDEMA: Do I have a second?

MR. STONE: I'll second.

CHAIR MIEDEMA: Any discussion? Steve.

MR. DEMURI: I'll mention again that we
did take a vote on this in Committee and the vote for listing was zero yes, six no, and one absent.

CHAIR MIEDEMA: Jay?

MR. FELDMAN: So this came down to essentiality as well?

MR. DEMURI: That's correct. We did a survey of produce, organic produce manufacturers that could potentially use this and not any one that we contacted said they would use it if listed.

CHAIR MIEDEMA: Any further discussion? Katrina.

MS. HEINZE: So this is a material that does require some more disclosure on my part. So Cascadian Farm makes frozen potatoes. The petitioned use for this is on frozen potatoes. We do not currently use this material; we use apple juice.

CHAIR MIEDEMA: Thank you.

MS. HEINZE: Just so you guys know.

I'm--is a question for you guys on whether--
I would ask if folks think I need to recuse, let me know. We don't intend to use it.

CHAIR MIEDEMA: Any further discussion? Okay any recusals for conflict of interest? Discussion? All right, hearing none and seeing none, we will proceed with voting. Barry, you'll vote first.

MR. FLAMM: No.

MR. FELDMAN: No.

MR. DEMURI: No.

MS. TAYLOR: No.

MS. HEINZE: No.

MR. STONE: No ma'am.

MR. FOSTER: No.

MR. BONDERA: No.

MR. DICKSON: No.

CHAIR MIEDEMA: No.

MS. FULWIDER: No.

MS. ELLOR: No.

MR. MARAVELL: No.

MR. WALKER: No.

CHAIR MIEDEMA: 14 no, zero yes;
motion fails. The next groupings of items for the Handling Committee are Sunset 2012 205.605(a) items; the first item is enzymes.

MR. DEMURI: That is correct. I'd like to move for the re-listing of enzymes to the National List 205.605(a).

CHAIR MIEDEMA: Do I have a second?

MS. HEINZE: Second.

CHAIR MIEDEMA: Any discussion?

Steve.

MR. DEMURI: In my motion I should have probably stated that there is an annotation, "must be derived from edible, non-toxic plants, non-pathogenic fungi or non-pathogenic bacteria."

CHAIR MIEDEMA: Second okay with this corrected listing, or reading of the listing?

MS. HEINZE: Yes.

CHAIR MIEDEMA: Okay any discussion? John.

MR. FOSTER: This is a question
I've been wondering about for a long time. Are there any of these materials that are derived from pathogenic toxic things? Is there? I don't know of any. I've never heard of any. Is there a rationale for this annotation? Did that come up in the research on the material?

MR. DEMURI: You know I went back and looked at the transcripts from when this was first listed back in the '90s and I didn't see anything in there that alluded to any pathogenic organisms that they could be made from, but there must have been some discussion at some point, some of those--they're meeting notes, not really transcripts, so they're not very complete.

CHAIR MIEDEMA: Any further discussion? Oh, Miles has a clarification.

MS. BROWN ROSEN: This is Emily Brown Rosen. I'm trying to remember why that's all on there, but I think it was because there are other enzymes that are not
from plants or fungi or bacteria so they could be synthetically altered or whatever. So that was why, so they wanted to clarify that the natural sources had to be--it may be over redundant, but Lisa says also there's going to another TAP review coming up since the animal enzymes expire in 2013, and so we're going to-the committee has asked for a technical report to sort of combine them all, and we'll have better answers at that time.

CHAIR MIEDEMA: Okay. Katrina?

MS. HEINZE: I think this is a good example of why it's important to respect the passports even when we don't have transparency, because I'm not sure any of us really wants to take off the non-pathogenic just in case we don't know.

CHAIR MIEDEMA: Is this--John.

MR. FOSTER: I'm delighted to leave the annotation the way it is. My question was more about the toxic pathogenicity feature of that, not necessarily the conventional or GMO
side of it. But it was those qualifiers I was
most interested in. But let's leave it the
way it is. I'm all for that.

CHAIR MIEDEMA: And this is one of
those unique materials that's actually a
category of materials where each individual
type of enzyme isn't necessarily a separate
listed and reviewed material on the National
List. Any--Steve.

MR. DEMURI: Yes, I'll mention--
you can probably read it but I'll mention it
anyway, that the Committee vote was five yes,
zero no and two absent for re-listing.

CHAIR MIEDEMA: Any further
discussion? Okay we'll start--any recusals?
Conflict? Okay. The voting will start with
Jay.

MR. FELDMAN: Yes.

MR. DEMURI: Yes.

MS. TAYLOR: No.

MS. HEINZE: Yes.

MR. STONE: Yes ma'am.
MR. FOSTER: Yes.

MR. BONDERA: Yes.

MR. DICKSON: Yes.

CHAIR MIEDEMA: Yes.

MS. FULWIDER: Yes.

MS. ELLOR: Yes.

MR. MARAVELL: Yes.

MR. WALKER: Yes.

MR. FLAMM: Yes.

CHAIR MIEDEMA: That's one no, 13 yes; motion carries. Next material on our agenda is potassium iodide.

MR. DEMURI: This is--there's two listings for potassium iodide that are up for sunset today, and this is the one that's in 605(a) non-synthetics allowed. So I move for the re-listing of potassium iodide to the National List in 205.605(a).

CHAIR MIEDEMA: Do I have a second?

MR. DICKSON: Second.

CHAIR MIEDEMA: Any discussion?

Joe.
MR. DICKSON: Katrina brought up a question yesterday or two days ago during the discussion as to whether removing this-- actually I guess this has to do more with the 605(b) listing anyway, so I'll save it for that part of the discussion. Never mind.

CHAIR MIEDEMA: Any discussion? Hearing none and seeing none, any recusals for conflict of interest? Okay, let's start the voting with Steve.

MR. DEMURI: Yes.
MS. TAYLOR: Yes.
MS. HEINZE: Yes.
MR. STONE: Yes ma'am.
MR. FOSTER: Yes.
MR. BONDERA: Yes.
MR. DICKSON: Yes.
CHAIR MIEDEMA: Yes.
MS. FULWIDER: Yes.
MS. ELLOR: Yes.
MR. MARAVELL: Yes.
MR. WALKER: Yes.
MR. FLAMM: Yes.

MR. FELDMAN: Yes.

CHAIR MIEDEMA: That's 14 yes, zero no; motion carries. The next group of handling materials on our agenda is Sunset 2012 205.605(b). The first material is potassium iodide, the synthetic.

MR. DEMURI: Okay. As I mentioned earlier this is for potassium iodide again. This is the synthetic listing. The--let me make a motion that the Handling Committee recommends a renewal and annotation change for the following substance, Nutrient--sorry, prepared the wrong on. Hang on a second, wrong group. Synthetics allowed, potassium iodide for use only in agricultural products labeled "made with organic specified ingredients or food groups prohibited in agricultural products labeled organic."

CHAIR MIEDEMA: Do I have a second?

MR. STONE: I'll second.

CHAIR MIEDEMA: Any discussion?
Steve.

MR. DEMURI: I'll let Joe give you the particulars on this, but this is a dual listing as we mentioned. And in the Committee vote for re-listing we voted zero yes, six no and one absent.

CHAIR MIEDEMA: Joe.

MR. DICKSON: Yes, my comment from the other listing which is appropriately applied here is that Katrina brought up the other day that one commentor had expressed their support for continued listing of potassium iodide because they use it as a sanitizer and had not specified which listing that applied to. And I have confirmed with that commentor that it is the 605(a) listing, so removal from 605(b) would not negatively impact their use of the substance.

MR. FELDMAN: I'm sorry. Could you repeat that?

MR. DICKSON: Yes. The commentor who commented that the removal of--or they
supported the continued listing of potassium iodide without specifying whether they were talking about the A or B listing, and we have confirmed that they were referring to the A listing, which is remaining.

CHAIR MIEDEMA: Any further discussion? Any conflict of interest? Okay, we'll begin the voting with Jennifer.

MS. TAYLOR: No.

MS. HEINZE: No.

MR. STONE: No ma'am.

MR. FOSTER: No.

MR. BONDERA: No.

MR. DICKSON: No.

CHAIR MIEDEMA: No.

