The National Organic Standards Board convened at 8:00 a.m. at the Best Western InnTowner, 2424 University Avenue, Madison, Wisconsin, Daniel G. Giacomini, Chairman, presiding.

MEMBERS PRESENT

DANIEL G. GIA COMINI, Chairman
STEVE DeMURI
JOE DICKSON
KRISTINE "TINA" ELLOR
KEVIN K. ENGELBERT
JAY FELDMAN
BARRY R. FLAMM
JOHN FOSTER
WENDY FULWIDER
JENNIFER M. HALL
KATRINA HEINZE
TRACY MIEDEMA
JEFFREY W. MOYER
JOSEPH SMILLIE
STAFF PRESENT
MILES McEVOY, Deputy Administrator, National Organic Program
LISA AHRAMJIAN, Executive Director
MELISSA BAILEY, Director, Standards Division, National Organic Program
LISA BRINES, Standards Division, National Organic Program
MARK LIPSON, Organic and Sustainable Agriculture Policy Advisor, Office of the Secretary
ARTHUR NEAL, Director of Program Administration, National Organic Program
EMILY BROWN ROSEN, Agricultural Marketing Specialist
TABLE OF CONTENTS

Call to Order - Dan Giacomini . . . . . . 5

NOSB Consideration and Vote on Committee Action Items

Crops Committee - Tina Ellor . . . . . . 5
- Petitioned Materials Recommendations
- Reaffirm Prior Sunset 2012 Recommendations on § 205.601 & § 205.602
- Sunset 2012 Recommendations on § 205.601 - EPA List 4
- Corn Steep Liquor Recommendation

Livestock Committee - Kevin Engelbert . . 59
- Petitioned Material Recommendation
- Reaffirm Prior Sunset 2012 Recommendations on § 205.603 and § 205.604
- Sunset 2012 Recommendations on § 205.603
- Apiculture Recommendation Animal Healthcare Products / Clarifying § 205.238(c)(2) Recommendation

Handling Committee - Steve DeMuri . . . . 99
- Petitioned Materials Recommendations
- Reaffirm Prior Sunset 2012 Recommendations on § 205.605(a), § 205.605(b), and § 205.606
- Reconsider Prior Sunset 2012 Recommendation on Glycerides (Mono and Di)
- Colors Annotation Recommendation
- Sunset 2012 Recommendations on § 205.605(a)
- Sunset 2012 Recommendations on § 205.605(b)
- Sunset 2012 Recommendations on § 205.606

Materials Committee - Katrina Heinze . . 273
- Nanotechnology Guidance Document
Compliance, Accreditation, and Certification Committee - Joe Smillie .......... 283
"Made With" Organic Claim Recommendation Limitations of § 205.101(b) Recommendation

Policy Development Committee - Barry Flamm .................. 307
NOSB Policy and Procedure Manual Recommendations
NOSB New Member Guide Update Recommendation

Committee Workplans .................. 350

Selection of NOSB Officers and Committee Chairs ............. 378

Other Business and Closing ............. 383
8:06 a.m.

MR. GIACOMINI: The Thursday session of this meeting of the National Organic Standard Board is now in session. Board members are seated and we have a quorum.

We have a few things that we need to accomplish today that are not on the agenda. We have a very full agenda, and depending on how things go we may very well likely end up way behind schedule, as usual for this meeting.

So, what we have decided to do is to take the three items that are, that we need to accomplish that are not on the agenda and use them to get behind schedule rather than ending up behind schedule and not feeling like we have the time to do those three things.

So, the first one that we're adding to the agenda is -- Tina, please make your presentation.

MS. ELLOR: I'm hoping there is
time because this is very brief. I thought of,  
for a long time, what I would say if I had  
this chance to express my appreciation for  
everything Valerie did for us as her time,  
with her time as executive Director.         
                          And I've distilled it down to  
very, very few words. She did the work of ten. 
There could have been no better captain to  
have steered the NOSB through years of rocky  
and shark-infested water, and did it with 
kindness, tolerance, and true care for the  
Board members and for the integrity of the  
organic label.  
                          So we have something we'd like to  
give to you, if you wouldn't mind coming up  
here. 

MS. FRANCES: It's beautiful. I 
love the color.

MS. ELLOR: And I have to say, for 
the record, that Bea found this for us and 
helped us out.

MR. MCEVOY: Okay, good morning.
Want to congratulate the, I guess the
graduates of the National Organics Standards
Board that are moving onto other pastures,
greener pastures, some other pastures. Some
type of access to the outdoors.

And I thought I would read
something from Sand County Almanac inspired by
Barry Flamm, just a couple of things, since
Aldo Leopold was from this area and said
things very eloquently, a lot more eloquently
than I can.

And I think it embodies some of
the goals that these five Board members
brought to the Board, what they were trying to
accomplish here with the National Organics
Standards Board. Kevin Engelbert, Dan
Giacomini, Jennifer Hall, Jeff Moyer, and Joe
Smillie.

There are some who can live
without wild things, and some who cannot.
These essays are the delights and dilemmas of
one who cannot. Like winds and sunsets, wild
things were taken for granted until progress began to do away with them.

Now we face the question, whether a still higher standard of living is worth its cost in things natural, wild, and free. For us of the minority, the opportunity to see geese is more important than television. And the chance to find a pasque flower is a right as inalienable as free speech.

These wild things, I admit, had little human value until mechanization assured us of a good breakfast and until science disclosed the drama of where they come from and how they live. The whole conflict thus boils down to a question of degree. We of the minority see a law of diminishing returns in progress, our opponents do not.

So, these essays in Sand County Almanac attempt to weld three concepts together. That land as a community is the basic concept of ecology, but that land is to be loved and respected is an extension of
ethics, that land yields a cultural harvest is a fact long known, but latterly often forgotten.

Such a view of land and people is, of course, subject to the blurs and distortions of personal experience and personal bias. But wherever the truth may lie, this much is crystal clear. Our bigger and better society is now like a hypochondriac, so obsessed with its own economic health as to have lost the capacity to remain healthy.

The whole world is so greedy for more bathtubs, it has lost the stability necessary to build them, or even to turn off the tap. Nothing could be more salutary at this stage than a little healthy contempt for a plethora of material blessings.

Perhaps such a shift of values can be achieved by reappraising things unnatural, tame and confined in terms of things natural, wild, and free. So, anyway, thank you very much for your service, and we have some
plaques and things for you.

    MS. ELLOR: Your fellow Board members got together and, with the help of Lisa, have some fabulous departing gifts for you. So, yes, and I'm going to make you get up to get them. So. How about you first, Jeff? And Tracy, if you wouldn't mind grabbing my camera from Jeff, then we can document this.

    Oh, well, hopefully they'll survive. So, just for the first bag here, I want to show people what, what Lisa came up with, and this is just brilliant, I think you will love it. Hold the shirt up and read it to the audience.

    MR. MOYER: I didn't put my glasses on but it's USDA organic NOSB -- you read it.

    MS. ELLOR: It says, "organic integrity from farm to table, consumers trust the organic label". And it's an organic shirt. And then other Board members contributed various things which will be a surprise. Dan? Joe? Jennifer? And last, but certainly not
least, Kevin. All right. And that's all I have. Kevin.

MR. GIACOMINI: Okay. Thank you very much. Today is the, our final discussion and voting day for Board recommendations presented for final consideration by the various Committees.

The Committees have worked for months on these recommendations, and have respectfully viewed public comments submitted both online and in person at this meeting. I have always found it impressive, the responsiveness that Committees grant to the public input.

Frequently, a Committee works well into the night, during the meeting, to re-craft a recommendation for consideration by the Board, with sometimes minor changes and sometimes major changes based on public comment they received.

Again, we thank the public for their input and the Committees for their great
work. However, now is the time for the final consideration and vote. The Board asks that the members of the audience refrain from emails, phone texts, and other forms of electronic communication during this voting process.

And we thank you in advance for your consideration to the fairness of all parties involved. Chair would like to make a special request to the Committee vice chairs, please try to keep track of all changes made to the recommendations for your Committee.

We often have additional changes done, sometimes minor tweaks in things on this final day, and so that we make sure we have both the version from the -- that Lisa will be keeping, and a version from the Committee and hopefully they will be the same.

Okay, we proceed today in the same order as we used previously to work through the various Committees. So, Tina is passing out the voting sheet. Jennifer, could you
please take those from Tina and finish passing
so that she can begin her work with crops?

MS. ELLOR: Thank you, Mr. Chairman. We're starting today with ethylene
glycol, which I'll hand over to Jeff in a moment. And Jeff is also going to say
something about, you know, what, how the Committee is going to communicate with the NOP
about the inert, reviewing inerts issue.

We are going to go ahead with
three of the four materials today, but, well, I'll let Jeff talk about what the options for
the petitioners are.

MR. MOYER: Thank you, Tina. Yes, what we've decided to do as a Committee is to
present our guidance language, formerly out of Committee, to the program exactly as the way
we presented it to the whole Board on, I believe it was on Monday. Actually, Tuesday, I'm sorry. It was on Tuesday.

Giving the program some guidance on how to respond to new petitions coming into
the, potentially coming into the process, representing inerts. And again, the three main points of that guidance statement are that we suggest, although we have no way of telling potential petitioners what to do, we're suggesting that there's going to be a moratorium on the inert materials coming into the petition process.

That an allowance of any material currently in the review process as an inert, to be temporarily withdrawn by the petitioner without prejudice, including petition materials evaluated by the Crops Committee for this meeting, and you'll see that we are withdrawing one of them at the petitioner's request.

And then, any materials that are withdrawn, or not withdrawn and voted on at this meeting, can be repetitioned, pending the outcome of the NOP EPA process. And then finally we're going to be voting on the list, the re-listing of the inerts via the sunset
process.

So we're going to submit that directly to the program and through discussion with them they've already indicated that they will be getting in touch with the petitioners and potential petitioners with that message.

But in light of that, we will be moving forward with some of the petitions that are in front of the Committee and the Board today. Tina?

MS. ELLOR: Thank you, Jeff. So, since the first material on the agenda is material that you looked at, do you want to go ahead? And you can just use my computer if you want.

MR. MOYER: Thank you, Tina. First material on the Crops Committee's agenda for voting today is ethylene glycol. Ethylene glycol is an inert that is being petitioned to add to the National List. You may recall again from Tuesday that the Committee is recommending that this material not be listed.
First, we voted that it was a synthetic, we voted five to zero on that with two absent. And then we voted to not list this material with a vote of zero yeses, six nos, and one absent for that vote.

So, the Committee's recommendation is that we do not list this material on the National List. At this point in time I'll make a motion that we do not list, or reject, ethylene glycol for listing on 205.601.

MS. ELLOR: And I will second that motion.

MR. GIACOMINI: It has been moved and seconded. I'm sorry, can you please state that, the motion, Mr. Chairman?

MR. MOYER: Yes, I'll try to make the motion in the affirmative. The Crops Committee recommends that we list ethylene glycol on the National List, 205.601.

MR. GIACOMINI: Okay, with that, before we go second, could you make the motion that that substance be added to the National
List in that section? Katrina?

MR. MOYER: I believe I just did that.

MR. GIACOMINI: Go ahead.

MS. HEINZE: I believe we have to vote on whether it's synthetic or not first.

MR. GIACOMINI: We will.

MS. HEINZE: Don't we need that motion first?

MR. GIACOMINI: Okay. We're new at this two-step process. We're trying to make sure we get it right. Okay. Let's start with -- just for the record, Tina, withdraw your second for the initial motion, which we don't want to deal with.

MS. ELLOR: I withdraw my second.

MR. GIACOMINI: Okay. All right, so the first step that we need is a motion to approve that the substance is determined to be synthetic.

MR. MOYER: Thank you, Mr. Chairman. I make a motion that we list
ethylene glycol as a synthetic.

MR. GIACOMINI: Now, we don't want
to list it yet, we just want to approve that
it is synthetic.

MR. MOYER: That we classify it as
synthetic. Thank you.

MS. ELLOR: And I will second.

MR. GIACOMINI: Okay. Been moved
and seconded that we classify ethylene glycol
as a synthetic. Mr. Maker of the Motion, do
you have any further comment?

MR. MOYER: I do not.

MR. GIACOMINI: Further debate?
Seeing none, proceed to vote. Okay. Oh boy.
Okay. Jeff. We also have to work on our voting
sheet here.

I apologize for this, folks, we
had a number of things that we were working on
late into the night on and very hard through
the morning, and some of these kind of things
we were unable to catch up on.

All right. Beginning with -- on
the motion to classify this material as synthetic. Okay, are we ready? Jane, Katrina, are we ready? Okay, is everyone else ready to vote? Okay. To classify this substance as synthetic, Jay?

MR. FELDMAN: Yes.

MR. GICOMINI: Katrina?

MS. HEINZE: Yes.

MR. GICOMINI: Wendy?

MS. FULWIDER: Yes.

MR. GICOMINI: Kevin?

MR. ENGELBERT: Yes.

MR. GICOMINI: Jennifer?

MS. HALL: Yes.

MR. GICOMINI: Jeff?

MR. MOYER: Yes.

MR. GICOMINI: Tina?

MS. ELLER: Yes.

MR. GICOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GICOMINI: Joe?

MR. SMILLIE: Yes.
MR. GIACOMINI: Joe?
MR. DICKSON: Yes.
MR. GIACOMINI: Barry?
MR. FLAMM: Yes.
MR. GIACOMINI: Steve?
MR. DEMURI: Yes.
MR. GIACOMINI: John?
MR. FOSTER: Yes.
MR. GIACOMINI: Chair votes yes.

One abstain -- I mean, one absent. I'm sorry.
So, we are zero no, fourteen yes, one abstain.
Madam Vice Chair, could you -- I mean one absent, I'm sorry. I keep saying that. One absent. You need to help us track vote so we make sure we get them right.

Oh, she's no longer absent, we just have. Okay. All right.

MR. MCEVOY: Dan?
MR. GIACOMINI: Yes?
MR. MCEVOY: You have to do the conflict of interest --

MR. GIACOMINI: Yes, yes we do. I
don't -- I didn't think there was too much conflict of interest on whether to classify it, but we do need to do that. And I will need to be reminded regularly. I hope I finally get that by the time. So, any conflict of interest on this substance? Seeing none. Okay. We proceed to the recommendation on the listing.

MR. MOYER: I make a motion that we list ethylene glycol on the National List 205.601.

MS. ELLOR: I will second.

MR. GIACOMINI: It has been moved to list ethylene glycol on National List section 205.601. Mr. Maker of the Motion, any further debate?

MR. MOYER: No.

MR. GIACOMINI: Any further debate? Seeing none, we'll proceed to vote. On the listing, to, to add -- correct. The motion is made in the affirmative because the action of the Board that's of importance, that takes
action, is the fact of listing.

All substantive votes or definitive votes of the Board require a two-thirds majority, so if we were to proceed with the motion in the negative, which is the recommendation of the Committee to not list, if that were the way we presented the motion, and it failed at the Board level, we still would not have achieved the action of whether we place it on the list or not.

So by making the motion in the form of listing, we only have to make one vote to know what we're going to do. It either passes, two-thirds, or it fails and it's not listed. The recommendation from the Crops Committee is a no vote on this listing.

It may seem a little awkward, parliamentarily, it's similar to presentation of -- voting on bylaws, where a new regulation is presented by the public, which is what majority of the listing items for petitions are.
We vote based -- the Board votes on that recommendation as it's presented. So that's where we proceed. Even when we proceed to sunset, the action of the Board that is important is whether we're re-listing, not by, if we've, not by a motion to not re-list, and it passes.

That would not necessarily mean that it is re-listed. The only thing is whether we vote reassert to re-list and whether that passes or fails. We do not need to action to not re-list, an action to, no action by the Board on a substantive sunset means that it would come off on its own without our action.

So this saves us, while it makes a long, drawn-out explanation at every meeting, it saves us a tremendous amount of time at the voting level. So the motion is to list ethylene glycol and the recommendation from the Committee is a no vote.

So we will proceed. Question? Joe?
MR. SMILLIE: Jay seems ready to vote, and our tradition is to --

MR. GIACOMINI: Yes, we will move down. We move one down whenever we do another vote. So, are we ready for the question? Okay. Katrina?

MS. HEINZE: No.

MR. GIACOMINI: Wendy?

MS. FULWIDER: No.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: No.

MR. GIACOMINI: Jennifer?

MS. HALL: No.

MR. GIACOMINI: Jeff?

MR. MOYER: No.

MR. GIACOMINI: Tina?

MS. ELLOR: No.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: No.

MR. GIACOMINI: Joe Smillie?

MR. SMILLIE: No.

MR. GIACOMINI: Joe Dickson?
MR. DICKSON: No.

MR. GIACOMINI: Barry?

MR. FLAMM: No.

MR. GIACOMINI: Steve?

MR. DEMURI: No.

MR. GIACOMINI: John?

MR. FOSTER: No.

MR. GIACOMINI: Jay?

MR. FELDMAN: No.

MR. GIACOMINI: Chair votes no. Oh boy. Do we have any conflicts of interest on, regarding the substance? Ethylene glycol. We voted, but we didn't, no, it--well, just to make sure. Okay. Yes. We should only have to ask that one time on each substance. Okay. So, zero no -- I mean, fourteen no. Zero yes. Motion fails.

All right, next substance, Madam Chairperson?

MS. ELLOR: Thank you. The next substance on our work plan this morning is tall oil. Oh, I'm sorry. We decided as a
Committee to withdraw, or to allow for the withdraw of the EDDS, and I don't know if, Jay, you want to say anything more about that.

But the petitioner did ask us to withdraw that pending the outcome of the collaboration on list inerts. I'm not going to say a list. Inerts. Between the NOP, the EPA, and the NOSB. And we have done that without prejudice.

So, you can make a line through your voting sheet on that one. The next one is tall oil, which was my material. I took point on that one. Which, as we mentioned in discussions on Tuesday, the substance, the Crops Committee is recommending against listing tall oil.

The substance fails criteria categories one, two, and three, and our comment is that even though tall oil is being petitioned as an inert, it also has insecticidal properties, so the Committee felt that it failed the environmental impact
category.

There are alternatives, therefore the Committee does not feel it was essential, and the Committee determined that it is not compatible or consistent with organics and sustainable agriculture. We voted as a Committee to classify the material as synthetic on a vote of six to zero, with one absent and no abstentions and no conflicts.

So the first motion I'd like to make is that we classify tall oil as synthetic.

MR. MOYER: I'll second that motion.

MR. GIACOMINI: It has been moved and seconded to classify tall oil as synthetic. Madam Maker of the Motion, do you have any further debate? Tina? Do you have any further debate?

MS. ELLOR: No. No, I don't.

MR. GIACOMINI: Okay. Any further debate?
MR. MOYER: Do conflicts of interest first?

MR. GIACOMINI: Conflicts of interest on tall oil? Seeing none, ready for the question? Proceed to vote on the classification of tall oil as synthetic.

Wendy?

MS. FULWIDER: Yes.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: Yes.

MR. GIACOMINI: Jennifer?

MS. HALL: Yes.

MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe Smillie?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe Dickson?

MR. DICKSON: Yes.
MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Chair votes yes.

Zero no, fourteen yes. Running out of room here. Board votes to classify the substance as synthetic. Madam Chairman?

MS. ELLOR: I'd like to make a motion that we list tall oil on -- I'm looking for the list, I'm sorry -- to add tall oil to the National List 205.601 as a synthetic for use in crop production. That's the motion.

MR. MOYER: I'll second that motion.

MR. GIACOMINI: It's been moved and
seconded to add tall oil to the National List section 205.601 as a synthetic. Madam Maker of the Motion, do you have any further debate?

MS. ELLOR: No, I do not.

MR. GIACOMINI: Any further debate?

Ready for the question. So, the motion to add tall oil to the National List Section 205.601 as a synthetic. The Board -- the Committee recommendation is a no vote. Kevin?

MR. ENGELBERT: No.

MR. GIACOMINI: I did conflicts. That's all right, I'm going to have to clean this anyway, I'll need, I'll get that ink out. Jennifer?

MS. HALL: No.

MR. GIACOMINI: Jeff?

MR. MOYER: No.

MR. GIACOMINI: Tina?

MS. ELLOR: No.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: No.

MR. GIACOMINI: Joe Smillie?
MR. SMILLIE: No.

MR. GIACOMINI: Joe Dickson?

MR. DICKSON: No.

MR. GIACOMINI: Barry?

MR. FLAMM: No.

MR. GIACOMINI: Steve?

MR. DEMURI: No.

MR. GIACOMINI: John?

MR. FOSTER: No.

MR. GIACOMINI: Jay?

MR. FELDMAN: No.

MR. GIACOMINI: Katrina?

MS. HEINZE: No.

MR. GIACOMINI: Wendy?

MS. FULWIDER: No.

MR. GIACOMINI: Fourteen -- chair.

Chair, no. Fourteen no. Yes, zero. No abstain, no absent. The motion fails. Next item, Madam Chairman?

MS. ELLOR: The next item is tetramethyl. We'll just call it tetramethyl.

Barry, would you like to take that one?
MR. FLAMM: The Committee reviewed tetramethyl and found it failed all three categories. The vote was one to list and five not to list and one absent. Oh, and, excuse me, we voted that it's synthetic. I move that we classify tetramethyl as a synthetic.

MR. MOYER: I will second that motion.

MR. GIACOMINI: It has been moved and seconded to classify tetramethyl as a synthetic. Maker of the Motion, do you have any further debate? Further debate? Conflict of interest? Seeing none, we're ready for the question.

MR. MCEVOY: Dan? We should put the full name of the product into the record.

MR. GIACOMINI: Okay. I'll request the Chairman of the Crops Committee to do that, please.

MS. ELLOR: All right, all right. Tetramethyldecynediol. And, yes, yes, okay, okay, okay. Got it. 2,4,7,9-tetramethyl-5-
decyne-4,7-diol.

MR. GIACOMINI: There you go. Okay. So we have conflict of interest. Questions, and we are ready for the question. Believe we're up to -- who are we up to? Jennifer?

Okay. Jennifer?

MS. HALL: Yes.

MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe Smillie?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe Dickson?

MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?
MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Wendy?

MS. FULWIDER: Yes.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: Yes.

MR. GIACOMINI: Chair votes yes.

Zero no, fourteen yes. Classified as a synthetic. Madam Chair?

MS. ELLOR: I will pass it back to Barry for the next motion.

MR. FLAMM: Should I read the full name for the record? Okay. I move that 2,4,7,9-tetramethyl-5-decyne-4,7-diol be listed under 601.

MR. MOYER: I'll second that motion.

MR. GIACOMINI: It has been moved and seconded to list tetramethyldecynediol on
section 601. Mr. Maker of the Motion, further
debate? Further debate, Barry?

MR. FLAMM: No further debate.

MR. GIACOMINI: Okay. What's the
recommendation of the Committee? To vote no?

MR. FLAMM: To vote no.

MR. GIACOMINI: Vote no. No vote is
the recommendation of the Committee. Any
further debate? Okay. Seeing none, proceed to
vote. Jeff?

MR. MOYER: No.

MR. GIACOMINI: Tina?

MS. ELLOR: No.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: No.

MR. GIACOMINI: Joe Smillie?

MR. SMILLIE: No.

MR. GIACOMINI: Joe Dickson?

MR. DICKSON: No.

MR. GIACOMINI: Barry?

MR. FLAMM: No.

MR. GIACOMINI: Steve?
MR. DEMURI: No.

MR. GIACOMINI: John?

MR. FOSTER: No.

MR. GIACOMINI: Jay?

MR. FELDMAN: No.

MR. GIACOMINI: Katrina?

MS. HEINZE: No.

MR. GIACOMINI: Wendy?

MS. FULWIDER: No.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: No.

MR. GIACOMINI: Jennifer?

MS. HALL: No.

MR. GIACOMINI: Chair votes no.

Fourteen nos, zero yes. Listing fails. Next item.

MS. ELLOR: The next item on our agenda this morning is the reaffirmation of the sunset 2012 votes that we took in April. And I'm going to go through and read the items that we're reaffirming that we voted on, to re-list during the sunset votes in April.
Hydrogen peroxide, soap-based algicides, demossers, herbicide, soap-based, for use in farmstead maintenance, mulches, newspapers or other recycled paper, you know, I'm sorry, the form that this document is in is very difficult to read. I should have gone through and listed these out separately.

We separated them into category uses, and that's the way I'm reading them. Hydrogen peroxide, soap-based algicides, demossers. Herbicide, soap-based, for use in farmstead maintenance. As mulches, newspapers, and other recycled paper, plastic mulches, plastic mulching covers.

As animal repellents, soap, ammonia for use as large animal repellent only. As insecticides, ammonium carbonate, boric acid, elemental sulfur, lime sulfur, oils, horticulturalss, soaps, insecticidal. Sticky traps and barriers, sucrose octenoate esters.

As plant disease control, hydrated
lime, hydrogen peroxide, lime sulfur,
horticultural oils, potassium bicarbonate,
elemental sulfur. As planter soil amendments,
aquatic plant extracts, elemental sulfur,
humic acids, micronutrients, soluble boron
products.

Sulfates, carbonates, oxides, or
silicates of zinc, copper, iron, manganese,
molybdenum, selenium, and cobalt. Liquid fish
products, vitamins B1, C, and E. Those were
the 205.601 listings.

The 205.602 that we recommended,
and these are materials, of course, not
allowed for use in organic agriculture. Ash
from manure burning, arsenic, lead salts,
potassium chloride, unless derived from a mine
source and applied in a manner that minimizes
chloride accumulation in soil.

Sodium flow aluminate, strychnine
and tobacco dust. So, our recommendation as a
Committee is to -- I'm sorry, Lisa?

MS. AHRAMJIAN: Tina, I think that
you read, on, under mulches, the newspaper and other recycled paper without glossy and colored and plastic mulch and other covers. The Committee recommended to delay a vote on that.

MS. ELLOR: You are correct. Thank you for pointing that out. We sent that out for further technical review. So those are not part of our -- they were not part of our April 2012 Board.

So, the Committee is recommending re-listing of those items -- the Committee is recommending reaffirming the vote we took in April as a Board on those 2012 sunset materials.

I would like to make a motion that we reaffirm the Board vote, re-listing those, and don't make me read them again, those 2012 sunset materials.

MS. MIEDEMA: Second.

MR. GIACOMINI: It has been moved and seconded to reaffirm the votes of the
April 2010 sunset recommendation for re-listing of sunset. Any further debate? I don't know whether there would be any conflict of interest.

Madam Chairperson, just for the clarification of the record, were there any changes to the April recommendation that we are not voting to reaffirm? Just so that we're official.

MS. ELLOR: No, there are none.

MR. GIACOMINI: So it is exactly as voted on in April, is what we are voting to reaffirm?

MS. ELLOR: Yes.

MR. GIACOMINI: Thank you. Is everyone clear on that? Hopefully the record will be clear as well. Ready for the question? Tina.

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe Smillie?
Mr. Smillie: Yes.

Mr. Giacomini: Joe Dickson?

Mr. Dickson: Yes.

Mr. Giacomini: Barry?

Mr. Flamm: Yes.

Mr. Giacomini: Steve?

Mr. Demuri: Yes.

Mr. Giacomini: John?

Mr. Foster: Yes.

Mr. Giacomini: Jay?

Mr. Feldman: Yes.

Mr. Giacomini: Katrina?

Ms. Heinze: Yes.

Mr. Giacomini: Wendy?

Ms. Fulwider: Yes.

Mr. Giacomini: Kevin?

Mr. Engelbert: Yes.

Mr. Giacomini: Jennifer?

Ms. Hall: Yes.

Mr. Giacomini: Jeff?

Mr. Moyer: Yes.

Mr. Giacomini: Chair votes yes.
Motion passes. Zero no, fourteen yeses, motion passes. Next item, Madam Chairperson?

MS. ELLOR: The next item on our agenda is the sunset 2012 EPA list for inerts, which I will turn over to Jeff.

MR. MOYER: Thank you, Tina. EPA list for inerts of minimal concern, as currently appears on the list under 205.601 under the sunset process, the Committee recommends that we continue with the re-listing of the EPA list for inerts of minimal concern.

It came out of Committee with a vote of four yeses, two nos, and one was absent. There is a minority opinion on this, but I think this is a two vote, so we're just going to leave it -- or do you want me to address the minority opinion at this point? I want it known that there is a minority opinion.

MR. GIACOMINI: We can state the minority opinion, of course. Let's wait and do
that in discussion, though. Let's make the original motion, proceed with the second.

    MR. MOYER: I make a motion that we, under the sunset process, re-list EPA list for inerts of minimal concern under 205.601.

    MS. ELLOR: And I would second that.

    MR. GIACOMINI: It's been moved and seconded to re-list EPA list for inerts under 205.601 for sunset 2012 review. Mr. Maker of the Motion, further debate?

    MR. MOYER: Yes, I would like to bring to the attention of the Board that there is a minority opinion to this motion. The minority opinion without reading it in detail, since we did read it the other day, has mainly to do with the time frame under which we're asking the program to react to an affirmative motion here.

    Under the standard sunset process, as we all know, there's a five year time frame on the Board taking action on this item again.
The minority opinion is asking that this be re-listed only for three years so that we can expedite the process.

MR. GIACOMINI: Jay?

MR. FELDMAN: Thank you, Mr. Chair.

The minority would like to amend the motion to three years.

MR. GIACOMINI: This is a sunset review where we're not looking at, that would be a major annotation change that would not be in order at this time. The process for Crops Committee, for the minority, would be to proceed with that through the Crops Committee for a recommendation change, to change the annotation of this listing at the spring meeting.

Further debate? Further questions? Are we ready for the question? Conflict of interest?

MS. ELLOR: Can we go through the Committee recommendation?

MR. GIACOMINI: Katrina?
MS. HEINZE: I know we talked about this a little bit earlier, for list four, but is the Committee going to proceed with your thoughts on list four in general? How is all of list four going to come together, is, I guess, what I'm asking. Right? Because we have the guidance that we discussed earlier this week, and you talked about earlier this morning we have the re-listing.

Is it your intention that you'll come forward with the guidance, that we not look at list fours until the collaboration between the program and the Board and EPA comes together? I just need a reminder of how it all comes together.

MR. GIACOMINI: Jeff?

MR. MOYER: Thank you, Mr. Chairman. I'll try to answer that the best that I can with the limited information because it does involve, obviously, the program.

Our intent here is to re-list all
the materials as they exist on a static list, not a dynamic list, it's a very static list that had a cutoff time period which we heard in public comment yesterday.

To re-list that, under the sunset process, which means typically it will go for five years, pending the minority opinion and the outcome of that. What we're going to do then, is we're working with the, the Committee and the full Board will be working with the program and with EPA to develop a different process by which these materials will be evaluated in the future.

I believe in discussion with the program and with Arthur in particular, it is the intent of the program to expedite this and not have to wait till five years is up before this is passed through. But we all recognize that it does take time for these things to happen, particularly when you're dealing with cross-agencies like this, and creating new Memorandums of Understanding.
And there are a lot of materials to look at. Our goal, again, talking with Arthur, is to reduce the number of materials that we actually have to look at by paring down that list to, as we mentioned at the April meeting, looking at the naturals and creating a sublist, and suggesting to pesticide manufacturers, that they reformulate to those because they don't have to put those on the list.

