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

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MEETING OF THE NATIONAL ORGANIC STANDARDS BOARD (NOSB)

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TUESDAY
APRIL 29, 2014

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The National Organic Standards Board convened at 8:30 a.m. at the Saint Anthony Hotel, 300 East Travis Street, San Antonio, Texas, Mac Stone, Chairperson, presiding.

MEMBERS PRESENT:

ROBERT "MAC" STONE, Chairperson
JOHN FOSTER, Vice Chairperson
CALVIN WALKER, NOSB Secretary
HAROLD AUSTIN
CARMELA BECK
COLEHOUR BONDERA
JOSEPH DICKSON
TRACY FAVRE
JAY FELDMAN
WENDY FULWIDER
NICHOLAS MARAVERLL
JEAN RICHARDSON
ZEA SONNABEND
JENNIFER TAYLOR
FRANCIS THICKE
STAFF PRESENT:

MILES McEVOY, Deputy Administrator, National Organic Program

ANN MICHELLE ARSENAULT, Advisory Board Specialist

MELISSA BAILEY, Director, Standards Division, National Organic Program

LISA BRINES, Standards Division, National Organic Program
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Call To Order</td>
<td>4</td>
</tr>
<tr>
<td>Introductions, NOSB Mission</td>
<td>24</td>
</tr>
<tr>
<td>Secretary's Report</td>
<td>29</td>
</tr>
<tr>
<td>NOSB Assessment</td>
<td>40</td>
</tr>
<tr>
<td>Policy Development</td>
<td>84</td>
</tr>
<tr>
<td>Materials Update</td>
<td>99</td>
</tr>
<tr>
<td>National Organic Program (NOP) Report</td>
<td>196</td>
</tr>
<tr>
<td>Organic Agriculture at USDA</td>
<td>243</td>
</tr>
<tr>
<td>Presentation by the National Resource Conservation Service</td>
<td>265</td>
</tr>
<tr>
<td>Public Comment</td>
<td>291</td>
</tr>
<tr>
<td>Adjourn</td>
<td>459</td>
</tr>
</tbody>
</table>
MR. McEVOY: Okay, we're going to get started here. Good morning. Thank you all for coming. I would like to open the spring 2014 National Organic Standards Board meeting.

MEMBER FELDMAN: Point of order, Mr. Chair. Point of order.

UNIDENTIFIED SPEAKER: Don't change sunset. Don't change sunset. Don't change sunset.

AUDIENCE MEMBERS: Don't change sunset. Don't change sunset. Don't change sunset. Don't change sunset. Don't change sunset.

CHAIR STONE: Thank you all. Thank you all for bringing that to our attention.

AUDIENCE MEMBERS: Don't change sunset. Don't change sunset.
sunset.

CHAIR STONE: I think you all have made - made your point. At this time we will recess the meeting.

(Whereupon the above-entitled meeting went off the record at 9:03 a.m. and resumed at 9:06 a.m.)

MR. McEVOY: Okay. We're going to get started again. So --

MEMBER FELDMAN: Point of order --

MR. McEVOY: -- again --

MEMBER FELDMAN: Point of order, Mr. Chair.

MR. McEVOY: Yes, what? Thank you, Jay.

MEMBER FELDMAN: Thank you. With deep respect for your work, Mr. Chair, and the work of this Board, and your outstanding work in the community, I wanted to raise of point of order, please, that your chairing of this meeting is out of order.

It does not comply with the fact
that the underlying legislation, OFPA, the Organic Foods Production Act, Section 2119, 7 USC 6518, the National Organic Standards Board Chairperson, subsection G, The Board shall select a chairperson for the Board, or the FACA rule, Final Rule 41 CFR Parts 101.6 and 101.2, which says that this Board must operate under clear operating procedures.

The FACA rule also finds that the chair, if it shall be a member of the government, an official of the government such as yourself, Mr. Chair, shall be appointed by an agency head. This Board has received no such letter to that effect. And that there shall be clear rules in effect. This Board has, nor this community, has received any such rule.

And in fact, in your February 27 memo to the National Organic Standards Board training summary, you state FACA requires that AMS and NOP guidelines for managing the NOSB provide clear operating procedures for the
conduct of advisory committee meetings and
other activities, and describe the roles of
the advisory committee members, the DFO and
the staff.

You have not done so, Mr. Chair.

And given that, and given the failure to
comply with both the underlying enabling
legislation and the FACA final rule, I would
urge you, and I demand that we turn the gavel
back over to the selected chair under our
current operating procedures, as captured on
page 13 and 14 in the PPM, which outlines the
officers' responsibilities, including the
election of the chair and selection by the
Board. In officer responsibilities, it says,
The chair is responsible -- please listen to
this carefully -- is responsible to assure the
integrity of the Board process including
effectiveness of the meetings and the Board's
adherence to its own rules. The chair shall,
among other things, convene and preside at
meetings.
So while I have deep respect for you, Mr. Chair, and your long history of commitment and work to the organic community, I also respect the history of this Board and the processes that we have engaged in. I respect the previous Boards, I respect the members around this table, and I believe we should revert back to our PPM and procedures until such time as the USDA National Organic Program, AMS, issues rules with clarity that establish a new procedure and goes through the appropriate public process to adopt those.

Thank you very much.

MR. McEVOY: Thanks, Jay. So --

(Applause.)

MR. McEVOY: -- I just want to point out that in -- under FACA and under the NOSB's policies and procedures manual, that it specifically says that the Designated Federal Officer, who I am the Designated Federal Officer for the National Organic Standards Board, can chair the meeting when directed by
the Secretary of Agriculture or the Secretary's designee. That's right from the NOSB policies and procedures manual. And also under FACA, it's our responsibility as the Designated Federal Officer to open the meeting. That has been a responsibility that we haven't done in past meetings, but it's a requirement under FACA that we follow that.

So we'll continue on here with opening up the meeting, and --

MEMBER FELDMAN: -- order, Mr. Chair. I appeal from the decision of the Chair, and I ask for a second.

MEMBER BONDERA: I second that appeal.

MEMBER FELDMAN: Mr. Chair, I believe we have the authorization now to move forward with debate among all the Board members, which requires the Board -- a vote of this Board to continue this meeting under rules that are yet to be written or procedures that have not been published or discussed with
the public.

(Pause.)

MR. McEVoy: Okay. So let's hear the discussion.

MEMBER FELDMAN: You are -- under the rules, Mr. Chair, you are welcome to introduce the issue, make your comment and then call on Board members, if they would like to comment, and then close the session. Thank you.

MR. McEVoy: So, Zea.

MEMBER SONNABEND: Since we're being all Robert's Rules, I'd like to call the question.

MEMBER FELDMAN: Out of order.

Point of order.

MEMBER SONNABEND: I'd like to proceed with the meeting, so I'd like to call the question. Thank you.

MEMBER FELDMAN: Mr. Chair, we have a motion on the table that requires a vote of the Board. We are allowed to debate
the issue, Mr. Chair, so I'd appreciate it if you follow the rules and ask any Board members if they have any comments on this.

MR. McEVOY: Okay. So the question's been called so it ends debate, and the question's on the table then.

MEMBER FELDMAN: I appeal from the decision of the Chair which authorizes a discussion and a vote of the Board -- requires, requires a discussion --

MR. McEVOY: No, we already asked --

MEMBER FELDMAN: -- and vote of the Board.

MR. McEVOY: -- for discussion, so we -- and then the question's been called, so.

MEMBER FELDMAN: I'd like to discuss this.

MR. McEVOY: So Jay, you've made your opening statement, and --

MEMBER FELDMAN: Right.

MR. McEVOY: Are there further
points that people would like to make on this issue?

(No audible response.)

MR. McEVOY: If not, then the question's on the table. All those in favor?

(No audible response.)

MR. McEVOY: All those opposed?

MEMBER SONNABEND: Aye.

MR. McEVOY: Please restate the motion. So the motion is -- Jay, can you repeat the motion?

MEMBER FELDMAN: The motion on the table is that we revert to the policies and procedures adopted by the Board of -- by the NOSB Board and revert the chair, the power of the chair, the power of the chairperson to the person selected by the Board to run this meeting, convene this meeting and run this meeting in accordance with the policies and procedures manual.

MR. McEVOY: Okay. Everybody got that? All those in favor?
MEMBER FELDMAN: Aye.
MEMBER BECK: Aye.
MEMBER TAYLOR: Aye.
MR. McEVOY: We've got four ayes.

All those opposed?

MALE PARTICIPANT: Aye.
MALE PARTICIPANT: Aye.
MEMBER FELDMAN: I'll ask for a roll call, please, Mr. Chair. I ask for a roll call, please.
MR. McEVOY: All right. Let's start with Francis.
MEMBER THICKE: Aye.
MR. McEVOY: Wendy?
MEMBER FULWIDER: Aye.
MR. McEVOY: Nick?
MEMBER MARAPELL: Abstain.
MR. McEVOY: Tracy?
MEMBER FAVRE: Abstain.
MR. McEVOY: Carmela?
MEMBER BECK: Could I get
clarification on the vote, how I'm voting.
I'm voting against that.

MR. McEVOY: You're asking for
clarification on the motion?

MEMBER BECK: Yes, one more time.

I'm sorry. It's really long.

MEMBER FELDMAN: The motion is to
revert to the PPM and confer the duties of the
chair back to the selected chair of the NOSB.

MR. McEVOY: Okay.

MEMBER BECK: That's a no.

MR. McEVOY: Hold on just a minute
here.

(Pause.)

MR. McEVOY: We're going to take a
five minute recess so we can understand the
process here. So I apologize for that, but
we'll get started in a few minutes.

(Whereupon, the above-entitled
matter went off the record at
9:17 a.m. and went back on the
record at 9:19 a.m.)
MR. McEVOY: So, thank you very much, Jay. Your motion is not a debatable ruling, so we're going to continue on here with introductory statements. And we're going to get into this in a lot of detail in terms of FACA and the Organic Foods Production Act and the NOSB policies and procedures manual. That's part of the introductory remarks.

Okay. Nice music, but --

MEMBER FELDMAN: May I just make a statement to close this out?

MR. McEVOY: Sure.

MEMBER FELDMAN: Thank you.

MR. McEVOY: Please.

MEMBER FELDMAN: Thank you, Miles.

Obviously, you know, there's -- the word I got was that the meeting might have to be closed down if we couldn't resolve this, so it's not my intent to close the meeting down. The most important part of this meeting is hearing from the organic community on all
these important issues.

I do believe this issue remains unresolved, and I do believe very strongly that until we have very clear policies and procedures as required in our democratic society to run meetings of this sort, public meetings, that we do operate outside the law. So we'll leave that issue on the table and in the spirit of collaboration, I concur with your moving on with the meeting. Thank you so much for addressing these issues.

MR. McEOVY: Yes, thanks, Jay.

And we are certainly operating within the law and under FACA and OFPA in this, in everything that we do. There's certainly questions that will come up in terms of procedure and how we operate, and we're happy to hear those questions, go back to counsel and report back to the Board about procedures.

So again, good morning. Thanks to everyone for coming. We're getting a little bit of a late start here, but there's a lot of
things to cover as well.

So I'd like to open the National Organic Standards Board meeting. As I said, I am Miles McEvoy. I'm the deputy administrator in the Agricultural Marketing Service, I'm the Program Manager of the National Organic Program, and I'm the Designated Federal Officer of the National Organic Standards Board.

Under the Federal Advisory Committee Act, and as per the NOSB policy and procedures manual, which says that the Designated Federal Officer can chair the meeting, it is my pleasure to open the San Antonio meeting.

Welcome to Board members and the public. I look forward to a great meeting. We've already had a lot of interesting things happening, and we'll continue to have that, I'm sure. In a moment, I will turn the meeting over to Mac Stone, the NOSB Chair, but first I have a few things that I'd like to
First of all, I want to thank the NOSB members for their service to the organic community. All the members of the Board are volunteers. They devote hundreds of hours on researching topics, discussing and developing proposals, reading and listening to the public comments, they all try to do this to provide the best recommendations possible to the National Organic Program, to the Agricultural Marketing Service, and to USDA.

Second, USDA, Agricultural Marketing Service, and then National Organic Program value very much the advice and recommendations of the NOSB. We are working to understand those recommendations, to review those recommendations and implement them as needed. There are many NOSB recommendations that have been passed over the years. There's dozens of them that we still have in the queue to be worked on.

Over the last year, many NOSB
recommendations have been acted upon by the NOP, including draft guidance on classification of materials, proposed rule on biodegradable mulch, certification requirements for unpackaged organic products, and many more.

We have significant -- we made significant progress on aquaculture, pet food and origin of livestock with proposed rules coming out later this year. And then many others are being worked on well, including animal welfare. The NOSB has passed dozens of recommendations and we're still trying to catch up with your great work.

Third, we value all of the public input and comments. We appreciate all the time that everyone puts in to the written and oral comments. We're here to listen and understand. That's part of the reason why we're sitting up here at the table. If you've been here over a number of years, when I first got here in 2009, the program sat down in the
front row and separate from the Board. And over the last few meetings, we've been sitting off to the side.

But what we've heard and you'll hear more in the NOSB assessment is that a lot of the comments that you all make are comments to the program as much as to the Board, and we want to be here, listen to your comments, understand where you're coming from to make sure that we can, in the best way possible, try to address your comments and move forward with the best interest of the organic community as a whole.

Fourth, we have heard a lot of comments and angst about the revised Sunset process and some changes to the NOSB procedures. Even Secretary Vilsack received a letter from Secretary Leahy and Congressman DeFazio last week. So we understand there's a lot of interest in the revised Sunset process.

We ask that you listen to our
presentations on the Organic Foods Production Act, on the Federal Advisory Committee and on the revised Sunset process. I think that you will find that the changes are better aligned with OFPA and FACA, ensure a better process and better public input and better protect the organic community from minority changes to the organic requirements.

And lastly, USDA is very supportive of the organic sector. We are busy in many areas to support the sector as you will hear throughout the day. Keep up the great work. We salute the work that you already do to support organics and protect the integrity of the organic label.

So let me briefly cover the agenda for the next few days. We have a lot of topics to cover over the next few days. Today we start with an overview of NOSB procedures, covering the NOSB assessment, the Organic Foods Production Act, FACA, the Federal Advisory Committee Act, and the NOSB policies
and procedures manual.

Next, Dr. Jean Richardson will provide an update on the policy development subcommittee. Next we'll cover the National List and petition process, a brief overview of rule making, how NOSB recommendations become law, followed by the revised Sunset process. Next will be a report from the National Organic Program, of the activities that we're up to. Then we'll have lunch.

The afternoon will start with a presentation from USDA's Natural Resource Conservation Service on opportunities for organic farmers, and some issues regarding conservation practices on organic farms. This presentation will help explain the memo that we sent to the Board yesterday requesting that they work on soil conservation practices for organic farms.

Next we'll have a report from the Secretary's office on all the activities at USDA that support organic agriculture.
Then we get to the most important and interesting part of the meeting, the public comments. Public comment runs to the end of today and through a majority of Wednesday. Thirty percent of the meeting time is devoted to public comments.

Wednesday afternoon we'll have the crop subcommittee items that will be discussed. Thursday the Board will cover livestock handling certification, accreditation and compliance and materials items. Friday morning will be for deferred items, NOSB officer elections, and then we'll wrap up by noon.

So, okay, now I'm going to introduce the USDA team that's here. First of all, I have Dr. Melissa Bailey on my right, the NOP standards director. Next to her is Dr. Lisa Brines, the National List Manager.

We have Michelle Arsenault, our NOSB advisory board specialist that will handle all of the oral public comments. So if
you have any questions about logistics or timing, please connect with her. She also -- if you have anything for handing out to the Board or for your presentations, get that information to Michelle.

We also have Mark Lipson, Organic Policy Director from the Secretary's office. He'll be speaking this afternoon. We have Sam Jones from AMS Public Affairs, so if there's any media here, please check in with Sam. And then we have Sara Brown from the Natural Resource Conservation Service who will be speaking about soil conservation this afternoon.

Okay. Mac, now I'll turn it over to you.

CHAIR STONE: Thank you, Miles. It's been a year since we were together. That's given a lot of us time to think, it gave the USDA time to do some recalibration and looking at how we operate. The Board had a training in February and we
were apprised of a lot of these changes, and so the Board has spent a lot of time in discussion of, we still have a lot of responsibility to take -- all these 15 of us have a lot of responsibility to assimilate and make decisions on your all's behalf.

And I assure you there are no easy decisions on this side of the microphone, and we need and thrive off of all of your all's input. But ultimately we have the responsibility to take the longer view or to respect our perspective of where to guide this ship.

So I look forward in the next few days as we sort of land in a new spot, if you will, and agree to go forward because it's quite frustrating when we keep punching each other in the nose rather than agreeing on our differences and then ultimately leaving it up to us to decide. And I say, there's no easy decisions. There's always people that benefit and people that come up short on a decision.
So I urge us to have a very serious conversation and respect each other's differences. But ultimately these 15 people -- these 14 people that I've grown to respect very much are going to have to make some decisions in the next few days, and we just need to listen and we need to agree at some point how we're going to go forward. The Board still has a lot of responsibility here. The Board's responsibility was not take away. The procedure was changed in the way we operate.

So we didn't get -- I didn't get a chance to welcome to all to Louisville last October. We have rescheduled that meeting in Louisville, so I look forward to hosting all of you all in the great state of Kentucky.

And I would remind you, if everyone would turn your cell phones on vibrate, please. Also, there will be a reception tomorrow night. Right, Michelle? Tomorrow night's the reception? NCAT, Robert
Maggiani and several other members; TOFGA, Texas Organic Farming and Gardening Association, Whole Foods, Crave Market, Zurich International Properties, Eugene Martinez Farm, and -- I should have read this before -- Valhausen Family Farm. Mr. or Mrs. Valhausen, excuse me for pronouncing your name however I should have.

So that is around the corner.

There are maps I guess out on the little table. It's just two or three blocks away, and we very much appreciate them letting us all get together in a casual setting tomorrow evening.

As is tradition, at some -- we always remind ourselves of the vision, of our mission, if you will, is to assist in the development of standards for substances to be used in organic production and to advise the Secretary on any other aspects of the implementation of this title.

And I chose that mission statement
versus the vision. We still have the responsibility, we still have a mechanism to advise the Secretary. Again, the process may have changed, but the responsibility and the ability to effect change has not changed.

With that I failed to introduce myself. And then I'll ask the Board members to follow suit. Again, I'm Mac Stone, currently the chair of the National Organic Standards Board. My wife and her brother and their family and I run a certified organic farm in Kentucky. We have CSA, farmers market, mostly a direct market operation. I'm dramatically impacted by the work of this Board over the past few years, and represent the certifiers on the Board.

And with that I'll hand it off to Mr. Foster. We'll go this way.

VICE CHAIR FOSTER: My name's John Foster. I've been -- this is my last of five years on the Board. I represent handler/processor folks. I, in the past, have
served as crops -- going back then -- crops
committee chair and have also served as the
chair of the handling subcommittee after the
name change. It's, again, a pleasure to be
here, and I -- my other job is for Earthbound
Farm. I work in the areas of regulatory
compliance.

SECRETARY WALKER: Good morning.

My name is Calvin Walker. However, the last
two years I've changed it to C. Rueben Walker
because I found out that it helped with
funding for my university. When you get 3-
and $400,000 in grants when you use C. Rueben
Walker, you might as well continue to use C.
Rueben.

Again, I would like to welcome
everybody to Texas, the neighboring state of
Louisiana. And before I say a little bit more
about myself, I would like to say
congratulations and happy birthday Dr. Jean
Richardson. Today she's 25 years old.

(Applause.)
SECRETARY WALKER: I was appointed to the Board by Secretary Vilsack as a consumer, a public interest advocate. My way to organics came about by Mr. Frank Stronach, former founder of Magna Corporation in Canada, and Dennis Mills, his CEO. And their efforts was to help grow organics among minorities during the time of Katrina.

And I was one of the individuals that they had called to help. I didn't know a lot -- I used the word shiggity. Shiggity is a word I could tell you what it means later on. I think it's good for the transcript to use the word shiggity. But Mr. Stronach and Dennis Mills was able to give me some good guidance about organics. And this is the way that I came to organics, and I'm glad that these two individuals were a part of my evolution to organics.

I currently serve as chair of the Agricultural Sciences and Urban Forestry Program at Southern. And I represent, again,
the consumers, the public, and I served as the
vice -- as the chair of the materials
committee, and I'm member of the livestock
committee.

MEMBER RICHARDSON: Thank you,
Calvin.

I'm not as funny as Calvin is.

But I have -- you know, anyway. So I'm Jean
Richardson. I have a background in the
biological and earth sciences and law,
professor emerita of environmental studies and
natural resources, University of Vermont.

I used to operate a small family
farm. Mostly we had animals like a sort of
McDonald's farm, is you will, grew little of
everything. Now I help my kids on their
organic maple syrup production business in
northern Vermont. And we had a very late
season this year because of the weather.

And also an organic inspector,
have been for about 14-15 years, for both
farms and for processing and for handling, and
I represent public interest on the Board. I'm also on the handling subcommittee, the livestock subcommittee and the accreditation subcommittee, and for a brief period I was a chair of policy, and maybe I still am, that yet remains to be seen. Thank you.

MEMBER DICKSON: Thank you, Jean. My name is Joe Dickson. I am the global quality standards coordinator at Whole Foods Market just up the road in Austin, Texas. I am in my fifth year on the National Organic Standards Board as the retail representative on the Board.

I serve on the compliance, accreditation and certification committee, along with the livestock and the handling committees, and I'm happy to be here in San Antonio and welcome you all to Texas.

MEMBER BECK: Good morning. My name is Carmela Beck. I work for Driscoll Strawberry Associates. We're based out of Watsonville, California. I'm the organic
program manager, so I do the certification for all of our organic farmers. I have the farmer seat. I'm in my third year. I am the chair of the CACS and I also am on the crop subcommittee. And it's nice to see all of you here.

MEMBER FAVRE: As we say in Texas, howdy. As a native Texan, I'd like to welcome you to the great republic of the state of Texas, home of the Alamo, which I encourage you to go see. Every school child in Texas in the eighth grade takes Texas history, and the Alamo is one of the great stories of the state of Texas, so I encourage you to go.

My name is Tracy Favre. I'm currently head of the livestock subcommittee. I am a registered professional engineer in the state of Texas. I sit on the environmental -- one of the environmental seats on the Board after having worked as an environmental engineer in the state of Texas for 18 years. I currently have a small diversified family
farm in Granbury, Texas, just southwest of Ft. Worth. Thank you all for coming here today.

MEMBER MARAVELL: Hi, I'm Nick Maravell, organic producer of crops and livestock in Maryland.

MEMBER FULWIDER: Hi, I'm Wendy Fulwider, and I represent producers on this Board. I own a certified organic dairy farm with my son, Cody, in Ripon, Wisconsin, and we also direct market grass-finished beef, pastured pork and free range poultry. I also work for Global Animal Partnership as a farm animal care specialist.

MEMBER THICKE: Hi, I'm Francis Thicke. I'm from Iowa, an organic dairy farmer, and we market our products locally, process it on the farm. I'm also a soil scientist and in the past have worked at USDA in Washington as a natural program leader for soil science with the USDA extension service. And I sit in the environmentalist chair.

MEMBER BONDERA: Hello everybody.
My name is Colehour Bondera and I'm glad to be in Texas, but I'm here from Hawaii, and I'm a representative on the board of organic farmers, which my family has a small diverse organic farm in Hawaii. I think the only thing worth sharing is that I serve -- I'm former chair of the policy development subcommittee, as Jean referred, and I serve on the crops and the livestock subcommittees. Thank you.

MEMBER TAYLOR:  Good morning. I'm Jennifer Taylor and on the Board I serve and represent the public and the organic community. Thank you.

MEMBER FELDMAN:  Good morning. Good morning. Jay Feldman. I am Executive Director of Beyond Pesticides. I serve in the environmental conservation slot on the Board. Our organization is a diverse mix of scientists and activists and farmers, farm workers who come together around the idea that toxic chemicals have no place in our society,
especially in the production of food. We
believe very deeply that we need to grow the
organic community, grow the organic commitment
on behalf of consumers and all those out there
that are concerned about health and
environment.

And we do that by building trust,
trust in the organic label. So you'll hear me
speaking throughout this meeting from that
perspective because we believe organic is the
solution to pesticide pollution. And it is an
honor to serve with all of these incredibly
dedicated people on this Board and in the
agency. And I hope we can make the right
decisions over the next couple of days. Thank
you.

MEMBER SONNABEND: Hi, I'm Zea
Sonnabend from Watsonville, California. My
affiliations are Fruitilicious Farm and CCOF.
I chair the crops committee and serve on the
handling committee and the materials/GMO
committee, and the inerts working group.
MEMBER AUSTIN: Good morning. My name's Harold Austin. I'm with Zirkle Fruit Company. We're a handler and a processor out of the state of Washington farming organic apples, cherries, pears, wine grapes, blueberries.

I sit as the chair of the handling subcommittee, I serve on the crops committee and also the CACS. I've been a part of the organic industry for a little over 20 years, first as a consultant and then as part of the part of the company that I now work for. I'm very proud of that affiliation and that association.

We've come a long ways, our organic family. And that's everybody in this room. And I'm proud to be a part of the growth of what organics is today compared to where we were even just a mere five, six, seven years ago. We've got a long ways to go. We've got a long ways to work together to overcome the hurdles and challenges that our
organic industry and our organic family and
community will face.

And we need to do that together
collectively. There's a way that we can step
into the same room and work with same
commitment, no matter what your perspective,
no matter what your passion, no matter what
entities you represent, as we can show by the
15 of us that sit on this Board working
together for a common goal.

I'm glad to be a part of it, and I
thank you all for being here. And I would
like to say that Washington State's also -- we
don't have a basketball team anymore, but we
are the home of the Seattle Seahawks, the
world championship football team.

CHAIR STONE: And that ball
doesn't really bounce very well, does it?

MEMBER AUSTIN: A little bit
pointy.

CHAIR STONE: Well, thank you all.
And, Zea, I think I'll recommend to the
executive committee that we make that the non-
GMO committee. Okay?

All right. Thank you. Yes, we
are here -- as I said, this group of
individuals up here is going to have to make
some decisions, and the better that we can
engage with you all and have a spirited
debate, if you will, is very important. Miles
referenced that a full third of the time that
we have together is in oral comments.

I'll assure you that written
comments, all of us around the table that look
a little bleary-eyed, it's not from jet lag,
it's from reading every single one of those
written comments so that when we get together
we can address the specific issues.

And when we get substantive
written comments, it affects the way we do
business on this side of the table. We're
looking at how do we have a more efficient
method of us getting your all's input into the
process.
So those are the types of things that are still very much alive and very much of what we're trying to do on your all's behalf, as Harold said, to grow this community and grow that seal that you see displayed up on the board behind me.

So with that, Miles is going to give us some assessment that the program has been working through with their staff at USDA.

MR. McEVOY: Okay. Thanks, Mac.

So what -- the next part of the day is going to be the presentations that we actually gave to the National Organic Standards Board in February in an abbreviated fashion. So all of the content that's going to be covered today is already up on our website. You just go under the NOSB February training and you can find the content for a lot of things that we cover today.

This is a shorter version of that, but we're going to go through that information again. Part of the information that we got
from the assessment is that it's very important that we're very clear on what the procedures are, how we operate, and in many different levels of USDA and AMS, NOP and NOSB.

Okay. Great. So I'm going to -- first, I'm going to cover the NOSB assessment, then I'm going to cover NOSB under the Organic Foods Production Act and the Federal Advisory Committee Act, because both of those Acts, those statutes are very important to the understanding of how the National Organic Standards Board works, and then get into NOSB procedures.

So first of all, we all know about the concept of continual improvement under the organic principles. We're always looking of ways to improve the process, to make the system better. This is a public/private partnership the way that the Organic Foods Production Act was set up, a partnership between public entities and private groups.
We've received requests from the public for more transparency and clarification of the NOSB process. Many of the people in this room have submitted those kinds of comments over the last few years.

So AMS has these goals of, first of all, to fully address all the NOSB recommendations. There's many recommendations, as I said, that we still have not fully addressed, and to receive advice from the NOSB that we can implement.

We really want to be successful. We want those recommendations to be things that we can actually work with and implement through the governmental process. We're also interested in improving the efficiency and effectiveness of the NOSB to make sure that the recommendations are as effective as possible and really can be implemented.

So last summer we contracted with the Meridian Institute to conduct an outside assessment of the NOSB to try to learn things
of how we could improve that process. The Meridian Institute is a non-profit with expertise in process design, facilitation, mediation and conducting assessments of organizational dynamics. The Meridian assessment report was posted yesterday, so you can see the full report on the NOP website now.

The methodology that they followed is they conducted 33 interviews between October and early December. All the Board members were interviewed and then some key stakeholders. They analyzed that data from the interviews to develop their report.

Now 33 is not that many, it's not a statistically valid sample of the organic community, but that was the resources that we had. We tried to identify our key stakeholders within the organic community that are very active in the National Organic Standards Board process to be the key folks that we interviewed as part of that process.
The key findings in this report of what we heard works from the report is that it was good access to the National Organic Program staff when needed by the National Organic Standards Board, strong leadership from NOP staff, improvements in the organization and implementation of the process in recent years.

If you've been following the National Organic Standards Board, there have been many changes that we've implemented over the years. We'll continue to do that to try to make the process better. Good documentation of public meetings and the subcommittee calls.

Also, a high level of respect among the Board members, public meetings are very effective at moving through established agendas. There's a clear NOSB focus today than in previous years is what they said were their findings. And that stakeholders generally view the NOSB process as transparent
and particularly the public meetings. A lot of value that the stakeholders felt were in these public meetings.

The major themes that they identified in the report were in four areas: roles and responsibilities, communication and transparency, NOSB workload and scope, and NOSB public meetings. So I'll go into each of those in more detail.

So in terms of roles and responsibilities they identified a range of views on the following issues. First of all, NOSB authority. We've already seen that this morning. There's a lot of different viewpoints in terms of what is the NOSB's authority.

The development of NOSB work plans, which I'll cover in more detail later today, there was a lot of differing views on that. And the nature of the partnership between the NOSB and the National Organic Program in developing recommendations and
setting policy. So a lot of divergent
viewpoints in these particular areas.

So their concepts for potential
next steps, first of all, the need to clarify
the extent of the advisory nature of the
Board, the responsibility for both the
National Organic Program and the National
Organic Standards Board in developing and
executing work plans, NOP's legal
responsibilities regarding review of the NOSB
recommendations, and the protocols to guide
collaborative work with the NOSB.

So they also suggested providing
training to new NOSB members, clarifying the
roles and responsibilities. So that's one of
the concepts that we hope to implement, or we
plan to implement is ensuring adequate
training for new NOSB members that come on to
the Board.

In terms of communication and
transparency, their key findings were that
there were differing perceptions of how
effective communication currently is between NOP staff and the NOSB, particularly regarding the development of subcommittee work plans. There was a desire for more communication pathways to the National Organic Program from external stakeholders.

This is one way to get information into the National Organic Program, but there are other methods that we want to highlight as well. There is the NOP guidance at usda.gov that's always open for public comment, so we want to make people aware that there are ways to get comments into the National Organic Program at any time.

And stakeholders also seek a clear understanding of progress that's made on these NOSB recommendations within the USDA's rule making process. So we'll try to be more transparent and more communicative about where we are with the various NOSB recommendations.

So our next steps, review the roles and responsibilities for the National
Organic Standards Board and the National Organic Program; to guide input on subcommittee work plans, we'll go through that in more detail later this morning; establish a means for external stakeholders to provide comment directly to the National Organic Program rather than through NOSB channels. We have some things set up but we need to expand on those.

The Board passed an open communication recommendation last year or the year before that we still haven't implemented. It's one of a number of NOSB recommendations that haven't been implemented that we support. We just haven't gotten that particular item completed.

And providing more clarity on the process that recommendations must go through to be implemented by USDA. And that's what we're going to try to do today, is to provide some more clarity, some more information about that process that we go through to make those
recommendations into effective rules or policy.

The next area was around NOSB's scope. The key issues identified was that there was an extensive NOSB workload, it was hard for many of the NOSB members to manage the work that they have in front of them in terms of the national risk, the Sunset and the other work that the Board is working on.

Desire for more strategic conversations. On the one hand there's too much work for the Board, on the other hand the Board wants to have more higher level strategic conversations about the direction of the organic standards, organic community.

The complex technical nature of petitions reviewed by the Board. That's very much a challenging thing for the Board members. These are very complex technical issues on many of these materials. And then uneven distribution of work among subcommittees.
So potential next steps here, one idea is to focus strictly on National List issues. That's the area of authority specifically granted under the Organic Foods Production Act. Clarify the process of identifying and vetting experts to participate in technical advisory panels, and focus additional efforts on technical support for NOSB subcommittees.

One of the things that we've done over the last few years, each of the subcommittees now has a technical representative from the National Organic Standards Board to try to provide support to those subcommittees. But still the Board wants more information and more support, so how can we provide more support, technical support for those subcommittees.

In terms of effective public meetings, the meeting duration was seen as limiting the robust discussion, so certainly a suggestion for longer public meetings. The
oral public comment was viewed as having a disproportionate impact on the NOSB meetings. The high volume of written public comments is difficult for the Board to review. Part of the problem is, is that the written comment period closes pretty close to the meeting date, so it's a very, very compressed amount of time for the Board to review all those comments between the closure of written comment period and the opening of the meeting. A need for more collegial meeting environment and desire for more robust dialogue among Board members during meetings. So potential next steps here, consider length of public meetings as well as conducting some portions of the public meetings via teleconference, webinar or other virtual means. So we might want to look into some of those concepts of using technology to expand the open public meetings that the Board has. Establish a mechanism to gather
and consider written comments directed to the
NOP rather than the NOSB. So is there some
way that we can carve off part of the meeting
for comments directly to the National Organic
Program. Consider restructuring the public
comment process to better facilitate direct
dialogue and feedback. Consider whether focus
should be on oral or written comments and
adjust schedules accordingly.

There's some interesting ideas
that they have in the assessment report about
ways of improving the dialogue or other ways
of running this meeting to have more dialogue
and discussion at these meetings.

Other things that the assessment
report discusses is subcommittee process and
functions, NOSB policies and procedures and
Board member selections. So please take a
look at the assessment report. There's a lot
of really good information in there that can
give us some ideas of how to continue to
improve the process.
So now moving on to the National Organic Standards Board. As you know, the Board is appointed by the Secretary of Agriculture under the Federal Advisory Committee Act. The purpose of a FACA committee is to obtain advice or recommendations on issues or policies within the scope of an agency's official responsibilities. NOSB reviews substances and recommends if they should be allowed and prohibited.

USDA's role with the National Organic Standards Board, we have specific responsibilities, including ensuring that there's public access to the NOSB actions and that that is maximized. We're responsible for issuing administrative guidelines to the National Organic Standards Board. We're responsible for controlling the undue influence of special interests by balancing committee membership. This is all from the Federal Advisory Committee Act.
responsible to monitor and reduce costs as much as possible to make -- to maximize the return on the investment of public money into these meetings.

In addition, USDA may not include exemptions for the use of specific synthetic substances without them having been proposed or recommended by the National Organic Standards Board. We all know this point, but it's important to reiterate that the USDA, the National Organic Program cannot add anything, any synthetic substance to the National List unless there's a recommendation for that to happen that comes from the National Organic Standards Board.

In addition though, also within OFPA, USDA is responsible for evaluating the OFPA criteria associated with National List substances. So there's a shared responsibility.

We certainly can't add anything to the National List that hasn't been recommended
by the Board. But just because it's recommended by the Board, we still have to do the analysis to determine that it meets OFPA criteria and may or may not decide to add something to the National List.

So our specific role with the National List, we establish and administer a national list of approved and prohibited substances. That's the -- AMS' responsibility. Those are based on the recommendations from the National Organic Standards Board.

The Secretary may not include exemptions for the use of specific synthetic substances without a recommendation from the Board, and we must publish any proposed amendments to the list and seek public comment, and must note any changes the Secretary has made to the Board's recommendation in any proposed and final rule making that we do.

After evaluation of the comments,
the Secretary shall publish the final National
List, along with an analysis of the comments
that we received on the proposed National
List.

In terms of the Sunset provision,
receive the Board's five-year review on the
National List substances and determine whether
or not to renew those substances. That's the
USDA's responsibility.

So we'll quickly cover the Sunset
provision, but we're going to go into a lot
more detail on the Sunset provision later this
morning. From the statute, no exemption or
prohibition contained on the National List
shall be valid unless the NOSB has reviewed
such exemption or prohibition as provided in
this section within five years of such
exemption or prohibition being adopted or
reviewed, and the Secretary has renewed such
exemption or prohibition. So the process is
the NOSB reviews, and the Secretary renews
these substances on the National List.
So from our perspective the Sunset process needed to be revised. There was a lot of drawbacks to the previous process. It only required two-fifths of the Board to remove a substance from the National List.

Every Sunset required three NOP rule making steps. Substances used to be discussed in one public meeting and there were many annotation changes that were problematical for us to implement during the rule making process.

So the revision we feel has many benefits. It's a thorough and transparent review process for all substances, it provides two public comment opportunities before the NOSB completes its review of each substance, it ensures that any change to the National List, whether it's petitioned or through the Sunset process, is supported by two-third majority, a decisive majority of the National Organic Standards Board.

And it streamlines the
administration of the National List by
simplifying our rule making process. So we
see there are many benefits to this revised
process. And as I said, we'll get into this
in more detail later this morning.

So a little bit of legislative
history of the creation of the -- and the
membership of the National Organic Standards
Board. The 1990 Farm Bill Senate Committee
and Conference Report, Board membership was
carefully selected to provide a balance of
interests.

There was concern about
appropriate representation given the Board's
anticipated influence in setting standards.
At the time it was noted that the interest of
farmers and handlers and the interest of
consumers and environmentalists required
balance, and that's why the representation
included six of each of these two interest
groups. It was then supplemented by a
retailer, and then later by a certifier and a
scientist to have the 15 members of the Board.

The two-third majority vote to carry any motion was set to adequately prevent any one interest from controlling the Board. So the idea is to have a majority, more of a consensus viewpoint when there's a recommendation that comes out of the National Organic Standards Board.

So under the Organic Foods Production Act, it states that the Secretary shall establish a National Organic Standards Board in accordance with the Federal Advisory Committee Act to assist in the development of standards for substances to be used in organic production and to advise the Secretary on any other aspects of implementation of this title. So those are the specific things that come from the statute about the National Organic Standards Board.

There are many responsibilities that the NOSB has. First of all, provide recommendations to the Secretary regarding
implementation of the Organic Foods Production
Act, develop the proposed National List or
proposed amendments to the National List for
submission to the Secretary, convene technical
advisory panels to provide scientific
evaluation of materials, review botanical
pesticides, advise the Secretary on product
residue testing, and emergency spray programs.

And there are some specific
requirements while establishing the proposed
amendments and those include reviewing
available information on potential adverse
human and environmental affects, obtain a
complete list of ingredients of considered
substances from manufacturers to determine if
it includes synthetic inert materials, and to
submit to the Secretary results of the Board's
evaluation and any technical advisory panel.

And then to use seven specified
evaluation criteria which are in very small
print here, but there are seven specific
criteria that the Board continually uses to
evaluate substances through the Sunset process
and through the petition process.

And this is abbreviated, but those
seven areas are to look at detrimental
chemical interactions. The second one is
toxicity and mode of action, the break down
products, the persistence in the environment.
The third one is probability of environmental
contamination during manufacturing and use.
The fourth is effect of the substance on human
health.

The fifth is the affects of the
substance on biological and chemical
interactions in the agroecosystem. The sixth
is alternatives to using the substance. And
the seventh is compatibility with a system of
sustainable agriculture. So those are the
criteria that the Board utilizes to determine
whether or not a substance meets the
requirements under OFPA.

The Board is also responsible for
establishing procedures for receding petitions
to evaluating substances for inclusion on the
list, and to conduct Sunset review of each
substance on the list within five years of
that substance being adopted or renewed.

Okay. Now with that every quick
overview of some of the provisions in OFPA,
we're going to move on to the Federal Advisory
Committee Act. And under the Federal Advisory
Committee Act the Secretary has certain
responsibilities to establish the National
Organic Standards Board in accordance with
that Federal Advisory Committee Act.

And FACA committees are
established for the purpose of obtaining
advice or recommendations on issues or
policies within the scope of an agency's
official responsibilities. Like the NOSB,
many FACA boards are statutory. In 2012 141
of the 169 USDA boards were statutory.

So the USDA has many FACA boards,
many advisory committees that provide advice
and recommendations to the Secretary.
169 as of 2012, and many of those are
statutorily defined by Congress.

So the NOSB is unique and special
and it's also the same as many other advisory
committees. It operates under the Federal
Advisory Committee Act and therefore the
Federal Advisory Committee Act is really,
really important to have a basic understanding
of some of the provisions in FACA that affect
the operations of the NOSB.

And federal advisory committees
exist to advise and recommend, not to decide.

Obviously the recommendations are very
important to USDA, and we try as much as we
can to address them and to implement them, but
they are recommendations. They're advice to
the Secretary. It's the USDA's responsibility
to have the rules and the policies and the
guidance for enforcing and protecting organic
integrity.

Some of the requirements that FACA
committees must have, there has to be a
charter. It has to be established with mission and duties and the charter has to be renewed every two years. We have a charter that's just about ready to expire. The new charter will be posted very shortly, within the next few weeks I believe.

And the charter is a very important thing. It's on our website, people should take a look at it. It has some basic provisions about the operating procedures for the National Organic Standards Board.

FACA committees also have to have fair and balanced membership. The Secretary appoints the members based on the Organic Foods Production Act's categories. A Designated Federal Officer for advisory committee and its subcommittees has to be designated.

FACA assigns a number of activities to the Designated Federal Officer. And there also has to be an opportunity for reasonable participation by the public in
advisory committee activities, subject to agency guidelines around FACA committees.

Open meetings is part of the FACA rules, so open meetings with opportunity for public comment. Any member of the public is permitted to file a written statement with the advisory committee, and any member of the public may speak to or address the advisory committee within the appropriate guidelines.

So everything that the Board does has to be done in -- under the Open Public Meetings Act and in the public.

So what's the difference between subcommittees versus committees? That's why we changed the name a few years ago. We used to call the subcommittees committees, but committees are things that are subject to the FACA rules. That's why we're now calling them the handling subcommittee, the crops subcommittee, and so on.

Subcommittee meetings must be conducted in accordance with FACA's openness
requirements if recommendations are made directly to the federal agency. And the way that the things are set up under this Board is subcommittees do not make recommendations directly to USDA or AMS. They provide a process for the Board as a whole to have some work being done and proposals brought forward to the full Board for discussion and decision.

So there's no decision making that occurs at the subcommittee level. They're just bringing things forward, organizing the work so the full Board that meets here today and other meetings, this is where the final advice and recommendation is determined.

So the parent advisory committee would -- subcommittee would have to meet FACA openness requirements if the parent advisory committee would adopt the subcommittee recommendations without any further deliberations. The further deliberations happen here.

NOSB subcommittee proposals do not
come directly to USDA, they come through the 
NOSB full committee, and this is why the 
subcommittee calls are not currently opened to 
the public, and this is also why we call 
subcommittee products proposals rather than 
recommendations.

So our responsibilities,
Agricultural Marketing Service's 
responsibilities is, first of all, we need to 
comply with FACA, with Federal Advisory 
Committee Act. We need to issue 
administrative guidelines and management 
controls that apply to advisory committees. 
We designate a committee management officer 
and a Designated Federal Officer for each 
advisory committee and its subcommittees. 

We provide a written determination 
stating the reasons for closing any advisory 
committee meeting to the public, and we have 
to review at least annually the need to 
continue each advisory committee consistent 
with the public interest and the purpose of
each advisory committee. So every year we
have to submit a report on the NOSB and
whether or not the NOSB should continue to
function as an advisory committee.

We also determine that staff,
experts and consultants to advisory committees
are justified and levels of agency support are
adequate. We develop the procedures to assure
that the committees' recommendations will not
be inappropriately influenced by the
appointing authority or by any special
interest, but will instead be the result of
the committee's independent judgment.

We also are responsible to assure
that the interests and affiliations of
advisory committee members are reviewed for
conformance with applicable conflict of
interest statutes, regulations issued by the
Office of Governmental Ethics, including any
supplemental agency requirements and other
federal ethics laws. There's a lot of
different things that we're responsible for to
make sure that these are operating appropriately for the National Organic Standards Board.

AMS' Designated Federal Officer, which is myself, to the NOSB is the NOP deputy administrator. The Designated Federal Officer is the one that calls the meeting, that attends the meeting, and adjoins the committee meetings. That means the NOSB meetings are called and adjourned by the Designated Federal Officer.

We develop and approve the agendas. Obviously with lots of input from the National Organic Standards Board, but it's our responsibility to develop and approve the NOSB agenda. We maintain the required records and we retain the budgets, we ensure efficient operations and adherence to FACA and other laws, we develop committee reports for the committee management officer and we must submit an annual report on Board activities, meetings and expenses. So we have lots of
things that we do to support administratively
the operation of this Board and the important
work that the Board does.

So if you put FACA and OFPA
together, OFPA doesn't direct the NOSB to
decide. OFPA asks NOSB to assist in the
development of standards, to provide
recommendations, to evaluate substances, to
develop proposed national lists and proposed
amendments to the list for submission to the
Secretary. So you all are making very
important recommendations, but they're not
implemented unless the USDA AMS goes through
the process to adopt them through rule making
or guidance or policy.

The Secretary -- and that
authority has been delegated by the Secretary
to the Agricultural Marketing Service, retains
the decision making and rule making authority.

Okay. So one of the things that
we found in the assessment process, lots of
questions about the nominations process. How
do people get nominated, how people do get on to the National Organic Standards Board. The nomination process takes about a year, and I'm going to go through briefly the steps involved in the nomination process.

First of all, we prepare a Federal Register call for nominations, an outreach plan, and complete the clearance process to publish the Federal Register notice.

Secondly, we announce the call for nominations, we target having the announcement open for about two months. Then the applications come in, we review those applications for completeness and for some basic requirements, for instance whether or not those applicants fit the requirements under the OFPA categories.

Next we vet those qualified candidates against the exclusion criteria.

There's some folks that are not eligible to serve on the Board, if they're a registered lobbyist or if they are on another advisory
committee, they can't serve on more than one advisory committee at a time.

Next -- it looks like we skipped number five there. I don't know what happened to number 5. We go from four to six. We interview the qualified and vetted candidates and we prepare a slate, an information summary about the qualified and vetted candidates for the Secretary's consideration. Then the Secretary selects that appointee and the appointee announced and the term begins in January.

Okay. So there's a range of factors that are considered in evaluating those applicants for the Board. First of all, the OFPA categories of seats to be filled, that's a mandatory requirement. Second of all, we have a recommendation from the National Organic Standards Board on criteria for board membership that came out in 1999. We're going to cover that in more detail in the next slide. The other things that we're
looking at is ability to work collaboratively with other Board members and with USDA.

And then there's -- the Secretary is very passionate about diversity and wanting to make sure that the Board represents all racial and ethnic groups, women and men and persons with disabilities. Very, very important to have that diversity of the American public represented on the National Organic Standards Board.

So in 1999 the NOSB recommended criteria for board membership. These criteria are on the NOP's nominations webpage and in our Federal Register announcements. And they're used during the candidate evaluations. So this is an example of an NOSB recommendation on what are the criteria for board membership that USDA has implemented in our process in terms of nomination and appointment of new board members.

The criteria that are in the Federal Register notice that come from the
NOSB recommendation are understanding of organic principles and practical experience in the organic community, experience in public policy, commitment to organic integrity, ability to evaluate technical information, the willingness to commit time and energy needed, and demonstrated experience and interest in organic production and certification. So lots of different criteria that are utilized in this whole evaluation process.

So we do have a call for nominations that's currently open. We're accepting nominations for four new members. The members are appointed by the Secretary, it's a five-year term, it starts in January of 2015 and runs through January 2020. We're seeking nominations for the following seats: individual with expertise in areas of environmental protection and resource conservation, an organic producer who owns or operates an organic operation, organic handler who owns or operates an organic handling
operation, and a retailer with significant trade in organic products.

So those of you here that are sitting in the audience, if you have any interest in serving on the Board, we'd love to see your nomination come in so we have a diversity of folks that can be considered. And as I said, the nomination is open until May 15. More information is available on our website, so please consider it, and take the opportunity to serve up here with your fellow community members.

Okay. Now we're going to move on to the policies and procedures manual. The policies and procedures manual is a very valuable resource for the Board, for the National Organic Program, and the public. From 2002 to 2013, the PPM was developed by the Board with revisions open to public comment. Moving forward, AMS is taking the leadership role with the policies and procedures manual.
The reason for this is, as you saw from the earlier slides, is that we're responsible for that. Under the FACA requirements we need to provide the guidelines for the Board to operate.

But the policies and procedures manual is an excellent document. There are many things that are just -- have been worked on for years and work really, really well that will continue to be utilized as we move forward.

So the content of an amended policies and procedures manual will include NOP policies and procedures that are related to the National Organic Standards Board, for instance the conflict of interest memo that we sent to the Board last year.

There are many parts of the existing policies and procedures manual that are working well and will be kept, and there are some parts that need to be updated and revised. For instance the Sunset revision
component needs to be updated and revised. If you look at the Sunset revision component currently, it actually conflicts with each other. In one part it says that there's a renewal process, in another part it says there's a withdraw -- removal process. So there are things that need to be clarified to make sure that that policies and procedures manual is up-to-date.

Okay. Moving on to the topic of work plans. As I presented, AMS drives the priorities for what the Board considers. The Board certainly has a voice in this process. The public may petition additions or deletions from the National List, and the public may also submit comments directly to the Board, and also write to the National Organic Program. As I said, we do have a way to comment at any time at nophguidance@usda.gov. So you can submit comments to the National Organic Program at any time for things that you feel that we should be working on.
FACA requires that agencies effectively use resources, so we're not going to be asking for advice that we don't have the authority or ability to act upon. So in terms of the criteria for adding work plan items, first of all, we would look at whether the work plan item is within the scope of the authority of the Organic Foods Production Act and within our scope of authority, under Agricultural Marketing Service.

Secondly, whether or not it's a priority for USDA and the National Organic Program. The item must be a priority for USDA and NOP, and something that are able to implement in a reasonable time frame. There has to be a clear need. The item must reflect a clear need from the program and the organic community for which information or advice is needed. And it could be a need, but we already have enough information, so we don't necessarily need it to be on the work plan.

There are items -- for instance,
last year the Board was working a little bit on the definition of production aids, but we already had a recommendation from the National Organic Standards Board on production aids from 2005 that we actually have not fully addressed. So there's no clear need for additional work to do on that until we have the time to evaluate the old recommendation. And then clear scope. We must have a clear sense of what the intent and scope of that work plan item is.

So we are trying to be more transparent with the organic community about work plan items, so we are now sending memos to the Board about work plan items that are not under the National List or Sunset review process, so we've sent memos on ancillary substances yesterday, improved guidance on preventing GMO presence in organic products and assessing soil conservation practices.

We think these memos are important to be transparent to the public, indicate that
there is a need for the Board to work on that particular topic and clarify the parameters in terms of the scope of the work on this topic and the authority of that particular work plan item. So take a look at those memos and we'll be continuing to use that process in the future.

In terms of the public meeting agenda, the public meeting agenda is prepared by the National Organic Program and it's driven by several factors. Of course the Board is very, very involved in the development of the agenda. We're going to be including work plan items that have yielded acceptable discussion documents or proposals, a reasonable time for public comments, make sure that there's time for presentations and expert panel and the cross. Those are the things that we're looking at as we develop the agenda for these public meetings.

And in the future we're looking at maybe some other ways of doing these public
meetings. For instance, a preparatory meeting, a webinar or face-to-face meeting so the Board can review the content of the discussion documents and proposals before getting into the final decision making process. We had three meetings that NOSB had for a couple of rounds that the Board liked a lot, so we're looking at ways that we could maybe incorporate that in a more of an open public session.

For this particular meeting there's only two substantive changes to the public meeting that's being implemented for this meeting, and consistent with other FACA boards, the NOP is co-chairing the spring meeting. There's not really a lot of change there. We have more presentations this time to provide information to the public, but as soon as we're done with our presentations, the Chair of the National Organic Standards Board, Mac Stone, will be running the public comment process and the subcommittee topics for the
next few days.

And then secondly there's only minor adjustments to discussion documents, and proposals will be allowed before voting. If public comments lead to substantive changes, the document is to go back to the subcommittee before voting. So a little bit more on substantive change. So some of the questions or criteria that we're going to utilize to determine whether a proposal is being substantively changed are these: is the NOSB recommendation substantially different from the subcommittee proposal on which it is based?

So these are the factors that we will consider: the extent to which a reasonable person affected by the recommendation would have understood that the published proposal would affect his or her interests, the extent to which the subject of the recommendation or the issues determined in it are substantially different from the
subject or issues involved in the proposal,
and the extent to which the effects of the
recommendation differ from the effects of the
proposal. So really we're looking for the
proposal that's published to be the one that's
acted upon by the full Board. We will allow
minor changes, as long as they're not
substantively different from what was
proposed.

And then the NOP deputy
administrator or designee will determine
whether proposed amendment or proposal would
be a substantive change, just like we've done
in the past. Substantive change amendments
will be referred back to the subcommittee for
further consideration. Okay. So that was a
lot of information. I hope it was useful.
There's a lot of detail there. And again,
these presentations will be put up on our
website, but there's actually a little bit
limpier presentation that's under the NOSB
February training session. So with that we'll
move on. Thank you.

CHAIR STONE: Thank you, Miles.

So the Board was -- we got some of this information in February, so I'm going to, in an essence of time when we're behind -- if Board members have some follow-up, there's going to be some more -- I think more around the Sunset in a little bit, so I'm going to hold conversation around this right now. At this time I'm going to ask -- Jean has a report from the policy development subcommittee.

MEMBER RICHARDSON: Hi everyone again. Much of the information that I'm going to say has actually really been covered by Miles in one form or another, so it's somewhat repetitive in places, but it is a report of our subcommittee, or our former subcommittee, however we look at it, for that last year and report back on public comment of course. The members of the subcommittee are myself, John Foster, Nick Maravell, Mac Stone and Jay
Feldman. In 2013 the policy and development
subcommittee worked on conflict of interest
policy and proposed extensive updates to the
policies and procedures manual.

These proposed changes were posted
on the public comment -- for public comment,
and they were due to be considered at the fall
2013 meeting in Louisville, which was
cancelled because the government shut down.

We received considerable public comment from
a broad range of stakeholder groups, including
the OTA, NOC, Beyond Pesticides, Consumer
Union, Cornucopia, Center for Food Safety,
several certifying agencies, PC Natural
Markets, Midwest Pesticide Action, and a
number of individuals. And obviously those
came not only in the form of written comment,
but also in reports and memoranda that people
circulated.

The work plan for the 2014
subcommittee, that subcommittee I just
described to you, we were going to provide
comprehensive updates on the entire policies and procedures manual ready for public comment and full discussion and a vote. So this is a brief report on the public comment we received last fall and spring, and to explain why our subcommittee no longer has any work plan items on its agenda.

And again, apologies, some of this is repetitive from Miles' report. OFPA was established in the 1990 Farm Bill. OFPA established the NOSB and authorized creation of the USDA organic regulations. The policies and procedures have been part of the work of the NOSB since 2002. The work was always collaborative between the NOP and the NOSB, so that from the year 2002 until 2013, the NOSB wrote and kept updating the policies and procedures manual with all of the revisions being open to public comment.

And in fall 2013 when the government shut down, the NOP and the AMS used the time in part to reassess how policies and
procedures for the NOSB are developed, approved and implemented. As a result of consultations between the NOP and Office of General Counsel, as we heard in some detail in the -- Miles' report, we were reminded, and I quote a February memo to us from Miles, "as a federal advisory committee, the NSOB is not an independent organization, it does not set policy or make regulatory changes, decisions. It exists to advise the Secretary. AMS has been delegated authority to implement OFPA, and the AMS and NOP are responsible for managing the NOSB." End of quote.

So thus, as we now understand it, the AMS, as with other FACA committees, even though we are somewhat unique as you, again, heard Miles commenting in his report, the AMS is responsible for establishing board procedures and to, "moving forward, the AMS will take the leadership role on the PPM with no public comment. However, there will be consultation as needed with the NOSB as
updates are being made."

I am not actually sure really what
that means yet. We'll find out. So that
means that, in fact, are no work plan items on
our agenda now. Now most of the working
public assumes that we volunteer Board members
can put work plan items onto our agenda, but
this is not the case. All work plan items
must be preapproved by the NOP. So we can't
just hold our subcommittees and have work plan
items.

The NOP reminded us during the
February training that the NOP has a backlog
of work on substances, on guidance and so
forth, and that work plan items must be an
NOP/USDA priority. And I do think that these
changes that, again, Miles clearly presented,
are really important for all of the public to
gain greater clarity on.

So they need to be able to
demonstrate a clear need for the NOP or the
organic community. So when the public wants
the NOSB to address and issue, then that high
priority need must be clearly articulated and
the item must be something the NOP believes it
should work on and can implement, if the
recommendation is passed by the NOSB and
accepted by the NOP. And as we heard from
Miles, the NOP hopes that this will allow for
a transparent process.

On Sunset, what can I say in
brief? We received considerable public
comment on this major change in how substances
are reviewed. One aspect which came up many
times in public comment is the serious concern
that a substance may receive Sunset
determination in the subcommittee and not
actually reach the full Board.

The NOSB is aware of this concern
and there has been considerable discussion,
not only amongst Board members, but also in
our February training and right up till even
yesterday. And so the issue of full Board
consideration of Sunset material still needs
to have clarification as to the specificity of procedures in writing. So stay tuned on that.

Many members of the public expressed their concern about the change in interpretation of the OFPA Sunset provision, which now requires a decisive two-thirds vote during Sunset to delist National List materials rather than a two-thirds vote on the Board to relist materials. And we will hear more about this later on and hopefully have some more conversation on it.

Board representation and conflict of interest. We had considerable public comment on concern over Board representation and conflict of interest policies. In March 2013 the NOSB received a memorandum articulating the new conflict of interest policy, which is based on FACA.

This represents a change from the simpler NOSB policy in the PPM developed over the years. Troubling to several members of the public commenters is the language in that
memo on representation. The memo states,

"NOSB members are classified as
representatives under the FACA. Each
representative is appointed to articulate the
viewpoints and interests of a particular
interest group. Representatives are appointed
to speak in a 'we' term, serving as the voice
of the group represented. And as such, you
are not expected to provide independent expert
advice, but rather advice based on the
interests the groups serve."

Some public commenters expressed
concern that this is a narrow interpretation
of FACA, and that it is imperative that every
Board member uses all their accumulated
experience, education and expertise to review
all issues and substances in as broad a
context of information as possible with
up-to-date research data, and for the benefit
of the organic community as a whole, and not
just for one sector of stakeholders.

Other public comment expressed
concern that the different stakeholder groups are indeed clearly represented. So -- actually that's not really a concern -- but anyway, they thought -- they felt that the diverse perspectives of the sectors that make up the organic community in the industry are well represented in the decision making process.

These commenters believe that this ensures that the organic sector will grow with integrity and broad support, and the diverse expertise of the Board members is a resource for informing Board deliberations. But ultimately the stakeholder groups must be represented clearly to ensure decision outcomes that build broad public trust in the organic label.

So the NOSB was established so that voices, experience and expertise from the different sectors of the organic community could be shared around the table and open to receive public input.
On process, many commenters believe, and continue to believe, that the USDA changes in policies and procedures should have been subject to public comment before being implemented. These are substantial and significant changes in Board and public process, and they deserve to be discussed in a transparent manner to ensure ongoing public trust in the decision making process and the organic label. We received obviously a lot of comment that, but we heard more of that this morning as well.

So, at this juncture, questions about procedures and policies of the NOSB should be addressed to the NOP. The NOSB will continue to work with due diligence to understand these changed policies and procedures and we will work rigorously to review all substances and all issues that come before us in order to assure the ongoing integrity of the organic seal, which actually means a great deal to all of us. At this
point I'd like to ask if there are any of the members of the subcommittee who would like to add anything else to this report.

(No response.)

MEMBER RICHARDSON: Thank you.