MS. FULWIDER: No.

MS. ELLOR: No.

MR. MARAVELL: No.

MR. WALKER: No.

MR. FLAMM: No.

MR. FELDMAN: No.

MR. DEMURI: No.
CHAIR MIEDEMA: That's 14 no, zero yes; motion fails. The next 205.605(b) item is tocopherols.

MR. DEMURI: Okay, as Tracy mentioned this is a re-listing of tocopherols to 205.605(b). It does have annotation, so I'll make the motion. Tocopherols for re-listing with the annotation "derived from vegetable oil when rosemary extracts are not a suitable alternative."

CHAIR MIEDEMA: Can I get a second?

MR. FOSTER: Second.

CHAIR MIEDEMA: Any discussion?

Hearing none and seeing none, any recusals for conflict of interest? We'll begin the voting with Katrina.

MS. HEINZE: Yes.

MR. STONE: Yes ma'am.

MR. FOSTER: Yes.

MR. BONDERA: Yes

MR. DICKSON: Yes

CHAIR MIEDEMA: Yes.
MS. FULWIDER: Yes.

MS. ELLOR: Yes.

MR. MARAVELL: Yes.

MR. WALKER: Yes.

MR. FLAMM: Yes.

MR. FELDMAN: Yes.

CHAIR MIEDEMA: Steve?

MR. DEMURI: Yes.

MS. TAYLOR: Yes.

CHAIR MIEDEMA: That's 14 yes, zero no; motion carries. The next material on the agenda is chlorine materials annotation under 205.605(b). Do I have a motion?

MR. DEMURI: Yes, I would like to move for the recommendation as posted for an annotation change to chlorine materials in Section 205.605(b) in the National List.

CHAIR MIEDEMA: Do I have a second?

Oh.

MR. FOSTER: I'll second.

CHAIR MIEDEMA: Steve do we need to read the annotation in at this time? Okay.
MR. DEMURI: Yes. I'm going to have John do that. Let me mention that what you saw in the presentation on Tuesday is a bit different than what we have at this point because of public comment we received. We did go into committee yesterday and change the annotation slightly. It's not a huge change, but I'll let John run that by you right now.

MR. FOSTER: The listing would read "chlorine materials (calcium hypochlorite, chlorine dioxide and sodium hypochlorite) may be used up to maximum labeled rates for disinfecting and sanitizing food contact surfaces. Chlorine materials in water used in direct crop or food contact is permitted at levels of proof by FDA or EPA for such purpose; provided there is an intervening step in place sufficient to ensure that chlorine concentration in residual water coming into contact with organic ingredients or products does not exceed the maximum residual disinfectant limit for the chlorine material.
under the Safe Drinking Water Act. Chlorine
in water used as an ingredient in organic food
handling must not exceed the maximum residual
disinfectant limit for the chlorine material
under the Safe Drinking Water Act"

CHAIR MIEDEMA: Is the second okay
with the annotation as read in?

MR. FOSTER: Yes.

CHAIR MIEDEMA: Thank you. Any
discussion? Jay?

MR. FELDMAN: Can you tell us how
this is different from the other annotations?

MR. FOSTER: I'll get that. It is
designed to complement or be aligned with the
draft guidance and mostly likely the final
guidance that the NOP put out. It specifies
levels of food contact, concentrations of the
chlorine at the point of food contact, which
the current annotation does not. And there
has been a fair amount of call from processors
to have some regulatory language that
supports current practices, which this does.
So this really is--I think of it as a clarification that brings us that regulatory clarity that supports current practices.

CHAIR MIEDEMA: Jay?

MR. FELDMAN: Thank you for that.

I was trying to figure out it differs from the previous committee recommendation. So I think--I'm trying to figure that out. Is there--there's something in the original that talked about rinse with potable--

CHAIR MIEDEMA: Can we go ahead and try to answer that question Jay?

MR. FELDMAN: --rinse with potable water?

CHAIR MIEDEMA: Katrina?

MS. HEINZE: The change is the rinse with potable water to--provided there is a intervening step in place efficient to ensure that chlorine concentration in residual water, et cetera.

MR. FELDMAN: For us lay people, could you explain that?
MS. HEINZE: And the reason for that is that under some food safety regulations with certain sanitizers, you can't do a rinse with the potable water. So we needed to provide other intervening steps. So for example, with some sanitizers, there can be a drying time. So like in a yogurt plant, you would rinse with sanitizer, maybe leave it over the weekend, or a product purge or things like that. So there's other intervening steps you can do to remove the chlorine that are not necessarily a rinse with potable water, and Emily has a comment, Tracy.

CHAIR MIEDEMA: Emily Brown Rosen.

MS. BROWN ROSEN: I think we need a little clarification here. We did have the draft guidance out this fall and we had a lot of comments on that and we got that comment also about intervening steps. Now as you originally had written this, it was consistent with our guidance and that sanitizers used as equipment do not need intervening steps. This
seems to me to say that you don't--you need
some--you don't need a potable rinse when it's
used in direct contact with food products. Is
that your intent?

CHAIR MIEDEMA: Which sentence are
we having questions about right now?

MS. BROWN ROSEN: The sentence is
unclear to me. It says "chlorine materials in
water used in direct crop or food contact is
permitted at levels approved by FDA or EPA for
such purpose, provided there's an intervening
step in place sufficient to ensure that
chlorine concentration in residual water
coming into contact with organic ingredients
or products does not exceed the maximum
residual disinfectant level." There's a
couple of problems with that sentence. Are
you saying that--yes, what is residual
water,(a); and are you saying the intervening
step comes before the water contacts the
product? Normally you would--that was not
what I understood from the comments we'd
received on this.

MR. MCEVOY: What was the reason for changing from the previous proposal?

CHAIR MIEDEMA: Go ahead, John.

MR. FOSTER: To allow something other than a rinse would potable water, like a product purge, like air drying, like something other than that, because water in some circumstances, some dairy plants for example, I'm answering the question that was the intent.

MS. BROWN ROSEN: Okay, because there was other--a comment about air chilling of chicken that we received in the draft guidance and we did investigate that and found that there are other approved materials that can be used, and there is generally not chlorine in the water, when they're air chilling of chicken. So we didn't think it was necessary to have this additional language.

MR. FOSTER: Air chilling of
chickens was not why we changed it.

MS. BROWN ROSEN: There was concern that you couldn't rinse an air cooled product with potable water because you didn't want to add more water, but you don't necessarily have to put the chlorine in the air chilling either.

CHAIR MIEDEMA: What's the urgency level of the Handling Committee voting on this document today?

MR. DEMURI: It's not urgent in our estimation. We would have preferred to have had the NOP Draft Guidance first, but maybe they were waiting for us for that to come up.

MS. BROWN ROSEN: It's a sunset material though, yes? Chlorine is a sunset material?

MR. MARAVELL: Madame Chair, do we have a break coming up where maybe the Committee could go buzz-buzz?

CHAIR MIEDEMA: Oh, just a moment, before we decide to do rewriting at the
breaks, I want to determine what's absolutely necessary here. Is an annotation change absolutely necessary, or might we petition an annotation change or propose an annotation change later as the program has advised us we can do?

MS. BROWN ROSEN: It's not a sunset material so you can postpone it till later if you'd prefer.

CHAIR MIEDEMA: Okay, so the clarification we just received this is not a sunset material and for the 2012 docket; there is not urgency. How does that handling committee feel about pulling this back in for rewrites in Committee after the meeting?

MR. DEMURI: I'm fine with that.

CHAIR MIEDEMA: Do any other Committee members have a different opinion. I mean Handling? Okay.

MR. STONE: Well, that's fine.

CHAIR MIEDEMA: Would you mind withdrawing your motion?
MR. DEMURI: I withdraw my motion.

MR. STONE: Me too, yes.

CHAIR MIEDEMA: Okay, the motion has been withdrawn. We have one more material on the Handling Committee Sunset 2012 205.605(b), Nutrient, vitamins, and minerals. Steve, will you please read the current listing?

MR. DEMURI: I'll just make a motion to re-list on 205.605(b) of the National List, Nutrients, vitamins, and minerals in accordance with 21 CFR 104.20, "Nutritional Quality Guidelines for Foods."

CHAIR MIEDEMA: Do I have a second?