Many may not be able to do that, so then we're going to have a sublist of what they absolutely need to work with or what certifiers are currently certifying, what products are they certifying. With the program, and the EPA, they can go to those manufacturers and elicit the information that they need on that, where we have no authority to do that.

So we're thinking that we're going to shrink down that list, get to a point that is manageable for the program and for this
Board, then moving forward, our intention on
the document we passed back in April, was then
to have folks come forward with petitions for
inerts under maybe a slightly different set of
evaluation criteria.

    We don't know what that will be
yet, because that needs to be developed by the
program and the help with the EPA. Because
under our current evaluation criteria, most of
these things, the ones that come in through as
synthetics, will fail because we're looking at
them as actives.

    So we need a new process for that,
that's the plan. Does that help?

    MS. HEINZE: And in the meantime,
you, what I heard was you wanted to pause all
reviews of inerts while that process unfolds.
Is that correct?

    MR. MOYER: That is correct. While
we have no authority to stop someone from
petitioning this Board with materials through
the program, our message to the program was
that we were asking them to relay a message back to the potential petitioners of inerts that we are asking for a moratorium on that until this new process is defined.

And we are recommending that it be in their best interest as well as ours to follow that. But we can't stop them, so you may see new petitions on inerts. I don't know.

MS. HEINZE: Thank you.

MR. GIACOMINI: Jay?

MR. FELDMAN: Appreciate the work of the Committee on this and Jeff in particular for all your work. This is a critical issue, I just want to just restate for the record that this is an urgent, urgent, urgent issue.

We cannot fulfill our statutory duty in terms of materials review without this information. If this lags, we are really out of step with our duties here to evaluate the full range of impacts of product ingredients.
And while I certainly defer to the chair on this matter, and I'm not objecting to your decision, I believe that it is in order to amend a motion of this nature, which is certainly a policy motion. We're not seeking to amend an annotation here.

We're seeking to expedite, or, you know, speed up the timeframe in which we would review these things, but, again, we defer, the minority defers to the pleasure of the chair and just want to reemphasize the urgent nature of this issue. Thank you.

MR. GIACOMINI: The chair will be happy to refer to the program. Would the program see a change in this listing to essentially add an annotation of a drop dead date as an annotation change? In the rulemaking process?

MR. MCEVOY: Yes, adding an annotation would be adding an annotation, that's not currently allowed --

MR. GIACOMINI: I didn't mean to,
to set you up there, but I didn't know how
else to say it. Okay. I think the program then
concurs on that. With the point of view of the
chair and the chair's ruling that, in our
current policy, that's not in order at this
time.

Further debate on the question?
Seeing none, ready for the question. Proceed
to vote. Any conflict of interest? Tina?

MS. ELLOR: Jeff, could you restate
the motion, please?

MR. GIACOMINI: Wait. Before we do
that, any conflict of interest? Seeing none,
Jeff, please restate the motion.

MR. MOYER: I believe the motion I
made is to re-list EPA list for inerts of
minimal concern on list 205.601 under the
sunset process.

MR. GIACOMINI: Okay. Are we ready
for the question? What he said. Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe Smillie?
MR. SMILLIE: Yes.

MR. GIACOMINI: Joe Dickson?

MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Wendy?

MS. FULWIDER: Yes.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: Yes.

MR. GIACOMINI: Jennifer?

MS. HALL: Yes.

MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?
MS. ELLOR: Yes.

MR. GIACOMINI: Chair votes yes.

Zero no, fourteen yes. Motion passes. Next item, Madam Chairperson?

MS. ELLOR: The next item on our agenda this morning is corn steep liquor. We really struggled with this one, as a Committee, and we got a lot of new information during public comment, and we got together this morning to try and find, you know, a compromise that would make everybody comfortable with voting on this material.

And what we decided as a Committee, and we took a vote on it, and the vote was four to two, to withdraw this from the table for voting at this meeting, and take it back and verify information that we got and, you know, see what other information comes to light.

As we learn more about this very difficult process, not only, you know, do we need to know corn steep liquor processing
inside out, but the ramifications of this
decision are so far-reaching that we really
felt, or the majority of the opinion felt that
cautions would be our best policy. So we are
withdrawing that from the table for voting at
this meeting.

    MR. GIACOMINI: Okay. John?

    MR. FOSTER: I would just like to
say, I felt there was enough information to
make a decision. I was one who, one of the
people who wanted to proceed with the vote.

    MR. GIACOMINI: Steve?

    MR. DEMURI: I can live with the
Committee's withdrawal, but my concern is that
we have a lot of new Board members coming on
and a lot of experience leaving, and so we're
basically going to have to start the process
over, in my mind.

    MS. ELLOR: And, you know, those of
us who are residual on the crops Committee
will, you know, do our best to you know, keep
it fresh and be good and patient teachers.
MR. GIACOMINI: Kevin?

MR. ENGELBERT: And I would just like to add to that that we're, we're not leaving tomorrow. We're going to do everything we can, the members that are leaving in January, to work, you know, this is going to be front and center from now until we leave, to bring the new members up to speed and get them as educated as possible, along with the members that are staying here.

That, we did consider that, at least I did, myself. And I'm comfortable that the new people coming on are qualified and it's not going to take them long to get up to speed, its just, we had so much new information that to give this due process and be able to justify exactly what decision the entire Board comes to, we thought it would be prudent and the best course of action was to withdraw the petition at this time.

MR. GIACOMINI: Joe?

MR. SMILLIE: I am respectfully, I
am very disappointed with the Committee decision. I wanted to vote on this issue, I think it's a landmark issue. I thought we had full and complete debate. It's going to come down to differences of opinion, and deeply disappointed that my last vote I could not vote on this issue.

Because, it's not just about corn steep liquor. It's about how we look at synthetics, and I think it's a deep disappointment that we didn't bring this to vote at this time.

MR. GIACOMINI: Katrina?

MS. HEINZE: I agree with that. Much of the debate We've heard is debate that we had when we went thorough the classification document. I also agree that you have, I think you have the information you need but I support your decision as a Committee.

I would offer the services of the Materials Committee, since we have kind of
that institutional knowledge on
classification. And, we can, you know, bring
to bear some resources from the material
working group who engaged in these debates as
well.

MR. GIACOMINI: Joe?

MR. SMILLIE: I'm not as well
versed in Robert's Rules of Order as you are.
Can I make a motion to accept the minority
opinion on this? Because the Committee is
withdrawing the majority opinion, or can they
also withdraw the minority opinion?

MR. GIACOMINI: The Committee's
prerogative is the presentation of this matter
to the Board. They have, they have decided to
not present it to the Board at all. The Chair
agrees with Joe and Katrina, though, and is
extremely disappointed that we're not able to
take action on this at this time. Any--Tina?

MS. ELLOR: I was the other
Committee member who wanted to bring this to
the table, but I think for the same reasons
Joe mentioned that it is such a far reaching matter. I mean, I always think more information is good.

And, you know, although I would have liked to have voted on it today, I'm certainly willing to, you know, put my nose to the grindstone and do whatever we need to do to resolve this in the best possible way.

MR. GIACOMINI: Further comments?

Program?

MR. MCEVOY: So, we totally respect the work of the NOSB on this matter, and just from the program's perspective, we'll continue to allow corn steep liquor as a input in organic systems until the NOSB makes a final determination on this matter.

MR. GIACOMINI: Thank you for that clarification. Further comment? Okay. Madame Chairperson?

MS. ELLOR: That concludes the agenda items for the Crops Committee and I, I think we're a little ahead of schedule.
MR. GIACOMINI: I believe we are, but we're only about ten minutes ahead of schedule. So rather than, well, what I'm saying is, rather than have to break in the middle of Livestock, I would prefer, I think we'd be better off breaking now.

So, it's--twenty after, reconvene please. Please be prompt so we can stay on, on task.

(Whereupon, the above-entitled matter went off the record at 9:07 a.m. and resumed at 9:27 a.m.)

MR. GIACOMINI: We are back in session. We are ready for the Livestock portion of today's agenda. Kevin, if you could so proceed with the Livestock portion.

MR. ENGELBERT: Yes. And, as our Committee has been talking and I mentioned Monday, it seems like quite a nice change to not have the controversial subjects for the first time since we've been on the Board.

So, we will proceed through. We
have one petition to material that we made a recommendation on, formic acid. We also have to reaffirm our prior sunset 2012 recommendation on 205.603 and 205.604 from the spring 2010 meeting.

We have the remaining twelve materials on our sunset 2012 recommendation that are listed on 205.603. We have the long awaited, much anticipated, and for the most part, roundly approved apiculture recommendation.

And then we have our final recommendation clarifying our 205.238 C2 recommendation. And with that, I will turn this over to Jennifer to take us through the formic acid recommendation.

MS. HALL: Thank you Kevin. So the Livestock Committee received a petition to add formic acid to 205.603 for use as a pesticide in honeybee hives. Again, the substance met all the evaluation criteria, and the Committee did vote that it is a synthetic, and did vote
to recommend adding formic acid to the National List 205.603 for use as a pesticide solely within honeybee hives. Is there any discussion?

MR. GIACOMINI: Did you make that in the form of a motion? Let's start with the motion on classification, please.

MS. HALL: Yes. So, I would like to make a motion that we classify formic acid as a synthetic.

MR. ENGELBERT: I will second.

MR. GIACOMINI: It has been moved and seconded to classify formic acid as a synthetic. Maker of the motion, do you have further comment or debate?

MS. HALL: No.

MR. GIACOMINI: Further comment and debate? Ready for the question? Any conflict of interest overall on formic acid? Seeing none, proceed to vote. Joe Smillie?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe Dickson?
MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Wendy?

MS. FULWIDER: Yes.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: Yes.

MR. GIACOMINI: Jennifer?

MS. HALL: Yes.

MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?
MS. MIEDEMA: Yes.

MR. GIACOMINI: Chair votes yes. Zero no's, fourteen yes. Motion for classifying the material as synthetic passes. Jennifer?

MS. HALL: Yes, so, now, we will take up adding formic acid to 205.603. I do want to just kind of reiterate that we did not receive much comment, but everything--

MR. GIACOMINI: Jennifer, can we have the motion and then we'll have debate?

MS. HALL: Sure. So, the Livestock Committee would like to move that we add formic acid to 205.603 for use as a pesticide solely within honeybee hives.

MR. ENGELBERT: I'll second.

MR. GIACOMINI: It has been moved and seconded to add formic acid to National List 603. I missed the annotation. Can you please restate that, please, for the record?

MS. HALL: The annotation for formic acid is for use as a pesticide solely
within honeybee hives.

MR. GIACOMINI: Thank you. Madam Maker of the Motion, further debate?

MS. HALL: Yes, I just want to remind folks that the comments we did receive are in support, and that we have requested a technical review and look forward to receiving that information.

MR. GIACOMINI: But the Committee recommends to proceed with it?

MS. HALL: Absolutely.

MR. GIACOMINI: Okay. Because of the nature of--

MS. HALL: Because of the timing, the critical nature of adding it before that industry is lost to organic, and because it is in keeping with the apiculture standards with the EU and with Canada, it is in use.

MR. GIACOMINI: Joe?

MR. SMILLIE: I totally support the motion, but I'm just wondering, we don't, we can, we can move forward without a TR, right?
That's been established? We've done that in the past? So, this is not a problematic or precedent setting--

MR. GIACOMINI: The Committee is recommending that we proceed at this because of the nature of its situation with the industry in conjunction with the apiculture recommendation and the overall rulemaking structure that the program faces in moving forward with this so that we do not end up with a situation where we have regulations for organic honeybees for honey but no bees left to make them.

MR. SMILLIE: As I said, I totally support the motion, I just want to make sure that this isn't precedent setting.

MR. GIACOMINI: Yes. And the Livestock Committee, I believe, intends to review that. Certainly review the TR. Kevin?

MR. ENGELBERT: And I'd like to reiterate, we did receive a lot of information from the petitioner that we thought was sound,
and Jennifer did a lot of personal research
and we are very, very confident in what
received as--

    MR. GIACOMINI: Program?

    MR. NEAL: Just a comment on the
proposal is that when presenting it to us,
also, make sure you let us know specifically
where you want it listed. Right now it says to
603. Where in 603 do you want it listed?
603(a)? 603(b)? So that we don't place it
where we think it should go, but where you
recommend it should go.

    MR. GIACOMINI: Okay. Livestock
Committee, if you could do that correctly and
quickly, we can proceed. Otherwise we could
withdraw that motion for this time, consult
with it on during break, and proceed with this
item later.

    MR. ENGELBERT: Yes, we'll get back
to you on that. We had that figured out at one
point and somehow it got lost in the
translation. So, we'll come back.
MR. GIACOMINI: Okay. So, Madam Maker of the Motion, please withdraw your motion.

MS. HALL: I withdraw my motion.

MR. GIACOMINI: Okay. So we have formic acid voted on and classified as a synthetic. Motion on exactly where it will be placed?

MR. ENGELBERT: It's under (b.)

MR. GIACOMINI: (b.)?

MR. ENGELBERT: Yes.

MR. GIACOMINI: Okay. Maker of the Motion, please restate your motion, please.

MS. HALL: The livestock Committee moves to add formic acid to 205.603B for use as a pesticide solely within honeybee hives.

MR. GIACOMINI: Second?

MR. ENGELBERT: I'll second.

MR. GIACOMINI: Okay. Is the Program, Program's looking concerned.

MR. MCEVOY: Yes, I don't seeing the logic of putting it in (b.). A miticide is
not a parasiticide, if that's what you're thinking.

MR. GIACOMINI: Okay. I think, I'd recommend the Maker of the Motion withdraw--

MS. HALL: I withdraw.

MR. GIACOMINI: --this again, and look it over, okay. We'll look that over and, and hopefully figure out exactly the best way that everybody agrees. We can come back to that at a later time. Kevin, please proceed with the next item for Livestock.

MR. ENGELBERT: Okay. The next item is to reaffirm our prior 2012 sunset recommendation from the spring 2010 meeting. For those items on 205.603 and 205.604. I'll turn that over to Jeff.

MR. MOYER: Thank you, Mr. Chairman. At this time, I'd like to make a motion to re-list--to reaffirm the spring 2010 meeting votes on sunset 2012 recommendations 603 and 604. And, unfortunately for myself and for everybody else, since Tina started the
MR. GIACOMINI: Okay, let's cut that off at the, you want to list them, or?

MR. MOYER: I'm going to list them.

MR. GIACOMINI: Okay.

MR. MOYER: The materials are under 205.603A as disinfectants and sanitizers. Atropine, biologics, vaccines. Butorphanol, chlorhexidine, electrolytes, flunixin, hydrogen peroxide, iodine, magnesium hydroxide, oxytocin, parasiticides, ivermectin, peroxyacetic and peracetic acid, phosphoric acid, proxylene, tolazoline, xylazine.

We deferred votes on alcohols, ethanol, isopropyl, aspirin, chlorine materials, calcium chlorite, calcium dioxide, sodium hydrochloride, furosemide, glucose, glycerine, and magnesium sulfate.

On 205.603b, as topical treatments, external parasiticides and local anesthetics as applicable, iodine, lidocaine,
lime hydrated, mineral oil, procaine, sucrose, octanoate esters, and we deferred votes on copper sulfate.

Under 205.603d, as feed additives, trace minerals, vitamins for enrichment. Under 205.603e, as synthetic inerts, list three, four inerts of minimal concern. Under 205.603f, excipients. And under 205.604, category use A, strychnine. My motion is to reaffirm those votes.

MR. ENGELBERT: I will second.

MR. GIACOMINI: It has been moved and seconded to reaffirm the voting for sunset 2012 recommendation on section 205.603 and 205.604 from the April 2010 meeting. Mr. Maker of the Motion, further debate?

MR. MOYER: There is none.


MR. DICKSON: Yes.
MR. GIACOMINI: Again, this is to reaffirm the vote that we took on all these substances for 603, 604, from the spring meeting. Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Wendy?

MS. FULWIDER: Yes.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: Yes.

MR. GIACOMINI: Jennifer?

MS. HALL: Yes.

MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?
MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe Smillie?

MR. SMILLIE: Yes.

MR. GIACOMINI: Chair votes yes.

Zero no. Fourteen yes. Motion passes. Okay.

Kevin, next item for Livestock.

MR. ENGELBERT: Okay. Our next item is the remainder of our sunset 2012 materials that were deferred from the spring meeting. They are aspirin, chlorine materials, which are calcium hypochlorite, chlorine dioxide, sodium hypochlorite, copper sulfate, alcohols, which include ethanol and isopropanol, furosemide, glucose, glycerine, and magnesium sulfate.

And, it's not listed on the, on the computer here, but also inerts, list four inerts of minimal concern. Again, we've had no negative public comments. We did hear at least one farmer yesterday speak and say that he
uses all of these materials and knows the farmers that do.

   Even though we haven't received the TRs that we were hoping for by this meeting, it was the Committee's belief that we should proceed and re-list these, or, make a positive vote that these do not be allowed to sunset.

   MR. GIACOMINI: Okay. So, we had the motion. We need a second. Do we have a--

   MR. ENGELBERT: Yes, that was the formal motion.

   MR. GIACOMINI: Okay. Second?

   MR. MOYER: I'll second that.

   MR. GIACOMINI: Okay, now, moved and seconded. Now, we can have any further debate. Maker of the Motion, please, do you have any further debate?

   MR. ENGELBERT: No, well, just one quick thing. Again, it was my negative no vote in Committee was simply because of the concern
that we hadn't received the TRs and I, I thought we could wait until this following spring to, to do this vote.

But, you know, that, I just wanted to make that point, that's all. It's, it wasn't that I have deep concerns over any of these materials.

MR. GIACOMINI: Further debate? Okay. Seeing none, ready for the question. On the re-listing of the items listed, Kevin, could you please, oh, I believe they're here. Aspirin, chlorine materials, copper sulfate, alcohols, furosemide, glucose, glycerine, and magnesium sulfate. Is that correct list, as on the agenda?

MR. ENGELBERT: Yes.

MR. GIACOMINI: Yes. And the list four inerts. Okay. We need, that's not, okay. And list four inerts. So, Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.
MR. GIACOMINI: John?
MR. FOSTER: Yes.
MR. GIACOMINI: Jay?
MR. FELDMAN: Yes.
MR. GIACOMINI: Katrina?
MS. HEINZE: Yes.
MR. GIACOMINI: Wendy?
MS. FULWIDER: Yes.
MR. GIACOMINI: Kevin?
MR. ENGELBERT: Yes.
MR. GIACOMINI: Jennifer?
MS. HALL: Yes.
MR. GIACOMINI: Jeff?
MR. MOYER: Yes.
MR. GIACOMINI: Tina?
MS. ELLOR: Yes.
MR. GIACOMINI: Tracy?
MS. MIEDEMA: Yes.
MR. GIACOMINI: Joe Smillie?
MR. SMILLIE: Yes.
MR. GIACOMINI: Joe Dickson?
MR. DICKSON: Yes.
MR. GIACOMINI: Chair votes yes.

Zero no, fourteen yes. Motion passes. Okay.

Just so, for those keeping score with your pencil, at home, with the ten, since our decisive motions needed two thirds, just so that's, we're figured, we got it straight here, anybody that wants to check my numbers is welcome to approach the Chair at some point.

Fourteen voting requires ten for, to pass, thirteen yes no votes. Nine to pass, twelve yes no votes, eight to pass. Eleven yes no votes, eight to pass. Ten yes no votes, seven to pass. Nine yes no votes, six to pass. And an abstain is not counted as a vote, only to contribute to the quorum. Next item, Mr. Chairman?

MR. ENGELBERT: Yes, our next item is our, excuse me, our next item is our apiculture recommendation. The Committee did make a few, a couple minor changes in the recommendation based on public comment that we
received since Monday.

And, I'll turn this over to Joe Dickson to take us through our apiculture recommendation. Thank you, Joe.

MR. DICKSON: Thanks, Kevin. Going to walk through the three changes we made now, or should I--

MR. GIACOMINI: Okay, walk through the three changes and then move to accept the documents.

MR. DICKSON: Very quickly, we made three changes to the document. The first of which is to 205.248A1, and it's a simple insertion of the words "if used" to the sentence at the beginning of the one year transition foundation wax if used must be replaced, et cetera.

The reason for that insertion is that it would have inadvertently required that foundation be used and there are some production systems that don't use foundation at all.
The next change that we made is to 205.240B3, and we simply changed the language there regarding GMO crops to actually exclude all crops produced using excluded methods, based on public comment that we received yesterday.

The final change is to 205.240C12, and that is just to explicitly require that records of all healthcare interventions and healthcare products used be maintained by the producer. I'd like to move to accept the Livestock Committee's recommendation on apiculture.

MS. ELLOR: I'll second.

MR. GIACOMINI: It has been moved and seconded to accept the Livestock's recommendation on apiculture. Maker of the Motion, further debate? Joe?

MR. SMILLIE: I will vote for this. I think it's basically a good document. I do have concerns about the enforcement of the foraging zone. I think it's problematic at
best.

I think it really places a lot of wonderful organic beekeepers at risk, dependent upon, you know, the lawn chemicals of someone in the forage zone.

You know, one application of lawn chemical in a forage zone by a recalcitrant neighbor who doesn't like a gift of honey could cause problems, and I'm just hoping that good will will carry it through and that we will have organic beekeeping and organic honey production in most areas, and it won't be restricted to really out of the way areas.

That's, that's my concern, but I will vote. I think it's a good document. It's time for it. I just have some of the enforcement concerns over the no fly zone.

MR. GIACOMINI: Jeff?

MR. MOYER: I agree, Joe. I mean, I intend to vote for the document as well. In fact, this document will put our farm out of the organic bee process as well, because we
cannot guarantee that, while we think we have enough nectar sources on the farm to keep them there, within that, your no fly zone, we know that there are materials being used or processes being applied to the land that would disqualify us, so we're, we're going to be out of the organic honeybee business. Yes. But I do think it's a good document.

MR. GIACOMINI: John?

MR. FOSTER: I'll join the crowd who intends to vote for it. My concern more is about how that forage zone, that, basically four mile radius is going to get inspected and verified as part of the SOP.

I think it's possible that it's just not--oh, sorry, OSP--I think it's possible, I'm just curious as to see how that's going to get implemented with inspectors on the ground.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: Again, I agree with all of you. It's definitely a concern. And
there was at least one of us on the Committee
that said for that very reason you can't have
certified organic honey.

But, I acquiesced and said okay.
If we can put these in, and we'll see what
public comment is when it goes to ANPR and if
it can or can't be done, but this is our best,
our best attempt, you know, what we think is
the best approach right now.

Because, we know that if it has
that organic standard on it, consumers don't
want honey that's coming from GMO crops or GMO
flowers or GMO lawns.

MR. GIACOMINI: Okay. Further
debate? I think it's also worth noting that
the nature of the process of rulemaking, which
in this case will be extensive, will allow for
a tremendous amount of public comment and the
program will review all those issues, which
receive statements of concern.

So, we ready for the question?
Seeing no further debate. It's been moved and
seconded to accept the Livestock Committee's recommendation on apiculture. Those in favor. Start with Steve.

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Wendy?

MS. FULWIDER: Yes.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: Yes.

MR. GIACOMINI: Jennifer?

MS. HALL: Yes.

MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.
MR. GIACOMINI: Joe Smillie?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe Dickson?

MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Chair votes yes.

Zero no's, fourteen yes. Motion passes. Oh boy. Conflict of interest. Any conflict of interest on that, this? Any--okay. I think it's worth noting though that we have, what, you said yesterday, two members that raise bees but both of them accept the fact that they won't be able to be organic, according to this regulation.

So, I think that's reasonable, certainly not to call for any recusal. Joe?

MR. DICKSON: I just want to clarify that I am a hobby beekeeper and I have no commercial interest in beekeeping or honey.

MR. GIACOMINI: Okay. All right. I think we're covered there, according to, in
the eyes of the Chair we are. All right. Next item, Mr. Chairman.

MR. ENGELBERT: The next item is the clarification of our 205.238C recommendation, and I'll turn this right back to you, Dan.

MR. GIACOMINI: Okay. The 238C recommendation. I can't see whether we're pulling that up—okay, we have, there was a number of public, a few public commenters. Certainly don't want to get in trouble over my use of a description on, on numbers like that.

Some, recommending that we add a statement, definitive, that it is relevant to things that are allowed, essentially, in organic standards. I think there may have been some interest in putting that actually into the recommendation.

The Committee decided not to do that, since there's no mention of that in the current listing that we're suggesting it change to. So, we've placed it here at the end
of the discussion section, right before the recommendation.

John, could you please read that for me?

MR. FOSTER: Sure. The addition is, the Livestock Committee intends the practice and enforcement of this recommendation to be consistent with organic regulations 7 CFR 205 et sequentiae.

MR. GIACOMINI: Yes. That's what, that's what you said was proper thing to put in, so. Okay. He says that means it's the whole thing. So. Hope that's not, that's understandable. Is that understandable by the program?

MR. MCEVOY: Yes.

MR. GIACOMINI: Okay, thank you. Okay. I move to, that the Board accept the recommendation of the Livestock Committee on clarification of, amending section 238C2.

MR. ENGELBERT: I'll second.

MR. GIACOMINI: That was the only
change. I think we had fairly complete agreement from public comment that this was a good move.

There was some concern on some of the tweaking of language but basically the concern for animal welfare and the advancement of science was welcomed by the community. Any further debate? Ready for the question, ready to vote. John--

MR. MCEVOY: Excuse me?

MR. GIACOMINI: Yes, Program?

MR. MCEVOY: We just want you to know that we need to take a look at this. We'll accept your recommendation but we need to take a look at this in relationship to OFPA because this is potentially not in line with OFPA statutory language, so--

MR. GIACOMINI: We--we understand that. Yes.

MR. MCEVOY: We'll take a look at that and get back to you.

MR. GIACOMINI: And we, and that's
why we, we're only able to proceed with this after going through the transcript and testimony presented to this body from Deputy Secretary Merrigan. At the same meeting as the aquaculture symposium, I believe, I don't remember the exact date on that. I know it's in our recommendation.

So, yes, it's in the discussion--

MR. MCEVOY: Point of clarification, she was not the Deputy Secretary at the time she was making those comments, so--

MR. GIACOMINI: Correct.

MR. MCEVOY: --there's a different-

MR. GIACOMINI: Yes, I apologize. I didn't mean to--yes. Just identifying who she is.

MR. MCEVOY: Different perspective--

MR. GIACOMINI: Yes.

MR. MCEVOY: --from within the USDA
than outside.

MR. GIACOMINI: The more proper representation of that would be person involved with the writing of OFPA would be, yes. Correct. More accurate description of her position. Okay. Vote. Ready to, ready for the question. John?

MR. FOSTER: I was just going to start--

MR. GIACOMINI: Oh, he said you had something else to say.

MR. FOSTER: No, I was just--

MR. GIACOMINI: It's good to have--

MR. FOSTER: I was about to speak when, when Miles wanted something to say, so.

MR. GIACOMINI: Okay. John?

MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Wendy?
MS. FULWIDER: Yes.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: Yes.

MR. GIACOMINI: Jennifer?

MS. HALL: Yes.

MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe Smillie?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe Dickson?

MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: Chair votes yes.

Zero no, fourteen yes. Motion passes. And again, the Committee, and I believe the Board,
recognized the two step that could be involved in this process. Not two step process, but the two-step. Oh, conflict of interest? I'm sorry. Seeing none.

Okay. We are now -- Holy Toledo -- we are now an hour ahead of schedule. I'm sorry--before we move on, the Livestock Committee is ready to go back on formic acid. Okay. Mr. Chairman?

MR. ENGELBERT: Yes, we're ready to go back with, our recommendation under formic acid and to recommend that it be under 205.603B. Our research did indicate that mites are a parasite, and the other option was to separate the sucrose octenoate esters out and form another category, G.

But, we decided just to get this moving that the simplest approach was be to use that as a precedent and put this under B, parasites--excuse me--parasiticides. And, as topical treatment, external parasiticide, or local anaesthetic as applicable.
MR. GIACOMINI: Do we need a second?

MS. ELLOR: I will second that.

MR. GIACOMINI: Okay. It has been moved and seconded to add formic acid on section 603B, with the annotation as described in the motion for honeybees. Mr. Maker of the Motion, further--

MR. ENGELBERT: No, I have no further comment.

MR. GIACOMINI: Okay. I, any further debate? John?

MR. FOSTER: Is this material registered as a parasiticide, or as a miticide, or does it matter? How is it registered, so--

MR. GIACOMINI: Jennifer, do you remember this is registered? I know we looked into the different things listed on the apiculture recommendations. One of them was not allowed, but I don't remember how this one was listed.
MR. FOSTER: My point is, I just want to put in the right spot on the list. I'd like to see it there, but I want to make sure that if it's entered as a parasiticide that it's registered for that use. I just, I don't know that it makes a difference but I'd rather clear that up now than six months down the road.

MR. GIACOMINI: While she's looking that up, Mr.--Kevin, Chairman of the Livestock, Maker of the Motion, I'm, I'm just concerned with the placement of this--now I'm losing my place here again.

In B, I would, I would wonder whether we wouldn't, that, there, we're very, "B" is very specific, topical treatment and external parasiticide or local anaesthetic with the last is not applicable, but the first two are.

I'm, I'm concerned that we're not going to get in trouble on the classification of whether they are external and might not,
this better be listed in the same category as
the parasiticide ivermectin.

MR. ENGELBERT: I think our thought
process was, this wasn't actually applied to
the bees themselves. It was applied to the
hive, and where ivermectin is applied to an
animal.

And, so we know that it's
external. We know that it's just simply
applied to the hive itself. And that is what
takes care of the mites and keeps the
population under control.

MR. GIACOMINI: It is applied
though as a medical treatment?

MR. ENGELBERT: No, not a medical
treatment to the hive. It's applied as a
parasiticide--

MR. GIACOMINI: That's right,
paraciticides as listed are only a post, post,
prescribed by a veterinarian.

MR. ENGELBERT: Yes.

MR. GIACOMINI: Okay. Has to be in
MR. MOYER: Trying to answer John's question, the information that we have in front of us just indicates that formic acid is listed in the USDA EPA as a registered pesticide. That's all we were able to find in short term.

MS. ELLOR: To disinfect.

MR. MOYER: To, yes, to disinfect—to disinfest honeybee hives of this mite. So it is used as a miticide. It's not clear. It's not definitive.

MR. FOSTER: I know how important this is, so my concern is again, we put it on our list in the right way, so that there's no trouble down the road with someone saying, "Hey, you listed it as one thing. It's not registered for that," so as long as it's not going to be a problem to list it wherever you, the Committee feels it's appropriate, I'm fine with that. Just want to make sure--

MR. GIACOMINI: Yes, I mean, from
what they've just said, they still think, I would still like A better, but. Did the program have a comment? Emily?