CHAIR STONE: Any follow-up or questions for Jean?

(No response.)

CHAIR STONE: Thank you, Jean.

Yes, and I made a brief statement in the opening that the Board is digesting this change, if you will, and as Jean ended her comments that we have your -- the seal. We have that interest in mind and we're retooling, recalibrating, how do we uphold the responsibility that you all see that we have.

And we're going to unfold that here in the next little bit. And I hope that you will have a little more comfort level in where we are going forward then. And it is hard when it sort of lands in your lap, and we were in conversation to see it coming. So
with that, one quick --

MR. McEVOY: May I add one --

CHAIR STONE: I'm sorry?

MR. McEVOY: Yeah, just one thing

I wanted to follow up on was the

representative component of what you're
talking about. My understand is that the

Board members, the committee members of the

National Organic Standards Board can really

either be classified as a representative or a

special government employee. And so the

identification of you as a representative is

really about how you are classified for

conflict of interest and ethics rules.

And our understanding is that the

Board members do not want to be considered

special government employees, because if you

are, even though you're not paid by the

government, you still can be considered a

special government employee under FACA rules.

And if you're considered a special government

employee, then different rules go into effect.
You basically have to follow the same provisions of conflict of interest and ethics as a federal employee. And so that would be much more burdensome on you.

So the reason why we've identified all Board members as representatives is really to deal with that particular element of the FACA rules, that you are representatives, and you follow representatives conflict of interest perspective.

Separately from that, there are the different categories under the Organic Foods Production Act that you all represent, or you all are appointed because you meet those particular criteria, and there's certainly no interest from the program, or AMS's perspective to not have you use all of your expertise and all of your knowledge and abilities to discuss and come to your determination on the best way to move forward as a member of the Board. So I think that we
need to kind of distinguish the representative
thing under FACA from a broader perspective of
representative.

CHAIR STONE: Okay. Thank you, Miles. One little housekeeping chore before
we take a break. I neglected to have the
secretary, C. Ruben, to read the minutes -- or
acknowledge the minutes, and the Board needs
to approve the minutes of our last meeting of
last April.

SECRETARY WALKER: Thank you, Mac. Again, I'd like to say welcome to the South,
and for fellow Board members at this point we
are trying to -- we would like to put together
the voting of the April 9 through 13 voting
record, as well as the transcript. And I know
all of us have read the 1,500 pages of
transcript, so I'm sure we all agree we can do
it by voice vote on both of these at one time,
Mr. Chairman.

CHAIR STONE: Thank you, Calvin.

Does any member have any questions or issues
that they saw in review in transcripts or the record?

(No response.)

CHAIR STONE: Seeing none, all in favor of approving the minutes of our past meeting say aye.

(A chorus of ayes.)

CHAIR STONE: Any opposed?

(No response.)

CHAIR STONE: The motion carries.

Thank you for that. We will recess and be back in 15 minutes. When would that be?

Eleven o'clock sharp. Thank you.

(Whereupon, a short recess was taken.)

CHAIR STONE: Members of the audience, if you would take your seats, please. We're going to stop promptly at noon. I mentioned to some of the folks upstairs, Sean is adjusting each of our microphones as we speak, so if you'll be a little bit patient with us as we kind of go around the room and
give our deliveries, give Sean time to make
those adjustments.

So with no further ado, we're
going to reconvene the meeting, and, Miles,
we're going to adjust his timing a little bit
so that we can stop promptly at noon and get
back on schedule. Miles?

MR. McEVOY: Okay. We're going to
get started again here with covering the
National List, some rule making procedures,
Sunset revisions, and then NOP report, and
we're going to get all that done before lunch,
I believe. So let's -- I'll turn it over to
Dr. Brines for the materials update and
process overview.

DR. BRINES: Okay. Thanks, Miles.

I've got a little bit of everything in this
materials update. It's been a year since we
last reported on the status of outstanding
petitions and technical reports. We do have
a lot of that information that gets reported
on a regular basis through our enewsletter,
but these slides have got everything consolidated and it'll be posted on our website for those that are taking notes.

Okay. So I'm just going to go through by committee, so starting with crops. So this meeting of the crops subcommittee is going to be addressing four petitions. Three of those petitions are to add new materials to the National List at 205.601. Those are laminarin, magnesium oxide and vinasse.

There's another petition also for streptomycin, and that's for a petition amendment to the current annotation at 205.601. So four petitions from the crops committee at this meeting. And all those petitions are also posted on our website. Other petitions that are currently under subcommittee review that might be coming forward at later meetings, there's a petition for exhaust gas, or carbon monoxide, for underground rodent control, there's a petition for allyl isothiocyanate, which is used as a
pre-plant fumigant or pesticide.

There's a petition for aluminum sulfate, which is connected to another petition for livestock use. I'll mention that later. And we received another petition for an inert ingredient for use in pesticide products, a petition for propylene carbonate. Two of those petitions that are currently under review by the crops committee have a technical report in development. Once that technical report is available, it'll be posted on our website. All four of these petitions are currently posted on our website.

Okay. So moving on to livestock.

At this meeting the livestock subcommittee will cover a petition to amend the annotation for methionine on 205.603. Also address a petition to add the substance acidified sodium chlorite to 205.603. And there's a number of aquaculture petitions that I've outlined here. I won't go through all these individually.

Again, they're on the agenda and this
presentation will be posted on the website shortly.

I will just mention briefly that about half of those aquaculture petitions are for use in aquatic animal production, and the other half of those petitions are specifically for aquatic plant production. For efficiency they're all being by the livestock subcommittee due to some overlap in considerations. Okay. For outstanding petitions that are currently under subcommittee review, there's a petition to add aluminum sulfate to 205.603 of the National List that's for use in treating poultry litter for organic livestock producers.

The way it relates to the petition for crops is that that litter -- the intent of the petition is to use it in organic livestock facilities, but to also have the ability to apply that treated litter to organic fields, so there's overlap between both in crops and livestock uses. And again, the petition's on
the website for those that are interested.

We did have one petition that was drawn from livestock subcommittee review since our last meeting, and that's a petition for lignin sulfonate for aquatic animal use. There is another petition for lignin sulfonate, which is on the agenda for this meeting, and that's just for the aquatic plant use, not for animals. And again, each of those petitions are posted on our website.

Okay. So moving on to handling, at this meeting the Board will be considering the addition of ammonium hydroxide to Section 205.605 of the National List as a boiler additive, will be considering the removal of glycerin from 205.605(b) of the National List, and also considering the addition of polyalkylene glycol monobutyl ether, or PGME, to the National List. And again, those petitions are all posted.

Currently under subcommittee review that might be coming forward later is
three outstanding petitions for handling. One for gibberellic acid, which has also been previously considered, and a new petition for triethyl citrate to add to Section 205.605. And a petition for whole algal flour, it's an algae derivative which is petitioned to 205.606. So each of those petitions are posted on the website, and I think I did recently get a technical report request for triethyl citrate, so that will be coming forth shortly as well.

Okay. In terms of the Sunset materials, I'm just going to briefly mention the materials and we'll get into process later this morning. There's three Sunset substances which are up for review by the crops subcommittee: aqueous potassium silicate, which has two listings at 205.601(e) as an insecticide, and (I) for plant disease control; sodium carbonate peroxyhydrate, which is listed under paragraph (a), which is the algicides disinfectants and sanitizers; and
sulfuric acid under paragraph (j), which is
plant and soil amendments. Each of these
substances are fairly recent additions to the
National List, being added in 2010, and
they're up for their first Sunset review for
2015.

As part of the review process the
subcommittee did request updated technical
information for each of these three materials.
The program was able to process those requests
and all those technical information updates is
available on the website for public viewing.

Okay. Moving on to handling.

There are no livestock Sunset 2015 substances,
so it's just crops and handling for Sunset
this year. There are four Sunset substances:
gellan gum; two of the cooking wines, Marsala
and Sherry, which on 205.606; and tragacanth
gum. There are no new technical information
for these four substances, so the subcommittee
is proceeding with the currently available
information.
Okay. So I do have a little bit of this presentation which is devoted to process. And it's important to clarify sort of NOP's role in the process and distinguishing that from the Board and subcommittees' process. So I'll go through some of our internal procedures that we use in terms of processing petitions and take us through the process to come into the Board recommendation.

So the petition process is mentioned under the Organic Food Production Act under Section 2119 that the Board shall establish procedures under which persons may petition the Board for the purpose of evaluating substances for inclusion on the National List. That provision is included in the regulations at 205.607 on amending the National List.

Again, repeating that any person may submit a petition, and that individuals can request a copy of the petition procedures
from the USDA. We do also have the current petition procedures posted on our website, but we can mail hard copies when needed. So what do the guidelines say? The most recent version was published in the Federal Register back in 2007. The guidelines explain what information needs to be included in a petition. So common questions we get, you know, what is the form, what's the template. There's no specific form or format or template that's required. Additionally, there's no fee or cost to petition, which is sometimes surprising to petitioners. So it's at their discretion, but they do need to hit all the information that's in the current guidelines.

Petitions can contain confidential business information according to the 2007 petition guidelines. However, that confidential business information is not posted on the website, it's not available to the NOSB. And I know that's a topic that we'll be discussing later this meeting, and
some of the -- hopefully alleviating even some of the problems that have been happening with CBI.

Okay. So what's the program's process? We receive the petition, so when we get a new petition, we confirm receipt with the petitioner, we do review all incoming petitions for both eligibility and sufficiency. Generally that review is completed within 30 days, although some more complicated things may take longer. We're also the primary point of contact for any correspondence between the Board and the petitioner. So if the petitioner has questions about status, they can direct those questions through the program. If the Board has questions for the petitioner that they need a response to, those requests need to come through the program. That's to ensure that we have appropriate records for all that communication.

Again, as part of our review we're
looking to make sure the petitions are
eligible and complete when they're distributed
to the subcommittee. We do use check lists to
facilitate that process. It's essentially
going section-by-section through the
guidelines to ensure that the petitioner has
addressed each of the information.

We're not doing a quality check or a technical
review at this stage, we're just looking to
make sure that that information has been
included.

We do let the petitioners know
upon acceptance of the petition, when it goes
to the Board, that acceptance of a petition by
the program for review by the Board is really
just an administrative manner. It doesn't
reflect a decision by the program on any of
the merits of the petition.

We do sometimes have
correspondence back and forth with the
petitioners before that petition will go to
the Board, and often that's to the point of
directing the petitioner, Well, you say
there's no alternatives, maybe you should
mention what people are doing now. Trying to
fill out information or questions that we
might anticipate come up during the review.

Often other examples might be that
the petitioner didn't know that the substance
has been previously reviewed by the Board, so
we might encourage them to include some of
that information in their petition if it's
relevant. Okay. So at the point that Program
has determined that the petition is eligible
and complete, we post the petition on our
website, and at that point the appropriate
subcommittee is notified that the petition is
available for review.

According to the policies and
procedures manual, the subcommittee should
complete its initial review of that petition
within 60 days of receipt, and at that stage
they can request a technical report if
necessary, or they can ask for additional
information from the petition. And again, if additional information is needed, that request is submitted from the subcommittee to the program, and we'll draft a letter to the petitioner with any requests.

As part of the process, sometimes petitions do get updated throughout the process. Sometimes those updates are responses to specific subcommittee requests. In that case we usually instruct the petitioner to format their response so that it can be posted as an addendum to their petition on the NOP website. That way, for transparency, that information is available to the public as well.

We do occasionally get updates that are unsolicited, so the petition had new information that has come up that they want to update their petition with. They can do that at any time. They can submit the -- a new version of the petition or they can submit updates.
And we generally try to tell them
-- to encourage them just to do a single
submission if possible, so we don't have to
manage multiple addenda. But that's not
always -- it doesn't always work out. But we
do post those updates alongside the original
petition on our website, so all the
information is available to the public.

Okay. So what happens if the
subcommittee requests a technical report?
These reports -- the contracting side is
handled by the program. The reports
themselves are completed by third-party
contractors and NOP manages those contracts.
The technical report contractor has access to
the full petition, any past reviews of the
substance, and the current templates for
technical reports.

And the questions that are
included in the technical reports for either
crop, livestock or handling, align with the
OFPA criteria. So it doesn't necessarily
include everything about a substance, but it does include everything that the Board is required to consider under OFPA. It may not include proprietary information or confidential business information in the report.

And also the reports generally don't cover economic impact information. It's an important criteria that the program has to consider before we do rule making, but it hasn't traditionally been a part of the technical report process.

When we do do the reports, because NOP is managing the contract, we do have a responsibility to accept the quality accuracy and completeness of technical reports. So it's our expectation when we send the reports to the subcommittee that the technical reports meet the requirements of the contract and shouldn't need further revisions. So again, we do review the reports before they're distributed to the subcommittee, and that's to
ensure that they meet the contracting requirements and that they're complete before they go to the subcommittee.

We do have a date in the footer that some have noted that are in the technical reports. That's generally the date that the report was submitted by the contractor to NOP. It doesn't always correlate with the posting date on our website. There is sometimes a delay due to Program review or subcommittee review, but we keep that date as the date that it came in from the contractor.

Okay. One other note about technical reports. Occasionally we have requested assistance from subject matter experts in the Agricultural Research Service, or ARS, in the technical review of draft reports, generally that's for complicated things where we might want someone with a technical eye to take a closer look at a couple of different areas.

When that has, the pre-review has
occurred, we do note that in the distribution, when we send it to the subcommittee, that we asked a subject matter expert to look at it from ARS, which is a different USDA agency. Okay. So as Miles mentioned, I think, in his presentation, there are certain criteria for evaluation of materials. Those criteria are outlined in the Organic Foods Production Act. Both the petition guidelines and the technical report questions, as well as the NOSB check list, are designed to align with those OFPA criteria, so that it can be documented that the substance was evaluated against those criteria.

There are different criteria depending on the use of the substance. So production has different criteria than handling or processing. And there are additional criteria for synthetic processing aids, which are in the regulations at 205.600(b). Okay. So a quick note about the check list, which are part of the NOSB
subcommittee proposals. Check lists are intended to be a tool to facilitate and document review of the petition substance against the OFPA criteria.

So those questions and the check list come straight from OFPA. OFPA doesn't require the check list, so it's really just a tool. It does require, under OFPA, that the Board considers seven different criteria before making its recommendation. So again, a tool to document the evaluation. And I know working with some of the subcommittees, sometimes it's easy to get hung up on the way the check list is set up, on whether to check the yes box or check the no box for some of these complicated things, because sometimes when you're evaluating a substance, it's not so black and white and there might be some gray areas.

And so rather than focus on, you know, are you checking the right box, we really want to encourage the subcommittees to
use the narrative responses within the note section to describe how they evaluated the substance. Because really the evaluation is the most important. The yes and no check boxes, you can get into long debates which box is correct, but the narrative responses really do demonstrate that the Board completed its responsibility to evaluate the substance against that criteria.

Okay. So Miles mentioned this previously, but in bringing forth those proposals to recommendations, just to mention again, if there are substantive changes between the proposal and what happens at the meeting, that's, you know, fine and reasonable to, you know, to make changes based on public comment, but we want to make sure that if there substantive changes, that those changes go back to subcommittee first for deliberation. It would allow for another public comment opportunity before the Board considers passing the recommendation.
So we want to make sure that
there's full consideration to any changes.

Sometimes things and seem minor, but then when
we get to the rule making stage at the
programming side -- the program side, it can
be challenging. So we want to make sure to
work out those little details so that we can
take action on the recommendation as it's
submitted.

Okay. So a quick note about voting procedures
for petitions. So the Board does take two
votes on each petition substance. The first
motion, or first vote is a classification
vote.

That's generally only for things
that have not been previously classified, so
you would be classifying a substances either
a synthetic or non-synthetic, or for handling
and processing materials, agricultural or
non-agricultural.

Then the Board would proceed to a
second motion which is generally to list, to
remove or to amend an annotation. And for each of those motions they need a decisive majority in order to pass, so that's two-thirds under OFPA, or ten votes out of 15 members. Okay. So lots of pieces to this. Lots of parts that make up the Board recommendation. It's easy sometimes to focus on any one particular piece of this puzzle, but really they all play an important role. So there's the petition, the request from an individual organization to change the list, there's third party technical information, there's public comment, there's the proposal from the subcommittee, but the recommendation comes from the full board, and can draw from any of these inputs. So it's important to think about all of them in context, but not any one particular input is more important than the others. Okay. And all are encompassed by the OFPA criteria, which is what we're working off of.

I think I'm going to pause there.
I do have some slides on the status of the inerts working group, but I think due to time constraints, we might kick that to the crops subcommittee agenda tomorrow. Looking, does -- he has the -- we'll see how time goes. I think -- all right, we'll hold that for now and move on. Thanks.

MR. McEVOY: Okay. Thanks, Lisa.

Any questions on that from Board members? Yes, Jennifer.

MEMBER TAYLOR: Before you put the circle around it and identified it as to criteria, I was wondering if you wanted to also include a circle or a square for the impact of the program on the Board recommendation.

DR. BRINES: Well, we don't take action on a Board recommendation until it passes the Board. I guess --

MEMBER TAYLOR: But in the development of the work plan, in development of the issues that should be addressed --
DR. BRINES: Oh, I see. Yeah, this -- I guess the context for this graphic is really just to address petitions, so these are things that generally come unsolicited from the program that are requests from the public to make a change to the National List.

MR. McEVOY: Okay. Jay?

MEMBER FELDMAN: Thank you. Thank you for that presentation. Can you give me an example of a scenario where you would turn back a petition as being lacking or insufficient in some areas?

And as a follow-up to that question, I notice, you know, we get into this debate about single ingredient reviews versus mixtures, and I notice that from time-to-time the Board receives, you know, materials that are actually mixtures as opposed to single ingredients. Would that be the kind of thing that would get screened out, or could get screened out in your evaluation process?

DR. BRINES: Okay. Yeah, I'll
answer those each individually. There's lots of examples of incomplete or ineligible petitions. We get a number of petitions for brand name products that we have to turn back because we only petitions for generic materials.

Often we return petitions because they're in process still with either FDA or EPA in terms of the their regulatory status, so they're trying to do both, get organic approval at the same time they're working their way through FDA, and we won't accept petitions until they've already received a status through FDA or EPA, so we don't preempt that. And we return a lot of incomplete petitions that don't describe alternatives as well.

In terms of single substances, there have been instances where the program has moved forward petitions for certain classes of materials, generally on the basis of other things that are on the National List.
So as an example of a petition on the agenda at this meeting are the vitamins for aquatic livestock, aquatic animals, and also the petition for vaccines for aquatic animals as well. So in that case it's a substance that's already been evaluated and recommended as a group listing by previous Boards and has been implemented into the regulations. Thanks.

MR. McEVOY: Okay. We're going to move on to presentation on -- a brief presentation about the rule making process, so Dr. Bailey will give that presentation. Thank you.

DR. BAILEY: Well, while we get the presentation up, this is one of my favorite topics to talk about, so glad to have a few minutes on the agenda to do it today. Okay. So this would be a very condensed version of the one that we provided to the Board in February, so I encourage you, if you want more details, to refer to that more detailed presentation on our website.
The purpose of giving this brief overview is sort of for three reasons. One, to respond to some public feedback that we've gotten where people don't fully understand what happens once a Board recommendation comes to SCA, what does the rule making process look like?

Also to just sort of give you some sense of the long journey that these rules that we work on have to take to see the other side. And finally, to provide the public with a little more information about what is already out there that you could access, and how you can contribute to the process along the way. Okay. So every rule making action that we undertake has to be supported by some legal authority. We turn to OFPA as that legal authority for us to write regulations and that would implement that law.

So if you think of OFPA, in a way, as a house that provides the boundaries under which we operate, it provides the foundation,
some of the walls, the roof, and the
responsibility of NOP is to fill in some of
the details of that house, what does the
finished work look like, what are some further
details we can provide to the community about
how to actually implement the law.

We can only issue rules that are
within the scope of our -- of that house, of
that authorizing statute. So for example we
could not propose a rule to have some new
requirements for toy safety. We need to
operate under the requirements of the statute.
And we have our own procedures that we have to
follow, every federal agency has to follow
these, they're not unique to NOP. We have to
issue rules in accordance with something
called the Administrative Procedures Act, or
APA. And what that means is it sort of sets
the responsibilities of the agency to provide
for notice and comment on rule making actions
and some other details.

It also provides and outlines some
of the exemptions to the APA. Often there are
some military actions that don't need to go
through that rule making process and general
statements of policy do not have to go through
notice and comment under the APA.

So, three bullet points, it's
looks pretty simple. Publish a proposed rule
in the Federal Register. The Federal Register
sort of is our -- almost like a federal
newspaper, if you will, that puts out all the
rules, final rules, notices, presidential
documents that the government may want the
public to be aware of.

Then we provide interested parties
with an opportunity to comment and show data
about the proposal that we've made. And
third, publish a final rule in the Federal
Register notifying people of our decision. In
fact, it is quite a bit more complicated. And
the Board meeting I unveiled what we call the
scroll, so I'll do that here as well, just to
give you a sense of really all the steps it
takes, that it's not just these three steps, it's much more than that.

So I think Michelle's going to help me with this. And the details aren't important, though you're welcome to look at this during the break if you want to. It's just to give you kind of a visual sense of what we -- the process that we go through.

(Pause.)

DR. BAILEY: So what this -- and this is after the Board recommendation. So if you start right at the beginning, I'm going to talk about a few of the steps along the way without too much detail. Okay. So given this and the scroll, what happens once we get a Board recommendation, how does the program actually initiate rule making? And the first step, for us, is that we prepare something called the regulatory work plan for every stage of the rule making process.

That document is used to communicate sort of up the line, so to speak,
about the objectives, the possible
alternatives that we've considered to whatever
we'll be proposing and the effects of what
we're proposing really to non-technical folks,
so oftentimes, you know that we're talking
about, a lot technical details here. We're
figuring out how to communicate that in a
non-technical way to people who have to
approve these work plans.

It's an important stage because it
provides information needed for something
called significance of the action, and I'll
talk a bit more about that and why it's
important in a moment. And it really is an
important communication that we use to explain
to Office of Management and Budget, who I'll
also talk a bit more about, and the public
about what the agency intends to work on
through rule making. And I'll touch on where
you can actual reach out to find a listing of
what work plans are on the regulatory plan,
not just for USDA but for the entire federal
government.

So it's come up at Board meetings in the past, we talk about the rule of Office of Management and Budget, or OMB, regularly. We specifically work within -- with an office within OMB called the Office of Information and Regulatory Affairs, or OIRA, and they serve multiple important roles across the federal government for regulations.

They operate to aggregate information across agencies, and facilitate coordination across agencies for regulation. So you can imagine it's important, even within the Board's work and our work. There's overlap -- Lisa just mentioned EPA and FDA -- there's overlap in the work that we do. We need to have a mechanism to be able to talk to each other about what our activities are. So OMB sort of serves that point of contact.

They also have interest and consideration of the cost and benefits of regulations. Every year they report to
Congress en masse, the sort of overall cost and benefits of regulations that the government has done in a given year. They ensure public engagement in the process, so they're always looking for the importance of providing comment in rule making activities, and ensure compliance with other statutes that we have to meet. One example being the Paperwork Reduction Act, and I'll touch on that as well.

So with all the rules moving through the government, they certainly can't review every single one of them. So there's this system by which they designate every action through our work plan that we provide, and it falls into two categories. One is not significant, in which case OMB does not review the rule. For the purposes of organic this is typically -- many of our National List rules are not considered significant by OMB.

Or they can consider it a significant, or even economically significant
action, in which case OMB will review the rule. And you'll see some of the things they're looking for and how that does extend the review time for our regulations. For criteria they use to establish the significance designation for a rule, and they're outlined here, in brief, they look at the annual affect on the economy of 100 million or more, or sector of the economy that you might be impacting that could trigger a significant designation.

If you'd be creating serious inconsistencies with another agency, they'd like to see that and perhaps provide comments if you'll be altering the budgetary impact of the government. So if you're going to be starting up a new program but maybe you don't have the resources to do it, they want to know that, or if it raises novel legal or policy issues.

It's important to note that rules that have an effect of over 100 million or
more on the economy are considered at this
even higher threshold of economically
significant, which means that it triggers
Congressional review, which extends -- the
bottom line there is it extends review time at
the other end before you can get a final rule
in effect. So it's creates an additional
layer, if you will, to the clearance process
and review.

In front of us -- I know here
right now we have -- in addition to some
non-significant National List rules, we have
I believe six significant actions that OMB has
designated and will want to see as they move
their way through the process.

So how to you as stakeholders know
what rules agencies are working on? Once OMB
approves their work plan, this does appear
twice a year in various documents that are
published in the Register. And, in fact, on
OMB's website they provide an agenda of
regulatory actions that you can look up. You
can click on the different agencies that will
provide an abstract of those actions for you
to read.

And I believe, as of the fall
2013, there's 131 USDA actions on the agenda.
Within AMS we had I think eight of the eleven.
So we have a pretty significant portion of our
particular agency's regulatory agenda at this
point. Once we've drafted all of the
background, we read our rules in the Register,
you'll notice there's sort of a structure to
them. There's the background that goes
through the Board history, what we're actually
-- what our overview of the amendment is, what
we're actually proposing to do, how that would
affect people.

There's also a whole section of
what we call sort of supplementary analyses.
These are executive orders and other
requirements that the federal government
agencies are required to go through. I'll
just touch on a few. The point is just to let
you know those are other things you'll see in our rules, and each of them requires their own analysis and work by the staff.

So the first one, starting at the top, was set by two executive orders called a regulatory impact analysis where the agency is required to evaluate the costs benefits and discuss any alternatives that they could have considered and what the cost implications would be from doing so when we're changing the regulations. This is typically part of our -- or is part of all of our significant rules.

So as one example, we had expected the aquaculture rule to be not significant. OMB believed it was significant, and therefore we ended up having to prepare a cost benefit analysis to support that regulation, which took additional time.

Another important example is looking at the Regulatory Flexibility Act. This is done for not significant and significant rules, and the
important take away here is we have to evaluate, again, cost and benefits as it pertains to small entities and businesses. Small Business Administration is interested in agencies' regulatory flexibility analysis. For organics the majority, not all but the majority fall under the criteria that would be considered small businesses. So this is always an important thing we need to go through. And the goal is to look for ways in which small businesses could comply in the least burdensome manner.

For some of our rules, if there is going to be a new record keeping or reporting burden, we have to prepare a Paperwork Reduction Act section that basically seeks from OMB approval to add that reporting and record keeping burden to their organic producer or certifying agents, whoever might be impacted by the new requirement. So that's a whole other process that we need to go through.
So these are just some examples to
give you a flavor of the additional work that
the staff goes through to get these rules
through the process. So, great. We say we
finished the draft. So if you look at that
scroll, just to keep you a little navigated,
we're still almost at the beginning where that
glass is at this point.

So it depends -- how we clear
rules for publication really depends and
hinges on that significance designation. So
on one side of the slide here you can see I
have not significant action, the people who
need to review and clear off on those actions.
On the other side you can see there's a whole
lot of people who get added to the list in red
there, and you have a significant action.

And at the sort of bottom of that
list you see OMB has a minimum 90-day review
time. So that's about three months that OMB
has to review and make comments on significant
actions. They could approve it, more often
they have comments that you need to address,
and then they'll need to review it again.
Then after you made changes to the rule we
need to get legal review again to clear it off
for publication.

So it's just -- it's a long haul
and we do a lot of work after we've drafted
rules just to facilitate this up the line,
because if you have 131 rules at USDA that are
all competing for people's time to clear these
out, it's a lot of cultivating those things so
that we can get them published on behalf of
the organic community.

So why does rule making take so
long? You can see I've divided it into two
stages here. The take away that I'd like you
to have from here is, is we're kind of part
way down the scroll. Now we've got it
cleared, we published a proposed rule, we've
taken public comments. We get to start this
process all over again for the final rule. We
need to do another work plan, we need to do
additional analyses if it's a significant action. So it's just a robust process. And for a purpose, because we want to make sure whatever changes we're making in the regulation are well-considered.

So how can comments, public comments, affect the final outcome of the final rule? The notice and comment process, as you know, typically we provide 60 days of public comment on most things. That can vary depending on the significance of an action or they need to get something done quickly.

Anyone can submit a comment on any part of a proposed rule. It's most helpful when people are specific in their comments to us. In particular, providing alternatives to what we proposed. Sometimes we feel -- we find that people may comment generally that they don't like the rule, but aren't providing the agency with guidance on what they'd like to see instead.

The process is not like a ballot
initiative or an up-and-down vote in a legislature. The agency is not permitted to just base the final rule on the number of comments in support of it versus there is to oppose it. Instead, we have to base our reasoning and conclusions on the rule-making record, which consists of comments, data, any expert opinions we might seek, or facts accumulated during the pre-rule and proposed-rule stage.

And if the rule-making record contains persuasive new data or sound policy arguments, the agency may decide to terminate the ruling making effort and start over with a new proposal, or the agency may decide to continue the rule making but change aspects of the rule to reflect the new issue. So there's a number of directions we can go based on public comment. We can't really change things too far outside of scope based on comment and finalize that. Often, you'd have to take it back to a proposed rule at that point.
An important note, just so people understand how the Federal Register and the Code of Federal Regulations work together. The CFR is where you should be looking for what the most current requirements are. What happens is the Federal Register staff take everything that's published in the Register and they're the ones responsible for updating the CFR whenever it needs to be updated.

So some of our rules go in effect the day after publication, some 30 days after publication, sometimes months after publication. The Federal Register team will keep track of all of those and make those changes when we've basically asked them to make them. So I always encourage people, we all have our printed copies of regulations, and that's nice to have, that it's important you always go back to the CFR for the most up-to-date information.

And in summary, really why is this whole process important for us? It's
important because if we end up in sort of a legal battle, courts can find or rule that we went all the way through this process with unlawful -- if it's arbitrary and capricious, an abuse of discretion, not in accordance with the law. So we need to be able to look at the facts presented and the data and make a logical outgrowth or argument based on that information that comes down to the final rule.

They can find it unlawful if it's in excess of the agency's statutory authority. That's why we have legal review for anything that you're seeing published in the Federal Register. That's the rule of our attorneys is to help us through that process. Or, if the agency did not follow proper procedure in putting forth the rule. So the process really is a long process, but there's a lot of important reasons and things along the way for us to go through. And I am excited. We have a number of rules, as Miles mentioned, that are getting really into the thick of
things in terms of clearing them out, and so
it should be a great, hopefully, rest of the
year.

Oh, and the last slide. If anyone
is a much of a policy wonk as I am, these are
some good resources that -- if you want to
learn even more about the process, you can
read and hopefully they're helpful to you.

Thank you.

CHAIR STONE: Thank you, Melissa.

When we were educated on this
process, it helped us to understand at the
Board level of how we craft the proposals, the
language that we include in the proposals to
be clear and concise and also how our
conversation around the table here can feed
the data and the information and the
background that the Standards staff needs when
they go into this rule making process and
defend their actions, if you will.

I know a couple of meetings ago,
there was concern that we, quote, had a
pre-meeting and there was lack of deliberation
at the microphone, and the audience felt they
weren't quite sure of what was happening. I
urge you all to -- it's not a pre-meeting, but
it's a sort of walk-through, which is very
different, which just allows us to have --
understand a lot of that, to put together a
better work product for the Standards staff to
have to do their work.

So the Board members now
understand we're going to have these
conversations and you'll see in our proposals
that we're trying to really be sure the
Standards staff has the information they need
across all segments of the thought processes
of the different committee members. So thank
you all for your work.

MR. McEVOY: Yes, one thing I
wanted to reiterate is that we've had a lot of
discussion of the economic impact of the rule
making actions, and one of the things that you
have to keep in mind is that -- it's not that
the actions that we take can't have economic impact, it's just that there's a process that we have to go through with departmental clearance and with OMB to explain what the economic impact is.

And the more information that we can get from this process, the NOSB process about any economic impact of the recommendations, it just makes our job easier when we go through the development of the proposals to get it through the clearance process.

So when we're asking for questions about economic impact, it's not to slow the process down, it's just that we need that information in order to be successful to move things through the process.

So any other questions from the Board? Jean.

MEMBER RICHARDSON: So Melissa, we on the Board, and also members of the public, can get frustrated when the NOSB may have
passed a recommendation like animal welfare or whatever it might be, or the aquaculture proposed standards, and it just seems to take like, you know, a hundred years for stuff to get done, so to speak. We understand, and have done from our training and from this too, is that there are all these steps to take.

Does it make any difference if we keep saying, well, you know, where is this thing, Melissa. You know, why isn't -- what stage -- where is it on this line. And we know you have many priorities that you have to set. How do you decide that you're going to spend more time on animal welfare or on aquaculture when we would like to see all of them done, of course, right away?

DR. BAILEY: Yes, that's a good question. Yes, our -- so back in this last summer, we had to propose a fairly lengthy memo about what our regulatory priorities were going to be. Naturally, to the top of that list at the time would have been any Sunset
rules.

For a long time, we were trying to chip away at some of these other practice standards, but at the end of the day we had to get Sunset regulations done because of the time crunch that we were under. So those would just naturally rise to the top of the list.

At times, there's been -- I know people probably recall with methionine, there was an expiration date. At one point, there was a tetracycline expiration date. Those, again, took precedence because of the time crunch that we were under, and, you know, had difficulty working on those projects.

So I think it's always helpful to hear from the community about what the priorities are. It doesn't necessarily always mean they're going to be able to move faster, but it helps guide our own sort of internal process and discussing with people up the line how important things are to get through,
especially, again, if you're kind of competing
for people's time to get things cleared.

So I would say yes, it's helpful;
unfortunately, sometimes we can't always say
it's going to be exactly four months, or six
months, so yes.

MR. McEVOY: Yes, I think it helps
to continually ask questions of not just the
program, but USDA in general about what the
status is of these various recommendations,
because it shows to the Department the
importance of organics and moving forward with
these recommendations, so.

And you can see by the regulatory
work plan, there's a lot of organic items on
that regulatory work plan currently. So
there's a lot of support for organics at USDA.
We are a very small program, but very active
in the regulatory arena and we still have a
lot more work to do, but asking questions is
a good thing to do.

Okay. Jay.
MEMBER FELDMAN: Thank you.

Here's a question that goes to the difference perhaps between a FACA -- a pure FACA board and a FACA board that's also governed by enabling legislation, like OFPA.

Do you see that there's any difference there in terms of the requirement for the agency to commit resources to a board such as this Board, which has authorities from two different statutes, in which this Board, in collaboration with the program and the public, is seeking to grow organic, invest in integrity and essentially respond to petitions as they come in? Are those unique sort of functions and mandates that come from the enabling legislation? Are those mandates somehow -- do they create sort of a requirement on the program to commit additional resources as they come in -- and we're glad to see additional resources having come in through the Farm Bill -- to ensure that we're being more responsive, not less?
Because what it sounds like is happening here is we're getting a little less responsive to the needs as identified by the organic community by virtue of some prioritization that goes on at the program under the FACA authority. I would like to tease out a little bit how you feel we're complying, or are we in any way different under OFPA that really requires us to commit more resources than would otherwise be the case to respond to the need -- and most of the needs we're responding to as a Board are growth-oriented.

It's to enhance the market and to grow the label, the effect of the label. And yet it seems like this focus on the onerous nature of the, you know, of moving through the rule making is slowing that down, is holding back the Board wanting to be responsive to what it's hearing from the community.

MR. McEVOY: Okay. So the National Organic Standards Board is one of
about 160 FACA committees that -- and 140 of
those are statutorily-defined boards, so it's
really not anything different than most of the
FACA committees. Congress appropriates money
to the program for a number of different
items, has not appropriated any specific money
for the National Organic Standards Board.

We support the -- the Board is
supported by a budget, I think it's $200,000
a year, which does not actually cover all the
costs of supporting the work of the Board.
That supports the travel, about $50,000 a
meeting for travel expenses. It supports the
staff, Michelle Arsenault, and -- but there's
a lot of other work, additional work that
happens at the program and Departmental level
to support the Board. So it's a lot more than
$200,000 a year that we're investing to
support the Board.

We've put significantly more
resources into supporting the work of the
Board over the last few years. The reason for
us to explain this regulatory process is because we've heard a lot of frustration from folks of how come it takes so long and why does it take so long, why can't we implement all these NOSB recommendations?

One, they're complicated. They require a lot of review, the process is long for any rule making that the agency or USDA does, so we're just explaining what that process is so there's a better understanding, so we can move things through as effectively as possible.

The other thing you see is that USDA is putting a lot of resources in supporting that pipeline of organic actions. So over the last few years there's been many rule making actions that have been supported by high levels within the Department, and that continues to be there, that support for lots of actions to occur.

Okay. I think we're going to move on to everybody's favorite topic, Sunset
revision. So with that I'm going to turn it over to Dr. Brines.

DR. BRINES: All right. Thanks, Miles. Actually, I think that's a good transition into talking about the Sunset review process, because certainly as we looked over the past several years at where we're spending our rule making time, a lot of that has been on Sunset rules.

And for removing things, we definitely have to go through the rule making process, but in looking at how we can implement other Board recommendations, you know, that's what instigated our looking into this process, is can we spend plus time on some of these things that aren't serving the process.

Okay. So just a general overview.

In September, as you know, the National Organic Program announced a transparent and streamlined Sunset review and renewal process. So that announcement was published in the
Federal Register and as well went out through our electronic newsletter. The purpose of the updated procedure is to clarify the process, provide increased opportunity for public comment, and ensure that a decisive majority vote happens for all recommendations to change the National List, and that's whether those changes are from the petition process or from Sunset.

    Okay. So why did Sunset need a revamp? We had noted a number of draw backs to the previous process. Each Sunset year required three separate rule making documents. So Melissa talked about proposed and final rules. Under the previous Sunset process, we were also publishing an advanced notice of proposed rule making. And a lot of the work that we were doing on our end was in trying to move those documents through the clearance process. It was taking a lot of time and deferring work on other important priorities of the Board in implementing those
recommendations.

In addition, substances were discussed at a single public meeting, and removal of a substance under Sunset review could occur with a minority of votes. So with the way that the votes -- the voting motions were previously structured, it could take less than a majority to remove a substance from the National List and change the regulations.

In addition, we had had some difficulty implementing annotation changes that were made during the previous Sunset reviews. Again, because we're under time constraints in getting things cleared, having these discussed at a single public meeting was becoming problematic to meet our Sunset deadlines if we didn't have all of the information we needed.

Okay. So in looking at how we might revamp the process, we go back first to the statute, in the Sunset provision of OFPA. And I think Miles had a version of this slide
earlier today. And again, what OFPA says is that no exemption or prohibition contained on the National List shall be valid unless the NOSB has reviewed such exemption or prohibition within five years, and the Secretary has renewed such exemption or prohibition. So it clearly distinguishes between the responsibilities of the Board to review, and the Secretary to renew.

Okay. So through the new process -- and I'll get into the logistics of the process a little bit later -- but the overall benefits are the thorough and transparent review process for all substances over two Board meetings. So two public comment opportunities over which the Board completes its review of each substance.

It also ensures that any change to the National List, whether, again, that's through the petition process or during Sunset review, is supported by a decisive majority of the Board. And it's decisive as defined under
OFPA, which is two-thirds.

It also streamlines, again, our administration of the National List by rule making. Again, we have to do rule making for any removals, but if the material remains on the list, that's not something that's required by OFPA.

Okay. So there's been some questions about whether this change will weaken the standards, and no, we don't think it will. The Board still retains its ability to recommend removal of substances on the National List through the Sunset process. So previously, we did look at other materials that have come off the list through the Sunset process, and what we found is when new information became available or alternatives, that those substances that were removed from the National List during the Sunset process had at least two-thirds votes in favor of their removal. So even under this new process, if we were to look at those older
substances, they still would have been removed. Generally, those removals are well-supported by the Board.

So again, just a couple of examples recently, sulfur dioxide for rodent control, some forms of pectin and forms of lecithin that were removed from use, silicon dioxide, some forms of that, and hops. So again, generally when things come off the board through Sunset, they had been previously supported by the majority of the Board members.

Okay. So what is the process? So again, just like in OFPA, there's two components. There's the Board's part to review and there's the USDA action to renew for those that are continuing on. So I'll go through each of these steps and a couple of the key documents that are associated with the review.

Okay. So in terms of the mechanics, and I'll use Sunset 2015, since
it's on the agenda for this meeting just as an example, as we go through the steps. So step one is the meeting announcement in the Federal Register inviting comment on the Sunset list, so for Sunset 2015 that's inviting comments at this meeting. That background information may include any request from the subcommittee about any additional information that they're looking for. So again, that's published in advance. It includes a summary of the status of the substance it's listing and its Sunset date.

So step two is written public comment. So these are the comments that were submitted in advance of this meeting for Sunset 2015, and that includes all the written comment that was submitted by the comment deadline. Next, we're -- and this is where we're currently at for Sunset 2015 is step three, the first Board meeting. So at this meeting for the crop -- part of the crops agenda and the handling agenda, there's a
section designated for the Sunset substances.

So during that section of the agenda, the subcommittees will summarize the background information on those Sunset substances, any public comment received. They may receive additional in person public comment at this meeting, and there'll be deliberations about the need for the substance. So we're expecting to have a thorough discussion about the comments that have come in for those Sunset substances at this meeting in anticipation of any proposed removals that might happen later on.

Okay. So what happens after this meeting? The subcommittees will be go back to their committees and will prepare a document which is called the preliminary review. So that preliminary review may include any motions for removal based on that information and deliberation that happens at this meeting for Sunset 2015. So just like a petition would have a proposal from the subcommittee,
in this case we're having a preliminary review
document that'll come out of the subcommittee.
And again, if there's any information about
substances that may need to be removed from
the National List because they no longer meet
the OFPA criteria, that would be included in
a preliminary review for public comment.

Okay. So we will publish that
preliminary review for public comment in
advance of the second meeting, which will
happen this fall. When the public comment
period closes prior to the meeting, the
subcommittee will analyze any written public
comments that were submitted on the
preliminary review before the fall meeting
occurs. And then at the next fall meeting,
the subcommittees will present their
preliminary review just like they present any
other proposal, receive public comment at the
meeting, discuss any written public comments
that were received in response to the proposal
prior to the meeting, and then they will vote
on any motions for removal that were included in the preliminary review. And after that meeting concludes, the Board will complete a document called the Sunset Review.

So that would complete the Board's responsibility. AMS would receive that Sunset review document, and we have a template available that the Board will use for that, and consider rule making action for any recommended removals. And then we would have to go through the rule making process for removals. For any renewals under the Sunset provision, we would issue a Federal Register notice that would announce the renewal of any substances under the Sunset review.

So we see a lot of advantages to this two-meeting process. One is it allows for earlier information gathering at the first meeting, so this is the opportunity for comments to come in on those Sunset substances so that the Board has time to consider them before making any proposals to remove at the
second meeting. At the second meeting, it would allow for the Board to consider any comments on the proposed removals based on information received during the first meeting. So the process is over two meetings and it's the full Board having that deliberation at each of those meetings.

If new information is submitted late at the last minute that may have merit, you know, there's always an opportunity for new information to come in, but we really think that new information submitting at the last minute should be gone through the petition process. Really, we're trying to have the information submitted for Sunset review at the first meeting to ensure that we can meet any deadlines under the Sunset review before the Sunset deadline for each substance.

Okay. As I mentioned, the new process does have a different voting procedure as well. Instead of voting to relist substances, the Board will be proposing to
remove a substance during the Sunset review,
and that removal motion will need a two-thirds
majority as a decisive vote under OFPA. And
the reason that we made this decision was to
align the number of votes required with other
actions that the Board recommends. So
including petitions to remove or petitions to
list, the Board is making a decision to --
that's going to have a net effect, if
implemented, of changing the regulations and
that recommendation needs to be supported by
a decisive majority of the Board.

We also understand that because
the Board will only be voting on those
removals, it will increase efficiency a bit at
the Board meetings. But really focusing the
deliberation on any of those proposals to
remove. So we're expecting, you know, a
robust discussion rather than needing to vote
on every individual listing.

Okay. So there's been some
questions about how does the Board complete
its Sunset review for the Sunset substances -- for ones that the Board is not recommending to remove, how do you know the review has been completed if there's no vote?

So for removals, it's simple in that there would be a vote at the second meeting that -- and if that vote passes by two-thirds, then that would be recommended for removal under Sunset and that recommendation would be passed on to the NOP. For other reviews where removal is not being recommended, the review is complete at the end of the second meeting.

So we've defined the process. The process occurs over two meetings. The conclusion of that second meeting, if there's no removal motion, the Board has completed its obligation under OFPA to review. So at the conclusion of the second meeting, the Chair will submit the NOSB-reviewed document to NOP. Again, recommendations are not required for Sunset renewals, only for removals, and that
structure of the two-meeting process meets
OFPA's Sunset requirement for the NOSB to
review materials.

Okay. So just a quick couple of
other notes on time lines. So in January, we
did publish a memo to the Board on Sunset
review time lines, which identifies the two
meetings that the Board will use to address
each substance for the next couple of Sunset
reviews. It also includes deadlines for the
Board to request technical reports. We
understand since the information will be
occurring over two meetings, we want to make
sure that technical information is available
to the public as early as possible. So we did
put in deadlines that we should be able to
work with with contracting to get those
available in time. And the review also
includes a list of substances scheduled to
Sunset 3/20/17. So that's meetings through
2017, so Sunset dates through 2019 currently.

And just one other note about
Sunset dates. If they aren't in the notice, we do have a list of Sunset dates which is published in our program handbook on our website. The dates for the Sunset are set five years from the effective date of when the substance was added to the list. So for efficiency, we conduct the Sunset reviews by calendar year, but there's different dates depending on the substance. So sometimes there's multiple dates within a full Sunset year.

Right. So just, I guess in conclusion, the intent of the new process is to ensure that there's a decisive majority vote for all recommendations to change the National List. It does maintain the Board's responsibility to review the substances on the National List and under the Sunset provision, and it streamlines our administration of the renewal process. It allows us to focus additional resources in implementing other important Board recommendations on standards.
as well. All right. Thank you.

CHAIR STONE: Okay. Thank you, Lisa.

Are there questions from the Board clarifying from Lisa, or for -- or Miles? Jean.

MEMBER RICHARDSON: Lisa, obviously I'm new to the -- I've been going through these Sunset materials, and I started on half a dozen of them that were during -- in livestock, and I was really quite astounded to see how difficult it was in terms of public transparency to actually follow the thought processes and the materials that were used to come to decisions on Sunset, to, you know, keep them or not. Then it's quite, sort of a rabbit warren to go through to find all of these materials.

So I would like you to explain, if you would, how it is that we've been working together, the NOP and the Board, to try to develop these templates that will allow there
to be a public record that will give greater
transparency. Because I know I've had
questions from the public is that what -- can
they see what we're doing and how we're doing
it, and, you know, how we've been developing
materials, how will the public be able to see
those. You know what I mean, those templates?

DR. BRINES: Sure. Yes, I mean,
what we publish in advance of this meeting for
Sunset 2015 is basically a table of the
substances, which included reference to where
it is on the National List, links to previous
technical reports, sometimes there are
several, depending on how long a substance has
been on the list, as well as generally links
to the Federal Register notice that added the
substance to the list. So that document often
includes any discussion of comment we might
have received through the rule making process,
which can be helpful as well.

MR. McEVOY: Yes, I think what our
goal is, as you mentioned, Jean, is that the
previous Sunset processes, it's hard to follow
the documents from the past. And what we're
trying to do is be as transparent as possible.
There's still more, additional information
that will be part of this process to make that
as transparent and available to the public as
possible as we continue to implement this
Sunset process.

CHAIR STONE: Jay?

MEMBER FELDMAN: In the interest
of, you know, sort of carrying out the laws as
I think we all agree, it's supposed to be --
you know, we want to have a robust discussion
with all points of view on the table. So I
think partly what I'd like to see happen here
in this segment is get some real clarity on
the points of view that are out there in
implementation, starting with this concept of
majority and minority.

Miles, you have said that the
minority shouldn't stop a material from being
relisted, or should not allow a material to be
delisted, either way you want to think about it. And in fact, whether you're talking about Robert's Rules of Order, in which the most important votes required are two-thirds, or if you're talking about the historic application of OFPA with a decisive vote for relisting. The whole purpose of the minority having considerable control, that is six members of this Board, is so that we force, as close as possible, some consensus among Board members because these are critical decisions.

And if we lose the trust of any one of the stakeholder groups, be it consumers or environmentalists or farmers, if we lost that, that what you're referring to as a minority, then we really risk the credibility and the trust in the label. If consumers walk away from this family or this community or this market, then we have nothing. We're left with nothing.

So the way Congress envisioned this was to give tremendous power to the
minority to force a discussion and to move toward consensus. And that's historically exactly what this Board has done. No one is perfectly happy with every decision typically, but it drives us toward that consensus. And, in fact, that's what Robert's Rules of Order tries to do as well.

So I think it's really a mistake to keep diminishing the role of the minority in the context of reviewing the allowable materials, the National List materials. That's one that I really think we should have a discussion as a Board on that point so that -- with the community so that people understand that that's a basic, important, critical philosophical shift and shift in interpretation of law.

The second point is that you -- the only document we really have that's official is a Federal Register notice of September 16th, right, of last year, 2013. And in that document it's very clear that only
if warranted, and I'm quoting, the NOSB subcommittees can develop proposals to remove substances as part of their preliminary review. And then each subcommittee chair leads the full NOSB discussion on the subcommittee preliminary reviews and any associated proposals to remove substances from the National List. And then finally, if a subcommittee had published a proposal to remove a substance, then a member of the NOSB can make a motion to remove the substance from the National List.

I understand your interpretation of that, and that you may have an interpretation that allows for a full board discussion, but there's nothing required in that September 16 Federal Register to remove anything other than a delisting motion on to the full Board, which means you're vesting with the subcommittee authorities that really are only vested with the NOSB, the full NOSB.

So we either have to correct that
September 16 Federal Register notice. I don't think clarifying it is -- to your intent, would be sufficient, and if you want to walk us through that language and explain how if a subcommittee does not pass a motion to delist, how, based on this Federal Register notice, that motion -- that is, a motion for essentially an allowance for relisting based on a review -- will come to the full Board for deliberation and a vote.

Okay. So I think we need clarity on that. And if, in fact, you see this differently than as we've interpreted the words on the page, that would be helpful to hear at this juncture.

So, you know, at the end of the day here, we're talking -- as I said earlier, we're talking about public trust in this process. You know, streamlining is streamlining, but if we're streamlining at the expense of public trust in the label at the end of the day, then we haven't achieved
anything except streamlining for purposes of
avoiding an otherwise onerous regulatory
process. So you may have achieved an end that
you think is important, and is important, I'm
not denying it, but at the expense of what?
At the expense of public trust and value of
that label.

So as a Board member, I feel that
this Board has to help strike that balance and
has to work in collaboration with the program
to give you the feedback -- or the program the
feedback that it needs to make sure that we
don't alienate major stakeholder groups in the
organic community that in and of themselves
may -- you may call a minority, but if they
walk away from the table, we're left with
virtually nothing.

So I hope we can, throughout these
next several days, can come to an
understanding about those perspectives and see
if we can reincorporate somehow those elements
into the implementation of the statute, which
is carefully calibrated to ensure that we all do work together and hear each other. Thanks.

MR. McEVOY: Okay Jay, you said a lot of things there.

(Appplause.)

MR. McEVOY: And there were many things there that I totally support. The idea of consensus, clear process. So a couple of things is-- one is, as we said, the NOSB is responsible for renewing these substances every five years as part of the Sunset review, and that's what the process lays out, is that process.

There are no decisions that are made at a subcommittee level. The subcommittee has a role to play on all kinds of things with the Board, but the place where those decisions, where the review is completed, is at the full Board meetings. So it sounds like there's some questions, but the process is, is that the subcommittee reviews things, brings proposals to the full Board,
but the full Board is the one that has the
discussion and the final determination.

So thank you for your perspective,
and are there questions?

CHAIR STONE: So Jay, and to
Jean's point, you know, with this new process,
we're developing these templates and charts
and tracking mechanisms, and so some of this
is just finalizing the mechanics of how it
works through the system, but for that very
reason, it's not necessary for Federal
Register notice I guess, but we're still
working through the mechanics.

And my conversation with
individual Board members is yes, there's an
assumption that every material will come
before the full Board in some form or fashion.
We're just not sure what that physically looks
like in the process of making these lists of
hundreds of materials, and the review going --
leading up to that.

Any -- Francis.
MEMBER THICKE: So Miles, then, in the case of a subcommittee that does not put forth a proposal to deny or to delist, how does the Board technically review that, the full Board review that proposal -- or that material?

MR. McEVOY: So the subcommittees do not have to put forward a proposal to remove. In discussions with you all, it sounds like you really want to vote on things, that you want to vote on every Sunset material. So if the subcommittees, if the Board wants to have a proposal on the table for removal for every substance, you can do that.

The proposal to remove should be based on the criteria in OFPA. There should be some basis for a proposal to remove. But to have just something on the table so there can always be a full Board discussion, a proposal to remove, even though the subcommittee members may not support that
proposal to remove, it could still be on the
table for discussion for full review.

So that's where the full Board
then could make that determination, that vote,
on whether or not to remove that substance.
To vote to remove the substance should be
based on the OFPA criteria of determining how
a substance fails to meet one of those seven
criteria.

CHAIR STONE: Nick.

MEMBER MARAVELL: So if a Board
member who's not on the subcommittee feels
that a material fails to meet the OFPA
criteria, that Board member would not have the
opportunity to realize a discussion and a vote
on that substance, if a subcommittee did not
make a recommendation to delist, is that --
did I misunderstand it, or is --

MR. McEVOY: Yes, I think you
misunderstood it.

MEMBER MARAVELL: Oh, good.

MR. McEVOY: You have two --
MEMBER MARAVELL: Please explain.

MR. McEVOY: -- you have two meetings, right. So you have the first meeting to discuss the public comment, the technical reports, all the background information, why it got onto the National List in the first place, right. So that's the purpose of the first meeting.

There's going to be a full discussion of all the Sunset materials, one by one. That information will go back to the subcommittees. There can be any member of the Board that can raise concerns about a particular Sunset material during the full Board discussion. If the subcommittee can, they always have a proposal on the table to remove, so you always, at the full Board meeting, have the ability to vote and determine the criteria. That's what's the responsibility of the full Board is.

The subcommittee is simply focusing, just like with all your -- you know,
all the petitioned substances, the other things that are on the NOSB work plan, the subcommittees put a little more focus on the things that are on their work plan and then put proposals forward to the full Board for consideration.

CHAIR STONE: Colehour.

MEMBER BONDERA: Thank you. I guess as a follow-up to Nick's question and your response, Miles, I just need to better understand the choice of the words "can" and "could" in terms of, the subcommittee chairs could make those choices to put such a thing forth, but like Nick suggested, if nobody on the subcommittee is encouraging it, they could choose not to.

So I guess I'm asking, will this be an NOP requirement or this is just a possible guidance? I just -- I don't get how this is going to play out in reality.

MR. McEVOY: Right. Well, you have to remember that the responsibility that
the Board has during Sunset is to review the
substances. There's no requirement that you
have a vote to remove. So it's your option if
you want to have that on the table. Your only
requirement is to review these substances
every five years. So that's why it's a "may",
you may put that proposal on the table to
remove, but it's not a requirement to have a
proposal on the table to remove these
substances.

CHAIR STONE: Jean.

MEMBER RICHARDSON: There's
obviously a lack of clarity, and yesterday at
the NOC meeting that I attended for a short
period of time, these same questions were
raised by a range of stakeholders around the
table. And we all understand that the present
NOP staff, Lisa, Melissa, Miles sitting here,
it is your intent that all of these materials
come to the full Board.

The trouble is, the Federal
Register seems to lack the necessary clarity,
and I'm not sure whether we can answer it here around the table right now, but somehow or other we have to have, in writing, this intent so that there is -- there are reassurances, as Jay put, for the sort of, the integrity of the whole process.

And I -- you know, we trust that you're doing the right things, but if there's a lack of clarity on a very serious issue like this, which is seen by a large number of stakeholders as being a problem, I think that we need to put our heads together and work out how we can provide that necessary clarity and reassurance.

CHAIR STONE: Zea.

MEMBER SONNABEND: Okay. As subcommittee chair of the crops committee, if I interpret what I think I heard Miles say correctly, we have substances for Sunset review and this is the first meeting we'll talk about them. Any Board member who wishes to raise concerns during our discussion
tomorrow, whether they're on the subcommittee
or not, can encourage us on the subcommittee
to come forward with a proposal to remove for
the next meeting.

So if you read the public comment
as I did, we all read the public comment and
some commenters say, well, this should be
removed for this reason, all any member of the
Board has to do is say, during our discussion,
these concerns are raised, I think we should
consider removal, then the subcommittee will
take it and work on it for the next meeting
and possibly bring -- probably -- you know, I
would respect the process as chair to bring
forward the motion for removal.

DR. BAILEY: Jean, to just follow
up on your comments. Just to be clear in the
notice, and I'm not sure if people are missing
this or not, but the preliminary review -- so
we're in the first meeting right now. All of
the substances for Sunset 2015 will be
discussed at this meeting.
Those same substances, in the
fall, regardless of whether there's a proposal
to remove, will again be part of the
preliminary review that the subcommittee puts
forth and will, again, all be discussed by the
full Board at the second meeting. So there is
consistency between the first and second
meeting that all of those individual materials
will have an opportunity to be discussed,
whether it's findings of just the review or
putting actually on the floor a proposal to
remove at the second meeting.

So I'm sort of hearing -- what I
think I'm hearing is concern that some
materials won't even be discussed at the
second meeting, and that's just not the case.

CHAIR STONE: And we're
pre-loading time for all of this. We're
starting way ahead and 16 and 17 is right
here in front of us.

So Jay, if you'll wrap this up?

MEMBER FELDMAN: Yes, I'll try.
Melissa, that's an interesting interpretation, but it really -- when you publish a Federal Register notice that says if a subcommittee had published a proposal to remove a substance, then a member of the NOSB can make a motion to remove, that precludes a member, such as the Honorable Member from Maryland has suggested, if he was not on a subcommittee, and the probability didn't actually pan out as the Honorable Member from California suggested, then we would be lacking a motion published, made available to the public, and therefore the introduction of a motion to delist at that second meeting would be considered untimely, as referenced in the Federal Register notice and therefore out of order.

So what you're describing is fine, that makes sense, but that is not what is on the page. So unless you can reinterpret this for me, if a subcommittee had published a proposal to remove a substance, then a member
of the NOSB can make a motion to remove a
substance from the National List.

DR. BAILEY: No, that -- well, I
wasn't actually commenting on that portion of
the notice. I mean, that's fine, what you
just said. I was just saying that what I was
hearing was that people were concerned some of
these materials would not even be discussed at
the second meeting, and I was clarifying that
the notice is clear on that point, that all of
those materials will, in fact, be discussed at
the second meeting.

MEMBER FELDMAN: Right. But
discussion without the ability to vote for a
delisting motion, given all the hypotheticals
of probability, may or can, these are not
words in either regulatory or statutory
language that ensure that the full Board
becomes a deliberative process that allows for
a delisting motion. And that's key.

You know, when I first got on the
Board, Miles explained to me and the other new
members that the Board lacking an action on a Sunset meant that the material would be delisted. And that meant that we had to really get ourselves in gear to take action to prevent a delisting, because a lack of action resulted in a delisting.

Now we're being told a lack of action results in a relisting, and some of us obviously believe there's a legal question there. But leave that aside. If this, from a FACA perspective, doesn't allow for full deliberations and a vote for delisting, then I think we have a FACA problem in terms of the Board not having the ability to vote when a member of the Board wants to raise a motion that had not been passed out of subcommittee.

So that's a FACA problem.

MR. McEVOY: Yes, I would just respectfully disagree that -- what your responsibility is, is to review these substances. There's no requirement that there's a vote on the table to remove these
substances. And -- but you have lots of
options to do that, and that's what this
meeting is about is to discuss these
substances. If you want a proposal to remove,
get it into the record, it'll become part of
the proposal, then it can be part of the next
meeting so you can have a vote on removing
these substances. So yes, that's it.

CHAIR STONE: So Jay, it is
incumbent on us to be out in front at this
first meeting when they're first announced,
make sure the members of the public are aware
that they're -- it's in the first meeting, et
cetera, to not wait for that second meeting.
So it's a little tougher on us to stay in
front of these things to avoid the concern
that you have.