MS. HEINZE: I second.

CHAIR MIEDEMA: Okay, discussion?

Steve.

MR. DEMURI: We talked about this on Tuesday, but let me remind everybody that we had a previous recommendation we were putting forth. We decided to pull that a few weeks ago, a month ago or so. We were
implored by the Program to proceed lest these materials drop off the list if it didn't make through sunset in time, if we wait until the next meeting. So we decided the best course of action would be to re-list it as it stands now, so that we'll maintain its status on the list, and we will go back and come back with a more complete recommendation taking all public comment into consideration at the next meeting.

CHAIR MIEDEMA: Thank you. Lisa, will you please scroll up so the NOSB members can see the narrative explanation there at the top of the document? This is the Committee summary and this is a new summary based on new comments. Steve, may I read that into the record?

MR. DEMURI: Certainly.

CHAIR MIEDEMA: The Committee summary for this material is: "over 2,000 public comments were received on the renewal of nutrient, vitamins, and minerals to
205.605(b) in advance in the Spring 2011 NOSB meeting. The Handling Committee has not had time to review all of the comments. Much new information has surfaced since the last time this material was reviewed for listing to the National List, including an important memo from the FDA dated April 14, 2011. However, the National Organic Standards Board has been advised by the Deputy Secretary of the USDA that we must vote—that we must vote on the sun setting of this material at the Spring 2011 NOSB meeting. The Committee foresees no unacceptable risks in re-listing the material to the National List. The Handling Committee wishes to review public input with the intent of recommending an annotation change in the fall of 2011. Any further discussion? Jay.

MR. FELDMAN: Can I just ask what the practical effect of this is in terms of infant formula and other related matters? Maybe the Department could help with that as
CHAIR MIEDEMA: That definitely would be an enforcement question, and NOP weighed in that with the memorandum at the last meeting. Does the NOP have any input on Jay Feldman's question?

MR. MCEVOY: We outlined what our next steps are, what's our action plan in regard to this category nutrient, vitamins and minerals, and we refer you to those comments in the PowerPoint presentation which is on the record and posted on the NOSB pages of the website.

CHAIR MIEDEMA: Any further discussion? Katrina?

MS. HEINZE: This is a follow up question for the Program if you'll indulge me? My understanding was that you were intending to come out with proposed guidance this summer. I guess I'm wondering if since we're still working on an annotation, if we could or should align those efforts so we don't have
conflicting annotations list something of what's included, or did I misunderstand your timing for guidance on nutrients?

MR. MCEVOY: Well, what we do is going to depend on what is the outcome here. We do have proposed--we do have draft guidance that is pretty much ready to be published which move into clearance. I should clarify, and that would be to basically state that the understanding of what the meaning of 104.20 is, and what's included in that, and what substances are included in that, and provide a time frame for substances that are not included in that to be petitioned, reviewed and then go through the rulemaking process if the Board wants them to be added to the list. So that's what the intent to the draft guidance is.

The draft guidance would be published. We get 60-day comment period. We would evaluate the draft guidance and then come out with final guidance. So that--the
time frame of that is going to be during the
time that you're working on any potential
annotation changes between now and the fall.
If we look at the track record of what we have
for the last draft, round of draft guidance,
we published it in October and we still
haven't put out any final guidance on those
draft guidance in the fall so that's what,
six, seven, months?

So I imagine we will have the draft
guidance out. We'll get the comments, but
final guidance will not be out before the fall
meeting. We'll continue to work with the
Board and the Handling Committee in particular
on this particular issue as we continue to try
to clarify what substances are approved by
the-- recommended for listing by the Board and
get that through the rulemaking processes as
we work through this whole issue.

CHAIR MIEDEMA: Any further
discussion? Katrina.

MS. HEINZE: Thank you for the
clarification. We just--as we make this transition, want to avoid being more disruptive than we need to be.

CHAIR MIEDEMA: Any further discussion? Okay, sounds like the discussion is completed and we're ready to vote. Any recusals for conflict of interest? Hearing none, we will proceed with voting and the voting begins with--somebody help me--Katrina.

MS. HEINZE: Yes.

MR. STONE: Yes ma'am.

MR. FOSTER: Yes.

MR. BONDERA: Yes.

MR. DICKSON: Yes.

CHAIR MIEDEMA: Wendy?

MS. FULWIDER: Yes.

MS. ELLOR: Yes.

MR. MARAVELL: Yes.

MR. WALKER: Yes.

MR. FLAMM: Yes.

MR. FELDMAN: Yes.

MR. DEMURI: Yes.
MS. TAYLOR: Yes.

CHAIR MIEDEMA: And the Chair abstains. That will be 13 yes, 1 abstention; motion carries. Next up is the Materials Committee, and thank you Chairman Steve and Handling Committee. Materials Committee has two voting items at this meeting. The first amends the chemical change definition.

MS. HEINZE: I was under the impression that some folks had wanted a break. I can do it either way, but--

CHAIR MIEDEMA: We'll take a 10 minute break. That puts us back voting at 4 p.m. sharp please.

(Whereupon, the above-entitled matter went off the record at 3:49 p.m. and resumed at 4:06 p.m.)

CHAIR MIEDEMA: NOSB members please be seated. Tony has been transcribing this meeting very diligently. Thank you very much, Tony. We are now back in session, now that all technical difficulties are solved,
NOSB members are seated. We're ready to proceed with Materials Committee votes. Next will come Policy Development Committee votes. And after that we'll move right into committee work plans.

So I'm going to go ahead and make sure that Chairs are prepared to move right into work plan discussions. I'd also like to make sure that all Chairs know, and that the public knows we don't announce our work plans at this meeting. There's far too many, far too much need to get back into committee and prioritize. And so please know when we talk about potential work plan items we're really talking about a collection of potential items that will need to be sifted through and prioritized, and may or may not make the committees' work plan. Thanks.

Next up then is Materials Committee items for voting. The first of which is amending chemical change definition. Do I have a motion?
MS. HEINZE: Thank you Madam Chair. Just so everyone knows the process I will read the motion. Once we get a second, I'll explain it. And then if we could do discussion after that.

CHAIR MIEDEMA: Sure.

Ms. HEINZE: OK. I move that we rescind the April 2010 recommendation, adding a second sentence to the definition of chemical change.

CHAIR MIEDEMA: Do I have a second?

MS. ELLOR: I'll second.

CHAIR MIEDEMA: Okay, Tina has seconded.

Ms. HEINZE: Okay. So just a refresher for everyone on the Board, we have the--I'm not going to do the full 20 minute that you got before. But in November 2009 the NOSB passed our document on material classification. We had some public comment and other work that we had to do as a result
of that. Part of that was addressing substantial public comment that was very concerned about the impact of our work on classifying materials that fell into the certified organic category.

In an attempt to fix that, we added the second sentence to the definition of chemical change. At the time we were operating under the understanding that everything we did on classification had to be in the rule. We have since come to understand that we have lots of flexibility to do our work in guidance, which we think is a much better approach for this. So we are recommending that we pull back the second sentence, and address the questions that came up in public comment through guidance, not through rule change. So that's why we're recommending this change.

CHAIR MIEDEMA: Any discussion? Katrina.

Ms. HEINZE: I should add that
this passed the Committee with six yes votes, zero no votes, and all the public comment that we received supported this recommendation.

CHAIR MIEDEMA: Any further discussion? Okay. I'm not going to call for conflict on this one. Mac, we'll start the voting with you.

MR. STONE: Yes, ma'am.

MR. FOSTER: Yes.

MR. BONDERA: Yes.

MR. DICKSON: Yes.

CHAIR MIEDEMA: Yes.

MS. FULWIDER: Yes.

MS. ELLOR: Yes.

MR. MARAVELL: Yes.

MR. WALKER: Yes.

MR. FLAMM: Yes.

MR. FELDMAN: Yes.

MR. DEMURI: Yes.

MS. TAYLOR: Yes.

CHAIR MIEDEMA: Katrina--
MS. HEINZE: Oh, yes.

CHAIR MIEDEMA: That's fourteen yes, zero no; motion carries. Next Materials agenda item for voting on the topic of Significant/Insignificant.

MS. HEINZE: Thank you.

CHAIR MIEDEMA: Do I have a motion?