MS. BROWN-ROSEN: The petitioner has applied a label for a product that has a special local need registration only in Hawaii as a pesticide for use in beehives. I mean, I think you can probably just direct us to find the right spot on the list and we'll find the right spot on the list.

MR. GIACOMINI: And this would certainly be conditional to what we had just passed on C2. Jay?

MR. FELDMAN: Just a clarification. Are, but this motion is not specific to Hawaii, it's a general approval for this use, right?

MR. GIACOMINI: Yes. So it would have to be allowed in other places.

MR. MCEVOY: Well, it's only allowed where EPA allows it to be used, so if it's not registered for use in a particular
state, then it can't be used in that state.

MR. GIACOMINI: Okay. Emily, can you relay what that comment was?

MR. MCEVOY: Yes, they said it's coming for registration in other states.

MR. GIACOMINI: Okay. That's our latest information. Okay. With the condition that the program will find the right place to put it, is the Committee comfortable proceeding with the motion as stated?

MR. ENGELBERT: Yes.

MR. GIACOMINI: Okay. The listing of formic acid on 603B with the annotation as stated in the motion for honeybees. Any further debate? Ready for the question. Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Wendy?

MS. FULWIDER: Yes.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: Yes.
MR. GIACOMINI: Jennifer?

MS. HALL: Yes.

MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe Smillie?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe Dickson?

MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Chair votes yes.

Zero no, fourteen yes. Motion for listing passes. Okay. We are now still way ahead of schedule. Is the--Kevin?
MR. ENGELBERT: Yes, to wrap up the Livestock Committee's presentation, I again want to thank all of the Committee members, not just today but throughout my term on the Board.

Every member's participated a great deal. We've accomplished a great deal of work in this length of time, and I was very proud to be a part of it.

And on behalf of all the Livestock Committees, we are willingly to accept your praise, accolades, and thanks for getting us nearly an hour ahead of schedule.

MR. GIACOMINI: Okay. I -- the Chair is very aware of, number one, the appreciation of being ahead of schedule. But also the work and sometimes the strategic time planning that goes into structuring the things that need to be worked on the night before and the morning of the final day for voting. So, the Chair is going to offer the Chairman of the Handling Committee, which goes next,
whether they would like a short break to pull all their issues together before they proceed.

    MR. DEMURI: We are ready, I believe. So we, we're in favor of proceeding.

    MR. GIACOMINI: Okay, go ahead.

    MR. DEMURI: All right. By way of preview, I'll let you know what you're going to be voting on here. You saw the recommendations yesterday, have a couple of changes that the people who were the leads on will explain to you as we get to their items.

    But first, we have four petition materials to go through. We have a reaffirmation on the last meeting's sunset materials, plus one that we pulled out of that, overall reaffirmation. Then we have a colors annotation recommendation.

    And then we get into the sunset 2012 recommendations for this meeting, and I did notice that there was a mistake on the agenda. We pulled out annatto extract out of the colors sunset recommendation. Made that a
separate recommendation.

So, the agenda's not correct, but
the voting sheet is. So, probably not a big
deal. But, we'll get to that later on.

MR. GIACOMINI: We'll proceed as it
was presented by the Committee two days ago,
so, that's, that's great.

MR. DEMURI: So, with that, I'd
like to pass it on to Joe to present the yeast
petition to move from 605 to 606.

MR. SMILLIE: Right, that was the
petition. During Committee discussion, as
we've presented, that created some problems.
A few problems. And we basically responded to
the petitioner by leaving it on 605 (s) and
having -- creating a new annotation.

Part of the old annotation, the,
the change that is highlighted in yellow up
there, part of the old annotation had, for
smoke yeast, non-synthetic smoke flavoring
process must be documented.

Although many of use felt that
that would be covered under other parts of the
regulation, mainly flavors, we decided to err
on the side of caution and re-add that to our
new annotation, which now, the new annotation
for yeast now reads yeast, when used as a food
fermentation agent, or supplement, yeast must
be organic if it's end use is for human
consumption.

Non-organic yeast may be used when
equivalent organic yeast is not commercially
available. Growth on petrochemical substrate
and sulfite waste liquor is prohibited, and
for smoked yeast, non-synthetic smoke
flavoring process must be documented.

MR. GIACOMINI: Question. Is it the
intention -- is it the intention of the
Committee to formally vote on the petition, or
just your version?

MR. SMILLIE: No, our intention is
to vote on the document we're presenting.

MR. GIACOMINI: Okay.

MR. SMILLIE: We've discussed this
with the petitioner and they have no objection to that.

MR. GIACOMINI: Thank you. Just to clarify.

MR. SMILLIE: The other change, so, that we could be very clear, at the end, because there is some -- in the previous annotation, some specific types of yeast were listed and there was some concern that those wouldn't be covered.

We believe that it is the intent of the Handling Committee that this, that this recommendation apply to all yeast products used in ingredients in organic food products, including but not limited to autosalate, bakers, brewers, nutritional, and smoke as listed in the previous recommendation.

We believe our annotation is a much broader annotation. It covers all sorts of uses, and not simply the uses that were first listed in the original annotation. So those are the two changes. No discussion?
MR. GIACOMINI: No. Move to make the motion to accept.

MR. SMILLIE: Yes, Mr. Chair. I was just about to do that. I'd like to move that the Committee recommendation to re-list -- to list yeast on 605A with a new annotation, to the list yeast on 605A, with a new annotation.

MR. GIACOMINI: Read the annotation for the record, please, and the motion.

MR. SMILLIE: Yeast, when used as a food -- yeast, when used as food, a fermentation agent, or supplement, yeast must be organic if its end use is for human consumption. Non-organic yeast may be used when equivalent organic yeast is not commercially available.

Growth on petrochemical substrate and sulfite waste liquor is prohibited. For smoked yeast, non-synthetic smoke flavoring process must be documented.

MR. GIACOMINI: Okay. Second?

Steve. Okay. It's been moved and seconded, to
change the annotation on yeast as was stated in the motion. Further debate? Joe? Further debate?

MR. SMILLIE: Program?

MR. GIACOMINI: Program.

MR. NEAL: We do have one question. In the first line of the annotation, it says, when used as food, a fermentation agent, or supplement, yeast must be organic. A clarification, well, got a question of clarification, what does supplement mean, or as a supplement, supplement to what?

MR. SMILLIE: In industry terms, there's a term called a supplement, a food supplement. It means you don't sort of sit down and cut it with a knife and fork, it comes as a capsule or as a pill and generally, in industry, that's termed a supplement.

It's not food, it's a thing that you supplement your diet with. No, you don't like that term? There's wagging of heads. Yes? Well, we could add that word, if it would
please the program.

MR. NEAL: Thank you for the clarification.

MR. SMILLIE: Does that suit your purposes?

MR. MCEVOY: Dietary supplements have some interesting cross-agency authorities. FDA is involved in dietary, the regulation of dietary supplements. We regulate food and agricultural products, so we have some -- it potentially presents some complications for the program, and we'll evaluate this and get back to you.

MR. SMILLIE: We really don't want to delay this any longer, it's been quite a few years. So, would it please the program for us to change that to either dietary supplements, or eliminate the word supplements?

MR. GIACOMINI: Do we need, do we need the qualifiers before the statement of use for human consumption? Do we need the food
fermentation agent or supplement?

MR. MCEVOY: We would request that you take the supplement out of that statement. When used as a food, a fermentation agent. Delete "or supplement". It'll make our ability to implement this possible.

MR. SMILLIE: Having concurred with the petitioner and the Handling Committee, we will now move to delete "or supplements".

MR. GIACOMINI: We need a Board member to make that as a changed -- an amendment to the motion, which can be accepted by the maker of the motion as a friendly Amendment.

MR. DEMURI: Okay, I'll give it a shot. I would like to move that we change the recommendation to read --

MR. GIACOMINI: No, we just need to state the amendment that you want to make, drop "or supplement".

MR. DEMURI: Okay. I would like to move that we drop the word supplement from the
recommendation.

MR. GIACOMINI: "Or supplement".

MR. DEMURI: "Or supplement".

MR. GIACOMINI: Second? Nobody wants to second that?

MR. FOSTER: I will second that.

This is John.

MR. GIACOMINI: I can't second as the Chair. Okay. Once we get it straight. Is that accepted as a friendly amendment by the maker of the motion?

MR. SMILLIE: It is.

MR. GIACOMINI: Steve? You made it. You accept it, obviously.

MR. DEMURI: I do.

MR. GIACOMINI: Okay. So. The motion now reads as stated up there, yeast, when used as food or fermentation agent, yeast must be organic if it's end use is for human consumption. Non-organic yeast -- could somebody else read that? I can't read that, and talk in the microphone at the same time.
MR. SMILLIE: Yeast, when used as a food or a fermentation agent, yeast must be organic. If it's end use is for human consumption. Non-organic yeast may be used when equivalent organic yeast is not commercially available. Growth on petrochemical substrate and sulfite waste liquor is prohibited. For smoked yeast, non-synthetic smoke flavoring process must be documented.

MR. GIACOMINI: Program is still under consultation on this. Joe?

MR. SMILLIE: I don't know if I want to turn them out.

MR. MCEVOY: Sorry, we didn't get -- bring this up earlier, but what is sulfite waste liquor?

MR. SMILLIE: I will let Tina answer it, technically, but we adopted that from the original Board recommendation on yeast. That's where it came from. We wanted to honor the work of the previous Board.
But, the technical explanation is --

MS. ELLOR: It's a byproduct of the sulfite, magnesium sulfite paper mill, paper making process.

MR. SMILLIE: Nasty stuff.

MR. GIACOMINI: Question from the Chair, for the Committee. Was that part of the annotation change fully reviewed within Committee?

MR. SMILLIE: Define fully. I mean, we looked at it--

MR. GIACOMINI: Enough to satisfy 600 (a).

MR. SMILLIE: Yes. Yes, it was, Mr. Chair.

MR. GIACOMINI: Chairman of the Handling Committee concur on that?

MR. DEMURI: That would be yes.

MR. GIACOMINI: Thank you. We are held in suspension as Arthur continues to point at the screen. Any further debate? Jeff?
MR. MOYER: Again, I just wanted to go on record as I did the other day to thank Joe and the rest of the Handling Committee for, for really working so hard on this for so long and coming up with what I think is a very masterful compromise that gets us off of the spot where we were and moves us forward. And, I appreciate that work, Joe.

MR. SMILLIE: Well, and we appreciated the, you know, being able to work especially with Dan and the Livestock Committee. I mean, that's the kind of interagency cooperation that we'd like to see emulated in the Federal Government.

MR. GIACOMINI: Further debate or comment from the Program? Miles?

MR. NEAL: We're happy at this point.

MR. GIACOMINI: And we hope that will continue into the day. Okay, thank you. Further, any further comment?

MR. DEMURI: Conflict.
MR. GIACOMINI: Conflicts. Any conflicts on yeast?

MR. DEMURI: My company, my employer purchases organic yeast from the petitioner and we use it in some of our products.

MR. GIACOMINI: What influences -- how much of that influence does that have on your, your part of the department that you're in?

MR. DEMURI: I recommend suppliers and ingredients, formulas, the whole shebang.

MR. GIACOMINI: And would you like to recuse yourself from this--

MR. DEMURI: I think I probably should on this one, yes.

MR. GIACOMINI: Okay. Any further conflict? Katrina?

MS. HEINZE: I'm going to do my standard -- I work for a company that uses a wide variety of organic ingredients. I am not involved in the R&D process. But, clearly, we
may or may not use any of the ingredients that the Handling Committee reviews.

MR. GIACOMINI: Okay. Are you -- is your part of the Division involved with the procuring of organic yeast? What would be needing to be organic yeast?

MS. HEINZE: Only in so far as to approving suppliers from a food safety perspective.

MR. GIACOMINI: Okay. So, from food safety. Do you feel you need to recuse yourself from this vote?

MS. HEINZE: I don't, but I want to make sure that the rest of the Board has a chance to weigh in.

MR. GIACOMINI: Okay. The chair does not see that as a significant conflict. Any objection to the Board's -- the Chair's decision from other members of the Board?

Okay. We will put you down as potential conflict.

Okay. All right. Ready for the
question. And, just so happens, look where we start. Katrina?

    MS. HEINZE: Yes.

    MR. GIACOMINI: Wendy?

    MS. FULWIDER: Yes.

    MR. GIACOMINI: Kevin?

    MR. ENGELBERT: Yes.

    MR. GIACOMINI: Jennifer?

    MS. HALL: Yes.

    MR. GIACOMINI: Jeff.

    MR. MOYER: Yes.

    MR. GIACOMINI: Tina.

    MS. ELLOR: Yes.

    MR. GIACOMINI: Tracy.

    MS. MIEDEMA: Yes.

    MR. GIACOMINI: Joe Smillie.

    MR. SMILLIE: Yes.

    MR. GIACOMINI: Joe Dickson.

    MR. DICKSON: Yes.

    MR. GIACOMINI: Barry.

    MR. FLAMM: Yes.

    MR. GIACOMINI: Steve recuses.
John?

MR. FOSTER: Yes.

MR. GIACOMINI: Jay.

MR. FELDMAN: Yes.

MR. GIACOMINI: Chair votes yes.

Zero no, thirteen yes, one recuse. Motion passes. I don't know how the loud cheering will show up in the transcripts, but let's just say, pandemonium has broke out in the gallery.

All right. Let's see if anyone can get nearly as excited about pectin. Mr. Chairman?

MR. DEMURI: I thought maybe the Giants won again already. Okay, the next one on the docket is for pectin, and Joe will handle that one as well.

MR. SMILLIE: If it pleases the Chair and the Committee, we'd like to handle the pectin one in the same manner that we did -- in a sense, the petition was to move low-methoxy pectin from 605 to 606. During our
deliberations and research on the subject, we
determined that we wanted to make three
distinct recommendations on the whole pectin
issue.

Which are as follows -- oh --

MR. GIACOMINI: Go ahead, read the
three.

MR. SMILLIE: Okay. The three
distinct recommendations, which resulted from
our response to petitioner, was agreed upon by
the petitioner. They had no problem with us
changing their original petition to the
following three recommendations.

We're recommending that pectin
low-methoxy be removed from listing on 205.605
(b). We're recommending that pectin high-
methoxy be listing from listing on 205.606.
And we are recommending that pectin, non-
amidated forms only, be added to 205.606.

MR. GIACOMINI: Okay. State that in
a motion, please.

MR. SMILLIE: I move that the NOSB
accept the recommendations of the Committee.

   MR. GIACOMINI: Second?

   MR. DEMURI: Second.

   MR. GIACOMINI: Steve is back in mode as Mr. Second, that's great. Okay. I didn't get -- it is very appropriate to maintain these as a block as any part of it would break down the entire intent of the Committee.

   Oh. Mr. Maker of the Motion, any further debate?

   MS. HEINZE: I may have missed something, but I don't remember voting on classification of pectin.

   MR. GIACOMINI: I'm sorry?

   MR. SMILLIE: I don't believe, I don't believe we need to vote on that, because they've already been classified. But now we are reclassifying, and that's your point. I don't know if I want to do that.

   MS. HEINZE: It was part of our Committee recommendation. The Committee took
two votes.

MR. SMILLIE: As always, you are correct. So, we need to do this in two votes. Can we -- oh boy.

MR. GIACOMINI: Withdraw your motion, and remake the motion to -- for the classification of the material. You withdraw -- are you withdrawing -- MR. SMILLIE: Yes, yes. I withdraw the motion, and I, I need to --

MR. GIACOMINI: Motion is withdrawn. Now, to make a new motion for the classification of pectin, for a vote on the classification of pectin.

MR. SMILLIE: I'd like to move that pectin low-methoxy be classified as non-synthetic.

MR. GIACOMINI: What is, what is our -- clarification.

MR. SMILLIE: Do you want me to explain?

MR. GIACOMINI: No, I want to ask a question. Madame Materials Chair, can you
please summarize for us what our current listings on pectin are, just so we have those.

MS. HEINZE: Today, and I'm going to look at Joe to make sure I get it right, we have pectin low-methoxy on 205.605B, and pectin high-methoxy on 205.606. So high-methoxy has already been classified --

MR. GIACOMINI: Has already been classified.

MS. HEINZE: -- so we need to reclassify, we need to come to agreement on the classification on non -- low-methoxy, non-amidated, which is what the Committee voted on, because it is the Committee's intention to list pectin non-amidated on 205.606. So, high-methoxy, non-amidated is already on that list.

MR. GIACOMINI: Would it be, would it be -- okay, would it be appropriate, in your opinion, to vote for, to have a motion for a classification pectin and then a vote on the classification of pectin non-amidated?

MS. HEINZE: No and yes. It might
be appropriate to vote on the classification
of pectin non-amidated, and then I suppose we
could have a second on pectin amidated. That
would split pectin into the two groups. I
don't entirely see the purpose of doing the
amidated, since that's not the material under
consideration --

    MR. GIACOMINI: I'm sorry, I meant
non-amidated, yes.

    MS. HEINZE: Right. I guess I don't
entirely see the purpose of voting, voting on
the amidated since that's not the intention of
this petition.


    MR. SMILLIE: I move that pectin
non-amidated be ruled as non-synthetic. And
that's the recommendation of this Committee,
that pectin non-amidated be classified as non-
synthetic on 606.

    MR. GIACOMINI: Okay. Steve, please
second this because I'm running out of space.

    MR. DEMURI: I'll second.
MR. GIACOMINI: Okay. So, classification.

MR. MCEVOY: Point of clarification. Aren't you trying to get this on 606? You want to classify it as an agricultural substance?

MR. SMILLIE: The first vote is whether it's synthetic or not.

MS. HEINZE: I do believe the Committee did this right, so I think if we look at the Committee recommendation, we'll see that we're okay. The Committee moved that pectin low-methoxy non-amidated is non-synthetic agricultural.

So, if we make that one motion and vote on it, we should be in good shape. And that, I believe, would address the Program's question.

MR. GIACOMINI: Okay. I'm out of space.

MR. SMILLIE: Withdraw the motion. Well, that's your problem, Mr. Chair.
MR. GIACOMINI: I just want you to make this motion so that we can have a record that look --

MR. SMILLIE: We're, we're working on it.

MR. GIACOMINI: Okay, go ahead.

MR. SMILLIE: Okay. I move that pectin, non-amidated, be classified as non-synthetic and agricultural.

MR. DEMURI: I'll second.

MR. GIACOMINI: Joe? Mic?

MR. DEMURI: I'll second.

MR. GIACOMINI: Thank you. Classify -- to classify pectin non-amidated as non-synthetic, agricultural. Mr. Maker of the Motion, any further debate? Joe? Any other comments?

MR. SMILLIE: No.

MR. GIACOMINI: Further debate from the Committee, from the Board? Ready for the question? Okay. Those in favor of classifying pectin non-amidated as non-synthetic
agricultural, say aye. As we move through. Is
that, did I get that correct? Yes, as was
stated in the motion. Okay. Wendy?

MS. FULWIDER: Yes.

MR. GIA COMINI: Oh, conflict of
interest? Conflict of interest on pectin?
Okay. Joe, did you have something else that
was going to --

MR. SMILLIE: Yes. Yes. I do. I'd

like to recognize the Program.

MR. GIA COMINI: I would like to
recognize the Program.

MR. SMILLIE: Oh, you, then.

MR. GIA COMINI: Okay. Program.

MR. MCEVOY: Yes, just a point of
clarification in terms of what's written there
on the first motion you -- the motion is about
pectin, low-methoxy non-amidated, and then in
your second motion, you only refer to it as
non-amidated. Is that going to cause you a
problem?

MR. GIA COMINI: Katrina?
MS. HEINZE: I don't believe so.

The second motion refers to the current listing, which is unclear on amidation. So we tried to be clear in our second, the second motion what exactly we needed to happen to the National List.

MR. GIACOMINI: The Committee felt that the classification between low- and high- was not substantive, and are just re-asking -- being formal in their clarification on the classification of the non-amidated forms.

MR. SMILLIE: And reminding everyone that this is a petition and not sunset. The sunset vote will be a distinctly different vote.

MR. GIACOMINI: Okay. For the classification of pectin, non-amidated, as non-synthetic agricultural. Wendy?

MS. FULWIDER: Yes.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: No.

MR. GIACOMINI: Jennifer?
MS. HALL: Yes.

MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe Smillie?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe Dickson?

MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Chair votes yes.
One no, thirteen yes. Motion pass. So, that's for the classification of this substance. Joe, would you now proceed with recommendation for listing?

MR. SMILLIE: At the pleasure of the Chair and the Board, I'd like to move all three recommendations as one motion. So I move that pectin, low-methoxy be removed from listing on 205.605B, pectin high-methoxy be removed from listing on 205.606, and pectin non-amidated forms only be added to 205.606.

MS. MIEDEMA: Second.

MR. DEMURI: I'll second.

MR. GIACOMINI: Tracy won. Okay.

It's been moved and seconded that those -- as described in the motion -- I can't, I can't see what we're doing here. But that's fine. It won't show up in the transcript why I'm so discombobulated, but I can't see the screen from where I am.

So, Mr. Maker of the Motion, further -- okay. Any other comments, questions
from the -- okay. I would just like to ask the Committee, I certainly understand and I agree with the process of combining these into one motion. I would just as the Committee to clarify their intention for the Program if one of the steps along the way breaks down, what their intention for the Program would be to continue with the other steps, so that the Program is clear on how we're -- how to proceed.

MR. SMILLIE: Well, we believe we're clear, but we also don't feel that it's, if there is a breakdown, that there will be a problem with industry because we intend to vote later on the sunsetting to re-list everything as is.

So, if there does -- if there is a problem, you know, the jam makers will still have access to what they've currently using, doesn't constitute a threat to the industry. So, we don't feel that it's a dangerous recommendation in that sense, because it's a
petition response and not a sunset.

MR. GIACOMINI: But, specifically, if one of the three items breaks down in rulemaking, is it the recommendation of the Committee for the Program to proceed with the other two?

MR. SMILLIE: Well, I guess that depends on what breaks down, but I'd rather cross that bridge when we come to it rather than debate it now. I mean, if it's a problem, they'll let us know and we'll deal with it.

MR. GIACOMINI: Okay. Is that -- Program? Miles?

MR. MCEVOY: We don't see a problem with doing this all as one docket, so --

MR. GIACOMINI: Okay.

MR. MCEVOY: -- so, I don't foresee any problems here.

MR. GIACOMINI: Okay. Great. Just so we were all clear on what would happen if we only can move with two legs of the stool.

Okay. I believe we already asked for conflict
on pectin. Any further debate on this? Ready
for the question. Kevin?

MR. ENGELBERT: Abstain.

MR. GIACOMINI: Jennifer?

MS. HALL: Yes.

MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe?

MR. DICKSON: Yes.


MR. FLAMM: Yes.

MR. GIACOMINI: Was that a yes, Barry? I missed you.

MR. FLAMM: Yes.

MR. GIACOMINI: I'm sorry. Steve?
MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Wendy?

MS. FULWIDER: Yes.

MR. GIACOMINI: Vote is -- Chair, yes. I know what I'm going to do, why do I need to tell you? Vote is zero no, thirteen yes, and one abstain. The abstain satisfies the quorum, which brings us to thirteen voting, which requires nine. Motion passes.

Next substance, Mr. Chairman.

MR. DEMURI: Thank you. And, Katrina, thank you for that catch. That was important. Okay. The next petition material is glucosamine hydrochloride, to list, and Tracy will take us through that one.

MS. MIEDEMA: I would like to move
that we withdraw any recommendation on this material.

MR. GIACOMINI: Okay. Nobody second. So it's the decision of the Handling Committee to just withdraw this item? Okay. That's the prerogative of the Handling Committee on these issues, and we don't need a motion and a vote to proceed. Okay. Next item, Mr. Chairman.

MR. DEMURI: Thank you, Tracy. The last petition material is hops, petition to remove. Joe Smillie again.

MR. SMILLIE: It gives me great pleasure Mr. Chair of the Board, to say that in this case, we are agreeing with the petition. The petition actually never had a date, it just asked for a removal. So, we're responding in the affirmative and have set a time for its removal of hops, humulus lupulus, from 606 on January 1st, 2013.

Obviously, there was a -- no, I'm just giving the background right now. So,
that's the background. We had a full discussion of it. The petitioner agreed with the compromise and went on record on regulations.gov in agreeing with it.

They feel that it creates an orderly transition and although some brewers and possibly some hop growers were disappointed in the delay -- I'd like to move that we remove hops from 205.606 as of January 1st, 2013.

MS. HALL: Second.

MR. GIACOMINI: That was Jennifer.

Okay --

MR. SMILLIE: With agreement from the petitioner and a full, vigorous debate.

MR. GIACOMINI: Jeff, can I restate that motion as Chair? Been moved and seconded to -- but I can't read the darn thing -- to remove hops from 606 on January 1st, 2013. Okay. Maker of the Motion, do you have additional debate?

MR. SMILLIE: No.
MR. GIACOMINI: Okay. Further comments or debate on this item? I think this is technically an annotation change, but I don't think the structure of the motion invalidates that at all.

Personally, I had great concern over the date that was applied here, but the comments that we had from the brewer yesterday more than satisfied my understanding why this seems to be in the middle of a crop year.

So, I'm, I'm very comfortable with it as well. Further debate? Conflict of interest on hops? Drinking beer does not constitute enough to recuse yourself. Seeing none. Jennifer?

MS. HALL: Yes.

MR. GIACOMINI: Jeff?

MR. MOYER: Happily, yes.

MR. GIACOMINI: Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.
MR. GIACOMINI: Joe?
MR. SMILLIE: Happily, yes.
MR. GIACOMINI: Joe?
MR. DICKSON: Yes.
MR. GIACOMINI: Barry?
MR. FLAMM: Yes.
MR. GIACOMINI: Steve?
MR. DEMURI: Yes.
MR. GIACOMINI: John?
MR. FOSTER: Yes.
MR. GIACOMINI: Jay?
MR. FELDMAN: Yes.
MR. GIACOMINI: Katrina?
MS. HEINZE: Yes.
MR. GIACOMINI: Wendy?
MS. FULWIDER: Yes.
MR. GIACOMINI: For the record, that was yes, in case the transcript -- recorder did not pick that up. Kevin?
MR. ENGELBERT: Yes.
MR. GIACOMINI: Chair votes yes.
Zero no, fourteen yes, motion passes.
MS. HALL: Did we do conflict of interest?

MR. GIACOMINI: Yes, and I said drinking beer did not -- was not going to constitute that. Okay. Next item, Mr. Chairman.

MR. DEMURI: Thank you. The next group of items is a reaffirmation of prior sunset 2012 recommendations on 205.605 (a), 205.605 (b), and 205.606. And we did have one substance that we pulled out that will not be part of this overall recommendation.

Let me read through all the items that we are reaffirming right now. For 605 (a), which are non-synthetics allowed, we have acids, alginic, citric produced from microbial fermentation of carbohydrate substances, and lactic.

Bentonite, calcium carbonate, calcium chloride, carrageenan, dairy cultures, diatomaceous earth, food filtering aid only. Kaolin, nitrogen, oil-free grades, oxygen,
oil-free grades, pearlite for use only as a filter aid in food processing, potassium chloride, sodium bicarbonate, sodium carbonate, and waxes, non-synthetic, carnauba wax and wood resin.

For 205.605 (b), which are allowed synthetics: calcium phosphates, monobasic, dibasic, and tribasic. Carbon dioxide, ethylene allowed for post-harvest ripening of tropical fruit and degreening of citrus. Glycerine, produced by hydrolysis of fats and oils.

Hydrogen peroxide, magnesium carbonate for use only in agricultural products labeled "made with organic", and in parentheses, specified ingredients or food groups. Prohibited in agricultural products labeled organic.

Magnesium chloride, derived from seawater. Magnesium stearate, for use only in agricultural products labeled "made with organic". Again, specified ingredients or food
groups. Prohibited in agricultural products labeled organic.

Ozone, potassium, acid tartrate, potassium carbonate, potassium citrate, potassium hydroxide prohibited for use in light peeling of fruits and vegetables, except when used for peeling peaches during individually quick frozen or IQF production processes.

Potassium phosphate for use only in agricultural products labeled "made with organic", specified ingredients for food groups prohibited in agricultural products labeled organic. Xanthum gum, alginates, ammonium bicarbonate for use only as a leavening agent, ammonium carbonate for use only as a leavening agent, ascorbic acid, calcium citrate and calcium hydroxide.

And the last group are the 205.606 items being reaffirmed from last meeting. Casings from processed intestines, celery powder, chia, salvia hispanica, dillweed oil,
fish oil stabilized with organic ingredients or only with ingredients on the National List 205.605 and 205.606.

Galangal frozen, gelatin, gums water extracted only. Arabic, guar, locust bean, and carob bean. And, konjac flower. Lemongrass, frozen. Orange shellac, unbleached. Pepper, chipotle pepper. Kelp for use only as a thickener and dietary supplement. Sweet potato starch for bean thread production only. Turkish bay leaves and wakame seaweed. Undaria pinnatifida.

MR. GIACOMINI: Do we have a second?

MR. FOSTER: I will second that.

MR. GIACOMINI: Okay. It has been moved and seconded with the indulgence of the industry, the Board, the guy who's going to have to write the transcript to this, the chair will refer to this as the motion to reaffirm the April, 2010 sunset 2012 recommendation with, without glycerides --
except for glycerides.

Okay, so, you made a motion and
that would go -- will go on for three pages.
But we will refer to it as reaffirmation
except for glycerides for 605 (a)(b) and 606.
Do you have any further debate on this issue?

MR. DEMURI: No, I do not.

MR. GIACOMINI: Any further debate
from the Board? Are we ready for the question?

Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Any conflict of
interest on this? Just a reaffirmation of the
previous vote. Okay. Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe?

MR. DICKSON: Yes.

MR. GIACOMINI: Barry?
MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Wendy?

MS. FULWIDER: Yes.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: Yes.

MR. GIACOMINI: Jennifer?

MS. HALL: Yes.

MR. GIACOMINI: Chair votes yes.

Zero no, fourteen yes. Motion to reaffirm 605 (a), 605 (b), 606 vote from April except for glycerides, mono- and di- passes. Mr. Chairman?

MR. DEMURI: Thank you. As you heard, we did have one substance that we
pulled out of that reaffirmation due to some late -- not late, but public comment after our last meeting, before the deadline. So, John is going to present our recommendation to you.

MR. FOSTER: Thank you, Steve. So the one we pulled out from the reaffirmation was glycerides, this is mono- and di- --

MR. GIACOMINI: Just, just start with the motion, please.

MR. FOSTER: Sorry. The Committee's recommendation is to renew the following substance. This would be on 205.606 (b). Glycerides, open parentheses, mono- and di-, close parentheses, for use only in drum drying of food.

MR. GIACOMINI: That's 5 (b), right? I believe you said 6 (b). That's 5 (b), correct? 5 (b).

MR. FOSTER: Sorry. I mean to say 605 (b).

MR. GIACOMINI: So you move that we accept the recommendation to re-list. As
noted. Second?

   MS. ELLOR: I will second.