With that, it's twelve -- oh,
Calvin.

SECRETARY WALKER: I have some
comments and questions. It's my view, looking
at the new change, is that it seems like I'm
not hearing that -- I was under the impression that all materials will be voted on by the Board, whether at the first or the second meeting. Is that -- will the Board as a whole get a chance to vote on every material for Sunset?

MR. McEVOY: The Board reviews each -- every material during Sunset. Your responsibility is to review these substances. You can have a proposal to remove every substance if you would like, but it's not a requirement. Your responsibility is to review each of these substances every five years.

SECRETARY WALKER: And that's the rub that I have. It seemed like this Board ought to have the opportunity all to vote on all materials up for Sunset, up or down, as opposed to they might or might not.

The other issue I have is that in the livestock committee I have about seven materials that I'm looking at. We look at new information. Some of the materials I'm
looking at do not even have a TR. Some do not
even have had a TR in 1999.

When you're dealing with science,
new information, a TR that has been done in
1999, that's 15 years, that's a long time.
And if the program do not have enough funds to
get new TRs for these, I think the one I have
I think 60 percent have not had a TR since
1999. So how do I, as a Board member, if the
funds are not there, to actually get new TR to
see if there's new information to keep in or
vote out?

DR. BRINES: Yeah, I can answer
that for you, Calvin. I think those materials
you're referring to might be part of the 2017
Sunset review of which there are over 200
materials. Many of those materials were added
to the National List as part of the
regulations going into had technical advisory
panel reviews that were effect.

So they might have conducted in
1995 or 1996, but may not have a lot of new
information, technical information that's available.

We do have some resources to devote for technical reports for each Sunset year. It can help the program in terms of reviewing those requests, that the subcommittees can look at those materials and really prioritize which ones are most important. I think most of the more controversial materials generally have updated technical information.

The ones that don't are often materials that have a long history of use in organic, even before the NOP regulations went into effect. There might be new information, but we probably won't be able to do 200 new technical reports. You don't have the time to review them and neither do I. So prioritizing where the real needs are can be helpful for us. Thanks.

CHAIR STONE: Harold?

MEMBER AUSTIN: On the handling
committee we're dealing with some of these issues right now, and I think a good example is because of the lack of adequate funds to be able to take and request a TR on virtually every item, I mean in the 2017 we're going to have a 105 materials for the handling committee along. So we've got a quite extensive list.

Part of the new process, they do a listing for the Sunset materials. I think this first one -- and we've done that on our 2015 materials, is that it affords the subcommittee the opportunity to reach out to the original petitioner, to the stakeholders, to the certifiers, and come up with specific questions to help offset some of the requests or the lack of requests for the TR.

So it gives the community an opportunity, the stakeholders irregardless an opportunity to comment to that and bring to light any new changes to that substance to the subcommittee. So that as we go through our
deliberation, headed to the second meeting, if there's anything that's come up, we can address it then, and we could then initiate a motion to delist at that time, depending on what's been brought to us.

CHAIR STONE: Thanks. Calvin, you want to wrap this up for us?

SECRETARY WALKER: Yes. Could the program share with me -- because I know I have been asked, and will be asked again, if I'm a petitioner and I'm petitioning for methionine, if I'm the petitioner, if I bring this forward for it to be added to the National List, where is my role in making the case to remove it?

CHAIR STONE: Go ahead, Lisa.

DR. BRINES: Yeah, if I understand your question, Calvin. So we only accept petitions for generic materials. So once the generic materials added to the list, any manufacturer or user of that material can use the generic form.

Often we get petitions from the
manufacturers of specific materials. They may want to defend the material during the Sunset review, but really once it's added to the regulations it's a public -- it's open to anyone. So I don't know that then that manufacturer specifically needs to be engaged.

CHAIR STONE: I would suggest, Calvin, that that's what Harold's saying, is the subcommittee reaches to all of the interested parties in more of an open education process about these materials versus the subcommittee going into deliberations on their own and seeing -- hopefully we did good before we make a proposal to the full Board. So it does involve just a lot of interaction with the community, which is our responsibility on each of these materials.

Okay. Thank you very much. I'm sure we'll have some bits and pieces of this in addition as we go through the next couple of days. I have 12:40, let's return back at 1:45. That gives us a little over an hour to
get out and find lunch and get back. Thank you very much.

(Whereupon, the above-entitled matter went off the record at 12:40 p.m. and resumed at 1:49 p.m.)

AFTERNOON SESSION

(1:49 p.m.)

CHAIR STONE: If I could have the Board members take their seats, we're going to go ahead and get started.

(Pause.)

CHAIR STONE: We've got a little bit more of a report from NOP, we're going to get Mr. Mark Lipson up here, then we're going to get into public comment, oral comments if you will. Yeah, and Sarah with NRCS. I'm sorry, Sarah. I didn't -- wasn't slighting you. You are part of USDA.

So we're -- your agenda shows there's an hour of time for overarching or underpinning, I don't remember the exact word -- overarching ideas and undercurrents in
organics.

I think we felt some undercurrents earlier this morning, and we're going to let that be that time, and we're going -- because we don't want to get in -- to limit the oral comment time. So that's a conversation that we maybe can have bits of pieces of throughout the agenda, but not take an hour long block of time just for that.

So with that being said, we'll turn it over to Miles to pick up the NOP report that we didn't get to before lunch. Miles?

MR. McEVOY: Okay. Welcome back. This is the normal part of the process where I talk about a lot of things happening at the National Organic Program, so we've been busy, there's a lot of things going on, a lot of things to report on, things that we've accomplished and what our plans are for the immediate future.

I guess I have control, so I can
do this. Okay. So just as a reminder of the
National Organic Program, our mission, our
vision, our mission is to ensure the integrity
of USDA organic products in the United States
and throughout the world.

The USDA Organic logo is
recognized throughout the world as the gold
standard in many, many different countries of
the integrity of the process, the rigor of our
process.

It is very much seen that way in
many of the international meetings that we go
to. So it's not just about protecting
integrity here, but it's also protecting
integrity of the products being shipped
overseas and products that come into the US
bearing the USDA Organic logo.

Our vision, organic integrity from
farm to table. Consumers trust the organic
label. Had some discussions about trust here
this morning. It's very, very important to
make sure that we maintain that integrity,
that the standards are being upheld through the certification and accreditation process. And our core role is to implement the Organic Foods Production Act and the USDA organic regulations.

So I know a lot of you know what the program does, but there might be things that we do that you don't know that we do. And here are the key activities of what the program does.

We develop and maintain organic standards, and that's where the National Organic Standards Board is such a critical role in terms of the public input that we get, the advice and the recommendations that we get from the Board are critical in that process of developing and maintaining the organic standards.

We accredit and oversee the third-party organic certifying agents, and they're the ones who do the review and inspection and approving organic producers and
handlers to be in the organic marketplace. So our oversight of them to ensure that they're doing their jobs properly is very critical.

We implement international organic trade agreements. We also have an enforcement role. We investigate complaints of violations, for example uncertified farmers selling food as organic, or selling conventional food as organic. And of course we support the work of the National Organic Standards Board.

Just some facts and figures.

There's 84 accredited certifying agents that are operating worldwide, there's over 25,000 certified organic operations, and around $35 billion in US organic sales.

The one thing that's interesting to think about in terms of the 25,000 certified organic operations is that a number of those are grower groups, especially -- well, outside the US. And within those grower groups there are about a half a million small
holders, or small farmers that participate in
those growers groups and are participating
under the USDA National Organic Program.

A few quick facts about the NOP.
Thirty-four employees in three divisions and
growing. We're in the process of hiring about
10 new staff, so we'll have significantly more
people working in the program a year from now.

Our budget was around $7 million
in 2012. With sequestration it went down to
6.369 in 13, and then we had a sizable
increase for 14. This money was provided in
January, but it takes a long time to get that
money actually to the program and get that
money implemented.

So that's -- it's a lot of work
actually to all of a sudden figure out --
well, it's not all of a sudden -- we had a
plan of how to utilize that money, but it's a
lot of work to hire the staff and get the work
done to utilize that money the best.

We are a regulatory program within
the Agricultural Marketing Service. So that's our job is to regulate the organic label, the organic trade, and that's what we do.

So, we oversee the work of 84 certifiers, certified over 25,000 operations, that work of accreditation includes audits, audit report reviews, we do notices of non-compliance to certifying agents, we have to do corrective action reviews of the corrective actions that they do to correct their findings, we respond to their questions, we update the list of certified operations.

And just some other facts and figures. As of the close of fiscal year 2013, certifiers were in full compliance with 95 percent of the accreditation criteria, and have implemented corrective actions for all the deficiencies that we found, all the findings.

So what we do to a certifier is very similar to what happens with a certified operation, is that they are inspected, or
audited. Those audits usually are about a week long, depending upon the size and scope of the certifier, and as with the certified operation, there's always things that you find.

Most of things are relatively minor, they don't have all their conflict of interest reports up-to-date, that they have been, but they're not up-to-date for all their employees, they have some missing training records. For foreign certifiers, one of the common things we'd found is that they didn't follow the adverse action procedures exactly as per the regulations. So those are the kinds of findings.

It's part of the process that you do have findings when you do audits and that's -- then we make sure that those certifiers are making the corrective actions to come back into full compliance with all the requirements.

So key accreditation activities
for last year. There were 25 accreditation
renewals audits, five accreditation mid-term
audits, one initial accreditation audit, 63
reinstatements of certification, nine
temporary variances, we denied two temporary
variances, we issued four expert
authorizations, we supported training, policy
development and outreach activities, we
launched Sound and Sensible Initiative, and
we'll talk more about that later.

So, many different things that the
Accreditation Division of the National Organic
Program is doing. They have a limited
staff who work very closely with the
Agricultural Marketing Service Quality
Assurance Division to do the audits of
certifiers, but there's a lot of work that's
involved in that.

In terms of international trade,
we have trade arrangements with several
countries to facilitate the exchange of
organic products and provide market
opportunities for organic producers and
handlers in the US. We have three equivalency
arrangements currently.

Now an equivalency arrangement is
where we accept the foreign country's program
in total, we accept their standards as
equivalent. It doesn't mean identical, it
means that it's equivalent. We accept their
accreditation system, we accept their
compliance process, how they enforce the
organic label in those countries.

So we have three of those
equivalency arrangements: with Canada, which
was the first one in June of 2009; and then
2012 an equivalency arrangement with the
European Union and the 27 member states, so 27
countries involved under the European Union;
and then Japan just most recently, became
effective on January of this year.

And we're having discussions with
other countries, in particular South Korea and
Switzerland. Many countries are interested in
equivalency arrangements with the US, so
that'll be a continuing focus of the program
is to work with these foreign countries on
potential equivalency arrangements.

Recognition agreements are
distinct in that they are where the -- what
we're accepting is the foreign country's
accreditation system. So we're not accepting
their standards, they still have to certify
products in those countries to the US
standards, but we are accepting the
accreditation program, the government
accreditation program. We have now three
recognition agreements, with India, Israel and
New Zealand.

All of these agreements require
both negotiations and ongoing discussions
through organic working groups, and ongoing
peer assessments, peer reviews where we're
sending teams to those countries to make sure
that they're meeting the terms of the
requirements. And they do the same, they send
teams to the US.

So we work very closely with

USDA's Foreign Agricultural Service and the

Office of the US Trade Representative on all

this work on international trade and

activities.

So just briefly, in terms of

imports there are three ways that products can

get into the US organic market. It can be

certified by a certifier that's directly

accredited by USDA National Organic Program,
or they can be certified to the USDA organic

regulations by a certifier that is accredited

by a foreign government that's recognized by

USDA. That's Israel, India and New Zealand.

And finally, it can be certified

to an equivalent organic standard by an

authorized control body. So for instance in

Canada, the Canadian Food Inspection Agency
does the accreditation of the certifiers that

operate in Canada. Those certifiers are
certifying to the Canadian standard.
We deem the Canadian standard equivalent to the US standard with a couple of critical variances. One is that they -- any livestock product coming into the US can't be produced with the use of antibiotics, and then for products going from the US into Canada there are stocking rate requirements for poultry and non-ruminant livestock, and prohibition on hydroponics and aeroponics and sodium nitrate. Almost lost that last one there.

Okay. And then so we have to -- we're responsible to make sure that all products sold in the US meet the US requirements, but we're also interested in supporting markets for US producers and handlers. There's a lot of interest in organics in many foreign countries. There's a lot of foreign countries that organic sales are increasing rapidly. China, for instance, has a growing organic market.

So, for the countries that we have
an equivalency arrangement, the NOP certification is equivalent and it's relatively easy to get your products into those countries, that's the EU, Canada and Japan. For Taiwan, we have an export arrangement, so NOP certification is accepted there.

There are many countries that have no mandatory labeling requirements, so it's sort of an unregulated marketplace. So Mexico is like that, though they're in the process of implementing some regulations there. And Australia has a mandatory regulation for exports, but not for domestic. So in those countries, US organic certification works for sales.

And then there's other countries that have their own mandatory requirements, that have their own standard. For instance China, South Korea now, they've just implemented mandatory requirements as of January of 2014 in Brazil. And so for those
countries, if you want to ship to those
countries, you have to be certified to that
country's standard by a certifier that's
accredited under that country's standard. So
it gets a lot more complicated. So that's
just a quick overview of export issues.

So key priorities for the
Accreditation and International Activities
Division, of course publishing the updated
list of certified operations, that's a thing
that we do on a yearly basis.

We're very excited about the money
that we've gotten in the Farm Bill for
information technology upgrades. So – in the
future, we'll have a real time database of
certified operations. But the current time
is, is that we have to do this on an annual
basis, and there's a fair amount of work
involved in doing that.

We do certifier training every
year, which we want to expand on that. So the
last one was in February. We train our
auditors to make sure they're up to speed with any changes to the requirements and they're on the same page as they do their audits of certifiers.

We did our first Latin American certifier training in March. Had nine or ten Latin American countries that participated. They are very, very excited about the opportunities in organic agriculture in their countries and how they can support the organic integrity and understand the organic system in Latin America. So we hope to continue to provide training to -- in Latin America in particular, but other countries potentially as well.

We're currently under a peer review by the American -- by ANSI, I always forget what the acronym stands for, but it's the -- Lynn, you know -- American National Standards Institute. American National Standards Institute. Okay. That seems kind of redundant, American National.
Okay. American National Standards Institute. They're currently doing a peer review, so they're evaluating the program under ISO 17011 in our requirements, and so once that review is complete, we'll be publishing that peer review report for everyone to take a look at.

Lots of accreditation audits. This is a heavy accreditation audit year for certifiers, and then maintaining our existing recognition and equivalency arrangements, conducting our peer reviews and working groups.

Moving on to the Compliance and Enforcement Division, their key activities are to investigate complaints, work with operations to achieve compliance where possible and take enforcement actions as appropriate. They represent the National Organic Program in appeals of adverse actions. They work with certifiers and state programs and federal partners on
enforcement of the statute and the regulations, so there's a lot of work, collaborative work that they do with certifiers to do the investigations of complaints. And if it gets to be, for instance, more serious violations, we work with our federal partners and the Department of Justice at times on criminal investigations.

They're our lead enforcement-related policy development division, and they also are doing some outreach efforts.

So the purposes of enforcement is to protect the integrity of the organic standards so as to facilitate commerce, maintaining consumer confidence, and ensuring a fair market for the great majority of operations that operate in compliance with the law. So our experience shows that the vast majority of operations are in compliance with the requirements.
There's always findings when you do an audit, when you do an inspection, but they tend to be relatively minor things that can be corrected. We do find some significant violations at times, and then we want to do very stringent enforcement and have strict penalties for those bad actors. But the great majority of organic operations are operating in compliance with the requirements.

So in terms of 2013, the Compliance and Enforcement Division issued 18 civil penalties totaling $78,500 for willful violations of the regulations. They closed 260 complaints. They had continuous improvement on case handling and they reduced the overall backlog of complaints.

We still have a backlog of complaints, but we're making some progress there. And they'd worked with the Office of Inspector General and the Department of Justice on some high profile enforcement cases.
We've had a lot of improvement in terms of handling of appeals. A few years ago, 2011, the average days to close an appeal was 344 days, so basically a year. So that's the average time, was a year. So some appeals were going on for two years, a very long period of time.

And remember, if you appeal an adverse action, the operation continues to be certified, continues to be able to sell products as organic during that appeals process.

So we brought that down from 2011 to -- over the last six months down to 148 days, so we've cut that in half for the average amount. And it looks like for all of the appeals that we're getting, that we'll be able to close the vast majority of those within 180 days in 2014, which means that there will be others that are being closed in like 90 days. So a lot of improvement -- of process improvements in the way that we handle
appeals.

One of the things that we're doing is we're using settlement agreements in many cases to more rapidly close the appeal, ensure compliance with the regulations, either get those companies back in compliance, or get them out of the organic marketplace.

Complete distribution. Over half of the complaints we get are about uncertified operations, about a third on labeling violations and fraud, and prohibited substances -- allegations of prohibited substances and methods about -- it looks like about a sixth or a fifth of the complaints that we receive.

Priorities for warrants and enforcement. Complaint investigations and closures remain their highest priority, reducing the backlog and their time to case closure. Some things can be closed relatively quickly, but some things that are complicated take a significant amount of investigative
work to bring to closure.

Working closely with the Office of General Counsel to pursue complaints for hearing against violators. So after there's an administrative decision, the next step in the process is to file a complaint and go to an administrative hearing.

Contribute to policy and training development related to enforcement, and then also implement the Farm Bill provisions related to enforcement. Within the Farm Bill, there are enhanced enforcement authorities that the National Organic Program now has.

We have the authority to issue subpoenas, so we're making sure that our compliance staff are trained and able to use subpoenas when we need to do that in the course of our investigative and enforcement work.

A little bit about residue testing. One of the most significant compliance-related issues that we've rolled
out over the last few years is residue testing for certifiers. That was a new requirement that they do 5 percent of their operations on a yearly basis starting in 2013.

So this was a cross-divisional effort that we worked with other AMS programs to develop this residue testing requirements. We set the residue testing standard through proposed and final rule making. We've provided instructions and training to certifiers and will continue to provide more of that in the future.

We've assessed certifiers' compliance with these new rules during our accreditation audits. This is really the first year that we'll start to do that to ensure that they're doing 5 percent of the operations in 2013 and that they've taken appropriate follow-up action when they find residues in the course of their work.

We've collaborated with the Agricultural Marketing Service's Science and
Technology Program on sampling, on the residue screens that they conduct and on residue testing. And they've provided a lot of service in support to the certifiers to implement the residue testing requirements. And we've also conducted enforcement actions based on residue sample results that have come in as a basis of this residue testing.

So as I said, since 2013, certifiers are conducting this residue testing. There's some basic requirements that the certifiers have to do. They have to notify the applicant or the certified operation of any test results when they do residue analysis, they have to maintain records of the analysis, and they must provide results to the public upon request.

They must maintain sample collection information and sample results for review during the NOP accreditation audits. And then when residues are found, they have to investigate why are those residues present,
and take appropriate enforcement action.

   So I'm just going to provide an
example of this in terms of how -- this is
very brief, but how certifiers have been given
instructions and guidance on how to respond to
detected residues, whether it's a prohibited
pesticide, antibiotic, hormone or the GMOs.
So they have to investigate -- when they find
positive residues they have to investigate to
determine the source of the residues and take
appropriate action.

   And there's basically two things
that they need to determine: whether or not
there was the use of a prohibited substance or
method, or inadequate measures to prevent
contamination or commingling. So there's a
very distinct difference in terms of the
compliance and enforcement action that a
certifier will take based on determining what
has happened.

   So you get these residue results
and you need to analyze them. Where was it
collected, why is it there, what is the compound, how much is there. And by looking at those things you can -- it tells you a story, it gives you information.

And then the certifiers that -- working with us as necessary, can make this determination. Is it the use of the prohibited substance or is it because of inadequate buffers or inadequate procedures to prevent commingling.

And if it's the use of the prohibited substance or method that's knowingly and willful, then that would be a proposed revocation, that would be the outcome. If it was an error, then it would be a proposed suspension. So sometimes a prohibited substance may be used by a mistake rather than a willful violation, and that would be a reason to go for a proposed suspension rather than proposed revocation.

If it's inadequate measures, then the appropriate approach is a notice of
non-compliance, to require corrective actions, to put in place better buffer zones, better procedures to prevent commingling or contamination during handling. So those are the basic concepts that we have presented to certifiers in terms of responding to positive results.

So an example is on GMO residues. There's been questions of whether or not organic products are sampled for GMO residues. So as you know, the USDA organic regulations prohibit the use of genetically modified organisms. They prohibit commingling or contamination during processing and handling, and they require preventative practices to avoid contact with GMOs.

Organic agricultural products should have minimal, if any, GMO presence because of the process that is in place. There is no tolerance level that's been established for the presence of GMO material, but there's still actions that certifiers must
take if GMOs are found in the course of their responsibilities of residue testing and analysis.

So if, during the course of their work, they find GMO residues, then they have to do an investigation, why are those GMO residues there. If the investigation determines that the residues were there because there was the use of excluded methods, then the certifier would take adverse actions to suspend or revoke the operation.

If the certifier determines that the residue levels are due to inadequate measures to avoid contact, then -- with excluded methods from adjoining land use or commingling, inadequate measures for handling, then the certifier issues a notice of non-compliance and there's corrective actions that are implemented to improve the integrity of the whole system.

So that's just a brief overview of how we've provided guidance and training to
certifiers of how they handle prohibited substances, including the use of GMO products.

Okay. So summary on periodic residue testing. Test results provide a copy to the operator and make it available to the public upon request. Investigate the positive results to determine the source, and then take appropriate action when you find residues, adverse action, notification of authorities as necessary.

So just wanted to cover this because there's sometimes a lot of questions or misconceptions about the role of residue testing, and especially around residue testing and GMOs.

Okay. Now moving to the Standards Division. Melissa Bailey is the Director of the Standards Division. Key activities of the Standards Division is to develop new rules and coordinate the clearance of those through that long process; develop and maintain the regulatory priorities agenda; draft new and
updated guidance and policy memos based on the recommendations from this Board.

But also from the Office of Inspector General findings, we have to address that. Some of the actions we take are based on the Office of Inspector General findings about the program.

We also take actions based on questions from certifiers and from the community at large and other priority needs. We develop materials to support the roll out of new standards, respond to letters and questions about standards.

The division is responsible for maintaining the National List, including the petition intake process and response, and the list management activities. And this is the division that does most of the support work for the National Organic Standards Board.

So there are successes for last year. They led, managed, maintained and communicated progress for approximately 20
Standards projects, including regulatory work plans, rules and communication materials.

They completed three final rules, three proposed rules, two draft guidance documents and five final guidance documents. So lots of work coming out of this division.

They've developed a regulatory priority plan to ensure NOP's priorities are reflected in USDA's regulatory agenda, and this morning, Melissa showed you how to get access to that regulatory agenda to see what those priorities are. They developed the revised Sunset process to improve the efficient use of USDA resources and ensure stability for organic markets.

So our priorities for 2014, we have three things currently in clearance, and the clearance process is long, so don't expect these to come out any day now. It's still weeks, months away before publication. But the origin of livestock is in clearance, the proposed rule; aquaculture is in clearance,
the proposed rule; and the pet food is in clearance, the proposed rule.

Other rules that are in progress include sodium nitrate, nutrient vitamins and minerals, animal welfare, aquaculture, mushrooms and the National List rule on biodegradable mulch. So it's -- there's a lot of stuff.

This Board has been busy, there's still a lot of things for us to do, and everybody will see their favorite project on the list and say, "When is it going to come out?" But that's our list.

We actually have I think, what, over 50 projects on our what we call our quality management list of things that are either rule making dockets, instructions, guidance or policy memos. And that's split up into A, B and C, and I think everything on that other rules in progress is in the A category. So these are the highlights of that long list of things that we're working on.
Other priorities, draft guidance and post-harvest handling. That was just published on Friday. Biodiversity and natural resource conservation, we're getting close to a draft guidance on biodiversity I believe. Final guidance made with organic specified ingredients of food groups. That's coming out this week.

Classification of materials is coming out soon -- well, soon, next few months. Materials for organic crop production, that should be out next few months.

These guys are like scowling at me now because -- but next few months is pretty safe. Right?

Okay. Other projects. Material clarifications for certifiers, we have a new process to clarify substances that are in that gray area where there's a disagreement between certifiers of whether a substance is allowed or not, so we'll be putting out additional
material clarifications for certifiers.
National List management, including technical
report contract management and providing
support for the NOSB committees.

Okay. Now I'm going to jump to
Sound and Sensible, how to maintain organic
integrity in a sound and sensible manner. One
of the things that we did that we are required
to do every three years is to assess the
paperwork burden of the USDA organic
regulations.

So last year we did an information
collection, which is that process that was
completed in December 2013, so we put out a
Federal Register notice, asked for comments
about the paperwork burden and got lots of
interesting comments, many interesting
comments. And those are all available on
regulations.gov. Right?

So I just wanted to highlight a
few of the comments that I thought were very
interesting. We all had the opportunity to
find our favorite comments. So these were some of my favorite comments. One was that, "The format used by my certification agency is burdensome in order to meet the NOP standards, and it takes hours to wade through it and by-pass the irrelevant portions. My main time-consuming activity that's beyond reasonable is the research to determine what materials are compliant and used in what fashion.

"Trying to find, for example, if copper azole surface treatment, not pressure treatment, of wood for fence posts is prohibited or permitted, and if prohibited, at what distance from the nearest tree that produces a certified organic fruit, and how is that distance measured."

So lots of questions about the details of the standards that make it very challenging for operators. Another comment, "We have been completely organic since 1999, certified since 2003, and have not
substantially changed our operation in that
time, with the exception of adding eight more
acres of production. Every year the
regulations are tightened a little more, and
more things are scrutinized, and the paperwork
burden grows and grows even though we have
always passed recertification inspection, and
good reports since being certified 10 years
ago.

"Wouldn't it be better to get more farms
certified and for the government agency to
spend its tax dollars on promoting organic
products so that farmers could get higher
prices for the higher costs of organic
farming, instead of creating an onerous
time-wasting paperwork burden?"

And the last of my favorite
comments,

"Indirect cross-certification. As an
organic handler/processor with sales of
organic product less than 200 metric tons and
revenue of less than $750,000, I would
estimate our annual time requirements based
upon activity as followed: maintaining
organic handling production sales records,
about 200 hours."

What's that, five weeks?
"Preparation, follow-up and
participation in the annual inspection"
That's only 20 hours.
"Maintaining knowledge of organic
regulations, training and et cetera, 40
hours."

So a significant time investment
that people invest in understanding and
keeping the records and complying with the
requirements.

So, those are some of the reasons
why I get excited about this, the Sound and
Sensible concept, the Sound and Sensible
Initiative to try to make certification both
high integrity but reasonable and practical.

So, some of the issues that we
need to address. Inconsistent certification
process. We've identified that during some of our audits. We continue to provide training to certifiers to try to get more consistency in the certification process, the focus and burden of record keeping, the expense of certification, the burden of time that's involved in inspections and maintaining paperwork.

It's really the indirect costs that I think that are really more burdensome than the direct costs. And we all know that there are many farms that comply with the basic organic standards in terms of the production practices, but they avoid certification. They don't need it for their market, or they just don't want to go through the hassle.

So that's why we've started the Sound and Sensible Initiative. Three key concepts: affordable, accessible and attainable. Affordable meaning reasonable fees, reasonable compliance costs.
Accessible, that there are certifiers and technical assistance that's available in all local areas all across the country. And attainable, that people understand what the requirements are, plain language, and reasonable record keeping requirements.

So great concepts, it's just how do we actually implement that? So we've done a few things. We've issued technical assistance instructions about a year ago for certifiers and inspectors that they are responsible to provide technical assistance to the certified operations.

We've clarified some of the requirements around organic system plans that came out in the fall showing that there's multiple ways to comply, and we feel that we've streamlined the certification process, and then we're also been really pushing the concept of mediation and settlement agreements to support continuous improvement and timely compliance with the requirements.
So just as a summary, certification must be sound, objective and complete evaluation of compliance, verify and enforce compliance, take action on non-compliances. So we will insist on this.

It has to be sound, we have to make sure that certifiers don't just go on the sensible side of things, but make sure that integrity is maintained throughout the whole chain of -- from farm to market, and -- but also should be sensible and reasonable records that verify compliance, educating farmers and handlers on the requirements so that they can be successful.

So for 2014, our focus, in terms of the soundness of it, is increased focus on non-certified operation, no organic claims unless you were exempt or excluded from certification, so we have a number of both enforcement actions and educational efforts going on in that regard.

And that it should be sensible,
developing affordable, accessible and attainable certification programs for underserved areas. And I'll get to that in a moment. And that's this. So there -- with some of the new resources that we have this year, we're going to be issuing a multi-award contract opportunity, so we've set aside some of the money in our fiscal 2014 funds to support projects that develop sound and sensible organic certification models, training and outreach.

There's a draft performance work statement online at fedbizops.gov, so any certifiers in the room or people that are interested in providing training or technical assistance should check this out. We encourage certifiers and other organizations to form teams to respond to the final solicitation once that's posted. We hope to get that posted within the next few weeks.

And to help you, if you're interested in this kind of thing, you can sign
up as an interested vendor at this particular link below. We'll get this posted on our website so I don't have to read all that long listing there. This will also be announced in the Organic Insider.

So opportunities for certifiers and others to develop more sound and sensible systems, because we all know that there has been some burdens that have been put on the organic community that don't add value, that don't -- that aren't really necessary to protect organic integrity. Let's try to develop a better system so that we can support organic farmers and handlers and their success in the organic marketplace.

Okay. Get the right thing here.

Okay. On to the Farm Bill, and Mark Lipson will be covering this in more detail.

But in general there's a lot of different organic provisions in the Farm Bill. $100 million for organic research, extension and education. $5 million for the organic
data initiatives. This is primarily money that's going to be used by the Economic Research Service and the National Agricultural Statistics Service, a little bit by Market News to improve the data around organic agriculture and the organic industry.

$5 million -- no, let's see -- expanded option for organic crop insurance,
expanded exemptions for organic producers who are putting into commodity check off programs.
The Farm Bill also authorizes USDA to consider an application from the organic sector to establish its own check off program. So that's authorized in the Farm Bill. Whether or not it happens or not is -- we'll see.

Improved enforcement authority for the NOP to conduct investigations, and $5 million for a technology upgrade for the National Organic Program, and $11-1/2 million annually for certification cost-share assistance.

In terms of the NOP information
technology improvements, we do have a report
on this that we published in March of 2013.
It describes the primary needs that we have
around the technology upgrade.

So if you're interested in the IT
area, the data of organics, I'd really
encourage you to take a look at that report.
It kind of spells out some of our initial
ideas and plans for this technology upgrade.

Some of the things we're looking
at is a registry of exempt and excluded
operations to include as a part of the overall
project an ability to issue USDA certificates
and export certificates, for example to
European countries; a real time list of
certified organic products; importance for
certified operations and for the public and
for certifiers and state organic programs to
interface with the - this overarching
database.

Okay. So that's a quick run
through, some of the things that we're working
on at the National Organic Program. So any
questions from the Board?

CHAIR STONE: John?

VICE CHAIR FOSTER: So there's a
quite a reduction in the number of accredited
certifiers since NOP started. I think it was
102 or something back in 2002 and it's 84 now.
So I'm wondering if there's a -- what the --
where the reductions are happening, either
national or international. And why some folks
-- why almost 20 certifiers have gotten out of
the pool.

MR. McEVOY: Sure. Yeah, I don't
think it was 100 in 2002, but just a few years
ago there was about 100 accredited certifiers.
There's been a number that have dropped out
because of the equivalency arrangements.

So the -- we used to accredit
certifiers in Canada, and none of them need to
be -- if they're only operating in Canada,
they no longer need to be accredited under the
NOP. A number of the European certifiers have
dropped out as well. There have been some US
certifiers, some smaller certifiers in the US
that have dropped out of accreditation as
well.

VICE CHAIR FOSTER: On the US
certifiers that have dropped out, what's been
their rationale, or their need or lack of
resources or whatever it was?

MR. McEVOY: Yeah, there's been
different reasons for different certifiers to
drop their accreditation. That for some of
them, as we started to do more rigorous audits
and oversight of how they operated, they were
unable to meet the accreditation requirements,
and rather than going through adverse action
procedures, they decided to get out of the
business.

CHAIR STONE: Calvin?

SECRETARY WALKER: Yes, I don't
know if everyone was asleep, but I think we
should give the NOP a round of applause, and
to Secretary Vilsack for giving the organic
program some additional funding.

(General applause.)

SECRETARY WALKER: My comment, and I have a question, an explanation, the -- Wendy is probably familiar with it, because when the pork industry years ago was having issues with research and those things, there was nine groups -- nine individuals out of Illinois, they started what they call the Moline 9 that ultimately gave rise to the National Pork Producers Council.

And it's probably one of the strongest commodity groups that we have. And I was particularly glad to hear that we have a check off. Could you elaborate? You had mentioned about appropriation for that. But I think it's very good for all the industry.

MR. McEVOY: Okay. So there's no appropriation for the check off. The Farm Bill authorizes further exemptions for organic producers to not have to pay into existing commodity programs, commodity check off
programs. So that is already started. It has to go through a rule making process, a proposed and final rule to expand the exemptions for organic producers to not pay into existing check off programs.

The other part is it also authorizes the organic community to set up their own check off program for the organic industry. And my understanding of that process is that the industry would make a proposal to AMS, and AMS as a neutral party would then work with that.

And if certain conditions are met at a certain point, there would be a referendum, and then the folks that were potentially subjected to the organic check off would have an opportunity to vote on whether or not they wanted to set up an organic check off or not.

So it's really up to the organic industry to -- you have the authority to request an organic check off, but you have to
make that proposal to AMS to get that process started.

CHAIR STONE: Okay. Thank you very much, Miles. Take a deep breath there for a minute.

We now have Mr. Mark Lipson with an update from the Secretary's office.

MR. LIPSON: Good afternoon everybody. Wake up. (General laughter.)

MR. LIPSON: I always seem to be getting slighted in the afternoon nap time in my talks this year.

I'm going to try and gain a few minutes on our lost time, so forgive me if I go a little bit fast. Definitely want to leave time for a little bit of questions from the Board, and if the audience -- if the Chair entertains that.

So this is a quick update of USDA organic policy realms beyond the NOP and the NOSB. Despite the massive amount of things
that you've heard Miles talk about that the NOP and the Board have to do, there are, in fact, a whole other universe of things that go on in the Department of Agriculture related to organic.

So I'm going to try and cover briefly those we talked about just a little bit at the training in February, so some of this is in the way of update since then, and other background.

So this is that one. All right.

The first point is that organic is being integrated throughout the Department across every agency, department-wide. And this will affect our many producers and handlers and consumers in other ways beyond what you track with the NOP.

This is both the result of intentional commitment by the Department and this administration, as well as Congressional drivers like the Farm Bill and the appropriations process.
When I came in and began my job as organic policy advisor in 2010, there had just recently been established a strategic plan performance objective, not strictly a goal, but a performance objective for a 25 percent increase in the number of organic businesses under certification by 2015 from the 2009 baseline.

We're not going to hit that goal probably. We still might. But it was an extremely ambitious goal and I think we'll come fairly close. The very sharp spike in conventional commodity prices in those years I think certainly affected the conversion to organic, especially in commodity crops.

The hiatus in the Farm Bill, we had a gap of a year-and-a-half, two years in some cases for some of these programs where we didn't have tools and resources to continue the kinds of things that we can do to help get more organic production and businesses going.

So despite that, the trend in
2013, we saw reversed in terms of the rate of
growth, after the rate of growth declining
during 2011 and 2012, and 2013 we saw that
rate of growth start to increase again. So
hopefully that's a good sign for the future.

My role as organic policy advisor
I'm going to touch on just briefly now and
then come back to that at the end. This is a
priority that the organic community had
expressed to the incoming administration, and
so I'm the first one.

But my job is to serve in the
Office of the Secretary and advise, I'm not a
decider, but advise the Secretary and the
entire realm of the Secretary's office, which
is all the undersecretaries, et cetera, and
their staffs when the O word shows up on their
screen.

And as part of that I also do work
very closely with the National Organic Program
when their thousand rule making projects make
it up to the policy level. And during her
tenure, the Deputy Secretary, Kathleen Merrigan, former deputy now, and I worked very closely, essentially every day, facilitating that process and putting our eyeballs on everything that was coming out of NOP and moving through the clearance process.

The first thing that we did, when I came in, was to convene what had been an informal USDA organic working group, and at the direction of the Secretary and with the Deputy's leadership, we've made the organic working group more formal, in terms of requiring representation from every agency in the Department. And I'll speak a little bit more in a second about how that works.

The Organic Literacy Initiative was the first big project of this new formalized organic working group. We did a - sort of a survey process throughout USDA to find out how many USDA employees in all its various agencies and field offices actually knew about the organic standard and the fact
that a branch of USDA actually managed the
organic standards and the seal. And, in fact,
a very significant proportion of them did not,
or knew very little about it.

So we undertook what we called the
Organic Literacy Initiative to train USDA
employees about the program and the standards
and the seal so that they, in turn, could be
prepared to offer information to people who
came into their offices who either were
already organic or interested in being
organic, and instead of just getting a shrug
or a, "No, we don't do that," they would know
that, in fact, that is part of USDA's
responsibility, part of their responsibility
as USDA staff to facilitate and to be able to
know where they can direct people for more
information.

And then a year ago, May, the
Secretary took another step and issued his
departmental guidance directive to all the
agencies regarding organic agriculture and
markets, and that was a very, very significant institutional step that I'll talk a little bit more about. So that's just the big picture of what I'm going to try and cover, again, quite quickly.

The guidance itself had five main areas of concern. Regulatory reciprocity within USDA. That is where agencies had regulatory or information requirements related to the programs that they were delivering that may overlap with the National Organic Program requirements, to streamline those and, in fact, make sure that they weren't in conflict and to try and reduce the paperwork burden on producers and handlers to make it work better for everybody. So the directive requires agencies to work on that process with the NOP.

It asks every agency for their research needs related to organic, either for their own purposes or for their customers' purposes. Same with data. The directive specified that each agency will deal with
outreach and training for all of their contacts throughout the country in terms of how they're doing their job. And finally, encouraging the growth of the organic sector as the implementation of the strategic plan performance objective.

There are organic working group teams for each of these. I'll go through them very quickly, just the highlights of their 2014 work plans related to these.

For the reciprocity directive, the primary focus, right now, is on coordination with the Natural Resources Conservation Service, and their program requirements as they overlap or interact with the NOP requirements.

It's a very, very important facet of how USDA can try and work better for organic agriculture, and also help improve the performance of organic agriculture with respect to conservation activities and outcomes.
The work plan for the data collection committee and data analysis includes a master inventory of all USDA data related to organic. In fact, a number of agencies are collecting data, but it's not all coordinated or even known to each other. So, that'll be a very significant outcome for everybody to have this year.

Support for increasing the number of international trade codes. It requires a fair amount of data. And then finally, collation of stakeholder data needs. Many agencies are hearing about different data needs from their customers, so this group is making an effort to collate those all in one place.

Training and outreach. The USDA organic topic pages which I'll show you in a minute is a very significant new step that provides a one-stop shop for all the Department's information related to programs that affect, or are specifically for organic
agriculture.

We're in the process now of updating our organic resource guide with new information following the Farm Bill. And we will continue the progress on the Organic Literacy Initiative.

To date, as of March, there were over 30,000 USDA employees that have taken the basic organic 101 online training course. So that's essentially a third of the USDA workforce in only about a year-and-a-half. So, yeah, that's a very, very significant accomplishment that should have benefits over the long haul.

This is just a screen shot of the USDA topic page. If you go to the usda.gov main page, under the topics tab there is now for the first time an organic topic tab, which contains links to all the agencies and their work related to organic, and their work related to the organic working group.

Under the Secretary's guidance
relative to growth of the organic sector, this is still in its early stages of development, but we're going to start out with sort of an electronic town hall discussion in the -- probably in the next month or so, so keep your eyes out for that, to try and generate ideas about how we better facilitate growth of organic.

And the second project out for that team is trying to collect transition resources that are scattered throughout the Department and other places and try and do a better job of at least providing a one-stop shop for that kind of information.

And one place where the guidance intersects directly in the work of the OWG, intersects directly with that of the Board is in terms of the research priorities that the Board passed in 2012 and is going to work on again at this meeting.

The research team of the organic working group reviewed the research
recommendations from the Board recently and
has provided an assessment. So that's what
Michelle just passed out to all of you, and I
think there are a handful of copies out on the
table for the audience, and we'll be happy to
make more, and that'll be made part of the
record of this meeting.

So this group included all the
research agencies, the National Institute for
Agriculture, ARS, ERS, also included NRCS and
Dr. Brines from the NOP program also
participated on this team to make sure that
she could help translate, you know, some of
what the Board was trying to express.

So, these comments and
recommendations from the research team have
now been provided back to the Board. We gave
them to the materials committee a couple of
weeks ago and to the Board as a whole now.
And those recommendations will also go to the
various research agencies themselves, to their
leaderships.
And just a couple of highlights related to that. The research priorities in terms of whole farm systems, alternatives for antibiotics, alternatives for methionine and investigation of the principles of livestock herd health have been, and will continue to be prioritized by the Organic Research and Extension Initiative. These are things that, you know, have been heard before and have been incorporated into the priorities.

But one of the pieces of feedback that we did get from the research work team was that the strength of proposals that they have received for some of these topics has not been adequate, that even though it's been made a priority, the requirements for the quality and methodology of the proposed project still has to be at the highest level because it is a very, very competitive program.

So that's just an important bit of feedback that people should be carrying back to their partners in research institutions and
in formulating their own proposals.

And one other thing I'll do -

I'll mention from this feedback is that they
felt that the questions and recommendations
that the Board was posing in terms of
aquaculture, and in terms of genetically
engineered vaccines needed more specificity
for them to be able to respond adequately.

So they're looking for more

specificity and detail in terms of

recommendations from the Board, in terms of

how USDA research programs can assist with

those questions. So, you know, there's a

little more nuance than that to it, but that's

just one of the highlights of the feedback.

I'm not really going to go into

more detail on any of Farm Bill issues here in

the interest of time. We did have a couple of

Farm Bill listening sessions on organic, a

short one at the Natural Foods Expo and then

a more formal one that we conducted at USDA

with a number of phone lines for people to
participate.

All of this feedback on implementation of the Farm Bill programs is ongoing, so you can make comments any time to any of the agencies, and you can find that information on the USDA Farm Bill topic page with information about whom to contact, and you can also certainly always find me for that information.

The request for applications for 2014 for the Organic Research and Extension Initiative is already out there. If you're not working on a proposal now, you probably don't have too much time left to start. But that cycle is underway and we're looking forward to the results.

I just want to emphasize my gratitude to everybody who worked on all of these topics during the Farm Bill process. It's incredibly important that we got all these things restored in the Farm Bill and everybody who worked on that deserves thanks.
from those of us who get to implement it.

So I'll just close by talking a little bit about my role and my position. This is the last Board meeting that I'll attend in this capacity. It'll be four years in a few weeks since I started this job, so my contract term is ending, and I am not going to continue doing it.

So by the time the next Board meeting comes around, there should be a new organic policy advisor in this capacity. The Secretary and the leadership of the Department are very committed to this role continuing. It has shown to have benefits for everybody in the Department to have such a position.

It won't necessarily look exactly like mine because we are trying to figure out how best to institutionalize it, because mine was a temporary position. And there is a commitment to trying to make this a permanent role so that it doesn't go away with the next administration.
There may be several people with
different assignments fulfilling different
parts of the role, but it is something that
you all should, you know, be cognizant of in
its transition and make best use of it.
I guess I'll stop there. I don't
know how long that ended up being, but thank
you all for your service and, you know,
interaction with the -- all these other things
that we've got to work on to advance organic
agriculture beyond the standards and the
certification process.

CHAIR STONE: Well, Mark, that was
obviously very impressive of the broader being
institutionalized within USDA. And as a
long-time friend and benefactor of your
knowledge of organics, I'd like for us to give
you a hand for what you've done for all of us
--

(General applause.)

MR. LIPSON: Thank you. Thank
you.
CHAIR STONE: No, thank you, Mark. Is there any follow-ups? I mean that's just impressive.

And, John?

VICE CHAIR FOSTER: Thank you, Mark. Be nice to maybe see you around the home front a little bit more than we have lately. It'll be nice.

I had two questions. The organic topics tab that you talked about, what's the role, like why is that an important thing in your view? And, yes, that is a leading question.

MR. LIPSON: The organic topic page, you know, in and of itself, well, it's on the website but information is powerful and all the activity that's going on in the Department with respect to organic and all these other spheres has been very difficult for people to access.

Look, the USDA website overall has not been very user friendly, I think. You
know, I'm not throwing anybody under the bus
to say that because it's a vast, you know,
department and many, many different kinds of
things and all different kinds of approaches
to web-based information.

So the fact that we were able to
collate it all in one place and have a focus
for maintaining that information, you know, so
that it can be refreshed more easily I think
will serve everybody. And so it's just a
manifestation of the sort of working level
attention to what's needed.

VICE CHAIR FOSTER: So correct me
if I'm wrong. That's a way for the USDA to
recognized the kind of interest there is in a
really easily documentable form.

MR. LIPSON: Well, it is a
recognition of the interest. And as we were
developing the website, the IT people told us
that organic was consistently among the top
three search items in the little search box
for the USDA webpage.
And so that contrasted with the fact that the only link you could get from the main page was to NOP, and that was listed under Nutrition for some reason, you know, spoke to the importance of being able to have a better way of people finding that information.

VICE CHAIR FOSTER: Then my last question, what are you most excited about? Out of the things that you've been able to do in four years, what thrills you, you know, if you had to pick one.

MR. LIPSON: Well, the Organic Literacy Initiative, I think, is hard to overstate the importance of and how far we came so quickly in terms of institutionalizing, respect for, and attention to the needs of the organic sector within all these different parts of the Department.

CHAIR STONE: Nick?

MEMBER MARAVELL: Thanks for that presentation, Mark. I was wondering if you...
could just give us a little bit of your take on where the AC -- I noticed you left that one out -- where the AC21 committee is sort of going, and how we in the organic community can best participate in that.

MR. LIPSON: The advisory committee on agricultural biotechnology for the 21st century, otherwise known as AC21, was reauthorized in the Farm Bill, because it's a subsidiary of the master research advisory FACA committee, so it had a hiatus during the Farm Bill disruption.

So it has been reauthorized but it hasn't been reconvened or recharged yet. So one of the products of the previous version of the advisory committee was in their report of November 2012 which included a recommendation for the Department to seek stakeholder input on the whole question of co-existence and information and stewardship practices that facilitate co-existence.

That is, how users of different
production systems and technologies can
coequally meet the needs of their markets.
That's how -- basically how it's defined.

So USDA did have a Federal
Register notice seeking that information, a
specific set of questions and some more
general solicitation of input. That Federal
Register comment period, after extension,
closed on March 3, and those comments are
being processed now by the Department.

And as a result of analyzing those
comments, there will be proposals and
discussion for how to move forward in terms of
either public workshops and/or reconvening the
AC 21 committee with a new charge to follow up
on some specific questions. But I don't know
what those are going to look like right now.

I think the best thing to do is to
look for the results of that comment analysis
-- and all those comments of course are
visible on regulations.gov -- and continue to
provide your inputs to what you think the next
steps for USDA should be. That's the best answer I can give you.

CHAIR STONE: All right. Mark, thank you very much for being here, and thank you for your work in DC and devoting that much time and attention to this cause. Thank you and good luck.

MR. LIPSON: All right. And I just -- I want to emphasize the importance of our next speaker, who is from the Natural Resources Conservation Service, Sarah Brown, who is one of the primary spear carriers institutionalizing organic throughout field offices of NRCS in the -- throughout the whole country.

And the topics that she's addressing are very, very important for the Board and for the organic community as a whole in terms of better service by the conservation programs, better conservation performance of organic systems. Thanks.

CHAIR STONE: Well, Sarah, I don't
think I could a better introduction than that,
so the floor is all yours, and thank you for
being here as well.

MS. BROWN: Yes, thank you. I was
going to sit up here an start by thanking Mark
because he's one of the primary reasons I'm
here. The efforts to integrate USDA agencies,
efforts around organic definitely falls in
line with the work I've been doing.

And just to give a little bit of
background before I get started here, I have
been working with the Natural Resource
Conservation Service now for about four years
in the position as the National Organic
Specialist with the agency.

And it's a pretty unique role.
I'm supported by a contribution agreement
between NRCS and my employer, Oregon Tilth,
and when I initially started, the focus was to
provide technical assistance to the agency.

So I've been to a dozen plus
states offering in-person trainings to NRCS
staff and other ag professionals. I've actually had the opportunity to visit Mac's farm with about 30 NRCSers and talk about how they're managing soil fertility. So, it's been a really interesting and unique perspective.

And the response from NRCS has been overwhelmingly positive. The fact that I'm here today, I think, is a testament to how far we've come because when in initially started there was very little conversation between NRCS and NOP and there's quite a bit of overlap in our goals to promote and further sustainable agriculture. So we've come a long, long way.

So that being said, I'll try to move this forward here. I'm going to talk very briefly about the NRCS programs that are available to organic producers, and unfortunately they've been pretty underutilized, and I'm hoping that in a room here of folks that are supporting organic,
it's something that we can begin to talk a
little bit more about.

Secondly, I wanted to just briefly
mention some of the work that we're doing to
link up organic system plans with conservation
planning, because there's a lot of opportunity
to reduce redundancy, one of the primary goals
obviously of Sound and Sensible.

And then lastly, I'm going to be
continuing the conversation that -- well, I
guess maybe starting the conversation in
response to the memo that went out yesterday
by the NOP relating to soil conservation on
organic farms. So I'll be sharing the NRCS
kind of perspective and experience about that.

So just very briefly, the NRCS is
very much focused on conservation and so they
have a couple of different services and
methods of approaching that. If you haven't
seen their web soil survey, it's an awesome
resource.

And I should mention also that I
I am a transitioning farmer. My husband and I own land in Oregon, so I have had the opportunity to work with NRCS firsthand and get some insider perspective on what that process looks like. And it's been an incredibly valuable program and service for us as well.

So not only can you get assistance with designing conservation practices, but you can also get financial assistance, which is a big, big help, especially as a beginning farmer. There is also programs and projects related to emergency assistance, and I work with partners, our agreement being one of those.

So when you start with NRCS, the primary issue is what are producers' resource concerns? And all these photos here are photos that I've taken on organic farms, and that's kind of unfortunate because there are issues on some of these farms, and I have different label descriptions here of resource concerns.
And I want to be really clear that resource concerns mean different things to different people, but NRCS has very specific standards and definitions of what those look like. So I think the current list is there's 60 resource concerns that NRCS evaluates. And these are just some of those.

And the way that they evaluate them, they use very complex tools that most people would have a very difficult time learning how to use, myself being one of them. And the tools are very helpful, they provide quantitative kind of measures of what different resource concerns look like.

That being said, they're just a tool and they're not perfect, and especially when you're talking about a CSA farm that has 100 different crops on an acre and a half. Things get really, really complicated.

And so I do want to mention while these are very valuable tools, and I think
there's opportunity to further their use,
there are members of the organic community
that see concerns with using them.

RUSLE2 being one. It measures
erosion on organic farms, and there's some
question about whether or not it accurately
accounts for the function of soil biology.
And so clearly that's worth discussing and
figuring out.

So once NRCS is out on your farm,
you identify resource concerns, there's
programs and there's finances to help
producers. EQIP is one of those programs. A
producer will be able to choose from a variety
of conservation practices.

And the program, it's not just for
certified producers, so transitional and
exempt producers are also eligible to apply
for this program, which is great because
they're definitely often in need of assistance
as well.

There are lower financial limits
to this program than if you go through regular
EQIP, but the hope and the goal, initially the
intent was to spread the money further. As I
mentioned, unfortunately it's still
underutilized.

In some things it's probably
difficult to see, but one of the issues that
still needs to be addressed that I just raise
here for awareness, is that transitioning and
exempt producers are still actually required
because of statute to self-certify that
they're developing or implementing an organic
system plan, which is not a National Organic
Program requirement.

So that's still an issue that
we're talking about and trying to address. In
most cases that's not a significant hurdle,
but it is a little bit of an inconsistency.

So what are conservation
practices? These are all depicting different
options producers have: prescribed grazing,
compost facilities, pollinator habitat, mulch,
high tunnels, all sorts of different things
producers can choose from.

We just put in 1200 feet of
pollinator habitat on our farm along the road
that's also going to serve as a buffer, and
we're pretty excited about that.

And this is an example of what a
producer's conservation map might look like of
their operation. So this is a diversified
farm in California. They received assistance
implementing watering facilities, fences,
hedgerows, cover crops, mulching, pest
management, nutrient management, there's a
whole host of practices to choose from.

You can find out more on the
website. And additionally on the website,
there's a list of the NRCS state organic
contacts. So it's a really important thing to
be aware of, that each state has an organic
contact in their office, which can be a very
helpful advocate if there are issues on the
field levels.
And briefly I also wanted to mention the conservation stewardship program. This really aims to work with producers who are already implementing conservation a bit and helping them take it to the next level. And so they do that through a variety of enhancements, so maybe the producer's already covercropping, but they want to begin inter-cropping. So this is an example of one of the practices -- or the, I'm sorry, the enhancements that might be available to them.

Okay. And so some of the key I think opportunities for overlap between the efforts or the services available through NRCS and the NOP standards are definitely related to buffers and building soil organic matter. There's a lot there and lot that producers can access.

Crop rotations, nutrient management, minimizing erosion, which I'll speak to in just a bit, efforts to increase biodiversity. NRCS has hedgerows and you can
get assistance with pollinator meadows and
riparian areas, all sorts of different things
along those lines and structural practices as
well.

So the key thing here is that NRCS
does not work on production-related issues.
So if a producer came in and said, I'm really
interested in using less fertilizer because
I'm spending a lot of money and it's just cost
prohibitive to me, that's not really an
approach that would get you very far with
NRCS.

Same if you said, I'm having
really bad pest pressure and, you know, I want
to spray. That's really not going to get you
anywhere. So you have to really think about
it in terms of resource concerns and
conservation.

So Mark briefly mentioned our
efforts to link conservation plans and organic
system plans. And the way that we've been
doing this -- and I apologize here if I'm
getting into acronyms and codes -- but NRCS has had a very specific plan available for producers called the CAP 138.

And the goal and the intent of that was to aid transitioning producers through the process to help them get ready for organic certification. Unfortunately it has fallen a little bit short in doing that, mostly because of the format.

Also because the individuals who are supposed to be writing this plan, the Technical Service Providers, there's only about a dozen nationwide. I think there's two or three in the room here today. But there's not enough folks available. Training them on how to use NRCS tools is really, really complicated.

And so Melissa and I and a couple of other folks have been meeting on a very regular basis to revisit the intent of this plan and discuss maybe there's a different approach we can take.
And what we're currently working on, which I'm really excited about, and I was able to share with the different certifiers this last February, is we've taken the national -- the NOP OSP template and we've pulled out the components of that that are related to NRCS, so soil fertility, cover-cropping, crop rotation, things that NRCS can get behind and relate to, and we've taken that and we're packaging that as the CAP 138.

And so our goal ultimately is that a producer might be able to go to NRCS, and NRCS can help them fill out the CAP 138 and the left over portions that NRCS can't help with, the land use history, the record keeping, the commingling and contamination, the producer will still be responsible for that portion, but after having gone to NRCS, half of their OSP might be completed.

And so it significantly cuts down on what producers have identified as a barrier.
to certification. And so we're really hopeful
this is going to work. We've gotten pretty
far with it so far, and we're packaging it and
formatting it, and I'd love to get comments
from more folks about what they think about
this.

And then lastly I was asked to
come and talk about soil conservation and
erosion on organic farms. And before I get
too far into this, I just want to acknowledge
that I think this is a really sensitive topic.

The last thing I want to do here
today is promote a stereotype that soil
erosion is rampant on organic farms, because
that is not at all my belief.

From my experience working with
NRCS I do hear regularly from planners that
it's an issue that they're seeing out in the
field and they don't know how to address it.
They don't want to be the regulators or, you
know, the whistleblowers calling up certifiers
and complaining. And so it's an issue that we
do need to address.

And additionally, NRCS has taken on a campaign, the Soil Health Initiative, talking a lot about minimizing erosion and cover-cropping. And so I feel like this topic is becoming much more talked about and discussed.

And folks who are looking to, I don't know, tear down organic often criticize it because of what might be excessive tillage on a very small number of farms. We don't know the scope of this problem, and so I want to acknowledge that from the very beginning.

That being said, I do want to talk about what's happening from the NRCS perspective and hopefully this will be the start of a much larger conversation.

So just to give a little bit of background, in the 85 Farm Bill there were provisions related to highly erodible land, and I will define that for you here in a second. It's pretty self-explanatory. But
basically, producers have to be in compliance with highly erodible land provisions to be eligible for some USDA programs.

And what that means is, is if they're farming highly erodible land, they have to agree to not plant or produce a commodity on it unless they are applying an approved conservation plan.

So the issue that I hear from NRCS and planners in the field is that sometimes they're going out to certify organic farms and they're out of compliance with this provision. And so that means they're being certified by an inspector in, you know, the NOP -- two NOP programs, and yet when NRCS goes out and runs the assessment tools, they're eroding at excessive rates. And so you can see the inconsistency that's happening there.

And so exactly what highly erodible land is, it's determined based on a number of factors of that particular piece of property. NRCS routinely makes determinations
about whether land is or is not highly erodible, and they can do so upon request.

So what that means, to be in compliance, it actually allows for twice the tolerable soil erosion of that -- of a basic conservation plan. So to be in compliance doesn't mean you're not eroding, it means you're eroding pretty significantly -- I'm sorry, to be out of compliance.

And when that's identified on a farm, the producer has up to a year to get into compliance working with NRCS. So there's support available to them.

So all that being said, I think this is a bigger topic than just what is highly erodible land and how often that specific situation is actually occurring. On my farm, it's nearly impossible for us to do no-till because we're farming vegetables. And it's very hard to plant a carrot seed into a no-till field.

We grow cover crops and we try to
build our soil organic matter because of that, but oftentimes there can't -- or I shouldn't say oftentimes -- there can be situations where tillage is relied on too heavily. And so as an organic community, I think this is a conversation we need to continue having and talking about.

And I posed some questions here for us to consider. A lot of these are mirrored in the memo that went out yesterday by the National Organic Program. Firstly, I think we need to figure out how big of an issue this really is. I know that ACAs are probably wanting more guidance on how to assess soil erosion, and how they're doing it to begin with, I think, is an important question.

Are visual assessments really enough once a year, if it's not during the rainy season. Maybe for some farms it is, maybe for some it's not. I don't know what the follow-up questions are that inspectors
are asking.

Also, does highly erodible land, or HEL determinants play into this conversation at all? Should producers have to report if they're farming highly erodible land to their inspector or to their certifier? And then how do ACAs determine if there's a non-compliance at all, what's the benchmarks that they're looking at?

And lastly another issue that I hear about from NRCS folks is in relation to outdoor access and if that's being required in situations where it might not be very appropriate because of soil conditions.

So, again, I want to reiterate I think this is an important conversation to have and hopefully this is just the starting point of it.

And this is -- actually I put this up again. This is a photo of our pasture field with a significant erosion problem in the middle. We just bought our land a
year-and-a-half ago. And so, even with the
best intentions, issues occur. And
fortunately we're working with NRCS to address
this.

So that's all I have right now.
And I'm open to any questions the Board might
have.

CHAIR STONE: Very good. Thank
you, Sarah. I know when the NRCS folks were
at our farm they were scratching their head
pretty good because we had laid black plastic
and then we had planted rye grass and
buckwheat in between the plastic. They'd
never seen plastic with purposely planted
grass between the rows. That's our way to
keep RUSLE from implementing -- changing
things on our farm.

So along that line, a lot of --
the tech gods at NRCS can be fairly rigid in
their requirements to meet those, and OSPs are
purposely very not rigid. Is there
conversation about coordinating those?
MS. BROWN: Yeah, Melissa and I have had a number of conversations about that. For instance, with NRCS and nutrient management, if you were to sign up for assistance for nutrient management as a practice, you have to complete a full nutrient management budget with very precise details on how that'll be implemented, much more details than are required on an organic system plan.