MS. HEINZE: Same process here. So I move to accept this update to the public, and the proposed guidance that a significant level of a synthetic substance in the final material means a level exceeding any applicable regulatory limits where in effect for the material being classified, and a level without any technical and functional effects in the final material.

CHAIR MIEDEMA: Do I have a second?

MR. DEMURI: I'll second it.

CHAIR MIEDEMA: It's been moved and seconded. Discussion? Steve.

MR. DEMURI: I see that the
Committee vote was four yes, two no. Can we hear from the two that were opposed to it? Or one of the two persons?

CHAIR MIEDEMA: We can as soon as we do make sure everyone here knows that this is not a sunset voting item and does not have the same time line, if you will, as other items. So that bringing this back to committee is an option. I'm not suggesting that's what we do, at all. I just want to make sure that people know what our range of options are here out the outset of discussion. Jay, and then Katrina.

MR. FELDMAN: Well, both Jennifer and I, this is something we were dealing with before Jennifer joined the Board, so I took the lead on it, but Jennifer and I worked on this together. So that was the vote. And you wanted to know why? Okay. If you go to page three of five in the Classification of Materials document, Update and Proposed Guidance Document, you'll see the basic
theory there, and that is that the Board has
adopted a provision that allows for an
insignificant amount of synthetic to escape
review essentially. And correct me at any
point if you think I've misstated something,
Katrina. Because the view is that that level
of synthetic remaining in the input, the
allowable input isn't--is *de minimus* or
inconsequential, however you want to describe
it.

Our position, the minority, is
that the statute requires us to review
synthetics. It doesn't tell us at what
level, and therefore any level that appears
in the input should be subject to review.
Again, this has nothing to do with whether we
approve it or not, it just would subject it
to the National List review process. So
that's a simplified version of what we're
trying to do here. It's not--there are those
who have taken the position, just to paint
the other part of the spectrum, that any
synthetic used in the production of an input, in the formulation manufacture of an input, should be evaluated regardless of whether it shows up in the finished product that is allowed for use in organic production, because of our statutory responsibility. But that's not what this is proposing. This is saying only if it shows up should it be considered significant, and therefore subject to review by the Board.

CHAIR MIEDEMA: Katrina?

MS. HEINZE: Thank you, Jay. So the majority feels that detectability is very tricky to execute in the real world, that as analytical technology improves, that that is chasing to the bottom, and that there does reach a point where amount detected is not significant. And having taken a look at the historical record for the NOSB, we felt that the historical record shows that has not been the intention of the Board, nor the community in their classification decisions. So if you
look at a number of decisions that have been made--and I just blanked. It will come back to me. That they do allow for these *de minimus* levels, to use the words that Jay said. Boards that have made that decision have not felt that they were abdicating their responsibility because the level was so small that that constituted their review to say that that did not constitute harm.

CHAIR MIEDEMA: Katrina, I want to make sure I understand what we're referring to here, since we took a piece out of a document, that what we're talking about is really the five percent, not product composition of something that's significant or insignificant in whether a product is determined to be--a final product is to be determined organic. Is that correct?

MS. HEINZE: That's a good clarifying question. This only has to do with classifying the material as synthetic or not. So it has nothing to do with
certification of organic. So let me answer, I think there's a couple questions in your question. So the first is if a synthetic not on the National List is used to produce something in handling, that material cannot be certified organic, because the synthetic is not on the list. Okay, so that was the first question I heard.

The other question that had come up during discussion was the five percent of EPA residue level that is in the statute. This doesn't effect that at all. That is a statutory threshold. This only has to do with processing inputs used to make a material that we are classifying. So one that we are very familiar with, corn steep liquor. The sulfur dioxide that is added to that process, if it is, as we heard from the scientific testimony, there is a small residue remaining in that final material. If you think that being able to detect that sulfur dioxide at any level is significant,
then you agree with the minority. If you think there's some applicable regulatory limits were in effect for the sulfur dioxide and in corn steep liquor, and a level without any technical or functional effect, then you agree with the majority. Did that answer your question, Tracy?

CHAIR MIEDEMA: It did, but you took the five percent in a little bit different direction than I was talking about. So the example you gave was a crop input, whereby, you know, all of that material is going to be applied to a crop, for instance. In the instance of non-organic materials used in handling, that is only, what we're talking about is the five percent composition of a product. Correct?

MS. HEINZE: Yes, I understand your question now. So an example there might be de-oiled soy lecithin, which is a material we reviewed a couple of meetings ago. Which it's de-oiled with, if I remember correctly
acetone. And the intention of that process is to completely remove the acetone. But if it's remaining in that final soy lecithin, you know, you have to make the determination of if it's there at significant or insignificant level. And so this is an approach to help classify that. So in the minority, which is any detectable level, if you subject that soy lecithin to testing and find it, that soy lecithin is synthetic.

CHAIR MIEDEMA: Having worked for a company that did massive amounts of detectable residue testing, I know a lot of the issues around that, some of which are just, it's inordinately expensive. But setting that completely aside and acting as if it was an irrelevant topic, for the time being, it was a constantly moving target. There is--when you get down to the absolute newest technologies, there's false positives that require retesting, and the level of burden on a certifier to go that deep is,
would be new to organic. We would definitely be talking about something that we're not doing right now. Just so in case there's anybody wondering whether we're taking things down a notch, no. This would be something newly imposed on the system that we haven't built in the current industry in consumer products around. Jay?

MR. FELDMAN: From a certification standpoint, this would be a requirement that the manufacturer provide that data with a paper trail, essentially that they're certifying that in effect the residues of whatever was used in extraction, say of a material, show up in the final product at X levels. This wouldn't require any work on the part of the certifier, except to ensure a paper trail that--which they normally do anyway. So it goes back to the question, and I think you need to finish the thought, I was going to ask you, if it's deemed significant what that does is it doesn't judge whether
the product can be used in organic or not. It simply requires us to review it.

So if that, in a chemical age that we live in where very small molecules can have dramatic impacts on human development and health, and the environment, we have, again, if we're going to protect the long-term credibility of this label for the consumer we can't play it fast and loose, in my judgment, with any level of a chemical. The consumer wants to know that we've reviewed it and that's all. And we're going to make a judgment, as we have today, as to whether that little bit amount amounts to anything. And the TRs are going to see that level and they're going to suggest to us whether it's inconsequential or something that's meaningful from a potential human health or environmental effect. And I don't think it adds that much work, and I suspect every manufacturer actually knows what's in its product. It's just a question of
disclosing it and making it available to us and to the public for review.

CHAIR MIEDEMA: I have a question for Jay. When you get down to parts per million or parts per billion there can be a fair amount of variation from batch to batch. How do you propose a manufacturer document and send those unique batch-related numbers on through every production of organic products?

MR. FELDMAN: Well, I mean we could, the Department could provide guidance on that. I mean I think we should get that information. You know, if there's variability we would get a range from zero to .1, or from zero to whatever it is, part per million, or part per trillion. We would get that information. We would know it's there. We would have done our due diligence in being aware of this. When people come up to us and say, did you know there's blah, blah, blah, yes, we know it's there. We looked at it.
We looked at the documentation through ATSDR or whatever, and we've determined that that level is not a problem, or what have you. So that's how we would use it. We would probably get a range of value that is a range.

CHAIR MIEDEMA: I thought you were proposing absolutely no detectable?

MR. FELDMAN: I'm just, it's just requiring us to review it. Is that correct, Katrina? That in the insignificant definition that goes up to the allowable tolerance, which could be way up here, because it's based on a food, an allowable food residue. If you use the EPA tolerance, then we wouldn't review it because the bulk of that product perhaps was natural, non-synthetic. It was extracted with a chemical, say hexane, or something. And then we wouldn't review it because it was deemed, the hexane level was deemed acceptable by EPA in the context of food exposure. We're not
operating under that statute. That's a
different statute. It's a risk/benefit
statute. It has to do with exposure and
toxicity. We have to make our own judgment,
according to the law, on whether that
whatever remaining residue is acceptable
under our standard. So it doesn't doom this
chemical to non-use in organic, or no use in
organic. It simply is a question of whether
we ought to review it. That's the only
question on the table. Is that correct?

CHAIR MIEDEMA: Katrina?