   MR. GIACOMINI: Tina seconds. Maker of the Motion, any further debate on this?

Whose mic is on?

   MR. FOSTER: There was a -- we did discuss the day before yesterday that there was additional comment that had come in, and we got together as a group and decided that it didn't warrant a reconsideration at this time.

We expect that a petition to remove glycerides will come in pretty soon. But at this time we're going to keep our recommendation the way it's written up there.

   MR. GIACOMINI: To re-list, to reaffirm the listing. Jay?

   MR. FELDMAN: Would it be appropriate to ask for a little more explanation as to why -- I mean, the basis of the petition is that there is an organic alternative and it sounds like that information was not available at the time the
Committee -- or, it may have been, but the Committee didn't consider that information.

I may be misrepresenting this, I need help here. And that, I had suggested that perhaps a Committee could take that information back and bring it back to the spring meeting. Was that considered?

MR. FOSTER: There is no petition to remove glycerides at this time. The petition I think you're referring to is to remove silicon dioxide. Is that --

MR. FELDMAN: That, that's true. I mean, it's the same, it's a rice product, I guess. I guess the question for me is whether information from that petition and related products can be gleaned for purposes of informing this decision.

MR. FOSTER: Got you. No, I'm sorry, I wasn't understanding. There is some overlap, but in the comment, in the various comments that have been provided in this last comment period for both silicon dioxide and
glycerides, it was unclear at least to the
point that seemed to justify reconsideration,
that there was enough information to make a
decision on glycerides based on the petition
to remove silicon dioxide.

It just seemed not quite enough.
But it was considered, and we would certainly
expect to reconsider it more fully -- again,
I expect a petition to remove glycerides will
come in in the spring, with, with a TR at that
point.

MR. FELDMAN: So, just to -- one
more question. That included a consideration
of Richter's comments, I assume?

MR. FOSTER: It did. And given the
level of scrutiny that we're appropriately
paying to these materials, we felt like now
there's enough information from the -- from
industry, from manufacturers, from users, and
manufacturers of alternatives that with the TR
we'd be able to make a well-informed decision,
and I expect that'll be on the work plan for
next year.

MR. FELDMAN: Thanks.

MR. GIACOMINI: Further debate?

Seeing none, ready for the question? Tina? Oh, on the motion to reconsider -- I mean, to reaffirm -- we say reconsider, on the agenda, we need to change that. To reaffirm the April 2010 vote on sunset 2012 re-listing of glycerides, mono- and di-. Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe?

MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.
Mr. Giacomini: Jay?

Mr. Feldman: Yes.

Mr. Giacomini: Katrina?

Ms. Heinze: Yes.

Mr. Giacomini: Wendy?

Ms. Fulwider: Yes.

Mr. Giacomini: Kevin?

Mr. Engelbert: Yes.

Mr. Giacomini: Jennifer?

Ms. Hall: Yes.

Mr. Giacomini: Jeff?

Mr. Moyer: Yes.

Mr. Giacomini: Chair votes yes.

Zero no, fourteen yes. Motion passes. We are almost approaching the time of our next scheduled break, but as it is on the agenda, I believe we can get one more item through.

Mr. Demuri: Okay, our next item is a colors annotation recommendation. It was described to you two days ago. Katrina, if you'll present that, please.

Ms. Heinze: Yes, thank you. I
will, as I believe I'm supposed to, start with a motion and then I'll explain our rationale.

I move that the annotation for colors derived from agricultural products be changed and that the new listing on 205.606 (b), colors derived from agricultural products must not be produced using synthetic solvents and carrier systems or any artificial preservative.

MR. DEMURI: I'll second.

MR. GIACOMINI: John, I'm going to ask you to be my man over there. It's been moved and seconded to --

MR. FOSTER: Handling Committee recommends that the annotation for colors derived from agricultural products be changed and that the new listing on section 205.606 (b), colors derived from agricultural products must not be produced using synthetic solvents and carrier systems or any artificial preservative.

MR. GIACOMINI: Okay. Thank you.
Maker of the Motion, further debate?

MS. HEINZE: Just again, to recap, when these materials were originally listed, there was a lot of confusion about the annotation. The materials we reviewed were not produced using synthetic solvents, but it's come to our attention that some clarity on the topic would be useful.

So, we're doing this to provide some clarity on the topic. And all public comment we've received has support this change.

MR. GIACOMINI: Thank you. Further debate? Comment? Yes, just, when this was -- when we voted on all of these in `07, we were at ground zero. We did not have the existing listings, we did not even have the category.

The debate of whether they're water extracted, solvent extracted, oil extracted, was various debates. We now have the opportunity to clarify the category rather than have to individually deal with each
substance. I think that's a great improvement in the listing, and for clarity on the subject.

So, I thank you for doing this.

Further debate? Ready for the question? Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe?

MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Wendy?

MS. FULWIDER: Yes.
MR. GIACOMINI: Kevin?

MR. ENGELBERT: Yes.

MR. GIACOMINI: Jennifer?

MS. HALL: Yes.

MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Chair votes yes.

Zero no, fourteen yes. Motion passes. We're way ahead of schedule, but we are at the time for a planned break. Let's do that now, and shoot for 11:15. Katrina, do you -- no. Okay, so, fifteen minutes.

(Whereupon, the above-entitled matter went off the record at 11:02 a.m. and returned at 11:25 a.m.)

MR. GIACOMINI: All right, we will come back into session. We had the opportunity, since we are so far ahead of schedule to take a little bit of an extended break, and have a lot of conferencing on some
potential strategic issues.

But it's time now to proceed with our agenda. All the members have refilled their glasses and we should be ready to go. So we are back to the handling Committee chairperson Steve DeMuri to continue with their items.

MR. DEMURI: Thank you, Dan. And now we're moving into our sunset 2012 recommendations. The first three are for 205.605A, and the first one of those happens to be Flavors, which was presented to the Board day before yesterday.

So, I would like to move that the Board vote for the re-listing of Flavors to the National list 205.605A, non-synthetic sources only, and must not be produced using synthetic solvents and carrier systems or any artificial preservative.

MR. GIACOMINI: Second?

MS. ELLOR: I'll second.

MR. GIACOMINI: Moved and seconded
to re-list Flavors on 605A for sunset 2012.

Maker of the Motion, do you have any further debate?

MR. DEMURI: Just a couple of comments. I want everybody to remember that we realize as a Committee that there's a lot of flavor discussions that we've had over the last few days. This is just for sunset.

We intend to take up the flavor issue as a general subject in our next six month session and start a task force to help us with that. So, this is just for the sunset.

Also wanted to thank Katrina, she was instrumental in the wording on this recommendation. I forgot to do that yesterday, so thank you very much. That's all the comments I have at this point.

MR. GIACOMINI: Further debate?

Jay.

MR. FELDMAN: Do you have a like time frame for that? What's your sense of, because this is a reiteration, am I correct,
of previous sense of the Board that this is a complicated area that needs to be broken apart and discussed based on the different categories of flavors?

MR. DEMURI: Yes, it is going to be very complicated. Realistically, I doubt, although I'd like, we want to start the task force as soon as possible. I think we're probably looking at a couple of years, minimum.

MR. FELDMAN: It's on the work plan, I guess is what you're saying?

MR. DEMURI: It is.

MR. FELDMAN: Thank you.

MR. GIACOMINI: Further debate?

Yes. Yes, after, with Julie Weisman's comment's yesterday, it sounds like we're almost in a similar situation with Flavors that we were on Livestock with excipients.

And it'll be interesting to see how we can possibly find a way to proceed through, through that minefield. We're ready
for the question. Conflict of interest on Flavors, for re-listing of sunset? Seeing none. Proceed to vote. Joe Smillie?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe Dickson?

MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Wendy?

MS. FULWIDER: Yes.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: Yes.

MR. GIACOMINI: Jennifer?

MS. HALL: Yes.
MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Chair votes yes.

Zero no's, fourteen yes. Motion passes. Next item, Mr. Chairman.

MR. DEMURI: Thank you. The next one is, the next 205.605A item, it is magnesium sulfate. So, Lisa, if you can put that one up there for us. It was presented to the Board day before yesterday.

I'd like to move for the re-listing of magnesium sulfate, non-synthetic sources only, to the National list, section 205.605A.

MR. GIACOMINI: Second?

MR. SMILLIE: Second.

MR. GIACOMINI: Moved and seconded to re-list, according to sunset 2012 the
listing of magnesium sulfate, non-synthetic sources only. Did I get that right? On 605A. Maker of the Motion, further debate? Steve?

MR. DEMURI: No.

MR. GIACOMINI: No comments? Any more questions, comments, debate, from the Board? Conflict of interest? Joe Dickson?

MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Wendy?

MS. FULWIDER: Yes.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: Yes.
MR. GIACOMINI: Jennifer?

MS. HALL: Yes.

MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe Smillie?

MR. SMILLIE: Yes.

MR. GIACOMINI: Chair votes yes.

Zero no, fourteen yes. Re-listing motion pass.

Next item, Mr. Chairman.

MR. DEMURI: All right, now we move

into 205.605B items--oh, no, I take that back.

One more 605A item, how could I forget. Yeast.

Joe Smillie?

MR. SMILLIE: I move that we re-

list yeast, non-synthetic, growth impediment,
petrochemical substrate and sulfite waste
liquor is prohibited, brackets, autosalate,
bakers, brewers, nutritional, and smoked,
nonsynthetic smoke flavoring must be documented. So re-list on 205.605A.

MR. DEMURI: Second.

MR. GIACOMINI: It has been moved and seconded to re-list yeast on 605A, as currently listed. Mr. Maker of the Motion, further debate? Joe, you have anything else?

MR. SMILLIE: No.

MR. GIACOMINI: Further debate on this item? Oh boy. We don't have the names on the top of page two, so I'm going to have to try and work through to make sure who's what, here. Okay. Conflict of interest on yeast, did I already ask that? Steve?

MR. DEMURI: Well, we do use organic yeast in some of our products, but in this case, it shouldn't be a--

MR. GIACOMINI: Just a re-listing.

MR. DEMURI: --conflict, I wouldn't think. Right.

MR. GIACOMINI: Just a re-listing for sunset. Any other--okay. Chair does not
find that is a significant conflict to recuse.

Ready for the vote? Barry.

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Wendy?

MS. FULWIDER: Yes.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: Yes.

MR. GIACOMINI: Jennifer?

MS. HALL: Yes.

MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?
MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe Smillie?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe Dickson?

MR. DICKSON: Yes.

MR. GIACOMINI: Chair votes yes.

Zero no, fourteen yes. Motion passes. Next item, Mr. Chairman.

MR. DEMURI: Okay, now we move into the 605, 60--205.605B items. The first one of those is chlorine materials, John Foster.

MR. FOSTER: The Committee recommends to--let's see. I would like to move, we re-list chlorine materials 205.605B, thank you--

MR. DEMURI: I've got your wingman.

MR. FOSTER: Thanks. In this way. Chlorine materials, disinfecting and sanitizing, food contact surfaces, accept that residual chlorine levels in the water shall not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act.
Open parentheses, calcium hypochlorite, chlorine dioxide, and sodium hypochlorite. And close parentheses.

MS. MIEDEMA: Second.

MR. GIACOMINI: It has been moved and seconded to re-list for sunset 2012 the listing for chlorine, all the chlorine materials on 605B. Further debate? Mr. Chairman--go ahead.

MR. FOSTER: Just wanted to make note that we recognize the program has issue draft guidance along, with respect to the use of these materials and expect we'll continue to pay attention to the comment that comes in as a function of that.

MR. GIACOMINI: Jay?

MR. FELDMAN: Did, did the Committee consider--I mean, let me put it this way. If the Committee had the authority to annotate during sunset, would there have been any considerations that you would have brought to this decision?
MR. FOSTER: Of course, it's always dangerous to work in the hypothetical. So, I don't know. I, it, there's too many variables, particularly, there's more variables now than I would have had a week ago.

But, I, if that's the case, certainly I would have taken into it, I think we would have taken into account the draft guidance from the program. Certainly, at minimum, that would have been the most relevant, I think. But, too many variables to, to state anything clearly at this point.


MR. FOSTER: I mean, I would, I guess, go first to say that we do use it as a water sanitizer in our process.

MR. GIACOMINI: Katrina?

MS. HEINZE: For those of us in handling, do we have to answer the conflict of interest question for every material, or can
the blanket statement stand?

MR. GIACOMINI: We will take that as a fairly blanket statement, but please notify the Board and the Chair if any of the items that are subsequently coming up are more significant than your blanket statement includes. Katrina--oh--

MS. HEINZE: Point well taken, thank you.

MR. GIACOMINI: Yes. So. Anything--blanket statements are fine. Anything more significant, please let us know. Steve?

MR. DEMURI: Blanket.


MS. MIEDEMA: I also work for a company that uses the material as a water sanitizer. In water, as a sanitizer.

MR. GIACOMINI: Joe?

MR. SMILLIE: I want to go on the record, I don't think that that's the issue. The issue is, "Did you sell chlorine?" That's
what would be cause for recusal, not that you use it or not.

MR. GIACOMINI: We're just asking, we're just asking for full disclosure of potential conflicts. Joe?

MR. DICKSON: Just in the interest of full disclosure, I also work for a company that uses chlorine as a water sanitizer and many other materials that are up for re-listing.

MR. GIACOMINI: I think all of us at some point have touched, come across this product. So. All right. So, just like I say, I'm taking most of those as, we'll take, the Chair will take most of those as blankets, but please notify the Chair if any of the items that we'll be discussing are, have more significant connection.

Okay. One more time, any further debate on this item? Okay. For the motion to re-list on 605B the listing for all the chlorinated materials for sunset 2012. Steve?
MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Wendy?

MS. FULWIDER: Yes.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: Yes.

MR. GIACOMINI: Jennifer?

MS. HALL: Yes.

MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe?
MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Chair votes yes.

Zero no's, fourteen yes. Motion passes. Yes, go ahead.

MR. DEMURI: The next item is another 205.605B. It's ferrous sulfate, and John will present that one, as well.

MR. FOSTER: Thank you. I'd like to move that--

MR. GIACOMINI: Point of order.

MR. SMILLIE: What is the material, again?

MR. DEMURI: Ferrous sulfate.

MR. GIACOMINI: Okay. Yes. It is correct on the agenda. It's been corrected on the documents. We have too many phosphates, sulfates, ammoniates, whatever -ates on the, the voting sheet, we need to all make the correction for ferrous sulfate. Okay. John?

MR. FOSTER: Thanks for point that
out, Joe.

MR. GIACOMINI: Thank you, thank you, Joe.

MR. FOSTER: I would like to move that to re-list on 205.605B, ferrous sulfate, annotated, for iron enrichment or fortification of foods when required by regulation or recommended, or, yes. Or recommended.

MR. GIACOMINI: Second?

MR. DEMURI: I'll second.

MR. GIACOMINI: It's been moved and seconded to re-list ferrous sulfate for, under sunset 2012 on 605B. John, Maker of the Motion, any further debate?

MR. FOSTER: No.

MR. GIACOMINI: Any further debate on this issue? Any additional conflict from the batch? Proceed to vote. John?

MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Yes.
MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Wendy?

MS. FULWIDER: Yes.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: Yes.

MR. GIACOMINI: Jennifer?

MS. HALL: Yes.

MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe?

MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.
MR. GIACOMINI: Chair votes yes.

Zero no, fourteen yes. Motion passes.

MR. DEMURI: The next item is pectin, low methoxy, for 205.605B. Joe?

MR. SMILLIE: I move that we re-list pectin low methoxy on 205.605B.

MR. DEMURI: I'll second.

MR. GIACOMINI: It has been moved and seconded to re-list pectin low-methoxy on 605B. Mr. Maker of the Motion, any further debate?

MR. SMILLIE: No.

MR. GIACOMINI: Any further questions or debate on this issue? Jeff?

MR. MOYER: Just a point of clarification. This, this doesn't supersede or impact the previous vote we just took on pectin, this is just a placeholder to keep everything moving as it is until the new motion, or the new recommendation can get processed through the program, correct?

MR. GIACOMINI: Correct.
MR. MOYER: Thank you.

MR. GIACOMINI: Okay. All right.

So, just so everyone is aware, the necessity for this is because the current listing on 606 for pectin R is pectin high methoxy only, so this is allowing the continued use of low-methoxy. Even though the Committee determined that there is not really a difference.

MR. SMILLIE: There's a difference.


MR. FELDMAN: Yes.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Wendy?

MS. FULWIDER: Yes.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: Yes.

MR. GIACOMINI: Jennifer?

MS. HALL: Yes.

MR. GIACOMINI: Jeff?
MR. MOYER: Yes.

MR. GIACOMINI: Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe?

MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Chair votes yes.

Zero no, fourteen yes. Motion passes. Next item, please.

MR. DEMURI: The next item is phosphoric acid. Joe Dickson?

MR. DICKSON: I'd like to move that phosphoric acid be re-listed on 205.605B.
MS. MIEDEMA: Second.

MR. GIA COMINI: It has been moved and seconded for the re-listing of phosphoric acid on, according to sunset 2012 on 205.605B. Any further debate, Mr. Maker of the Motion?

MR. DICKSON: No.

MR. GIA COMINI: Further questions--

Jeff?

MR. MOYER: I think it would be wise to read the annotation into the motion, as well.

MR. GIA COMINI: Could we please just have, at least have a full reading of the annotation into the record?

MR. DICKSON: The motion is to re-list phosphoric acid on 205.605B with the annotation cleaning of food contact surfaces and equipment only.

MR. GIA COMINI: Okay. Tracy, seconded the motion, will sort of, do that as a friendly Amendment. Accept that as the Amendment?
MS. MIEDEMA: Yes.

MR. GIACOMINI: Okay, great. So, re-listing of phosphoric acid on 605B again. Any further debate? Any conflict about the batch? Ready for the question. Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Wendy?

MS. FULWIDER: Yes.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: Yes.

MR. GIACOMINI: Jennifer?

MS. HALL: Yes.

MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe?

MR. DICKSON: Yes.
MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: Chair, yes. Zero no, fourteen yes's. Motion passes. Next item, please.

MR. DEMURI: Next item, 205.605B, is silicon dioxide. John Foster.

MR. FOSTER: I would like to move to re-list silicon dioxide on 205.605 without annotation.

MR. GIACOMINI: B.

MR. FOSTER: Sorry, 205.605B, without annotation.

MR. DEMURI: I'll second.

MR. GIACOMINI: It has been seconded for the re-listing of silicon dioxide
on 205.605B according to the sunset 2012. Mr. Maker of the Motion, any further debate?

MR. FOSTER: Not debate as far as I know, just recognition that there is a petition to remove silicon dioxide that we will be considering in the next year's work plan.

MR. GIACOMINI: Further debate?

Seeing none, ready for the question. Any conflict about the batch? Wendy?

MS. FULWIDER: Yes.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: Yes.

MR. GIACOMINI: Jennifer?

MS. HALL: Yes.

MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe?
MR. SMILLIE: Yes.

MR. GIACOMINI: Joe?

MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Chair votes yes.

Zero no, fourteen yes. Motion passes. Next item, please.

MR. DEMURI: The next item is sodium citrate, also for 205.605B. Joe Dickson.

MR. DICKSON: I move to re-list sodium citrate to 205.605B as part of the sunset process.
MR. DEMURI: Second.

MR. GIACOMINI: Moved and seconded for the re-listing of sodium citrate on 605B according to 2012 sunset. Maker of the Motion, further debate?

MR. DICKSON: No.

MR. GIACOMINI: Any further debate?

Any conflict outside the batch? Ready for the question. Kevin?

MR. ENGELBERT: Yes.

MR. GIACOMINI: Jennifer?

MS. HALL: Yes.

MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe?

MR. DICKSON: Yes.
MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Wendy?

MS. FULWIDER: Yes.

MR. GIACOMINI: Chair votes yes. Zero no, fourteen yes. Motion passes. Next item, please?

MR. DEMURI: Next item also.

205.605B is sodium hydroxide. Joe?

MR. DICKSON: I move to re-list sodium hydroxide with the annotation prohibited for use in live peeling of fruits and vegetables to 205.605B as part of the 2012 sunset process.
MR. DEMURI: I'll second.

MR. GIACOMINI: Moved and seconded to re-list sodium hydroxide as annotated on 605B for the 2012 sunset review process. Maker of the Motion, further debate?

MR. DICKSON: No.

MR. GIACOMINI: Other debate?

Conflict outside the batch? Ready for the question. Jennifer?

MS. HALL: Yes.

MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe?

MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: Yes.
MR. GIACOMINI: Steve?
MR. DEMURI: Yes.
MR. GIACOMINI: John?
MR. FOSTER: Yes.
MR. GIACOMINI: Jay?
MR. FELDMAN: Yes.
MR. GIACOMINI: Katrina?
MS. HEINZE: Yes.
MR. GIACOMINI: Wendy?
MS. FULWIDER: Yes.
MR. GIACOMINI: Kevin?
MR. ENGELBERT: Yes.
MR. GIACOMINI: Chair votes yes.
Zero no, fourteen yes. Motion passes. Next item, please.
MR. DEMURI: 205.605B item again.
Sodium phosphates. Joe?
MR. DICKSON: I would like to move that sodium phosphates with the annotation for use only in dairy foods be re-listed to 205.605B as part of the 2012 sunset process.
MR. DEMURI: Second.
MR. GIACOMINI: It has been moved and seconded to re-list sodium phosphate as annotated on 605B according to the 2012 sunset review process. Maker of the Motion, do you have any further debate?

MR. DICKSON: I do not.

MR. GIACOMINI: Any further debate on this issue? Additional conflict of interest? Seeing none, proceed to vote. Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe?

MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.
MR. GIACOMINI: John?
MR. FOSTER: Yes.
MR. GIACOMINI: Jay?
MR. FELDMAN: Yes.
MR. GIACOMINI: Katrina?
MS. HEINZE: Yes.
MR. GIACOMINI: Wendy?
MS. FULWIDER: Yes.
MR. GIACOMINI: Kevin?
MR. ENGELBERT: Yes.
MR. GIACOMINI: Jennifer?
MS. HALL: Yes.
MR. GIACOMINI: Chair votes yes.
Zero no, fourteen yes. Motion passes. Next item, please.
MR. DEMURI: This is the last 205.605B item, sulfur dioxide. Joe, again.
MR. DICKSON: I move to re-list sulfur dioxide with the annotation for use only in wine labeled "Made with organic grapes" provided that total sulfite concentration does not exceed 100 parts per
million, for re-listing on 205.605B as part of 2012 sunset.

MR. DEMURI: I'll second.

MR. GIACOMINI: Been moved and seconded for the re-listing of sulfur dioxide as annotated on 605B according to the sunset 2012 process, review process. Any further debate, Maker of the Motion?

MR. DICKSON: Just want to note for the record that the, a petition has been submitted to remove the annotation that restricts the use of sulfur dioxide in wine, but that is not currently on the table.

MR. GIACOMINI: Okay. Currently on the table is only the re-listing. Further debate? Jay?

MR. FELDMAN: I assume that's on the work plan too, for--

MR. DEMURI: Most definitely.

MR. GIACOMINI: Further debate? Conflicts? Again, drinking wine does not qualify as a conflict of interest. Ready for
the question. Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe?

MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Wendy?

MS. FULWIDER: Yes.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: Yes.
MR. GIACOMINI: Jennifer?

MS. HALL: Yes.

MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Chair votes yes. Zero no, fourteen yes. Motion passes. We are five minutes to noon. We're time for, we're scheduled for our break at noon. We are well ahead of schedule. Rather than break up the 606 items, I think it would be good to take, take our lunch now.

Please be back, one o'clock. Thank you. We're in recess.

(Whereupon, the off the record at 11:55 a.m. and resuming at 1:14 p.m.)
MR. GIACOMINI: Okay. Hope everyone had a great lunch. We are still well ahead of schedule, and we are in the middle of our votes for handling Committee and back to Chairman of the handling Committee to continue with our sunset 2012 recommendations for 606.

MR. DEMURI: Thank you. As Dan mentioned, we are moving into the 205.606 items now. The first one on the list on the agenda is Colors, and that's one that Katrina handled for us, so, Katrina? With your mouth full.

MS. HEINZE: I did not realize I was first. I'm sorry. Give me a sec, it's not open on my computer. Okay. Thank you for your patience. I'll do the motion and then some explanation.

The, I move that the following colors on 205.606 be re-listed through the sunset process. Do I need to read the CAS
numbers, or can I just read the names of the colors?

MR. GIACOMINI: Just read the names.

MS. HEINZE: Okay.

MR. GIACOMINI: And we'll again, assume that the list is inclusive and complete and it won't be part of the, as we proceed with our re-listing of the motion.

MS. HEINZE: Okay. So I'll repeat the motion. I move that the following colors on 205.606 be re-listed through the sunset process.

Beet juice extract color, beta carotene extract color from carrots, black currant juice color, black purple carrot juice color, blueberry juice color, carrot juice color, cherry juice color, chokeberry aronia juice color, elderberry juice color, grape juice color, grape skin extract color.

Paprika color, dried powder, and vegetable oil extract, pumpkin juice color,
purple potato juice color, red cabbage extract
color, red radish extract color, saffron
extract color, tumeric extract color.

MR. GIACOMINI: Tina? Okay. It's
been moved and seconded to re-list the
eighteen colors listed on 606 for 2012 sunset
as, as included in the motion. Just for
clarification, that is all of the colors on
606 except annotto, correct?

MS. HEINZE: That is correct.

MR. GIACOMINI: Okay. That's the
other way to look at it, so. Okay. Maker of
the Motion, further debate?

MS. HEINZE: I just want to
highlight for folks that this passed Committee
with five yes's, zero no's, two absents, and
we do have a public comment supporting these
relistings and no public comment opposing.

I also want to highlight, again,
that we believe the CAS numbers with these
listings are not correct. We have public
comment to that fact, and so this
recommendation includes a request to the program to fix those when they do this re-listing.

MR. GIACOMINI: Further debate? We continue with our blanket conflict of interest statements. Anything above the batch, the batch announcements? Seeing none, any, one last call for further debate as I line up my voting sheet here. Ready for the question. For the vote on re-listing of the sunset, the colors on 606 for sunset 2012, Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe?

MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.
MR. GIACOMINI: Jay?
MR. FELDMAN: Yes.
MR. GIACOMINI: Katrina?
MS. HEINZE: Yes.
MR. GIACOMINI: Wendy?
MS. FULWIDER: Yes.
MR. GIACOMINI: Kevin?
MR. ENGELBERT: Yes.
MR. GIACOMINI: Jennifer?
MS. HALL: Yes.
MR. GIACOMINI: Jeff?
MR. MOYER: Yes.
MR. GIACOMINI: Tina?
MS. ELLOR: Yes.
MR. GIACOMINI: Chair votes yes.
Zero no. Fourteen yes. Motion passes. Next item, please, Mr. Chairman.
MR. DEMURI: Thank you. It's not on your agenda, at least the agenda I have, but it is on the voting sheet, and the next one is annotto. Obviously also a color, but that was one that we broke out of the other eighteen,
so. Katrina?

MS. HEINZE: Okay. Since our discussion Tuesday, the Committee has met and there's been a change in the recommendation, so I will do the motion, and then I will explain our rationale and why we made the change, if that's acceptable.

Okay. I move that annotto extract color, water and oil soluble, be re-listed on 205.606.

MR. GIACOMINI: That was--who's the second? Jennifer.

MS. HEINZE: Okay. Lisa, if you can scroll down to the last paragraph in the Committee summary. Just a refresher, as we looked at this material, we did receive public comment saying that the liquid form is available, the powdered form is not.

I can summarize that in more detail for you guys. We also had discussion about whether or not the original Committee recommendation could be executed, or
implemented by the program as we desired. We got feedback from the program that they were concerned about that.

So we've now added a paragraph to our recommendation that says, "Unfortunately, the listing for annoto extract color on 205.606 does not list the liquid and powdered forms in the annotation, so current NOSB policy does not allow only one form to be removed. The NOSB has received a petition for the removal of annoto extract color from 205.606, which the handling Committee intends to review immediately. At this time, we're going to recommend that annoto extract color be re-listed but expect to address the forms available in response to the petition we have received."

So, that's our intention. Any questions?

MR. GIACOMINI: Questions and comments. Jay?

MR. FELDMAN: To clarify, we
received comment from a company that said they now do have the powdered form?

MS. HEINZE: We received public comment from the supplier of a liquid annotto that said they do have that form. We also received some public comment saying that, asking that annotto not be re-listed. Then, we received public comment asking that it be re-listed.

And, finally, we received public comment from a handler who uses powdered annotto extract who says they have tried the liquid and the ground annotto seed, which is available, and that they were unable to produce the product that consumers wanted to purchase.

So, we had mixed public comment, which was supported by my very informal walk up and down the grocery store shelf.

MR. FELDMAN: I guess, are we talking about, can I mention the company name, D.D. Williams? I thought they submitted
comments that they had received your inquiry, or somebody's inquiry, and since that time, they had, they now have the powdered form available. I just want to be clear, that, again, in the interest of making 606 work that that information is available to us.

MS. HEINZE: Yes. Thank you for bringing that up. And actually I should say that when annotto was originally listed in 2007, there was some organic on the market, but it was very unreliable and the handling products that were being produced at the time.

So, I think annotto is a great example of having been listed because the quality or form was not right, and we're seeing really a big development in this market, which I think is great news.

So I'm excited about the petition. We'll look at it when we get it. Hopefully we can sort out this forms thing, and learn more about the powdered, where there seems to be some debate about whether it's working or not,
and available in the right quantity, which I think is also a question.

MR. GIACOMINI: Jay?

MR. FELDMAN: Thank you.

MR. GIACOMINI: Further questions and debate? Conflict on this item? Okay.

Seeing none. Ready to vote. Joe Smillie?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe Dickson?

MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Wendy?

MS. FULWIDER: Yes.
MR. GIACOMINI: Kevin?  
MR. ENGELBERT: Yes.  
MR. GIACOMINI: Jennifer?  
MS. HALL: Yes.  
MR. GIACOMINI: Jeff?  
MR. MOYER: Yes.  
MR. GIACOMINI: Tina?  
MS. ELLOR: Yes.  
MR. GIACOMINI: Tracy?  
MS. MIEDEMA: Yes.  
MR. GIACOMINI: Chair votes yes.  
Zero no, fourteen yes. Motion passes. Next item, please.  
MR. DEMURI: Okay. The next item, another 205.606 item, fructooligosaccharides, better known as FOS. I would move that the NOSB re-list fructo-oligosaccharides to 205.606 of the National List.  
MS. HEINZE: Second.  
MR. GIACOMINI: It has been moved and seconded to re-list fructooligosaccharides to the National list 606 according to sunset
2012 process. Further debate, Mr. Maker of the
Motion?

MR. DEMURI: Not from me.

MR. GIACOMINI: Further debate?

Jay?

MR. FELDMAN: I don't know how
deeply you guys looked into this but there's
been a lot of, seems like controversy around
this. I don't know how widely used it is. I
don't know much about it, but in looking
through some of the literature on this, there
seems to be concerns that have come up--did
you guys uncover any concerns associated with
its use?