And so what that overlap looks like is difficult to figure out, and we don't feel like we can do it entirely. There might have to be some translation of information between the two worlds. But, I think we're getting close with this CAP plan, so.

CHAIR STONE: Good. Thanks.

Maybe you can convince Mark to stick around for another year or so.

Jean?

MEMBER RICHARDSON: Hi. That was a great report. I'm all in favor of soil.

As an inspector, so we had
training with a certified -- one of the
certifieds I was working with, Le Monde
organic farmers, and so as inspectors, when we
go out there we have some specific questions
on the inspection report that we're required
to fill out to send back as part of the -- our
inspector report.

And I'd be interested to know if
you've done any research or looked around to
see which other certifying agencies around the
country are -- have -- already have -- are
doing this, are already having their
inspectors trained to look for erosion.

And I'm wondering, this is sort of
a two-part thing, is this something that our
accreditation subcommittee should be looking
at, or the crops subcommittee be looking at as
part of a work plan item?

MR. McEVOY: Yeah, we just sent
you a memo, Friday I believe, posted yesterday
that we do want this to be a work plan item
for the certification, accreditation and
compliance subcommittee. So it has some specific ideas in there and some questions in there, that we'd like this to be looked at.

In terms of the accreditation audits, it's already part of the audits. Is that it's one of the criteria to see that certifiers are evaluating compliance with 205.200, 205.201, 205.202, all the different -- and 203 -- all the different elements in terms of meeting and improving natural resources and soil and water quality. So it's already part of the process.

I think what we're asking the subcommittee to do is to look -- and the Board to do -- is to look are there better tools, are there more tools that certifiers could be using, technical assistance that could be provided to organic producers and tools for evaluation to ensure that the -- those natural resources are conserved on all organic farms.

I just think it's an area that we haven't really looked at, the Board hasn't
really looked at. There's some real expertise on this Board currently to take a look at this with Francis here. What are the best practices for certifiers to utilize to evaluate those requirements.

CHAIR STONE: Francis.

MEMBER THICKE: Thank you, Sarah.

As a soil scientist myself, I wanted to point out something that you're probably well aware of, is that often if you can set aside 10 or 15 percent of the erodible land in buffer strips and waterways, grass waterways and so forth, in perennial crop you can -- perennial cover you can solve 90 percent of your problem by just a small, as you well know.

So I think of organic farms could really make a lot of progress in erosion if they would just use their diversity on areas that would help protect the soil. I think that's a really important thing.

CHAIR STONE: Zea?

MEMBER SONNABEND: Thank you.
Thank you for the presentation. When I started farming again three years ago, and I went over to talk to the NRCS agents when they were at my neighbors, and was told that we would not be eligible for any NRCS funding until we had had sales of at least $1,000 for two years in a row.

And I don't know if this is a California thing or if it's nationwide, but isn't that an impediment to beginning farmers who haven't had sales for two years in a row? And I'm also wondering if that is only for funded projects, or applies to advice like about erosion control as well.

MS. BROWN: That is -- well, what they were referring to would be national guidelines, and that's no longer the case, and I'm not even sure they had interpreted that correctly for you. At this point, I believe, and I don't want to mis-speak, but I don't think that is a requirement any longer, that you have to have sold $1,000 worth.
And I know that beginning farmers, there's additional financial assistance available to that group. So -- and that specifically was in regards to the EQIP program. Technical assistance you should have access to, regardless of your income at all.

So, yeah, I -- one of my key efforts has been to go around and work with NRCS staff to make sure they know about what organic is and how it's different implementing a hedgerow on an organic farm, or factoring cover crops and compost into a nutrient management plan. And so, we still have some work ahead of us in that regard.

CHAIR STONE: Okay. Again, Sarah, thank you very much for being here, and thank you for your work, and there is a lot of overlap there, so thank you.

(General applause.)

CHAIR STONE: Okay. We're going to move in -- we're significantly behind schedule, even though we took an hour off the
agenda, but, again, this is an important part of why we convene, and so we're going to start with public comment period.

Do we need a break? Thank you. We'll take a break. Let's do it at 15 minutes, which is going to put us 45 minutes behind schedule, so we'll be back here at 3:45.

(Whereupon, a short recess was taken.)

CHAIR STONE: Okay. If I could everyone start taking their seats, please. We need to get started on the public comment. We're going to be here a little bit late as it is.

(Pause.)

MALE VOICE: I second.

CHAIR STONE: Sure enough, if we could have everyone take their seat, please, so we can get started. I have a few prefacing comments, but I want those of you that are presenting, the -- we are running late, so
Board members, I'm going to be pretty scrutinizing in questions, if at all. I hate to do that, I don't want to do that, but we're going to run pretty late as it is.

So, first of all, we -- the Board always debates how much time can we devote. It depends on how many requests for sign-ups we have for public -- for oral comments. It was 87, 89, Michelle, somewhere in there, and as Miles mentioned this earlier, it's almost a third of the meeting that we devote to this.

So we as a Board don't think that it has more merit than written comments, but it is nice to hear it. I would recommend that those of you that have submitted written comments, that you submit something slightly different from the microphone, because, as I said, all the Board members scrutinize written comments very, very thoroughly.

So we did decide on four minutes.

We have the little stoplight system that we implemented a little bit. When you see the
yellow light, that means you're down to a
minute and you might start winding down.

Something we did in I guess it was
in Portland. Someone, I'm sorry, I don't
remember who it was, stopped exactly when the
red light went on. They got a gift. We have
gifts for the people that time it perfectly;
your USDA mug.

And there's another person that
stopped immediately in mid-word when the light
turned red, so they get a gift as well. So we
have organic t-shirts for those that -- and
truthfully it's respect for the timing and for
those that follow you on the program. So we
appreciate your respect for the time.

We request that there's no
substitutions. If you have comment or prep,
if there's things like that, if you could do
it outside just so it's not disruptive to the
person commenting, there will be sort of an
on-deck chair over there that Will is sitting
in now, so that you can get to the podium and
reduce the time between.

   We ask that you focus on the
issues, not people, and, please, no personal
attacks. And please don't interrupt each
other. Again, we take this very seriously and
we'd like the audience members to listen to
each other's comments seriously.

   And, again, questions only if you
are acknowledged by the Chair to ask a
question.

   So with no further ado, Mr. Mark
Kastel, you're up first. And Colin Archipley
in on deck in the -- thank you.

   (Pause.)

MR. KASTEL: And I already see the
clock is going, and I want that mug, Mac, so
restart it to six minutes. You got that
ready? I'm supervising here. It doesn't even
-- it starts at 3:54. It won't even start at
three -- four minutes.

We're having a bit of a technical
-- no, wait. I could -- I'll start and then
she'll catch up. That way I'll get extra time.

Thank you, Mr. Chairman. Why should citizens and public interest groups bother going to the effort of attending these meetings? When Cornucopia was founded 10 years ago, our first mission was to force the USDA to crack down on industrial dairies, each milking thousands of cows each, that refused to graze their cattle.

We helped facilitate the attendance of scores of farmers over a period of years. We collaborated with NOSB members to craft language. It was actually -- it would be in force today. It would be good language if that was happening.

Today, the almighty authority at the NOP has seized control of this committee as a deliberative body. You will now only be allowed to discuss issues that they deem appropriate. This is dead wrong, and a violation of both the spirit and letter of the
Organic Foods Production Act of 1990. Many of us involved in the 1980s who supported OFPA never would have done so without the safeguards built in, vis-à-vis the power vested in the NOSB. I'm glad that late last week Senator Patrick Leahy and Representative Peter DeFazio sent a strongly-worded letter of protest to USDA Secretary Vilsack condemning the unilateral power grab.

Mr. McEvoy, shame on you for either going along with this or, quite frankly, we don't know if you are the chief architect of this betrayal or you were just carrying it out. This is a turning point. We are headed to court. This is a nation of laws.

Your job, Mr. McEvoy, and that of your boss, Secretary Vilsack, is to implement and enforce the laws passed by Congress. The National Organic Program is willfully failing on both counts.
Let me provide one example for the NOSB and audience in terms of failure of enforcement. As many of you know, Cornucopia just refiled a formal legal complaint alleging violations in the operation of a giant dairy in Idaho that has been operated by Dean Foods and WhiteWave.

Reportedly, it milks cows three and four times a day without allowing them legal access to pasture. We filed complaints against this dairy before, and based on FOIA documents it appeared that the NOP had never investigated.

Why would some farms get decertified, but others charged with similar transgressions not? Why would Aurora Dairy be found in violation of the law after they were closely scrutinized, and why would the powerful corporate lender -- I'm sorry, the corporate leaders at Dean Foods and WhiteWave be able to scoff at the law?

We were recently told by the head
of NOP enforcement that you indeed did
investigate by sending in the certifier,
Quality Assurance International. Isn't that
the fox watching the chicken coop?

QAI is the same certifier that
certified Vander Eyk Dairy in California;
10,000 cows, no pasture, decertified. QAI
certified initially Shamrock Dairy; thousands
of cows, no pasture, in the process of being
decertified.

And the NOP trusts QAI to carry
out the investigation? This is a gross
betrayal of public trust. Consumers have to
believe the organic law is being enforced.

Ethical dairy farmers are being
 Crushed in the marketplace. Most of us in
this room believe in the values that the
organic movement was founded upon. We will
not rest while we see the USDA attempting to
partner with powerful corporate interests in
changing the working definition of organics.

In closing, if the NOSB appointed
the director of the NOP as Congress mandated, he or she would be accountable to the organic community and this Board, not to politicians. Far less tumult and a stronger organic label.

Thank you very much.

(General applause.)

CHAIR STONE: Thank you, Mark.

That's pretty good.

MR. KASTEL: I get the mug now, Mac.

CHAIR STONE: Well, you have to wait till the end to see how the others do. Okay?

MR. KASTEL: Someone might be better and I --

CHAIR STONE: Someone might be --

MR. KASTEL: -- refer to them.

Thank you.

CHAIR STONE: Okay. Good job.

Thank you.

Okay. Colin Archipley, and please help me if I --
MR. KASTEL: I think there might be a question from one of your --

CHAIR STONE: Oh --

MR. KASTEL: -- colleagues, Mr. Chairman.

CHAIR STONE: Jennifer?

MR. KASTEL: I'm hard of hearing --

MEMBER TAYLOR: Thank you.

MR. KASTEL: -- Jennifer.

MEMBER TAYLOR: Thank you.

MR. KASTEL: Muscle right up to that microphone.

MEMBER TAYLOR: Okay. I was just wondering if, within all of the comments that you provided for us today, and thank you for speaking, what would be the most important issue that you would summarize?

MR. KASTEL: Okay. Well, I think the general, what I would call general power grab on the part of the USDA. We saw a visual demonstration today of dissatisfaction with
the organic community on the issue of the Sunsetting.

On one end, I was told by the Organic Consumers Association before they, you know, engaged in that activity, that they had 80,000 consumers sign a petition, electronic petition stating their discomfort.

On the other end of the divide we have the elected board chairman of the Organic Trade Association call my colleagues at the Center for Food Safety, Food and Water Watch, and Consumers Union liars, and asking the organic community to get behind the organic program.

So, you know, whether -- whichever side of the fence you're on, this is a black-eye to organics, and is deleterious to our credibility in the eyes of consumers.

So, you know, I guess the three points that I'll make, number one, OFPA specifically states, and we saw this confrontation brought up by the motion that
Mr. Feldman brought forward to revert to the NOSB elected Board Chairman. OFPA is clear by saying, the NOSB will elect the chairman, and the chairman's responsibility is obviously to run this program.

The next I referenced is that the -- it's very clear in OFPA that the NOSB has the obligation, shall is the word, appoint the staff director, and then it goes into explaining how to staff the program.

And make no mistake about it, that is Mr. McEvoy's current position, because then it says that the duties of them are to carry out this Act, the Organic Foods Production Act of 1990.

So the last point that we'll make, and I think we'll present this in further testimony, is that OFPA specifically gives the authority to you and your colleagues to secure the -- to TAP reviews or the technical reports.

I can tell you that as the -- one
of the directors of the Cornucopia Institute,
I cannot choose the auditors to -- for our
non-profit public charity. That has to be
done by the Board because the job of the
auditor is to support our Board and critique
the work of the management to make sure that
it's ethical.

The reports from the technical
review are not for the NOP. You folks have to
have confidence that they're truly being done
by qualified and independent individuals.

How can you do that when they go
out and contract -- and in recent years since
the Obama-Vilsack administration have taken
over, the author's name -- and where does it
-- where else does it occur in science -- the
author's names of the technical reports are
secret.

You don't even know who is
producing those reports, so how do you know if
you would have confidence in them enabling you
to make these difficult decisions? There's
only one seat on this Board that's held by a
"scientist". The rest of us in this room,
most of us, are lay people.

Obviously Ms. Richardson, Mr.
Thicke, both hold PhDs, they're scientists.

A couple of our other academics are
scientists. But that's not a prerequisite to
hold many of these seats on the Board. You
have to have trust and confidence.

CHAIR STONE: Thank you, Mark.

MR. KASTEL: Those are the points
I'd like to make. Thank you for you're the
opportunity Mr. Chairman --

CHAIR STONE: Okay. Thank you.

MR. KASTEL: -- Mr. Chairman.

CHAIR STONE: All right.

(General applause.)

MR. McEVOY: Yeah, just a couple
of things there. Mac is the Chair of the
National Organic Standards Board. I'm the
Designated Federal Officer. We both have
roles and responsibilities to play in this --
in how this meeting operates, how the National 
Organic Standards Board operates.

The other point is that there are
84 accredited certifiers, they have certain
responsibilities. They're responsible to do
investigations to verify organic compliance.
QAI is an accredited certifier.

And just like all the others,
that's the process, is that the certifiers are
accredited to do the work that they do, they
do the investigations, they verify that all
organic operations that are certified organic
are in compliance with the regulations,
including the Idaho dairy, including all the
other names that were mentioned in the last
person's testimony. Thank you.

MR. ARCHIPLEY: Good afternoon,
Board. I'm here today to bring light
discussion about soilless agriculture within
the organic standards. The definition of soil
in most dictionaries is the upper layer of
earth.
Now we already know many growers
in organic standards don't grow in the upper
layer of earth, some may, but usually spend
part of the life cycle outside of the upper
layer of earth using plugs and whatnot.

So what is soilless agriculture?
Containers, plugs, hydroponics. Specifically
what is hydroponics? Hydro means labor, ponis
means water, so it's making the water do the
work for us. It's been used since the
beginning of agriculture. The Hanging Gardens
of Babylon, Floating Gardens of Aztecs and so
on.

Modern hydroponics is kind of
defined by college students growing hippie
lettuce in their closet using synthetic
fertilizers and whatnot. But that does not
define us all, and there is a return to
hydro-organics.

What is different about
hydro-organics systems compared to its
conventional hydroponic systems? The use of
organic inputs and standards, and the reliance
of microorganisms to decompose organic matter
to derive nutrients.

Exactly the same thing that
happens in soils but in a contained system to
include aquaponics, Dutch buckets, ceilings
for plugs and so forth. The only difference
is not using sand, silt or clay as a base for
the microorganisms to grow.

And how do we do it on our farm?
The of compost teas with worm casting fishing
motions, no synthetic micro-nutrients or
anything like that. We capture and
recirculate the water.

The bottom line, for an area like
us where water is $2100 an acre foot, and land
is in excess of $100,000 per acre, yet the
community of San Diego is saying, We don't
want to buy food from Fresno, we want to buy
it from our community.

This is a matter of survival for
our type of agriculture. It's extremely
efficient, up to 90 percent more water efficient. Land of agriculture is at an all-time high, and with this form of agriculture, you can reduce your footprint and be profitable with only a few acres. We can convert parking lots, warehouses, reclaim industrial land for organics, roof tops and so forth.

The bottom line is, there's a misunderstanding of what the term hydro-organics, hydroponics means, and it shouldn't -- that misunderstanding should not disclaim us from all. We believe the pillars of the organic industry is microorganisms, organic matter, sustainability, and a crop, and we bring all those four pillars to the organic community.

And I'd like to throw my hat in the ring, try to be a member of the Board to bring light to the organic industry of what soilless agriculture is defined within keeping of the highest standards of the National...
Organic Program. Thank you.

CHAIR STONE: Good. Thank you very much.

Karen, I've seen you follow this act before, so -- and Urvashi Rangan is next, on deck.

MS. MITCHELL-ARCHIPLEY: Okay.

Hi, my name is Karen Archipley, and we're with Archie's Acres, and we're the Veterans Sustainable Agriculture Training Program.

And first I want to just wear my hat, I'm a Board member of CCOF, and I wanted to bring to your attention that we have written, on behalf of CCOF, a letter regarding the animal welfare standards, and that a cement porch is not outdoors.

So I want to put my other hat on, I'm going to go back to VSAT and what we're doing. And I want to say thank you to the USDA, because we transition active duty as well as veterans into sustainable organic agriculture, and with the new Farm Bill, it
has been great.

   And I want to say that with San

Diego -- my husband pointed out that water is
$2100 an acre foot, and that is brutal. And
I can tell you that with organic --
hydro-organic, we're able to not only survive,
but thrive and bring organic food to areas
where we can say, give us your worst land.

   And if you have issues with water,
we can come to that with a solution that
actually produces up to three to five times
the crop and has the tremendous nutrients
within it.

   And so I want to say thank you,
make room for veterans that are coming out
into organic sustainable ag. Today a veteran
can use their VA home loan to buy a farm.
That was not true a year ago. So we're really
happy with our advocacy.

Second, organic sustainable
agriculture is now a career track for all
people leaving the military, all branches.
And so as you and the organic industry, please make room and support those transitioning veterans.

And I want to say thank you to all the companies that do support us, such as Whole Foods, Jimbo's. We've had Farmtek, Agritech, so many of the people that have reached out to not only employ, but to offer that learning concept of what organic agriculture is all about. So thank you for my time.

CHAIR STONE: Thank you very much. Thank you for your service for the organic community as well.

I have -- Urvashi is up, and Ram, you know, is on deck.

Terry, I'm letting Ram get on an airplane, so I'm sticking him in there. Thank you.

MS. RANGAN: Great. Thank you.

Good afternoon. My name's Urvashi Rangan. I'm Director of Consumer Safety and
Sustainability for Consumer Reports. Our policy and action arm is Consumer's Union. And I'm glad to be here today to be able to make comments.

I also want to welcome Charlotte Vallaey's to our team at Consumer Reports, and she'll be making additional comments here today -- tomorrow on behalf of Consumer Reports.

So we're glad to be here today. There's so much to talk about, so we can only pick a few things. We're one of the many public interest groups who spend our time educating consumers about what labels mean and what they don't and where they fall short of consumer expectations.

And consumers have clearly demonstrated a willingness to pay more for the food that they believe is truly natural, and they will pay more for the organic label to get that. Their confidence in the label is actually paramount to its success. And
without a confident consumer, there isn't a successful organic program.

This is why Consumer Reports and so many other public interest groups have remained vigilant in advocating for maintaining the integrity of this label and the process for reviewing materials. And we agree with the many comments made here today by Jay Feldman.

We believe that the National Organic Program is not protecting the label as it should. We believe the decision to allow prohibited substances that were granted five-year listings to, by default, remain on the list if two-thirds of the NOSB does not vote them off, is a perversion of the intent of the law.

And there will be no incentive for natural alternatives to be developed on a commercial scale, which is already a problem. This is a slap in the face of the organic label, and to consumers who pay more for it.
And while the NOP believes this is an invalid opinion and that our raising awareness of this issue is detrimental to organic, which we've been told, we respectfully disagree. And the authors of the organic law echo that sentiment. In their letter they say,

"Therefore, it is with great concern that we learned about the policy change implemented by your agency this past September, which turns the Sunset policy of OFPA on its head."

And you can read the rest of that letter, and it's pretty damning in terms of what this interpretation is.

You've questioned the qualification, the quality of surveys in the past two consumer surveys, but I'm here to actually present the results of an independent Consumer Reports national research survey that's been released today with many findings of what consumers think about the organic
And here's some of the highlights.

Regarding the use of artificial ingredients in organics, 71 percent of consumers want as few artificial ingredients as possible approved in organic production.

If they are approved, 84 percent say that the use of artificial ingredients should be discontinued if not reviewed after five years. And interestingly, 44 percent of consumers think a five-year time frame is actually too long.

We believe that the NOP interpretation of Sunset is wrong. It weakens the organic standards by making it far easier for exempted and prohibited materials, which is what these are, to remain on the National List in perpetuity. This is not in line with consumer expectations, or the authors of the organic law, and it will cause serious damage to the integrity of the organic label.

Regarding the use of streptomycin,
while only 66 percent of consumers think that no antibiotics were used on organic fruits and vegetables, 86 percent don't want them used. We believe that you should not extend the period allowed for streptomycin use.

Regarding antibiotic use in other places in organic, because we just stumbled on this, 88 percent of consumers believe organics should not allow the use of antibiotics, including at the egg stage, or at day one of life in terms of poultry production.

And regarding aquaculture, we do not believe you should be approving materials for aquaculture before you actually have standards. We need a strong organic label where the privilege of granting exemptions for otherwise prohibited substances is made with care and with the intent that they will not remain on in perpetuity.

We believe the NOP's reasoning is flawed, and we will continue this fight until it is resolved. Thank you.
(General applause.)

CHAIR STONE: Thank you, Urvashi. Jay?

MEMBER FELDMAN: Thank you, Mr. Chair.

Hi.

MS. RANGAN: Hi.

MEMBER FELDMAN: I really want to ask you to give us a little more detail about your study designs and how Consumer Reports and Consumers Union develops a study and the meaningfulness of that relative to the information that's available to a board like this to make informed decisions around consumer preference, consumer expectation, which is a key tenet in the final rule and the operations of this Board.

It really pains me sometimes when I hear people dismiss the quality of the data that your organization has historically generated for this -- for the nation. So if you could help us with that, I would really
appreciate it. Thanks.

MS. RANGAN: Yeah. Thank you, Jay. In fact, our national survey center actually runs some of the largest surveys -- next to the census, we're the largest independent group actually running surveys out in the nation.

And there is a science behind surveys. And, in fact, I think it would be really beneficial, because of some of the frankly ludicrous claims made in these meeting rooms about the preposterousness of consumer survey data made by consumers is ridiculous. There is a science behind it, you can do them well, and you can do them not well.

And we have an entire department filled with PhDs that actually work to create these questions and craft them. It's really important how you craft them, how you craft the questions, that they are not leading. We have scientists working on just that. That's their full-time job and we have an entire shop
of them.

   In addition to that, the way we
administer those surveys matter, and it
matters how they're administered. There's
telephone polls, there's online polls. You
have to have enough people to get a
statistically representative sample, and you
have to have the demographic cross-section so
that you know that those are nationally
representative.

These are just some examples of
all of the different scientific criteria that
we use before we even put a survey out into
the field. The results of those surveys are
bonafide, they are statistically significant,
we stand behind them, our entire organization
does.

And I think it might be really
beneficial at some point for this group -- I'd
be happy to bring on any one of our staff
members to make a presentation to you about
what makes for a scientifically sound survey,
and we'd be very happy to bring that to you.

CHAIR STONE: Thank you. Thank you very much.

MS. RANGAN: Thank you.

(General applause.)

CHAIR STONE: So Ram is up, and if you will state your name for the record, maybe they'll understand why I didn't state your name.

And Terry Shistar's on deck.

MR. BALASUBRAMANIAN: Thank you very much for the opportunity, Mr. Chairman. I am Ram; my full name is Ramkrishnan Balasubramanian, since Mac asked about it. I'm the QCS Chief Operating Officer. QCS is one of the accredited certifiers based in Gainesville, Florida. We're also accredited to do organic aquaculture under the European Union and Canada.

We certified several aquaculture and aquaponic operations, and, in fact, we are the only US-based certification body to do
GlobalGap food safety for aquaculture.

Needless to say, I'm here to talk about aquaculture.

The Board is moving in the right direction, and we fully support the efforts to include the materials as a part of the standards. That is always the question, whether it is wise for the NOSB to recommend materials when the standards are not finalized.

We think it is a wise move to include, based on the recommended aquaculture standards. This will enable the industry to start when the standards are out and don't have to wait on these materials.

Should there be changes in the final rule, the NOP can always send the materials back to the committee, and just because the NOSB approves these materials does not mean the NOP has to adopt them. I'm confident, if the materials recommended are not consistent with the final rule, the NOP
will not include these materials and send it back to the NOSB.

We have waited painfully long for these standards to come out. In 2003, QCS used to certify under the USDA livestock standards. The USDA permitted this at that time. Two operations, one in Permian, Texas and one in Florida, both growing shrimp were certified to the USDA organic standards.

Around 2005 both operations were voluntarily requested to surrender their certificates, and the reason is, if the USDA allowed the fish to be certified under the livestock standards, hardly two or three species would ever be certified as organic. And some species, such as salmon, could never be certified.

The operator understand, and the understanding at that time is the USDA is going to come back with a rule as soon as possible. Ten -Twelve years have passed. The rules are still not out there.
The operator has been bankrupt. These are US-based operations. They're bankrupt because they couldn't compete against some of the ceremonial standards. To give an example, some of the ceremonial standards out there, even today, allows one-third of the animal's aquatic lifetime to be under non-organic management.

If you take shrimp, 120 days is the average days you're supposed to be harvesting it. Thirty days can be under non-organic management, plus can be fed with terrestrial animal byproducts. So these operations could not compete; subsequently went bankrupt.

Currently operations that are certified to other national-international organic standards can produce their organic product as organic. In doing comparison against other standards, we believe the standards recommended by NOSB is much better.

And given all the circumstances,
we strongly urge the Board members to move forward in including these materials. It is very delightful to hear your stating that there'll be proposed aquaculture rules out by the end of the year. We support all the materials petitioned to be awarded in favor of being included in the final standards.

One comment about carbon dioxide that has been petitioned. QCS is very much aware it is a synthetic carbon dioxide. Carbon dioxide in the petition has dual purpose, digestive pH and also as a nutrient.

Two places this material, carbon dioxide, is used. To produce microalgae to feed the aquatic animals. Almost all commercially cultivated aquatic species consumes microalgae as a feed during their juvenile stage. It'll be used if the final rule requires integrated multitrophic aquaculture.

So the question is, given the fact that carbon dioxide can also be a macro
nutrient, can aquatic plant producers can live with all that. The answer is maybe. You can use aeration, you can grow in large ponds and perhaps use calcium bicarbonate for pH adjustment, but there are severe economic consequences.

That process has not been standardized. The cost of production is going to go up and it's almost impossible to do it with only carbon dioxide. Thank you.

Questions?

CHAIR STONE: Thank you, Ram.

Jay?

MEMBER FELDMAN: Well, I'll defer if anybody else has questions.

(No response.)

MEMBER FELDMAN: Thank you. I had a couple of questions about these materials. So are you suggesting that the CO2 is used as a nutrient source?

MR. BALASUBRAMANIAN: All right.

Sorry.
MEMBER FELDMAN: Yes. And what about the chlorine. The chlorine -- do you use it in culture water as well as for cleaning --

MR. BALASUBRAMANIAN: Culture water has to be sanitized for grow in pathogens, but it is no different than treating any other water treatments, like we do in processing plants that needs to treated. That's all. It has no other effect other than sanitation in culture water.

MEMBER FELDMAN: Okay. Thank you.

CHAIR STONE: Thank you, Ram.

Oh, I'm sorry. Jean?

MEMBER RICHARDSON: My apologies. I'm trying to keep track of the public comments from the list that we have, and I don't see the name of the organization that you're with, Ram. If you could help me --

MR. BALASUBRAMANIAN: Quality Certification Services. If you know Marty, I'm with Marty.
MEMBER RICHARDSON: So -- oh, okay. All right. Great. Thank you.

CHAIR STONE: Okay. Thanks, Ram.

MR. BALASUBRAMANIAN: Thank you.

CHAIR STONE: You can get your plane.

Terry Shistar, and Sharon Donovan is on deck.

(Pause.)

DR. SHISTAR: Okay.

CHAIR STONE: Okay?

DR. SHISTAR: Okay. My name is Terry Shistar, and I'm on the Board of Directors of Beyond Pesticides. And these slides should be advancing automatically.

(Pause.)

DR. SHISTAR: Beyond Pesticides has a long history of involvement with organic production. Our roots are in the problems of agriculture from poisoning of farmer workers to contaminated food, soil, air and water.

We are a committed organic
production, and the organic model in non-production situations as a solution to pollution. On this slide you can see some of our present and former board members.

I want to talk about precedence, particularly about setting bad precedence, which seems to be happening here now. The most significant bad precedent that is being set at this meeting is the overthrow of a democratic process for establishing organic policy by an agency with a history of antagonism towards organic production.

It was no accident that the NOSB was given powers beyond those of the usual FACA board. Until now, the Board has provided direction to the organic program from the organic community as a whole. I'm afraid that the future of the organic label depends on your finding a way to restore democratic control. Compared to that big issue, the other bad precedence are relatively minor.

Listing aquaculture materials
without having an understanding of the diversity of aquaculture systems or regulations in place defining organic practices in aquaculture would be a terrible precedent.

The petitions for aquaculture materials request the approval of a whole slew of synthetic materials for use on a routine basis. This is a bad precedent on a different scale than that of approval of formic acid in aquaculture.

The fact that the NOP passed on to the NOSB a petition for vinasse that redefined the material, lumping together synthetic and non-synthetic forms together under one name was a bad precedent from a materials review.

Much confusion could have been avoided if the NOP had recognized that the petitioner was petitioning a mixture of formulations that was turned down by MROs because of the synthetic additives. The NOP should have sent the petition back to the
petitioner as inappropriate for NOSB consideration.

We support efforts to clarify the roles of the NOSB and MROs with respect to generic substances and formulated materials or mixtures.

With respect to another crops material, laminarin, another bad precedent is in the works. The manufacture of laminarin involves the addition of sulfuric acid, which is neutralized by the addition by the sodium hydroxide, thus creating a net addition of sodium sulfate.

The crops subcommittee ignores the sodium sulfate, treating the neutralization as a removal step. That is bad -- it would be a bad precedent to endorse that. It would also be a bad precedent to endorse OMRI's position that the sodium sulfate, which it acknowledges must be reviewed, is acceptable because it is a list for inert. We are moving away from giving "inert" special status.
The theory put forth by the handling committee that the boiler chemical PGME is not required to be on the National List because it makes no contact with organic products would establish another bad precedent. OFPA makes it clear that the use of the material, not the contact with the food, determines the need for its listing.

This is supported by the fact that the NOSB must consider other factors like essentiality and the probability of environmental contamination during manufacturer use, misuse or disposal that apply regardless of food contact.

Too big to fail is bad economic policy and that's bad organic policy. We urge you to correct past bad precedents and to avoid making the same mistakes with aquaculture.

Well, you know what I was going to say about Sunset.

(General applause.)
CHAIR STONE: Thank you, Terry.

That was an effective presentation.

Oh, Calvin?

SECRETARY WALKER: Dr. Shistar,
could you tell me what is your views on
Sunset?

DR. SHISTAR: Well, what I was
going to say is we all know what Sunset means.
It means that the exemption goes away unless,
upon thorough reconsideration, it is voted to
stay.

We urge you to ensure that every
substance on the National List receive
rigorous review before relisting by attaching
an annotation for a five-year expiration date
to every petition material, and approving our
petitions for annotation with an expiration
date of those substances currently in Sunset
review.

And besides that, you know, I've
submitted other comments.

CHAIR STONE: Good. Thank you,
Terry. Thank you very much.

Sharon Donovan is up, and Melody Meyer on deck.

(Pause.)

MS. DONOVAN: Good afternoon. My name is Sharon Donovan. I'm from Des Moines, Iowa, and I represent Occupy the World Food Prize. Our goal is to encourage the world food prize to give fair and balanced representation to sustainable and organic agriculture. We are the people's answer to the world food prize and its big ad program to replace nature with chemicals.

It was no surprise to us that big ag would use their influence that resulted in the decision by the USDA, supported by the Organic Trade Association, to engineer the downgrade of organic standards.

This alarming reversal of the Congressionally mandated directive is a shocking misuse of power. But it is much more, and let me make this very clear. It is
a movement by corporate interests to control food policy. The lowering of organic standards in the US is just one part of a bigger picture.

There are more examples. The World Food Prize winners are not announced at the Department of Agriculture. They are announced by the US Secretary of State, because big ag directs our foreign food policy, working alongside the Rockefeller Foundation and the Ford Foundation, influenced by our old friend, Harry Kissinger, who is reported to have said, If you control the food, you control the people.

Corporations like Monsanto and Syngenta, DuPont and their co-conspirators, manipulate our foreign policy to serve their profit-driven agenda to control seeds, lands and market.

In 1999 when a Monsanto vice president was asked what his company's goal is for the 21st Century, he's reported to reply,
Control all seeds in the world. When our French scientist, Professor Gilles Seralini, and his team published his rat study in the Food and Chemical Toxicology Journal, it was withdrawn shortly after a Monsanto lobbyist joined the Journal's editorial board.

Paul Bremner, perhaps you remember him, and big ag pushed through the 100 orders to transfer Iraq's economy into private US hands. Order 81 stands out. It forced Iraq's farmers to plant only what was called "protected crop varieties". Thus, one of the world's oldest agricultural traditions was destroyed.

Now, Iraqis are obliged to purchase seeds, fertilizers, pesticides, herbicides to feed their people. The seeds of course are GMOs. Do you see a pattern here?

Today in our backyard corporate profit drives the motive to lower organic standards through cover up, intimidation and lies. This is much more than a fight for what
is in our food. This is a fight against
dominance and greed. We all know this, but
Occupy wants it on the record.

Occupy appeals to you to please
stand strong. Please respect the integrity of
organic foods. Reject Secretary Vilsack and
his political degradation of organic
standards, and the power hungry, profit-driven
corporate corporations would have given us
each an orange, PCBs, VDT, GMOs and now what
could become a growing list of synthetic
materials added to our own organic foods.

Thank you.

(General applause.)

CHAIR STONE: Thank you. Thank
you for being here. Thank you very much.

Melody Meyer is up, and Michael
Sligh is on deck. Melody?

MS. MEYER: Thank you. It's a
pleasure to be here. I want to thank the
Board for all your work and dedication.

I'm Melody Meyer from UNFI, and I
I want to talk about something completely different. I want to bring forward a new emerging technology called synthetic biology that is quite possibly in the organic food supply and the organic production right now, and urge this Board and NOP to consider looking at it and reviewing it.

It's synthetic biology, and I won't go into the definition, you know, a lot, but it's sometimes called syn-bio or synthetically modified organism, and it's an extreme form of GMO. It's the next step.

And it's basically taking DNA strands, putting them together to create a separate entity that's never been alive on the planet; it's a new entity, injecting that into algae or bacteria or yeasts and growing things like synthetic vanilla.

These synthetic vanilla is actually on the market now and being marketed to companies in Expo East. When I was there, there were companies out there looking to get
this into the supply, call it natural. Should it be organic? I don't think so.

It's thoroughly untested, it's unregulated, it's unlabeled, just like GMOs. So there's the possibility that this could be entering the food supply now, the organic food supply without us knowing it, and we may be in a catch-22 where we have to catch up with this emerging technology.

The research and development is huge, it's growing by 41 percent a year. It's estimated to be $16.7 billion in 2018. This is something that I believe that the Board and NOP should pay attention to.

The focus has been on chemicals and fuels, but now they're targeting tropic commodities and we really don't know the effects that it will have on the environment if these algaes and use that exist everywhere, if there's biocontamination. The effects, the economic effects to small organic growers in subtropic regions is profound, and quite
frankly the effects of our consumer group, if
this is in organic items will be also
profound.

So I want to urge this Board and
the NOP to take a look at this. And
specifically with flavors because synthetic
vanilla it out there and there are many more
products coming.

So there's more information in my
written comments. I'll be emailing those to
you, and there's resources at the bottom of
that if you have any questions. I have other
resources. I'm certainly not an expert on
this, but I know enough that it's scary.

CHAIR STONE: Zea?
MEMBER SONNABEND: Thank you,
Melody. Why would you think it would be in
organic food now when we require non-GMO
declarations and you say it's a GMO, so how
could they possibly give a non-GMO
declaration?

MS. MEYER: It's not --
MEMBER SONNABEND: And along --
also, why wouldn't our current policy against
GMOs apply to this, that we would have to do
a separate looking into it?

MS. MEYER: The way I understand
it is, because of the fermentation process
that goes on with the algaes, it's not
considered a GMO product. And there aren't
any labels or -- well, there's no way to
identify it.

CHAIR STONE: Jay?

MEMBER FELDMAN: Thank you for
your testimony. Here's the things I'd like
your advice on, currently -- in the past when
someone like yourself or the environmental
community came to this Board and said, There's
a problem you're not addressing -- I'll give
you the example of nanotechnology -- the Board
took that information, studied it, did a
discussion document and put it on its work
plan, it was voted on by the Board.

We have -- you've heard today
obviously that the whole policy has changed.
The Board does not control its work plan.
This is an issue that environmental groups
have approached me on.

What would be your suggestion to
this Board as to what it should do, and how
could it collaborate with industry to make
this an issue that in effect compels the USDA
to bring this to the NOSB? Do you have any
thoughts on that?

MS. MEYER: Well, I'm here
speaking to the NOP as well so that they hear
this message and it can come down to the NOSB
as a priority.

MEMBER FELDMAN: Okay.

CHAIR STONE: Very good. Thank
you for bringing that to our attention.

Calvin?

SECRETARY WALKER: Did I hear you
right, that you represent Occupy? Is that an
environmental group? Could you explain?

MS. MEYER: No, I'm just an
interested citizen in this.

MALE VOICE: UNFI.

SECRETARY WALKER: Oh, okay. I
thought I heard Jay said environmental group,
and it's always good to see other groups. So
I thought he had mentioned that you were an
environmentalist.

MALE VOICE: No.

SECRETARY WALKER: Sorry.

MS. MEYER: Thank you.

CHAIR STONE: Thank you, Melody.

Michael Sligh is on deck and Jake
-- I mean Michael is up and Jake's on deck.

MR. SLIGH: Well, Southerners do
get five minutes. Right?

CHAIR STONE: Well, it's going to
be four, but it's going to sound like five.

(General laughter.)

MR. SLIGH: And many thanks to the
Board and the NOP for all their service to the
organic community. As a native son of the
Alamo, I'm honored to have this event here.
We fully support the need for ongoing USDA organic policy advisors.

I'm here both as a voice from the past, as well as in defense of the future. As one of the commercial scale organic farmers back in the 1970s, we understood that organic could not grow to its real potential unless we could protect the consumer trust by creating greater consistency across state and national lines.

However, we also knew it would require a program that was fully defensible and could meet the ongoing expectations of our community. It took three tries to pass federal legislation. By then polls were already showing 84 percent of the consumers wanted to buy organic food and over half were willing to pay more.

This is still the case, and supply still lags behind demand. How we as a community and you as our representatives address this challenge will determine the
future integrity and viability of organics.

And I may be an old rat at the barn, but I think it's important for us to step back right now and take stock of how we had gotten here and whether we are going in the right path now. This is our legacy, and our responsibility to pursue the real promise of organic. It is more than what we've managed to codify so far. And it's our job to build upon that solid foundation.

However, it's important to realize the context of OFPA and why it was written exactly as it was. We must admit that this was a shotgun marriage from the very beginning, one that has required ongoing marriage counseling with every single Board, with every single administration regardless of party.

In order for the OFPA to pass and gain community support, it was critical to build in the power-sharing into the law and maximize the community roles. The
Congressional intent was to severely limit USDA discretion. USDA was not to reinvent the wheel. This was written as a partnership.

This Act did break new ground for the federal government and requires ongoing unique regulatory scheme. The NOSB has always been more than a regular FACA, FACA does not trump the OFPA. We would not be here today if that was not the case.

It is important to remember that we're all here as volunteers. We don't work for USDA, we're not employees. Your job is to cooperate, to consult, to give your best advice to the Secretary, to listen to the will of the community and to be faithful stewards of the spirit and the letter of the law.

This is not about any of us that are here today. This is not even personal. This is about ensuring the institutional balance of powers and checks and balances that were envisioned in the statute. We cannot afford ongoing polarization. We do so at our
peril.

No matter how efficient, no matter how well intended, major changes without public comment and without public Board deliberations is a breakdown of our partnership. For all of us who have given the bloom of our youth to this, we must rise to protect this institutional partnership.

I fully support the recent letter by the co-authors of the law clarifying the Sunset. We know that making sausage in public is not always pretty; it is messy. But if done right, it can fry up something tasty.

We should not change the course without the consultative due process. USDA should not unilaterally set the scope of the goals. This kind of change in the wrong hands could cause much mischief.

It's not too late to get it right, if we can honor where we came from, share the power, and keep the process open. It is our responsibility to the future. Thank you.
(General applause.)

CHAIR STONE: Thank you, Michael.

Colehour?

MEMBER BONDERA: Thank you,

Michael, for your comments. I want to ask you
if you can get a teeny bit specific from your
history with this and your opinions in terms
of — I mean I guess I'll ask it this way,
which is like you said, OFPA -- we aren't a
basic typical FACA.

MR. SLIGH: Right.

MEMBER BONDERA: And I think that
we all can recognize that. But like the
program has identified, there has to be some
kind of bottom line, there has to be
somewhere. And my question I think would be,
how practically, logistically can the NOSB be
meeting its higher standards than a regular
FACA in practice?

What would be added or done? I
think the good relationships and the
collaborative work is a general good concept,
but what could be put into action that would
differentiate or meet the statute better?

MR. SLIGH: Well, I mean I think,
you know, the term partnership is what we have
always operated on. And when I was in your
seat, we would collaborate in developing the
agenda, we would hear the Department's needs
and what their constraints were, we would
balance that against the needs of the
community and come to a reasonable agreement
on how to propose joint work moving forward.

Unilateral decision making is not
going to work with a hyper-participatory
community. We have to engage it robustly.
And you as a Board need to do your part to
ensure that you're bringing forward what you
think is the most important priorities that
have to be addressed. But you also have to
carefully listen to the Department as to what
their constraints are.

But without that, what we end up
with is either failing to meet the demand of
the community, or leaving USDA in a lurch. And so it's the middle ground, the partnership, the dialogue that got us here. That was really -- you know, in the beginning we had no staff, we had no budget, but we had a mandate. And if we had of said, Gee, we don't have a budget and we don't have a staff, I guess we can't do anything, we wouldn't be here today.

So you -- even though you have to recognize the constraints of the Department, your vision and your mandate has to be bigger when what the current capacity is, and continue to drive that process forward.

CHAIR STONE: Thank you very much, Michael.

MR. SLIGH: Sure.

CHAIR STONE: Well stated.

Jake Lewin is up and JoAnn Baumgartner is on deck.

(Pause.)
CHAIR STONE: Jake?

(No response.)

CHAIR STONE: I saw him in the
back a minute ago. JoAnn, if you don't mind
to go ahead, and we'll plug Jake back in in a
minute.

After JoAnn will be Lauren
Bernick. And please correct your
pronunciation if I get it wrong.

(Pause.)

MS. BAUMGARTNER: Oh, oh, for a
minute — hi, I'm JoAnn Baumgartner with the
Wild Farm Alliance. We promote healthy viable
agriculture that protects and restores wild
nature.

This winter the NOP webpage
declared in their first bullet that organic
farms and processors preserved natural
resources and biodiversity. This is good.
It's also good to hear that the NOP is
collaborating so closely with the NRCS.

But there are a few troubling
issues the NOSB can engage in by following
through on the biodiversity discussion
document that was addressed in the fall 2012
NOSB meeting by then Chair Barry Flamm.

A decade after the NOP regulations
were created, we are just now anticipating
that guidance will be published soon that will
equally address biodiversity and natural
resources, and the title and the intent.

But the NOP has left biodiversity
out of their accreditation check lists you use
to accreditate certifiers. If biodiversity
and natural resources are not treated equally,
a misunderstanding will arise. Biodiversity
is so much more than natural resources.

It's conserving the diversity of
all life and ecological processes, much more
than the short list of natural resources that
humans use that's part of the 205.200
standards, soil, water, wetlands, lowlands,
and wildlife.

Biodiversity conservation is in
the rule twice, it's in the preamble and it's
defined by the NOSB. Organic production
definition includes conserving biodiversity,
the preamble explains that that use of the
word "conserve" means that a producer must
initiate practices to support biodiversity,
and compliance is required, for perennial
systems biodiversity is also required.

While it's important that the USDA
and NRCS is now participating with the NOP,
the NOP reach encompasses the biodiversity
issue broader than NRCS, such as those under
US Fish and Wildlife Service and EPA.

Another issue that NOSB was
addressing in the fall 2012 biodiversity
discussion document was high conservation
value areas. These are natural habitats that
have been identified as having outstanding
importance due to their environmental,
biodiversity or landscape values.

The NOP three-year waiting period
for land with pesticides incentivizes farmers
to convert pesticide-free high conservation value areas to organic production because they can do it quickly. And this has to change. Either this issue needs to be put into guidance, or the NOP should make an interpretation on the intent of the rule, put it out for public comment and do some rule making.

If the NOP Sunset process is not changed back to what it was, material that was approved before biodiversity impacts were considered in the review process, might stay on the list indefinitely.

The NOP should remove open ocean nets in facilities from the proposed aquaculture standard, because pollution and disease, fish escapes, habitat damage occurring will never allow them to be able to meet the requirements to conserve by diversity and maintain or improve water quality and wildlife.

I want to share some materials
we're developing with the International Organic Inspectors Association when training inspectors, like this slide here. And also we just published a document on co-managing food safety and conservation.

If the Board has any questions about the fall 2012 NOSB biodiversity document, I'd be happy to answer them. Thank you.

CHAIR STONE: Thank you, JoAnn.

(General applause.)

CHAIR STONE: Jay --

MEMBER FELDMAN: Thank you, JoAnn. Okay. So we heard that NOP is working on the release of policy, so that's a good thing. Right?

MS. BAUMGARTNER: Yes, that's great.

MEMBER FELDMAN: Okay. If you're speaking directly to them, I guess you have an opportunity to do that, what are the critical issues -- are there any other critical issues
that you didn't mention in your presentation
that need to be --

MS. BAUMGARTNER: Yes, well, back

in 2009 the NOSB made a comprehensive
recommendation on this issue, and they said
that training needs to occur, not just with
inspectors, but also with farmers.

And working with the IOIA, we did

a survey this winter where we talked to over

50 organic inspectors and certification

reviewers about conservation. And while

three-quarters of them said that they were

addressing some aspect, only about a third of

them were addressing it at any deep level.

And they told us that a really big

problem was only about 60 percent of the

farmers even know what conservation is. So

that's a big problem. And they also said that

-- or 94 percent of these inspectors and
certification reviewers said that they'd like

more training materials and training.

So that's a big issue, and I hope
somehow either the NOSB and NOP work together on this issue of high conservation value areas and/or we can help work with that, or put a team together. It's a critical issue. It has to be addressed. It's not going away.

CHAIR STONE: Thank you, JoAnn.

Thank you very much for being here.

MS. BAUMGARTNER: Thank you.

CHAIR STONE: Being at every --

I'm sorry, Jean. I forgot you.

MEMBER RICHARDSON: Just a quick comment and actually it tied in with a question to Miles. I think this is a very timely presentation and I particularly appreciated it, having been a professor of environmental studies and natural resources for many years.

And I'm wondering, Miles, if this is an opportunity first to fold this critical element of what should be in the OCPs and have us working on in the few years since Barry Flamm brought this to us, fold it into the
NRCS work that we will be doing on the -- what are those called, our accreditation subcommittee, because it fits in with the soil conservation aspects that we'll be looking at, even though it adds a different nuance. I think it enriches that kind of work that we could be involved in.

MR. McEVOY: Yes, it's something we can look into. I think what JoAnn was saying was about the accreditation component on the accreditation audit reports, which is, you know, different than what we were looking at for the conservation plans. But I don't see any reason why we couldn't look at this as well during that review.

MS. BAUMGARTNER: If I could just add to that, the high conservation value areas is directly related to the ATL that Sarah Brown talked about, the highly erodible lands. It's those sensitive areas that shouldn't be farmed, and ATL is part of that. So the other high value conservation areas could be wrapped
into this whole discussion.

CHAIR STONE: Good. Thank you.

So, members of the committee, kind of put that together. Thank you very much.

So, Jake, we'll get you in back in order, and, Lauren, we apologize for the inconvenience.

MR. LEWIN: All right. Hi everyone. Thank you very much for your service. My name is Jake Lewin. I'm the president of CCOF certification services. We're the largest accredited certifier to the National Organic Program.

We work with a really large variety of operations, a really huge slough of them, and that includes 1400 operations that are classified below the USDA small farm definition, and a number of larger operations. We're currently performing about 4,000 inspections a year, and about 400 of those are in retailers, retailer who seek certification voluntarily.
So I want to talk to you a little bit about the CACC subcommittee proposal on retail certification. We recognize the complexities of this. In fact, we certified the first retailer ever as far as we know in 1997. I'm sure another certifier will correct me if I'm wrong.

And, you know, today we work with about seven different retailers, which from our perspective is actually a lot. And we recognize the value of this, the value of retail certification and the current -- and we also recognize the value that the current exemptions, thumb certification that is important I think to our marketplace.

But we really think there needs to be a difference between what an exempt retailer and a certified retailer can do. And we really think that 18,000 operations in the US alone have invested a lot to get certified. And that -- we're kind of thinking this proposal, the allowance for a
non-certified retailer to utilize the USDA seal and make certified organic claims of their own making within their store is really -- kind of degrades all the effort and all the certification that's happened before then.

And so we think there could be a better way to go with this, which is to limit the use of the USDA seal, which in every other area of the rule isn't allowed, and the term "certified organic", every other area of the rule, the basis of certification is that -- is the right that certification conveys. So we think that would be a better approach in that case. And we'd be happy to provide more information.

In terms of GMOs, we think the seed purity is really, really important. We think the phase-in with the five- and ten-year implementation is workable, and we see this as a really critical baseline for addressing this.

CCOF, within the period residue
testing regime, will be doing increasing GMO testing. And I think sometimes there's a misunderstanding that GMO contamination is somehow okay because there's not some kind of level like there is for the unavoidable residual environmental contaminants, and in any case where a residue of GMOs is found, we would always investigate and it's always taken seriously within certification.

And in the coming year, you know, we looked -- we're going to do more testing and then we're going to be looking at a .9 percent as kind of a baseline where we're going to take things more seriously, and as kind of what we understand to be the, for lack of a better word, industry benchmark.

So we're going to be looking at that very closely. We really look forward to coming back with more information about how these things go. In the meanwhile, we really do need to see purity as that core piece at the very beginning from which, after that,
additional measures can be taken to help ensure that the commodities are not contaminated.

So anyway, really appreciate all the work you guys do, and we'd welcome any questions.

CHAIR STONE: Thank you, Jake. I have one, seeing no hands. So if product that is processed, based certified organic, but if GMO contamination shows up in the marketplace, what kind of anecdotal stories do you have, or one story if you will. I mean what happens to that product, I mean is it -- does it change the value or the salability of the product?

MR. LEWIN: I mean I didn't value its salability or, you know, tremendously affected by who is the buyer and the seller and what their requirements are. I can -- but there's a lot of evidence, I think a lot of people talked to evidence of what affects salability.

I know that at a compliance level
an incidence of contamination of really any kind within periodic residues would result in a need to figure out why that is there and to do work to address it.

CHAIR STONE: Nick?

MEMBER MARAVELL: Yes, Jake, what protocols are you using for your GMO sampling, and are you looking at -- how do you choose which products you are going to sample and at what point you're going to sample those?

MR. LEWIN: Well --

MEMBER MARAVELL: Or inputs, the products or inputs --

MR. LEWIN: Well, I'll tell you what we really like about the periodic residue rule. It's really well written, which is it gives broad discretion for how to apply these things in the best way possible.

Right now we are -- we're looking at all the available testing methodologies honestly, and we'll probably use different things in different settings, and we'll likely
do some laboratory testing and some strip testing and we're looking at the existing protocols that are out there in terms of other non-GMO programs and looking at what they believe to be effective and then we'll be just using that as guideposts for how we will move forward.

The kind of direction that I gave internally was, well, let's do this where it actually could be found. Right. We're not going to test a commodity for which it is pointless. But we might look at different points in the supply chain, not just at crops. I think it's pretty important.

CHAIR STONE: Thanks, Jake.

MR. LEWIN: Yes, thank you very much.

CHAIR STONE: Lauren Bernick, thank you for your patience. And Lisa Bunin is on deck.

MS. BERNICK: Hi. I'm speaking about aquaculture animals, something we've
already touched on. My name is Lauren Bernick. I'm a consumer, a mother, author of the blog, My Non-Toxic Life, and I'm from Texas. Welcome to Texas.

I'm a member of the Cornucopia Institute. I'm here today as a citizen lobbyist because -- I volunteered to present testimony because I am very concerned about the integrity of organic foods.

Since switching my family to 100 percent organic non-GMO foods two years ago, we've all seen vast improvements in our health. So I take it very seriously. I take it as a personal affront when anyone tries to undermine that little logo right there. It, to me, has come to mean the last bastion of safe food that I can feed my family.

No regulations have been established for aquatic animal or plant production, so the first order of business before petitions are approved must be the establishment of organic regulations. This
alone is reason enough to vote against any materials petitioned for use in aquaculture. 

The NOP should not request review of aquaculture materials when they have not published the aquaculture standards. It's unsettling that the NOP is placing pressure on the NOSB to approve aquaculture material prior to approving an overall standard based on NOSB recommendations.

Organic agriculture is a production system that responds to site-specific conditions and promotes ecological balance. The raising of livestock, primarily fish, but also aquatic and vertebrates is fundamentally different from the raising of terrestrial livestock.

From an organic standpoint it's essential to take those differences into account when considering both the regulations and any possible additions to the synthetic materials to the National List. The fact that organic regulations have not yet been
developed and approved by both the NOSB and
NOP indicates that these differences have not
been fully resolved.

Specifically for aquatic animals
the following petition materials must be
rejected: chlorine, tocopherols, trace
minerals, vitamins and vaccines. The main
reason that these materials must be rejected
is because there are no organic aquaculture
standards upon which to judge the use of these
materials.

Secondly, much of the information
needed to assess these materials is missing.
Chlorine has not aquaculture technical report,
tocopherols are both a vitamin and a
preservative, and the listing proposal doesn't
specify its use.

Trace minerals are so broad that
they don't even specify which minerals they
include. Vitamins are produced using
undisclosed proprietary manufacturing
practices which can include prohibited
substances or genetic engineering.

Vaccines are so broad we don't
even know which ones they're referring to, and
they too can be produced using excluded
methods, including genetic engineering without
clearly labeling them.

There's clearly not enough
information on any of these materials to
understand their potential impacts. Likewise,
there's no designation if they will be used in
open-pen systems or closed ones.

The world's fisheries are already
in crisis. Open-pen fish farming increases
disease transmission and genetic pollution
into wild stocks, pollutes the water with
excess feces, nutrients and is largely
dependent on unstable feed sources.

It is truly frightening that
organics might embrace factory farm fishing
that contributes to the further peril of our
oceans, waterways and wild aquatic organisms.

Therefore, please reject all aquaculture
proposals, or at the very least amend them to
include a five-year Sunset date.

Thank you for allowing me to
present testimony. If you have any questions,
please refer them to the Cornucopia Institute.

(General applause.)

CHAIR STONE: Thank you very much,
and thank you for your support of organic
food.

MS. BERNICK: Thank you.

CHAIR STONE: Lisa Bunin is up,
and Liana Hoodes is on deck.

MS. BUNIN: Good afternoon. My
name is Lisa Bunin and I'm the Organic Policy
Director at the public interest organization
Center for Food Safety.

On the 20th anniversary of the
Organic Foods Production Act, Senator Leahy
invited Deputy Secretary of Agriculture,
Kathleen Merrigan, to share her reflections on
OFPA with his agriculture nutrition and
forestry committee.
Merrigan recalled how Congress carefully chartered the NOSB to facilitate consensus among stakeholders regarding the interpretations of OFPA. She also underscored the gatekeeper function Congress entrusted to the NOSB to stringently evaluate synthetics before allowing them on the National List.

The role of any gatekeeper is to limit entry to only the most qualified. For OFPA this means upholding the synthetics prohibition, permitting only certain temporary exceptions.

Congress assigned the NOSB this critical gatekeeper function after hearing from constituents that the organic community with stakes in the continuing organic integrity insisted that it maintain control over vetting synthetics. That way no sector of organic could unduly influence the process or curry favor with the Secretary of Agriculture no matter who held that office.

No one would argue that this a
perfect process, but the NOSB's gatekeeper actions have made it difficult for synthetics that do not meet OFPA's health, environment and essentiality criteria to make it on the National List.

Unfortunately, this important role has been wrongly served by USDA NOP by weakening OFPA's Sunset provision in two significant ways. First, the new policy reverses the presumption that a substance will be removed from the National List to a presumption that it will be retained.

The policy includes a change into the Sunset voting procedure from two-thirds majority vote needed to put a substance back on the National List, to a two-thirds majority vote need to remove a synthetic from the list.

Secondly, the policy allows synthetics to be renewed by subcommittees without a full Board vote. This undermines Congress's intent of giving the legal authority to gatekeep synthetics to a diverse
The new Sunset policy also undermines the principal of continuous improvement, one of the cornerstones of OFPA's implementation. Instead of strengthening procedures that pressure petitioners to find alternatives within five years of the time of listing, it creates complacency by creating the expectation that synthetics will be automatically renewed.

Critically the organic brand in consumer markets is driven by organic's high integrity, not the ability to accommodate the lowest common denominator. It's incumbent upon USDA NOP to not forge ahead with streamlining the Sunset process at the expense of public trust or confidence in the organic label.

Market growth fueled by a policy that increases the number of synthetics in organic is destined for failure as stated in recent letters sent to USDA by both OFPA's
original drafters and former NOSB chairs. They're calling for USDA to rescind its September 2103 Sunset policy and to engage the public on the issue. The Center for Food Safety adds our voice in support of that effort.

Moving to aquaculture, CFS has always been -- the position has always been that no petition to add a substance to the National List for use in organic agriculture should be considered until final regulations are promulgated.

In the absence of knowledge about the system within which a substance would be added, approving any substance would be arbitrary, capricious and unlawful. We urge the NOSB to deny all petitions for material in organic aquaculture systems.

Neither the NOSB nor the NOP has officially evaluated the wide range of aquaculture systems that could be considered organic. The only system presented to the
organic community, open ocean net facilities, has been championed by the aquaculture working group, comprised of members with vested interests in this system.

The Center for Food Safety has consistently argued that open ocean aquaculture can never be organic, and as such, we urge the NOP to prohibit them in organic.

Thank you.

(General applause.)

CHAIR STONE: Very good. Thank you, Lisa.

Jay?

MEMBER FELDMAN: Thank you, Dr. Bunin. I wanted to switch subjects a little bit. You had written extensively to the Board on methionine, and I'm particularly interested in two things.

One, you know, this sort of chicken and the egg argument that we require this material, amino acid, because of the scale in which we're operating, and the lack
of access to pasture. And we can't really
mess with reducing or eliminating the chemical
because of the systems which are in place.

We can't change the systems in
place if we allow continued access to the
chemical and don't effect some sort of
transition, which this Board is on record as
endorsing, in a very forceful way by the way.

Right. As you know.

You come along and say, Well,
look, Board, there are these other sort of
quirky alternatives out there, but they're not
going to get traction unless you do something.
And Terry referred to this as too big to fail,
which I like that concept.

So what do you want to say to
Board members who are on the fence about this,
and seem to be prepared to let this treadmill
go on and on and on with no end in sight?

MS. BUNIN: Well, my colleague is
going to talk about this tomorrow, but I will
give you a little preview in that. We just
produced a report on animal welfare in the poultry industry, and we are very critical of the reluctance to move forward on animal welfare regulations.

And the commissioned USDA report says that five big organic producers are unable to implement the very minimum and basic animal welfare recommendations that were put forward by the NOSB. And so as a result it appears as though there are some big large producers that are holding hostage the majority of small and medium sized producers that are able to meet the standards.

And issues like methionine, the synthetic methionine, really prop up this really large system of organic poultry production, and so we feel that beginning to require more space requirements is really essential, as well as looking at some of these alternatives seriously.