MS. HEINZE: I think it's a little
bit more complicated than that, Jay. But,
yes, in its essence this is just about
classification. It is not about
compatibility. The--I just want--the
majority opinion lines with the
recommendation of the material work and the
direction that the Board has gone. When we
started classification work, our self-
described mission was to formalize already
existing practices in the organic community.
And so when we asked the Material Working
Group to come together and help us clarify
this, this was what they recommended. So I--
it is a conundrum, to be honest, if this
doesn't pass. But if it does not pass, the
Material Committee will take it back and we
will continue to work on this. But the Board
does need to know that that vote would be
significantly different than past practices
of this Board, in my estimation.

CHAIR MIEDEMA: Anyone else on the
Board who hasn't been heard from? Nick.

MR. MARAVELL: Katrina, what would
be your estimate of the real life impact of
this for the industry and for the Board if it
were not to pass? In other words, it might
change the practices of the Board. Do you
feel that this--I'm just curious. Do you
feel that you can get a sense of what this
would mean for the industry?

MS. HEINZE: I could, if it would
be helpful, and if the Chair would indulge me, I could summarize some of the discussions we've had. I think understanding what the impact would be would be pure speculation. But certainly we've had quite a bit on both sides.

CHAIR MIEDEMA: I'd say if and only if you can really summarize with your tightest bullet points, please.

MS. HEINZE: Okay. Handling- no effect, because everything we have that's classified is already on the list. Crops and livestock, all non synthetics would have to be reevaluated and reclassified, or reevaluated for classification. The public comment we've received is that hundreds would be reclassified as synthetic, and then would have to be petitioned to the Board. So I think, on that most people seem to agree, whether it's 50, or 100, or 200, there's differences of opinion. What the effects of that would be, there are differences of
opinion.

CHAIR MIEDEMA: Thank you, Katrina. John Foster?

MR. FOSTER: That was a perfect entree to one of my questions. So a synthetic processing aid, I know this is just by classification. I get it. But, so there's an allowed synthetic processing aid that's calcium hydroxide. It's on the National List, it's okay. It's used in sugar manufacturing. And I know in the handling context that sugar that I put probably too much of in my coffee every morning is--it's got a little bit of calcium hydroxide in it. Now I know that, most people don't, I would wager. So--and that's fine. I know that's not going to be problematic relative to the sugar I put in my coffee. If I take that same sugar and put it into a fertilizer blend, which I've done more than once, what I'm hearing and I want to see if this is correct, would that calcium hydroxide cause
a question about the usability of the sugar
if I wanted to apply that sugar to my crops?
That would be one of the ramifications as I
just heard the argument.

MS. HEINZE: As we've had
discussions in Committee, my understanding is
that's correct, but perhaps someone who has
more experience in material review could help
me with that. But that is my understanding.

CHAIR MIEDEMA: Does the NOP want
to weigh in on that, since it really would be
an enforcement question?

MR. MCEVOY: Well, if you're
saying that the sugar—I guess if I
understand you correctly, you're saying that
a lot of food products would then be
considered synthetic and therefore if you're
making compost, you couldn't use those as a
feedstock in making compost, like food waste?
Yes, please clarify.

MR. FOSTER: I was just sticking
with sugar, because I can kind of understand
it. Is that there's a little, little bit, a
minute quantity of calcium hydroxide
remaining in sugar, even organic sugar, as
it's sold on the store shelves. If I'm a
small grower, and I've been that, and I want
to put sugar in with other stuff to foliar
feed my crops. If there's a little calcium
hydroxide in that sugar and I want to use it
as a fertilizer, or as a soil amendment,
foliar feed, I don't want to call to question
whether or not that sugar has somehow turned
into a synthetic item for the purposes of
crop input use. So if there's a little
calcium hydroxide left, that's synthetic and
that is measurable, so--but I want my vote to
make sure that I'm not going to make that
sugar be considered synthetic for the
purposes of crop production. And it sounds
to me like, that would be a fear of mine.
And sugar is just the tip of the iceberg.
And that's something that I have personal
experience with. I use that. I've made a
blend with that, so I can put it in my coffee
and that's okay.

CHAIR MIEDEMA: Let's go ahead and
let Program answer that. Okay.

MR. MCEVOY: Well, if you're going
to consider sugar as synthetic, then it
couldn't be used as an input unless it's on
the National List.

CHAIR MIEDEMA: Katrina. Actually
let me just check in real quick. Any other
members of the Board that haven't had a
chance to contribute here? Barry.

MR. FLAMM: I'll just say my
piece. I thought I knew where I stood on
this, but what Katrina has said really
confuses me in terms of the impact. I
thought the majority proposal was confusing,
unclear, where I found the minority proposal
understandable in terms of significance. But
I would not want the kind of consequences
that occur by, that you described, Katrina.
So that puts me in a neutral--in a further
thinking mode.

CHAIR MIEDEMA: In respect to the public, some of whom have plane tickets this afternoon, we're ten minutes from our Federal Register Notice Meeting ending time. We have three more votes to take. And I would respectfully ask my colleagues to, that we move on with this vote, or we table the motion. I'm not actually calling for the question or ending debate, just making a collegial request. Katrina.

MS. HEINZE: We know that, the Materials Committee met at break, and we know that this is a complicated decision. Our preference would be to get a vote on this. It was an informal poll, Jay. I'm sorry. I couldn't find you. So don't--it wasn't a slight. Our preference would to be take a vote so that directionally we know which way the Board is headed, so we can complete our guidance work.

CHAIR MIEDEMA: Any further
MR. FELDMAN: I just want to say one last thing. It's problematic on both sides, because the level you're proposing here for guidance are levels that would be illegal if they drifted onto crops in organic--just, you know, I could come up with examples on your side as well as the sort of odd examples you're coming up with on the other side. If the levels that we're seeing drift, you know, onto organic, like a pesticide drift onto an organic field, as we described in the presentation the other day, we wouldn't accept a tolerance of that chemical in an organic field, but you're asking us to accept the tolerance of that chemical in an organic input. It doesn't--it's not consistent.

CHAIR MIEDEMA: Katrina.

MS. HEINZE: Our recommendation is not to supersede the five percent of the EPA tolerance. That's not--we at no time in
Committee talked about that. So I just need that on the record, that's not the intent, has never been the intent, wasn't the intent to the Material Working Group.

CHAIR MIEDEMA: Nick.

MR. MARAVELL: Katrina, I've heard from you and others that it's quite possible that there won't be tolerance levels for some substances. That's highly probable. Then what do we do in those cases?

CHAIR MIEDEMA: Katrina.

MS. HEINZE: Then you look at the technical and functional effect of that material. So, it is late, but I will try. So in John's sugar example, you would look at it, if there's no applicable levels, you would look at that calcium whatever it is and say does it have any technical or functional effect in the sugar in its use? That was our intent. I would remind folks this is just a little piece of our guidance puzzle, but it is one that has hung up the Committee for
seven months. And so the reason we brought it here is because we need some direction from the Board so that we can continue our work. What I fear is that we're going to just keep having this debate in Committee for the next three years. So we need direction from the Board.

CHAIR MIEDEMA: That's not going to happen. So do we have anymore discussion?

MR. FELDMAN: I just beg to differ with your interpretation of majority opinion. You specifically say in there use OSHA levels--

CHAIR MIEDEMA: Jay, do you mind if I wait to call on you? Just--I was going to call on the Program. They had something to say.

MR. MCEVOY: Yes, just to--I don't if this is going to help or not. But we do have a green waste guidance that's in the Program Handbook that talks about inputs and residues in inputs. And for input materials,
we don't refer to the five percent of the EPA tolerance level. It's the EPA—the five percent of the EPA tolerance level is for agricultural products that are sold, labeled, or represented as organic, not for inputs that are going into, as an input like a soil amendment or fertilizer. So I don't know if that helps, but if you have residues in compost that are greater than five—well, there's just no tolerance level for inputs. The tolerance level is for food products.

CHAIR MIEDEMA: Jay.

MR. FELDMAN: This is not an issue of compost. This is an issue of allowable materials in organic production and whether they get reviewed or not. And we will simply not be reviewing—it would be as if, you know, take something like DHA. You would simply not review it. I mean this is an analogy. Something that's deemed hazardous you would simply not review it even though you know it's potentially hazardous, because
it's found below the level at which it's allowed in commercial products. That's inconsistent with our mission and statute.