MR. DEMURI: Nobody made any public
comment to that effect. All the public comment
we received were, was in favor of re-listing
it. And it's not widely used, but it is used
in some organic fruits. Baby foods, some
beverages. Biscuits. A variety of products,
but not widely used. I mean, the spectrum is
wide but it's not used a lot, not a big
quantity.

MR. FELDMAN: Thank you.

MR. GIACOMINI: Katrina?

MS. HEINZE: I was going to add

that when we originally listed this there was

some discussion of those concerns. So it's not

new information.

MR. GIACOMINI: Further debate?

Seeing none, any conflicts? Hearing none.

Proceed to vote. Joe Dickson?

MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Wendy?
MS. FULWIDER: Yes.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: Yes.

MR. GIACOMINI: Jennifer?

MS. HALL: Yes.

MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe?

MR. SMILLIE: Yes.

MR. GIACOMINI: Chair votes yes.

Zero no, fourteen yes. Motion passes. Next item, please.

MR. DEMURI: Next agenda item is also a 205.606 item. It's hops. Joe Smillie?

MR. SMILLIE: I would move that we re-list hops from humulus lupus on 205.606.

MR. DEMURI: Second.

MR. GIACOMINI: It has been moved
and seconded to re-list hops on 205.606, 
according to the sunset 2012 process. Any 
further debate, Mr. Maker of the Motion? Joe?

    MR. SMILLIE: No.

    MR. GIACOMINI: Further debate on 
this item? Again, this is--Jeff?

    MR. MOYER: Not--I was just going 
to restate the same thing I believe you were 
going to say, again, this is just clarifying 
the vote that we made earlier on hops, when we 
talked about, this is a way to protect hops on 
the list until that new vote that we just took 
works it's way through the process.

    MR. GIACOMINI: Yes. Yes, if, if 
that cannot get through rulemaking up to the 
deadline that we have, this is the 
authorization to the program and the Secretary 
to re-list hops on, in its, with it's existing 
annotation.

    MR. SMILLIE: I have full faith 
that they will do so. Full faith on this one.

    MR. GIACOMINI: Barry?
MR. FLAMM: I'm really not clear on why, in this case, this is necessary, since the time and everything, so close together, I think this could be misconstrued. Could you clarify that for me? Thanks.

MR. SMILLIE: Yes, I'll do my best. Basically, there's two different items. One is the response to the petition, which we want to have it removed from the list on 2013. This is the sunset item, which automatically renews it.

So, the reason why this is, the reason why we're re-listing is because we don't know how long it will take the program to establish the new annotation, to cut it off on, to remove it on January 1st, 2013.

MR. GIACOMINI: I have a question for either katrina or maybe Lisa Bailey. What is the date on hops, for it's sunset?

MS. HEINZE: I'm letting Lisa Brines answer.

MR. GIACOMINI: Lisa Brines, yes.

MS. BRINES: Lisa Brines, NOP standards Division. The current sunset date for hops is June 27th, 2012.

MR. GIACOMINI: Okay. So the main impact there, Barry, is that puts the sunset before harvest. And before that crop will be, would be ready. Jennifer?

MS. HALL: But, what that also does, then, if they don't get to rulemaking, it does then put it on the sunset for another five years. So the risk is the one harvest, is what we're talking about, right?

MR. GIACOMINI: The risk is one harvest. But if they're not going to be able to get an annotation change with the new drop dead date, this Board would have the opportunity to bring forth another motion to remove it from the list, which would proceed fairly smoothly. Does that make sense? Steve?

MR. DEMURI: And don't forget, this is subject to commercial availability, and I
think all the certifiers that certify hops are in this room, or have been in the last few days, so I'm sure they heard loud and clear that there's plenty of hops out there, so I would think they'd be looking into that pretty closely.

MR. GIACOMINI: Program?

MR. MCEVOY: Arthur said that we'll get it done.

MR. GIACOMINI: Our concern for you getting, for this getting done is not in your hands. It's always the other things that you have to do in the process. We're sure you will get your process stuff done in a timely fashion. Okay. Anything else? Any further debate on this? All right. Any, again, drinking beer is not a conflict. Any other conflicts? Proceeding with the vote. Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?
MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Wendy?

MS. FULWIDER: Yes.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: Yes.

MR. GIACOMINI: Jennifer?

MS. HALL: No.

MR. GIACOMINI: No?

MS. HALL: No.

MR. GIACOMINI: No. Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe Smillie?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe Dickson?
MR. DICKSON: Yes.

MR. GIACOMINI: Chair votes yes.

One no, thirteen yes. Motion passes. Next item, please.

MR. DEMURI: Next item for 205.606 is inulin, oligofructose enriched. I would like to move that the Board vote to re-list inulin, oligofructose enriched, to the National List in section 205.606.

MS. ELLOR: I'll second.

MR. GIACOMINI: Been moved and seconded to re-list inulin, oligofructose enriched on National List 606. According to the sunset 2012 review process. Mr. Maker of the Motion, any further debate?

MR. DEMURI: No.

MR. GIACOMINI: Any other debate and comments on this item? Any conflict? Seeing none, proceed to new vote. Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.
MR. GIACOMINI: Jay?
MR. FELDMAN: Yes.
MR. GIACOMINI: Katrina?
MS. HEINZE: Yes.
MR. GIACOMINI: Wendy?
MS. FULWIDER: Yes.
MR. GIACOMINI: Kevin?
MR. ENGELBERT: Yes.
MR. GIACOMINI: Jennifer?
MS. HALL: Yes.
MR. GIACOMINI: Jeff?
MR. MOYER: Yes.
MR. GIACOMINI: Tina?
MS. ELLOR: Yes.
MR. GIACOMINI: Tracy?
MS. MIEDEMA: Yes.
MR. GIACOMINI: Joe?
MR. SMILLIE: Yes.
MR. GIACOMINI: Joe?
MR. DICKSON: Yes.
MR. GIACOMINI: Barry?
MR. FLAMM: Yes.
MR. GIACOMINI: Chair votes yes.

Zero no, fourteen yes. Motion passes. Next item, please.

MR. DEMURI: Next and last item is whey protein concentrate --

MR. GIACOMINI: No --

MR. DEMURI: Oh, it's not?

MR. GIACOMINI: You have two more.

MR. DEMURI: Oh.

MR. GIACOMINI: Pectin high-methoxy is your next one.

MR. DEMURI: Oh, okay. Pectin. Is that the next one on the --

MR. GIACOMINI: Yes.

MR. DEMURI: Missed one. Sorry about that. I got ahead of myself. So, the next one for 606 is pectin, and that would be Joe Smillie.

MR. SMILLIE: I move that pectin high-methoxy be re-listed on 205.606.

MS. MIEDEMA: Second.

MR. GIACOMINI: Tracy, thank you.
Been moved and seconded for pectin high-methoxy be re-listed on section 606, from sunset 2012 review process. Maker of the motion, any debate?

MR. SMILLIE: No.


MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Wendy?

MS. FULWIDER: Yes.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: No.

MR. GIACOMINI: Jennifer?

MS. HALL: Yes.

MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?
MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe?

MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: Chair votes yes.

One no, thirteen yes. Motion passes. Next item, please.

MR. DEMURI: Okay. The next item for 606 is corn starch. John Foster?

MR. FOSTER: Let's see. We have, let's see -- sorry -- we have corn starch to be listed on 205.606. We certainly have learned a great deal about that, if only inadvertently.

Since we don't have a
determination on the majority's recommendation on CSL, I'd like to ask the Board to consider the minority recommendation and to help clarify this, and also ask the program for clarification at this time.

MR. GIACOMINI: I was expecting something else. I didn't quite get all of what you were saying there. Restate that, please.

MR. FOSTER: Sure. Learned a lot about corn starch manufacturing in the last few days, if only inadvertently. And since we don't have a determination on corn steep liquor, which is the same process as corn starch, I'd like to ask the Board to consider the minority, the Crops Committee minority recommendation on corn steep liquor, and ask the program if they have any input of clarification on that process.

MR. GIACOMINI: Well, the current position from the Chair was that the Committee had decided to withdraw. We had a member trying to put forth that as a motion. It was
ruled out of order since the Committee had --
that item had not been presented by the
Committee.

If the program has anything to add
on this, they're certainly welcome to at this
point in time to proceed with what you're
trying to do, with what you're looking to do,
would be a motion to appeal the decision of
the Chair, which would require a second. A
second, no debate, and a majority vote.

So, if you would like to make a
motion to proceed with -- pardon, Jay?

MR. FELDMAN: Sorry. I'd like to
call a point of order. I think that the issue
is corn starch sunset and we have either a
Committee recommendation or we don't on corn
starch. We have to consider the majority
opinion, my belief. If it's introduced.

MR. GIACOMINI: I would find the
action that the member's trying to make more
appropriate at the conclusion of the handling
Committee's work. But I would be willing to
take that motion, I would just appreciate it, that were, presented them, if you would just please proceed with corn starch at this time.

    MR. FOSTER: I made a motion. If it fails for lack of a second, then it fails. But my understanding is --

    MR. GIACOMINI: That's the same motion that Mr. Smillie made earlier and I ruled it out of order.

    MR. FOSTER: Okay. Okay, are you doing the same here?

    MR. GIACOMINI: Yes.

    MR. FOSTER: Then to be re-listed on 205.606, corn starch, native. I'd make the motion to re-list cornstarch on 606, obviously, as an agricultural product.

    MR. DEMURI: I'll second.

    MR. GIACOMINI: It's been moved and seconded to re-list corn starch as annotated on 606 under 2012 sunset review process. Maker of the motion, any further debate? Other further debate? Arthur?
MR. NEAL: Yes, I had a question.

What I heard was, John, in essence, deferred making a decision on corn starch because of the information that they learned regarding corn steep liquor. I didn't hear directly, an appeal of the Chair's decision concerning corn steep liquor.

MR. GIACOMINI: The Chair heard John making a motion to consider and bring up the minority opinion on corn steep liquor. Was that correct?

MR. FOSTER: Correct, I was not challenging the Chair on the decision --

MR. GIACOMINI: You were just trying to --

MR. FOSTER: - the majority --

MR. GIACOMINI: -- see if I was going to be consistent?

MR. FOSTER: I was -- no, I was just asking for the Board to consider the minority recommendation.

MR. GIACOMINI: Okay. Okay. We can
-- yes. Are you comfortable at this time still proceeding with 606 corn starch?

MR. FOSTER: I would prefer to go back to my prior request, the motion that was, as far as I know, was on the floor for the Board to consider the minority recommendation.

MS. MIEDEMA: Which minority recommendation?

MR. FOSTER: Crops Committee minority recommendation on corn steep liquor.

MR. GIACOMINI: Okay. Tracy?

MS. MIEDEMA: When you say minority, what you're talking about isn't a motion that was on the table before the Board but a within-Committee motion that was discussed today on the floor that the Committee opted not to bring corn steep liquor?

MR. GIACOMINI: Point of clarification, Mr.-- Madame Crops Chairperson. That, that is simply, is that simply listed in the document as a minority opinion or is there
a structure to it in the form of a motion?

The minority opinion on the corn steel liquor document.

MS. ELLOR: It is a minority opinion.

MR. GIACOMINI: Not in the form of a motion?

MS. ELLOR: Not in the, not on the Committee level.

MR. GIACOMINI: Okay. Katrina?

MS. HEINZE: I believe on classification, since there isn't a third choice, if you make a motion that something is synthetic and it fails, therefore it's non-synthetic.

MR. GIACOMINI: The program felt that on this item, this was a substantive vote, and they were requesting a two-thirds majority.

MS. HEINZE: I guess I don't disagree with that, but if, if you move that something is blue, and something can either be
blue or not blue and you move that it's blue, and that fails, then what does one do?

MR. GIACOMINI: We, we reviewed that, Katrina, we reviewed, we discussed that extensively. It is definitely an either/or. The program was fairly insistent that it was a substantive decision. If the entire process had played out in the normal way, what we were expecting to do was take the majority opinion at, motion, vote on that.

If that did not receive the two third majority, to present the minority opinion in the form of a motion, if that did not receive a two thirds vote, to then send it back to Committee for further review and consideration, and a review of the, of the facts.

Debatable facts, conflicting facts, but facts. That was the plan. We have got to explaining that whole process, but that was the plan. The process right now, based on the Board, the Chair's decision in accepting
a motion without it being presented by the
Committee, it would call for someone to appeal
the decision of the Chair, requires a second,
not debatable, simple majority vote, of which
then, if that passed, the, a member of the
Board would be able to make a motion to
represent the minority opinion, which would
need to pass by two thirds.

But, the Chair does not feel that
that automatically, automatically brings back
a vote on the majority opinion regarding,
regardless of the result of that vote. Does
that make sense?

MS. HEINZE: Thank you for
explaining the process.

MR. GIACOMINI: Thank you. We would
have gotten to that, we just, it was, we were
pre-empted. Okay. So. John, do we have, do,
are you, do we have a motion to appeal the
decision of the Chair regarding the
presentation of that motion?

MR. FOSTER: With a qualifier, yes.
MR. GIACOMINI: I need to hear, I move to appeal the decision of the Chair regarding --

MR. FOSTER: I move to appeal the decision of the Chair. May I qualify?

MR. GIACOMINI: Okay --

MR. FOSTER: With input from the program, with any guidance they can provide.

MR. GIACOMINI: Okay. I don't know what guidance we're looking for, but let's, even before we, you're, you're kind of asking for an appeal, the, the guidance before the appeal.

MR. FOSTER: I'd, I'd like to appeal the decision of the Chair. Move the decision, appeal the decision of the Chair. To move to -- okay -- appeal the decision of the Chair.

MR. GIACOMINI: All right.

MS. MIEDEMA: I'll second.

MR. GIACOMINI: I don't know -- I don't know where we're going to put this,
Tina. Let me see. Okay. All right. We will -- let's put this on the line that we have at the end of, we have one line at the end of Crops. Let's try and see if we can put it there.

MS. ELLOR: We already got something there.

MR. GIACOMINI: Well, you're going to have to move it. Okay. So We're going to appeal the decision of the Chair. Do we have a second?

MS. MIEDEMA: Second.

MR. MCEVOY: For clarification purposes, could we state for the record what John is appealing, what decision by the Chair John is appealing? Is it the decision that the Chair made just a few moments ago, or the decision from earlier today?

MR. GIACOMINI: I, if I can state that so that I understand it, you tell me if I'm right. You are appealing the decision of the Chair that the motion, that the making of a motion by a Board member regarding the
minority opinion on CSL without CSL document being presented by the Crops Committee was out of order.

MR. FOSTER: Yes. That is correct.

MR. GIACOMINI: Okay. Is that clear? Okay.

MR. FELDMAN: Point of order.

MR. GIACOMINI: Jay?

MR. FELDMAN: I don't believe that the Board has the authority to repeal a decision of this nature, which is identified in our policy manual as proper procedure. This is not a discretionary act by the Chair, the Chair is enforcing the policy memo -- or policy -- Barry, you can read that paragraph -- and as a result, we need a ruling on, an interpretation of the policy, which we, which the Chair has the authority to do, and only the Chair. And, based on a reading of our policy.

MR. GIACOMINI: The, the Chair had, in reviewing the policy manual, where, and if,
Barry, if you can find that, it essentially says in the presentation by the Committee, historically, that the Chair feels that that had been viewed as the formal presentation of a document for voting by the Committee today on the last day for voting.

The Chair will take this motion on, to appeal, on, from the viewpoint if members feel that the presentation of this item is due, it comes about from the posting of the document, the discussion that we've had, and the fact that it was discussed two days ago, in, in, in a Board format in front of the entire Board.

MR. FELDMAN: I just think that's out of order. We, we, this is proper, this is procedure that has been used at this meeting today, on other --

MR. GIACOMINI: I, I agree with, I agree with your view of that, I'm going to overrule your point of order, though. And we'll leave that up, that interpretation --
MR. FELDMAN: May I appeal that overruling, or?

MR. GIACOMINI: Well, you've got, we're going to do a vote. We're, right now, there's no debate, we have a second, there's no debate. We vote on the motion to appeal the decision of the Chair.

It's a majority vote. Everybody has the right to make their vote on that. No debate. I addressed the issue with Jay, because he was calling a point of order in regard to the accepting of the motion.

Okay. So, I've got the book here, if anybody wants to look at it. So, in voting on the motion to appeal the decision of the Chair regarding the allowance of a motion by a member of the Board on an issue that was not presented from the Committee.

Since we're here, we're kind of in a suspended animation here on our voting sheet. I'll just begin at the start. So, a yes vote is to, is to appeal -- to overrule the
Chair. A no vote supports the Chair. So, Jay?

MR. FELDMAN: No.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MS. FULWIDER: Yes.

MR. GIACOMINI: Wendy, yes. Kevin?

MR. ENGELBERT: No.

MR. GIACOMINI: Jennifer?

MS. HALL: No.

MR. GIACOMINI: Jeff?

MR. MOYER: No.

MR. GIACOMINI: Tina?

MS. ELLOR: No.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe Smillie?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe Dickson?

MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: No.

MR. GIACOMINI: Steve?
MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Since we have an even number of people and we don't have one to break a tie, the Chair has already made its claim, and it's, we're looking for the opinion of the rest of the body. The Chair will abstain.

So, we have one, two, three -- seven -- seven no -- six no, seven yes. Motion passes. So, you, do I understand that you prefer to proceed with the corn steep liquor minority opinion vote before your voting on corn starch? For six -- re-listing on 606?

MR. FOSTER: I would, again, with input from the program.

MR. GIACOMINI: Oh, okay.

MR. FOSTER: If they have it.

MR. GIACOMINI: Now we're back on input from the program. Does the program have any other input on this, or are you just --
MR. MCEVOY: What kind of input are you looking for?

MR. FOSTER: Since this is a little uncharted water, anything you think is relevant based on your experience and understanding of the process.

MR. MCEVOY: I would urge the Board members to take a look at page sixty-four of your policy handbook which has parliamentary procedures at a glance. So, this will help you with your decision making in this --

MR. GIACOMINI: I believe, I believe we're past that, Miles. We've overruled the Chair, and the motion to, a motion to present the minority opinion on CSL in the form of a main motion is now in, would now be in order.

MR. MCEVOY: I am responding to the question that Mr. Foster --

MR. GIACOMINI: Okay. Okay.

MR. FOSTER: -- asked of any, any comments that we have, and that's about all we
have at this point.

       MR. GIACOMINI: Okay. What page is
that? One second, John. All right, that's the
wrong document. Was there anything specific on
that page you wanted to bring to our
attention?

       MR. MCEVOY: Well, part of the
question is, what are your procedures. So we
looked at, we looked at FACA. FACA doesn't
really give you any particular guidance in
terms of how you make decisions or bring up
motions.

       What it says is that any advisory
Board needs to have procedures in place of how
they make decisions. That's your NOSB policy
manual. So that's what you should be looking
at in terms of reference in terms of how you
proceed.

       You reference Robert's Rules of
Order, and in Appendix D, you have a short
part of Robert's Rules of -- you have a short
part of Robert's Rules, and that should be
utilized as reference in this process. There you go.

    MR. GIACOMINI: I have two books, right here.

    MR. MCEVOY: You have two books.

So, but for the other members of the Board, this might be a good area to look at because there seems to be a lot of questions right now in terms of how to move forward.

    MR. GIACOMINI: Joe, first, do you have anything to follow? Tracy?

    MR. SMILLIE: My question was about FACA, and it was answered.

    MR. GIACOMINI: Okay. Tracy?

    MS. MIEDEMA: Just as a historical note here, I know we've had motions from the floor before that didn't come out of Committee, and I'm having a hard time remembering what they all were, but they weren't as rare --

    MR. GIACOMINI: I don't know what they'd be, I don't not recall any.
MS. MIEDEMA: A motion from the floor? What about --

MR. GIACOMINI: Not in the situation of where a document was withdrawn by the Committee.

MS. MIEDEMA: That's the specifics but I'm just wondering about the whole notion of a motion from the floor is that it isn't, doesn't come from a Committee vote. I, I think that's, We've gotten away from it, but --

MR. GIACOMINI: Well, that is the specific though of what we're dealing with here. The debate and the reason, the reason that the Chair is, you know, the Chair, the Chair viewed the language in the policy and procedure manual as we, as the Chair recalls it has historically been done, is that when, if the Committee does not bring forth a recommendation for voting, it has been considered not presented to the Board today.

It's, if the, if the Committee, if the Board feels that the interpretation of
that part of the policy and procedure manual should be that a presentation of a document in the earlier part of the Board and a discussion at that point in time is the presentation of that document to the Board, that's the Board's decision.

And that should become the policy of the Board from now on, and I would encourage the Policy Committee to look into putting that aspect of our policy more clearly into our record. So, in the, in the view of the Chair, that's where we are right now.

The Board has right now essentially changed what the Chair has sees as our historical process or our historical way of doing things and viewing things that were withdrawn and not presented by the Committee.

We've now changed that, and as a result, it's the, it, the -- at the discretion and of a member of the Board to now make the motion which brought about the original overruling by the, ruling of out of order by
the Chair. Jay?

MR. FELDMAN: Again, point of order. And we can get a, you know, we can get a ruling on this from the Office of General Counsel, but this isn't a question of interpretation. This is in question -- and you said it could be made more clear, everything can be made more clearly.

But where, we're charged with carrying out the procedures of our policy. That's a, that's a duty we have. And the procedure is very, I, I asked Barry to read it earlier, is very clear. These issues come out of Committee. If they don't come out of Committee, they don't come to the Board.

They do come out of Committee, we have all kinds of opportunities to address the issues.

MR. GIACOMINI: It's -- it's --

MR. FELDMAN: So, in other words, I think we will get a, we will get a legal reading on this and we can, we can proceed
with our gut or we can proceed under the rules of this, of the FACA body, which has a set of procedures, legal procedures.

MR. GIACOMINI: The, the place where the Chair disagrees with you is in the clarity of what is stated in the policy and procedure manual, as opposed to how it has historically been enacted, and the view of this Committee at this point in time to change that interpretation.

I, where I disagree with you is that it is explicitly clear. I find, the Chair finds that an opinion that bringing forth an item two days ago where we did have full discussion and we have been discussing this item for now four days, essentially that is what they're saying, it was, was presenting the item.

MR. FELDMAN: But again, we, we had public discussion since that presentation, which was intended, as our policy says, to inform our decisions. It informed the
Committee's decision. The Committee withdrew in accordance with the policy.

The policy is very clear --

MR. GIACOMINI: Every, every decision of the Chair is appealable. If at some point down the road, someone feels that we have done something absolutely wrong, I don't know where they come back and throw things out, but part of policy and procedure and everything else is that we include that we are -- Robert's Rules of Order.

And, appealing the opinion of the Chair, the ruling of a Chair is part of Robert's Rules of Order, and that's where we have, and the Board has overruled them. And I, I'm, I understand your point. I don't think our discussion of it will, we'll just continue the discussion, I don't think either one of us will change the other person's mind.

So, this is where we are right now. Do you have something additional on this, Tracy?
MS. MIEDEMA: I just was going to get the citation that's been bandied about here. I was just going to provide the citation for what's being talked about here so we get that one on the record. What we're talking about is page twenty under policy and procedures manual, and there are four steps outlined for procedures for completing Committee recommendations. Nowhere in the four steps does it spell out --

MR. GIACOMINI: No, I don't think that's the section. Barry, what is the section on where we come up for vote? It's a, it's a whole, it's a paragraph --

MS. MIEDEMA: Okay -- I was just cut off, but there --

MR. GIACOMINI: I'm sorry, but I, I don't, that's --

MS. MIEDEMA: There are, there are four steps --

MR. GIACOMINI: Okay --

MS. MIEDEMA: -- for procedures for
completing Committee recommendations. Step three is the point where we've been the last two days, public comments are considered by the Committee when making recommendations to the Board. Step four, the Board takes action on the Committee recommendation. We don't have a step 3.5 that spells out that it absolutely must be brought to the floor by the Committee, nor does anything in our policy preclude a member of this Board from making a motion on putting, making a motion on the floor.

Mr. Giacominì: It's the --

Ms. Miedema: We have tradition, and our policy -- yes. So, I just don't want to see OGC get involved, that's way, over --

Mr. Giacominì: Okay. The, the 3.1 as you describe it is in another section. Kim Dietz, do you know what page that's on in our policy and procedure manual? Anything new, Jay?

Mr. Feldman: Yes, can I just say in response to Tracy, just to correct the
record, there is no Committee recommendation. The only way this Board receives a Committee recommendation is through a motion. The Board operates under motions, and the Committee did not present a motion on this. Therefore the Committee didn't present a recommendation.

Unfortunately, I wish, you know, it were some other way, but that is how the Rule is written and should be read. And that's proper procedure under Robert's Rules of Order, you can't force the Committee to present a recommendation. The recommendation, the preparation of a recommendation is a deliberative process that starts with the Committee work, hears the public opinion, vets the public opinion --

MR. GIACOMINI: Folks, folks. We're beyond this, okay? We've overruled the decision of the Chair. I'm the Chair. I can live with it. We're proceeding, you know, we're asking if we can find, to find that one paragraph so that it can be read into the
record of where the Chair feels that it's an interpretation that has, on this vote, changing the position of the Board.

MS. MIEDEMA: Okay. I want to --


MR. FLAMM: This is on page fifty five of the policy and procedures manual. Item five. The Chair of each Committee will present the Board with the Committee's written votes and recommendations during the material review process at the NOSB meeting. The recommendation should come in the form of a motion which must be seconded by an NOSB member to move forward.

The process will follow Robert's Rules of Order in which the Chair would open the motion for discussion. The Chair shall seek, if any Board members have conflicts of interest. After discussion, Board members will vote on the motion. That's --
MR. GIACOMINI: Does that say should or shall? In the form of a motion.


MR. GIACOMINI: Should. Should is, most of the time. Kevin? Whose has the mic on, please.

MR. ENGELBERT: But I think the point remains, was, there was never a motion made by the Committee. It was withdrawn. So it's as if it was never on the table.

MR. GIACOMINI: Okay. That's, that's all, as I say, water under the bridge. The Chair agrees with the people who feel that way, there was a motion to appeal the decision of the Chair. It won, okay? We can continue on this all day, or we can try to move forward.

We are right now in a situation of looking either for Chairman of the Handling Committee to proceed with what they have left or for someone to make a motion that
represents, which I believe is what was trying
to come forth, represents the opinion of the
minority opinion on corn steep liquor.

I think We've had enough
discussion on all the other interpretations.
I'm waiting for someone to volunteer to come
forth with that motion. If not, I think it's
unfortunate that we've gone through the battle
we just did. John?

MR. FOSTER: So, I'd like to have
the Board consider, I move that the Board
consider, the Crops Committee minority
position on corn steep liquor.

MR. GIACOMINI: Okay. Rather than
doing all that, can we, how about if we just
have a motion to, for the classification of
corn steep liquor to be non-synthetic, which
is I think is what you're asking for you.
Could you restate that?

MR. FOSTER: I sure can restate
that. I withdraw the first one. I would like
the Board to, I move that the Board consider
corn steep liquor to be non-synthetic.

MR. GIACOMINI: To classify corn steep liquor as non-synthetic.

MR. FOSTER: Thank you for the clarification. Classify corn steep liquor as non-synthetic.

MS. MIEDEMA: Second.

MR. GIACOMINI: Okay, it's been moved and seconded to classify corn steep liquor as nonsynthetic. Maker of the motion, you have any further debate?

MR. FOSTER: I think we've had lots of information and debate already. I wouldn't suggest we rehash that, from my point of view.

MR. GIACOMINI: Tina?

MS. ELLOR: How this came about doesn't change my opinion about corn steep liquor, but I feel, I feel it's a little dishonorable, the way it came about. So.

MR. GIACOMINI: Further debate?

Jeff?

MR. MOYER: Yes, I just want to go
on the record as saying that the way we've always worked over the last, I know I've only been here five years, so, I'm not as well versed as I should be maybe, but the way We've always worked in this Board has been that We've allowed Committees to function to their highest level by working on, on these projects, bring forth the recommendation, being able to take in public comment, which, in this case, was substantial.

There was some public comment that was given that was very supportive of the recommendation that's now been brought to the floor. But much of that information has not been substantiated by a third party or been given, the Committee hasn't been given time to review that, and even run those parts of the decision process through the decision tree that the materials group has put in front of us and is still fine tuning as we go along.

It's a very controversial material. My experience over the last five
years has been that when we allow Committees
to do their work, to function properly, to
bring information before the public and the
Board, take it back to Committee, work on it
again, and in the end, even though the timing
may not suit everybody, in the end, we have
always made the right decision.

Yeast is a fine example. We had
some celebrations in the room today about
yeast. The yeast was brought forward first
meeting I was at. If we would have taken that
and accepted it as it was presented the first
year, it would have not been nearly as
positive, as strong a document, and as well
received among the entire community as it was
today.

Realizing that it took longer than
some people would have liked, I understand
that. But in the end, we got it right, and
people are, in general, are very happy with
it. So I'm a little disappointed that the
Board has, has chosen to operate in this way
on this issue.

    I feel very confident that, and, and We've gotten feedback from the program about some of our documentation that we have as a Committee that is not up to par, would not withstand public scrutiny. And that, with a little bit of time, we'll get it right.

    And so I'm disappointed that We've chosen to change the way the Board operates. There's been other materials that were withdrawn today as well. Those Committees are shown the respect of other Board members and Committee members and allowed to go back, work on it.

    Because we know that in the end, they're going to get it right. So I just wanted to go on the record for that. Thank you.

    MR. GIACOMINI: Tracy?

    MS. MIEDEMA: Thanks, Jeff. And thank you, Tina, for your comments, and I've, I've heard both of you in the last few minutes
mention the respect and the collegiality and
the feeling of that having been breached in
some manner.

And we do have a duty to one
another in our process. But we have a lot
bigger duty, and that's to the public, and in
very informal polling, there was a very strong
feeling among what felt like a majority of
this Board wanting to vote on this material,
and being privy to all the same information
that this Committee was privy to through
public comments and through the
recommendation.

And so, while there were three
members of one Committee that were not ready
-- was it four? Four members of the Committee
that were not ready to vote, there was also a
number of people, as this process is showing
that feel quite prepared and clear and there
is a portion of the industry right now that is
in limbo.

It's in a little bit of shambles,
and we can cause true damage through our interest in seeing our own, respecting our own collegiality to such a degree that we do harm to farmers and companies.

And so we have duties that really stretch beyond this table. And that's, that's honorable as well.

MR. GIACOMINI: Jeff?

MR. MOYER: Thank you, Tracy. I appreciate that, and I agree that our responsibility to the community far exceeds that of a collegiate relationship among Board members.

I think that when you have four Committee members, the majority of the Committee who was working on this document, not convinced that we have it right, when we have, when we're, the material that we're working with, and we specifically asked the program for a comment from the table about the continued use of the material until this is voted on and they, they gave us an affirmative
nod from that, from the program table, stating that there would be no disruption to the industry in the interim, that the material currently is being used, it would be continued to be used until this Board makes a decision, so there's no disruption in commerce or in the industry.