There's still quite a bit of time until methionine is set to run out to look at

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this applies or a way or a number of herbs and minerals. We really feel like that's the system that we should be headed in, and if those large producers can't really make the mark, then perhaps they should consider leaving the system.

CHAIR STONE: Thank you, Lisa.

Miles has a comment.

MR. McEVOY: Yes, the economic study that we did last year was part of the process of putting the work together so we can move forward with rule making on animal welfare. So it's -- there is an economic impact for us to move forward with those animal welfare recommendations.

In order for us to do that and be successful, we need to have that economic information. So that's one --

MS. BUNIN: But --

MR. McEVOY: -- piece in the --

let me finish -- that's one piece in the process of us being able to move forward.
There's a lot more information we need.

There is nothing that we said that we're not going to do this. What we said was that it was not going to happen in the near future because we had many other things to do. So say that something's being held hostage because of that report, that report was to try to move this process forward.

And that it will move forward. We need more information and more economic analysis so that we can be successful in implementing that recommendation. So I just -- it just -- that's enough. Thanks.

CHAIR STONE: Thanks, Miles.

Thank you, Lisa.

Oh, I'm sorry, Francis.

MEMBER THICKE: Lisa, in your research did you -- do you come to the conclusion that aside from those five large houses, the others could make it without any synthetic methionine?

MS. BUNIN: Yes, and that's the
conclusion of the USDA's own study. And just to clarify, it was not me who said that you were going to delay the animal welfare regulation development, it was you who released the report with that statement, so that's why we went and took a look at what was the economic basis.

And you'll hear more about it tomorrow, but, in fact, the model is a fairly -- it was a fairly stagnant model and it really didn't look at market flexibility because, in fact, as some of the big producers might end up exiting the market, some of the small and medium producers might actually economically thrive under those conditions.

CHAIR STONE: Thanks, Lisa.

MR. McEVOY: Right. It's one piece of the process, so it's one report, we need lots more information, so we really appreciate the report that you all put together that will help us to move forward on this issue.
MS. BUNIN: Great. We're on the same page. Thank you.

MR. McEVOY: We are.

CHAIR STONE: Thank you.

Liana is up, and Robert Adams on deck.

MS. HOODES: Good afternoon. I'm Liana Hoodes. I'm the Executive Director of the National Organic Coalition. We're a national alliance of organizations working to provide a Washington voice for farmers, ranchers, environmentalists, consumers and industry members involved in organic agriculture.

To the Board I say thank you. Please stay strong and committed and we appreciate this job you're doing.

The National Organic Coalition is extremely disturbed at recent actions by USDA that severely limit the procedures and functioning of the NOSB, as well as contravening the Organic Foods Production Act.
Not the least that the new Sunset policy violates OFPA because it does not subject all materials to the required review, careful analysis, public debate and decisive two-thirds vote as a prerequisite for allowing a material to be relisted through the Sunset process. We demand that USDA reinstate the original Sunset policy.

Equally distressing is the Department's heavy hand at controlling both the Board's agenda and the direct relationship to the Secretary. As long as this policy continues unresolved at USDA, we ask members of the NOSB to compel full review, analysis, public debate and vote by the entire Board for all materials at Sunset.

Our concern with this heavy handedness at USDA rests with the Secretary. While the USDA maintains control of the USDA organic label, it does not control the true meaning of organic food and agriculture. Organic is a comprehensive alternative to our
conventional food and agriculture system that USDA has never embraced, despite the good work of a few dedicated individuals.

The USDA continues to maintain it's simply a marketing label and subject to market forces. Organic is more than a market label. It's an alternative that's desperately needed now for human, environmental and global health, and you on the NOSB are the torch bearers for this entire system as you implement the label.

As you know, the degradation of high standards of the label can have significant deleterious effects to the real values of organic. So when USDA takes your power away, we are left with a federal government that seeks to marginalize the success of organic.

The needs of family farmers, farm workers, human health and environmental sustainability take a back seat at USDA for the profit of the conventional non-organic
system. This plays out unnecessarily in your
work load and your agenda.

Why are you being asked to approve
materials for an aquaculture system that is
yet to be defined? Why has your review of
inerts not proceeded despite a plan that would
streamline review and finally address what the
organic naysayers describe as toxics allowed
in organic?

Why, after a dozen years, do we
still agonize over the definition of something
so basic as synthetics, non-synthetics and the
classification of materials? Why is the role
of the consumer's expectations being dismissed
somehow as a special interest not to be paid
attention to?

Why has the Department never
fulfilled its requirement for a continuous
oversight mechanism of the NOP? This is not
an accident. It is business as usual for the
federal government that does not believe in
the success of the organic alternative that
was supposed to be more -- not more than a label.

Except that the farmers who insisted on being regulated to ensure that the definition of organic stays consistent and strong and is fairly implemented throughout the country. That the producers, the farmers of organic would have a level playing field against market forces.

Seed purity. Your voice on seed purity and GMO contamination is really important. Yet the discussion can't happen in a vacuum and seed purity can't happen in the absence of strong national policy of GMO contamination prevention.

Please continue to directly appeal to Secretary Vilsack that we need a fair contamination prevention plan, including a compensation scheme that holds the owners of the technology responsible before we ask organic farmers to take more unilateral responsibility.
Whoo. Whoo.

CHAIR STONE: Very good.

(General laughter and applause.)

MS. HOODES: I'm in the running.

CHAIR STONE: Good. Now, Mark --

Mark, you out of the running, bud. Sorry.

Okay. Thank you. That was very

-- you got a lot of information in there too

as well.

Colehour?

MEMBER BONDERA: I have what I

hope is a quick question. Liana, I thank you

for your testimony. Very timely. Can you,

just for the -- for -- to wrap my brain around

it a little bit, you commented and I wrote it

down, continuous oversight of NOP, can you

expand on that briefly, please?

MS. HOODES: Yes, under the law

and the regulation, the NOP is required to

have -- to participate in its own

accreditation review system. The peer review

panel is part of that, but I think it's a much
more -- and I look forward to seeing the
results of this, but this has got to happen
and it's got to happen soon, that there's
oversight in a quality system mechanism. Lynn
Cody will be detailing this a little bit more
in her comments for us.

MR. McEVOY: Yes, and just to give
a little bit more on the peer review. The
peer review is a requirement as, Liana, as
you're saying. We have been conducting peer
review of the program through various
mechanisms over the last few years and had a
list review a few years ago.

We have peer reviews that are
conducted by our peers, which are foreign
governments, when they come in to do the
international agreements. Those peer review
reports are on our website.

This is, I agree, a very important
issue to fully implement. We have some
concepts that we hope to work with the Board
on in terms of a way of having the Board
involved in the peer review process of the program. So I'll be meeting with Lynn to discuss that further during this week.

        MS. HOODES: Very good. Thank you.

        CHAIR STONE: Thanks, Liana.

Right now you've got the choice between the mug or the t-shirt.

        (General laughter.)

        CHAIR STONE: Robert Adams is up, and Linley Dixon is on deck.

        Robert?

        MR. ADAMS: Hi, my name is Robert Adams. I am a member of Cornucopia Institute, and I'm here today as a citizen lobbyist. I own a landscaping business in Austin, and I am an organic gardener as well.

        I drove here today because maintaining and strengthening organic standards is extremely important to me. I would like to comment on the preliminary review of the Sunset materials gellan gum,
tragacanth gum, Marsala and Sherry wine.

Cornucopia requests that new technical reviews be completed on all of these materials before they are considered for relisting. No technical report was ever prepared for non-organic Marsala or Sherry, though the heavy use of pesticides in the production of conventionally grown wine grapes is well known, as well as the use of synthetic preservatives and other additives.

Cornucopia contacted the original petitioners of Marsala and Sherry, and they are no longer using these cooking wines in their products. Organic sources of Marsala-like wines and Sherry-like wines exist to meet any change in demand in organic production.

Therefore, Marsala and Sherry are not essential because organic alternatives are available. If Marsala and Sherry are relisted for some reason, we recommend an annotation to prohibit fortified wines that contain added
sulfites.

No technical report was ever prepared for tragacanth gum. A nearly identical organically available emulsifier, thickener and stabilizer is organic gum arabic. Therefore, tragacanth gum is not essential as a non-organically produced ingredient allowed in organics.

The technical report for gellan gum is outdated and does not distinguish between the processes used in precipitating high acyl gellan gum and deacetylated gellan gum. We might have recommended reviewing only the high acyl native form of gellan gum for approval, but this is extracted with isopropyl alcohol leaving 750 ppm in the product. Solvent extraction is an excluded method in organics.

We carefully reviewed the comments of food processors, handlers and trade associations requesting to relist gellan gum. While we recognize that it keeps fortified
calcium in suspension, manufacturers could choose to use soluble forms of calcium instead.

We urge manufacturers to recognize that many consumers of organic products read labels -- I am one who definitely does -- and buy the products with the fewest additives. Rather than pushing for these ingredients to be included in organics, why not advertise your products are free of additives?

Consumers are already accustomed to shaking many products and cartons before using. We prefer that to adding of ingredients that may not meet organic standards. If any of these materials are relisted, we urge that a five-year expiration date be added as a notation to the listing given the new Sunset policy.

Thank you for allowing me to present my testimony. If you have questions about this testimony, I encourage you to speak with one of Cornucopia's staff members. Thank
CHAIR STONE: Thank you, Robert.

Linley Dixon is up, and Dawn -- excuse me, I'm from Kentucky -- Unruh. If you'll correct me when you get up. Thank you.

Linley?

DR. DIXON: Hi, my name is Linley Dixon. I'm here to comment on the exciting topic of boiler additives, and we're passing around a survey that we did. I'm a food and farm policy analyst for the Cornucopia Institute.

I have a Ph.D. in plant pathology from the University of Florida, and a master's degree in plant and soil sciences, part of West Virginia University's organic farm project.

I have worked as a researcher for the USDA Agricultural Research Service in Beltsville, and I currently own a 100-member CSA and farmers market vegetable farm in Durango, Colorado.
I'd like to comment on the petitions to add ammonium hydroxide and PGME to the National List as boiler additives. The Cornucopia Institute conducted a survey requesting feedback from the organic community on the essentiality of boiler additives. Thirty-six out of 39 respondents from a wide diversity of handlers, including cheese, edible oils, beer, tofu, milk, juice, almonds, dehydrated potato products, prepared meats and purees required that they do use boiler additives.

The two that didn't use them responded that they could only do so because they don't have hard water, and then mechanically clean out the system, usually annually.

The boiler additives used included oxygen scavengers, phosphates, amines, and alkaline substances. One of our survey questions was, If the NOSB voted to remove synthetic boiler treatments from the list of
approved materials, what would your actions be? Here are several responses.

This would have adverse affects on the performance and longevity of a boiler. There would be increase for a corrosion and energy cost due to scale deposits. We have to find an approved chemical.

Running our boiler without the treatments we're using now would void our warranties. We are unaware of any non-synthetic substitutes. The only option I found is a $40,000 clean steam generator.

We would cease organic production if no suitable treatment was feasible for boiler health. While the process could still be done, the machinery would break down cyclically. It's not economically practical. It could jeopardize the continued manufacture of organic products.

And finally, We currently shut down the chemical injector 48 hours prior to making organic pellets, and make non-organic
pellets for those two days. At the end of the organic round, we turn the chemical injector back on. This works for us, but we would have to use a boiler chemical most of the time. If not, the boiler would become a bomb.

It's well understood that ammonium hydroxide persists in steam and has contact with the organic product. Ammonium hydroxide is a thus, synthetic chemical that appears to be non-toxic at concentrations less than 1,000 parts per million. Concentrations of ammonium is seen in the range of 5 to 25 parts per million, and then much lower once added to the food.

The Cornucopia Institute recognizes that ammonium hydroxide is the most cost-effective method to prevent corrosion in boilers. It's also a safer alternative to the toxic amine boiler additives currently on the National List, for use only in packaging sterilization because of their known volatility and toxicity.
So our stance is that these amine boiler additives should be removed from the list and that if ammonium hydroxide is approved, it should be considered for Sunset after five years, and only if adequate research concludes that the organic industry is prepared to operate without them.

Finally, the Cornucopia Institute opposes the use of PGME in organic food, without adding it to the National List, PGME should be considered by the full Board based on the evidence that it does come into contact with the organic food through entrainment of water droplets. A direct quote from the TR states,

"While mechanical entrainment can be minimized through mechanical or operational changes, entrainment can occur in all steam generators. Despite this, the handling subcommittee recommended to allow its use without adding it to the list on the basis that it doesn't come into contact with organic
food."

So due to the element of occurrence of entrainment in all steam generators, PGME would come into contact with organic food, and the substance is eligible for petition.

So thank you for allowing me to present testimony, and I'm happy to take any questions.

CHAIR STONE: Thank you, Linley.

Jean?

MEMBER RICHARDSON: Hi, Dr. Dixon.

We did talk on the phone, so it's --

DR. DIXON: Right.

MEMBER RICHARDSON: -- nice to see you in person, and we'll talk to you later.

I was interested in the data and information that you've just presented to us. Did you find any data that would suggest that if ammonium hydroxide was approved, that it could, in fact, technically, replace the three amines that are presently on the list of
boiler additives that are only presently able
to be used for packaging sterilization?

DR. DIXON: Yes, it's my
understanding -- I'm not, you know, a boiler
mechanic, but it's my understand that ammonium
hydroxide is sufficient, and could replace the
amines that are currently on the list.

Based on the -- we asked what
chemicals are you using in the survey, and
several of them were -- did not list the
amines. So several boilers are operating
without those.

MEMBER RICHARDSON: But could
ammonium hydroxide be -- I mean do you have
like a scientific article that you might have
found that shows that, in fact, there is an
equivalency in terms of replacing those amines
with ammonium hydroxide?

DR. DIXON: Well, just other than
the fact that boilers are operating without
them.

MEMBER RICHARDSON: Okay.
CHAIR STONE: So I'm just curious how it becomes a bomb. I've heard that before, so how does that work?

DR. DIXON: My understanding is that the pressure builds up so high -- I'm not sure if that's, you know, exactly accurate, but that the pressure would build up so high that it could -- that explosions could occur.

MEMBER THICKE: I could add that.

Because if you get a build up of scale, the heat doesn't transfer and then so it gets hotter than it should be.

CHAIR STONE: Thanks. I was just -- I was curious about that.

MEMBER THICKE: Actually, I was one of the surveyors who doesn't use a steam additive to our boiler.

CHAIR STONE: Thank you. Thank you, Linley.

DR. DIXON: Thank you.

CHAIR STONE: Very -- oh, I'm sorry. Harold? I'm sorry, Linley.
DR. DIXON: Oh, hi.

MEMBER AUSTIN: Thank you. I think your tests shown a little bit, as we move forward into the Sunset review process, as we look ahead towards the 2016, we do have the three boiler materials that are on there, plus the two that we're going to be discussing today.

In your opinion, with the research, the information that you guys have gotten back and gathered and presented to us, and thank you very much for that, it's quite useful, what -- how would you feel that we should proceed moving ahead? You know, our handling discussion will be on Thursday and ammonium hydroxide and PGME are listed there.

It's part of a very broader scope rather than just a single material. And I think we want to do -- I think this is a good example of part of the responsibility of this Board and the Sunset process is to look at the materials.
You've suggested that there might possibly be one material that we could take a serious look at that could possibly replace three materials that will be up for Sunset review. I guess a little bit of clarification on that, and the information you got from some of these people on that, and how do you feel we should proceed with this?

Because the subcommittee proposal, moving ahead, was actually going to be -- and we'll discuss this on Thursday, but was actually going to be to possibly not list that.

DR. DIXON: Right. I think what I found was kind of glaring is that the organic community -- and we even got responses that we would move ahead without them or leave the organic industry, so I think if -- we need to, in our decision making process, use, you know, the vast list of people that are part of the program, get their information and before we act just make sure they're prepared to.
And so our recommendation is based on the fact that there -- they don't know how to operate right now without them. So if that is going to be the NOSB's stance, make sure the information is readily available so that they can operate without them.

MEMBER AUSTIN: Thank you. A great example of why we're all here. Thanks.

CHAIR STONE: Yes, thank you very much.

Dawn Unruh, and please correct me again, and Cynthia Kurkowski is on deck.

MS. UNRUH: Hi there. I'm Dawn Unruh, German. Great to be here. I'm a member of the Cornucopia Institute and I'm here today as a citizen lobbyist. I'm a mom, a wife, a Gigi, for those of you who don't know, that's grandma.

And I've been in nutrition and fitness all of my life, and I'm just kind of wondering, after having the wonderful experience of listening to all of this today,
what's for dinner. Yeah.

I would like to comment on the
motion to remove glycerin from the National
List as an allowed non-agricultural synthetic,
205.605(b). Cornucopia supports the petition
to remove glycerin from the National List.
The TR produced in 2013 states that,

"In recent years, new developments have
improved both methods and non-GMO yeast
strains allowing substantial overproduction of
organic glycerin by fermentation."

The TR lists 21 handling
operations that manufacture and/or source USDA
certified organic glycerin. Removing glycerin
from the National List is imperative to
incentivize the purchase and continued
increase in production of organic glycerin.

Despite this substantial
overproduction of organic glycerin by
fermentation, the OTA and others surprisingly
commented to leave glycerin on the National
List, with an annotation to be used only when
organic glycerin is commercially unavailable. This only serves to create a loophole for the continued use of non-organic glycerin. The OTA suggests not only leaving glycerin on 205.605, but also to add the agricultural version of glycerin to 205.606, both with commercial availability requirements.

We recognize that commercial availability is crucial to not disrupting the organic marketplace. However, the TR indicates that there’s an overproduction of organic glycerin and multiple manufacturers that could continue to increase the supply in accordance with demand.

Organic regulations must encourage transitions to organic options in the industry. Organic glycerin may be produced by either microbial fermentation, classified as agricultural non-synthetic, or by hydrolysis of organic fats and oils, classified as non-agricultural synthetic.
Organic glycerin produced by hydrolysis of organic fats and oils using either steam splitting or traditional saponification requires an alkali such as sodium carbonate, sodium hydroxide, or potassium hydroxide.

Cornucopia recommends that organic glycerin should be produced by the process of microbial fermentation using only mechanical and biological processes, as required in 205.270(a), the organic handling requirements, and without the use of allowed synthetics listed in 205.605(b).

Finally, glycerin is also listed on 205.603 as a synthetic substance allowed for use in organic livestock production as a livestock teat dip. Please consider removing glycerin from 205.603 since there is already a surplus of organic glycerin available.

Thank you so much, and questions will be taken by the staff members from Cornucopia Institute.
CHAIR STONE: Thank you, Dawn.

MS. UNRUH: You're welcome.

CHAIR STONE: Cynthia Kurkowski is up, and Barbara Ovalle is on deck.

Cynthia?

MS. KURKOWSKI: Hi. I had a script, and I have just thrown it aside, so I'm kind of just talking to you basically right now. I represent March Against Monsanto San Antonio, also the Right to Know movement, and I'm a concerned citizen.

I am here before you -- I find myself here because of the journey I came through the GMO marketplace, and the no GMO marketplace of course. And you need to understand that the organic community is our saviors. We see the clouds parting, the sunlight coming down on you. You are it. You are our salvation.

Every day I talk to people about how to move away from GMO and how to live GMO free. You are the only alternative we have.
now. It is so important. I implore you, please do not compromise -- do not compromise on integrity, do not streamline to sacrifice quality product. Keep it pure, please.

I live in Texas, I was born and raised here. I don't eat food out of the bay anymore because everybody knows the oil spills. Our food sources are shrinking. Now we've got Pacific, so much for my tuna.

And it's just -- I am actually getting to the point now where I'm starting to tell people, Grow your own. Grow your own. Because what is the alternative? If you're going to taint the food, if you're going to make allowances, introduce synthetic additives, provide loopholes, don't do it. Please.

We already have all that out there already. We don't need that.

What we need is real food to -- not just for nourishing, but for healing. I found myself here because family members died
from cancer, from kidney failure, from bladder
failure, from gastrointestinal issues. And we
thought we were eating good.

I'm not a big fast food eater. I
give fresh vegetables and fruits to my
children. I was juicing. And then I find out
about all the GMOs. I'm thinking I'm doing
pretty good overall, peel everything, you
know. But my only alternative is organic, and
I can't always afford it, but I'm doing it.

And I live on the bedroom
community outside of San Antonio, and I'll
tell you about money, because I know money
talks, and that's who you're listening to
right now is big money. Remember your
consumers are your customers, that's who you
really are loyal to.

And we need this, and we are
behind you. We will give you all our money,
just please keep it pure. In San Antonio and
Cibolo, Schwertz over there by the Retama, you
know, Racetrack, they -- that HEB out there
had nothing organic.

It was so difficult to find organic out there. Within a year I've got four different displays now, areas, specific areas for organic now that were not there before. I now have an organic farmer market that's coming into my neighborhood. Before I had to drive 25 miles if I wanted that.

So the money's coming in. It's a growing market. You all know that. Just please, please be loyal to your consumer, your customer, because we depend on you for our health, for life. That's it. Thank you.

CHAIR STONE: Good. Thank you.

(General applause.)

CHAIR STONE: Thank you very much for a passionate positive for organic.

Barbara, if you'd pronounce your last name, since I'm sure I didn't get it right, and Juan --

CHAIR STONE: -- and Juan Beltran is on deck.

MS. OVALLE: Okay. My name is Barbara Ovalle. I am also a local resident and devoted organic consumer, and I also am a member of March Against Monsanto San Antonio. I'm filling in a vacancy, so I'm going to do the same, I'm just going to speak from my heart and how I really feel as a consumer.

I am here to represent the public interest and trust in the organic label.

First, I want to talk a little bit about the current perception of that, of the organic label, at least locally and from family and friends, people in my area.

When I talk about that, when I talk organics, I get mixed responses. You get people who are 100 percent, yeah, organic, I support organic. Then you have others who are on the opposite ends that really don't care about their food, they're just like whatever.

But now it's starting to be a
larger gray area. Conversations are more
sounding like, Well, there's still synthetics
in organics, or How do you know the government
is upholding their job and the organic label
and making sure the standards are there, and
you hear about GMO contamination.

So it's -- and I'm hearing it more
now more than before, so it's starting to be
people are falling in the middle. Maybe
they're going away from organics, or maybe
they are learning about organics but then
they're hearing about these things and it's --
so it's -- so basically I just want to say
that the public trust is already an issue
that's treading on shaky ground. So we don't
want to compromise that.

Again, as a citizen and consumer,
I believe that transparency and clarity is a
must for the benefit of the people. We need
to truly and wholeheartedly believe and
understand and in layman's terms, that there
is no room for loss of integrity in the
organic label.

I don't want to think that the lack of action or lack of data means that synthetics will just keep lingering in my food. Sunset seems to have been originally implemented so that synthetics get automatically challenged and possibly kicked out of our food, unless it's been deemed necessary.

So, and that's how it should be.

So the national approved list of materials should be aiming at getting shorter, not longer. Over time I think that this will eventually happen, it's just going to get longer.

So why, as a consumer, should I keep buying organic? For the chance that it is truly organic or real food? There should not be a chance. I want to know. Organic is my family's safe haven. As Cynthia said, it's our safe haven in terms of eating non-GMO, non-synthetic, non-toxic foods.
Already I have a serious issue and concern over the acceptable process of mutagenesis in organics. That is not an organic process when genes are manipulated in that way, irradiated.

Also, the farm fish issue now being brought up, how can that be considered organic, they are not living in their natural habitat, so of course they need to be chocked full of synthetic vitamins, minerals, vaccines. So to me that's not organic.

But I do -- I want to believe that my family's food will stay real with the least amount of synthetics as possible, and I'm afraid that these policy changes will jeopardize that. Thank you.

CHAIR STONE: Thank you very much. Thank you for coming to testify.

(General applause.)

CHAIR STONE: Juan Beltran, and Kurt Jacobsen on deck.

MR. BELTRAN: Hello. My name is
Juan Beltran. I am a production manager in Berrymex in Mexico. We grow organic berries in Jalisco, in Michoacán, in Baja, and I'm in Michoacán. And I'm here to talk to you about sulfurous acid from the sulfur burners.

We started using them in Michoacán last year and we've seen good improvements in our production. And it's basically what we have seen is that it's a sustainable way of improving our water. We have a 8.1 pH water normally in our wells, so it's really hard for us to grow crops without being decremental toward our soil, you know. So we like to conserve our soil and improve our production with sulfurous acid.

And some other improvements that we've seen this year in the production, we have little need for adding micro-nutrients to our crops and to our soils. The berries have been able to naturally use what we've used as amendments from the compost and everything we use into the soil. Since we have better water
quality, these nutrients are en bloc in our soil and we are being able to grow healthier berries.

In terms of how sulfurous acid can be a sulphate fertilizer, I don't see it has -- how it can be viable. The reality is that we've seen real little improvements in how sulfates are available either in our leaf analysis and our soil analysis, and we have other sources for it, so we can use sulfate potash or other nutrients, and in that case we don't see it as a fertilizer, so just an improvement to water quality.

And in terms what we really feel is that this still improves the conditions of our soil and improves the conditions of our water, making our production process more sustainable. I'm open to any questions you might have.

CHAIR STONE: Francis?

MEMBER THICKE: Thank you, Juan.

MR. BELTRAN: Yeah.
MEMBER THICKE: Before you used sulfurous acid, are you familiar with anything else that will do similar -- will help in the same way, or have you tried anything else?

MR. BELTRAN: Yeah, we've been growing organic berries since 2003 in Mexico, and we started out in Baja with strawberries. And we starting using citric acid. But the reality is that it's benefits to the -- in low -- in such a high pH water, we really didn't see it, you know.

It wasn't until we started using the sulfur burners that we actually see a sufficient enough reduction in the pH in the water, and by eliminating the decarbonates and carbonates in it that we really see some potential for making an economically viable production.

It's also the -- we -- it's not like we're just using the sulfur burners. We're also using the compost and everything. But in certain soils and certain water
sources, I see it as the only viable option. It's not for everything, you know. It's certain types of soils and certain types of waters that we have.

CHAIR STONE: Okay. Harold?

MEMBER AUSTIN: Yeah, Juan -- over here -- compared to the applications -- in water and stuff, in the treatments prior to the -- using the sulfur burner and forming this sulfurous acid, do you see a significant variation in the amount -- in the inputs that you're having to add to the soil before versus now that you're using, you know, the sulfur burners and the conditions that this is doing to your soil and the treatments as far as the additives that you're having to put in, the other inputs?

MR. BELTRAN: Yeah, basically what -- this is my first year managing a farm with sulfur burners. And it's really changing how we try to improve or incorporate different materials to the soil.
Right now we're moving more into compost and blood meal and bone meal. And we're less dependent in calcium sulfate, for example, and other sources of nutrients, and also in micro-nutrients. So we started moving more to these blood meal, bone meals and compost because we see that now it's working in the soil. As in the past, we had to be more dependent in potassium sulfate in one sense, and calcium sulfate and other micro-elements to be able to grow good enough production.

CHAIR STONE: Thank you, Juan.

Thank you --

MR. BELTRAN: Thanks.

CHAIR STONE: -- very much.

Kurt Jacobsen is at the podium, and Morgan Tittle is on deck.

MR. JACOBSEN: Good afternoon. My name is Kurt Jacobsen, and I'm the National Organic Supply Manager for Driscoll's, and I'm here to support the relisting of sulfurous
acid on behalf of our independent organic
growers and on behalf of Driscoll's as a
whole.

I've been with the company a
little over a year, so I don't have extensive
experience, but I've heard a lot about the
sulfur burner and the experience of our
growers, and I feel like it's very important
that we relist this product.

Our mission as a company is to
delight our berry consumers through alignment
with our customers and our growers. And I
mention that because we function with function
with an independent grower base. Some people
may look at Driscoll's and see this big
entity, but what we really are is a network of
small independent growers, especially on the
organic side.

One of our biggest focuses as an
organization is to ensure the long term health
of our grower base. We do everything we
possibly can to make sure that our growers
have a healthy deal and so we provide all the
support we possibly can to make sure that our
growers can farm successfully, sustainably for
a long time, earn some money and grow their
business.

Which brings me to the sulfur
burner and the on-farm generation of the
sulfurous acid. I read a bunch of the
supporting documents and I think the point
that says it best is that sulfurous acid
provides organic farmers the ability to amend
irrigation water exactly the same way that
nature does, and by recreating the properties
of natural rainwater in our irrigation water,
we improve soil conditions and soil health.
That's it in a nutshell.

I recommend reading the full
report. I don't know how many people here
have read it; I'm sure you guys all have. But
it's fascinating, it's interesting, and to me
it's a no-brainer. I mean it's a fabulous
system. It reduces soil pH, reduces the pH of
the water, it allows better uptake of nutrients, it helps dissolve salts and leach salts out of the soil. I mean it's quite an amazing technology, and it's a great technology, and we should continue -- let our growers use it.

You heard Juan, there's other examples in the public documents about showing a decrease in pH, showing changes in nutrient levels. So I think it's just a really important tool. We have a limited toolbox, it's one that we need to keep. So I highly encourage the Board to relist sulfurous acid on behalf of our organic growers.

CHAIR STONE: Thank you, Kurt.

MR. JACOBSEN: All right.

CHAIR STONE: Thank you very much.

Morgan Tittle is up, and Patty Lovera is on deck.

MR. TITTLE: Thank you for allowing me to address the Board today. I represent a family farm on the central coast
of California where we grow raspberries, blackberries and blueberries. I'm here today to also express my support of sulfurous acid and the use of sulfur burners.

Like Juan and Kurt have expressed before me, there are many benefits for the use. In my opinion, the main benefit and the best benefit to growers is that it is the best alternative that we have. Other alternatives are sulfurous acid or citric acid, which are very dangerous and very -- pose a great risk to the environment.

The sulfurous acid and the sulfur burner uses 99.9 percent pure elemental sulfur and I don't think it takes a whole bunch of chemistry experience to know that a 50-pound bag of sulfur is going to be much more safe to work with and to store than a 300 gallon tank of liquid acid.

As Juan and Kurt have also mentioned, that it allows us to be more efficient with our irrigation and with our
nutrient applications. In California we've experienced many winters below average rainfall, and as a result we have had a buildup of salts and bicarbonates in our soil, leading to the death and deterioration of our crops.

With the sulfur burners, we were able to leach away these salts and bicarbonates and once again restore a healthy productive growing environment in our soil.

Also being more efficient with our fertilizer has many impacts, not only financially, but also to the environment. For example, if I wanted to -- before the use of the sulfur burner, I might have had to apply 10 units of nitrogen per week. With this use of sulfur burner, I can now cut that application to maybe seven or eight units of nitrogen and still achieve the same or greater effects.

As a grower we are constantly under pressures and regulations and constantly
losing tools, and as an organic grower, we
already have a very limited toolbox. I think
that sulfurous acid and sulfur burners are
essential and a great benefit to growers not
only organically but also conventionally.
Thank you, and I'm open to any questions.

CHAIR STONE: Thank you, Morgan.
Oh, I'm sorry. Harold?
Morgan, I'm sorry, we had one.
Harold over here has one.

MEMBER AUSTIN: Morgan, thank you
for coming to testify before the Board today.
We appreciate everybody that's willing to take
the time out of their busy schedules,
especially a family farm, and come and share
your thoughts and concerns with us as a Board.

With the sulfurous acid that
you've been using, how long have you been
using that?

MR. TITTLE: Since 2011.

MEMBER AUSTIN: Can you explain to
us the differences on your family's farm that
you've been able to experience and see from before you started to use it to now, you know, looking -- you know, taking into consideration that you're not putting on a water now that's an 818283, you're now putting on a more neutral-based water, what are the impacts that you're seeing that you feel it's doing?

You've talked a little bit about the reduction in the amount of inputs that you're putting on. What about soil -- are you pulling any soil samples looking at microbial activity, and then how do you relate that to plant development and growth and health?

MR. TITTLE: Yes, sir, I pull soil samples all throughout the season at various stages of production and growth of the plant. Soil samples are a tool that I use for many different things. It's kind of difficult to put a number on it, but kind of an overall observation, our plants have much more vigor, much healthier looking plant.

As I'd mentioned, we can be more
-- not only more efficient with our fertilizer application, but the plants can all begin to utilize the nutrients that are already in the soil, many of which are micro-nutrients that, for one, are difficult to find a reputable source, and two, are difficult for plant uptake. So the use of the sulfur burner and sulfurous acid has given us a huge benefit in that aspect.

Also, as I mentioned, leaching away the salts, opening up pore space for water infiltration and oxygen, has greatly helped us maintain and improve the health of our soils. Thank you.

CHAIR STONE: All right. Again, thank you very much for your time.

Patty Lovera, and Bev Walker on deck. Thank you, Patty.

MS. LOVERA: Okay. Hi. My name's Patty Lovera, and I'm from Food and Water Watch, which is a consumer advocacy group, and we're also a member of the National Organic
Coalition.

So before I get to some of the things that are on the agenda for this meeting, I did want to echo what we've heard from other folks today about our disappointment about some of the things that have changed for this meeting, including the Board being told that the capacity of the NOP can limit what the Board is able to talk about.

So we spend a lot of time, actually more time on kind of conventional food and all of the issues in conventional ag, than we actually do on organic. But we get asked a lot how they're different. And this process is one of the things I bring up.

I don't get to go anywhere else in the food system and have these conversations about what the rules are, what the standards are and consumers don't either. This is a key difference, and it is disappointing to see the scope of what can happen here at this place...
where the organic community is supposed to
figure stuff out be limited in that way.

And then I think not surprisingly
we're also pretty disturbed by what's going on
with the changes to the Sunset process. We've
heard the conversation this morning about some
of the semantics of how the rule works.

I remain unconvinced, I think a
lot of other people remain unconvinced, and,
you know, we might get into two meetings
versus one and what happens in what sequence,
but I think the bottom line for the folks that
I'm representing, and what more and more
consumers are going to start to understand, is
that the default is that stuff stays on the
list, and the things that they wish were
starting to come off, it's going to take a lot
more work to do that.

And that sends the wrong signal,
and I think it's just going to chip away, it's
going to continue to chip away at the
confidence that people have in the label. And
I think it was Jay who said this morning that we're streamlining this process at the expense of public trust. And there is a long term cost to that that you're not going to be able to get back if people start to think that there isn't a way to improve these standards.

So there are a couple of things on the agenda that kind of speak to the Sunset process, which has not been a treat to date. We've struggled with it. Right? So streptomycin is one of them. I will point you to two of our comments.

We included a petition from over 12,000 of our supporters who are urging the Board not to extend the expiration date for streptomycin. We've had this conversation before.

A year ago we were pleased when the Board voted not to extend the use of tetracycline and I think the case is even more compelling for streptomycin in terms of the residue data you had in there, and the
conversation about who's actually using it, and how essential that it is.

And again, this is just in the context of the public having a conversation and more and more and more people are becoming aware of antibiotics, the fragile resource that they are, and the role of any use of antibiotics anywhere, that it chips away at this tool that we're not really putting new antibiotics in our toolbox of what we can use to treat disease.

So we're having a conversation with folks about conventional agriculture, we're talking to city councils all over the country, and they're doing resolutions to urge Congress to take action on antibiotic use in conventional livestock.

And antibiotics -- organics should be on the right side of this issue and be able to say with no asterisk, no exceptions, We don't use them. That's where organics should be, and that's where organic consumers want
So another Sunset issue is methionine. It's time for that to end as well. It's really hard to say there's an incentive to find alternatives if there's constant, constant, constant exceptions and extensions, and it really starts to seem like an idle threat that you have five years to find an alternative if we're constantly getting another five years.

And not shockingly, on aquaculture we don't think you can approve these materials until you define what an aquaculture system is, the range of what is called aquaculture is enormous, from open ocean farms we don't think should be anywhere near the label of organic, to much smaller land-based closed recirculating systems that maybe we can figure out.

But until we define what's organic, I don't know how you evaluate these materials against all of the rules that you're
supposed to do when you consider those. So
I'll stop there.

CHAIR STONE: Thank you, Patty.

Very well stated. All right. Thank you very
much.

(General applause.)

CHAIR STONE: Bev Walker to the
podium, and Mike Durschmid on deck.

MS. WALKER: Hi, I'm Beverly
Walker. I'm a concerned consumer. I'm a
member of the Cornucopia Institute, and I'm
here today as a citizen lobbyist.

I volunteered to help present
testimony because I want to ensure the
integrity of organic food. I don't think the
word "organic" should be -- or its label
should be adulterated.

I will comment on the two
livestock proposals before you: synthetic
methionine in organic poultry production and
acidified sodium chlorite as a teat
disinfectant. We support the livestock
subcommittee amendment for synthetic methionine, believing it will allow some flexibility to adjust the methionine levels based in the state of life of the bird.

That said, we encourage a more holistic approach to poultry management that will reduce the dependence on synthetic methionine. Some of the practices we would like to see more organic poultry producers incorporate include access to healthy growing pasture, not just a concrete porch; stocking densities that allow pastures to maintain vegetative cover and natural biodiversity to thrive.

Sufficient pop holes in the chicken house to encourage outdoor foraging; management practices that include opening doors as much as possible; locating some feed and water outside to encourage foraging; utilizing slower growing or heritage chicken breeds that are capable of superior foraging; a varied diet of diverse nutritious foods, not
just corn and soy; natural supplements that
could include herbal, methionine or non-GMO
fermented methionine when those become
available.

Our stance is that if this
adjusted methionine proposal is approved, it
should be expected to Sunset in five years, if
research shows alternative management
practices and/or natural supplements can
supply adequate levels of methionine for
poultry health.

We encourage the NOSB and the USDA
to support aggressive research into the
alternatives to synthetic methionine. We also
support a resolution by the NOSB to Sunset
this material in 2019.

For the second proposal on
acidified sodium chlorite, we agree with
livestock subcommittee that this product is
not necessary in organic production.
Therefore we encourage you to reject the
petition to list acidified sodium chlorite.
This material does not appear to have wide support in the organic industry. The technical report states,

"International regulations regarding the use of acidified sodium chlorite solutions in organic agricultural production, processing and handling are lacking. Presumably that means the acidified sodium chlorite is not approved for organic livestock under international organic regulations."

The livestock subcommittee deemed it unnecessary after speaking to organic farmers. We agree that you should reject this petition.

Thank you very much for allowing me to present testimony. If there are any questions, please speak with one of the staff members at Cornucopia. Thank you.

CHAIR STONE: Thank you, Bev.

(General applause.)

CHAIR STONE: Mike Durschmid, and Zak Wiegand is on deck.
Mike?

MR. DURSCHMID: How are you doing?

My name's Mike Durschmid. I'm a member of the Organic Consumers Association. Today, representatives of the Organic Consumers Association's March Against Monsanto San Antonio staged their protest here at the NOSB meeting.

Changes to the process of removing organic ingredients and materials from the NOP's National List of substances allowed and prohibited in products certified as organic, the damages made without the due process or input from the public endorsed as organic standards and will result in the list of synthetic and non-organic ingredients and materials allowed in organic to grow increasingly and irreversibly longer.

For more than a decade, the process of deciding what ingredients and materials are allowed in organic has been fairly democratic. The OCA routinely attends
NOSB meetings on behalf of more than one million of its representatives.

Under the new provision, it will be extremely difficult to get non-organic materials and ingredients removed from the list. Our protest today is intended to draw attention to the threat that this new process poses to organic standards, the arbitrary manner in which the process was challenged -- or changed and to demand that the changes be revised.

Non-organic materials targeted for removal. OCA's Save Organic Standards campaign has targeted several non-organic materials for removal from the National Organics List. These include carrageenan, a thickener and emulsifier, with no natural nutritional value that is harmful to humans' health. OCA's petition to remove carrageenan from the National List has been signed by 15,000 organic consumers.

Methionine, a cheap synthetic feed
additive that provides an essential amino acid needed by fast growing chickens raised without access to pasture on the nutritional -- nutrition and poor diet of corn and soy. OCA's petition demanding real outdoor access for organic chickens has been signed by 36-, nearly 37,000 organic consumers.

Synthetic nutrients, vitamins and minerals, a group of synthetic ingredients illegally added to National List en masse without individual approval. Synthetic nutrients can disrupt normal metabolic functions with devastating side effects. OCA's petition to remove synthetic nutrients, vitamins and minerals from the National List has been signed by 17,000, or actually nearly 18,000 organic consumers.

Mutant microgenes created in a lab using radiation and chemical to provide mutagens, including DMS -- or DSMs and DHA and ARAs, which have been linked to severe gastric diseases or distress, prolonged periods of
vomiting and painful bloating. OCA's petition to ban mutagens from organic has been signed by 11,470 organic consumers.

Sausage casings from the intestines of non-organic animals likely raised on factory farms and feed slaughter waste. This practice has given rise to a form of human mad cow disease called CJD, often mis-diagnosed as Alzheimer's Disease.

Because of the changes Mr. McEvoy has made to the Sunset process, these problematic non-organic materials will likely be allowed to stay on the National List and in USDA certified organic foods.

CHAIR STONE: Thank you, Mike.

Zak Wiegand, and Laura Batcha's on deck.

MR. WIEGAND: All right.

CHAIR STONE: Thank you.

MR. WIEGAND: Good after -- well, it's good evening now. My name is Zak Wiegand, and I am the Processing Program
Technical Specialist for Oregon Tilth.

Oregon Tilth is a non-profit membership-based organization that promotes sustainable agriculture through education, research, advocacy, and certification. We certify over 1400 farms, handlers across borders, pretty much internationally.

We at Oregon Tilth would like to thank the compliance and accreditation and certification subcommittee for their work on the request for NOP clarification on guidance -- guidance for retail certification.

As you already know, there's a growing interest in voluntary retail certification, and as such there's a definite need for clarification and guidance to help this portion of the industry progress. Based on this topic, we feel that you have further voiced this opinion.

All right. As noted in the proposal there's an inconsistency in interpretation of the regulations surrounding
retail operations. We have participated in
discussion with other accredited certifiers
and it is clear that not everyone is on the
same page.

Because of the division in the
interpretation, we agree that the request for
clarification from the NOP that is included in
this proposal.

We've also reviewed comments
submitted by the Organic Trade Association and
the Accredited Certifiers Association, their
-- and their comments echo the same concerns
with the lack of clear guidance from the NOP
as well as necessary resources for industry.

Overall we feel this proposal
addresses points of clarity needed in the
world of retail certification, which will
allow for easier entry, increased
understanding and support for voluntary
certification of retail operations. So thank
you again for your work on this proposal.

CHAIR STONE: Thank you, Zak.
Questions?
(No response.)

CHAIR STONE: Thank you very much.

Thanks for taking time.

Laura to the podium, and Diana Elizalde, yeah, please correct, Elizalde, on deck.

MS. BATCHA: Hi. Just to wake you up. I know it's been a long day. So first I just want to say that we appreciate all of you being willing to sit in your chairs and go through what has been a long first day of the Board meeting here, and we really do appreciate that you're still continuing to sit here and indulge us with our comments.

So I'm Laura Batcha. I'm the Executive Director of the Organic Trade Association and I'm here to provide comments on behalf of our membership, as well as on behalf of the Organic Center, a non-profit research and education organization that operates under the umbrella of the Trade
We represent certified organic operators of all sizes and points in the supply chain. Everything from single owner-operator farms and ranches to first handlers, branded manufacturers, distributors and retailers throughout the supply chain, and over half of our members are small businesses below a million dollars a year in gross sales.

We use a task force system to get a range of views from our membership that's really helpful for us in trying to provide some meaningful comments to you all.

I'm passing around two things. One is a summary of our comments. You guys have received all our written comments, I'm not going to go through them in too much detail now. But also a copy of a report that the Organic Center just released this spring coming out of the Board meeting with the determination to expire the use of tetracycline for apple and pear production.
The Organic Center invested financial resources in compiling the most relevant and current information from growers about how to use organic compliant protocols to produce apples and pears without the use of antibiotics that came out this spring.

We've been working through Ag Extension and other ag groups across the country to get the publication in the hands of growers. If you have grower networks that you think can benefit from this information -- that couldn't possibly be three minutes, Michelle. I think it was running when I got up here, so I'm going to -- if you indulge me, I'm just going to finish up here.

So take a look at the publication, help us spread it around.

I have two areas I want to focus on. One is research priorities. We gave you written comments and we really support all of the priorities you've identified, but we have sort of two key thoughts for you here.
One is that anything you can do to get that list of priorities consolidated into some theme so that you can really send a strong message about what the true priorities should be. For us, our recommendation to you would be the top of that list would be natural alternatives to synthetics on the National List.

We need some help and public investment into this research so that we can find these alternatives and move forward in a way that is not disruptive to growers and ranchers and hard-working certified operators, meets the needs of the public to minimize the use of synthetics in organic, and provide for judicious review. So if you guys do anything in your research priorities, send that strong, clear message.

The other thing is we need organic representation on those boards that advise the Secretary on how to use public funds to support research. So we have to have our
voice in those boards like we have our voice here in this room. So we encourage you to pursue that.

    The other area I want to talk about is the GMO seed purity discussion document, and recognize a momentous challenge you guys have taken on in even beginning this discussion. So I know it's been very, very difficult.

    We have recognized that seed purity is the foundation of being able to provide an organic product to the consumer that meets their expectations in terms of non-GMO status for that final product and throughout the supply chain.

    We think it's fantastic that the program has already suggested that the work plan could include some work on recommendations for best practices to minimize commingling and contamination of the supply chain.

    Certifiers and inspectors need
training on how to utilize the residue testing rule in a way that is well-informed in terms of the methodology that they choose when they pull tests and where they pull tests and that they have the skills to conduct these investigations that are required whenever they find positives.

We really recognize that a lot of stakeholders have raised some very important issues in the challenges of implementing a seed purity standard in organic, and those -- in my mind, the most important of them are can we do this in a way and move forward where no organic farmer gets left behind, because I think we all agree on how important that is. And in addition to that, this well-founded belief in the organic community that the organic producers and handlers shouldn't be the ones who continue to take on the burden and the cost of contamination prevention and testing in the marketplace. 

So as our task force explored
this, and we identified it a little bit in our
comments, but I want to put it out there as
what might be a creative idea to continue
forward on your work here. And the idea is --
the program outlined this morning that the 5
percent requirement for residue testing
already applies to GMOs and investigations are
required in the organic system.

Consider and get some stakeholder
input perhaps on this idea that a seed purity
standard could be applied to non-organic seed
that's utilized on organic farms under the
commercial availability provision for crops
that have deregulated comparables that the
seed provider could be required to provide on
the seed bag as part of the certificate
analysis a declaration of seed purity, and
that this would be the way that certifiers
would verify that the non-organic seed met the
requirements for not including excluded
methods.

So when the seed comes outside of
the organic system, require that under that commercial availability the seed bag declare its seed purity status. The seed providers will be responsible for that testing and declaration.

And it would go a long way I think to incentivize organic production in seed, protect our farmers and help us take a baby step towards this. So that's our idea.

Questions?

CHAIR STONE: Very good. Thank you, Laura. You don't win the mug.

(General laughter.)

MS. BATCHA: It was already rolling when I got --

CHAIR STONE: I know.

MS. BATCHA: -- up here, Mac.

CHAIR STONE: I know.

Any questions? Hang on, Laura.

Question, John?

VICE CHAIR FOSTER: So on that last idea, did you talk about that with the
certifier -- the certification community
knowing -- I mean they'd have to go through
the verification of that and to what extent
have you kind of talked to either ACA or other
certifiers --

MS. BATCHA: Yeah, it's --

VICE CHAIR FOSTER: -- about that?

MS. BATCHA: -- it's not a simple
idea and it just came up in the last couple of
weeks as our task forces really struggled with
how do you move forward and take a step and
meet all the needs that have been identified.
So it hasn't been fully vetted with the
certification community, and it should be.

But I will say they already verify
all non-organic ingredients that come into the
system. John, you know this, it's just done
through affidavits, and this is just a way to
say, A paper signed affidavit isn't quite
enough in regards to our seed purity. Right?

CHAIR STONE: Jay?

MEMBER FELDMAN: Hey, Laura. I
don't want to put you on the spot, so you
don't have to answer this, but I'll give you
the chance if you'd like to. You know, you've
been listening today to all these comments on
Sunset and these changes, and obviously you
work with an industry that relies heavily on
consumer trust, and we all want to see that
industry grow.

Are there any things that you've
heard today that you view as potentially
problematic in terms of long term, and, you
know, preserving trust and growing the market?

MS. BATCHA: Thanks, Jay. I
haven't had a chance to review Consumer
Reports' survey because it just came out, but
I'm looking forward to it, and we have a
tremendous amount of respect for the work that
those folks do. So I'm looking to digging
into that. We do surveys every year.

The consumer trust in the seal is
the most important thing for the long-term
viability of organic agriculture, food and
farming. We believe that that trust is really a three-legged stool. It includes judicious review of synthetics that are used only when that OFPA criteria is met, and the judicious regular review of those through the Sunset process.

It also includes standards development that keeps up with the expectation that the consumer has for what the organic seal means. We were thrilled to hear not only spoken, but in the presentation, that there is the intention to use some of this capacity to move forward animal welfare standards within the National Organic Program.

This is something that's a long time coming with a tremendous amount of debate, and is one of the single most important things that can shore up confidence long term.

I think the third leg of that stool is the compliance and enforcement. And, we've got to continue to encourage the program
to shorten those appeal times, and you guys
are doing a tremendous amount of good work on
this.

I think I raised for you guys
yesterday, Jay, and interested in further
discussion that we're concerned about that 50
percent of complaints that are out -- or
uncertified operations that fall into a black
hole where there's no ability for anybody to
follow up on these. The FTC's not taking up
the issue, it's outside of the jurisdiction
for NOP to follow up on the complaints.

So there are three important areas
we need to focus on in terms of that consumer
confidence.

So what I've heard today but I
think -- I'm not sure I would characterize it
as a concern, but the discussion resonated
with me and I'm not sure you guys got all the
way there, were some of the questions that you
had, Jean, trying to clarify how the role of
the subcommittee and the full Board plays out
under the new Sunset process.

And I encourage you to follow that thread. I serve on a FACA board where I'm in the minority, and there's basically five of us of 15 in AC 21, and I know at the end of the day there are a lot of things that will not go the way I want them to in the end, but I really find it important to have my voice and my say, and make sure that I understand that there's going to be room for that.

So you guys keep pulling that thread and find out what you need for assurance so the subcommittee brings the discussion to the full Board, and then if you all feel like you need to be on the record on every vote, express that and try to engage that as a request.

Because I think that that would be an understandable need on behalf of the volunteers to make sure that those things get brought forward. So that interested me the most in that follow-up discussion. So I know,
Jean, you were leading that. I encourage you to continue to pull that thread.

CHAIR STONE: Great. Thank you, Laura. Thank you very much.

(General applause.)

CHAIR STONE: Diana, you hiding behind the post over there I think.

MS. ELIZALDE: Sorry.

CHAIR STONE: Very good. You can complete the oral testimony today. Thank you.

MS. ELIZALDE: Hello. My name is Diana Elizalde, and I live here in San Antonio, Texas. I'm going to be very brief.

Earlier this morning, a person here challenged me with technical jargon. He also asked me if I believed everything I read.

I could not answer him at that time. And I just want to say something. There are people that use their knowledge to help and educate other people. And there are other people that use their knowledge to overpower the less educated people.
The truth is I am just an average citizen searching for a healthier way of life. I do not know any of the technical terms of the exact name of all the synthetic ingredients that are being added to organic food. That's the reason I am here, to get educated, not to get offended by people that have more knowledge that I do.

When I first discovered organic food, I immediately started buying products with a USDA organic label. I fed my daughter organic formula, thinking that it was the best choice. Two years later, I found out that this formula contained several synthetic ingredients.

I had to recognize it was my fault for not reading the labels. And I was also uneducated. I was new to organic. And to this day I'm still no expert about the subject. That's why I'm here.

But one thing I do know is that something cannot be completely or 100 percent
organic if it has anything synthetic in it, or any synthetic ingredients.

When I go grocery shopping and I see the USDA organic label, that is the product I choose in good faith. My loved ones and I are the ones eating this type of food. I don't promote the consumption of this organic food to scientists, or activists or other people with certification in organic food.

I try to promote -- I'm sorry -- I promote the consumption of organic food to friends and family. How can I continue to promote organic food if most people in my community believe organic food is a hoax?

Contrary to popular belief, the USDA organic label has been losing credibility. Someone mentioned earlier that they were trying to be as transparent as possible.

Let me say something, trying is doing something with the intention of fail,
therefore trying to be transparent as possible is not enough. You have to do everything in your power to make it transparent.

My question today is, why does the Board need to bid on synthetic ingredients that can be added to organic food? That is not even -- that shouldn't even be a question.

Synthetic ingredients should not be in organic food period. Adding synthetic ingredients to organic food defeats the whole purpose and it goes against its own principle.

If you keep approving synthetic ingredients in organic food, there's a big chance that it will never stop. Adding synthetic ingredients is unacceptable and it needs to stop immediately. If you continue approving synthetic ingredients, we'll be back to square one where we don't even know what's in our food again.

The comments of this citizen -- the comments of the citizens here today must be taken into consideration because we are the
consumers and we are the ones buying. We are the ones going to the grocery store, and when we go grocery shopping, we want to know that the food we are buying is 100 percent organic, and it's been raised and grown with traditional organic practices.

The USDA was established to protect the welfare of the people and not for industry pocketbooks. Please don't let the USDA organic label lose the credibility and trust of the people. Don't let organic food turn into an illusion. Let's keep organic food real. Thank you.

(General applause.)

CHAIR STONE: Thank you, Diana.

That concludes the agenda for today. I wanted to take a little latitude of the Chair, and we have a t-shirt that I think goes to the most heartfelt of the comments today.

Cynthia, I'd like you to have this t-shirt.
MS. KURKOWSKI: Oh, thank you.

(General applause.)

CHAIR STONE: Thank you for, all of you, for taking your time as individuals, and for the work that you do on behalf of the organics in a greater scale.

So tomorrow we'll reconvene at 8:30, and we're scheduled to recess at 5:30 tomorrow afternoon. So thank you all for your attention.

And, Board, thank you all very much. And, see you in the morning.