CHAIR MIEDEMA: Okay, this discussion has just gone off topic. So, we're suddenly starting to discuss other materials that are right now in the petition process and making predeterminations. It would great if we could, for the purposes of sharpening our discussion, rather than broadening it out right now, that we talk very precisely about the difference between significant and insignificant. In fact, I'll venture to say right now that we have moved out of the realm of science. We're in the realm of philosophy, and most Board members probably know where they stand right now. And we're probably going to just go around and around. Does anybody disagree with that assessment of where we're at? Okay. Any further discussion? Then we will go ahead and vote on the motion that's before us.
Katrina, will you please restate the motion?

MS. HEINZE: Thank you, Lisa. I move to accept this update to the public and the proposed guidance that a significant level of a synthetic substance in the final material means a level exceeding any applicable regulatory limits where in effect for the material being classified, and a level without any technical and functional effects in the final material.

CHAIR MIEDEMA: Mac, we're going to start the voting with you.

MR. STONE: I'm going to start with no ma'am.

MR. FOSTER: Yes.

MR. BONDERA: No.

MR. DICKSON: Yes.

CHAIR MIEDEMA: Yes.

MS. FULWIDER: Yes.

MS. ELLOR: Yes.

MR. MARAVELL: No.

MR. WALKER: Yes.
MR. FELDMAN: No.

MR. DEMURI: Yes.

MS. TAYLOR: No.

MS. HEINZE: Yes.

CHAIR MIEDEMA: I believe that five no, nine yes. Madam Secretary please confirm that tally. I want to see a show of hands, please, on the nos, so we can double check our count of five. Six. Okay, thank you. Six nos, eight yeses; motion fails.

The last voting items of the day are two--are Policies and Procedures Manual. The first one is for Section 3 and 4, Vice Chair Policy Development Committee descriptions. May I have a motion? Or do I have a motion?

MR. FLAMM: Yes, there is a motion, it's actually in Section 2 of the Policies and Procedures Manual. Rather than reading the entire statement, this is a change in the language in the Policies and Procedures Manual, I'll just read to you the change in
the language. Under the position of Vice Chair the language now adds "the Vice Chair shall serve as member of the Policy Development Committee and work collaboratively with the Policy Development Committee members on the maintenance and upkeep of the Policy and Procedures Manual." Under the Policy Development Committee role, in parentheses we added "in collaboration with the NOSB Vice Chair." I move that these changes be accepted.

CHAIR MIEDEMA: Do I have a second?

MR. FELDMAN: Second.

CHAIR MIEDEMA: Any discussion?

Hearing none, we'll begin the voting. Oh, John? No? Okay. We're going to start the voting with John Foster.

MR. FOSTER: Yes.

MR. BONDERA: Yes.

MR. DICKSON: Yes.

CHAIR MIEDEMA: Yes.

MS. FULWIDER: Yes.
MS. ELLOR: Yes.

MR. MARAVELL: Yes.

MR. WALKER: Yes.

MR. FLAMM: Yes.

MR. FELDMAN: Yes.

MR. DEMURI: Yes.

MS. TAYLOR: Yes.

MS. HEINZE: Yes.

MR. STONE: Yes ma'am.

CHAIR MIEDEMA: That's 14 yes, zero no; motion carries. There's one other voting item in the Policy Development Committee, having to do with Section 4 Committee purview. Do I have a motion?

MR. FLAMM: This is a--we're recommending a change in Section 5 of the Policy and Procedures Manual. The recommendation we put forward received a couple of comments from the public that we thought as a Committee improved upon our language. We have retained the full intent of what the Committee intended to do in that.
I can do--that full language, I think is up there. Maybe Jennifer would you read it since my--

COURT REPORTER: Ms. Taylor, can you turn on your mic?

MS. TAYLOR: Okay. Revisions of Section 5 for the Policy and Procedures Manual, procedures for completing committee recommendations. Developing committee recommendations follow these broad steps: the Committee prepares a recommendation or a discussion document, as agreed to in the Committee Work Plan, in reference to page 32 of the Policy and Procedure Manual. Number two, the recommendation or discussions document is posted for public comment. Number three, during the Board meeting, the Committee presents its recommendation for discussion by the full Board. Number four, at any point in the process prior to the Board's vote on the status of the recommendation, the presenting committee may
convene and vote to withdraw its
recommendation, based on approval of this
action by the majority of the members of the
committee. Number five, once presented the
Board votes on the committee recommendation.

CHAIR MIEDEMA: Do I have a
second?

MR. DEMURI: Second.

CHAIR MIEDEMA: Any discussion?

Tina.

MS. ELLOR: So, this doesn't take
away any of the Board members' rights to make
any motion on anything they want at any time,
correct?

CHAIR MIEDEMA: That's correct.

That's Robert's rules. Any further
discussion? All right. Last vote of the
day. We'll start with Colehour.

MR. BONDERA: Yes.

MR. DICKSON: Yes.

CHAIR MIEDEMA: Yes.

MS. FULWIDER: Yes.
MS. ELLOR: Yes.

MR. MARAVELL: Yes.

MR. WALKER: Yes.

MR. FLAMM: Yes.

MR. FELDMAN: Yes.

MR. DEMURI: Yes.

MS. TAYLOR: Yes.

MS. HEINZE: Yes.

MR. STONE: Yes ma'am.

MR. FOSTER: Yes.

CHAIR MIEDEMA: That's 14 yes, zero no; motion carries. Okay, the voting portion of our meeting is now complete. We will move into our last couple of agenda items, Committee Work Plans. Again, these are collections of draft items that potentially committees will be working on. Then we have other business as our very last item. Jennifer, do you have a question?

MS. TAYLOR: I'm sorry. I have a question. I would like to add to the agenda that you were speaking of, if possible, a
motion to get the sense of the Board in regard to genetically modified materials.

Wow. Okay. I was suggesting--

CHAIR MIEDEMA: Jennifer, do you mind if--the appropriate place for that would be at other business, and to bring it up then. Okay. So we'll give you a placeholder there. All right so let's move to each of our Committee Chairs for their notion of potential work plan items. Steve DeMuri, Chair of the Handling Committee, do you mind if I start with you?

MR. DEMURI: Certainly. On the work plan for the next six months or so we have nine 205.605 petition items: sodium gluconate, silicon dioxide, to remove Gibberellic acid, sulfuric acid, taurine, ARA, dextrin, DHA, and sulfur dioxide, to remove the annotation. We have six 205.606 items: annatto extract, CaraMunich malt, barley beta fiber, beta carotene, sugar beet fiber, and Bergamo bitter orange powder. We
also have six 205.605(a) 2013 Sunset materials, and two for 205.605(b). And we have three other items, one nutrient, vitamins, and minerals National List recommendation for, we're going to go back to the chlorine materials annotation recommendation, rework that for the next meeting. And then last item on the work plan for the upcoming six months is we'll continue being involved with the industry Flavor Task Force, and work with them on their recommendation development.

CHAIR MIEDEMA: Thank you. Next Committee Chair. Katrina Heinze, Chair of the Materials Committee. Are you ready to go, or shall we move on?

MS. HEINZE: Yes. Okay. We have four items that we are hoping, that we are planning on working on between now and the fall meeting, and then we have a growing list of things that we wish we had time to work on. So obviously we will be working on
classification. We heard loudly from the
community that they want us to complete our
work by the fall. So I expect we will have
some very robust debates, given the vote that
just happened. Then we are working on what
I'm calling a primer on the material
evaluation checklist, in collaboration with
the Program, to make sure that we're all
aligned on how we should be using that to
answer some of the questions that came up in
our most recent reviews.

And then I have a note that we're
going to work with Crops on the sulfur
dioxide. So I will leave it to Crops on
whether we still need to work on that.
Finally we have quite a bit of work to do on
aquaculture. So those are the four that we
are hoping to do between now and the fall.
Just for the record, so people know the other
things on our work plan, we received several
informal requests during this meeting to
start a--to lead an effort of the Board to
start a list of research projects that we think need to be funded in relation to materials. So, for example, fire blight control. So that we were more transparent about where we have needs. Then there are a number of orphan materials, not really orphaned, ignored materials. In September 2008 we tried to resurrect some materials. I know this is near and dear to a number of certifiers, that had been tabled by the Board, but never taken up. They've been taken from the table, but we've never done anything with them.