I think We're sending a strong message to the industry that we are working on this, we're working in their best interest as well as consumers and farmers, and our goal is not to disrupt the industry but to, as I said before, to get it right so it's a strong positive message to the industry to the community and to farmers that we are working in their best interest. Thank you.

MR. GIACOMINI: Katrina?

MS. HEINZE: I appreciate both the perspectives of Jeff and Tracy. It does still feel like we're trying to debate our previous vote, however, versus the motion in front of us.
MR. GIACOMINI: Tina?

MS. ELLOR: Yes, I have to apologize. Dishonorable was maybe too strong a word. I didn't mean to impugn anybody in particular.

MR. GIACOMINI: Not by, because you didn't, weren't specific, but.

MS. ELLOR: All right. I was just willing to, as part of the minority opinion, and as part of the Crops Committee, I was very willing to take it back and do more work on it, but what we have in front of us now is a vote to determine, to make a determination on whether corn steep liquor, whether we feel corn steep liquor is synthetic or nonsynthetic. So that's --

MR. GIACOMINI: No, that's not correct.

MS. ELLOR: I'm sorry. That's right.

MR. GIACOMINI: What we have, the motion in front of us is a determination of
whether it's non-synthetic. I want to be very clear that unless that other motion comes forward, a no vote on this should not be taken by anyone as a motion that the people, the person voting feels that it's synthetic. They're two separate votes, the, this motion on classifying corn steep liquor as non synthetic is considered by the program as a decisive vote. I certainly consider with the passion on this that I would agree with that on this point.

It's going to, it needs, it requires two thirds. And, but that does not mean that the person is voting today that it is synthetic. Those may feel like an exclusive issues, but they're not. Katrina, did you have more to say?

MS. HEINZE: Not at this time.

MR. GIACOMINI: Jeff?

MR. MOYSER: Follow up question, then, to the, to the presenter of the motion.

Is it your intention that all corn steep
liquor, no matter how manufactured or sourced, is then going to be considered under your vote, nonsynthetic?

MR. GIACOMINI: John?

MR. FOSTER: No. Only the corn steep liquor that is produced in the way that we've heard it described produced and available for commercial --

MR. GIACOMINI: Okay, that's not what your motion says. Would there be any interest in amending your motion?

MR. FOSTER: Sure.

MR. GIACOMINI: Yes. State your point.

MR. FELDMAN: He can amend his own motion.

MR. GIACOMINI: No, he can't. But, someone else can, and that's -- well, if, would anyone like to do that. You're, your point well taken. If anyone would like to make clarity to this motion that is specific to wet corn milling. More further debate? Katrina?
MS. HEINZE: I'd like to offer a friendly amendment that -- not sure how to do this. That we classify corn steep liquor from the wet milling process be classified as nonsynthetic.

MR. GIACOMINI: Is that acceptable by the maker of the motion and the person who seconded?

MR. FOSTER: It is.

MR. GIACOMINI: Okay. I believe --

Jay?

MR. FELDMAN: We need a second for that motion and we have to have discussion.

MR. GIACOMINI: No, historically We've, we accept friendly amendments by the maker of the motion and the person who made the second. So, it is -- that is an -- I'm sorry? Oh. Is this extremely substantive to the wording of this -- okay, could you please come to a microphone, whether we accept that or not, we need it on the record.

MR. MARCURA: Thank you, Mr.
Chairman, and thank you very much for the opportunity. The proper wordology for this -- my name is Dragan Macura. I am the chief science officer of AgroThrive Incorporated.

What I see the motion being voted on or considered to be voted on is, with the exclusion of all kinds of other steep liquor types that have been discussed and considered, the one that seems to be clear, or that I understand the, the Board seems to think is clearly non synthetic, is the one that is produced by the countercurrent steeping process.

MR. GIACOMINI: Okay. Thank you.

PARTICIPANT: Traditional or countercurrent steeping process.

MR. GIACOMINI: Okay. Thank you. We have a motion that is on the floor, we're back up for debate. We just had comment calling for a correction of that language. It's up to the discretion of the Board for action. Joe?

MR. SMILLIE: I would like to make
a friendly amendment. Corn steep liquor, a byproduct of the countercurrent steeping process.

MR. GIACOMINI: Is that acceptable to the maker of the motion and the second?

MR. FOSTER: It is.

MR. GIACOMINI: Second?

MS. MIEDEMA: Second. Yes.

MR. GIACOMINI: Okay. Just, just for clarification on one thing, Jay, this was a new process for me too. In the time that I've done parliamentary procedure, the friendly amendment was a bit new, but it's the way they seem to have always done it, so.

Just to clarify that. Okay. We are now dealing with a motion, just to clarify, a motion to classify corn steep liquor as a byproduct of the countercurrent steeping process as non-synthetic. Is that everyone's understanding? Okay. Kevin?

MR. ENGELBERT: Are we entertaining new information under new information from
this Board at the time, or is there no more
debate, simply a vote?

       MR. GIACOMINI: We are debating
this motion.

       MR. ENGELBERT: Then, I'd like
permission from the Chair to read an email
that I received last night from Brian Baker
stating his opinion. He was formerly with
OMRI, did a lot of work on the classification
of CSL, and he sent me an email stating his
position and reasoning on his, on OMRI's
decision for it to be CSL, or to be synthetic.

       MR. GIACOMINI: Any reason why this
couldn't have been, wouldn't have, shouldn't
have been entered by Brian in public comment?

       MR. ENGELBERT: He had intended to
come to the meeting and then things didn't
work out with his new job and he was unable to
attend, and by the time that he realized that
was going to happen, the period for public
comment had already closed.

       MR. GIACOMINI: My opinion, my
feeling, my gut feeling, is to say no. But I'm concerned with any consequences that that may bring. Anybody on the program want to give me a one way or another on that?

MR. NEAL: The decision is up to the Chair.

MR. GIACOMINI: Denied. Further debate? Jay?

MR. FELDMAN: Could I see a definition of the countercurrent process, and the resulting SO2 levels, please?

MR. GIACOMINI: You can see, if we can, I would like to get a definition of countercurrent steeping process. I think that would be in very order. But the levels of SO2 is not relevant to the classification, only relevant to the placement.

MR. FELDMAN: Followup on that?

MR. GIACOMINI: Jay.

MR. FELDMAN: The --

MR. GIACOMINI: Excuse me, Jay. Could, could we have someone try to get that
MR. FELDMAN: The -- excuse me.

The, I just think the Board should know that the data that we receive from the technical review and is contained in the Biss and Cogan article that I hope everyone's ready by now.

It is all about the countercurrent process. And, if the Board chooses to define the countercurrent process, it leaves open the door to a variety of methodologies, vis-a-vis timing and amount of SO2.

So that's why I asked for a definition, because to just call the countercurrent one type of countercurrent leaves the door open to a range of approaches and amounts of material applied, which is why we wanted to bring this back to the Committee to clarify and to get a third party assessment as to what the range and variability was that we could consider.

MR. GIACOMINI: Okay, let's see if we can get that definition then. Do you have
-- okay, go ahead.

MR. MACURA: Mr. Chairman, the only process that is used by this supplier of the steep liquor which is currently being used in industry for production of liquid organic fertilizer is the one that has been described, that has been provided, a flow chart for, with the twelve steeping tanks and a very detailed description of the process provided with it.

And this particular process is being used by 99 -- I don't know anybody in the industry that's using any other process but this.

MR. GIACOMINI: Okay, so the best you can do for a definition is this picture?

MR. MACURA: I can, I can verbalize it if you need it verbalized. I can do it.

Otherwise, for you to --

MR. FELDMAN: Okay, so what's the timing, where the levels, what's the timing?

MR. GIACOMINI: Okay, so we have, we have this chart, which I'm holding up for
the record, is figure one from public comment
that was presented --

MR. MACURA: By AgroThrive, Incorporated.

MR. GIACOMINI: Okay. Regard, it's figure one, countercurrent steeping of corn.
Thank you. So we are, we have that, we have that presented as the definition. It's up to each member of the Board to find the satisfaction in that definition.

MR. FELDMAN: For the record, Mr. Chairman, that is not a definition.

MR. GIACOMINI: I didn't say it was, Jay, I said it was what was presented as the definition.

MR. FELDMAN: Can you make a judgment as chair, which we could choose to overrule, as to whether that was the--

MR. GIACOMINI: I would love to see, I would love to see it in words. I understand your position on the detail. But
what we have is a picture. Barry?

MR. FLAMM: I'm wondering if there's an OMRI representative in the room. I can't tell from here, that could--

MR. GIACOMINI: What would we, what would we be bringing forth from an OMRI--

MR. FLAMM: Perhaps there are more current--

MR. GIACOMINI: Okay, if we have an OMRI representative in the room, could they provide a more detailed definition of this process? No. We don't seem to, I'm not getting, we're not getting shaking, we're getting negative shaking heads. In all fairness, is there anyone in the room who thinks they could provide with fair amount of assurance and credibility a verbal definition--sir, you had your chance. You gave us a picture. A verbal definition of this process. I don't see none. So proceeding with debate. Tracy?

MS. MIEDEMA: In manufacturing, a
process flow chart that has an accepted title is considered a process, and so there's nothing inappropriate in describing our process through a flow chart. In fact, when companies, industry is communicating with one another, a process flow, in the same form as we are looking at here, is considered standard.

MR. GIACOMINI: Okay. Arthur, did you have something, someone said--you don't have to, I was just told Arthur.

MR. NEAL: This is just observation. Observation seems to be a lot of confusion. Uncomfortability with things kind of being perceived as being made up on the fly, just from the integrity standpoint, the Board should just consider every decision, every conversation, because it's going to be for -- on the record, and this is a pretty critical decision. So as you continue to proceed, just think about the integrity of the process.
MR. GIACOMINI: That's why I'm, will, I said before and I will intend to say again, this is a vote of the Board members' best judgment today of whether this is non synthetic or not. And that a no vote is not saying that it—that they feel that it is synthetic. It is just a affirmation of whether today, they're going on the record that what we have in front of us, that it is non synthetic. Jay?

MR. FELDMAN: Could, could—apologize, I'm not, I'm not following this. If, if, if we vote that this is not synthetic—

MR. GIACOMINI: Correct.

MR. FELDMAN: If we vote this as a nonsynthetic--

MR. GIACOMINI: The motion is that it's, to classify it non-synthetic.

MR. FELDMAN: Correct.

MR. GIACOMINI: Okay. And if we do what?
MR. FELDMAN: Well, I'm trying to understand--

MR. GIACOMINI: IF we pass or fail, I'm going to, just wondering where you're going--

MR. FELDMAN: No, I'm just trying to understand, if, if, if that means that implicitly, we're saying we're rejecting the notion that this is a synthetic material. I mean, we're calling this a non-synthetic. This vote would be calling corn steep liquor--

MR. GIACOMINI: This vote, this vote, vote would be calling this substance under this process as we identified in the recommendation, it would be calling, it would be classifying it as non-synthetic.

But I want to be very clear that that--if a, a no vote is not saying that we are not classifying it as synthetic. And it takes a two third vote to pass. Any further debate of anything new? Katrina?

MS. HEINZE: I want to give
everyone on the Board the best chance I can to make the best decision, so I can but I do not have to, would it be useful for me to briefly summarize the definitions that we should be using and some of the background on that in deciding synthetic versus nonsynthetic?

MR. GIACOMINI: Chair feels that we've been dealing a lot with nonsynthetic and synthetic over the last four days and in preparing for this meeting if a member of this Board feels, and the, the chair would discourage this, going that route.

We were ahead of time, I have no idea where we are right now. We were, we're a half an hour behind our next break, and we are now two substances behind. But if someone on the Board insists that that be done, the chair would, the chair would allow it.

But I, so I'm waiting to hear if anybody's going to absolutely request those reading into the record. Further, further comment? Jay.
MR. FELDMAN: I have a question for the program. In terms of the vote that the, the, the, the lack of action, or the previous decision by the Committee to withdraw and, the clarification that we received from Miles earlier, on the impact that would have, or at least the standing that corn steep liquor would have, pending the Board having an opportunity through the Committee process to consider a recommendation, a Committee recommendation.

Miles made the statement that the program would treat corn steep liquor as nonsynthetic during the pendancy of our consideration. I would want to ask the program whether he believes that the Committee deliberations, pending a vote by the full Board, would cause economic dislocation to the industry, to the organic industry.

MR. GIACOMINI: Okay. The board--I believe, if the, what the program has said is that until this is resolved, it's a
continuing, it's under essentially a continuing resolution to being allowed.

If a, if this motion now does not pass, and it goes back to the Committee, I would assume that that would stay in, in force.

MR. FELDMAN: Because, we, we were told that someone, I think it was you, Tracy, said that a failure to act today would cause economic dislocation in the organic industry. We could check the transcript on that, but I believe that's pretty accurate.

MR. GIACOMINI: Well, what, what, the interaction between the two of them and also what Jeff said, it wouldn't stop corn steep liquor from being allowed in organic. That is not—that's one aspect of economic impact. That does not say, that is not the same to say that the indecision by this Board does not create a economic impact for the companies that are trying to develop and contract products and everything else. That's
possible.

MR. FELDMAN: Is, has that been measured by a member of the Board who made that claim? Do we have the economic and essentiality data that we're required to have in reviewing these materials? I mean, you're making a claim that goes to process, not the classification.

So, it's, it's not even technically within the realm. But we took in our best judgment this issue of impact on industry and we found, based on a position of program and what we know about the marketplace that we weren't causing economic dislocation.

MR. GIACOMINI: Okay--

MR. FELDMAN: So--

MR. GIACOMINI: The motion, the motion before us is a motion to classify as non-synthetic. The only, and whether that passes or fails, it will be the same as the continuing resolution, with, with maybe just with, with more authority. If that fails, a
continuing resolution continues. We don't have hard data. We have anecdotal data from people in the industry. Jeff?

MR. MOYER: I think a simplified version of what you're saying, Dan, is a no vote is not a yes vote for, or, not calling it synthetic. It's merely sending it back to Committee.

MR. GIACOMINI: I'm not quite going to say that because I don't know what someone else is going to want to move next. So. Miles?

MR. MCEVOY: First of all, I want to clarify that we have not determined that corn steep liquor is a non-synthetic. That is for the Board to determine, whether or not it's a non-synthetic or synthetic, that's exactly why we brought it to the Board.

What we, what I said earlier is that corn steep liquor has been allowed to be used in organic crop production for many years. The program will continue to allow it to be used, but we have not made a
determination of whether it's nonsynthetic or synthetic.

That's the role of the NOSB. The second comment is, is that there's obviously very good debate and discussion going on here, but you're not going to be able to come out with a clear decision that everyone's going to feel confident about, and I would respectfully ask John Foster to withdraw the motion.

MR. GIACOMINI: I am not sure of the appropriateness of the program requesting a withdrawal of the motion from the, from the Board. And I apologize for any mischaracterization. You certainly reworded it more correctly.

But it is, it is only a positive vote, an affirmative vote of the two thirds that would significantly affect your allowance of the substance to be used in organic right now, correct? And how you view it.

MR. MCEVOY: I think you would need to make both votes of--first vote would be to
determine, if you had a two thirds vote to
determine that it's a non synthetic, and then
a two thirds vote to determine that it's not
a synthetic.

MR. GIACOMINI: I believe the two
thirds vote non synthetic passed, we wouldn't
have to do it. If it failed, we would need a
two third to decide on the synthetic side.
Hopefully, like I told Jeff, I don't know
what's going to be moved next. Jeff, is this
substantive to the question, or can we move
on, debate, or can we move on to the question.

MR. MOYER: I consider it
substantive, because I, as a Board member, I'm
going to ask John if he would be willing to
withdraw his motion.

MR. FOSTER: Trying to get
recognition from the chair. I would withdraw
at this time, and apologize for the, the, the,
whatever bad feelings are there, and, and I
appreciate the honest, again, as I always
have, the very honest passionate debate going
forward. Thank you.

MR. GIACOMINI: Okay. I just want
to remind everyone, we have, we have a new
policy, and I would suggest that the policy
Committee to work that policy into policy
procedure manual as clearly as possible. But
we have--we've changed a historical
perspective of dealing with matters from
Committee.

Other than that, we are
withdrawing the motion on corn steep liquor.
We still have corn starch and whey protein. We
are an hour, more than an hour behind
schedule, and an hour since our, when we
scheduled for our previous break.

So rather than continue I'm, I'm
going to call for a fifteen minute break.
Three o'clock.

(Whereupon, the above entitled
matter went off the record at 2:41 p.m. and
returned at 3:02 p.m.)

MR. GIACOMINI: Okay, folks. We are
now an hour behind schedule. If we could still, if we could proceed with the next item from the handling Committee.

MR. DEMURI: I think we started on it a while ago, maybe yesterday sometime, or a year ago. But, the next item is corn starch, and I'll turn it back over to John. I think.

MR. FOSTER: You can trust me this time. I think I am confident we'll make the right decision on the prior, unnamed item eventually and I do thank the Board and particularly the chair for indulgence and endurance in that last discussion.

We have now to be re-listed on 205.606 corn starch, parenthetically native. Without further annotation, I move that we re-list corn starch as an agricultural item on 205.606.

MR. DEMURI: I'll second.

MR. GIACOMINI: It's been moved and seconded to re-list corn starch on 606, as, as, as listed under the sunset 2012 review
process. Maker of the motion, further debate?

MR. FOSTER: No.

MR. GIACOMINI: Further debate from the Board? Okay. Seeing none, proceed to vote.

We're back, let me see where we are here on our rotational. Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: I've got to line my numbers up here, and--Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Wendy?

MS. FULWIDER: Yes.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: No.

MR. GIACOMINI: Jennifer?

MS. HALL: Yes.

MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.
MR. GIACOMINI: Joe?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe Dickson?

MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Chair abstains. One no, one abstained, twelve yes. Motion passes.

Next item, Mr. Chairman.

MR. DEMURI: Okay. Our last item is on 606, whey protein concentrate. I'd like to move that the Board vote to re-list whey protein concentrate to 205.606 of the National List.

MR. GIACOMINI: Second? Is there a second?

MS. HALL: Second.

MR. GIACOMINI: Been moved and
seconded to re-list whey protein--does that have an annotation at all? No?

   MR. DEMURI: No, it doesn't.

   MR. GIACOMINI: Okay. To re-list whey protein on National List 606 under the Sunset 2012 review process. Maker of the motion, further debate?

   MR. DEMURI: Yes, for the record, record, it's whey protein concentrate.

   MR. GIACOMINI: Whey protein concentrate. Corrected. Any further comments, Maker of the motion? Kevin?

   MR. ENGELBERT: Just one quick question for the Committee. In, I understand the procedures that must be done to take something off 606 with sunset review, but given the dramatic growth in organic dairy since this was put on 606, is there any indication that this is available sitting in a warehouse, nobody's using it? Anything of that sort at all?

   MR. DEMURI: No, there's no
indication to that effect. Nobody made those
kind of comments and nobody has petitioned it,
which I would hope they would do.

    MR. GIACOMINI: Katrina?
    MS. HEINZE: We received no public
comments opposing the re-listing.

    MR. GIACOMINI: Further debate?
    Seeing none, proceed to vote. Katrina?

    MS. HEINZE: Yes.
    MR. GIACOMINI: Wendy?

    MS. FULWIDER: Yes.
    MR. GIACOMINI: Kevin?

    MR. ENGELBERT: Yes.
    MR. GIACOMINI: Jennifer?

    MS. HALL: Yes.
    MR. GIACOMINI: Jeff?

    MR. MOYER: Yes.
    MR. GIACOMINI: Tina?

    MS. ELLOR: Yes.
    MR. GIACOMINI: Tracy?

    MS. MIEDEMA: Yes.
    MR. GIACOMINI: Joe?
MR. SMILLIE: Yes.

MR. GIACOMINI: Joe?

MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: Chair votes yes.

Zero no, fourteen yes. Passes. Does that conclude the work of the Handling?

MR. DEMURI: It does. Thank you, Mr. Chairman.

MR. GIACOMINI: Thank you. Next on the agenda, Materials Committee, Chairman Katrina Heinze.

MS. HEINZE: Okay. I'm going to make my motion first and then I'll go for some changes that the Committee met and voted on
earlier today. I move that we accept -- that
the NOSB accept this document--is that the
correct motion?

MR. GIOCOMINI: I'm trying to
think, what we, how we worded these things in
the past. I'm sorry. It's been a long day,
folks. Yes. Accept the guidance and
recommendation--

MS. HEINZE: I move that, so I
withdraw what I just said, and thank you for
your patience. I move that the NOSB accept
this guidance document in full and forward it
to the program for action. Thank--I withdraw
that again.

Thank you. Let me see if I can get
it right. I move that the NOSB accept the
guidance document, engineered nanomaterials
and organic production processing and
packaging, and forward it to the National
Organic Program for action.

MR. SMILLIE: Second.

MS. HEINZE: Thank you.
MR. GIACOMINI: It has moved and
seconded for the NOSB to accept the
recommendation--John, read for me, please.

MR. FOSTER: Sorry--the, the whole
thing, or just the--

MR. GIACOMINI: The title. The
title.

MR. FOSTER: Guidance document:
engineered nanomaterials in organic production
processing and packaging.

MR. GIACOMINI: Thank you.

MR. FOSTER: And the date of
October 28th, 2010.

MR. GIACOMINI: Okay. Been properly
moved and seconded. Further debate and, Madame
maker of the motion?

MS. HEINZE: Okay. I just wanted to
highlight a little bit of what the Committee
wanted to do with this document. You know, we
have received very consistent feedback that no
one wants nano, engineered nanomaterials or
contamination from engineered nanomaterials in
their organic food today.

So we wanted to take action that accomplished that goal, but created a path to help us understand areas where we were still a little bit confused. So, this document asks the program to prohibit nanotechnology now and then partner with us to answer the questions on which we did not have answers.

So we also received public comment both written and here in person at this meeting that a little bit more clarity on the what we wanted to happen right now was necessary. So I'm going to take you through the changes that we've made to do that.

So the very first thing we did is we put a statement at the very top of our recommendation that says the National Organic Standards Board proposes that engineered nanomaterials be prohibited from certified organic products as expeditiously as possibly.

We respectfully request that the National Organic Program take immediate
actions to implement this document. And then, Lisa, if you scroll down to the bottom of page one, bottom of page one is where we talk about our proposed definition for engineered nanomaterials, which I'll read to you a little bit later.

And then says that we believe that all substances that would fall under this definition are synthetic and therefore are prohibited in organic production and processing. We added that, it used to say should. Should be prohibited.

And we appreciate the public comment that we received at this meeting that said, not should be, are. So we made this stronger by saying are. Any questions about that? Okay.

Then, if you scroll to page two, another comment that we've received was that since this document defines, has a definition of engineered nanomaterials and asks that the NOP accept that definition and anything that
meets that definition as synthetic.

So since they're synthetic, therefore they are not allowed, what we missed in this paragraph, what we said in this paragraph is that they may have unique properties that distinguish them from all listings of the substances in a bulk form, and that they are not allowed by a listing of the bulk form of the substance on that National List.

It was perhaps not as obvious that it was our intent that for things that are classified as nonsynthetic, and therefore, you know, today would be allowed in their bulk form in crops and livestock, that the engineered nano version of those bulk nonsynthetics is synthetic, and therefore not allowed.

So, we wanted to make that more clear as well. Finally, at the bottom of page two, we had very good public, helpful public comment from Jim Riddle, with some references
to the final rule and OFPA with regards to packaging.

So, we are seeing clarification on how 206.272B1 and OFPA 2111.A5 prohibits use of engineered nanomaterials in packaging.

Okay. So, finally, Lisa, if you can scroll down to our recommendation.

So, we included in our Committee vote bullet points because it is our expectation that action be taken on this document right away, and that engineered nanomaterials be prohibited right now.

And so, we included those specific steps in our recommendation. So, I'm going to highlight these and then open it for discussion. So the Committee moved to accept this document as a guidance recommendation and specifically asking the NOP to accept as a working definition, the definition for engineered nanomaterials.

Asking the NOP to disallow the engineered nanomaterial form of substances
currently on the National List, asking the NOP to accept materials that meet this working definition of engineered nanomaterials as synthetic substances.

We added, even when those same materials in bulk form are non-synthetic, so we want to be very clear that if a material meets this definition, it is synthetic and it is not allowed today in organic production or handling.

We are asking the NOP to accept that engineered nanomaterials may have unique properties that distinguish them from all listings of the substances in a bulk form and that they are not allowed by the listing of the bulk form on the National List.

We do in that paragraph talk about further recommendations from the NOSB. Then we're asking the NOP to work with the NOSB to determine whether enforcement of restrictions in primary packaging and food contact surfaces is possible, practical, and legal.
Clearly, that's our desire in the discussion, that those be enforced, that that be restricted and enforced. And finally, we ask the NOP to work with us to schedule a symposium on a variety of topics on which we felt we needed more information.

You know, again, it was the questions that we still had that we wanted answers to, but it was very clear to everyone on the Committee given all the public comment that we wanted a prohibition now, and so this was our way to accomplish that. Any questions?


MS. FULWIDER: Yes.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: Yes.

MR. GIACOMINI: Jennifer?

MS. HALL: Yes.
MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe?

MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Chair votes yes.

Zero no, fourteen yes. Motion passes. Anything
else for, further Materials? Does that conclude the work of the Materials Committee?

MS. HEINZE: It does complete the work of the Materials Committee.

MR. GIACOMINI: Thank you.

Compliance, Accreditation, and Certification? Joe Smillie?

MR. SMILLIE: Yes, we had originally two recommendations to present. Based on preceding events and an attempt to bring back the, my reading of Robert's Rules of Order, and correct procedure and, and correct actions, I would like to, I believe that the correct procedure in the case of withdrawal is to make a motion for one.

So, I am going to, I would like to make a motion to the Board to withdraw that the CACC is recommending withdrawal of our recommendation on the "made with" label. I'm putting that forward as a motion.

MR. GIACOMINI: State your point.
MR. FELDMAN: I don't believe a motion is necessary for a Committee to withdraw its recommendation.

MR. GIACOMINI: The Chair, in light of the recent essential change in policy that was voted on by this Board in the appeal the decision of the chair, which presents the, which makes the point that at some point in time prior to this day, the Board feels that the Committee has presented the document to this Board, whether it's two days ago when we discussed it or the posting or the opening of this meeting, the Board Chairs overrule your decision.

MR. FELDMAN: Are you going to invalidate previous decisions made by the Board where the motion, there wasn't a motion to withdraw?

MR. GIACOMINI: Those were made before that change. At this time, and they're just relevant, certainly just relevant to this meeting.
MR. SMILLIE: Again, I'm not trying
to make it a necessity, I'm just making it a
courtesy. I'd like to, if there are members of
the Board who really want to vote on this, I
want to entertain that. Our recommendation--

MR. GIACOMINI: Excuse me, Mr.
maker of the motion, is there a second?

MS. HALL: Second.

MR. GIACOMINI: Been moved and
seconded for the Committee to withdraw the
motion on, made with, this is completely
unprecedented, but it seems that in light of
the way the Board wants to decide to interpret
their policy, it seems to be appropriate.
Didn't agree with the first decision, and I
don't agree where this is taking us, but I
don't feel the Chair has any alternative.
Maker of the motion, any further debate? Joe?
Tracy?

MS. MIEDEMA: Since the Chair made
a comment, I'd like to follow up and say that
we did not make a de facto change to the point
at which a --

MR. GIACOMINI: Ma'am, you're out of order. We're on the debate, the discussion of the withdrawal motion. If you want to appeal the decision, if you want to make a point of order on the Chair's action, that's allowed, but right now what we're doing is debate on the motion.

MS. MIEDEMA: Certainly this is at the pleasure of the Chair. No comments.

MR. GIACOMINI: Further debate on the motion before the Board? Any conflict? Seeing none, proceed to vote. Kevin? Motion to withdraw. A yes vote is to withdraw the motion. A no, failing vote would force the Committee to bring forth this matter.

MR. ENGELBERT: Abstain.

MR. GIACOMINI: Jennifer?

MS. HALL: Yes.

MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?
MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe?

MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Abstain.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Wendy?

MS. FULWIDER: Yes.

MR. GIACOMINI: Chair abstains.

Zero no, three abstain, eleven yes. Motion passes. Next item, Mr. Chairman.
MR. SMILLIE: The next item is the-

MR. GIACOMINI: Pardon? Mic.

MR. SMILLIE: The next item is the recommendation of the CACC on the limitations of 205.101B, which we had a good debate on and we'd like to move, I'd like John to take the lead on this.

MR. FOSTER: We have a recommendation clarifying limitations to section 205.101(b), recommended guidance toward reducing fraud in the organic marketplace. Dated here June 28\textsuperscript{th}, 2010. Like to make a motion to--

MR. GIACOMINI: Move to accept this recommendation, the recommendation on--

MR. FOSTER: Sorry. I'd like to, I move that the Board accept this recommendation.

MR. GIACOMINI: Title?

MR. FOSTER: Sorry. The recommendation clarifying limitations on

MR. GIACOMINI: Second?

MR. DEMURI: Second.

MR. GIACOMINI: It's been moved and seconded to accept the recommendation on limitations of 101B. Maker of the motion? John? Further debate?

MR. FOSTER: No.

MR. GIACOMINI: Further debate on this item? Kevin?

MR. ENGELBERT: Could you spell out, John, exactly what change are going to be made in this, 201.101B?

MR. FOSTER: Because the good discussion we had clarification about, basically the limitations on the limitations, that the definitions of handle and handling operation, and handler that exclude, actually exclude from the exclusion, the direct farm to processor transport that was discussed in the-
-I'm sorry, discussed prior.

MR. GIACOMINI: Further--anything else? Katrina?

MS. HEINZE: My understanding is, the Committee is not recommending any changes to 101B, but only asking the program to better clarify who qualifies under 101B, to address some of the things that we've discussed. Is that correct? So there's no Rule change, it's just a request to the program, is that correct?

MR. GIACOMINI: Jeff? Oh--

MR. MOYER: I defer to John.

MR. GIACOMINI: John?

MR. FOSTER: Sorry. Yes. I'm a little lightheaded at the moment. Yes, no change to this recommendation, but certainly clarity provided to the program that it was not our intention to, to include the, like I said, the direct farmer to processor transport that, that was discussed at the prior meeting.

I'm sorry, I don't know how to
really encapsulate that. But it's, it was, as
I said on our discussions on Tuesday, it
wasn't the intent to cover, that this be
covered. I really apologize. Wasn't our intent
to cover anything that was of concern in our
discussion on Tuesday.

That, it was only to hopefully
direct the program to clarify for the general
public what was included under the kinds of
activities that were included under 101B and
those that weren't. So, no new rule changes
recommended here.

We're just asking the NOP to
provide clarity on the kinds of activities
that are covered by 101B, and those that
aren't covered by 101B.

MR. GIACOMINI: Jeff? Joe.

MR. SMILLIE: No.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: Thank you. I, I was
under the impression that there would be some
recommended wording changes on behalf of the
program. That's why I asked. I thought that was the purpose of putting it out, getting public comment and then coming back with a, with a recommended word change to help with that clarification.