(Whereupon, at 6:27 p.m., the meeting was adjourned.)
null
gatekeeper 371:22
gatekeeper 370:5,8
370:14 371:1
gather 51:22
gathered 399:11
gathering 161:18
gavel 7:9
gear 187:4
Gee 349:6
gellan 105:17
387:22 389:9,12
389:12,14,21
genetic 368:1,5,14
genetically 221:12
256:6
German 401:14
getting 16:21 39:21
81:5 141:22 149:2
154:14 214:17
227:4 243:12
248:12 276:1
285:15 406:11
411:12 430:10
giant 297:5
gibberellic 104:2
gift 293:6,11
gifts 293:7
Gigi 401:17
Gilles 335:2
give 30:15 40:8
52:21 99:1,1
121:9 123:12
124:8 126:22
127:7 136:2 168:1
170:22 174:11
240:21 259:17
263:1 265:2
266:10 279:18
310:8 317:9 323:4
333:9 339:20
340:17 345:13
375:22 386:7
407:5,19 450:2
given 7:6,6 24:19
58:14 127:14
130:3 186:15
219:4 323:22
324:21 328:14
336:9 346:6
390:18 425:8
438:7
gives 192:18 194:22
220:4 302:18
363:17
giving 124:1 240:22
330:22 371:21
glad 30:17 35:1
38:11 123:16
148:20 241:14
296:5 312:3,10
glaring 400:15
glass 136:8
global 32:9 34:12
382:8
GlobalGap 321:1
glycerin 103:16
402:3,6,11,14,14
402:17,19,21
403:1,4,5,6,13,18
404:1,8,14,18,19
glycol 103:18
GMO 39:2 79:19
221:8,10,18,21
222:5,6 232:23
337:12 339:19
340:8 361:1,3
362:10 363:7
384:11,14 405:14
405:14,21,21
410:6 445:5
GM0s 219:7
221:16 222:1
223:15 335:18
336:10 338:4
340:3 360:16
361:7 407:7 447:7
go 16:18 25:16 26:8
28:18 33:11,14
37:20 40:17,21
45:8 48:3,18,22
56:11 71:4 72:5
82:6 95:22 98:22
100:4 101:21
106:6 109:21
114:3 117:19
126:2 127:8
133:21 135:9,21
139:18 140:10,19
141:20 142:19
144:3,10 152:11
154:20 157:17
158:2 159:15
161:11 167:17
179:11 192:22
193:15 194:20
195:10 197:12
216:6 220:19
232:16 234:7
242:2 243:16
244:3 250:8
252:16 254:20
256:16 258:21
272:1 277:13
286:4 290:8
303:12 309:18
325:9 337:9 350:5
360:7 361:20
375:19 426:17
441:11 442:17
448:6 449:2 453:6
456:3 458:3
goal 38:10 135:10
168:22 245:4,9,11
272:2 276:4
277:12 333:8
334:21
goals 42:6 267:13
268:7 346:17
gods 284:19
goes 8:11 70:13
109:13 120:5
133:12 136:3
148:2 149:5
280:15 302:9
332:9 340:7
457:11 458:19
going 4:3 5:8 14:15
15:3,5 23:15 26:5
26:8 29:1 39:5
40:7,12,15,21
41:6,7,8 48:20
56:11 62:7 71:4
72:21 75:13 78:2
80:13 82:9 84:4,7
84:8,10,14 85:22
94:17,20 98:18
99:4,5,8,12 100:4
100:7 104:13
109:5 119:22
123:9 127:3,12
131:16 135:14
143:11 145:13,21
146:19 147:5

Neal R. Gross and Co., Inc.
(202) 234-4433
Neal R. Gross and Co., Inc.
(202) 234-4433
Page 494
natural 22:12
24:11 31:12 34:19
85:14 227:3
250:13 256:20
265:10 266:12
287:10,19 312:19
313:19 338:1
350:18 351:8,13
351:15,18 352:17
356:16 412:8
419:14 432:13
433:1,9 436:17
444:6
naturally 145:21
146:7 413:20
nature 45:20 46:5
49:16 149:17
333:13 350:15
419:13
navigated 136:6
naysayers 383:8
NCAT 26:22
near 378:4 430:16
nearest 229:15
nearly 281:18
389:3 437:7,16
necessarily 78:21
112:22 146:18
258:16
necessary 110:22
176:11 181:22
182:13 220:6
223:10 236:11
411:9 433:20
440:14
need 25:9 26:7,7
36:2 38:3 46:4
48:8 51:11 67:9
67:11,20 76:3,21
77:7 78:16,17,19
78:21 79:6 80:1
88:20,21 89:2
97:1 107:14
108:18,18 113:20
119:2 125:11
126:2 129:17
135:9,21 136:14

137:1,2,4,22,22
138:12 141:6
143:14 144:15
149:11 153:10
159:8 160:4 163:2
173:11 180:10
182:12 216:17
219:13,22 231:22
232:15 239:19,21
240:7 271:20
279:1 282:6,12
291:4,13 316:15
331:8 343:1
348:15 355:2
361:21 363:3
371:17 377:17
378:1,10 379:19
384:17 400:18
405:15 406:19,20
407:18 410:19
412:9 413:18
420:12 439:16
444:9,19 445:22
452:14 453:12,15
453:19 457:5
needed 18:18 44:4
57:2 74:6 78:19
87:22 107:3 111:2
128:11 154:18
256:7 261:12
367:13 371:15
382:8 437:2
440:16
needing 163:19
Needless 321:2
needs 77:1 89:22
97:8 107:7 140:9
142:18 149:3,12
163:11 174:12
191:19 194:6
224:10 238:3
249:19 251:12,14
262:18 264:2
272:8 326:9 348:7
348:9 353:4 355:6
359:16 382:19
444:14 449:12

457:16
neglected 97:6
negotiations
205:17
neighborhood
408:7
neighboring 29:17
neighbors 289:4
neither 191:18
373:19
net 163:9 330:12
374:1
nets 353:15
network 418:16
networks 443:10
neutral 242:11
neutral-based
424:6
neutralization
330:15
neutralized 330:11
never 284:14 296:3
297:12 322:16
337:15 353:18
374:7 382:2
383:17 457:14
new 8:11 25:15
46:14,18 64:4
73:20 74:13 90:17
100:8 104:3
105:19 108:6
111:17,20 125:10
131:17 135:14,20
139:12,15,17
155:10 156:16,21
162:8,11,12,19
166:13 167:8
176:6 186:22
188:22 189:21
190:4,7,10,11,22
191:15,16 192:9
192:21 200:7
205:15 206:15
217:2,14 223:19
223:22 224:12
227:18 235:5
247:17 251:19

252:3 258:10
264:15 309:22
337:2,16 345:4
371:9 372:2 381:1
388:2 390:18
402:8 429:9 436:3
436:7 453:1
455:18
News 237:5
newsletter 153:2
newspaper 126:10
nice 15:10 33:5
140:18 260:6,8
292:14 396:15
NICHOLAS 1:18
Nick 13:17 34:3
84:22 178:10
180:14 262:20
363:5
Nick's 180:9
night 26:21
night's 26:22
nine 203:4 210:6
241:8,8
nitrate 207:10
226:4
nitrogen 422:16,19
no-brainer 419:21
no-till 281:19,21
NOC 85:12 181:14
nominated 71:1
nomination 71:3,5
73:19 75:6,8
nominations 70:22
71:7,11 73:13
74:12,13,17
non 39:1
non-agricultural
118:20 402:4
403:22
non-certified
234:17 360:1
non-compliance
201:8 221:1
222:18 283:8
non-compliances
234:5

Neal R. Gross and Co., Inc.
(202) 234-4433

non-GMO 339:18
339:20 364:4
365:11 402:9
411:21 433:2
445:14
non-organic 323:8
323:12 382:22
388:6 393:22
403:3 435:16
436:4,12,14 438:5
438:12 447:11,19
449:16
non-organically
389:7
non-production
328:2
non-profit 43:2
303:3 439:2
441:20
non-ruminant
207:8
non-significant
132:12
non-synthetic
118:18 329:15
393:11 403:20
411:22
non-synthetics
383:12
non-technical
128:4,8
non-toxic 365:3
394:10 411:22
noon 23:14 98:18
99:6
NOP 1:2 3:12 6:21
19:2 23:18 41:4
43:7 44:6 47:2,10
52:2 57:6 69:5
76:14 78:14 81:15
83:10 86:15,21
87:3,12 88:9,12
88:13,21 89:3,6,7
93:15 99:11
111:13 112:14
113:14 114:7
125:2,15 164:10


Page 506

Neal R. Gross and Co., Inc.
(202) 234-4433
Neal R. Gross and Co., Inc.
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Sunsetting

Superior

Supervising

Support

Supply

Sustainable

Sustainability

Switzerland

System

Taint

Table

T-shirt

t-shirts

tab

Taiwan

take

Neal R. Gross and Co., Inc.  
(202) 234-4433
Vi
Page 522
134:3 136:2 137:7
137:22 140:3
143:8,9,17 147:15
147:16,20 150:11
150:15,15,21
153:17,21 165:17
174:10 175:2
180:2,4 182:12
183:12 199:10
200:16,20,20
201:4,6 203:14,17
205:3 206:2,5
209:18 211:16,21
212:2,3,6 216:1
216:19 217:20
222:5 224:18
225:1,6 235:12
242:12 246:19
249:15,17 250:10
250:18 251:1
252:20,20 253:16
253:19 255:12
259:10 265:5
266:9 268:4 269:3
269:13 274:3
275:6 278:2
286:18,21 290:8
290:14,17 303:6
305:10 306:10
318:17 336:21
340:20 341:2
345:11 347:22
348:11,13 356:1,3
357:1,6 358:14
359:8 362:5 363:4
377:11 382:2
383:2 386:21
398:3 421:18
427:18 439:10
440:21 445:17,18
447:4 450:6,17
452:2 459:5
workable 360:19
worked 18:21
19:11 33:20 34:18
76:8 85:2 213:19
217:6 247:2

257:18,22 391:18
workers 35:21
327:20 382:20
workforce 252:11
working 18:15
36:22 38:9 40:9
49:9 76:20 77:22
79:1 88:5 116:12
119:21 120:2
122:11 132:17
146:15 167:20
176:13 200:8
205:18 211:12
216:2 220:6
226:22 238:22
247:9,12,18 250:7
252:21 253:22
257:13 261:11
266:12 277:1
278:16 281:12
284:3 286:2
298:21 318:21
334:10 354:14
355:8 356:21
374:2 380:10
417:7 443:7
workload 45:7 49:5
works 41:13 44:2
176:10 208:15
247:15 330:9
394:3 427:7
workshops 264:14
world 38:16 197:5
197:7 333:7,8,12
334:6 335:1
440:17
world's 335:13
368:12
worlds 285:14
worldwide 199:14
worm 307:11
worst 310:8
worth 34:2 35:6
271:8 289:22
wouldn't 230:10
340:2 349:8
wrap 23:14 184:21

193:7 385:14
201:14 203:1
wrapped 357:22
204:19 209:21
write 77:17 124:18
211:9 214:4,5
writing 90:2 182:3
217:16 224:21
276:11
228:12 230:3
written 9:21 19:17
233:10 235:6
39:11,15,18 51:3
243:13 248:19
51:5,9 52:1,8 65:6
251:8 281:11
67:17 85:17
282:19 285:18
158:13,16 160:13
310:18 324:5
160:20 292:13,15
338:11 358:20
292:18 309:14
361:10 377:10
339:10 344:12
408:3 413:7,17
345:3 363:16
416:19 418:5
374:16 442:16
428:18 442:9
443:20
450:19
wrong 261:14
year-and-a-half
295:21 315:14
245:17 252:11
346:17 350:9
284:1
yearly 209:11
359:7 427:19
wrongly 371:7
217:4
wrote 86:17 385:15 years 18:19 19:21
28:15,21 29:10,21
X
31:21 33:21 37:10
37:20 42:5 44:8
Y
44:12,20 50:11
yeah 95:4 121:1,22
56:17 62:3 64:3
190:13 193:16
65:15 76:9 90:21
195:16 239:13
145:4 150:22
240:9 252:12
151:16 152:7
285:1 286:19
155:5 166:5
290:7 304:18
175:11 181:6
318:2 402:1
189:13 190:5
409:18 414:22
214:2,6 217:1
415:5 416:6,18
228:9 230:8
441:6 449:6
239:14 241:6
year 18:22 19:10
245:13,17 258:5
24:18 31:19 32:11
262:11 266:13
33:3 48:11,12
289:2,7,11 295:7
68:1 71:3 76:17
295:13 303:13
79:1 84:19 86:16
315:10 322:21
99:18 105:16
356:17,21 365:11
129:22 130:3
372:7 383:10
132:19 142:3
386:12,13 395:5
150:10,18 153:12
402:8 430:8,10
166:8,11 171:21
433:7 455:13
191:5 200:8
yeast 402:9

Neal R. Gross and Co., Inc.
(202) 234-4433

yeasts 337:17
yellow 293:1
yesterday 22:17
43:6 79:18 89:21
181:13 268:12
282:10 286:20
452:5
yielded 80:14
youth 346:7
Z
Zak 434:22 438:16
438:21 440:22
Zea 1:19 10:11
36:17 38:22
182:15 288:21
339:15
Zealand 205:15
206:15
Zirkle 37:2
zones 221:2
Zurich 27:3
0
1
1,000 394:10
1,500 97:17
1:45 194:22
1:49 195:5,7
10 200:7 230:8
288:10 295:6
422:16
10,000 298:7
100 131:8,22
239:14,15 270:19
335:8 365:10
409:18 455:22
458:4
100-member
391:20
101 252:9
101.2 6:7
101.6 6:6
102 239:7
105 192:6
11,470 438:3


CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: National Organic Standards Board

Before: Department of Agriculture

Date: 04-29-2014

Place: San Antonio, Texas

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[Signature]

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

MEETING OF THE NATIONAL ORGANIC
STANDARDS BOARD (NOSB)

WEDNESDAY
APRIL 30, 2014

The National Organic Standards Board convened at 8:32 a.m. at the Saint Anthony Hotel, 300 East Travis Street, San Antonio, Texas, Robert "Mac" Stone, Chairperson, presiding.

MEMBERS PRESENT

ROBERT "MAC" STONE, Chairperson
JOHN FOSTER, Vice Chairperson
CALVIN WALKER, NOSB Secretary
HAROLD AUSTIN
CARMELA BECK
COLEHOUR BONDERA
JOSEPH DICKSON
TRACY FAVRE
JAY FELDMAN
WENDY FULWIDER
NICHOLAS MARAVELL
JEAN RICHARDSON
ZEA SONNABEND
JENNIFER TAYLOR
FRANCIS THICKE
STAFF PRESENT

MILES McEVOY, Deputy Administrator, National Organic Program

MICHELLE ARSENAULT, Advisory Board Specialist

MELISSA BAILEY, Director, Standards Division, National Organic Program

LISA BRINES, Standards Division, National Organic Program
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Meeting and Welcome</td>
<td>5</td>
</tr>
<tr>
<td>Chair Stone</td>
<td>5</td>
</tr>
<tr>
<td>Public Comment</td>
<td></td>
</tr>
<tr>
<td>Jackie Townsend</td>
<td>6</td>
</tr>
<tr>
<td>Isaura Andaluz</td>
<td>13</td>
</tr>
<tr>
<td>Pamela Coleman</td>
<td>21</td>
</tr>
<tr>
<td>Laura Cardona</td>
<td>31</td>
</tr>
<tr>
<td>Bill Wolf</td>
<td>36</td>
</tr>
<tr>
<td>Brian Keegan</td>
<td>47</td>
</tr>
<tr>
<td>Lindsay Fernandez-Salvador</td>
<td>51</td>
</tr>
<tr>
<td>Gwendolyn Wyard</td>
<td>62</td>
</tr>
<tr>
<td>Allyson Kelly</td>
<td>73</td>
</tr>
<tr>
<td>Romalda Allsup</td>
<td>80</td>
</tr>
<tr>
<td>Cindy Elder</td>
<td>84</td>
</tr>
<tr>
<td>Tim Miller</td>
<td>89</td>
</tr>
<tr>
<td>Steve Walker</td>
<td>93</td>
</tr>
<tr>
<td>Allen Lewis</td>
<td>97</td>
</tr>
<tr>
<td>Ib Hagsten</td>
<td>101</td>
</tr>
<tr>
<td>Margo Mastroud</td>
<td>106</td>
</tr>
<tr>
<td>Amanda Love</td>
<td>109</td>
</tr>
<tr>
<td>Gerald Davis</td>
<td>113</td>
</tr>
<tr>
<td>Terry Gong</td>
<td>118</td>
</tr>
<tr>
<td>Andy Hudson</td>
<td>122</td>
</tr>
<tr>
<td>Dragan Macura</td>
<td>130</td>
</tr>
<tr>
<td>Nate Lewis</td>
<td>135</td>
</tr>
<tr>
<td>Rebecca Thistlewaite</td>
<td>140</td>
</tr>
<tr>
<td>Ernie Peterson</td>
<td>150</td>
</tr>
<tr>
<td>Chris Pierce</td>
<td>156</td>
</tr>
<tr>
<td>Melvin Gaiman</td>
<td>164</td>
</tr>
<tr>
<td>Randy Mitchell</td>
<td>171</td>
</tr>
<tr>
<td>Paige Tomaselli</td>
<td>179</td>
</tr>
<tr>
<td>Ashley Swaffer</td>
<td>188</td>
</tr>
<tr>
<td>David Will</td>
<td>191</td>
</tr>
<tr>
<td>John Brunquell</td>
<td>202</td>
</tr>
<tr>
<td>Amy Simpson</td>
<td>206</td>
</tr>
<tr>
<td>Jim Winter</td>
<td>210</td>
</tr>
<tr>
<td>Dan Giacomini</td>
<td>218</td>
</tr>
<tr>
<td>Ann Mosness</td>
<td>224</td>
</tr>
</tbody>
</table>
TABLE OF CONTENTS (Con't.)

<table>
<thead>
<tr>
<th>Name</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jim Pierce</td>
<td>233</td>
</tr>
<tr>
<td>Harriet Behar</td>
<td>240</td>
</tr>
<tr>
<td>Rebecca Willows</td>
<td>246</td>
</tr>
<tr>
<td>Lynn Coody</td>
<td>253</td>
</tr>
<tr>
<td>Bill Denevan</td>
<td>259</td>
</tr>
<tr>
<td>David Moore</td>
<td>271</td>
</tr>
<tr>
<td>Alexis Randolph</td>
<td>276</td>
</tr>
<tr>
<td>Patricia Kane</td>
<td>280</td>
</tr>
<tr>
<td>Jessica Walden</td>
<td>282</td>
</tr>
<tr>
<td>Charlotte Vallaeys</td>
<td>287</td>
</tr>
<tr>
<td>Will Fantle</td>
<td>291</td>
</tr>
<tr>
<td>Troy Aykan</td>
<td>295</td>
</tr>
<tr>
<td>Cheryl VanDyne</td>
<td>299</td>
</tr>
<tr>
<td>Allison Walent</td>
<td>307</td>
</tr>
<tr>
<td>Joy Rockwell</td>
<td>310</td>
</tr>
<tr>
<td>Brad Rockwell</td>
<td>314</td>
</tr>
<tr>
<td>Lisa Stokke</td>
<td>317</td>
</tr>
<tr>
<td>Beth Unger</td>
<td>322</td>
</tr>
<tr>
<td>Zareb Herman</td>
<td>325</td>
</tr>
<tr>
<td>Peggy Miars</td>
<td>328</td>
</tr>
<tr>
<td>Marty Mesh</td>
<td>334</td>
</tr>
<tr>
<td>John Ashby</td>
<td>338</td>
</tr>
</tbody>
</table>

CROPS SUBCOMMITTEE
Zea Sonnabend, Chairperson             344

Proposal: Streptomycin            347
Proposal: Magnesium Oxide        377
Proposal: Vinasse               387
Proposal: Laminarin             405

SUNSET REVIEW LIST
Sodium Carbonate Peroxyhydrate..  428
Aqueous Potassium Silicate......  442
Sulfurous Acid..................  451

Wrap-up and Adjourn

Chair Stone......................  464
(8:32 a.m.)

CHAIR STONE: We've got quite a bit of public comment to work through this morning, a little bit into the afternoon and then the committee deliberations will start mid-afternoon, I believe.

Is there any questions from Board Members, any thoughts before we get started here? You're good? I see Michelle is getting some PowerPoints squared away there.

(Pause.)

CHAIR STONE: Okay, we are all here and we want to stay on schedule. We want to give everybody time to present. We want to have the Board time for questions. I think it worked well. I appreciate the Board Members for their respectful judicious use of questions and time yesterday. I thought it worked well.

Audience members, I very much appreciate the respect for the time slot. I
very much appreciate those of you presenting respecting the time clock because it is respect for your fellow community members. And it gives us time for questions to get to specific topics that you can help us in our deliberations here.

With no further ado, Jackie Townsend, if you will make your way to the podium. And we have Isaura Andaluz on deck. Jackie, thank you. Michelle, are you ready? Okay.

MS. TOWNSEND: Good morning. My name is Jackie Townsend. I am the MOSA Certification Review and Farm Certification Manager. MOSA certifies almost 1600 farmers and processors located, primarily, in the Midwest.

We are fortunate to be in Viroqua, in the heart of a thriving organic community. We are the largest livestock certifier in the nation.

First, I will comment on
methionine. When the proposal was first released, we sent a survey out to our certified chicken farmers and chicken feed manufacturers. The message we received was one of support. However, it also raised concerns for animal welfare with the current annotations in the rule and with broiler nutritional needs not being met.

For hens, nutritionists said that the methionine levels over the life of the bird would not exceed the proposed level generally anyway. So, we feel the record-keeping in this area could be made pretty practical under the proposal. Our written comments we submitted last fall expand on this further.

This is a nice segue into the next topic, which is research priorities. Methionine alternatives area clearly a need. So are antibiotics for fire blight and GMO vaccines. We would like to see some prioritization of livestock management topics.
We appreciate the work to move ahead on these topics and are available to help in any way we can.

On GMOs, it was great to see the NOP memo to the NOSB. Clearly, this is a research priority, too. Probably kick it to the top of the list. More information is needed on contamination avoidance. The 11/3 policy memo was helpful but isn't addressing the current problem.

We see clients have their crops being tested in the marketplace, resulting in minorly positive results and organic crop rejection and sale of the crop on the conventional market.

Inspections that we do yield very low results, no evidence of GMO use. We recognize how difficult setting limits would be so it may be easier to provide further guidance on testing and sampling.

The seed purity report shows the importance of further work in this area. We
need to be sure our seeds are starting out
GMO-free and we need time for research and
development. We understand but do not agree
with the complexities in overall GMO
regulation. Onus should be on those polluting
the system. Our country should have GMO
labeling laws. We have even been approached
about adding non-GMO verification but we have
no time to consider that, due to our sound and
sensible systems implementation. But it may
be something to consider on down the road,
depending on the outcome of this conversation.

Now that I mentioned it, I have to say something about sound and sensible.
First, thank you all for taking the subject up
so quickly. We appreciate the direction we
are headed for clients. We need to ensure
practical and sound enforcement of the
standards. We just maintain our certification
system to withstand the test of time. We must
find ways to communicate effectively
throughout the industry. We have a strong
desire to see relationships and collaboration between ACAs, NOP, NOSB, and other stakeholders strengthen. Some NOP instructions have added requirements for us. Some will add cost to certification for clients. Some will impact organic availability of product in the marketplace. Some have caused creation of systems or entirely changing the system. Some have resulted in hiring staff or dedicating staff resources. Most require some added expense.

Clarifications are generally well-received and we work to implement them but we need time to catch up and rest for a minute. It would be great to be proactive, rather than reactive. We ask that in developing recommendations and instructions that sounds and sensible principles be kept in line for certifiers. Finding further balance in this area continues to be an important discussion.

We appreciate the work of the NOP and NOSB and thank you to Mac for reaching out
to certifiers and representing our industry.

We are available for further questions and
inquiry at any time.

CHAIR STONE: Thank you, Jackie.

So, I know at the ACA training, the certifiers
sort of went around the room of how they are
implementing sound and sensible and
communication with clients and electronic and
updates was a big part of that. And we
appreciate all you all are doing for the
complicated multiple crop farmers. It is not
easy at that point.

MS. TOWNSEND: Thank you.

CHAIR STONE: Thank you, Jackie.

Oh, Francis. I'm sorry, Jackie.

MEMBER THICKE: Yes, a question
for Jackie. I didn't fully understanding on
the methionine. Are you saying that even with
the proposed change in the methionine that
that is not adequate?

MS. TOWNSEND: The reports that we
heard, the proposed change for layers would be
entirely adequate, averaged out over the life
of the bird but there was some concern raised
by nutritionists we spoke to about broiler
levels, about the levels not meeting the
nutritional need for broilers. They need more
methionine during their short lives is some of
the reports we heard.

MEMBER THICKE: And what size
houses are these, the ranging of sizes? Do
you know?

MS. TOWNSEND: A variety. We
certify any number -- many numbers of birds
from a few hundred to less than a hundred to
multiple thousands. So, those reports came
primarily from the nutritionist working at
feed manufacturers, as well as the growers
growing the birds, a cross-section variety of
people.

MEMBER THICKE: Thank you.

CHAIR STONE: All right, thanks,
Jackie.

MS. TOWNSEND: Thank you.
CHAIR STONE: Isaura to the podium
and Pam Coleman on deck.

MS. ANDALUZ: Good morning. My
name is Isaura Andaluz and I am the Treasurer
of OSGATA, the Organic Sea Growers and Trade
Association, a national farmer organization
representing certified organic farmers,
growers, and seed companies. I am making
these comments under protest.

OSGATA, as an organization which
exists to protect and steward the interests of
the organic community, cannot condone, in good
conscience, the statutory rights and
responsibilities of the NOSB. The NOSB was
established by Congress as an independent
citizen oversight board under the authority of
OFPA represents a negotiated framework by
which the organic community entered into
partnership with the USDA in accepting
regulation of the organic industry.

OSGATA's role in helping steer the
functioning of the organic industry requires those to insist that the letter and the spirit of the neighboring legislation be respected. It is essential if the NOP is to maintain the participation of certified organic farmers and businesses, and most importantly, to maintain the trust and confidence of the organic consumer.

And these are comments regarding the CPAT from GMO. We thank the NOSB for having the courage to recognize the GE movement outside of the areas that they have grown in is a source of pollution and the GE presence is a contaminant to organic seed. Organic begins with seed.

OSGATA's policy on genetic engineering states that the contamination of organic seed by GE seed constitutes a repairable harm to the organic seed industry. By undermining the integrity of the organic seed, any detectible level is unacceptable.

Farmers are the stewards to these
seeds. As such, we must acknowledge that the increasing rate of GE contamination poses threats to our carefully curated genetics. This externalize cost to contamination is irreplaceable.

The presence of GE traits in seed has severe consequences for farmers. One such consequence is the associated cost shouldered by organic farmers as the result of maintaining seed purity. OSGATA used seed testing to identify GE contamination as necessary to maintain the organic seed integrity. Required seed testing and seed purity protocols applied to organic seed must also be applied to conventional seed as done a thousand years by organic farmers.

Organic farmers should not bear the economic burden associated with the cost of contamination, including testing, nor should they assume the cost associated with crop loss from the GE contamination and whatever drops on their side of the fence.
The biotechnology of patent holders must bear all costs associated with the polluting technology.

OSGATA disagrees with NOSB's conclusion that holding patent holders financially accountable for the cost of contamination is outside the scope of the NOP and USDA. USDA and APHIS must require that the associated costs of contamination be borne by biotech patent holders.

As we move forward with implementation of seed purity standards, it is imperative that the NOSB continues to work with stakeholders within the organic seed community.

And PCO has got a handbook that I passed out to everyone that we have developed for additional research for testing protocols on GE contamination. Thank you for your time.

CHAIR STONE: Thank you, very much.

Zea?
MEMBER SONNABEND: Now is it on?

Okay. Thank you for your comments Isaura.

What would you suggest further we could do to get the polluter to pay for contamination and for the testing?

MS. TOWNSEND: Well, I mean the problem is that you know, because I sit on the AC21 Committee, that they came out with like crop insurance. So, the problem is that these biotech companies can circumvent basically any compensation mechanism that you come up with.

So now for example, Monsanto bought up a company in October that offers crop insurance. So now, the polluter is going to be selling the insurance to the people that they are contaminating. Right?

So, I mean the problem is that they patent a life form. I mean, it doesn't matter. The seeds do what they are supposed to be doing. They cross-pollinate. Because the seeds are evolving. That is how come we are all here because the seeds have evolved
with the climate change over all these hundreds or thousands of years and the seeds keep evolving by cross-pollinating.

So I mean the thing is, like I said before, this is just my thing. It is not OSGATA. They can breed inssterility into some of these seeds like they do on a lot of the hybrids. It is not the terminator genes. It is not anything else. It is just -- you know they have been doing this for a long time but they don't want to incur that cost.

And if it is a seed that they can't do that to, then maybe that seed should just not be out there on the market.

But I mean we are seeing increasing numbers of farmers being contaminated. You can do all the data collection you want but the farmers are not going to tell you what they had because they have infringed on the patent law of the patent holder.

So, it is very difficult to gather
this information. And that is why it is when
the USDA says we need to get more information.
Then you gather information. No. Something
needs to be done now and maybe USDA needs to
go back and they need to look at all the
patent laws that they passed. I mean, this is
the existing -- they are going to make us
extinct. I mean, there are some seeds already
that we know as seed breeders. There is only
a minimal amount of seed left that is not
contaminated. And I think a lot of the other
companies, what they already have been doing,
this is like back since 10 or 20 years ago is
they have been growing seed in other
countries. And that might be what will happen
to us is that all of us will have to grow all
of our seeds in other countries and bring the
seed back here to the United States, where you
have basically exported all of those jobs out
of the United States.

And we already see on the local
level that a lot of the seed companies we have
in all of our states are gone. They have been gone.

And now with alfalfa, the perennial crop, it is even worse.

CHAIR STONE: Thank you very much. Oh, Nick. Isaura, I'm sorry. One more.

MEMBER MARAVELL: Sir, I would like to turn the table a little bit here and just ask you what is your best estimation of the future work or mission of the AC 21 Committee. Being a member of that committee, have you received any indication of the future direction of that committee or the mission of that committee's charge now?

MS. TOWNSEND: No, we have not. We have just been waiting for the funding to continue the work of the AC 21. There is no -- nothing is set is yet.

CHAIR STONE: Thank you, very much.

Pam Coleman to the podium and Laura Cardona on deck.
DR. COLEMAN: Good morning. My name is Pamela Coleman. I am a policy analyst for the Cornucopia Institute. I have a Ph.D. in plant pathology and experience as an organic inspector. Today, I will discuss the use of streptomycin to control fire blight in apples and pears.

Three years' ago, the Crops Subcommittee recommended against the relisting of streptomycin. The full Board compromised. They voted to relist but only until 2014. Now, it is 2014. This week, I urge you to respect the work of the NOSB in the past and oppose this petition for extension of streptomycin.

Streptomycin is not essential. Other options are available. Moreover, its effectiveness has been reduced in many orchards because the bacteria that control fire blight have developed resistance due to repeated applications of streptomycin.

My review of the research has
convinced me that fire blight can be managed without the use of antibiotics. Canadians, Europeans, Japanese, all of them are growing apples without antibiotics. Why aren't we doing that?

Well, actually, we are doing that. Many apple growers in Washington State avoid the use of antibiotics, so that they can sell their organic applies in Europe. They grow popular and even highly susceptible varieties: Gala, Fuji, Braeburn, Pink Lady, Honey Crisp, all without the use of antibiotics.

Cornucopia surveyed apple growers all over the U.S. and of those who responded, more than half of them said they don't use antibiotics. Success depends on an integrated approach. Orchardists must be proactive. They must monitor the orchard and take action to prevent disease outbreaks early in the season. This is what the organic approach is all about. It is different from the conventional approach of waiting until disease
is present and then spraying antibiotics.

There are many options, as well as antibiotics. There are cultural practices, resistant root stalks, blossom thinning, material such as copper sulfate, lime sulfur, fish oils.

I am especially excited about the new biological controls that are showing excellent results. Dr. Ken Johnson talked about those and it has been widely -- the information has been widely disseminated through eOrganic. The biological controls were as effective as antibiotics, even on susceptible apples. Comments for this meeting submitted by Westbridge, who manufactures the biological control Blossom Protect, also showed more research that that product is as effective as antibiotics, even on pears which are susceptible and highly susceptible apples.

Please reject this petition.

American orchardists are fully capable of using an integrated approach to manage fire
blight. Those of you sitting here can end the
use of antibiotics and protect the organic
brand. If you reject this petition today,
next year, when you go out to buy your organic
apple juice that say 100 percent USA apples,
these apples will have been grown without
antibiotics. Won't that be a good feeling?

I am happy to answer questions.

CHAIR STONE: Thank you, Pamela.

Harold?

MEMBER AUSTIN: Good morning, Pam.

In the research and stuff that you were able
to go through and take a look at, what did you
find different as far as fire blight's
acceptability to control measures with pears?
Because in your written -- Cornucopia's
written statements, they did suggest that
there might possible need to be consideration
for pear growers because the research -- the
level of research hasn't taken place and the
effectiveness of the materials isn't quite
there yet.
What have you found?

DR. COLEMAN: I have found that the materials are effective. However, you are right, there has been fewer experiments on pears, partly because there is fewer pears grown. And you are correct, pears are naturally more susceptible.

If it is possible to differentiate between apples and pears in your approval of this petition, then that might be a reasonable compromise to say extend the use for pears.

There is a couple of reasons why I think it would be organically acceptable to allow antibiotics on pears but not apples. We talk a lot about the organic approach. And the organic approach is to use a multi-level way to prevent diseases. So, you start with cultural practices. And from what I have seen in Washington State, the pear growers are using cultural practices. Their pruning practices are such that they have many branches to the tree, so that the tree doesn't
die if it gets fire blight. Also, they have older trees and older trees are less susceptible to fire blight. And they do not use the dwarfing rootstocks.

One of the reasons that fire blight has become so serious in Washington State is because more and more apple growers are planting trees on the highly dwarfing rootstocks that are more susceptible and have the smaller trees.

So, my concern here is that I am seeing that apple growers are relying first on antibiotics and not using the cultural controls but the pear growers I am seeing are using the cultural controls. And if they are not efficient, if they are not enough, then you can use materials. And I think that is consistent with an organic approach.

CHAIR STONE: Jay?

MEMBER FELDMAN: Thanks, Pam. I am interested in your comment on the age of the trees and the resistance to the fire
blight as a result of the -- we had the
opportunity as a Board to visit the Mount Hood
area in Oregon and saw a number of sites,
which included an older orchard of pears --
pear trees, which seemed to be, well at least
according to the grower, the fire blight did
not seem to be pressure there in that
particular orchard.

So, I guess you raise a complexity
here that I am wondering about because you
suggested this might be a compromise. If in
fact there are specific conditions under which
the streptomycin, in this case, would not be
necessary in pear production and if in fact
the problem is associated with younger trees,
would you suggest that in a compromise such as
this that there be a delineation made between
the type or orchard or the age of the orchard,
the age of the tree, given the essentiality
under those conditions?

I am just trying to understand,
especially when you raise the idea of
compromise, whether the complexity of what you are suggesting goes beyond the compromise between apples and pears but really strikes at some of the conditions, even within the growing of pears that might differentiate the essentiality or the need for streptomycin in different age orchards, maybe different varieties, maybe different rootstocks.

I mean you focused on apples but what about pears and the differentiation there?

DR. COLEMAN: Okay, I just want to clarify when you talk about age, are you suggesting this only for pears? Because I really do believe -- is this still on? I can't tell if you can hear me. Can you hear me? Thank you, Michelle. Michelle hears me very well.

I am not sure if you are asking just about the complexity for pears or apples as well.

MEMBER FELDMAN: Pears.
DR. COLEMAN: Okay. Because I think if you start allowing it for young apples, then you get too complicated for the certifiers.

I want to just keep stressing that it is a complex issue. So, there are so many factors that combine. Age of the trees is one of them; rootstocks is one of them; the way that pear trees and apple trees flower all at once or dragged out over a long time.

So, I am not sure how to answer your question. Are you thinking that possibly you could say that antibiotics would be allowed on young pear trees?

MEMBER FELDMAN: Yes, I was just trying to understand whether there is another level of complexity that the compromise that might be discussed would not simply be a compromise between apples and pears. You know, sort of cutting the -- splitting the issue here that way. But that even within pears, at least from what I was able to
observe, there is a level of complexity, given cultural practices, age of the orchard. These are all issues that come down to questions of essentiality. And I think, especially with the sensitivity that we see out in the public to the use of antibiotics and food production, given the resistance we are seeing in human populations and the need for antibiotics, that we have to be really careful when we talk about compromise, that we drill down to the really specific levels of essentiality. I mean this is not a broad brush issue. This has to be a very specific issue.

So, that was my question, whether we could create those lines that I believe I observed. I mean, unless somebody has a response to that. I mean we did see an older, very old, actually, orchard that did not have the fire blight issue. Now, that could have been also the geoclimate there, whatever, the microclimate that existed in that particular -- I mean there are a lot of factors.
DR. COLEMAN: Right. There are a lot of factors. And I would hate to have a compromise within pears because it would be very confusing to have some treated with antibiotics and others not treated with antibiotics, I believe. But I think you bring a good point up with consumers because I bring this apple juice in because I do think consumers are particularly concerned about apples because it is something that is so commonly drunk, it is so commonly added to so many fruit juices and given to children that I am just extremely concerned that if word gets out that this juice that we are giving our children is grown with apples treated with antibiotics. I think that can do a lot of harm to the organic apple growers and I would not like to see that happen.

CHAIR STONE: Thank you, Pamela.

Okay, Laura to the podium and Bill Wolf on deck.

MS. CARDONA: Hello. My name is
Laura Cardona. I am a member of the Cornucopia Institute and here today as a citizen lobbyist.

I am actually an autism mom who became extremely interested in organics with my daughter who was failure to thrive for one year, did not gain weight for one year. When I switched her to an organic whole foods diet is when she started to gain weight, after many medical interventions.

I volunteered to present testimony because I am concerned about the use of antibiotics on organic apples, as Pamela was talking about. I was happy to learn that the full Board voted to allow tetracycline to be phased out in 2014 and streptomycin should be phased out as well.

Consumers who buy organic food want to know that they are avoiding antibiotics and more than 83,000 consumers signed a petition or commented directly to say that they do not want antibiotics in organic
fruit.

I am particularly concerned about the threat of antibiotic resistance from the use of streptomycin. Some bacteria, those that cause the fire blight, disease in apples and pears, have already developed resistance to streptomycin, making it less effective in that plant disease.

We need to ensure that streptomycin remains effective in controlling human disease. The World Health Organization stated that it is critical to prevent resistance to streptomycin. People who have resistant bacteria in their intestinal flora may not realize it until they have an infection that does not respond to antibiotics and even low doses of streptomycin can increase the likelihood of resistant populations.

Farm workers are exposed when they spray the trees and consumers can obviously be exposed when they eat the fruit. Residues of
streptomycin have been found on the apples themselves when the trees were sprayed 86 days before harvest.

So, you can rationalize that these are low levels but that is the problem. Exposure to the low levels of antibiotics contributes to the development of antibiotic resistant bacteria.

Another example is sheep that were grazed in fields, sprayed with streptomycin, were found to have higher levels of the streptomycin-resistant bacteria. So, I am asking you today to not wait until we see antibiotic resistance in humans. Please allow the use of streptomycin to expire at the end of 2014, as the rules are currently written.

On a personal note, I said I am an autism mom and the research shows that 50 percent of autistics have GI symptoms, food allergies, and malabsorption issues. For us in our family, healing the gut was so important and crucial to my daughter's
recovery. So, when antibiotics are allowed in organics, it undermines our efforts to heal the gut. And, as you know, antibiotics kill good gut flora.

For allergy moms, we need peace of mind knowing that our organic food is as pure as possible.

So, if you have more questions about streptomycin, I encourage you to speak again with Pamela Coleman and/or you can actually call her back up now. But thank you so much to keeping our organics strong. I really appreciate the work you are doing. And thank you for allowing me to present today.

CHAIR STONE: Thank you very much.

MEMBER FELDMAN: Mac?

CHAIR STONE: Bill Wolf to the podium.

MEMBER FELDMAN: Mac.

CHAIR STONE: She said direct questions elsewhere.

MEMBER FELDMAN: Well, this isn't
related to streptomycin.

CHAIR STONE: And Bill Wolf to the 
podium and Brian Keegan on deck.

MR. WOLF: Good morning. I am 
Bill Wolf, President of Wolf DiMatteo and 
Associates, a consulting and technical support 
firm for organic production, farming, 
certification, and policy and regulatory 
issues.

It has been several years since I 
have had the opportunity to address the NOSB 
and so some of you may not know me. Some of 
you may recall my earthworm slide shows. I 
don't have one today. I have been involved in 
organics for over 40 years.

Today, I am actually here 
representing a client, Draco Natural Products 
of San Jose, California, the petitioner to 
remove glycerin from the National List. I 
would like to share a statement from them. 
They were unable to attend.

Draco Natural Products appreciates
the opportunity to comment and really thanks
the Handling Committee for supporting our
petition to remove glycerin from Section
205.605(b) of the National List. Ideally,
this is the decision we seek.

Public comments submitted prior in
this meeting and in October of last year are
clearly divided between support for removal
and concern about the commercial availability
of organic glycerin to meet the quantity and
quality demands of organic food manufacturers.

Concern about the impact on
natural flavors and colors which are used
broadly in organic products has also been
raised. Our key points in response are,
number one, through increased demand between
2012 and 2013, Draco's production increased
120 percent and continues to grow. There are
other manufacturers of organic glycerin and
current supplies that now sit in warehouses
waiting to be sold. However, we realize that
confidence in the supply chain is necessary.
If the NOSB is not totally in support of removal, we are willing to support a decision to list glycerin in Section 205.605, ensuring that it be used in organic products, unless commercially unavailable.

Point two, further, if the NOSB believes that some synthetic glycerin needs to be used, we would reluctantly accept the retention of synthetic glycerin on 605(b) because of the problems with classifications of materials but only if restricted to use in made with organic products and as carriers in natural flavors and organic colors.

We don't support 605 solution suggested by OTA because it would still allow synthetic glycerin to be used in any organic product.

Please do not postpone this decision. It take many months, if not years, for your decision to be fully enforced by NOP. Your decision now gives manufacturers and ingredient suppliers a transition time they
may need, as well as sends a message about the commitment to continuous improvement.

In addition, we urge the NOP to complete its work on the classification materials guidance document in order to avoid further confusion and complexity in decisions on petitions and approval of materials used in organic production.

Draco has invested in producing organic glycerin because it will increase the amount of organic ingredients in final products, as consumers increasingly demand, and to support organic farmers who produce the raw ingredients Draco uses. Replacing synthetic glycerin with organic glycerin in organic processed products is the right thing to do, in accordance with the principles of organic production.

That ends Draco's statement. Of course, Wolf DiMatteo and Associates also submitted comments on a range of other topics. I am open to answering questions about Draco's
and the glycerin issue and any other questions
on any matter. Thank you.

CHAIR STONE: Thank you, Bill.

Jay, any questions?

MEMBER FELDMAN: Hello? Okay,
thank you. Thank you, Bill. I loved your
statement. This is exactly what I think the
organic community is about, bringing new
ideas, incentivizing organic materials,
natural-based materials, whatever.

So, you came here with some
compromises to a petition. Do you not feel
that the company, I guess Draco has the
capacity to meet the need, current glycerin
needs as petitioned in the organic form that
it is now producing. And if -- the way I read
the petition, the petitioner felt pretty
strongly that -- and we have seen this with
other alternatives where, until the demand is
really there, it is hard to argue that the
supply is there, once the demand is
incentivized through this petition.
The question is, will the demand be able to -- will the supply be able to meet the demand? And if so, why would you want to compromise on the petition?

MR. WOLF: Well, there are several producers of organic glycerin. Draco is only one of those producers. Draco produces using fermentation methods. There are two basic certified organic procedures for producing glycerin. Fermentation is one of them. Saponification is the second.

And if in fact the surveys and the data about the volume of glycerin being used in organic products today is accurate, if today the switch was turned, then there would be a short. However, there is quite a long period of time from when this Board votes to when the actual rule is completed and changes. And so, I would leave it to the Board to judge the chain of events that is going to occur. But we were also supportive of, and helped to prepare the petition for organic lecithin
changes on the National List. And there are some similarities in terms of the process and the amount of time it takes to build supply. And there has not been a shortage or organic lecithin in the marketplace that caused any hardships.

The difference in this situation is that there is a technical difference between the lecithin situation and the glycerin situation. And that is that glycerin is a very common ingredient in natural flavors. Natural flavors is on the National List and is used very commonly in processed organic foods. And not all natural flavor producers are making organic or products specifically for the organic market.

So, we have a little bit of a complication there in the annotations that have been added to natural flavors on 605. And Draco is sensitive to that and wants the organic industry not to be upset or disrupted.

I think the problem could be
solved by simply using organic glycerin but I also know that that adds a layer of challenges throughout the supply chain. So, what Draco has taken the position of is that they don't want to disrupt many, many companies and processes. As I said, there are several producers of organic glycerin, all available to ramp up their production during the period from when this Board votes to when it is fully implemented on the National List.

MEMBER FELDMAN: Thank you.

CHAIR STONE: Thank you, Bill.

Harold?

MEMBER AUSTIN: Bill, during the public comments that we received back, there was also one other, along with the concerns that you have just stated and why you have come with a potential compromise, was also a couple of comments regarding the ability of some of those that are using glycerin to be able to continue with their food safety certifications. They have raised some issues
that possibly they might not be able to do that with the organic sources. Could you talk to us a little bit about that?

    MR. WOLF: It is interesting to raise that question. I am not convinced that that is a question within the framework of the Organic Foods Production Act, frankly. I think it is an important issue, generally, for the organic community to be compliant to all food safety regulations.

    In the case of Draco, they are certified by SGS, an internationally known inspection agency to both their HASA plans and GMP plans. They also hold Kosher certifications, as well as USDA organic and EU organic certifications.

    I can't speak to other producers but there are -- the complexities of food safety inspections have become much more challenging because many -- some of the larger food handling proceeding companies require that their own inspectors do additional
inspections. And not every company allows
that.

So, I am not privy to the ins and
outs of this issue but I gather it did come up
in some surveys about glycerin. But I am not
convinced that that really has anything to do
with the issue.

MEMBER AUSTIN: Thank you. And I
think it just -- my point being is when we
look at the ability of the organic community
and the handlers to be able to make that
transition, if we were to move forward with
this, that would be one of the things that
would be impacting them as well.

So, looking at our organic
stakeholders and the impacts that any decision
that we would have here, how that would affect
those stakeholders.

MR. WOLF: Well, this comes back
to a comment that Wolf DiMatteo and Associates
has been making every year or so for the last
ten years and that is that commercial
availability should apply to the entire list. If it did, then the issue of commercial availability would address a food safety glitch, meaning that if you couldn't get your product to meet your specifications and they were legitimate specifications, you could submit to the certifier information to show that it wasn't compliant to a food safety issue. And that does occur today in the marketplace. However, currently, commercial availability is not being applied to any other section of the list except 606. In terms of continuous improvement, that would be a major step forward, if in fact the entire list did have commercial availability applied to it. And that would solve the food safety question.

CHAIR STONE: Than you Bill.

MEMBER FELDMAN: Can I just ask, is there any -- do you see any legal impediment to doing that or is it just -- why hasn't that done been done, that follow through on your recommendation?
MR. WOLF: We have made that statement in the past but there is no real movement to change that. I don't know how we would do it. There is not a formal petition process for doing that. That is a framework rule change.

MEMBER FELDMAN: Okay, thank you.

CHAIR STONE: Thank you, Bill.

Thank you, very much. Anything else? Brian Keegan to the podium, Lindsey Fernandez-Salvador on deck.

Board members, I will let you know we are sufficiently doubled our time. We are going way over. I am considering that we go straight through. We may not take a break. Each of us can get up as we need to, pick the speakers, just to try to make up some time.

I am hesitant to not allow questions but we are running way over. So, thank you.

Brian?

MR. KEEGAN: Good morning. I am
Brian Keegan. I am a consumer, a grandfather, member of the Cornucopia Institute. And I am here today as a citizen lobbyist.

I volunteered to help present testimony because I am concerned about the recent efforts of the NOP to take away the independence and the rightful authority of the National Organic Standards Board. There are many examples of this takeover but I only have four minutes. So, today I will talk about the new NOP Sunset process. This issue is not on the agenda but it should be.

The NOP reversed the Sunset procedure without public involvement and without the consent of the NOSB. In the words of Congressman Patrick Leahy and Peter DeFazio in a letter to Agriculture Secretary Tom Vilsack, we are urging you to reverse this policy change. The OFPA is one of our proudest legislative accomplishments and we are extremely concerned by this significant and unwarranted policy change.
Many organizations have written eloquent comments in support of the Board's right to determine the Sunset policy. For example, Beyond Pesticides, Center for Food Safety, Consumers Union, Cornucopia Institute for food and water watch, Midwest Pesticide Action Center, National Organic Coalition, No Spray Zone, NOFA Interstate Council, Wild Farm Alliance.

Three former of the NOSB, Jim Riddle, Jeff Moyer, and Barry Flamm wrote to Secretary Vilsack to express their objections to reversal of the Sunset policy. They also mentioned additional concerns.

We are distressed by the apparent determination of the NOP management that they have the authority to micromanage the NOSB work plans and agendas. The disbanding of the NOSB's policy development subcommittee was again done in an arbitrary, unilateral, and disrespective manner by the management of the NOP with no public discussion or consultation.
Thank you to NOSB members for your work in keeping organics strong. I wish you success in your efforts to develop work plans that address vital issues, to have a policy subcommittee that responds to public input and to have a robust Sunset process.

Now, for my two cents in this, if I may. A long, long time ago in a faraway land, I worked and trusted in people that governed -- that were involved in governing America. Then, I was introduced to Agent Orange. Life has never been the same.

Since then, I have watched as the global oligarchs have become more visible and active. And over time, I felt we have lost our honor. And without our honor, all is lost.

I have seen the likes of Monsanto and its affiliates spread their tentacles of devastation around the planet with assistance by some in the global governments and private sectors. I am witnessing fascism and
plutocracy.

I hope that while you folks are sitting in these chairs for just a brief moment in history, that you will try to help bring back our honor. Do the right thing.

I wish you all a productive session while you are in San Antonio, good health to you and good health to your grandbabies.

That's all I have.

CHAIR STONE: Thank you very much, Brian. Thank you for taking the time to be here.

(Applause.)

CHAIR STONE: Lindsay Fernandez-Salvador to the podium and Gwendolyn Wyard on deck.

MS. FERNANDEZ-SALVADOR: Good morning, everybody. Mac, I am here to help catch you up on your schedule here. Okay? Because I am going to be real quick.

My name is Lindsay Fernandez-
Salvador. I work at OMRI. I am the technical director over there. I would like to start this morning by thanking the NOP and the NOSB for their service. And I think you guys are going a great job. I am going to talk about the vinasse and laminarin.

First for vinasse, OMRI supports the majority opinion. It is OMRI's opinion that vinasse is non-synthetic the way it is manufactured. We have approximately eight products on our list that contain vinasse. We also have other vinasse ingredients that we have prohibited because they contain synthetic additives that are not on the National List for that purpose.

We consider it non-synthetic because it is a substance created by quote unquote naturally-occurring biological processes. However, different sources of vinasse may contain synthetic additives that are otherwise not permitted on the National List and are not removed by the manufacturing
process.

We definitely agree with the suggested annotation to screen for high nitrogen fortification. This is one of the ingredients that OMRI regularly considers for analysis on nitrogen because it can be at risk for nitrogen fortification, just due to the wide variety of sources all over the globe.

For laminarin, OMRI's opinion is that raw laminarin, as described in the petition is non-synthetic. However, the attitude is need further review. For example, the leftover sodium sulfate produced during the pH adjustment is synthetic and should be evaluated as an inert, since laminarin is being petitioned as a pesticide.

We do note that the majority opinion says that sodium sulfate is present at insignificant levels. I do want to note that this will be the first time that the NOSB will suggest such a thing, since the new guidance document on classification of materials. And
while we don't have an opinion on whether that is significant or insignificant, we can say that currently OMRI would consider the sodium sulfate as part of the review and not ignore it or not review it.

So, please do realize that a precedent for quote unquote insignificant residues is being set with a majority opinion as written and to consider those part of your deliberation. Thank you.

CHAIR STONE: Thank you very much, Lindsay.

Jay.

MEMBER FELDMAN: Thank you, Lindsay. A couple questions. I am trying to understand. You said in your comments, I believe, that this would be the first time plant extract would not be identified as synthetic or that there other similar plant extracts that are subject to the same processing that are listed as synthetic. I am talking about laminarin now.
MS. FERNANDEZ-SALVADOR: No, we are talking about aquatic plant extracts that are typically extracted with alkaline materials that are used as plant soil amendments. And OMRI doesn't actually consider the extract itself to be synthetic. We consider the fact that the aquatic plant extract plus the extractant, the phosphoric acid or I'm sorry the alkaline materials are both present in the final product, as applied to the soil. And so that is why those aquatic plant extracts need to be on the National List or are on the National List because the synthetic, the alkaline material is still present.

MEMBER FELDMAN: Right. So, you don't see an analogy here with the synthetic material being present at a functional technical effect and, therefore, should be -- I'm not saying it shouldn't be listed. I'm saying it should be evaluated as a synthetic.

MS. FERNANDEZ-SALVADOR: I see
your analogy but I think for clarity purposes, it is better to consider the extract and the separate ingredients as separate pieces of a puzzle.

MEMBER FELDMAN: And one last comment. Sorry. As you know -- I didn't mean to cut you off. I apologize.

MS. FERNANDEZ-SALVADOR: Oh, that's fine, Jay. You're on the Board.

MEMBER FELDMAN: I am just trying to move this along. I know Mac gets upset with me.

This idea of being treated as an inert, my antenna go up really high because we are not evaluating inerts and EPA no longer has list 1, 2, 3, 4, 4(a), 4(b), even though they rely on the NOSB or the NOP to reference those lists that no longer exist and has been very patient with this program in waiting for the analysis to be done. This is another topic for another day.

But to reference inerts, at this
point, as a way of allowing an admittedly synthetic ingredient to add a functional and technical effect in the final material, don't you think creates a little bit of a distance here with our inability to evaluate inerts and, in addition, having held up numerous other alerts, waiting for an inerts policy like EDDS as a substitute for EDTA.

So, why would it be proper, at this point, for the Board to dismiss or allow this materials inert and, therefore, circumvent review of a synthetic when, in fact, we have held up other inerts that are EDDS in the same exact category. It is a list for inert and we have held it up, pending an inerts policy.

So, is there a little bit of a dissonance or discordant position there do you think or am I off base on that?

MS. FERNANDEZ-SALVADOR: Actually, I think the logical progression is to continue reviewing materials with the rule that we have
right now and then to go back into a final
sweep when we have made final rule on inerts,
in my opinion.

CHAIR STONE: Zea?

MEMBER SONNABEND: Thank you,
Lindsay.

I would just like you to briefly
comment on your written comment on sodium
carbonate peroxyhydrate and what is wrong with
the annotation.

MS. FERNANDEZ-SALVADOR: Yes, so
as part of my job, I get a lot of questions
about how to implement annotations for
substances on the National List. And
unfortunately, I don't have the annotation in
front of me but, basically, it says that
federal -- that the sodium carbonate
peroxyhydrate has to be used according to
federal laws. And it has two issues. One,
being that when you are in a foreign country,
what are those federal laws? What should you
be following? Should you be following the EPA
laws or should you be following the federal
laws that jurisdict over your country?

And then the second part is that
when you look at sodium carbonate
peroxyhydrate registration for the EPA, in
some cases it has been used as algae control
in irrigation systems and there is not going
to be any food uses on the label because you
are not going to be using that irrigation
water, necessarily with that ingredient as a
pesticide.

So, there is confusion around how
it is supposed to be implemented and we just
wanted to have the analysts discuss that at
some level and realizing that there is no
resolution to it. Just give us a bit of
guidance.

CHAIR STONE: Really?

MEMBER FELDMAN: She's the best --

CHAIR STONE: Go ahead.

MEMBER FELDMAN: -- and we need

her.
MS. FERNANDEZ-SALVADOR:  Thanks, Jay.

MEMBER FELDMAN: Yes, you know how I feel about you, Lindsay. If you could just inform the Board, just spend a little bit of time just explaining to us the difference between generic and formulated substances and the division of responsibilities between NOP, NOSB, and MROs into review organizations. And the kinds of problems we should be aware of and look out for or the Board should be aware of as we delve into this issue.

MS. FERNANDEZ-SALVADOR: Well, I can answer the first part of the question about what is the difference between generics and formulateds. I can't answer your second question. It is out of my purview. But the difference between generics and brand name products is the fact that there is raw ingredients that go into a formulated product so that the manufacturer
can market that product versus a generic material that is manufactured in a way that is then further formulated.

It is kind of complex but Blood Meal is both a brand name product and a generic material and it is when the manufacturer puts a brand on it and intentionally manufacturers it in a way that they intend for it to have some sort of marketable value.

And so generic materials will be formulated sometimes because in this world, they are manufactured in certain ways. They are not necessarily manufactured according to what we consider to be a singular generic material. And so, I think you are going to have to consider it on a case-by-case basis.

CHAIR STONE: Thank you, Lindsay, very much.

MS. FERNANDEZ-SALVADOR: Thank you.
podium and Allyson Kelly on deck.

MS. WYARD: All right, good morning. My name is Gwendolyn Wyard and I am the Regulatory Director of Organic Standards and Food Safety for the Organic Trade Association. I appreciate being here, having this opportunity. I realized as I was coming here that this is my 20th consecutive NOSB meeting. And I am not sure what to say about that other than thank you for your service and thank you for the job security. Hopefully, I can offer some perspective that I have gained over sitting through these meeting and particularly with materials.

I want to address an agenda topic today, glycerin. I am going to dive right in. I'm not sure how well you can see the screen. I need glasses.

So, I am going to try to tease out some of the issues with glycerin. First, I want to say we are really excited about the petition to remove glycerin. We are always in
support of a petition to remove the material. We would also like to see glycerin come off the national list, if there is an adequate supply of organic forms available.

Looking at this chart, the concerns that we do have, however, is the on-demand data that we have collected from our membership. In terms of the amount in the petition that the manufacturers are able to produce, our members are telling us that the demand is surpassing that by two to three times. So, that is a big issue is making sure we do in fact have the supply. And the other issue is the classification of materials. We have a draft out there that final is pending.

One of the reason that this is so important is that in the made with category, any non-agricultural needs to be on the National List and the 30 percent you are allowed to use non-organic agricultural ingredients but in the made with, the non-agriculturals have to be on the National List.
So, when the petition first came, I was contacted by several members saying well, if glycerin comes off the national list altogether, I wouldn't be allowed to use anything but the agricultural or the organic form in the made with category. The regulations do not require organic in the made with category. There is also no requirement to use organic in natural flavors.

If it were to come off the National List altogether, certifiers would need to be able to clearly make a classification decision to say to whoever is requesting its use, you can use the agricultural form only. But you can see here as I interviewed various certifiers, the form in the non-agricultural, it is either with the hydrolysis fats and oils, you can have the saponification, which would use sodium hydroxide or it can be used through steam splitting, a combination of pressure and temperature. Some certifiers do that as
agricultural.

The form that is being petitioned, which is the microbial fermentation of corn starch, that is analogous to citric acid. That is currently classified as non-agricultural.

So, we are not saying to keep glycerin on the National List to solve the classification problem but you might need to. And one of our suggestions is that you do keep it on the National List to classify.

And if you look at this next, in terms of what we are suggesting here, that if you were to keep it on the National List, you could clarify, because of the ambiguous nature of it, that non-organic agricultural forms could be used and made with the products, just to be clear, the pending guidance of those is something that we need to clarify this issue.

What I am trying to -- the point here is that the solution that OTA has brought up in our comments and I am happy to address
the suggestion that Bill Wolf just put on the


table, in terms of whether we would agree with


that compromise, if you want to ask questions


about that, but we are suggesting that you


retain glycerin on 605(b) and annotate it that


it may be used only when it is not available.


And I am happy to answer any


questions you have about this progression


going from its current status to the solution


that we are offering up. Thank you.


CHAIR STONE: Harold.


MEMBER AUSTIN: Good morning,


Gwen.


MS. WYARD: Good morning.


MEMBER AUSTIN: Could you go ahead


and finish your part about your compromise,


Bill Wolf's compromise that he just brought?


MS. WYARD: Sure. And I may need


to bring Bill up here, if I didn't completely


understand because I am just hearing it for


the first time but I will try to describe the


difference between what we are saying and what
Bill is saying. We are suggesting that glycerin be placed on the Agricultural List, which is 205.606, allowed non-organic agriculturals. That it would be placed there so that any agricultural form would need to be sourced as organic. It could only be used if it was commercially unavailable.

We are also requesting that glycerin be retained on the allowed non-agricultural synthetic list, which is 605(b). The annotation there again would be that you would be required to use organic, unless it is unavailable. We are also suggesting that it be clarified that non-organic agricultural forms could be used -- could be allowed in the made with category.

What Bill is suggesting is that it be placed on 606, the allowed non-organic agricultural list, so that it would be -- organic would be required, unless commercially unavailable. On 605(b), he is saying to restrict it only, so it would only be allowed
in natural flavors and would only be allowed
in made with products.

We would have to work through that
a little bit more. Any way you slice this, I
think that we do need to look at an
intermediate step. Because if you look at the
current status, right now we have got allowed
synthetic in organic products, made with
products, and natural flavors. If you take it
off the National List, you have got organic
being the only form that would be allowed when
we have commercial availability issues and it
would force organic forms potentially in
products that are not required, have no
requirement for organic.

The solution up here essentially
is that you are saying you can use non-organic
only when organic is commercially unavailable.
This would be a huge step in the right
direction. It also would provide a huge
incentive for natural flavors because right
now, if you take glycerin off the National
List, you couldn't use glycerin in natural
flavors. And I am positive that the natural
flavor manufacturers have not been brought
into this conversation, that there hasn't been
a close look at the supply as it relates to
natural flavors because this was a nuance that
really came up at the last minute.

What we are suggesting would
require natural flavor manufacturers to source
organic. So, it gets us going in the right
direction. This would be the first time that
for natural flavors they would be required to
use organic, unless it is commercially
unavailable. That is a huge step right there.
And it gets us going down the road because you
are going to be reviewing natural flavors for
the 2017 Sunset. So, it is a good step in the
right direction.

CHAIR STONE: John?

VICE CHAIR FOSTER: Thank you.

Thank you for that.

I was going to ask about the
natural flavor deal but I think you covered what I needed to cover. My question was have you looked at glycerin's use in personal care products and how the supply and demand of that is quite a bit different for food use. I know you know that. So, could you talk about that? Because that has not been part of the discourse so far.

MS. WYARD: Yes, I think the large majority of the glycerin is being used in personal care products. And I think that also will speak to Harold's question earlier about the food safety aspects is that most of the glycerin is being manufactured for personal products and they have completely different requirements when it comes to food safety than for food products.

Glycerin is being used in food products and I can't say compare one to the other but I do know that in certified, NOP-certified products, there is a significant amount of glycerin that is being used. But it
is the food products, the real difference in terms of looking at what is significant about personal care versus food is that a lot of the glycerin manufacturers, including the manufacturers that are making the organic glycerin would need to take on additional food safety inspections and certifications to meet the requirements that are being requested from the food companies.

CHAIR STONE: Carmela?

MEMBER BECK: Yes, you talked about -- can you hear me?

You talked about the pending classification guidance. And so can you tell us how the finalized guidance would support the solutions that you are proposing?

MS. WYARD: Sure. Thanks, Carmela.

It goes back to the question, the issue that I brought up with made with products, that the classification of a material determines what products something
can and cannot be allowed in.

So, if you had to make a decision, if a certifier had to figure out whether or not to allow the agricultural form or the non-agricultural form, they would need that final guidance to be able to clearly make that determination and also so that all certifiers are consistently making those decisions.

So, classification becomes a big part of this matter and it is coming soon but it is not out right now. Again, it is not a show stopper but it is a very important part of this.

You know we suggest that this is a really good example of something that needs further deliberation. The suggested changes that are in our comments, this is not something that should be made at this meeting, this would be a substantial change in going back to the clarification about substantial changes made to a proposal. This is something that I really encourage everybody to take a
closer look at, take some time and come up with a recommendation that will take into consideration all of these points that have been brought up today.

CHAIR STONE: Great. Thank you, Gwendolyn. Thanks very much.

Allyson Kelly to the podium and Romalda Allsup on deck.

MS. KELLY: Good morning. My name is Allyson Kelly. I am the Senior Program Manager for Organic Compliance with the Hain Celestial Group. We wish to offer comments on the notification of Sunset process and the Sound and Sensible Initiative.

On November 16, 2013, AMS posted a Federal Register notice clarifying the process for reviewing materials that are up for Sunset review. The process allows increased opportunities for public comment over two NOSB meetings.

To remove the materials from the National List during Sunset review, a decisive
two-thirds vote of the Board is required. This is consistent with OFPA and the two-
thirds vote that is required to add a material to the list.

The previous Sunset clauses allowed just two-fifths of the NOSB members to essentially vote a material off the list after it was already scrutinized to be safe and necessary for organic production or handling by two-thirds of the Board. This old process amounts of a tyranny of the minority and is inconsistent with our democratic system of government.

We have heard that this revised process will make it extremely difficult to make changes to the National List but I do not believe this is accurate. Two-thirds of the Board has voted to change the listing of pectin and to require organic forms of lecithin, yeast, and silicon dioxide, when commercially available.

We are confident that substances
that are no longer appropriate to organic systems will be removable through this voting requirement. We want to express our support for this clarified sunset review process.

We would also like to again express our support for the Sound and Sensible Certification Initiative. As Miles has stated, certifying agents must ensure organic integrity, while setting sensible limits on paperwork. We could not agree more.

I am required to maintain and renew annually the organic certifications for more than 20 manufacturing facilities and three corporate handler certificates. When the manufacturing facilities have their annual inspections, we are required to print out massive amounts of paperwork. Inspectors scrutinize the facility, and every ingredient and every formula, and every label. Then when we have our corporate audits, some inspectors asked for the same information on ingredients and formulas that are used in manufacturing...
facilities that were already inspected. This is redundant and totally unnecessary.