And then we have materials that never got tabled, that have never been reviewed. So we need to work through those petitions as well. That is a perennial comment from CCOF. And finally, we had started last year some work to improve the materials review process, so things like our evaluation checklist better reflects the different types of petitions we receive,
optimizing the TR request form, and defining
what a good TR looks like. We still hope to
someday get to those. Thanks.

CHAIR MIEDEMA: Thank you,
Katrina. John Foster, Chair of the Crops
Committee.

MR. FOSTER: Yes. Thank you. We
have some petitions in front of us, still;
ammonium nonanoate. I believe we still have
the ferric phosphate, the snail bait petition
in front of us. The indol 3 butyric acid.
Odorized propane. And PGML, which my mouth
cannot pronounce the real name of at this
time. Starts with propylene. The PGML is
how we've talked about it, for good reason,
up until now. We have—we will need at some
point to start working on 2013 Sunset
materials also. Copper sulfate, a couple of
listings for that. Ozone, peracetic acid.
And depending on how the inerts project works
out, the EPA lists three inerts were on the
2013 Sunset. We just need to keep visibility
of that. Then calcium chloride is on 602.

That's up for Sunset also.

I also, from taking some notes today, something I think we'll probably end up calling a transition plan for streptomycin tetracycline. We will work with the Materials Committee on sulfur dioxide, but probably more to the point whether we're focusing on, you know, products as formulated, or products as they affect the target, whatever it is. Obviously monitoring, continuing to kind of monitor and plug in as we need to on inerts. And I have a note here just to keep track of when the NOP's response comes out regarding prior commercial availability work that the Board did. When that comes out, I assume we will want to kind of jump in and see what that's like and how it's going to function in the industry.

CHAIR MIEDEMA: Thank you, John.

Joe Dickson, Chair of the Certification,
Accreditation, and Compliance Committee.

MR. DICKSON: The CACC has three items on our work plan for the fall meeting. The first one is the evaluation of materials review organizations. The second piece of that will be to develop a recommendation to the Program on that topic for the fall meeting. The second item is risk-based unannounced inspections. From discussions with the Program, we anticipate that they will request the Board's assistance in developing clarifications and guidance on the role of risk-based unannounced inspections in organic certification. We hope to receive that request in advance of the fall meeting, and if so, provide feedback to the Program on that issue. The third topic for the fall meeting relates to inspector qualification and assessment. We hope to assist the Program in establishing specific qualifying criteria for inspectors working in various types of production, in synchronicity with
some projects that the Program may be working on on this issue.

On our back burner, items that we're considering as a committee, but probably will not have on the formal agenda for the fall meeting, pesticide residue testing, which is on our sort of long-term work plan, but we can't really do much while the comment period for the new proposed rule is open. Retail certification, and the use of processing aids in 100% organic products.

CHAIR MIEDEMA: Thank you, Joe Dickson. Wendy Fulwider, Chair of the Livestock Committee.

MS. FULWIDER: Yes, we will be bringing back the animal welfare and animal handling transport and slaughter documents. We will also be bringing the guidance document to support each one of those. We will be completing the omnivore diet discussion document that will coincide with the finding petition that's coming. We will
also have the outcome-based standard
documents for each species that's listed on
the chart. And we will have species-specific
guidance documents that will be developed
with certifiers at the next meeting.

CHAIR MIEDEMA: Thank you very
much. Barry Flamm, Chair of the Policy
Development Committee.

MR. FLAMM: We have several items,
at least tentatively on our work plan. The
first is NOSB membership and leadership
transitions, guidance clarification, and
Policy and Procedure Manual on the transition
period. This was something we had actually
worked on for this meeting, but needed more
time, so we pulled it. But we'll have that
for, we expect to have that for the fall
meeting. The issue of committee minutes and
availability and transparency has come up
recently, and we plan to look into that and
provide guidance for members. Also the
Policy and Procedure Manual has never
identified the administrative team. So we want to include that along in the Policy and Procedure Manual, along with our other organizational structures, and just list that for the benefit of members and information to the public.

And finally, we got several detailed, strong comments regarding conflict of interest, and we've been requested by the public to strengthen, or clarify, better define, in part prescribe a statement, a conflict of interest statement prior to--so on an annual basis would be a way to say it. At the request of several national organizations, we are at least considering that for our work plan. And that's all.

That's all we have at this time.

CHAIR MIEDEMA: That concludes the discussion of potential committee work plan items. I see a question from Mac Stone.

MR. STONE: I just happened to notice that Lisa wasn't able to put the
retail certification under the CACC work plan.

CHAIR MIEDEMA: Thank you. Last item of the day is for other business. Jennifer, it sounded like you had something in the category of other business.

MS. TAYLOR: Yes. I wanted to provide information about the great interest that several of our speakers in the audience over the week brought to our attention about their concern for genetically modified materials. But I wanted to get--provide information to the Board, getting a sense of the Board in that direction.

CHAIR MIEDEMA: Would you mind being, I guess just in terms of discussion, a little more specific about what you're looking for from the Board?

MS. TAYLOR: What I was hopeful of is that the information that I have, I wanted to share with the Board, as well as provide it to Barry, and so that it could be
discussed further within the Policy Committee. I'm sorry. I have some information here in regard to several of the participants during the meeting came up and spoke about their interest and their concern about genetically modified materials and their integration within the organic agricultural strategy. And so I have some information here that I wanted to share with the Board to get a sense of the Board and their--and have them address that concern as it was brought forth from the floor, and also to have it integrated, perhaps, within concern addressed by the Policy Committee and Barry.

CHAIR MIEDEMA: Were you going to pass something around? Okay. I would ask, since we've been given this material to read and think about, and we've heard a lot of information from the public, that rather than being asked to read and sign a letter, say, right here on the spot, that we would have an
opportunity to study this a little bit. Jay?

MR. FELDMAN: Madam Chair, with all due respect, this is an urgent matter for agriculture, especially organic agriculture. It affects conventional agriculture that's non-GMO as well. I'd like to second Jennifer's motion to have the Board adopt a Sense of the Board statement. It's a four paragraph statement. It would take us three minutes literally to read. These are not new issues. And we could then deliver this to the Secretary of Agriculture for the National Organic Standards Board. I think that would be a phenomenally great thing to do at this time.

CHAIR MIEDEMA: I echo your sentiment; however, something as important as a topic of genetically modified organisms having a four paragraph statement thrust under our noses summarizing everything this Board feels and is agreeing to seems very, very hasty. By being members of the National
Organic Standards Board, we have by default taken a strong stand against GMOs. It's a prohibited practice in the industry that we serve. So I don't think we're starting out wishy-washy here this week by anybody's stretch of the imagination. And I don't really like being put on the spot to sign something when I feel like we have a whole range of voices that could come and contribute to such a letter, if we decided to sign it. It doesn't take away from what you're trying to do here, Jennifer. It just feels that it's one person, one voice, putting four paragraphs together as opposed to a truly collective piece of work. Barry?

MR. FLAMM: I think what Jennifer is trying to do is not rush you, but get a sense of whether the Board is willing to do this. And it's true that we're all concerned and committed to limiting GMOs. But the fact is things are moving in the other direction, as evidenced by actions by the Secretary
recently. So I think, myself, it's quite appropriate that we express concern. Whether--and I, I think Jennifer is just asking for some sort of support, whether we're interested in doing this, but she doesn't want to waste time if we're not committed to doing it. I think it is urgent, as Jay puts out, but I also agree with you, we might want to look at more closely, but I think what we're trying to do--and I guess is there a motion out there? I guess--

CHAIR MIEDEMA: There was. Yes. Is the motion, you said "get a sense," are you wanting to get a motion of sort of general agreement? Are you wanting a motion of approving this document?

MS. TAYLOR: I wanted a motion providing information to the Board in recognition of the concern that was brought forth from the floor, from the participants, and also that we have within our written comments, that we would take notice of that,
of that importance that has been brought to us, as well as bringing our emotions together somehow to address this, and to address it in a formal fashion where we're talking about it, or we're having it stated somewhere. And that's the basis for that information that you have.