MR. GIACOMINI: John?

MR. FOSTER: Yes. The, with the clarity that we're merely asking the program to clarify what's already in regulation, that we, you know, we trust the program to make that determination, and accordingly, wouldn't extend anything beyond where it's already in place, just perhaps not closely scrutinized by the industry at this time. Does that help?

MR. ENGELBERT: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: I apologize if you mentioned this the day before yesterday. Did, did you consult with NOP staff on this, and determine the necessity for this document? Did you consult with NOP on this?

MR. GIACOMINI: Who was on your
Committee? Was, was that part of your discussion, the NOP staff that was on your Committee?

MR. FOSTER: See, see, see, correct me if I'm wrong. We don't have a standard, we don't have a --

MR. GIACOMINI: Oh, okay.

MR. FOSTER: -- an ongoing liaison. In our Committee calls. I, I would say that in general terms, this discussion had come up with, with various staff, but, not real details, but just general principles.

And that, I suspect the comments made by program on Tuesday would be indicative of their perspective. I don't want to speak for them, but I believe they made the comments that they wanted to.

MR. GIACOMINI: Program?

MR. MCEVOY: Yes, this will be very helpful. As we stated previously, we are working on guidance in this area to clarify who needs to be certified and who doesn't,
who's excluded, who's not. This is an area
that we get a lot of complains about.

There's a lot, much broader
guidance that we're looking at in this area,
in terms of clarifying the provisions of 101B
and this will certainly be very helpful to
give the program the feeling, the sentiment of
the Board in regards to who's included in the
exclusions and who should be certified.

If there are parts of the
recommendation that, that you would like to
have certified that are currently excluded, we
will respond back to the program that that's
the case, and then you could potentially
recommend a rule change. But, this is going to
be very helpful for us to develop our guidance
in this area.

MR. GIACOMINI: Further debate? I
have to be very careful how I say this, just
as I love babies and I hate fraud, I, I'm just
very concerned that this document at this
time, I very much respect the statement from
Miles from the program, and I always like, you know, full proper enforcement.

And, but, there's just a feeling here that I get when I read this document that, without having any better way to say it, throwing this into the realm of the age of enforcement that a lot, much more zeal is going to come to this document than may otherwise have been.

And, in very trying economic times for a lot of our producers, I think this could have a fairly significant economic impact, and I just question the appropriateness of that. Again, I love babies and I hate fraud but I question that direction, wisdom, whatever. Joe?

MR. SMILLIE: It's really about brokers, it's not about farmers. It's not about the hay farmer who sells the hay or the farmer who buys the hay. It's about the mask, or the possible masks that brokers use to possibly add in conventional hay, or, fill in
the blank, on this.

So, that's what the document is directed towards, to make sure that that, that problem, to whatever extent it exists, gets eliminated. There have been discussions with the program about it, and, you know, we felt it was important to really get some clarification of a guidance document.

We don't intend that, Dan, now I understand--

MR. GIACOMINI: I understand, and I don't know how, for instance, hay is dealt with in other parts of the country. But I know in my part of the country, no broker is ever interested in revealing to the person, the producer that is buying that hay, what his markup is, or how much goes towards freight.

He, the farmer doesn't want to write three checks. He wants to write one. He writes one to the broker, and by this definition, that makes the broker taking title, it seems, and I'm very concerned where
it's out in the field, it gets picked up in a truck that the broker doesn't even own, that's a subcontract.

I just don't know how far this is going to be. The zeal of the enforcement of this, I'm just concerned with. I respect the program's statement when they say this will be helpful. I respect that, I hope it's not, like I say, too much of an, become too much of an economic burden due to excessive enforcement.

Kevin?

MR. ENGELBERT: I share your concerns, to a degree, but fraud and people that are cheating are, you know, that has to be stopped. And it's unfortunate there's a price that someone will have to pay, but if it has to be paid, then, then that's the way, that's the way it should be.

I mean, we've been, the program's notified. There are problems, and we believe that, you know, I agree, I think the Committee's come up with the best, a good
guidance and we'll see, like they said, we'll see what happens. And, if the rule change has to be recommended, then, then that'll be the next step.

MR. GIACOMINI: A no vote is not supporting fraud. I just want to make that clear. Further debate?

MR. ENGELBERT: Are you sure?

MR. GIACOMINI: My no vote would not be supporting fraud. Please. Further debate? Ready for the question. Jennifer?

MS. HALL: Yes.

MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?

MS. ELLOR: Abstain.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe?

MR. DICKSON: Yes.
MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Wendy?

MS. FULWIDER: Yes.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: Yes.

MR. GIACOMINI: Chair votes no. One no, one abstain, twelve yes. Motion passes.

MR. SMILLIE: That concludes the CACC report, Mr. Chair.

MR. GIACOMINI: Thank you. I think we go, let's go through--I don't even know where we are in compared to our scheduled breaks. Let's see how we proceed, Mr.
Chairman, and, Barry, Chairman of the Policy, let's see how we go.

MR. FLAMM: Okay. Our first recommendation is, is the establishing of ad hoc committees, and Steve will present that. And also, we expect a friendly amendment to our recommendation.

MR. DEMURI: Well, I presented it a couple days ago, so I'd just like to make a motion that the Board vote to accept this Policy Development Committee recommendation for the formation of ad hoc committees, dated July 22nd, 2010.

MR. GIACOMINI: Second? Is there a second?

MR. FLAMM: Second.

MR. GIACOMINI: Who said, who did that? Barry. Moved and seconded to accept the recommendation of the Policy Committee on ad hoc committees. Maker of the motion, any further debate? Any other debate? I would like to offer an amendment.
On page, the last page of the recommendation, under the section of ad hoc Committees--are you there, Lisa--to delete the last sentence and replace it with ad hoc committees can be dissolved at the recommendation of the NOSB chairperson with approval of the Executive Committee, period. An ad hoc committee chairperson is a nonvoting member of the Executive Committee. Okay. To replace, delete the last sentence. Okay. Ad hoc committees can be dissolved at the recommendation of the NOSB Chairperson with the approval of the Executive Committee, period.

That puts that in line with the language of the formation. And the next sentence, ad hoc committee chairperson, or the ad hoc committee chairperson, is a non voting member of the Executive Committee. That provides for the informational transition for the, for the rest of the Board.

Did we get that? Okay. All right.
So, that was an amendment. Is there a second, or to, accepted by the maker of the motion?

MR. FLAMM: We accept the--

MR. GIACOMINI: Steve?

MR. FLAMM: --as a friendly motion.

MR. GIACOMINI: The first sentence is to bring it in line with the language of the formation at the beginning of the paragraph. The second sentence is to provide the chairperson of the ad hoc committee to be part of the Executive Committee, interact with transition of information, but as a non voting member and not bring in any question of whether, if that person is the Chairman of another committee, the, whether he has two votes.

MR. DEMURI: Yes, I can accept that.

MR. GIACOMINI: Accepted as a friendly amendment. Okay. Katrina?

MS. HEINZE: As the most recent chair of a ad hoc committee, I really support
this change. It was not clear to me for quite a bit that I needed to be at the Executive Committee calls. So formalizing this I think will be helpful.

MR. GIACOMINI: You were the chairman of a joint committee. It wasn't in here as an ad hoc Committee. And it wasn't the policy at this, at that time that you were part of that.

MS. HEINZE: Hence why I support adding this. It will clarify it for people in the future who find themselves in the same position that I was, so this was very helpful and I support it.

MR. GIACOMINI: Jennifer?

MS. HALL: On the point of the second sentence, if it so happened that the ad hoc committee chairperson was already a part of the Executive Committee, would they still not vote?

MR. GIACOMINI: They would still be part of the Executive Committee in their other
capacity.

MS. HALL: All right.

MR. GIACOMINI: They wouldn't get two votes. Is that clear with everyone? Does that make sense, does that need to be worded differently? Katrina?

MS. HEINZE: I think Jennifer has a very good point. Perhaps we could change it to the ad hoc committee chairperson would not vote on the Executive Committee in their capacity as ad hoc committee chairperson.

Here, it, the sentence as written-

- MR. GIACOMINI: How about, instead of all that, just go to the beginning of the sentence and say the position of--would that be reasonable? Instead of what Lisa's doing there?

MS. HEINZE: Sure.

MR. GIACOMINI: I think. Lisa, did you get that? Can you go back to where you were and just position of? See if that fits?
Okay. Is that--I agree with that, and Barry and Jay?

MR. DEMURI: So that was a friendly amendment to your friendly amendment?

MR. GIACOMINI: This was accepted, it was no longer the amendment, it was the motion. Barry? You accept that? No--accept that. Okay. Any further debate on this issue?

As the chair, one of the most difficult things I did was trying to structure committee amendment, committee appointments within the structure of a joint committee where the fact that someone, you're putting someone on one committee automatically puts them on two. It makes it very -- made a very difficult thing to do to make the work load of the Board equitable, especially in the year of sunset where we were trying to load the Material Committees as much as possible. So, any further debate? I don't know if there's possibility for any conflict but I will ask for it anyway. Hearing none. Line up my
s. Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe?

MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Wendy?

MS. FULWIDER: Yes.
MR. GIACOMINI: Kevin?

MR. ENGELBERT: Yes.

MR. GIACOMINI: Jennifer?

MS. HALL: Yes.


MR. FLAMM: I would like to move that the Board adopt clarification and updating of section five in the policy and procedure manual, which is direction on NOSB NOP collaboration process. Dated July 27th 2010.

MR. ENGELBERT: I'll second.

MR. GIACOMINI: Moved and seconded to accept the NOSB collaboration document. Maker of the motion, further debate?

MR. FLAMM: We, we received no further comments on the proposal, so. I think we're probably ready for a vote.

MR. GIACOMINI: Any further debate?

Hearing none. Tina?
MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?

MS. MIEDEMA: Yes.

MR. GIACOMINI: Joe?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe?

MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Jay?

MR. FELDMAN: Yes.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Wendy?

MS. FULWIDER: Yes.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: Yes.

MR. GIACOMINI: Jennifer?
MS. HALL: Yes.

MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Chair votes yes.

Zero no, fourteen in favor. Motion passes.

Next item, please.

MR. FLAMM: Our next recommendation involves some proposed revisions in the sunset policy. We've had a rather vigorous debate on that, and We've made some changes in committee which Jay will explain what they are, and, and answer your questions.

MR. GIACOMINI: Yes, we need to make a--well, you just transferring it over to him for the authority, Jay, you can make the motion and then detail the changes as you, that you, in the presented document.

MR. FELDMAN: Thanks, Barry. Thanks, Dan. On behalf of the Policy Development Committee, I'd like to introduce a motion to amend the sunset review process policy proposal as adopted by the Committee on
August 28th, 2010. And, updated—you don't have that? Okay. So, can we, and, as updated, as--

MR. GIACOMINI: Does she not have that in, on a disk? Do you have it on a disk, anywhere, Jay? You don't have it on--

MR. FELDMAN: It's pretty simple. I think she can just highlight it.

MR. GIACOMINI: Okay. How about, we're, we're at a place where we can take--how about if we take a break and give Lisa a chance to get this in. Fifteen minutes. To--four o'clock.

(Whereupon, the above entitled matter went off the record at 3:46 p.m. and resumed at 4:02 p.m.)

MR. GIACOMINI: --are significantly behind schedule. People have flights, people have things scheduled for this evening. No one planned us to be going this late, I don't think. Anybody--any conversations, people in the audience, please find your seats, or, if
you have a conversation, please take it outside.

Can the gallery please take the conversations outside, please? Jay and Lisa, are we ready to proceed with sunset on the screen, which I can't see?

MR. FELDMAN: Yes. Thank you. Again, on behalf of the Policy and Development Committee, I'm introducing a motion here to amend the sunset process in accordance with the August 28th, 2010 document as amended on the screen. Can I get a second for that?

MS. HEINZE: Second.

MR. FELDMAN: Thank you. So, as you know, just to recap, we received some really strong comments, not that many, but very insightful and helpful. Nine comments.

One of the major themes running through the comments, I think, at least eight out of the ten, concurred with the Committee that we should try to incorporate annotations into the sunset process, but we should do that
in a way that ensures public, the public's ability to participate in the process of annotation.

In that spirit, then, we, it was pointed out to us that the last sentence in four precluded possible public input insofar as it allows annotations to be developed at the Board meeting and presented as amendments to the Board decision making process.

Distinct from the proposal coming out of Committee, and it was felt that that would preclude the ability of the public to participate in the annotation fully, so that Committee is proposing to delete that last sentence of four.

So that, what that leaves us with is a process whereby the Committee, the NOSB Committee conducting sunset, could do one of two things. It could adopt a simple motion to remove or renew the listing of the substance. I'm reading a number, in section four, here. Or, it could adopt a motion to renew,
accompanied by an Amendment containing the addition of an annotation to the listing.

That would then go out to public comment, regarding the addition of the annotation, the Committee will in a two step process first vote on the Amendment with the annotation and then the motion to renew.

So, depending on that, how that plays out, after that process is complete at the Committee level, it would go out, it would go out to comment. Be published in the Federal register. So, if that Amendment prevails in Committee, then the Board in consideration of the Committee decision would, will vote first on the Amendment to annotate, and then the motion to renew.

So, it's, again, it's the same two step process so that everybody has an opportunity to weigh in on the annotation and then a separate vote on the decision to move forward with a re-listing or a removal from the list.
And, after that, basically the process is the same. We eliminated seven here, which was a process that we had originally viewed as a failsafe process so that if in fact the Board decided to annotate and clearance took a really long time, it could come back to us prior to the expiration of the sunset.

But, it was felt by the program, I don't want to put words in the program's mouth, but we interpreted the program's response to that as unnecessary and so then we, we actually sought guidance from the program and we were told that this was in total, with these amendments, a workable process that would give the program in, under normal situations, the, the, the, the proper amount of time to work this thing through the process.

Committee members, did I miss anything? Did I leave anything out that--okay.

Thank you.
MR. GIACOMINI: Katrina?

MS. HEINZE: I very much appreciate the Committee taking the feedback that you heard during this week. I'm very pleased with the changes, I just have one question. The sentence at the end of number four, I guess the last two sentences regarding the addition of an annotation, the Committee will, in a two step process, first vote on the amendment with the annotation then on the motion to renew.

And then, the motion to renew, in, in the following sentence. My question is the same. It, are we vote, are you saying that the Board would vote, or the, the Committee and then the Board would vote on a motion to renew the existing listing?

Or, the listing with the annotation change? It's not clear to me from your sentence. I, I think, I think I understand what your intent is, it's just not clear to me from the sentence.

MR. FELDMAN: The, the intent is to
have a two step process where the Committee
first votes on any proposed annotations. That
vote would inform the second vote, which would
be the proposal to renew with an annotation or
a proposal to renew without an annotation, or
a proposal to remove, that would be the second
step, those would be the three choices in the
second step.

So, it's, you know, it gives
people who believe that the continued use of
a material without an annotation is
unacceptable. It gives them the opportunity to
vote--

MR. GIACOMINI: Excuse me. Jay,
when you say without an annotation, you need
an annotation change.

MR. FELDMAN: I'm sorry. Without an
annotation change. Sorry. Thank you for the
clarification.

MR. GIACOMINI: Okay. Didn't mean
to interrupt, I just wanted to get that clear.

Katrina?
MS. HEINZE: That wasn't my--that's not what I was expecting, but I was looking at the rest of the Board, I if I was the only one, I, I was expecting that the second vote would be on the motion to renew the current listing, similar to what we did with hops. Did I, did I misinterpret what you just said, Jay?

MR. FELDMAN: I think, I'm not sure hops is a good example, because hops, there's a gap period there, it sounded like, between when the 606 would phase out and the sunset would phase out. So we need, we had to cover a gap, so that's why we had to do the renewal.

In this case, we're assuming that if we choose to amend an annotation--I guess we could add, we could add an annotation, too. I mean, that would be our prerogative here. We would then vote after the adoption of that annotation or that change to an annotation, we would then offer the Committee an opportunity to vote that package, to move it forward with the annotation, up or down.
So, it doesn't, it doesn't prejudge the, the decision on the specifics of the annotation. It doesn't, it enables a full and informed, hopefully, discussion on whether any limitations need to be added to that listing, and then a separate vote would be taken on that decision, on the decision to move it forward with a request to re-list or remove.

And so, one vote, the first vote informs the second vote. If somebody else can help me out here, if that's not clear, I--

MR. GIACOMINI: Katrina? Katrina.

MS. HEINZE: I'm sorry. I'm still confused. So, perhaps I could--I'm going to make up an example and then you can tell me if I'm understanding you correctly.

So what I'm hearing is that we have material A on the list with no annotation. Then, through the sunset process, the committee reviewing that material for re-listing identifies that it needs an
annotation.

   So, they are going to vote on an, in this case, an addition and an annotation that would say material A extracted without synthetic solvents, and, and that passes. Then the second vote that you have up here is the second vote on re-listing material A, or is the second vote on re-listing material A extracted without synthetic solvents?

   MR. FELDMAN: The latter.

   MS. HEINZE: That's not what I was expecting. I was expecting that it would be similar to what we did with yeast, that the second vote would be to re-list the existing listing so that, that would be there as a failsafe for the program as they work the annotation change through the system.

   MR. FELDMAN: Could, could we ask the program if that's how they interpreted it? I mean--

   MR. GIACOMINI: That's how I interpreted it.
MR. FELDMAN: Right.

MR. GIACOMINI: Program? I don't know if you've had time to digest this. I mean, we, yes. But I certainly see it the same way that, you know--

MR. FELDMAN: While they're looking at that, I can tell you that the, the idea was to give the program a package, essentially one package, and if the package included a change in annotation or a new annotation--

MR. GIACOMINI: But it gives them a package that does not reassert the existing listing.

MR. FELDMAN: Right. I mean, we could, we could either ask the program to remove it, or we could ask the program to--

MR. GIACOMINI: No, just involved, regarding the annotation change, though. That's the debate. That's the--

MR. FELDMAN: Yes, that's the package. They would get, they would get the, so we'd like to move this ahead with an
annotation. That would be the second vote. Do we want to move this ahead with the annotation that the Committee just adopted.

And they, so the program would get one package and the question we had for the program is, is this logistically possible and feasible within the time constraints and all that. And, I though the answer we got back was yes. Right? Wasn't that--

MR. GIACOMINI: Katrina?

MS. HEINZE: I'll finish and then stay out of it for a while. I would respectfully ask that it, if that was your intention, that you clarify in, in these two sentences, because that would effect my perspective on this recommendation.

MR. GIACOMINI: Joe?

MR. SMILLIE: Yes, I think I'm understanding what Katrina's saying. And that's, was my, I thought that's what we asked for the change to be, is that the set, the first vote is the, the material with the
annotation, and the second vote is to re-list
the material as it was in the case that the
program had a problem with the annotation, so
that way, we'd have a failsafe and, you know,
agreed, our intent was the annotation, but if
for whatever reason the annotation didn't
work, then we wouldn't lose the material.

MR. GIACOMINI: Jeff?

MR. MOYER: I would just add to
that, Joe, it would be a failsafe to re-list
it, but it's also, gives the Board the
opportunity to let it sunset if the annotation
isn't accepted. So that second vote could go
either way.

Yes, so, if somebody, for example,
wanted only would, would vote to re-list if
the annotation was there, they have that
choice. If the annotation isn't there they
have the opportunity to let it sunset or
failsafe it.

MR. GIACOMINI: Joe?

MR. SMILLIE: I agree, they have
their, that's the voting choice. But the, the choice is to re-list as it. That's what I understood it to be. But it sounds like it's either with annotation, or--I don't understand why there's two votes on, on--

MR. FELDMAN: Because--if, if in fact the annotation fails, someone could conceivably on that Committee could say, ooh, I don't think that, as is, as it, without the annotation should go forward, as a renewal. So they would have the opportunity to vote it down, to vote against it. Right.

But, again, I, it was our feeling that, to streamline this, the program, if the program received a package, that is, either two scenarios, or three, actually--one, an up or down, an up vote, renewal vote without anything, that's one scenario.

Two, a de-listing. Or three, a renewal with an amended annotation. So they would get either of those three scenarios. And, and it all hinges on whether the, the
program thinks there's enough time to process
that annotation before the sunset expires, or
before the period of the, before it sunsets.

MR. GIACOMINI: Kevin? Tracy?

MS. MIEDEMA: My question, my
question is how we would--my question is how
this would be listed in the Federal register
and presume that this, these scenarios kind of
trace those a, b, or c need to be vetted for
public comment. That's the reason we're having
this discussion right now.

And, whether there's any precedent
in the Federal register for those sorts of
hey, here's a material that could break three
different ways, please comment. Is that not
what we're talking about here?

MR. FELDMAN: Our intent is that we
publish in the Federal register one of those
three options. We either publish a proposal to
re-list as, to re-list as is, to de-list, or
to list and re-list with an amended
annotation, or a new annotation.
So, we only publish one of those, but then, then we get a, have a, hope, get some good debate among the Board, and then the Board would go through a similar process to decide whether it wanted to annotate—the only reason the Board would need a two step process is if we came forward from the Committee level with a re-listing proposal with an annotation.

Then, the Board also would have the opportunity—

MR. GIACOMINI: Wait, wait. We're not, we're not coming forth with that. What we're coming forth with is a recommendation to change the annotation, and then if that passes, incorporate that language into the sunset re-listing document, is what I hear that you're saying that you're wanting to do.

So, it's not that the annotation change is done within the sunset document, but what you're looking to do is, as we did in some other cases today, or as We've done in the past with livestock matters, is that we
voted on a change in the annotation.

You're bringing that changed
annotation into the sunset document, which if
there's a hiccup in the rule making process,
does not give the program the authority to re-
list that substance as it currently exists.

That's the effect of this
document. And the way that you've included
here. So, that, that would be the consequence.

So, Katrina?

MS. HEINZE: I'm going to go back
to my original request. It is not clear to me
which of those two choices you are proposing
in number four, so I would ask that after the
words on the motion to renew, you add either
the existing listing or the listing with the
annotation change so it's clearer what we're
voting on.

And, I guess that my final though
ton this is I support this, so, I support if,
I support it if it's motion to renew with the
existing listing. Just so--I, no. Jay just
asked me would I support it with on the motion
to renew with the annotation change.

I would, my personal opinion
speaking only for myself, I think, I would
like to see it happen the way we did with
yeast. That we had one vote on the annotation
change and then a second vote on the original
listing, which is only there for the two
purposes we've talked about, either a failsafe
or an opportunity for someone to say that they
are, are not comfortable with the existing
listing without the annotation change.

MR. GIACOMINI: I, I, for me, I
think I agree with Katrina completely. I think
there might be a way, either cutting it off
after comments or cutting it off after
substance and reword the one, that I might be
able to go along with this.

But, ultimately, I, I kind of
disagree--I, I'd like to do that, if we can
get it to do that. I still think the problem
with the document is that it links the change
in the annotation that is discovered during
the time of the sunset review process, with
the sunset review recommendation, which I
believe is a mistake.

And, I think that it's far better
to be fixed in our process discussions that
are on tap for the material Committee to fix
the petition process and make it clear within
our procedures how to bring forth
recommendations to, if, if we have an
annotation change, that the Board votes in,
and it, and then has to re-list an existing
listing that people don't really like anymore,
but for continuance of the program--of the
industry, they vote to re-list that but then
the annotation change fails, that we have the
ability as a Board to come back with the
motion to remove or retain.

But, but it all comes back for me
to the same thing. The petition process is
broken, but, I think, and I think tying
annotation changes to sunset recommendations
is a mistake that will yield a train wreck of biblical proportions to the industry.

I think, I think it could be huge, I really do, Jay. I'm not just using hyperbole. If it's the wrong substance--

MR. FELDMAN: Okay, well that's not, the, obviously that's not the intent. We don't want to inadvertently allow something to de-list--

MR. GIACOMINI: If we had only, as an example, Jay, Jay--I just want to make one example. If we had only reasserted in our sunset documents the amendments, the change of annotations that we had done to lecithin, the change in annotation to lecithin has not gone through. If that is the only thing that we had reasserted for the program to re-list, they could not re-list what we have now, and we would lose all use of lecithin from 606. Yes, I'm sorry--point of order.

MS. HEINZE: I'd like to hear from other folks on the Board just to make sure
that I'm not crazy.

MR. GIACOMINI: Absolutely. I apologize if I'm taking up too much time from the chair on the discussion. Miles, do you have something?

MR. MCEVOY: Yes, we had to do a little bit of thinking about this, but what you're proposing here I think can work very well for the program. You just need to be very clear in what you're recommendation is. So, in the case of how you handled hops and yeast this week, it, it's really elegant and you have clarified what you intend to do.

The program, our responsibility is to take your recommendation and put it into rulemaking, and that's our job and we'll handle that. So, it sort of depends on, if you're clear on your intent, of what you want to do with an annotation, we can implement that.

Now, the timing of that may vary depending upon where we are in the cycle. For
instance, you made a recommendation on methylanene in April, we had to get that done by October, and we did that through an interim Rule.

For the hops, we have a couple of years, until January 2013, so we're, we're thinking that through right now, okay, are we going to do this in one docket, through sunset and put an expiration date on hops? Or will we do it through two separate dockets, through relistings, hops, through sunset and having a separate docket that will handle adding the expiration date.

I think that's our responsibility, to figure that out. It's your responsibility to, to tell us clearly what you want in regards to an annotation during sunset, and, and we can go from there. I think this will work.

MR. GIACOMINI: Joe?

MR. SMILLIE: I, I'm not sure the wording of the document, and, no, you're not
crazy, but then again, I don't think anybody on this Board is in any position to judge that right now. So, speaking as a certification agent, I think we're all certifiable.

So, but what I want is, what I want is that failsafe. What I, I'm, if the Committee votes for an annotation, that's what we want, but we want the backup that if for whatever reason that annotation doesn't take into, it doesn't go into effect, we don't want to de-list automatically.

If the Committee votes to de-list, well that's different. You know, that's, that's fine too. That, then we're clear. But if we vote for an annotation and the annotation doesn't go through, we want the listing to stay. That's, that's what I would like.

MR. FELDMAN: Yes, and that's why originally we had number seven, so that if it looked like we were going to have a problem in, because of complexity or timing or
something, that it wasn't going to go through, then the Board would like the authority to come back and say, just de-list, or, list this thing, re-list it.

But, we were told that this should not be much different than the current process, if we, if we're really clear about what we want to get done. I don't know.

MR. GIACOMINI: Jeff? Are you--do you, you had your hand up earlier. Do you want to--Kevin?

MR. ENGELBERT: Joe, that's our intent, and I, I think, sitting here listening, I think the concern, the problem is, the timing of everything. We obviously don't want something to sunset that the Board doesn't want to.

So, the proposal is, when, in Committee, we'll recommend an annotation change if we deem necessary. This is all under the assumption that We've had a material come up under sunset, we think that it's being used
in a way that it shouldn't, We're going to restrict it in some respect.

And the, and the Committee sends this forward with that recommendation. Now, maybe the proper step would be then to have that recommendation be, we re-list this sunset material with a new annotation. If that fails, then the second vote becomes re-list it with it's original annotation, period.

And not have it have to wait until the next cycle, do it all at the same time, for those annotations that change on any materials during a given sunset period. I think that avoids any train wrecks. It makes it happen right at the same time, and I think we can write that in that language so that that's the way it takes place.

It's just a simple two vote thing rather than a three or rather than a waiting until after the meeting, that, well, this failed, now the program's got to hustle and get this thing so it doesn't go off.
It can just be simple, because if the recommended annotation that the Committee puts out, that is changed, doesn't pass the Board, then obviously to me the simple solution is you vote on the sunset with the original annotation, to, plain and simple, right, one or two.

MR. GIACOMINI: John?

MR. FOSTER: Thank you, Kevin. That, what, how you described it is how I would want it, and you articulated it just right. And I was kind of worried until then, until you just said that. So if we can make that intent clear, either in, in some way, that, I'm all behind that. I think that's great.

MR. GIACOMINI: Further debate? Katrina?

MS. HEINZE: When you have further debate, because we don't, at, at least for me, I don't have a document that's clear to me, what happens in that second vote. But if I
knew, if I'm the only one, I'm perfectly willing to be the only confused person.

MR. GIACOMINI: We're not going to go through a full debate, but I am at least confused, if not just opposed. Katrina?

MS. HEINZE: I am not a parliamentarian, I will never be. I know that we only have a few things left to vote on. Can we do something to give the Committee a little bit of time so they can think about that and come back to it in ten minutes? I don't know how to do that.

MR. GIACOMINI: We, we have one other item, and it's that Committee. And then --

MS. HEINZE: Right, but like, can they come back after the work plans? Are we allowed to do that

MR. GIACOMINI: We can do one other item, take an additional vote ask, ask all the, take, do one, do the one other item. We can take a break. We ask all the other
Committees to confirm their work plans and do any of the other things that we need to do before we wrap up this meeting, and the policy can come back after the break. That's the, that's the best we can offer right now. Okay. What is the--Barry, you're, you're Chairman of the Committee. Would you like to have Jay withdraw that motion at this time and proceed with your final item and then take a, a break for, for coming back, consideration on this issue? Not requiring that you change it, but just taking a look at it. It's up to you.

MR. FLAMM: I think that would be a wise move, and let, let us talk about it. I don't know how we'll come out, but--

MR. GIACOMINI: Okay.

MR. FLAMM: --we'll talk about it.

MR. GIACOMINI: Okay.

MR. FLAMM: And--

MR. GIACOMINI: That would require two additional votes that I really don't want to have to take. It was just, it was just
brought to my attention, the option of tabling and bringing back from the table. I really don't want to have to take those additional votes right now.

If, if Jay would, you, be willing to withdraw your motion. Otherwise I'm going to call for the question. So you, want to, withdraw your motion, we'll take on the--

MR. FELDMAN: Yes, I'll withdraw the motion--

MR. GIACOMINI: --we'll take on the new member guide, take a break.

MR. FELDMAN: Sure.

MR. GIACOMINI: Okay.

MR. FELDMAN: Withdraw.

MR. GIACOMINI: Withdraw the motion. We'll--Barry, proceed with your next item on the agenda.

MR. FLAMM: The next item, let Kevin handle it, but it's a new member guide and I do believe we had a request to take out any personal contact references, which will,
that will be done. Kevin?

MR. ENGELBERT: Yes. The, as Barry said, We've had request that anything that's published for the public's viewing, any personal contact information will be taken out of the new member guide. But, obviously the ones that are provided for new members will have that information in there.

So, with that caveat, I would like to make a motion to accept the recommended edits to the new member guide.

MR. GIACOMINI: Second?

MS. ELLOR: I'll second.

MR. GIACOMINI: Moved and seconded to accept the new member guide update as presented, with the removal of personal information. Maker of the Motion, further debate on the issue, any further debate? Jeff?

MR. MOYER: I just wanted to acknowledge the policy Committee for doing an excellent job on rewriting that and making, bringing to clarity many of the things that
were confusing in the old, the old rendition.
So I say, thank you. And I'm sure the new members will greatly appreciate that clarity.