We also have the problem that some ACAs do not honor the certification decisions of other ACAs. If products of a manufacturing facility have been certified by an NOP-approved ACA but the label on the product lists a different ACA, the label ACA should respect that the product has already been certified. They should not require the product formulas and the documentation for the ingredients. This duplication is a huge waste of time because the products have already been certified. These duplications do not ensure organic integrity but they do ensure frustration and waste.

Since not all companies are certified by the same accredited certifying agency, these ACAs must trust that other ACAs are doing their due diligence, especially with regards to documentation review and certification. It is important that we all
stay close to the practices that form the foundation of organic.

We wish to thank the NOSB for their service. We also want to thank Miles McEvoy and the dedicated staff at NOP for all of their hard work and efforts to support organic foods in the United States. Thank you.

CHAIR STONE: Thank you, Allyson.

Questions? Jay.

MEMBER FELDMAN: And I would like to thank Hain for its leadership in growing organic label and the organic market.

I would really urge the company, however, to re-read democratic principles that govern democracy in the United States, which protects against the tyranny of the majority. And that is why we have the two-thirds decisive vote. That is why Robert's Rules of Order has a two-thirds vote to cut off debate. That is why we protect the minority in this country.
So, my question is, have you looked at --

CHAIR STONE: Jay, is there is a question in there?

MEMBER FELDMAN: Yes. Have you looked at the implication that this --

MEMBER RICHARDSON: Point of order. Mr. Chair, point of order.

MEMBER FELDMAN: I'm asking a question. Have you looked at --

MEMBER RICHARDSON: Point of order, Mr. Chair. I would like to request, Mr. Chair, that you direct Mr. Feldman to try not to lecture the audience or the listening --

(Applause.)

CHAIR STONE: Jay, if you could --

MEMBER FELDMAN: Thank you. Is Hain worried about alienating organic consumers who are concerned that their views are being discounted in the Sunset process?

MS. KELLY: Well, Jay, this is an
issue that is really close to my heart.

I work for Hain because I believe in organic. As somebody that is recently married and considering soon becoming a mother, I am extremely concerned with the future of organic. And I think Hain is doing everything it can to support that. The organic program is never going to grow, unless we allow a little bit of change.

I am confident that the change to the Sunset review process, as I said, would still allow materials to come off of the list as they see fit. I don't think that things are going to remain on the list in perpetuity, as I have heard said over the past couple of meetings.

I know that there is a vision of Hain as this big corporate, and I am the organic program. I do the -- the entire program is mine by myself. I don't consider myself big nor corporate. I am really trying to do the right thing by organic because I do
believe in it. It is something that I am
master of control of over at Hain and it is
very important to me.

MEMBER FELDMAN: Thank you.

CHAIR STONE: Thank you, Allyson.

MS. KELLY: Thank you.

CHAIR STONE: Romalda Allsup and

Cindy Elder on deck.

Welcome.

MS. ALLSUP: Hi. My name is
Romalda Allsup. I am a retailer from Austin,
Texas. As a member of the Cornucopia
Institute, I am here to lobby and to present
testimony because I want to ensure the future
integrity of organic food.

I think future generations are
counting on us to improve in strength and
organic standards. Organic farmers worked in
pursuit of better methods and add to the
science of food production. They deserve our
support.

For the consumer, a credible
organic label can only exist when there are
strong, verifiable standards in place. Food
production needs to be honest and transparent.

There is a question coming up
about the aquaculture materials that the
National Organic Program is requesting review
of the aquaculture materials before they have
published the aquaculture standards. It is
placing pressure on the National Organic
Standards Board to approve aquaculture
materials prior to creating an overall
standard. And that looks like it is putting
the cart before the horse.

Organic agriculture response to
site-specific conditions and promotes
ecological balance. The raising of aquatic
plants is fundamentally different from the
raising of terrestrial crops. That is
essential to take these differences into
account, considering both the regulations and
any possible additions of synthetic materials
to the National List.
The fact that organic regulations have not yet been developed and approved by both the NOSB and the NOP indicates these differences have not been fully resolved.

So, specifically for aquatic plants, the following petition materials must be rejected: chlorine, lignin sulfonate, carbon dioxide, vitamins, and micronutrients. The main reason these materials must be rejected is because there are no organic aquaculture standards by which to judge the use of these materials. None of these materials have technical reports for aquatic use.

Carbon dioxide is presently used as a processing agent in food manufacturing but in a completely different way than it would be used in water. Chlorine has been around to sterilize in some situations where it can be washed off. But if it is put into the water, it can't be taken out.

Lignin sulfonate has been fully
rejected by the Livestock Subcommittee. There is lots to be said about that stuff.

Micronutrients and vitamins cannot be verified by the label produced because they use proprietary processes. So, we don't know what is in them. There is clearly not enough evidence or information on any of these materials to understand their potential impacts. There is also no designation if they will be used in open-water culture systems or closed ones. The world's oceans and waterways are in crisis. Ocean acidification is happening with rising CO2 levels, placing the entire food web at risk.

We have times where supporting leading to massive fish die-offs and food poisoning in humans. Trash and nutrient pollution is rampant. Sixty percent of coastal rivers and bays in the U.S. have moderate to severe nutrient pollution. It is truly frightening to consider that organics might embrace an aquaculture model that
contributes to the further peril of our oceans, waterways, and wild aquatic organism.

Therefore, please reject all aquaculture provisions or, at the least, limiting them to include a five-year Sunset date.

Thank you for allowing me to present testimony. If you have questions about this, I encourage you to speak to one of the Cornucopia staff members present at this meeting or, at your option, call them if they are experts if you have questions that need to be answered.

Thank you.

CHAIR STONE: Thank you for your time.

Cindy Elder to the podium and Kim Miller on deck.

MS. ELDER: Good morning. I am Cindy Elder, Inspector Services Coordinator and Reviewer at Organic Crop Improvement Association. I am presenting this on behalf
of our Board of Directors and membership.

We are a producer, processor, and handler members of the Organic Crop Improvement Association International. OCIA functions in the United States as a network of chapter and direct members and as a USDA National Organic Program Accredited Certification Agency that provides certification services to more than 9,000 people in North, Central, and South America and Asia. Our comments on the National Organic Standards Board in Spring 2014 meeting follow.

OCIA thanks the NOSB for its efforts to maintain organic integrity. However, OCIA is concerned about the lack of published standards for hydroponics, aquaculture, retailers, and seed growers. As a certifier, we need clear standards to certify operations. Consumers expect organic products to be free of genetically engineered
organisms. Organic producers are seed savers. Organics integrity would diminish if seed is contaminated with transgenic traits and then saved.

Retailers are a gap in the audit trail. We agree with the Cornucopia Institute's comments to the NOSB that quote, consumers expect the organic label to name the final holder of the product, as well as the name of the handler's certification agency.

Stakeholders who initially developed the Organic Foods Production Act assumed that an audit trail would be available to track products and ingredients back to the original producers. The broad question to be addressed is what procedures must be in place to ensure that consumer expectations are met in terms of trust in the organic labeling and retail process, end quote.

Additionally, OCIA agrees with all of the Cornucopia's comments on research priorities. We specifically urge the NOSB to
continue research on the unwanted presence of genetically engineered organisms and organics. Consumers expect organic products to be transgene free. OCIA members are concerned about transgenic trespass because organic producers are seed savers and organics integrity starts with seed. The NOP has guidance on pesticide residue testing but certifiers need further guidance on testing for presence of genetically engineered organisms.

Organic farmers should be able to save seed without risking the spread of genetic contamination. There is a lack of effort on the part of non-organic operators to prevent contamination. Non-organic producers should not solely be responsible for uncontrollable pollen drift onto neighboring organic fields. Seed developers of the genetically engineered crops need to take responsibility for genetic contamination.

We recognize that seed purity can
extend beyond the authority of the NOSB but we
corrected continued discussion on this topic,
especially with organic seed producers.

CHAIR STONE: Thank you very much.
MS. ELDER: Thank you.
CHAIR STONE: Jean?
MEMBER RICHARDSON: Just one quick
question. You mentioned your desire to make
sure there is no -- your work to keep GMO out
of the food chain. Do you certify livestock
as well?

MS. ELDER: Yes, we do.

MEMBER RICHARDSON: When you
certify livestock, do you ask the livestock
producers to verify that the vaccines that
they are using are non-GMO?

MS. ELDER: I would need to refer
that question to our livestock staff and
provide you an answer at a later time.

MEMBER RICHARDSON: Great. I
would really appreciate an answer.

MS. ELDER: Okay.
MEMBER RICHARDSON: Thank you very much.

CHAIR STONE: Great. Thank you, Cindy. Tim Miller to the podium and Steve Walker on deck.

MR. MILLER: My name is Tim Miller. I am in my 25th year of following the rules of being a five-acre certified organic grower who uses only rainwater for production. Recently the State of Texas has proposed a five-lane highway within 200 feet of my farm. No standards exist regulating vehicle emissions in soil and rainwater. Will I be polluted out of business?

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

The NOP should not request review of aquaculture materials when they have not published the aquaculture standards. It is
unsettling that the NOP is placing pressure on
the NOSB to approve aquaculture materials
prior to creating an overall standard. I want
to highlight a couple of powerful comments
sent to the NOSB on aquaculture from John
Botterich of Cannon Beach, Oregon.

My family and I have been
commercial salmon fishermen for decades. My
four sons have fished with me since they were
little and have employed healthy work and a
good living, especially since wild salmon
prices have recovered from the impact on the
market of cheap farmed fish.

Now, I understand the aquaculture
industry is asking for consumers from the USDA
to swallow that in an attempt to increase its
appeal to concerned consumers farmed fish can
be labeled organic. For the sake of the
American consumer, we hope that the USDA won't
cave into the aquaculture industry's special
interest. Organic should mean something
incorruptible about the quality of our food.
Farmed fish feedlots damage marine ecosystems and harm wild fish populations. Disease, parasites, pollution, escapees, all threaten the wild fish that live in the proximity, even briefly, to industrial fish pens. The aquaculture industry's efforts to address these problems with vaccines, antibiotics, synthetic feed, chlorine, will invite mockery of the term organic if it labels farmed fish.

From Bernell Waltz of Bellingham Washington: Organic standards require animals to exhibit their natural behavior. Wild salmon and other fish swim for lifetimes traveling hundreds of miles and confining this fish is a direct violation of the core organic principles.

Marine fish farms replicate some of the worst practices of a confined animal feedlot operations known as CAFOs, which would never receive organic certification, or at least they shouldn't, impact so largely under the waterline and out of sight so the fish
farm industry has escaped scrutiny that would have closed down comparably dirty land-based operations. Marine net pens allow excess feed, pathogens, parasites, and voluminous amounts of pollution to flush into the surrounding waters putting other aquatic species at risk.

Farmed fish escape, competing with wild fish, for wild species, for food and habitat. More than 600,000 non-native Atlantic salmon escaped from net pens into Washington State waters in four years alone. Millions of farmed fish escaped worldwide, he concludes.

I ask you that you please reject all aquaculture proposals or, at the very least, amend them to include a five-year Sunset date.

Thank you for allowing me to present testimony. If you have questions about this testimony, I encourage you to speak with one of the Cornucopia staff members
present at this meeting.

CHAIR STONE: Thank you, Tim.

MR. MILLER: Thank you.

CHAIR STONE: Steve Walker to the podium. Allen Lewis on deck.

MR. WALKER: Hi, I'm Steve Walker and I am the processing and compliance manager with MOSA. We certify about 1600 operations, mostly in the upper Midwest. We submitted a handful of written comments last fall and a recently revised comment on retail certification.

But here, I want to talk about something a bit different, kind of a personal story that speaks to themes of the past couple of days and to balance.

At the San Diego Accredited Certifiers Association Training a couple months' ago, the NOP stated that organic promotion is not the certifier's role. Now, to be fair, I can't quite frame the context of that statement but I do know it raised my
dander. I thought, wait a minute, that is why I do this work. And we just rewrote MOSA's mission statement, which now says we promote organic integrity through practical, reliable, and friendly certification services.

Now, I understand the boundaries we need to maintain as certifiers. We have to enforce the regulations consistently and with some detachment. But I also truly believe that I am from the government and I am here to help. I help by trying to make oversight practical, as well as sound, and promoting the human values that this industry was founded upon.

In my 50 years, when I found good news, I have learned to share it. I think that for most of us, it is this organic good life that brings us here. We want to promote that.

My organic roots probably link back to a sort of voluntary simplicity taught by my mother. I also have somewhat of an
aversion to boxes. After college, I took the road less traveled. In my late 20s, I found myself trying run a backyard homestead and found a good life. Many here are probably familiar with the influential 1950s book on homesteading, Living the Good Life: How to Live Simply and Sanely in a Troubled World by Helen and Scott Nearing.

The Nearings left the city with goals of economic independence, not tied to the commodity and labor markets, well-being, where contact with the earth and homegrown, organic food would play a large part, and with social and ethical ideals to avoid exploitation of planète insolite, they wrote: "The good life is more than a yearning for the good, the beautiful, the true. It includes decision, will, determination, and effort."

And so I find myself today struggling to promote this organic good life amidst sometimes divisive and damaging rhetoric. La dolce vita is an Italian term
for the good life, the sweet life filled with abundance, drink, a culture of good food. We all know it. We get to hang with enlightened people in nice places like San Diego, and San Antonio, and Viroqua, Wisconsin. We eat proud salads and stinky cheese and know the sweet smell of healthy soil. La dolce vita is good news worth sharing.

But "La Dolce Vita" is also a 1960 Fellini films, which was really a study of decay and world evolution of modern culture. Sometimes when we have too much of a good thing, we have challenges of balance and respect.

Which brings me back to the constant balancing act of maintaining the organic standards. The Nearings warned keep out of the system's clutches and you have a chance of subsistence, even if the oligarchs disapprove of what you think and say and do. Accept the system with its implications and ramifications and you become a helpless cog in
an impersonal machine operated to make rich
men richer and powerful men more powerful.
This organic dolce vita is a desperately
needed alternative for our troubled world. It
requires balance. It is not easy work. We
can't turn a blind eye to the challenges but
we must promote what is good. We have a lot
of good life stories to tell and organic
operators urgently need organic consumers to
hear more of our good news.

(Applause.)

CHAIR STONE: Thank you, Steve.

Well done.

Allen Lewis to the podium and Ib

Hagsten on deck.

MR. LEWIS: Hi, Allen Lewis. I am
here today as a private citizen. I do manage
75 retail handling certificates, including --
plus 110,000 square foot food processing
facility that is certified organic.

I have a higher level comment
today that comes in three parts and a
conclusion. I am going to wing this and get through it quickly.

First is herding hippies. This is what I described to our investor community when we are talking about people who have worked in organic food and seeing this community grow up over 30 years and then say, oh, by the way, SEC compliance. Let me tell you what that means.

But let's look at our community here and how we describe it. Collaboration, consensus, collective thought, citizen constituency, compromise, constant change, and chaos and confusion because ultimately, we have an organization chart. We all report to ourselves and to each other in this very flat web of connections.

Each of us is pursuing our economic and philosophical desires but we have agreed that we will not damage the collective well-being at the whole at the same time.

Observation number two, let's talk
about government bureaucracy. Here are some new words, hierarchies, rules, procedures, rank, reporting, charts, authority, fealty, status, compliance, titles, order, regulations.

And to greatly oversimplify, it is the job of a government and a bureaucracy in particular to impose order, eliminate unexpected outcomes, and quell or at least manage dissent.

So, observation number three, nobody is surprised that the USDA, as a bureaucracy, is utterly terrified of the organic community as a chaotic collaborative environment. But let's be honest and open. These are not opposites. These are different cultures.

Finally, I understand, again, why the USDA is afraid of Sunset and that is what my comment is about. The Sunset process that the drafters of the original Organic Foods Production Act envisioned understood these two
different cultures, understood the great mass
collaborative chaos of a collective culture
over here and they put the NOSB in place to
literally translate the language and the
desires, the consensus here into proposals and
verbiage that the bureaucracy could
understand, take up, and act on in the way
that it does.

But Deputy Administrator, the
organic community needs the Sunset process the
way it was written because the people who
drafted that understood that with a community
and a culture like this, we had to be brought
together every year and forced to reach a new
consensus; force the outliers to acknowledge
the common good; force new ideas to come in
through that collaborative process; and then
filter it through the NOSB and drop it off in
the NOP's lap.

I understand that the original
Sunset process is frightening and chaotic and
uncontrolled against every value that a
regulatory culture has but I would ask the
USDA to understand that it is critical to our
community to go through this complicated ugly
process in order to do the job that we need to
do.

Thank you.

(Applause.)

CHAIR STONE: Thank you, Allen.

Ib Hagsten to the podium and

Margot Mastroud on deck.

DR. HAGSTEN: Good morning. My
name is Dr. Ib Hagsten, an independent,
accredited organic inspector, serving a third
term as Chair of IOIA, the International
Organic Inspectors Association.

Ladies and gentlemen,
distinguished members of the NOSB and
dedicated staff of the NOP, thank you for the
opportunity to elaborate on the issues of
interest to the organic inspectors.

IOIA has appreciated the
opportunity to work with NOP leadership, NOSB
representatives, and working group members of
the ACA of the NOSB's Sound and Sensible
Initiative discussion document.

There were three issues that we at
IOIA believed strongly needed to be improved
and streamlined for the benefit of the
consumer, the certifier, the NOP, and the
organic inspectors who are the only eyes,
ears, and noses on the ground in the Program.

Firstly, that the NOP auditors had
to learn to sing from the same page because in
the past, the certifiers seemed to be sitting
on pins and needles wondering how the next NOP
auditor would interpret their paperwork.

I was encouraged to hear from
Miles McEvoy last summer that the week-long
auditor training had been very successful. My
certifier survey indicates that the NOP
auditors were singing off the same page and
were organic in knowledge in the recent
season.

Secondly, we inspectors saw out on
the farm the discrepancies between the organic
system plan and the observed practices. We
could fix it or not. Most likely, the
discrepancy is an improved farming practice,
yet it is not identical to the NOSP -- to the
OSP.

So, what do we do? Do we
cомpliment the farmer? Do we have the farmer
make the change? Or do we, the inspector,
make the change and then inform certifier?

Our industry is pleased to see the
NOP directive that helped streamline this
sticky issue. Each certifier I work with has
developed a policy that makes it clear to the
farmer, to the inspector, and to the
reviewers, what is expected.

This is another example of where
an organic integrity issue concerned most
advantaged to a simple yet helpful NOP
directive.

And lastly, at the end of the
inspection, we are required to complete an
exit interview with the farmer that one,
informs the certifier of observed non-
compliances and changes in the OSP.

Two, informs the farmer of our
findings and assures comprehension of the
issue. And three, allows the inspector to
comment on things done well.

I witnessed exit interview forms
from a blank piece of paper to a detailed
form. However, I am encouraged to report that
your workshops and conference calls initiated
by the ACA two improvements have already
occurred. One, each certifier has done a
better job during the 2014 training of
communicating their expectations from the exit
interview and several of them have updated the
exit interview form.

The exit interview form should be
the capstone of the on farm inspection and
serve as a guidance document for the review.
Thanks to the cooperation among the certifiers
and with the IOIA in the dialogue, I am
pleased to report that visibly improved exit
interview process that makes the expectations
more simple and more sensible for all parties.
We are encouraged to see the focus on
inspector qualifications during the last year.
However, IOIA has noted the lack of
commensurate emphasis on improved and uniform
review of training and qualifications. And
that would be the next area for focus, in our
opinion.

In summary, IOIA thanks Mac and
others for initiating the dialogue prior to
the Portland meeting, where all parties were
represented. It has been rewarding to note
the improvements to the Sound and Sensible
process related to inspectors and inspections
that already have been implemented. And we
commend the responsiveness of both the NOP and
the certifiers.

Thank you.

CHAIR STONE: Thank you, Ib and
thank you for your work on helping us decide
what is sound and sensible and getting it out on the ground. As you said, the inspectors are the face of organic to many people.

Is there any questions? All right, thank you very much.

DR. HAGSTEN: Thank you.

CHAIR STONE: Thank you for being here.

Margot Mastroud to the podium and Amanda Love on deck. Margot?

MS. MASTROUD: Good morning. My name is Margot Mastroud and I am a mother. I am a wife. I am a small business owner. I am a very concerned citizen. And I am here as a member of the Cornucopia Institute. I am here today as a citizen lobbyist.

I have volunteered to help present testimony because, as a mother and a wife, it is my honor and my duty to protect my family and to ensure that the organic food that I am feeding them keeps the integrity.

Today, I will talk about two
materials petitioned for crop production, vinasse and laminarin. Vinasse is a byproduct of conventional molasses processing, which itself is derived from sugar manufacturing. The raw materials, sugar cane and sugar beets are agricultural but many synthetic chemicals are added in these processes. Vinasse contains all of these chemicals, plus the yeast added in fermentation. The sugar beets and the yeast are likely genetically modified. Some vinasse is produced through natural processes. But other vinasse results from the industrial process that would classify it as synthetic.

We ask the Crops Subcommittee classify the appropriate forms of vinasse as synthetic. The proposal from the Crops Subcommittee to address this issue by amending NOP's draft guidance, known as NOP 5033 and 5034 should be rejected for two reasons. First, this is draft guidance. It has not been implemented.
Second, being guidance, it was written by the NOP and thus, it is subject to change by the NOP at any time without further input from the NOSB or the public.

Laminarin is used to boost plant defense against disease. Laminarin is derived from a natural product, a seaweed. So, it might appear to be natural. However, it was derived through an extraction process, using synthetic materials, including sulfuric acid and sodium hydroxide. The chemicals are not removed from laminarin. Therefore, the final extracted product must be considered synthetic.

The final product to be used by farmers must be reviewed by the entire NOSB to determine if it is compatible with organic production.

The Cornucopia Institute is concerned about the process used to decide whether a material is synthetic or non-synthetic. We understand that the NOP
reviewed laminarin before the volunteer NOSB had a chance to review it. We would like to remind everyone that consumers trust the members of the NOSB to make decisions without the influence of the government. The NOSB has developed criteria on classifications of materials and the NOP should adopt and follow the criteria that the NOSB has already developed.

If you have questions about this testimony, I encourage you to speak with one of the Cornucopia staff members present at the meeting or, at your option, you can call one of the expert staff up to the microphone right now to answer your inquiries.

Thank you for your time.

(Applause.)

CHAIR STONE: Thank you, Margot.

Amanda Love to the podium and Gerald Davis on deck.

MS. LOVE: Hello. My name is Amanda Love. I am also known as The Barefoot
Cook. I live in Austin, Texas. I am a professional natural food chef. I cook with all organic natural food, nutrient-rich food. Also I have been a nutritionist for many years and I am a Board Member of the Cornucopia Institute.

I am here today on behalf of the Cornucopia Board to express our concern about recent NOP unilateral actions taken without the customary respect for NOSB members and the public.

The organic industry was built with grassroots support. The NOSB was established by Congress with a diversity of organic stakeholders to gather public input on materials and policies.

The NOSB has always had wide support in the organic community. From 2002 to 2012, the Policy and Procedures Manual, PPM, was developed by the NOSB with all revisions open to public comment. The transparent process helped citizens support
and trust the organic label.

That trust was wounded this past fall when the NOP unilaterally reversed the established Sunset process and undermined the independence of the Board. When public interest groups objected, the NOP simply decided that they would disband the policy subcommittee and implement the new edicts, despite objections from many organic stakeholders.

Cornucopia Board Member Barry Flamm, immediate past NOSB Chair and former Chair of the Policy Subcommittee stated, quote, throwing out the PPM is destroying decades of work with public involvement and makes the NOSB practically worthless, end quote.

It is the responsibility of the NOSB, not the NOP to determine Sunset review procedures. Mark Kastel submitted to you a letter signed by former NOSB Chair Barry Flamm and addressed to USDA Secretary Vilsack. The
letter is also signed by former NOSB Chairman
Jim Riddle and Jeff Moyer. I trust you
respect these gentlemen as much as I do and I
hope the Secretary takes their concerns to
heart.

Under OFPA, the NOSB provides
advice on all aspects of organic regulations.
We believe they are legally able to set their
own work plan with priorities important to the
organic community. Cornucopia Board Members
have long been concerned about USDA's failure
to act on priority issues, including EPA list
for inerts, aquaculture standards, hydroponic
standards, origin of livestock and others.

And the law requires the Secretary
to set up a peer review panel for
accreditation. Where is that panel? The law
provides for the NOSB, not the NOP, to select
contractors to perform technical reviews.
Many of the current and past reviews are of
substandard quality and exhibit tremendous
bias and now the reviewers' identities are top
secret.

And I know this would be a game changer but the law gives the NOSB, not the USDA Secretary, the power and authority to hire the director of the NOP, Mr. McEvoy's position, if, as the law requires, the chief honcho at the NOP served at the pleasure of the Board, the entire program would become more accountable to the public.

Thank you to NOSB members for your hard work.

(Applause.)

CHAIR STONE: Thank you very much. Gerald Davis to the podium and Terry Gong on deck.


Grimmway Cal-Organic Farms is a California-based organic farm producing organic vegetables. Cal-Organic Farms began
in 1984 and became a part of Grimmway in 2001. Since I started with the farm in 1993, it has grown from 1,200 acres to 34,000 acres of certified organic. We are still a privately-owned LLC held by the Grimm family and we grow, pack, and ship most everything that we market.

One aspect of the fact that Grimmway Cal-Organic is a family-owned farm is that we operate our farm with practices that foster the improvement of long-term soil health. Every year, we grow thousands of acres of green manure crops and incorporate them back into the soil, along with natural rock minerals. Cal-Organic is now reaping the long-term benefits of those practices.

But we are here today to support a very important soil health topic that concerns this board. Like many farms in the western U.S., we own land that is alkaline in nature with irrigation water sources that tend to keep it that way without proper amendments.
Previously, we relied on elemental sulfur applied to the soil, which was not very effective in lowering soil pH. This process was always hindered by the previously mentioned alkaline water supplies that tend to have high bicarbonate content. This bicarbonate in the water would convert to limestone when contacted our soils, which were already high in pH, making limestone addition an undesirable practice. We now own and operate 15 sulfur-burning machines that treat these type of water supplies with sulfurous acid, which effectively and safely dissolves the bicarbonate in the water, neutralizing it from becoming limestone. For a typical situation with our water supplies, we would be applying 500 to 600 pounds of limestone to every crop every year. This is detrimental, in our case.

In my written comments I provided soil test data showing the benefits we have seen from the use of our sulfur burners.
These benefits include lower soil pH, declining limestone percentage, improved sodium balances in the soil. We try to be strategic on which areas we use the 15 sulfur burners we have at an average cost of $25,000 per unit and we do not intend to buy any more than necessary. The end result of using sulfurous acid is the sulfate ion. When we used to sulfur, soil sulfur, we had a lot higher sulfate ion excesses. We don't have that problem anymore.

My last comment. We would never purposely apply sulfate to our western soils because it is contained in many other things that we use like gypsum and potassium sulfate. So sulfur burners would never be used in western soils for a sulfate ion source.

Sulfurous acid is a very specific tool. It is very helpful to area region growers. It is not for everyone. It is not a nutrient supplier. It is a water treatment method that increases the sustainability of
area region agriculture very simply and

effectively in a way that mimics what comes

from rainfall that is mildly acidic already

due to global volcanism.

If you have any questions --

CHAIR STONE: Thank you, sir.

Questions? Zea?

MEMBER SONNABEND: Of the crop mix

that you grow vegetables, are some crops

benefitting more by it and which crops would

you tend to grow in the fields that you were

able to treat the water with?

MR. DAVIS: It is beneficial to

the blueberries that we grow, although it is

a small acreage crop that we have but it is

beneficial to that. It is beneficial to many

of the crops that we grow. Specifically, we

address the water supplies that are high in

bicarbonate because those are detrimental to

all our crops in varying degrees.

CHAIR STONE: Okay, thank you, sir. Thank you for being here.
CHAIR STONE: Terry Gong to the podium and Andy Hudson on deck.

MR. GONG: Okay, my name is Terry Gong. I am with Harmon Systems, International. I am the original petitioner for the on-site generation of sulfurous acid for organic crop production and I am here to obviously urge that this material be continued on the approved materials list.

Okay. I am going to go -- I have a bunch of slides here but I am going to go through them very quickly. I just need about, well, hopefully, four minutes to do it all but I have some additional slides if there is any questions that it might help serve answering.

Okay, volcanism, nature's natural source of SO2. If you look at volcanism, when the oxidation of sulfur into SO2 combined with water, it forms HOSO3, which splits apart immediately the hydrogen from the water and creates bisulfate. But bisulfate is an
interesting component because it feeds and
reenergize chemoheterotrophic bacterias. In
that process, it then causes the bisulfite to
render its free remaining hydrogen and then
turns to sulfate.

So, in that regard, the bisulfite
isn't -- when we amend the water, we are not
delivering a synthetic plant nutrient, as
claimed by those who want to remove the
sulfurous acid from the approved materials
list. This is a microbial conversion of the
bisulfate derived from the sulfurous acid into
sulfate. It is quite natural.

Okay, if we look at volcanism
again, we see that -- I know it is hard for
the audience to see this but rainwater pH
throughout the world is 5.6. It is not
neutral. And this is, the chart there is
basically from the EPA website and it shows
5.6. Acid rain starts when it is below 5.6.

And also the other chart there
showing, I have a circle around it, where we
are showing the comparison of ocean water alkalinity. There is some confusion or mystification in the scientific community about why the oceans may appear that they are acidifying. I contend that because 73 percent of the earth is covered by water and less than five percent of the ocean floor has been mapped, the mapping that we have found so far that there are millions of active volcanos underneath the ocean greater gradation and intensity than anything going on on the surface because the pH have been found in close proximity 1.0 pH and teaming with chemoheterotrophic bacteria organisms.

So, to continue, if volcanism ceased on this planet, we could go by the way of Mars, which we have never observed any volcanism and that is why we see what is hydrological activity and salt carbonates on that planet surface.

Now, with respect to rain, if rainwater is 5.6 and it falls heavily like
let's say the Eastern Seaboard, 80 to 90 inches of rainfall, the soils are going to be acidic. The western soils, we don't receive that much rainfall. That is why our soils are still basic.

Now, with respect to acid rain, the problem with that is we are doing most of our coal burning in a region where the soils, the ecosystem have already lost their natural buffering capability. And so that is why it would be a problem.

The driver of these ecosystems? It is the free hydrogen proton and the bisulfate.

Wow. Okay, thank you.

CHAIR STONE: Do you teach it somewhere where we could take your class and learn some more?

(Laughter.)

MR. GONG: I am happy to give presentations to any organization that would be happy to listen. Tomorrow I am going to be
speaking to the Wastewater Treatment
Conference in California.

CHAIR STONE: Thank you for being
here sharing that with us. Questions?
Jean.

MEMBER RICHARDSON: Do you have a
copy of your presentation in a hard paper
version or could you email it to Ms.
Arsenault?

MR. GONG: Yes, she already has a
PDF copy of it.

MEMBER RICHARDSON: Thank you.

CHAIR STONE: Yes, thanks for
asking that, Jean. Very good. Thank you for
your time for being here.

And I think we are just going to
keep running through to try to get caught up
a little bit before lunch. So, you should
take a break, kind of look and --

So, I have got Andy Hudson to the
podium and Dragan Macura on deck.

DR. HUDSON: Good morning. I am
Dr. Andy Hudson, Senior Research Scientist at Westbridge Agricultural Products. First, Westbridge would like to thank the NOSB for the opportunity to discuss issues related to the proposed extension of streptomycin.

Westbridge introduced an organic BioControl, Blossom Protect for the control of fire blight, upon receiving EPA registration in 2012. This was followed by California registration in 2013. Prior to the EPA registration, there were four years of university trials from 2008 to 2011 in which Blossom Protect showed consistent, reliable control.

Westbridge would like to make clear that it is not taking a position on extending the deadline for streptomycin use in organic orchards. We believe there are compelling arguments by proponents for both sides and we trust that the decision will be made in the best interest of the organic community. However, there are several
organically-approved options for fire blight control. Blossom Protect is one of the most efficacious materials in combatting fire blight, whether used as a stand-alone application or as part of an integrated pest management program.

Blossom Protect was first developed and introduced in Europe. The active ingredients are two proprietary strains of a yeast-like fungus named Aureobasidium pullulans, a naturally occurring epiphyte found in hung fruit orchards. It is safe for bees and beneficial insects.

Blossom Protect is a preventative biocontrol product, which requires full applications prior to the first infection. Blossom Protect is always used in combination with Buffer Protect.

In over six years of testing in inoculated trials in the Pacific Northwest on pome fruit, Blossom Protect has consistently yielded results at a level comparable to
antibiotics. These trials were conducted at major universities by various respected fire blight researchers.

I would like to point out that the bars on the graph are proportional to the infection. Therefore, the smaller bars indicate superior control. Also, these represent multiple years with variable conditions in each year. Yet, consistent control is achieved. I would just like to point out that -- let me see if this pointer works. Is there a pointer?

I just want to point out that the control or the untreated are the red bars, the antibiotic are the yellow bars, and Blossom Protect is the green bars. In a number of years, Blossom Protect performed superior to the antibiotic.

Applications should be made for the duration of the primary bloom cycle, when possible. Multiple applications are crucial in colonizing flowers that have emerged since
a previous application. Early applications help to build the population levels, while applications made later in the bloom cycle will help to ensure that all susceptible tissue has been treated. These late applications can be very critical but applications made after petal fall are restricted and off-label.

Most biopesticides with a living active ingredient such as Blossom Protect will have some constraints, compared to traditional chemistries. In summary, with its demonstrated efficacy, organic approval, and pollinator and worker safety, Blossom Protect represents a valuable tool to combat fire blight.

I am here with Tina Koenemann, President of Westbridge and Dr. Larry Parker, Director of Research and Development. We are available for more information or discussions, if desired. Thank you.

CHAIR STONE: Thank you, sir.
Harold?

MEMBER AUSTIN: Thank you. One question for you. Your comment was that the Blossom Protect efficacy-wise, was comparable to that of the antibiotics. But yet, application would be off-label post-bloom. Whereas, fire blight doesn't just affect trees at bloom time. What would be the efficacy or what would we use to control if we were not to have antibiotics post-bloom for tip light or say we had a crop that got hail injury?

DR. HUDSON: That would be the one the situation in which Blossom Protect would not be able to fill the gap.

CHAIR STONE: Zea?

MEMBER SONNABEND: Thank you. And thank you for bringing us some alternative materials to use. But I would like to know what your research results may be in the Central Valley and Delta of California on pears, where the conditions are very warm and humid in the winter, relative to the Pacific
Northwest where your research has been conducted.

DR. HUDSON: We have done trials in California on pear and it has worked fairly well on pear without a problem. The biggest problem with pear that I have seen is that it does have a tendency towards a more protracted bloom. And so when you get out -- you know there is a lot more secondary bloom or rat tail. So, that is, I think, the biggest issue on treating the pear. It actually is more efficacious on pear when it is applied in the bloom cycle and there is a restricted bloom. It does work very well on pear.

The issue with pear is the extended secondary bloom, especially on some cultivars. This product will definitely work better in a typical bloom year, where it is more constrained in duration. Thank you.

CHAIR STONE: Thank you. Oh, Francis.

MEMBER THICKE: The data you show,
did you use Blossom Protect beyond the bloom period in those charts or only until the bloom?

DR. HUDSON: No, sir. Those were only during the bloom period that those applications were made.

MEMBER THICKE: Okay.

DR. HUDSON: A number of them will have some thinning treatments done prior, early in the bloom. A lot of times in Pacific Northwest they use fish oil with lime sulfur to thin and then Blossom Protect, a couple of applications during the bloom cycle.

MEMBER THICKE: Okay, a follow-up. We have heard some rumors that it hasn't worked in some cases. Would you comment on that what might be the reason? Was it not used properly?

DR. HUDSON: I would like to know a little more information on those rumors or reports because I run the field trials and I haven't received those indications. The only
indications I have seen that I would say are a little questionable would be when there is no fire blight pressure to begin with. And then how do you control -- how do you say whether you got control if there wasn't pressure to begin with due to the environmental conditions that year. But I haven't specifically seen where there have been issues in it not performing when it has been applied during the bloom cycle.

CHAIR STONE: Thank you very much. And as Zea said, thank you for your work and thank you for being here.

DR. HUDSON: Thank you.

(Applause.)

CHAIR STONE: Dragan to the podium and Nate Lewis on deck.

MR. MACURA: Thank you. May name is Dragan Macura and I am the founder and the chief science officer of AgroThrive, Incorporated. A lot of you probably remember me from being in the eye of the storm on the
discussions about corn steep liquor. And I am here today to talk about organic fertilizers in general. I have a comment on the vinasse and I also have a suggestion as to how to deal with the residual concentrations of objectionable materials in raw materials for fertilizers.

So, organic fertilizers are, as we probably know but haven't thought about it too much, foundational or everything organic. Everything we eat or use in organic industry has either been fertilized or has been fed on something that has been fertilized at some point in time.

So, organic fertilizers are at the bottom of the pyramid of our whole system and we should always keep that in mind when we are making decisions on whether to include or exclude any raw materials for organic fertilizers. We already are in very short supply of raw materials for organic fertilizers and with increased tendency to
exclude raw materials because they have objectionable residuals, it is increasingly worrisome that our whole industry has no basis upon which to grow. And we have heard many groups and many people talk about wanting to protect organic integrity and also increase or grow organic industry but always looking at ways to eliminate raw materials for organic fertilizers.

And so with that, I would like to suggest that when there is a question on the table whether to include or exclude the material, please remember that rules that have been made for organic industry, for food industry, have usually been made on the basis of the materials for human consumption. These are fertilizers. Fertilizers have to be processed in some way before they get into soil. Soil itself has enormous microbial activity and ability to degrade, to digest, and to neutralize a lot of objectionable materials.
One of the processes, our process, for example, that we use is on progressive digestion process. And I just want to show you a bunch of slides that will demonstrate how we degrade very objectionable and in fact probably environmentally dangerous materials to very useful fertilizers that are done in about three times, rather than in long, long time, six weeks to six months, maybe years in the environment.

So, we start with very objectionable, environmentally objectionable, and also dangerous material on the pathogenic, on the microbial point of view, et cetera.

Fish, for example, fish waste. We take fish waste. We grind it, a bunch of grinding processes and yes, we add it to corn steep liquor in this case. We can use other materials that will liquefy the process. Then we take it through a bunch of digestion tanks. We have primary digestion, secondary digestion, and in three weeks we turn it into
liquid portion which is our product and then
a solid portion which has been heat-treated,
highly digested, very safe, very good
nutrients for soil, et cetera. These are the
microbes that end up as champions of that
process. Very beneficial to soil. Very safe
in the environmental terms.

So, this system can be used if you
want to challenge the material with, for
example, antibiotics, or any other materials
that are objectionable in fertilizers as raw
inputs. And if these materials are not
degraded or otherwise digested, then we should
restrict them. Otherwise, then they have gone
through a process like this, they should be
allowed to be used as raw materials.

Thank you. I'm sorry about
running over.

CHAIR STONE: All right. Thank
you, sir. Thanks for being here.

Nate Lewis to the podium and
Rebecca Thistlewaite on deck.
MR. LEWIS: Good morning. I am Nate Lewis with Organic Trade Association. I am the Senior Crops and Livestock Specialist. OTA represents over 6,500 businesses engaged in the organic industry across 49 states and I am happy to be here to address some of the items on the agenda at this meeting.

OTA supports sound, pragmatic, and consistent evaluation of National List materials. This is why we support tabling the recommendations on aquaculture. This is why we support the petition annotation change for the listing in methionine in poultry rations as passed by the Livestock Subcommittee. And this is also why we caution against the selective use of annotations redundant to practice standards and OFPA provisions.

Proposed standards for aquaculture are long overdue. We understand the desire to usher along the implementation of these standards by prioritizing the review of petitioned aquaculture materials. However, we
recommend the board table the aquaculture materials recommendations until a production standard is released.

Sound assessment of National List materials role in a practice standard is critical to determining essentiality.

On methionine, our poultry producing membership represents a wide range of operations covering the entire United States from smaller operations with pasture-based approach to larger operations with nationally distributed labels. Reports from all sizes of operations indicate that the step-down of allowed methionine in organic feed has resulted in an increase in animal welfare issues, like feather-pulling and cannibalism.

The petitioners request that methionine levels be averaged over the lifetime of the animal, much like how dry matter intake is calculated for ruminant animals over the course of the grazing season.
This pragmatic approach would satisfy one of
the basic tenants of preventative livestock
healthcare, which is to provide feed rations
sufficient to meet nutritional requirements.
It also resulted in no increase in the use of
synthetic substances on the National List. We
urge the Board to accept the recommendation of
the subcommittee and allow organic poultry
producers to provide rations adaptable to the
changing demands of their flocks.

In regards to an overall comment
on NOSB's material review process, applying
annotations redundant to practice standards
and OFPA provisions are a result of political
compromises, a vote of no confidence in
current practice standards.

Once in a while you get shown the
light in the strangest of places, if you look
at it right. But forcing farmers and handlers
defend the light or defend their production
system with the selective use of annotations
and materials shifts the perception of organic
from one of an integrated process-based standard, to one of input substitution.

Shifting this perspective does not foster confidence in the consistent application of the organic standards in OFPA.

Consistency in how the Board the reviews, renews, and repeals substances on a National List can also reduce NOP's rulemaking burden. Freeing up resources at NOP will enable them to act on long-awaited practice standard recommendations like origin of livestock and animal welfare.

We also believe that consistency in the Board's material review is essential to attracting additional farmers to organic practices, expanding organic acreage, and in continuing to grow the organic sector.

Please table the recommendations of aquaculture materials, allow organic poultry producers to adapt feed rations, to changing nutritional demands, and maintain consistency in National List material review.
Thanks.

CHAIR STONE: Thank you, Nate.

Jean?

MEMBER RICHARDSON: Hi, Nate.

Just one quick question. Have you done any kind of a survey of your poultry producers to see if all sizes of producing facilities are using methionine from the very small to the very large in your system?

MR. LEWIS: Well, you are going to hear from a number of members that represent that full range of skills of operations in public comment coming up. So, I am going to let them talk about the specifics there.

CHAIR STONE: Jay?

MEMBER FELDMAN: Thank you for your statement. Can you give us a little more detail on how the streamlining will free up resources? If I understood you correctly, you were saying that the review process, the new review process will free up resources so that the Program can do other things.
MR. LEWIS: Well, we are just responding to the statement NOP released when it issued its new Sunset.

MEMBER FELDMAN: So, you don't have an independent assessment of that statement?

MR. LEWIS: No, we usually trust the NOP to gauge its ability to enact rulemaking.

MEMBER FELDMAN: Okay.

CHAIR STONE: Thank you, Nate.

(Applause.)

CHAIR STONE: Rebecca Thistlewaite to the podium and Ernie Peterson on deck.

MS. THISTLEWAITE: Hello and good morning. My name is Rebecca Thistlewaite and I am from Hood River, Oregon.

I was recently hired as a policy analyst for the Cornucopia Institute with a specialty in livestock policy. I am also a small-scale vegetable a livestock farmer. And I previously owned a certified organic
livestock and poultry farm in California. And so I know firsthand about poultry production.

I am speaking today on the subject of synthetic methionine. I know this is a controversial synthetic amino acid and I, too, have wavered on my stance as I learn more about it and I talk to other producers and feed mills.

The Cornucopia supports the livestock subcommittee proposal to amend the current language on synthetic methionine to include changing -- allowing producers to average the inclusion rates over the life of the flock. So, two pounds for layers and broilers and three pounds for turkeys and other poultry.

I know some other NGOs don't support this amendment but because of input from our strong constituency of organic farmer members, the Cornucopia Institute perceives the need for a more measured response to the issue of methionine use.
We understand that the current step-down amounts have led to poultry health issues, longer grow out times and reduced egg production. We can't just phase out synthetic methionine without considering the management practices of modern day organic poultry.

The bigger issues is the very restricted diet of corn and soy that most organic poultry have to obtain all their essential amino acids and also the lack of meaningful outdoor access. Yes, there are alternative feedstuffs that can be added into poultry rations to increase methionine rates. That is good and diets should be more diverse. But truly getting the birds out on quality pasture, eating bugs, warms, and vegetation can actually satisfy the vast majority of methionine needs.

The problem is two-fold, though. U.S. Organic Poultry does not have meaningful outdoor access and stocking densities are too high for the birds to obtain much nutrition if
they do get to go outdoors. European Union organic rules require that organic laying hens and broilers have at least 43 square feet of outdoor space per bird. The NOP is considering animal welfare standards that would only include two square feet of outdoor space per bird. So, clearly, there is a difference in what the European Union model is and what we are suggesting in the United States.

Forty-three square feet per bird actually is equivalent to only a thousand birds per acre. The NOP has basically abdicated their responsibility in enforcing the animal welfare aspects of the organic regulations.

Let's get our organic poultry outside on a pasture eating diverse diets and generally accommodating the health and natural behaviors of the birds as OFPA states and as required under organic regulations. Then, it will be much easier to address the nutritional
needs for methionine with natural supplements.

If the Livestock Subcommittee amendment does pass, we also ask that the NOSB pass a resolution stating their commitment to aggressive research into alternatives to synthetic methionine, as well as a commitment to a true Sunset in 2019.

Thank you for allowing me to present testimony. I would be happy to take any questions now.

CHAIR STONE: Thank you very much, Rebecca. Ernie -- I'm sorry. Zea.

MEMBER SONNABEND: Thank you, Rebecca.

Has your investigation into the methionine and its alternatives turned up how feasible it is the suggestion that was given by a couple of other commenters about the Black Soldier worms and whether this can soon, if not right now, become a viable alternative addition to feed for methionine?

MS. THISTLEWAITE: Sure. Yes, I
did do quite a bit of research in Black Soldier fly meal. It does look like it has a lot of potential not only for methionine but also to address protein needs for poultry. However, the FDA has not approved it yet in poultry feed. I did contact a manufacturer who is commercializing it and they have got it approved for shrimp production but they think it is going to take another three to five years before FDA approves it for poultry.

So, it does look like it is a viable alternative but we are not there yet.


MEMBER FELDMAN: Okay. If I understand it correctly, methionine or others is being used as an animal welfare tool. Is that correct? And if so, how can we be assured that we will get to an actual Sunset in 2019 or whenever it is?

MS. THISTLEWAITE: Well, it is an essential amino acid, essential for poultry growth. So, if you take it away from them
without providing alternatives, it does turn
into an animal welfare problem because it
increases feather pecking and there is a range
of other health issues.

I am on a Listserv of the American
Pastured Poultry Producers Association and
there is 600 members. I asked people what
they were seeing as a result of the step-down
and even pastured producers were seeing health
problems in their flocks.

So, it does turn it into an animal
welfare issue when you just turn it off.

What was your second questions?

MEMBER FELDMAN: Well, how do we
get to the Sunset then, if we are not adopting
actual animal welfare standards as you
describe? I don't see how we get to that
Sunset that you advised the Board that we
should get to.

MS. THISTLEWAITE: Yes, the
Cornucopia does support the animal welfare
standards that were developed for poultry a
couple years ago. I would say that they are very baseline. I think we actually need to do much more than those standards. So, we would encourage the NOP to make some movement on that, while sticking to a sunset data of 2019 for methionine. I think if those two things go hand-in-hand, we will get to the place where we need to be.

CHAIR STONE: Thank you. Oh, Nick?

MEMBER MARAVELL: Yes, I was wondering if you could comment on the other -- you indicated there were a variety of sources for methionine. Could you comment on the other sources of methionine that are not facing any regulatory barriers that are currently available to poultry producers? And specifically, what would be the cost implication? Would they cost more, cost less, of including those in a poultry ration?

MS. THISTLEWAITE: Yes, sure. There are some great alternatives. Dried whey
is one that is commercially available and in
an organic form. But a lot of the
alternatives are not available in an organic
form, such as corn gluten meal or potato meal.
There is just not any production of it.

Some of the other alternatives
include fish meal, which there is serious
sustainability issues around fish meal. Crab
meal can be great but it is usually preserved
with a synthetic called ethoxyquin, which we
can't use. Some impart bad flavors, like flax
meal. If you give more than five percent flax
meal, you are going to have fishy eggs. Some
of low digestibility. So, even if they have
high MET, they are not in a digestible form.
And then some aren't approved yet, like I
mentioned with the Black Soldier fly meal.

So, feed mills are using
alternatives right now because they are only
allowed to use two pounds per ton. But birds
actually need more like I think with layers
they actually need like 0.37 percent. So,
they are using natural sources already to
supply that additional methionine. So, things
like canola meal, sunflower meal, some crab
meal that is naturally preserved. So, they
are using some of those alternatives.

A couple of the feed mills that I
interviewed when doing this research said that
if the biggest vertically-integrated egg
operations in the country started using these
alternative methionine inputs, they would take
up the entire supply that is available and
there wouldn't be any left for smaller
producers.

Now, of course that may stimulate
new production but there is always a lag
between demand and supply.

MEMBER MARAVELL: What is the
applicability of using organic alfalfa as a
supplement as well?

MS. THISTLEWAITE: Yes, alfalfa
meal does provide some methionine in small
quantities but whenever you are making a
poultry ration, even if something has methionine, it is all about balancing all these different nutrients and anti-nutrients, too. So, I don't know enough about alfalfa in particular.

CHAIR STONE: Thank you very much, Rebecca.

MS. THISTLEWAITE: Thanks.

CHAIR STONE: Thank you for your work. Ernie Peterson to the podium and Chris Pierce on deck.

MR. PETERSON: Good morning. I'm going to use up my time just getting the mike adjusted. Well, you can wait. We'll be done by lunch.

Good morning, again. I am Ernie Peterson, Cashton, Wisconsin. We have Cashton Farm Supply, CFS Specialty in the soy press facility to Brodhead called Super Soy. We have been certified organic since 1996.

My positions as a feed nutritionist and feed manufacturer, we are
presently feeding somewhere around 190 to 200 organic layers. Most of these are smaller flocks from 2,500 birds, lots than 2,500 to 5,000 bird barns, up to 20,000 bird barns.

Thank you guys for addressing this issue. You have been fighting with it for a while and it needs some change.

I am here to support the life of the flock, rather than the two pounds per ton, and there are four points I really want to address, the science, the humane treatment of the chickens, it is not fair by region, the present formula we have, and the environmental concerns.

The science. That has been addressed and studies continue and we will hear more about that.

The humane treatment of the birds. We all know and we see it in these small barns, when a bird or a layer is short of a feeding ingredient, they will find the ingredient. We call it feather pecking. For
the most part, they want to eat flesh to get
the methionine and it is cannibalism. So,
that is what we are seeing in what we refer to
the humane. It is the feather pecking but
mainly the eating of flesh to satisfy their
need for methionine.

The other point that I want to
make and that becomes is temperature, its
fairness to make a level playing field. We
ship feed into Canada and we also ship a
decent amount of feed into Texas. In the
north in Wisconsin, our birds are regularly
eating 25 to 30 pounds of feed for every 100
birds. Once we move into this Arkansas/Texas
area, 18 to 24 pounds becomes the maximum.
The advantage in the north we have is those
birds with two pounds per ton are
automatically consuming about 20 percent more
methionine just because of where they live.
The problem I have is that doesn't make a fair
playing field for an organic producer. If you
live in the north, cooler temperature, you
have an advantage with the rule.

The environmental concerns. Two pounds per ton versus the life of the flock forces us to use more protein in the early stages of production. We have the ammonia issues in the house, both for the people and the birds that causes or forces us to spread more nitrogen on the field, which ends up in the water. The extra protein also forces more beans to be growing and, at this point, with the lack of acreage that we have, it is the imports that we have the emphasis on.

Once again, the four points that I think are important to me are the science, the humane treatment of birds, it is not a fair playing field right now, and what we are doing by the environment by forcing more free nitrogen out there.

I want to thank you for your time and urge you to change the rulings for the life of the flock. Thank you.

CHAIR STONE: Thank you, Ernie.
Francis?

MR. PETERSON: Yes.

MEMBER THICKE: Thank you, Ernie.

Have you had any experience with the high methionine corn? I know it was developed or worked on in Wisconsin. Have you grown it?

MR. PETERSON: We have grown it.

The early high methionine was a waxy corn.

And that certainly did not have the yield, probably about the half the yield of conventional. I have met with Walter Goldstein. That was last week. They have a new genetic out. They have some investors that were up from Chicago.

Presently, they have enough corn seed for about 200 acres this year. They are looking for investors. It is not going to take away the methionine. They are changing methionine level in corn from a 0.015 to a 0.025 to a 0.03. That is going to allow us a full corn diet, corn-soy ration to get rid of about a quarter pound of methionine per ton.
So, it will help but even the new genetics they have of the corn is not going to solve it.

We mentioned alfalfa. We use alfalfa. Most rations for xanthophyll, for the egg yolk color and to try and pick up the methionine. Obviously, they need some practice to try and get as close as we can.

I'm sorry, I didn't mean to go on but I hope I answered your questions.

CHAIR STONE: And there are going to be, looking at the list, there is like six or seven more presenters on methionine coming up behind here. So, thank you very much.

MR. PETERSON: If I could make one quick comment is in the late lay stage, we have adequate methionine under where we are at now. It is these bringing the birds into lay and when the birds are laying at high production, in growing this stuff.

So, thank you for your time.

CHAIR STONE: Thank you, very
(Applause.)

CHAIR STONE: Chris Pierce to the podium and Melvin Gaimain on deck.

MR. PIERCE: Good morning ladies and gentlemen of the National Organic Standards Board, our friends from the NOP and all of those sitting in the audience this morning. My name is Chris Pierce. I am from Annville, Pennsylvania, which is south-central Pennsylvania. We live just a few miles from the sweetest place on earth, Hershey, Pennsylvania.

I have shared before with this Board and again, I thank you. And I am going to go quick. You are the most involved voluntary board of anything I have ever seen in my life and I thank you for your sincere dedication.

I am here to talk a little bit about specifically methionine and I am going to touch on animal welfare.
The company I am with is Heritage Poultry Management Services. We are a management company. We have been involved in organic production since 1997. Today, we work with over 100 small family farms that are producing non-caged eggs. Around 60 of those small family farms are certified organic and that is why I am here today.

I am the face of the small family farms from south-central Pennsylvania that aren't able to be here today in beautiful Texas. And I carry that burden to share their successes and their concerns with you.

As I think about our small family farmer, he is probably 35 -- he or she. We have a good amount of female poultry farmers, too. Our average age is around 35 years of age, compared to USDA's 58 years of age. So, the organic opportunity has breathed fresh air of new opportunity for farmers. And our farming community in our nation is shrinking, not growing. Within the segment of organic,
it is growing and we are thankful for that.

So, as I think about those, we at Heritage and the 60 organic family farmers that I represent range in farm sizes from 4,000 hens up to around 20,000 bird barns of two on a farm, so they could have up to 40,000 birds on the farm.

We are in support of the Livestock's Committee's motion that the Subcommittee has approved a methionine use changing from two pound per ton to a two pound over the life of a flock.

From the experiences we have seen, we have seen -- we are very data driven. All of our farmers give us a weekly breakdown of livability and feed consumption and water consumption and egg production. And we have our service technicians visit the farms on a weekly basis to hold the hand of the farmer to help them succeed with complying with the food safety, animal welfare, the organic certifications, all these details. Our
service people and our company is there to help the farm succeed.

We have, as Mr. Peterson, just said, seen a significant increase in mortality due to the decreased level of methionine. We, too, are formulating sunflower meal, canola meal, alfalfa, many of the ingredients that were talked about earlier in addition to our corn and soy diet. And that is just to try to balance out to utilize what we can.

This does tie into animal welfare and I would like to strongly encourage the NOP to take the actions that this Board had passed in December of 2011 and support that the consumers are getting the eggs that they believe organic stands for, in addition to the grain source that organic hens are fed, it is the welfare standards, as well as the types of farms that are producing those eggs.

We support the two square foot minimum standard that was set for outdoor access and allow farmers to put more in place,
if they choose to do so. We understand many
retailers around the country that are
featuring and selling organic eggs, they, too,
are starting to take their own position
because of the NOP taking regulatory
positions, retailers such as Whole Foods and
many others are looking at how do they
standardize and create standards that the NOP
is not going to, because they see the value of
helping consumers understand that there is
value to clarifying the unknown. And I want
to strongly encourage that.

So, as I think about the
successes, I would like to go back to say
there is many small family farms that can
invest 30, 40, 50 million dollars in a venture
that can put in a half a million, a million,
which is a lifetime's worth of money for all
of us here, but they can invest that into
developing egg farms -- I'm done -- egg farms
to meet consumers' expectations. And
consumers' expectations are welfare and also
the types of outdoor access that are encouraged.

So, thank you to the Board for allowing me to share my comments.

MEMBER THICKE: Can I ask a quick question?

CHAIR STONE: Thank you, Chris. Francis.

MEMBER THICKE: You said that the chickens are cage free. Can you describe what kind of access to the outdoors they have?

MR. PIERCE: Sure. So, we work with -- we don't discriminate whether they are organic or fed conventional feeds that are non-caged. So, the outdoor access of all the organic egg farms, we have transitioned. Because before, as we know, there was no definition of outdoor access. Even as it stands today, it can be this little atrium area could be enough for 30,000 chickens. And as we sit here and think there is no way that could be 30,000, we have transitioned into our
company having a minimum of two square foot per bird. And I would say they were probably around 70 percent compliant because you have to think about it.

So before, if you had a half a foot a bird, let's be realistic, if you had a half a foot a bird before and you need to expand to two foot or more, you also have to make sure that the ground you are expanding to meets the 36 months without any prohibitive materials. So, for many farmers across the United States, we do have buffer zones but if we exceed where that buffer zone is, we need to allow time for our farmers to follow organic standards on that additional land. So, it could be another year until all of our farms will be able to be at that minimum to two square foot.

And I know the NOP, as they pass guidelines, they do give a time line in which farms can adapt to meet the new standards. And we are just pleading with the NOP to come
up with some proposed rules so we can get to
final rules and move forward with this.

CHAIR STONE: Jennifer?

MEMBER TAYLOR: Thank you for your
presentation.

MR. PIERCE: Sure.

MEMBER TAYLOR: I would like to
know if you are aware of any existing
scenarios where methionine would not be
necessary.

MR. PIERCE: That is a good
question. Some people are saying if the birds
weren't on a corn and soy diet, if they were
all living outside, and again, I am not an
expert, the next speaker is my father-in-law,
so I trust my father-in-law. He has a little
bit more knowledge and experience on
nutrition. So, I am not aware of any. And
even as has been shared by Cornucopia and
Ernie earlier, I am not aware of any flocks
that are able to -- that are producing eggs
without some level of a synthetic methionine.
Even as we look at Europe and we talk about Europe, we tout Europe, remember there are 95 percent rules. They have a five percent non-organic allowance. So, there are some other things -- long answer: no.

CHAIR STONE: Great. Thank you, very much.

MR. PIERCE: Thank you.

CHAIR STONE: Mr. Father-in-Law to the podium and Randy Mitchell on deck.

(Laughter.)

MR. GAIMAN: Greetings to the NOSB and the NOP. I want to thank the Standards Board for volunteering your time and understanding how the standards affect real people. I want to talk about methionine and animal welfare.

My name is Mel Gaiman. I am the founder of Heritage Poultry Management Services and past president. Heritage was founded in poultry management services in 1980 and I served on the five-year term on the
Pennsylvania Certified Organic Board. And my interest has been in providing best husbandry to hens and to produce the best products for the consumer.

Pennsylvania has about two million hens that meet the present outdoor access provisions. And our company has been certified in organic egg production since 1998 and involved in at least 50 percent of Pennsylvania organic egg production on family farms. From the beginning, our goal is to be transparent and to anticipate consumer expectations in organic eggs. Each of our organic egg layer houses has approximately $18,000 hens with two square foot outdoor access, which Chris had mentioned.

We do have -- have had searched for feedstuffs and anticipated -- to anticipate all natural methionine. And we have worked with Penn State University and Doctors Heather Burley and Paul Patterson have been doing research in fractionation of
natural methionine to concentrate it from organic feedstuffs. Although the progress has been incremental, there needs to be much more done.

The available amount of natural methionine has been outpaced by the U.S.'s growing demand by consumers for organic protein foods. We need fermentation of natural methionine. I understand the companies are working on that.