CHAIR MIEDEMA: Colehour, and then Joe.

MR. BONDERA: Yes, I mean I just agree that I think that, when I just glanced through this, and I think about it more, I think that the point is that it seems like the public is saying, and I personally agree, that there needs to be a--it's not necessarily a letter, or statement, but perhaps, but some action from NOSB on this subject matter. And I think that that, it seems to me, is what is being put forth, is, you know, how can there be some action before the next meeting, is I think what I'm hearing. And I think the point is that
Jennifer would like to hear what action can we anticipate taking as a full Board before talking about it again in November as a new subject then, since it's now in Other Business right now on the schedule where it is. So I think that--

CHAIR MIEDEMA: Joe?

MR. DICKSON: The issue of biotechnology and its relationship to organic agriculture is so foundational and so important, and has such far reaching consequences for this industry, and this community. As a member of this Board I do not feel comfortable taking an action. As a Board that advises the Department of Agriculture on organic agriculture, the right way to approach this is have it be taken up by one of the committees, whichever committee this Board deems is most appropriate to consider it. And that it goes through the process of full consideration and development of ideas, like all of the other issues on the
agenda. I don't feel comfortable with approaching this in the last ten minutes of a four day meeting.

CHAIR MIEDEMA: Nick?

MR. MARAVELL: I think that it would be appropriate to get a sense of the Board, but not take a vote. Is there a way to do that? To get a sense of guidance if this is going to go into a committee? Would it be appropriate to get that sort of sense from the Board members? Their reaction to this statement?

CHAIR MIEDEMA: I'm hearing a lot of people give their sort of sense of this. And it's been laid down on the transcript as we speak. I've also heard a motion to give a sense of the Board. I don't think we have enough clarity to know what "sense of the Board" means. I'm not sure exactly what I would be voting on. Sense of the--is that a commitment one way or another to writing a letter that's materially similar to this
letter right here? Is that what the sense is
that you would be looking for?

MS. TAYLOR: What I'm thinking is
based on the concern, the grave concern that
we heard within the participation from the
audience this week, and also stated in our
information, our written comments, that it is
something that's on the hearts of people that
we're working with, with the farming
population, or with agribusiness. And it's
something that we need to address. We need
to address it ourselves and maybe come to an
agreement on that approach. We have that
basic approach anyway, just by being organic,
so to speak. But at the same time it is such
a strong threat to organic production that it
needs to be addressed in that manner as well.
And then also directed, as I suggested,
directed to perhaps the Policy Committee.
And maybe from that point we can have a
statement made? Maybe?

CHAIR MIEDEMA: Who hasn't had a
chance to weigh in yet and would like to? Anyone? Steve.

MR. DEMURI: I think we all agree with the premise on the letter. I do. But like Joe I would like to see it go through the process and probably the Policy Committee has a way to do it.

CHAIR MIEDEMA: Katrina, have you weighed in on it?

MS. HEINZE: I agree with Steve and Joe. I guess my suggestion--I really don't know what committee this would go to. Perhaps that needs to be a discussion point on the next Executive Committee call and we can figure out what committee it goes to.

CHAIR MIEDEMA: Anyone else who hasn't had a weigh in? Okay. Tina.

MS. ELLOR: I got the sense from some of the comments too that people were asking for a more concrete action that would be part of organic certification as testing for GMOs as well. And that might be a part
of something we'd want to look for. And that
would probably go through Policy as well.
Right?

CHAIR MIEDEMA: Or CACC. Mac?

MR. STONE: I think at some point
there has to be a documented harm to justify
the concern at some point. Not--yes.

MR. MARAVELL: Madam Chair?

CHAIR MIEDEMA: Nick.

MR. MARAVELL: What's been
expressed to me is that this is an issue that
eventually the Board is going to have to
address. So perhaps the way to view this is
we need to start referring this onto a
committee to let us know how to address this,
specifically with regard to Mac's comment
about showing harm. That might eventually
come to that. But right now, and we heard
the comments from the audience, we're not
exactly looking for that harm. So this--I
think it will have severe implications for
those of us who will be serving on this Board
in the new few years. It's all over the industry, and we need the appropriate way to proceed.

CHAIR MIEDEMA: I would like to move to refer this motion to the Executive Committee of the National Organic Standards Board to take up at our very next meeting. And to suss out exactly what people think is the best course of action on this. That would be a debatable procedure right now, making that motion to refer to the Executive Committee. That would need a second. And we would need to debate it. It would give some contour to the motion that you made. Katrina.

MR. MARAVELL: I'll second.

CHAIR MIEDEMA: Okay.

MS. HEINZE: I'm a little lost on the procedure. Do we now have two motions with two seconds? Maybe--Lisa? I don't what to do now.

CHAIR MIEDEMA: To have something
studied further you move to refer the motion
to a committee. It needs a second. It's
debated and--

MS. HEINZE: Yes, I think- Did
Jennifer have a motion too that Jay seconded?
I'm really--I'm just--I'm really tired. I
really don't know where we are.

CHAIR MIEDEMA: Lisa?

MS. BRINES: Point of
clarification, so only one main motion can be
on the floor at the time. So we do have one
main motion, which has been seconded. You
could possibly rephrase the second motion to
amend the first motion. Or the first motion
could be withdrawn. But there should not be
two main motions occurring.

CHAIR MIEDEMA: Okay. Barry
there's a typo in our Policies and Procedures
Manual we're going to have to fix. Okay. I
would move to amend Jennifer's motion, and
that we get a sense of the Board on the issue
of GMOs, by taking this topic immediately to
the Executive Committee of the National Organic Standards Board at the very next meeting.

MR. MARAVELL: I second.

CHAIR MIEDEMA: Now Nick or the seconder has to--you're okay with that? Jennifer is okay with it? Okay. Thank you. Discussion?

MR. FLAMM: Not a discussion. I just want to thank Jennifer for bringing this very important topic to the Board and getting it on the table. So thank you for getting something moving on this, Jennifer.

MS. TAYLOR: I said we thank our participants for bringing it to our attention. We know the need. So thank you.

CHAIR MIEDEMA: All right. We have a motion. It's been amended. It's been seconded. It's been okayed by the original makers of motion and second. Any further discussion before we vote? All right. Let's start with Jennifer, your motion as amended.
MS. TAYLOR: Yes.

MS. HEINZE: Yes.

MR. STONE: Yes ma'am.

MR. FOSTER: Yes.

MR. BONDERA: Yes.

MR. DICKSON: Yes.

CHAIR MIEDEMA: Yes.

MS. FULWIDER: Yes.

MS. ELLOR: Yes.

MR. MARAVELL: Yes.

MR. WALKER: Yes.

MR. FLAMM: Yes.

MR. FELDMAN: Yes.

MR. DEMURI: Yes.

CHAIR MIEDEMA: That would be 14 yes,. zero no; motion carries. Any other business? Okay. I'd like to thank the members of the public who have stuck around to the last minutes of--I think we're at about the 2200 minute mark of our meeting. We did make it. Thanks very much. I know we imposed some protocols this time with
meetings that have really started to take on
a freeform shape, that we're no longer
allowing for as many voices to come and speak
and join the conversation as possible. We've
essentially outgrown our old structure. And
we are thrilled that more public comment was
brought into regulations.gov than ever
before. I think the imposing of some contour
to our discussion had a real startling effect
the first day. Folks just weren't used to
three minutes, and they weren't used to
having us follow Robert's rules on our
discussion. But I thought things really
started to loosen up on Thursday.

Thank you so much to everyone for
all the distances you traveled, and your
kindness and patience as we've deliberated.
Our next meeting is in Savannah, Georgia in
December. Lisa, what is the date? Do you
have that off the top of your head?
December. It's actually already posted to
NOP's website.
MS. AHRAMIJAN: I believe it's November 29 to December 2, that Tuesday to Friday.

CHAIR MIEDEMA: Okay. So we will see you all in Savannah. And the Spring 2011 meeting of the National Organic Standards Board is now adjourned.

(Whereupon, at 5:24 p.m. the above-entitled matter went off the record.)
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: National Organic Standards Board

Before: USDA

Date: 04-29-11

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.

______________________________
Court Reporter