    MR. GIACOMINI: Thank you. Further debate? Further debate on the new member guide? Call for the vote. Line up the names.

    Tracy?

    MS. MIEDEMA: Yes.

    MR. GIACOMINI: Joe?

    MR. SMILLIE: Yes.

    MR. GIACOMINI: Joe?

    MR. DICKSON: Yes.

    MR. GIACOMINI: Barry?>

    MR. FLAMM: Yes.

    MR. GIACOMINI: Steve?

    MR. DEMURI: Yes.

    MR. GIACOMINI: John?

    MR. FOSTER: Yes.

    MR. GIACOMINI: Jay?

    MR. FELDMAN: Yes.

    MR. GIACOMINI: Katrina?

    MS. HEINZE: Yes.
MR. GIACOMINI: Wendy?

MS. FULWIDER: Yes.

MR. GIACOMINI: Kevin?

MR. ENGELBER: Yes.

MR. GIACOMINI: Jennifer?

MS. HALL: Yes.

MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Chair votes yes.

Zero no, fourteen yes. Motion passes. Fifteen minute break. Committee chairs, please work with your Committees on Committee work plans. Policy Committee, see what you can do on anything, if you make any changes to this document. Fifteen minutes.

(Whereupon, the above-entitled matter went off the record at 4:36 p.m. and returned at 4:52 p.m.)

MR. GIACOMINI: Barry--Jeff is in--

Bill Wolfe, could you please stick your head
out the door and see if you see Jeff anywhere? He'll be right back? Okay. I hope that was verbally, and not with a flow chart or pictures.

Okay. All right. We proceed. Okay, we are back to the item on the agenda, the one item we have left. With the handling--the Policy Committee, Mr. Chairman, I'll put it back to you. Barry, Chairman of the Policy Committee, back to you for the final matter.

MR. FLAMM: Jay, would you make a, a proposal to the Committee with the changes that we just made?

MR. GIACOMINI: Okay, so, Jay, the previous motion was withdrawn, so it never existed. So just, we can make a motion to accept this document and then you can go through the changes that were made to it from--yes, since it was posted. Okay, so just make the, the motion, and then detail the changes.

MR. FELDMAN: Okay. So, again, thank you guys for your patience. On behalf of
the policy development Committee, we would
like you to adopt, I'd introduce a motion for
sunset review process, amended October--what
is today's date? Or the, August 28th--

MR. GIACOMINI: October.

MR. FELDMAN: August 28th, 2010--

MR. GIACOMINI: October. October.

MR. FELDMAN: --as amended on


MR. GIACOMINI: It was October 23rd
when we started this thing.

MR. FELDMAN: And, this proposal is
intended to provide for streamlined, efficient
way in which the Board can adopt annotations
as opposed, as a part of sunset with complete
and full public input.

MR. GIACOMINI: Jay, can we just
have the motion, second, and--

MR. FELDMAN: I forgot, I'm
introducing the motion. So, can I get a second
on the motion?

MR. GIACOMINI: Did you move?
MR. FELDMAN: Yes, I moved that we adopt this, August 28th as amended October 28th.

MR. GIACOMINI: You know, if, if, if he didn't have the exact words at this point in time when it comes out in the transcript--

MS. HEINZE: I second.

MR. GIACOMINI: Thank you. Okay.

MR. FELDMAN: So the change in language on section four will read as follows. Kevin, could you do that for me?

MR. ENGELBERT: Yes. Section four will read, the reviewing NOSB Committee provides its recommendation to the full Board and the public sixty days prior to the Board meeting which would include the following.

A simple motion to remove, add, or amend a restricting or clarifying annotation, if applicable, and, I, a simple motion to renew the existing listing.

MR. FELDMAN: Thank you. So, I
think we've accomplished what people want to do. We want to have a two track system so that we ensure that we don't inadvertently delist something while the possible renewal with annotation is going through the process, the regulatory process. Discussion?

MR. GIACOMINI: John?

MR. FOSTER: Just, could we say, full Board and the public no less than 60 days? To hit that on exactly 60 days is hard. No less than 60 days.

MR. GIACOMINI: I think sixty days was in, is the current listing. I don't know that that's, I just had that open and I just closed it. A friendly amendment--Jay, is that alright?

MR. FELDMAN: Sounds fine to me.


MR. DICKSON: I am reading that that would require the package to include both one and two? Is that--
MR. GIACOMINI: It would be two packages. There will be two votes.

MR. DICKSON: Okay. So, but, would it be helpful if we were to insert the word both, include both of the following?

MR. GIACOMINI: Katrina?

MS. HEINZE: I believe that's taken care of by the if applicable after I.

MR. GIACOMINI: Okay. Either that or a comma, comma and. But I think we're fine, I think the intent is clear. Kevin?

MR. ENGELBERT: And we also took away number seven on the original document that we thought took care of this, but We've, you know, realized that this is probably the best, better approach.

MR. GIACOMINI: Further debate?

Katrina?

MS. HEINZE: I just want to thank everyone for indulging me in clarifying this. I really appreciate it.

MR. GIACOMINI: Further debate?
MR. FELDMAN: I thank, take the Board for your consideration and your input on this. Appreciate it.

MR. GIACOMINI: I, I think, I, I still question the need to tie annotations to the sunset recommendation process. However, I think the solution you've come up here, come up with here where we are reasserting for the public and the program not only the existing listings but annotation change recommendations that have happened in the past, is, is exactly, is, is great.

I think the one thing that is worth noting is that in my view of this reading, and I would have to sit down with it, but I think in my view it will need to include in the annotation portion, it will need to include as many, if not all, of the past annotation change recommendations that this Board has passed, that have not yet been, have not yet made it through rulemaking.

So, it will be the burden of the
Board and the burden of the public to, in public comment, to make sure that all of those recommendations are included because I'm personally not clear what the effect of missing one of those could be, if it, it this reassertion is considered--I'd, I'd be concerned that, that missing one would be considered an overriding factor on the vote that had been taken.

But I think this is great, and I think it's a compromise. Again, lot of hours, a lot of people working together, ultimately from different points of view, but ultimately trying to reach the same goal, achieving the right answer.

And it's one more example of please, people, in the future, have faith in the Board, and the people on it. Okay. Further debate? Ready for the question. Okay. Proceed to vote. Joe Smillie?

MR. SMILLIE: Yes.

MR. GIACOMINI: Joe Dickson?
MR. DICKSON: Yes.

MR. GIACOMINI: Barry?

MR. FLAMM: Yes.

MR. GIACOMINI: Steve?

MR. DEMURI: Yes.

MR. GIACOMINI: John?

MR. FOSTER: Yes.

MR. GIACOMINI: Jay.

MR. FELDMAN: Yes.

MR. GIACOMINI: Katrina?

MS. HEINZE: Yes.

MR. GIACOMINI: Wendy?

MS. FULWIDER: Yes.

MR. GIACOMINI: Kevin?

MR. ENGELBERT: Yes.

MR. GIACOMINI: Jennifer?

MS. HALL: Yes.

MR. GIACOMINI: Jeff?

MR. MOYER: Yes.

MR. GIACOMINI: Tina?

MS. ELLOR: Yes.

MR. GIACOMINI: Tracy?
MS. MIEDEMA: Yes.

MR. GIACOMINI: Chair votes yes.

Zero no, fourteen yes. Motion passes.

MR. SMILLIE: And biblical proportions were avoided.

MR. GIACOMINI: No, I think that's -- I think you did a great job. I think that's brilliant. And I think it does, by both votes, exactly what it -- prevents the problems we were hoping, we were perceiving, and may be an interesting resolution that we can keep things going with.

Okay. That concludes, I believe, the work of the Policy Committee, and that concludes the recommendations up for discussion on this Board today. And I thank everybody for their hard work, their attention, patience of everyone involved, and in the long run, that cool heads for the most part prevailed.

We are ready to move into work plans. The work plan portion of this meeting
from each Subcommittee. We'll call on each
Subcommittee, the Committee chairperson to
present their Committee's work plan for the
next meeting.

So, if they're each ready, we'll
go through in the order we had, crops -- if,
Lisa, if you're able to keep track of these,
either typing out or in long hand, and making
sure, everyone making sure that this document,
the document they have on this gets to Lisa as
quickly as possible.

Okay? So, Katrina-- I mean, Tina,
are you ready?

MS. ELLOR: I am ready.

MR. GIACOMINI: Okay. Work plan for
crops, please.

MS. ELLOR: Thank you, Mr.
Chairman. I did, I was able to send this out
to the Crops Committee and I will send it out
as a hard copy, you know, or by email,
sometime next week.

Well, it'll be no surprise to
anybody that at the very top of our work plan, in purple, is corn steep liquor, and we're happy to take that back and, and take it on. Polycaprolactone, we'll be working on that. I think DDA has been withdrawn, for now. Difluoroethane has been sent forward for a TR. Prolylene glycomonolaurate, we received a TR on that. We're reviewing it for sufficiency. We're a little bit behind schedule, we'll try and catch up on these.

Indole 3 butyric acid, we sent for a TR. Nickel, we are looking at the sufficiency of that TR. I do believe. Yes. Ammonium nanonoate has been sent for a TR. Manganese sulfate monohydrate as an inert, and this is another issue which we'll have some back and forth with the Program on how we want to handle these things and how we want to communicate with the petitioners.

We have 1-1-difluorethane, has been sent for a TR. Methylaurate, as an inert, once again. We have--
MR. GIACOMINI: Excuse me, Lisa, I think on your end, she'll get you this list if you can just put petition materials, that'll save you a lot of headache.

MS. ELLOR: All right. Ferric phosphate, we are looking at a petition to remove and we'll be working on that as well. We have some questions out to S&T which I think we'll probably get some return on here pretty soon.

Our 2012 remaining sunset materials; I believe we have twenty two of them which we'll be working on. Ethanol, isopropynol, calcium hypochlorite, chlorine dioxide, sodium hypochlorite, newspapers, plastic mulches, pheromones, sulfur dioxide, vitamin D3, copper materials, streptomycin, lignin sulfinate, magnesium sulfate, ethylene gas for pineapple flowering.

All of these have been sent out for technical review. Sodium nitrate, which we're looking at in terms of sunset and with
the ability to make annotations that might make that job easier. I think I got them all, but if not, you know, we'll, we certainly won't leave any out, with Lisa's help.

    Also with Lisa's help, and I'm sorry I can't get internet right now, but I'd ask Lisa to remind me of what our 2013 sunsets are that we have to start looking at, so, we do have some 2013 sunset materials. If you wouldn't mind, Lisa, just, you know, reading into the record what those are, that would be great. Because I can't get them.

    MS. BRINES: Lisa Brines, NOP Standards Division. The 2013 sunset list is quite a bit shorter. So the Crops Committee, you have two listings for copper sulfate, one on 601A, one on 601E. You're looking at a, in a listing for ozone gas, two listings for paracetic acid, 601A and 601I, and EPA lists three inerts. And the last one is a 602 material, which is calcium chloride.

    MS. ELLOR: Thank you very much. In
terms of documents or other recommendations, you know, quite honestly, we will have no time for mushroom standards here, but as always, I'm happy to work with the NOP, you know, when you guys get to that. I know a lot about mushrooms. It's really all I know, so, if you could take advantage of that, that would be great.

Jeff, oddly enough, has said he's probably not going to do a food safety recommendation, so I think we'll wipe that one off our work plan for this session as well. Oh, John. Never mind. Never mind. John will be working on that.

And I think that's what we have on our plate, which is plenty, believe me. So. But you did hear that, right, Miles? Plenty? Right. Our work plan is full. Just saying. Just saying. Okay. And that's all I have. Unless my Crops Committee can think of something else they really, really want to do.

MR. GIACOMINI: Okay. Thank you. I
just want to note know appropriate it is; no ill will towards the people in corn steep liquor industry or any aspect of it's use, but in many areas of the world, purple is considered a sign of royalty, and there were times today when corn steep liquor was a royal something. So. We'll just go from there.

Moving on, next on, livestock.

Kevin.

MR. ENGELBERT: Yes, I'm happy to report that the next meeting of the Livestock Committee will be back in the hot seat because we will hope to have a recommendation out on animal welfare. The two remaining items are stocking rate charts and our animal handling, transit, and slaughter recommendation.

We at present do not have any petitioned materials to look at, nor do we have any 2013 sunset items to look at, so we have accomplished not just with the current Board, but, over the last five years an awful lot has been gotten off the plate of the
Livestock Committee, from thin fish, bivalves, to animal welfare to, you know, we've done an awful lot and I'm very proud of it, so, that's all that we know of right now that we have.

And we will have a -- we will not start up our calls on the second but we will start in again on November 9th. Even though it doesn't seem like a lot, we've got holidays coming through and we're going to miss a lot of days and the spring meeting will be here before we know it, so we will start right in again with our weekly calls November 9th.

MR. GIACOMINI: Thank you.

Handling, Steve.

MR. DEMURI: Thank you. Well, to pen a phrase that John Foster said earlier, we have a full quiver of petition materials. We have twelve 205.605 materials. Calcium acid pyrophosphate, sodium acid pyrophosphate, as a petition for expanded use.

Atapolgate, silicone dioxide to remove, gibberellic acids, sulfiric acid,
taurine, accessory nutrients, arachidonic acid, arachidonic acid, ARA. Dextrin, docosahexaenoic acid, DHA. And sulfur dioxide to remove the annotation.

And then, 606 items, we have five of those. Annatto extract to remove, and we have caramunich malt, barley beta fiber, beta carotene and sugar beet fiber. So those are petitions we have in front of us. We still have four, or four 2012 sunset items to review that we have not done yet.

We have enzymes, and potassium iodide for 205.605A. And then for 205.605B, we have nutrient, vitamins and minerals and potassium iodide, another listing, it's listed in both sections. And that assumes that we'll get lecithin, rulemaking process complete. If not, then we we'll have to do something about those at the next meeting as well.

We also have thirteen materials for sunset 2013, and I don't have the list, but Lisa, if you could read those off for me
I'd appreciate that.

Ms. BRINES: Lisa Brines, for the record. So the ones that I have listed for the handling Committee for 2013 sunset are all 605 materials, which are agar agar, animal enzymes, calcium sulfate, carrageenan, cellulose, gluconodethalactone, and two separate listings for tartaric acid, one on 605A and one on 605B.

And I'm not sure that that number matches up with what you said, Steve, but we'll double-check.

MR. DEMURI: And then we have -- thank you, Lisa -- a few recommendations that we're going to get going on here. We had a discussion document on nutrient vitamins and minerals. At this meeting, we're going to hopefully expand that out to a recommendation for the Seattle meeting.

And then at the NOP's request, I think at the last meeting, they requested that we review and revise as necessary the
annotation for chlorine materials and handling. So we'll look at that, and then we have commissioning of a flavor task force. And begin a recommendation for that subject. So we have a very full slate ahead of us.

MS. HEINZE: Thank you. We have three topics on our work plan. The first is a continuing our work on classification of materials. I think that's clear to everyone why that needs to be a top priority.

We'll be proceeding with a decision tree and our worksheets and response to the NOP feedback and have, hope to have that to Committees for you guys to maybe test-walk some materials through before the next meeting.

On materials, obviously that is our primary responsibility, so we'll collaborate with the Program Crops, Livestock and Handling on petitions in TR's and Q to make sure that everything is on track and prioritized, although that is much easier work
for the Committee now with Lisa Brines helping and Lisa A. helping.

We do still have on our work play the take from the table petition. I believe that was from the fall of `08, to try to clean up materials that were lost in the NOSB process, so we'll try to find some time for that.

Then, it is our understanding from various public comments we've had over the last several years that there are some materials that were never on the table, but that got petitioned and kind of are still someplace in Committee work plans.

Our intention with both of those is to identify what they are and then work with the Program to go back to the petitioners to see if they still want the Board to be considering those materials or if they can be withdrawn.

Finally, as I talked about in our Materials Committee update, we are beginning
work on our process improvements for the materials review process. We'll collaborate with the other Committees as needed. Our initial plans, although we'll finalize this after this meeting and our next call, is to look at the evaluation checklist so it better reflects the different types of material actions we consider as Committees and Boards.

Look at a TR request form to formalize that process, but also to allow us to better customize the TR's to individual material situations. And then define what a good TR looks like. That's what we think right now will be our priorities.

But then, we will also develop a roadmap so it's clear to the Board, the program, and the public what we're hoping to accomplish and by when.

MR. GIACOMINI: Thank you, Katrina.

CAC, Joe.

MR. SMILLIE: Right. There's been a pretty abrupt sea change in the way that the
CAC is, is now working, and our work plan reflects that. Basically, the change is that unlike in the past, where we had issues and then we went, created recommendations and took them to the NOP, now we seem to be moving more into a mode of interacting with the NOP on issues.

It's a good thing, but it's a complicated thing, and it's a new thing. This started at the meeting in California when NOP was coming forward with guidance, were coming forward with proposed guidance on pesticide residue, unannounced inspections, and the evaluation, evaluating -- evaluation organizations is the only way I can think of it right now.

And that proposal, they wanted us to look at that, so we had appointed people in the Committee to track each one of those items, and then basically said "Okay, NOP, what exactly do you want, here? Let's, you know, what is your intent?"
Are we to go ahead and write recommendations on these issues, do you want us to look at your guidance policy? Do you want us to work with you on guidance policy? How exactly are we going to do this? And there were good questions. Arthur said, "Yes, those are good questions, let's think about them, we'll get back to you."

And, it sort of, kind of ended there, and my impression was that it was withdrawn, which was okay. We had other things to do, it wasn't a problem. And now, our last recommendations basically the one which we talked about, the 100% label claim and the use of inerts as packaging aides.

The NOP came back and said, you know, sort of guess -- we understand where you guys are going, but for the various very good reasons, you know, there's a disconnect and we're not able to implement that regulation. So we want to go back and look at that, and see if there's a way we can be just maybe a
little more narrow in our recommendation.

Because we still think that there is an injustice out there that needs to be corrected. But, again, it's reacting with the NOP on their response to it. The made with, which we withdrew, basically, there's going to be guidance, a lot of guidance, and very important guidance coming on the made with labeling.

And, we want to sit -- we want to wait now and see where the NOP is going to go with this made with label, let it sort of like, it come out, let the dust settle, and then see if there's still a role for us in talking about that label and bringing back maybe a more useful recommendation, if we see the need for it on that one.

The other thing, which we haven't completed yet, which we got a start on, is retail or, retail certification and what is implied. And in a certain sense, limitations to 101B is about that, too. We didn't talk
about retailers in that document, but it's the same exclusion, you know, where are they exempt, where are they excluded, and what are retail standards, and how is voluntary certification is different than mandatory certification?

There's a lot of issues with retail. We're a little hesitant to move forward with that full-bore until we get a feeling of where the NOP wants to go with that. So, that's the sea change that I mean. To me, things have changed from when I came on.

We were off in our little world, and giving things to them, and now we're much more linked at the hip, and I think that's a good thing, but we've got to clarify that relationship, we've got to figure out exactly how that is supposed to work.

Is it -- are we a joint Committee with the NOP? No, that, was just kidding. But again, we'll follow the mantra and, you know,
we love babies, we hate fraud, and we have
faith in the NOP.

So, our work plan is going to be
dependent on how all of those particular
issues, our exchange of information and sort
of getting the go ahead, so that we're not off
working on stuff that you guys are already
working on, and our recommendations are
meaningless.

So, we don't want to waste our
time doing things that aren't going to be
useful. And, you know, we could just, you
know, become more of a lobbying group and ask
for cosmetics, pet food, group certification,
retail, aqua -- I won't, I'll stop there.

You know, there's, you guys, in a
certain sense, I think, in a certain sense I
think the NOP should stop making
recommendations and just sit here and say
okay, now, you've got a lot of them. You know,
we want to see some results.

But, no, you're working as fast
and as hard as you can, and we respect that. And we'll -- now our Committee will move into a slightly different mode and work with the NOP on those, at least, those issues that I've mentioned and any others that come up.

And there will be a new Chair, probably later this week, so that Chair also will have his or her own opinion of where it's going to go.

MR. GIACOMINI: Thank you. Lisa?

MS. AHRAMJIAN: I don't know if the Committee has already considered it, but at one point, I had made the note that there, CAC may want to consider a meant, looking at 205.100A. I don't know if it's not important, never mind. I just scribbled it down.

MR. GIACOMINI: Okay. We'll take that, they'll take that under advisement. Okay. Last one. Policy, Barry.

MR. FLAMM: Thank you. And, as often happens at the meeting, things come up that gives the Policy Committee some work,
and, and one things we need to address and clarify and add or whatever to the policy and procedure manual is this voting procedure and the withdrawal, so that, I think that will be important to work on that while it's a fresh issue.

Secondly, I, at some point, and I haven't had a chance to talk to Katrina about this yet, but the work that Materials is doing with other Committees on the petition process and that will have to be incorporated in the manual.

So, we probably need to get -- no doubt, Committee members will be on your Committee, but we need to get involved so there isn't a delay in getting the manual updated when we change forms and all that.

Another one is taking a re-look in section three and section four of the policy manual regarding duties of officers and duties of Committees. We had a very pleasant but interesting surprise this year that the Vice
Chair and the Policy Committees have some exactly same duties assigned in the manual.

And, somehow, in the review, when we've reviewed the chapters separately, this was never noticed. So, this is a matter of looking at that, and seeing what role the Board wants the Vice Chair to play.

Right now, we both have, the Committee and the Vice Chair, has the exact same wording in terms of responsibilities for up keeping the policy and procedures manual. But I think the process -- one other thing, I have just recently realized and noticed, that there, we don't say, I'm not sure, Dan, what the correct title of it is.

But, the administrative group that meets on Monday and the -- I don't know if that's something we want to have in the policy and procedures manual or not, what the duties are and what's going on. But I know, it took -- it was about a year before I even understood when, you know, there was this kind
of meeting.

So, I think those are the things that have come to our attention so far and we've talked about it through emails but we've had a little gap in meeting, concentrating on the issues. So, I haven't got any negative feedback from the Committee on these, but, so I'm assuming that they agree that these are ones to work on.

Except the one that just occurred today, and that is of necessity to address.

MR. GIACOMINI: Yes, I don't know if the -- what Barry's referring to on the Monday meeting. We've had the admin team which we've considered the three executive officers and the Executive Director has a early call Monday morning just to sort of make sure that everything on the week is straight.

It generally lasts somewhere between ten and thirty minutes. Sometimes it's no more than a hello, sometimes there's not a quorum. It's just a sort of an informal way of
getting everybody to check. I don't know how much it needs to be in the policy and procedure manual, and every administrative team would handle it differently.

I would just, as the Chair, like to address briefly the one issue that you're referring to that occurred today. Today, the Board overruled the Chair, and if the Chair was correct in its interpretation, the Board overruled that and enacted policy for today.

It's clear, I think, that the Policy Committee needs to look at the clarity of the presentation of material and when that occurs, but I don't think it's necessarily -- that you are necessarily predetermined to enact a recommendation that completely agrees with the vote and the action that was taken today.

You could determine that what you have is fine, it needs to be clarified, or you could agree with that, that would be up to the Committee and up to the Board in the future.
But I don't, would not want you to go into that action assuming you have to codify the result of that appeal of the Chair.

MR. FLAMM: I didn't intend to approach it that way.

MR. GIACOMINI: Okay. Thank you.

Okay. We are completed with our work plans. Miles?

MR. MCEVOY: Hello. You probably don't -- we really appreciate all the work that the NOSB has done and continues to do. We have a lot of work to do to continue to catch up with the NOSB recommendations that have been made over the years, and we intend to continue to implement those things.

From time to time, we'll have to check back with the Board to understand what the intent of previous recommendations were. We're working on a number of draft guidance documents that are in the spirit of implementing the NOSB recommendations.

There are a few things that, in
particular, we'd be interested in getting additional input from the NOSB. When we have a specific issue that we want input from the NOSB, we'll send you an official memo to the Board, to the Chair, so you have it in writing of exactly what it is we're looking for.

Just to mention a few of the things. Percentage of organic ingredients, calculating the percentage of organic ingredients. There's been some questions about that lately. There's been -- there's a policy on the NOP website, but there's some new questions, especially in terms of cosmetics, that we may need to have the Board look at.

Residue testing, of course, we're moving forward with that, but any guidance or input that the Board wants to provide in that area would be helpful. We've mentioned before material evaluation programs. California is implementing a pretty impactful program through AB856 to register, inspect all organic inputs.
I think it's something the Board should pay attention to. California is a big organic production area, and it has wide impact, so I think it's really something the Board should pay attention to what California is doing with that new program.

And then, the other thing that we're working with is how to handle confidential business information for the Board in regards to the petition process, how to balance transparency with the CBI.

So, those are some of the things that we're thinking about and we look forward to continuing to collaborate with the Board on all the various projects that you're working on.

MR. GIACOMINI: Okay. Thank you. Proceeding now onto the election -- selection of NOSB officers. I would like to just run through the -- from our policy and procedure manual, run through the highlights. I'm going to go through under election of officers on
I will run through AB and on, but I'm not going to worry about each individual thing, just the highlights of -- all interested NOSB members are eligible for consideration for any position. Candidates may be self nominated or nominated by another member of the Board.

Members interested in serving more than one consecutive term in an officer position can, if the Board is in favor. However, it is recommended that an officer not serve for more than two consecutive terms.

Officers shall be elected to terms of one year by majority vote at the annual fall meeting. Only NOSB Board members present are eligible to vote for nominated officers. Board members are entitled to cast one vote per nomination.

The offices are Chair. Voting will be by ballot immediately following the nomination. The officers are Chair, Vice
Chair, and Secretary. Ballots will be counted for one office and -- ballots will be counted for one office, and the acting chair will announce the tally before the next Office is open for nominations.

The Acting Secretary will prepare and distribute the ballots and gather the votes by secret ballot. The Chair will tally the votes after each officer nomination, and the Acting Secretary will verify the vote result.

In the past, if one of those two officers was running for one of the offices, we would use the Vice Chair so that we would have two to do that. Hopefully, that's not going to - and appeal, an appeal the decision of the chair or a point of order.

Candidates receiving the largest number of votes will be elected. In the event of a tie, there will be a revote until a nominee obtains the majority. All nominees will be included in the revote, or may be
given the opportunity to withdraw at their
discretion.

Member vote counts will remain
confidential, and other NOSB members will not
be allowed to determine how the members voted.
Votes will be disposed of by the Chair or
Secretary, and that's it. So, we'll see how
things go.

So, we are ready to proceed. We
begin with Chair. Entertain motions for office
of Chairman. You can nominate someone else, or
you can self-nominate, and there's no need for
a second. So, do I hear any--Steve?

MR. DEMURI: I'd like to nominate
Tracy Miedema.

MR. GIACOMINI: Anyone else? Kevin?

MR. ENGELBERT: I would like to
nominate Jay Feldman.

MR. GIACOMINI: Anyone else?
Entertain a motion to close nominations for
Chairperson.

MR. SMILLIE: So moved.
MR. GIACOMINI: Second?

MS. HEINZE: Second.

MR. GIACOMINI: Opposed? Seeing none, motion passes. We'll vote for Chairperson. We've distributed these little tablets. Write Tracy's name or Jay's name on the sheet, and fold it up, make it confidential. Turn it in. Tina and I will count. To make sure we verify.

I, while we're doing this, just to let you know, I don't know if I mentioned this before, but in my local county, not long, a couple of years ago, we did have someone lose to Mickey Mouse.

So, every vote does count. He, there would -- let me, I have to tell this story. There were three people running and one person got forty -- got fifty, 50.1% of the votes that were for -- that were cast for the people running.

But the regulations said that it had to be a majority of all the votes cast,
and when all the votes were counted, his majority dropped to 49.9, which put him in a runoff, and when the runoff was held a number of months later, he lost.

So, I don't know who those other votes were for, but you can say in a way he lost to Mickey Mouse, so. Every vote is important. Vice Chair for year 2011, Joe Dickson. Nominations for Secretary? Kevin?

MR. ENGELBERT: Yes. I nominate Wendy Fulwider.

MR. GIACOMINI: Further nominations? Motion to close the nominations? Was that a motion, Joe? Did you make a motion to close?

MR. SMILLIE: Motion to close. So moved.

MR. GIACOMINI: All right. And seconded. Somebody did, I'm sure. In their hearts. Okay. Election for Secretary. Wendy is on the ballot. Just let everyone know, Mickey Mouse is not a member of the NOSB Board and
can not serve, so.

While we're wrapping this up, just
want to remind at least Miles and Lisa in
addition to all the Board members to please
stay around immediately following the meeting.
If we can get a quick picture, a group
picture, I think we would all appreciate it.
I know those are some of my favorite pictures.

So, if we could get, if everyone
could stay around for that, so, we'll have
other things before we wrap up, but, as we're
-- just want to make that one announcement
now.

New Board Secretary for 2011,
Wendy Fulwider. Any -- we are about to wrap up
this meeting. Any other announcements or --
Jeff?

MR. MOYER: Well, before we have
Dan's final closing comments, assuming he may
have some, and we move onto pictures, I just
wanted to take a moment, and also before he
hands off the gavel to Tracy, to thank Dan for
the great job he did as Chair over the last year.

And also personally for serving as my Vice Chair when I was the Chair. I greatly appreciate it and I think we all owe Dan a round of applause for the great job he's done.

MR. GIACOMINI: Thank you. Any other announcements? Katrina?

MS. HEINZE: Well, I don't usually speak for other people. I am confident that I speak for others that I thank very much the five of you who are retiring for welcoming us to the Board and helping us learn and shepherding us through the process. We will miss you greatly.

MR. GIACOMINI: Okay. Anything else from anyone? I appreciate the hard work and the dedication that we've all brought to the Board, especially over the past year, but in the five years, from all the people that I've served with.

The dedication and the commitment
that we have is admirable. The passion that we
have is admirable, and the recognition that
comes from working together to reach the
goals, like we've said a number of times
before. We have faith, to have faith in the
Board, and the Board with get it right. It may
not always be pretty in the process, getting
there, but have faith in the Board. The Board
tends to get it right.

And, so, I appreciate all that
you've done in helping me in this past year in
my position, and that's the one thing that I'd
like to leave you with is, have faith in the
rest of your members. In the long run, they'll
get it right.

So, do we have a motion to adjourn
this meeting?

MR. SMILLIE: Yes, my last one. I
move to adjourn.

MR. MOYER: I'll second -- I'll
second that motion.

MR. GIACOMINI: Does anyone have
the nerve -- it's been properly moved and
seconded to adjourn this meeting, does anyone
have the nerve to oppose that motion? Kevin?

MR. ENGELBERT: No, but I'm not
really sure I want it to end.

MR. GIACOMINI: Have faith in the
Board even when they're acting crazy. Meeting
adjourned.

(Whereupon, the above-entitled
matter went off the record at 5:47 p.m.)
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CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: National Organic Standards Board

Before: US Department of Agriculture

Date: 10-28-10

Place: Madison, Wisconsin

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
true and accurate record of the proceedings.

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Court Reporter