A couple years' ago, I checked with a couple companies that I had thought there was some anticipated some possibility. But to this point, the process has been difficult. The need for synthetic methionine in high levels for peak growth and demands for poultry, lower levels than adequate create welfare issues.

We continue to need the amount of two pounds' average on the synthetic methionine for the life of the bird and we support that process. It is time to put the
effects of animal welfare standards in poultry for outdoor space as laid out by the NOSB for 2011. Thank you.

CHAIR STONE: Thank you, Mr. Gaiman. Jean?

MEMBER RICHARDSON: Hi.

MR. GAIMAN: Hi, Jean.

MEMBER RICHARDSON: Am I correct in understanding that over the last 20 years or so, the change in the breeding of poultry to give us either on the one hand fast-growing birds for meat or lots of eggs from the egg layers, as resulted in much higher nutritional demands, so that methionine is necessary because of that, in part, regardless of whether it is a really small farm outside on pasture or in a larger production unit?

MR. GAIMAN: You are correct about the process of genetic selection. It has gone over the last hundred years and it has been great strides to meet the efficiencies.

America has been great on producing low-cost
food and poultry has been a leader in that. And so it is hard to go back in time. If we supported, even in the early '60s, hens laid a lot fewer eggs than they do today. So, that is some of the problem.

CHAIR STONE: Nick.

MEMBER MARAVELL: You know I would like to follow up on Jean's question. Could you just give us a rough idea of with the flocks that you are associated with, what is the percentage of laying production over the life of those flocks and what do you consider to be an inadequate level of egg production, in other words, no longer economically feasible or whatever?

MR. GAIMAN: Nick, I'm not sure if I understood the exact point, the methionine level?

MEMBER MARAVELL: No, I am asking for, under current practice, how many eggs would you expect to get from your average hen per day or per week or whatever. And when
does that -- when, it falls to a certain level, what is that level that is seen to be not viable anymore? And how long do you keep the flocks that you are associated with, how long do you keep the flocks?

MR. GAIMAN: Well, that is a good question. On the present cost of organic ingredients, the hen, at peak production, the cost of the hen is like $12 a bird. So, you need to get adequate production over the life of that flock.

So, to answer your question, the flocks peak when they are young, 30-some weeks' of age. And the end of the flock is like a little over a year. So, they lay for about 56 to 58 weeks and around 300 eggs. So, over that cycle, there is a decreasing.

So, the inefficiency would be when the feed costs are high and the production is low, then the flock would have to be removed. But you would have to get the high depreciation value of the high cost of the
original bird.

MEMBER MARAVELL: I guess my point, I am trying to give a tangible idea to people. If let's say the ideal would be to get one egg over that 300 plus days per day, you are not going to get that ever out of a flock, when it gets to what percentage do you really start to feel the hurt? I mean when you go down to 80 percent, 70 percent, 60 percent? Where does that number sort of really hurt?

MR. GAIMAN: Well, with the competitive nature of the egg industry, if you are laying five percent less than the normal for your genetic anticipation, and we follow our flocks every week, based on the need performance and what we are experiencing.

And so when you are experiencing less than normal performance, with the cost of ingredients and all, it really cuts into your ability to pay down the original investment on the bird.
CHAIR STONE: Thank you Mr. Gaiman.

MR. GAIMAN: Thank you.

CHAIR STONE: Randy Mitchell to the podium and Paige Tomaselli on deck.

DR. MITCHELL: Good afternoon -- or good morning, I guess, still. Okay, I don't want to be beeped at.

Okay, thank you. My name is Dr. Randy Mitchell and I am speaking to the Board today, representing Coleman Natural Foods.

And I believe I am probably one of the lone broiler guys here speaking specifically towards organic broilers.

I am a poultry nutritionist and in this capacity, responsible for the nutrition program for over a hundred farms, the majority of which are family-owned and operated that produce organic broilers for Coleman in three different regions across the U.S.

I oversee the development of food rations to ensure they promote optimal bird
health and welfare at the farm level.

My comments today are concerning the addition of synthetic methionine into organic broiler diets. Methionine is the first limiting amino acid for chickens and it is vital for proper development of the animal, as we have heard several speakers talk about earlier.

Prior to the use of synthetic methionine, poultry diets were very high in crude protein. And in order to meet that requirement, they contained a lot of things that we don't use today, like animal byproducts, meat scraps, feather meal, those things that are just not allowed in organic broiler production today.

To date, no natural substitute for synthetic methionine has been developed. In October of 2012, new restrictions on methionine addition reduced the amount allowed in broiler chicken feeds by 60 percent and in layers and other poultry species by 50
percent.

Layers and broilers were grouped together, despite the fact that layers spend their productive lives as adults when methionine requirements are lower, whereas, broilers are juveniles, when these requirements are much higher.

The National Research Council or NRC for short, publishes guidelines on the dietary requirements for many different types of animals. These guidelines are internationally recognized by scientists as a base for nutritional requirements. In the 1994 NRC publication for poultry, the minimum requirement for methionine for a broiler chicken from hatching to three weeks' of age was listed as 0.50 percent of the ration. The requirement for crude protein for this same time period was listed as 23 percent.

I should also mention, point out that these requirements were not derived from modern fast-growing broilers. Most of this
data -- the NRC was published 20 years' ago
and most of that data was gathered, probably
wasn't changed with 1984 NRC and that data was
probably gathered 30 to 50 years ago.

So, a starter diet containing
typical ingredients available for organic
production that is formulated to meet NRC
minimum requirements for methionine and only
containing the two pounds per ton level will
contain almost 27 percent crude protein from
the 23 -- higher than the 23 percent actual
requirement. This extra nitrogen from these
high protein diets places a heavy metabolic
burden on the animal at a time when other
stresses such as vaccinations are also
occurring. All of this extra nitrogen is
excreted into the feces, creating a much more
nitrogen-laden litter.

The farmers that raise organic
boilers have noticed similar negative effects
of the higher protein diets when these new
restrictions were put into place. These
included higher ammonia levels in the barns there in brooding, wet litter, more foot pad lesions and higher incidences of the disease necrotic enteritis, which is frequently fatal. In fact, our farmers saw an 18 percent increase in mortality during the first year following the new methionine restrictions. These problems are a direct result of the extra nitrogen in the feed required to supply methionine.

We, at Coleman Natural Foods, have a deep commitment to the welfare of the animals that are entrusted to our care. That is why we would like the committee to consider two changes in the organic standards related to methionine. One would be to specifically for broilers, two and a half pounds per ton, to recognize the requirement differences from other poultry species. This would be a 50 percent reduction in the finding from the previous standard and would be consistent with the other poultry species.
In addition, I find it interesting that three pounds of methionine is allowed for turkeys, a 50 percent higher rate than broilers when the NRC requirement for methionine during breeding is only ten percent higher.

Secondly, is to allow nutritionist to adjust the levels of methionine to an average amount over the lifetime of the animal to take into account the high requirement in the first few weeks of life.

Coleman Natural Foods, through the Methionine Task Force, is committed to continuing research in the areas of natural methionine sources to less dependence on synthetic sources. However, in the interim, the change is to two and a half pound inclusion for broilers and a lifetime average use for all poultry species would have a dramatic effect to improve the health and welfare of the animals. So, I respectfully ask the NOSB to consider them. Thank you and
I would be glad to answer any questions.

CHAIR STONE: Thank you. I have a question. We talked about added synthetic methionine. How many pounds of methionine are in a typical corn-soy ration by itself?

DR. MITCHELL: Okay, a typical corn-soy ration, well if you look at total, you are probably talking about 0.03 percent. I am just going to -- about that. Probably about a third of the actual or a little over half of the actual requirement, probably 60 percent of the actual requirement.

CHAIR STONE: And if you did the math of what the average should be for a broiler, a seven- or eight-week broiler, we are discussing two to two and a half. What does NRC -- what is the calculated average that the bird would require?

DR. MITCHELL: As far as over the lifetime of the animal?

CHAIR STONE: Yes.

DR. MITCHELL: The calculated
average would probably be in the 0.42 to 0.44. And one of the reasons that might be a little bit difficult is because of course during the first three weeks' of life, the animal is not eating a whole lot of feed. Whereas, in the last several weeks, they are eating a lot of feed requirement.

So, I want to say probably 0.43, 0.44 something like that would be the average requirement that would be required.

CHAIR STONE: So how many pounds of synthetic methionine would be the average you would need to add to hit that optimum level? We are saying two and a half. But is it two and a half or 2.6.

DR. MITCHELL: Right. Right. So, what two and a half would do for us is it would allow us to meet that level and reduce our overall protein level down closer to that 23 percent. And that is really important to counteract the litter problems that we have, the enteritis, the necrotic enteritis is
really our main health issue, unlike the laying hen guys where feather pecking is more of a major concern.

CHAIR STONE: Okay, great. Thank you very much. Thank you for being here.

DR. MITCHELL: Okay.

CHAIR STONE: I lost my place.

Paige Tomaselli to the podium and Ashley Swaffer on deck.

MS. TOMASELLI: Good morning. My name is Paige Tomaselli and I am a senior attorney at the public interest organization Center for Food Safety. Last week, Center for Food Safety released a paper analyzing USDA's decision to delay animal welfare regulations. The paper concludes that USDA is making a mistake since animal welfare is a clear priority for the organic community. When USDA announced its intention to stall animal welfare regulations, it pointed to an economic impact assessment that found the impact on the largest organic egg producers. Those housing
more than 100,000 birds would be quote, unquote, substantial. Our analysis reveals, however, that the vast majority of egg and poultry operations would not be financially impacted by increased animal welfare standards.

We conclude that by ignoring expectations and ethics inherent in organic purchasing habits, USDA's inaction could threaten the overall success of the organic brand.

Center for Food Safety has consistently promoted strong animal welfare standards because we believe they are critical to the organic label. As our paper shows, organic consumers pay a premium for organic foods and with that, comes certain expectations. For those that purchase organic products, cruel and unnatural treatment is not consistent with the term organic. In fact, in September 2013, Center for Food Safety has surveyed its members. The vast majority of
CFS members indicated that animal welfare was one of the top reasons they purchased organic poultry and eggs.

People also choose higher welfare animal products because they want healthier food. The evidence is mounting that even minimal improvements in production systems offering animals greater opportunities for exercise, behavioral expression and naturally suited diets, such as those contained in NOSB's recommendations can drastically improve animal welfare and the nutritional quality of animal products. USDA ignored these and other non-economic considerations in the its decision to stall the regulations.

NOSB's animal welfare recommendations are minimal. CFS believes that stricter standards are surely warranted under the organic label. NOSB's recommendations are, however, a necessary next step. That the largest poultry operations may not be able to comply raises serious doubts.
about these operations' ability to boast the
organic label.

Directly related to animal welfare
is methionine. CFS is opposed to the
Livestock Committee's methionine proposal. We
have consistently urged USDA to put forward a
research plan, to aid organic farmers and
removing synthetic methionine from organic
poultry production. To date, USDA has not
done so. Organic poultry operations cannot
continue to use synthetic methionine in their
organic operations. Instead, innovative
alternatives such as insects like Black
Soldier fly, whey, increased access to pasture
and other natural sources of methionine must
take the place of synthetic methionine.

Streptomycin in organic orchards
should not be extended because it is
incompatible with organic systems and because
it poses unnecessary threats to human health.
The risk of using streptomycin are even
clearer than those from using tetracycline,
which the NOSB voted allow to Sunset at its April 2013 meeting. Organic agriculture should prohibit the use of antibiotics once and for all to preserve the efficacy of these essential human drugs.

CFS also strongly disagrees with the NOP edict to remove all discussions about NOSB members' potential conflicts of interest out of public view and behind closed doors. This undermines the purpose of requiring conflict of interest disclosures in the first place, which is to ensure public accountability and checks and balances in NOSB decision-making.

CFS urges the NOSB to call upon the NOP to take a more proactive role in advocating that USDA develop mandatory GE contamination prevention measures by patent holders and GE technology users that are protective of organic agriculture.

On behalf of organic community, we further urge you to directly communicate with
Secretary Vilsack, the organic community's
dissatisfaction with his coexistence policy,
which serves to perpetuate GE contamination
and threaten organic integrity.

Thank you.

CHAIR STONE: Thank you very much.

Zea?

MEMBER SONNABEND: Thank you. You
crammed a lot in there.

MS. TOMASELLI: I only had four
minutes. Sorry about the speed talking.

MEMBER SONNABEND: Well, my
question is concerning the methionine
recommendation as it relates to animal
welfare. And you know we are hearing from
people that without modifying the
recommendation that is now in effect, that we
are contributing to animal cruelty and not
taking into consideration animal welfare over
the life of the flock, by changing from the
life of the flock from what it is now. And
yet we also heard that the alternatives,
including the Black Soldier bugs are not registered for them to use.

So, when you say you can't support the change, I don't see how we cannot vote for it unless we are affecting animal welfare. So, I would like to hear your perspective on that.

MS. TOMASELLI: Well, I think one thing that I think is really clear is that if the NOSB puts a hard Sunset in place, that the market will adjust and really promote some of these other alternatives and allow for research and create the supply because there will be a demand for it. So, I do think that adding a conclusive hard Sunset deadline will promote the kind of research that is necessary in this area. And I feel that it is up to USDA and the industry to promote that research at as fast of a pace as is possible.

As far as the recommendation that is on the table, the proposal that is on the table, I have heard both sides of the story.
I think our comments speak to our position on it and so I can't really speak to more of that now. But I do feel that a hard Sunset deadline is appropriate here. Methionine has been, synthetic methionine has been used for 13 years and it is going to be used for the next four or five years. And I think that is long enough for the industry to come up with an alternative.

Yes?

CHAIR STONE: Jennifer.

MS. TOMASELLI: Sorry.

MEMBER TAYLOR: Thank you for your presentation.

MS. TOMASELLI: You're welcome.

MEMBER TAYLOR: Can you tell me if there are any additional issues maybe if you look at farmer selection of maybe a fast-growing poultry broiler versus a slower growing one in relation to methionine dependency?

MS. TOMASELLI: Yes, there are
definitely issues. The research has shown that the slowing growing broilers require less synthetic inputs of methionine. I also think that the poultry industry has sped up and the consumer demand for poultry is great. And so when you have that kind of consumer demand, you have the poultry industry trying to rush to meet that demand, although I don't necessarily agree that is the proper way to go about producing poultry. I think if you take the natural lifespan of organic poultry into consideration and the way that an animal is supposed to grow, the conditions are more naturally suited and you will have to require less synthetic inputs.

CHAIR STONE: Wendy?

MEMBER FULWIDER: What do you think is the most promising alternative?

MS. TOMASELLI: What do I think is the most promising alternative? In this last round of comments, we did a lot of research on insects, including Black Soldier flies. I
realize there is some regulatory hurdles. But what we think three to five years is exactly the amount of time where methionine could Sunset for good and so I think the FDA would hear that methionine is sunsetting and fast track any alternative through the animal feed process as necessary. So, I do think that insects are a viable alternative. I also think because they are part of a system and they are created on compost, poultry compost, that that feeds into the system's approach of the organic model and it would be a holistic way to approach the situation.

CHAIR STONE: Thank you, Paige.

MS. TOMASELLI: Yes.

CHAIR STONE: Ashley Swaffer. I hope I got that right. I apologize. And David Will on deck.

MS. SWAFFER: Hi. My name is Ashley Swaffer and I am the President of the Organic Egg Farmers of America. The Organic Egg Farmers of America represent over 45
member companies and seven million organic laying hens. We appreciate the opportunity to comment on the issue of methionine in organic layer chicken diets. We wish to register our support for the initial petition and subsequent Livestock Committee recommendation to change the amount of DL-methionine from two pounds maximum to two pounds average over the life of the bird.

Our membership has seen numerous issues related to inadequate amount of methionine in current diets. Methionine is a limiting amino acid and by not feeding in proper quantities, it limits all other amino acids to the level in the diet.

The issues that our members are seeing is feather pulling, cannibalism, increased mortality, feather eating, and high ammonia levels in barns. We are seeing these issues across all types of production styles and flock sizes, from flocks as small as 850 hens to larger flocks. And we are seeing
these issues on farms from minimal outdoor
access to pasture-based systems.

We do have members that are trying
alternative products to methionine but those
products are not commercially available to
feed all the organic laying hens. The key
when exploring the alternative products is
that we need sufficient quantities to be able
to support the nine million in growing organic
laying hen population.

We believe that making this
technical fix from allowing two pounds maximum
to two pounds average over the life of the
bird will lead to better welfare conditions,
helping the consumer expectations for
responsible organic husbandry. We are proud
to come together as organic egg producers to
share information on best practices and are
united in our recommendation. Many of our
members are here today to also give their
personal comments.

Thank you. Any questions?
CHAIR STONE: Thank you. Jay.

MEMBER FELDMAN: Thank you. Do you see any scenario in which we would no longer need synthetic methionine? If so, what does that scenario look like? And if not, why not?

MS. SWAFFER: I'm not 100 percent as versed as the following presenter behind me. David Will represent the Methionine Task Force and I think that question would be better suited for him.

CHAIR STONE: Great. Thank you. Thank you for being here as well.

(Applause.)

CHAIR STONE: David Will to the podium and John Brunquell on deck.

MR. WILL: Hi. I'm going to start before the clock so I have an extra second. I want that mug.

Anyhow, my name is David Will and I am here representing members of the Methionine Task Force. We are a group that
has banded together and self-funded. We represent from very small to very large producers, both broiler and layer. We anticipate that we represent about 85 percent of the entire layer production in the United States. In addition, we represent, as I was told, a majority of the broilers.

What I wanted to talk about is that we do support the change that the Livestock Committee passed of changing it from a hard cap to an average. I think the majority of us in this room are parents. And the one thing that we wanted to point out is that none of us feed an infant, like we feed a child, like we feed an adult, like we feed a senior. And the hard cap really forced us into doing that.

Those of us who don't have children, if you walk the pet food aisle, you see numerous foods and rations that are designed for young dogs to old dogs. So, it seems like all animals get that opportunity
and we really need to change that average to
an average so that we can adjust for the age
of our birds.

We have had numerous issues
reported to us from our membership on the
methionine and perhaps the most interesting
thing we got was we were reported by several
certifiers that when they had walked flocks
one year to the next, the increase in the
nervousness in the flocks that they had seen
was quite interesting to them. And I know
those comments were passed and some written
and also to the Livestock Committee.

We also saw a tremendous amount of
increase in feather pecking and eating of
feathers. And we also had, especially with
this year being as cold a winter as we had, we
had quite a bit of problems reported to us of
ammonia levels in barns due to the overfeeding
of protein.

When we took out the extra
methionine, what we put in was soybean meal
and corn and it really did change the protein levels, and therefore, changed the manure, which made the houses have much tougher air quality issues for them.

Also, just being fair to all of our members, we would like to support that the broilers, if you are going to take the 50 percent cut across the board since 2012 step-down, we would like to do the math correctly and say that five is two and a half and support the broiler average going to there.

The Methionine Task Force is committed to doing future work. We funded a study to North Carolina that listed and did research on all of the possible methionine sources out there. We are now, once they are done with their broiler study, or their survivability of layer studies, we are going to go back to them and ask them to take the top five or seven and do some work on those, to find out if they are viable and if so, how available. And we do guarantee that we will
come back and do reports on that and make that
information available to all of our members.

And just quickly, somebody had
asked about sunflower meal. We actually feed
one flock, one entire flock sunflower meal for
a different ration that we use and it is the
most difficult ration to get. We constantly
are having trouble sourcing that product. So,
I just wanted you to know that.

CHAIR STONE: Thank you, David.

MR. WILL: Three seconds.

CHAIR STONE: Jay, did that get to
your question or do you want to follow-up?

MEMBER FELDMAN: Do you feel that
we will ever get off of the methionine
dependency? If not, why not? And if so, how
would we do that and how would you recommend
the Board move toward that transition?

MR. WILL: I don't know that we
are very going to get off the dependency.
Part of it is you have to understand
methionine is one of the most expensive
ingredients that we add to our ration. We would all love to look for a source. But if we take up the combined dollars that we spend on methionine nationally between broilers and organic, we estimate that at about $3 million and that is a tough thing.

In addition, with your own survey that you guys presented in Savannah, consumer push back on leak byproducts which was being used, which was the standard ration in the 1940s was overwhelmingly rejected by consumers. I can't imagine standing in front of a grocery and saying now with more bug larvae than ever that we are going to get a huge following.

Organic, especially on eggs, has really grown out of our core markets. You know, it is hard to walk into a supermarket now and not find organic eggs and we have really changed the consumer that we are going for. There are certain consumers in this marketplace that are absolutely in love with
organic and will buy it no matter what. But
as they found them in other retailers, they
are buying them for more whim than the message
that they are sending. And I think that
consumer we would lose very quickly.

CHAIR STONE: Zea.

MEMBER SONNABEND: Thanks, David,
for your comments.

In spite of your aspersion to bug
larvae, which chickens who peck on the ground,
that is what they are mostly eating, did the
North Carolina study indicate that the Black
Soldier bugs were one or any other insect
sources were a good source of methionine? And
what is your perception of how viable that is
in the future as an alternative?

MR. WILL: I think it is viable.
The survey did find a couple different
interesting bugs. I don't specifically
remember what it said about the Black Soldier
fly but what I do remember is it said that
silk worms were actually quite high in
methionine. And so our own company has taken
that and realized that silk worms eat a
single-source product, which is mulberry
leaves. And we have actually tested mulberry
leaves and we found that they actually do have
some methionine in them. The problem is,
number one, they are not commercially
available, and number two, the process of
getting them into the feed, the amount of
tonnage that you would have to put in is
crazy.

And you have to remember something
that was said earlier by Ernie is we have a
ration we have to balance against. So, it is
not only just methionine, it is protein. It
is energy. And if we make minor subtle
changes by adding even alfalfa because there
is no energy in that, it throws everything
else off and it just kind of staggers all
throughout.

I think there is options. One of
the good ones that we also identified was
Brazil nuts. That is going to be on the top of our testing. But again, it is commercial availability.

I think that we stand a better chance of finding something that may be non-synthetic than organic as a replacement. And that may be something we have to come back to you with. But I do also tell you that all of the members of the Task Force, we still have a little bit of money in the bank and we are going to bankroll the next study with this. And we are going to find and feed a long-term trial to try to find some options.

CHAIR STONE: Jennifer?

MEMBER TAYLOR: Thank you for your presentation. Can you tell me if you are aware of earthworms being used as a potential source for methionine and how available is that source?

MR. WILL: Again, it is a matter of how many you have to have. Even on a small flock of 850 birds, that amount of protein
that you would have to have available for them is very tough. And I don't remember anything specifically out of the report either that listed the methionine content.

We did have a professor of entomology at the University of California at Riverside, right by our offices, Brad Mullens. He is actually going through the report right now to pick out which insects he thinks are favorable and which would least garner FDA disapproval. So, we are looking at some options.

CHAIR STONE: Thank you, David. Thank you for your work on the Task Force as well.

MR. WILL: No problem. Thank you.

CHAIR STONE: One more? Nick, go ahead.

MEMBER MARAVELL: This is a question you don't necessarily need to answer right now but perhaps take back to the Task Force.
What is it that we on the NOSB could do to provide an acceptable incentive for the industry to move away from synthetic methionine? And as I said, if you have immediate reaction, that's fine but is there a way to provide a positive incentive that would work for everyone?

MR. WILL: Cash.

(Laughter.)

MR. WILL: I think the first message you sent of the step-down from the five pounds, four pounds, to the two and a half and two, and three for turkeys, broilers -- turkeys and ducks was a very clear message for us. And it is not a matter of inactivity, it is a matter of really trying to find an option that, number one, is first commercially available, and second is acceptable. And third and most important, promotes animal welfare within the confines that we have to be organic.

And I think that we are working
for that and I think you will see more updates
as the years go forward of some research that
we are doing. But you have sent a pretty
clear message and we have heard you.

CHAIR STONE: Thank you, David.

MR. WILL: Thank you.

CHAIR STONE: And thanks for your
work with the Task Force.

(Applause.)

CHAIR STONE: John Brunquell to
the podium and Amy Simpson on deck.

MR. BRUNQUELL: Good morning.

Thank you for the opportunity to present
information. What I am going to speak to is
methionine but I am going to try and have a
couple pictures be worth a whole lot of words.

By way of background, I am the
President of Egg Innovations. Egg Innovations
represents 40 small organic farmers throughout
the Midwest. We have production from north-
central Wisconsin down to western Ohio and all
points in-between.
My scientific background is I have a master's degree in poultry science. I am also a member of the Farmer Advisory Council of the Organic Trade Association. I have also been a direct producer, growing up on an egg farm, collecting eggs since I was three years old. I have been a producer for over 30 years.

What I want to show you next are two simple pictures. You are going to see two pictures of flocks, both on two square feet outside, the NOSB recommendations of land. So, what we wanted to do is we wanted to take away a lot of the noise about speculation. What if they were outside, would they get more methionine compared to being inside?

So, here is a flock of non-organic birds on three pounds of methionine, raised -- you can see the feathering, the outside access. And this is two square feet per bird outside on this facility. And this is two pounds.
This is an organic flock, same age, same physical setup. All of our barns are identical. They are all the same length, same width, same outside access. And we wanted to explore that answer. You can see the feathering is significantly less. Although we are huge advocates for birds going outside on the ground and we did see feather regrowth in summer, as the birds had an opportunity, but clearly, methionine is an animal welfare issue. And we saw it very direct.

And we actually did feather scores and we worked with Dr. Jacquie Jacob out of the University of Kentucky and we quantified this data.

The other issue I want to show you is an issue that I haven't seen since I was a child. It is called bumblefoot. It very simply means that when a bird cuts its foot open for any of a variety of reasons, say another bird steps on its foot, if it is in a
high-ammonia environment, it has an opportunity to get infected. For the first time in my career, I saw that in our organic flocks last winter.

This is an animal welfare issue. It is not about money. I am a huge advocate for reducing methionine. I appreciate the question you have been asking all the time, what is the pathway. We are passionate about getting there also. We actually do believe we will get there. I don't know if it is in four years but we will get there, as we figure out alternatives.

But I care about the birds that I take care of and this is the environment I am in today. As such, our opinion is we support the request to allow the methionine usage being raised to an average instead of a cap.

If you have any questions, I would be glad to answer them.

CHAIR STONE: Thank you, John.

And those pictures were valuable. Thank you
(Applause.)

CHAIR STONE: Amy Simpson to the podium and Jim Winter on deck.

MS. SIMPSON: Good morning. I am Amy Simpson, Policy Director and Staff Attorney for Beyond Pesticides. But personally, I am also a mom, an organic community garden president and organic consumer.

I realize that each one of you who sits on this Board have many different roles and many different responsibilities. Despite these differences, however, there are certain responsibilities and duties that unify all of you and do not differ. Indeed, cannot differ. These are the duties set forth in the very law that created the National Organic Standards Board, National Organic Program and Organic Production Standards. Given recent reinterpretations of these duties, and I would argue misinterpretations concerning many, I
feel it is my duty in all of my roles to 
clarify what the founding law describes as the 
unequivocal mandatory responsibilities of the 
Board and the USDA in relationship to the 
Board.

I would like to emphasize the 
following duties go beyond those established 
under FACA. And though USDA would have you 
think that you are nothing special, it is in 
accordance with FACA to create and support a 
Board with broader, mandatory duties. The 
NOSB is unique because of the extent of these 
broader duties and powers vested in it by the 
Act.

First, the NOSB must provide 
recommendations to the Secretary on the 
implementation of OFPA as a whole. The 
statute does not state that this duty is at 
the request or discretion of the Secretary. 
The NOSB must develop the proposed National 
List and proposed amendments. And this 
development must follow the specific statutory
standards and procedures outlined in the statute. This responsibility is not limited to the creation of the first National List but also the continuing changes to that list. The NOSB must follow statutory requirements in establishing the proposed National List and its amendments. NOSB evaluations of substances considered for inclusion on the National List must contemplate several criteria, such as effects on human health and alternatives. These criteria are the only criteria provided for in the Act for evaluating National List materials. None of the evaluation criteria include or reference economic impacts. The NOSB must establish National List petition procedures. It is the Board, not the USDA that is tasked with establishing these procedures.

The NOSB must perform a host of specific functions beyond National List development and OFPA implementation. And finally, NOSB must review existing National...
List materials every five years. If the Board fails to conduct this review, the material would no longer be valid on the National List.

Now, the Secretary and NOP also have a number of important mandatory duties in relation to the NOSB. First and foremost, the NOSB must exist. Unlike many FACA boards, the NOSB is not a board established at the Agency's discretion or with a finite life term. The Secretary must consult with the NOSB on developing not only the National List but also the entire National Organic Program. This is a general provision, not a National List-specific provision.

The Secretary must base the National List on the NOSB proposed National List or amendments. And there is an absolute bar against listing synthetics not on the NOSB's list. This emphasizes that a proposed list from the NOSB is not mere advice.

And finally, every five years, the Secretary must determine whether to renew a
National List material. Should the Secretary fail to affirmatively renew and note that the only option in the language of the Sunset provision is to renew, then the material would be invalid on the National List.

Again, I recognize there are a lot of differing roles, interests on the NOSB. These differences, however, do not change the shared fundamental duties and collaborative intent established in the law that you all must uphold, regardless of regulatory dysfunction. Thank you.

(Applause.)

CHAIR STONE: Thank you, Amy. Questions? Thank you, very much.

MS. SIMPSON: You're welcome.

CHAIR STONE: Jim Winter to the podium and Dan Giacomini on deck.

MR. WINTER: First of all, good afternoon and thank you for the opportunity to speak to you this afternoon. My name is Jim Winter. I manage the Agri Business for Ecolab
of North America. I am also past president of the National Mastitis Council. And I just want to thank you for the time you spend volunteering your time. I spent ten years on the National Mastitis Board in a similar volunteer role. So, I understand the time it takes.

The reason I am here today is to support the approval of the use of acidified sodium chlorite as an active in teat dips used in organic livestock production. Currently, pre- and post-milking, teat dipping with an efficacious teat dip are two of the most important things you can do on a dairy farm to improve milk quality and reduce mastitis.

Today, organic producers are limited to using teat dips that contain a select few actives. Each of these actives has weaknesses that can impact their suitability for use on an organic dairy farm.

In full disclosure, Ecolab produces teat dips with many of the actives
that you approve and we sell to the organic industry but we are all about trying to provide the best new technology for our customer base.

First of all, chlorhexidine, which is on the list. Chlorhexidine does not have broad spectrum kill and, in fact, there are certain mastitis pathogens that can actually grow in a chlorhexidine teat dip.

Furthermore, there was a paper recently published by Middleton et al out of Missouri that pointed out that chlorhexidine has a long elimination half-life in milk, a lack of human dietary exposure data to suggest a food tolerance to food products and the FDA has published zero tolerance for chlorhexidine in uncooked eatable calf tissue. Yet, it is one of the options.

Two, iodine. Iodine is the number one teat dip -- number one active use in teat dips in the U.S. for all dairies. However, its use has declined in the past few years,
due to the increased cost for iodine and the
increased concern for iodine residue in milk.

Furthermore, a more recent concern
is that the primary complexing agent that
brings the raw iodine into a teat dip so that
it becomes usable in a teat dip is something
called nonylphenol ethoxylate, which is called
NPE. NPE is a particular ingredient, a
surfactant that is on the watch list by EPA
and they are looking at the potential of
eliminating it. So, that is a concern with
iodine teat dips.

Hydrogen peroxide, a third product
on the list, is an excellent germicide, when
formulated correctly with an acid to reduce
the pH. However, this particular product is
heavily impacted, negatively impacted by
organic matter and also certain enzymes that
are found on skin tissue, which are also found
on the teat.

With that, I strongly believe that
acidified sodium chlorite, which generates
chlorine dioxide germicide, that is a broad spectrum oxidizing germicide that degrades really into chloride and lactic acid, which are both indigenous to milk, the same chemistry is currently by the NOP for use of an antimicrobial no-rinse food treatment.

Chlorine dioxide is not chlorine.

A lot of people think that it acts like chlorine. It is not chlorine. Therefore, it does not generate the harmful halogenated organics which chlorine can produce. That is why chlorine dioxide is the preferred water treatment chemistry in the industry.

Furthermore, because acidified sodium chlorite is so broad spectrum, it is a lot more efficacious on a dairy farm than a chlorhexidine-based dip without the residue concern.

As organic dairymen work to become more sustainable, they are moving more to composted bedding where chloroform bacteria can be prevalent. They need a broad spectrum
teat dip that is effective and performs when challenged with heavy organic matter.

Acidified sodium chlorite fits the bill and data is available showing significant less new E. coli intramammary infections, when compared to iodine teat dips.

I appreciate very much your time and I hope that you consider acidified sodium chlorite as an active in organic teat dips.

Thank you.

CHAIR STONE: I'm looking to the dairy over here. Francis.

MEMBER THICKE: Thank you. I am a dairy farmer but I have not used NaCLO but I have heard people who have used it, actually not many, but they say when you mix the acid with the chloride that there is a gas produced, chlorine dioxide. Are you familiar with that?

MR. WINTER: Yes. Essentially what happens, you use typically on the majority of the acidified sodium chlorite teat
dips which we produce and other of our
competitors produce, you use lactic acid --

CHAIR STONE: Stay on the
microphone, please.

MR. WINTER: Oh, excuse me. You
mix lactic acid with sodium chlorite. That
produces chlorous acid, which will generate
chlorine dioxide. The chlorine dioxide will
give you a slight odor of chlorine like you
would smell chlorine because the chloride
dioxide is a gaseous state.

MEMBER THICKE: Isn't it also a
toxic material when you breathe in? I mean,
actually the TR is not very good in this
situation. I have been doing some more
research. It is an eye irritant and a lung
irritant.

MR. WINTER: Yes, you are correct
that TR is not real well when it comes to
that. There are specific guidelines as parts
per million of the ClO2 gas that can be
breathed in. The use of it in teat dips, we
don't even approach the parts per million that
would create a problem.

The biggest issue is when you use
a very strong acid, like a sulfuric acid and
you mix that with a sodium chlorite. Then,
you will get a heavy blow off of chlorine
dioxide. And that is where the concern is.

When you are using what we call a
protic acid or a mild acid like lactic acid,
citric acid and you mix it with sodium
chlorite, you do not get anywhere near the
parts per million that are a concern to the
industry.

MEMBER THICKE: But people have
reported they can smell that gas coming out
when they mix that.

MR. WINTER: Well, they will get
some odor, just like you will get odor if you
used an iodine teat dip.

MEMBER THICKE: Thank you.

MR. WINTER: Yes.

CHAIR STONE: Very good. Thank
you very much for being here.

MR. WINTER: Sure.

CHAIR STONE: Dan Giocomini to the podium and Ann Mosness on deck.

And folks, just one second here. We are about 20, 25 minutes behind. That is going to put us closer to 12:45 or even later, breaking for lunch. Just so you know that, and the audience as well.

Dan.

MR. GIOCOMINI: Thank you. My name is Dan Giocomini. I work in animal nutrition, dairy management, and organic consulting. I am a former member of the NOSB, having served on the Livestock Subcommittee, Chairperson of the Materials Committee, and Board Chairman.

In a day and a half of this meeting, I could talk about a lot of things but I am here today to encourage the Livestock Committee to reconsider their vote on the acidified sodium chlorite and I support its
listing as a teat dip on 603.

I argue that there is producer
demand for the substance. Numerous times over
the years as a consultant, I have seen where
this substance was the preferred teat dip of
dairy farms, prior to conversion to organic
and they would love to have this tool
available again.

In two weeks of working on this
project, I have a petition of 35 names,
including producers from six states, as well
as processors, dairy industry workers,
veterinarians, including one of the top
organic vets in the U.S. and consumers.

Additionally, in the fall, public
comment on regulations.gov, Dr. Cindy Daley,
Professor and Managing Supervisor for the
Certified Organic Dairy at Chico State
University, supported this substance.

I was on the Board when ASC was
added to 605 for handling. It easily met the
criteria. It passed 12 to 2, largely because
of its effectiveness and the end products of water, citric acid, and salt entering the environment. It is worth noting that ASC is not included in the chlorine materials listing on 605. This technology is totally different.

I admit that if it were up to the current TR, I would vote the same as the LC. Sorry about that. I commend the LC for the great job they did on getting most of the basic information correct. You referenced the 2009 recommendation. However, the TR is likely the source from which the listing of organically allowed teat dips in the recommendation is not correct.

Overall, the TR stinks. It is too long and makes up for it by being confusing and misleading. I wish I had the time to go through all the problems that I see with the TR. The TR poorly describes the final products from the substance entering the environment, being water or leak acid and table salt. The TR refers to a 605 status in
regard to a 603 substance, which is irrelevant and confusing.

The lists provided in the TR are confusing and easily misrepresented. The TR ignores on-farm situational issues related to this substance and allowed alternatives, such as bedding, milking practices, and effectiveness in breadth of kill and impact of teat dip on effectiveness. It ignores full environmental impact from contamination, both as it occurs in the general environment and in the milk supply. And in all these situations, there are conditions where ASC is as good or better than the best currently allowed alternatives.

The impact on loss of efficacy of the available options, as can happen regularly on on-farm situations in a non-sanitary barn condition is ignored. These impacts include increasing levels of somatic cell count, increasing mastitis, negative impact on animal health, disease, and welfare, increased
potential need for antibiotics and decrease in
the length of the animal's productive life.

Again, in many situations, ASC is
as good as or better than the best
alternatives available.

The alternative impact and the
status of teat dip in health is not discussed
in the TR and many conditions causing chapped
teats and irritated teat ends, ASC is, again,
as good or better than the alternatives
available.

Finally, available information
does not suggest that the commercial products
natural organic acids and homemade essential
oil mixtures are all equally effective, as
stated in the TR. Actually, as it states
later, there is no scientific literature that
supports that statement and it could easily be
said that nothing suggests equal
effectiveness, aside from anecdotal statements
and claims.

In many situations, ASC is not
only a good alternative, it is the best alternative. It is 21st century technology. It is not your grandmother's bleach. If you look at the evaluation criteria on this substance and compare it with what is available now, this substance is as good, if not better than everything currently available.

CHAIR STONE: Thank you, Dan. Calvin?

SECRETARY WALKER: Dan, thanks for your comments. Could you repeat again for the Livestock Committee one or two reasons why we should reconsider their deliberations this evening?

MR. GIOCOMINI: While you did an excellent job at pulling a lot of the facts that were available from the Handling Committee recommendation and the 2009 TR, there is a number of other dairy farm on-the-farm, in-barn situations where the current teat dip TR for livestock is just completely
deficient. It should -- you either need to --
I ask you to reconsider it or pull it back.
And if there is no money to get a new TR, at
least somehow do the effort, do the work and
see what those options are.

CHAIR STONE: Wendy.

MEMBER FULWIDER: Will you be
sharing your petition?

MR. GIOCOMINI: I have it
available. I only have one copy but yes, I
have it available.

CHAIR STONE: Great. Thank you,
Dan.

MR. GIOCOMINI: Thank you.

CHAIR STONE: Ann Mosness to the
podium. Ann, correct me on the pronunciation
and Jim Pierce on deck.

MS. MOSNESS: Thank you. And yes,
that is correct.

Ann Mosness. I have commercially
fished for nearly 30 years in Alaska and
sometimes in Washington State. It was sort of
an accidental occupation, since there were no
sons in the family. But that is pretty
typical farm families, too, is that if you
have a family business, you fall into it.

Now Alaska manages its fisheries
for sustainability. It is written into their
State Constitution. The only thing that
Alaska does is it is very inefficient in its
salmon harvest. The license holder has to be
onboard. Consequently, I fished until I was
eight months pregnant. I have fished on
crutches. I could not deal with a herniated
disc in my neck and so, in 2001, I was
actually flying to Minneapolis for a position
with the Institute for Agriculture and Trade
Policy and I got a call that morning that my
boat had just burned in Alaska. So, I did a
career change. I also received a Food and
Society Policy Fellowship.

So, I have spent many years
learning about farming and learning about the
similarities that the farm families have with
fishing families. And I would like to share
with you a little bit more about fishing
because you want to make some decisions that
could almost be a nail in the coffin to my
businesses and to the families that harvest
our wild seafoods.

Because you're looking at marine
aquaculture and possibly certifying it as
organic. That would be like certifying hog
farms. The major problem with marine
aquaculture is that nothing is contained. The
pollution, the pathogens, the parasites, they
flush right from the cages. These cages
cannot confine fish and these have a huge
impact on natural resources, the natural
behaviors of these highly migratory fish, the
salmon, they are exuberant when they are in
the waters.

You are considering allowing feed
to come from non-organic fish. But it's also
the competition with fisheries and we have
seen this. When the fish farms flooded our
markets with highly subsidized fish, it caused almost a complete collapse of the value of the wild fisheries. My license was $300,000 in 1995. That's why I fished on crutches, because we were making money and we had to be on the boat. Seven years later because of the flooding of the markets by farmed fish, my license was valued at $20,000 and over that winter of 2002, I knew of three suicides.

So I initiated the lawsuit that required the labeling of colorants in farmed salmon and now there is some differentiation in the marketplace. There's also a huge, huge push by other industries trying to come in and doing very concentrated feedlot operations in our marine waters.

And I come from Washington State. We know about factory farms in our marine waters, if you learn about shrimp farming, this is geoduck farming, all those beaches and tubes stomped in. This is salmon farming right in Puget Sound. These farms in
Washington State allow 11 million pounds of sewage, basically, to flush into our waters. These don't contain pathogens. We've had viral hemorrhagic septicemia in our waters. The industry pays zero for this sewage disposal. So while farmers are making changes to practices to make sure that the water that comes from your farms and goes into the coastal environment is clean, we're allowing polluted waters from fish farming.

You know about the feed issue, but let me try and really briefly, just because we have certified farmed organic fish in our markets from Europe, the Europeans don't even agree with that. The Irish organic farmers don't believe they should be certified organic. They had an association quit when their association tried to certify farmed fish as organic. This is what it is about, other industries coming into our marine waters.

CHAIR STONE: Thank you, Ann.

Jay?
(Applause.)

MEMBER FELDMAN: Thank you, Ann.

Do you have a vision of an organic farmed fish scenario? Is there one that this Board should be considering? And as a follow-up to what -- is it proper for the Board to evaluate materials before having that vision codified?

MS. MOSNESS: You know, one of the things that has concerned me is that you were getting your information from the proponents and the lobbyists for an industry. Did you hear from people from the fishing industry who were going to impacted? Even Dr. Naylor said she is the only one that was on your Advisory Committee that was not tied to the industry.

I mean the very first mistake is you are proceeding with something that aids an industry to go into our waters and you want to, I am sure, want to be helpful to that industry because you have been hearing from them. I think it is absolutely disastrous to take these incremental steps first before you
have looked at the production systems. And
the one thing I would recommend is you don't
allow any industry that lets its manure flush
away from its operation. If you did nothing
else, only look at closed containment. You
wouldn't let hog farms come into city, state,
or federal parks without a containment plan
for manure.

So again, I think the one thing
you could do is differentiate closed
containment wherever it exists. They have
bladder situations that they can
experimentally use in a coastal environment
where they do take out the effluence, the
waste. They process it.

Yes, it adds cost. But why do we
think that any dirty industry has the right to
pollute our commons, our public coastal
waters? You know you have all, all the
farmers have made changes to make sure their
waste, their runoff doesn't go into our
coastal waters. And yet, you would consider
letting a dirty industry park right out there, three miles from our coastal rivers? That is under NOAA's plan. This is a NOAA photograph. That is the Department of Commerce.

So, we have all these competing agencies and they are hearing from the industries that want to go into our waters and utilize decommissioned oil rigs for the aquaculture industry. You know it is about bankrupting the coastal fishing industry because then you don't have resistance to open pit mining, coal trains, oil pipelines.

So the worst thing that could happen is somehow giving this industry your stamp of approval when you haven't really looked at the impacts.

CHAIR STONE: Francis.

MEMBER THICKE: Thank you, Ann.

We get loud and clear your message about coastal aquaculture.

What is your opinion on closed systems like ponds and such, organic --
MS. MOSNESS: Well, that is what I say. If it contains the effluence, and doesn't allow interaction with the wild species, it is that exchange, these marine net pens actually are reservoirs. They amplify. It is a dense, crowded conditions. And so, any pathogens and parasites will amplify. Well, then that spreads out from the pens and they are actually attractants for the predators and for other wild species. So, this just disperses this.

But if you have a contained system, you know and they have some raising salmon, so that they don't -- they are not totally capable of confining everything.

You probably haven't heard very much from independent scientists but they have looked at the fact that the juveniles have escaped from closed containment systems. The water is not always totally filtered but it is the best. It has to get better but it is certainly the only thing you should look at.
CHAIR STONE: Great. Thank you, Ann.

MS. MOSNESS: Thank you.

CHAIR STONE: We are going to do two more before we break for lunch. That gets to the end of -- I think we have them segmented by Livestock Subcommittee.

So, Jim Pierce to the podium and we will break for lunch after Harriet Behar is finished.

MR. PIERCE: All right, thank you. For the record, I am Jim Pierce, Global Organic Program Manager for Oregon Tilth Certified Organic. As you know, OTCO is the best certifier, but there is precious little time to dwell on that now.

Since the beginning of the discussions through the NOSB Aquaculture Symposium in 2007, the repeated draft recommendations and the final NOSB recommendations for aquaculture in 2007 through 2010, Oregon Tilth has been an active
participant challenger and supporter of the
addition of organic aquaculture to the scope
of the National Organic Program.

We are now encouraging you to move
forward with discussion and voting at this
meeting on the Livestock Subcommittee's
recommendations for materials so that the
aquaculture standards and the list of
permitted substances for aquaculture can come
out relatively hand-in-hand.

Since you have blaringly read all
977 written comments, you are aware that OTCO,
with some very astute and valuable comments
regarding listing aquaculture materials
consistently with current listings, endorses
the addition of nine of the 11 materials on
the docket for aquatic animal and plant
production and that we have concerns about
micro-nutrients in CO2.

Therefore in these oral comments,
I would like to respectfully address some of
the concerns expressed in the comments that we
are hearing, as well as the minority opinion included with many of the Subcommittee's recommendations.

Organic aquaculture has been defined. Canada and the EU have organic standards, aquaculture standards that include permitted substances and that seem to be meeting consumer expectations.

The NOP standards are written, and it was good to learn yesterday that they are glacially progressing through the python but without a materials list, they will be mostly useless, since these materials are essential for success.

The U.S. organic movement would be nowhere if the NOP standards had been launched in 2002 with nothing listed in Section 600. Aquaculture materials today might make it out of the sausage smokehouse in just a few short years, after the standards, which in many cases will be gathering dust since, again, materials like vitamins, minerals, and
vaccines are essential.

We have heard again the concerns that aquaculture in general and open nets and pens in particular are inappropriate for an organic system. To challenge the alleged ghost of this hotel, I am here to tell you that is fish poo, partner.

Seriously, like conventional poultry and conventional dairy, organic aquaculture producers will expose the bad practices of conventional aquaculture and concerned consumers will reward these best practitioners by raising farm-raised fish and plants with the USDA organic logo, the world's most successful eco label. We are seeing this happen in Europe and Canada, where small scale family fish farms are, once again, becoming competitive and viable.

In closing, there will be public comment periods for the NOP aquaculture standards and additional public comment periods to evaluate the materials on the
docket today to those standards.

Work the system. We have a system that works. It doesn't work perfectly but it works good and they need not be enemies.

For the record, while we do not agree with every NOP decision and every NOSB recommendation, we do so with respect and appreciation of your efforts. We do not agree with the grandstanding showmanship and tactics of divisiveness and attack which are toxifying your collaboration. We have confidence in the NOP and in the NOSB and in the system. We are happy to see and anxious to assist the encouraging momentum of the program. Even while we are not on the same side, we are on the same team, advancing a common cause and a darn good one. La dolce vita. Molte grazie.

(Applause.)

CHAIR STONE: Very good. Zea?

MEMBER SONNABEND: Thank you, Jim.

Could you address the points raised by the previous commenter about the fish in the net
pens in the ocean not being able to express
their natural behaviors and being like
confinement feedlots and inputs and waste
escaping into the open ocean, and how that
would ever be quantified as organic?

MR. PIERCE: Just that. Okay,
yes, I can and I hope it's adequate. It is a
big topic.

This discussion has been going on
for over ten years. And just like what you
are hearing with the methionine, we are
catching up with discussions that have
happened ten years or longer ago. So this was
definitely a concern.

The comparison of salmon with
their natural behavior is certainly
legitimate. However, I am pretty sure we can
certify organic buffalo now today. And they
are going to be in some sort of a confinement
system or a contained system, I would hope.

As far as the effluent from the
net pen system, that is a good point. Because
there is definitely a problem. Just like
conventional poultry and pork, there is bad
things going on. Make a legitimate standard,
set a bar, let the curious monkeys that are
the entrepreneurs of the organic industry
figure out how to meet that bar.

My understanding is that the
proposal for net pen aquaculture includes
mandatory, integrated nutrient management. In
other words, something has to be absorbing
that manure, those nutrients.

And I forget if there was another
point to your question, Zea. No? Good.

CHAIR STONE: Francis, did that
get yours? Okay. Thanks.

Jay?

MEMBER FELDMAN: Could you define
glacially moving, please?

MR. PIERCE: Well it was a bit of
a mixed metaphor because it is glacially
moving through a python. But, I am glad you
noticed it and called me out on it. It is
artistic license.

CHAIR STONE: Thanks, Jim. We appreciate it.

Harriet, I would appreciate it if you would close it out for lunch.

MS. BEHAR: Okay, I am Harriet Behar. I am with the Midwest Organic Sustainable Education Service, otherwise known as MOSES. And we interact with thousands of organic farmers on a yearly basis.

I want to talk a little bit about systems. And systems as we work here, reviewing organic standards and materials, and systems out on the farm.

So, first I want to say to the NOP that I hope that you are listening to the many unhappy voices about the changes to Sunset and to the policy and activities of the NOSB. We may not always have an administrator who is knowledgeable and committed to organic as you Miles, in the future, and I would hate for this legacy to pass down to someone else who
may be would not have as a heartfelt promotion
of organic at the helm.

Also, I want to talk a little bit
about the organic label and that we have --
when we label things as organic, we have a
little five percent that we know is not
organic. And I think that we here in the room
tend to focus so much on that five percent and
forget about the 95 percent. And I hate the
idea that the consumers and the farmers that
are so emotionally tied to organic will see
what we discuss here and lessen their trust
and support of organic due to our focus so
much on the five percent that might be
problematic.

I want to also talk about
methionine. Again, where is the system in
this? There is an ATTRA publication, which I
can pass around that was put out in 2010 that
has got a long list of methionine
alternatives. There is skim milk, there is
dried whey, there is protein from potatoes.
There is a lot of opportunities here. And I think that this reliance on a corn and soybean-based diet for poultry has actually gone out into our larger system, where we have difficulty with our grain producers having a good crop rotation because they are producing corn and soybeans for the poultry.

So, I mean, it is a larger systems-based issue here and I think that the NOSB, through your directive, can encourage people to be growing more in a rotation. I challenge the Feed Mill and the Methionine Task Force to really be doing some more work on these alternative items. You know sunflower meal was talked about, sesame meal. There is a lot of items here that can be done and are being done organically.

But that said, I do support what the Livestock Committee has done. I am very concerned about animal welfare and I want to tie that in as well.

So, we want the animals to be
outside. I am concerned and I am hoping that we will see soon some animal welfare standards. I know that my farmers said, not that MOSES has farmers, or a lot of people who talk to MOSES are concerned about that organic is losing its recognition as the gold standard and that there isn't animal welfare. They consider organic possibly being the CAFO of poultry.

I also know that there is not enough organic eggs out there. So, I would like the future organic farms to be truly given the direction to give outside access to their birds. I have seen it done on large farms and it can be done. But they can't take failed conventional operations and --

CHAIR STONE: You've got prize number two right there.

Thank you. Questions for Harriet?

Jennifer.

MEMBER TAYLOR: Thank you. Could you continue your -- did you complete your
thought or would you continue?

MS. BEHAR: Yes, it is a conventional operation, where we just put chickens in the house and feed them organic feed. That is not an organic system.

CHAIR STONE: Thank you for that but thank you for respect for the stop light.

Okay, Harriet, thank you very much.

(Applause.)

CHAIR STONE: We are going to break. I have got 12:33. So, let's say 1:45 back here and Rebecca Willows is first and Lynn Coody is second. Please be prompt, because that we are going to start promptly at 1:45.

(Whereupon, at 12:33 p.m., a lunch recess was taken.)
A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

(1:49 p.m.)

CHAIR STONE: A couple of announcements. Thank you. We are going to get started here, if you all could be quiet in the back, please.

So just a reminder if any of you weren't here, the stop light thing works. The green light goes to blinking, I think when you are halfway through and then it goes to yellow for the last minute.

And Rebecca and Lynn, you all are going to have a really tough time dragging this cup out of Liana's hands and the tee-shirt out of -- who was it? I didn't write it down -- to Harriet. Harriet did the dead stop thing and Liana's got the perfect timing award so far. You all can decide which one gets which, actually.

So, a couple of things. Reminder cell phones on vibrate, please. It has been very good. I hadn't heard any problems there.
Remind everyone about the reception tonight.

It is just a couple of blocks away that NCAT and TOFGA and a few others are hosting for everyone in attendance to the meeting.

Anything else housekeeping? Very good. So, thank you all for coming back promptly and Rebecca, you are up.

MS. WILLOWS: All right. Hi. My name is Rebecca Willows and I am commenting on behalf of the Organic Produce Wholesalers Coalition, OPWC, which is comprised of ten businesses that distribute fresh organic produce to retailers, restaurants, and other customers across the United States and internationally.

I am a certification coordinator at Organically Grown Company headquartered in Eugene, Oregon, which is a member of the OPWC. OGC is also a supporting member of the Accredited Certifiers Association. OPWC has given written comments on several topics but I am addressing the Sound and Sensible
Initiative. The OPWC appreciates the work that both the NOSB and NOP are doing on the Sound and Sensible Initiative. We believe that the goals of streamlining procedures and clarifying regulations will play an important role in creating a better system.

I would like to share the following four points on the Sound and Sensible Initiative. First, real-time operator database from the NOP. The NOP database is only updated once a year and is, therefore, not reliable for verification of certification status. As a result, all of the OPWC members are burdened with the task of maintaining our own complex databases for verifying certification. Real-time information on operator certification status and accurate product lists on certificates are the number one changes that would make the regulatory environment both more sound and sensible. This change would save time, money, ensure integrity, and allow the organic
marketplace to flow in a more predictable and efficient manner.

Second, single standardized formats for certificates. Currently, each organic certifier uses its own format for its certificate. Especially problematic for us is that they have different dates, sometimes with different definitions. We suggest the NOP require a valid until date on certificates.

Permanent certificate numbers should be assigned to each certified party and serve as a constant reference number on the NOP website.

Third, the NOP instruction on 2603 on organic certificates. We applaud the NOP's recent revision to NOP 2603 instruction on organic certificates and we strongly support inclusion of the reference to 205.501(a)(21) which requires mandatory implementation of the elements of the instruction by certifiers. However, we feel the NOP's use of the term should and must on 2603 need clarification.
We are concerned that the framing points with should or must will allow an opening for certifiers to claim that these points are not subject to mandatory implementation.

OPWC urges the NOP to include this new instruction at its annual training for other ACA agents in order to ensure that all ACAs implement the changes as soon as possible.

So, now on the fourth, sound and sensible investigations. When OPWC members have made formal complaints to the NOP, we have found the current process of handling compliance investigations is slow and lacks transparency. Long time frames for resolving complaints and other enforcement issues significantly impact commerce in the fresh produce industry. Purchase and sales decisions are put into limbo. The product may become spoiled or enter and run through the market before the NOP's compliance system takes effect. The OPWC appreciates the NOP's
recent efforts to reduce the time needed to
close enforcement actions and we urge the
agency to continue to monitor and report on
the activities of the NOP's compliance and
enforcement division, so that the time frames
for enforcement activities can be further
shortened, thus, making them more relevant to
the organic marketplace.

CHAIR STONE: Very good. Thank
you, Rebecca. Questions, comments? Nick.

MEMBER MARAVELL: Yes, Rebecca,
about your second point, valid until. If
there were a legal problem with doing that,
and I won't go into the reasons for that,
would something along the lines of inspected
through with a date, let's say inspected
through December 31, 2014, would that be
sufficient?

There may be legal issues raised
with the ability to revoke and affect a
certificate with an expiration date, as
opposed to another action.
MS. WILLOW: Right. Well, there is two points on that. One, we would like to see either a valid or a certificate that expires but the certified entity may not, so that there are two separate ways of saying okay, the certificate is no longer valid. The certifier is still certified.

Secondly, the inspection date is not on the certificate currently. And that, alone, would greatly help the marketplace because it is the only date that has any reference in the rules for a time frame for the next action.

MEMBER MARAVELL: Well, as long as you are aware of the issues, I think you will be able to work that through.

MR. McEVOY: Yes, just a point of clarification on that. The way that the rules are written is that certification is valid until it is surrendered, suspended, or revoked. There is an NOSB recommendation from a few years back that requests that
certificates expire. So, it is one of dozens of NOSB recommendations that we have not fully addressed. The intent is is that we will go back and do some rulemaking to have those certificates expire so that they are valid for a yearly basis. But that requires a rulemaking action.

But at this point, certificates are valid until they are surrendered, suspended, or revoked.

MEMBER MARAVELL: So you think you can legally put an expiration date that would not violate your current policy or you would have to change policy.

MR. McEVOY: Right, you would have to change the regulations in order to put that expiration date on there.

So, the organic certificate instruction clarifies what we are saying, the requirements for certifiers to issue that. We also intend to, we would like to move to a unified organic certificate so they all look
the same. So, that is part of our information technology initiative for improvements.

CHAIR STONE: Great. Thank you very much.

Lynn Coody to the podium and Bill Denevan on deck.

MS. COODY: Hi. My name is Lynn Coody and today I am speaking on behalf of the National Organic Coalition, an alliance of organizations representing farmers, environmentalists, other industry members and consumers working together to ensure the integrity of National Organic Standards.

Today, I would like to comment on Sound and Sensible. In response to the discussion document on this topic that was prepared by the CACS for the fall 2013 NOSB meeting, NOC submitted specific ideas for improving NOP certification and accreditation programs. Our paper discusses a range of topics, including improving OSP forms, training inspectors and auditors, upgrading
methods for evaluating materials, and
suggestions about the records required of
organic farmers and handlers.

The primary focus of NOC's
comments was the need for oversight systems
that provide proactive, continuous quality
assessments at every level of the regulatory
system of the U.S. organic industry.

On this topic of oversight, NOC's
comments introduce a concept of a National
Organic Quality System as a way to frame the
discussion of the Sound and Sensible
Initiative. The concept focuses on management
of the multiple levels of the NOP regulatory
systems as an integrated whole. We believe
that this integrated view affords
opportunities for redistributing burdens and
responsibilities of quality assurance, so that
they are commensurate with the level of
authority at each level of the oversight
system established by OFPA. In turn, this
allows both increased efficiency and increased
effectiveness, which boils down to Sound and Sensible.

This is a complex concept that is better understood by reading our comments. But for now, here is an example of how this concept plays out in a practical way. The foundation of the National Organic Quality System is the certified operation of farm or handling operation that is overseen by an accredited certification agent. NOC believes that the level of paperwork used to document this relationship has become overly burdensome on farmers and handlers. In response, some certifiers have implemented systems that allow operators the option of maintaining the working copy of their OSP as an electronic document on the certifiers' computer network. This supports easier electronic updates, while ensuring that the operator and certification staff are using the same information. This is an example of rebalancing the responsibility for management of a quality system
documentation from operators to certifiers.
In this case, the system is not only more
effective and more efficient. It is also more
equitable. This same principle applies at the
next level up of the National Organic System,
where NOC has identified a lack of continuous
oversight of the NOP as an important
impediment to the principles of Sound and
Sensible. Failure to implement the peer
review panel and oversight mechanism required
by both OFPA and NOP's regulation has resulted
in systems which are noncompliant with Section
509 of NOP's own regulation. And this has
been shown in the results of internal audits
and other audits that have been done by the
Office of Inspector General and the National
Institute of Standards and Technology, which
have documented problems related to this.
So in conclusion, Organic
Regulatory Systems must function as a
practical marketing tool for organic farmers,
handlers, and other stakeholders, who rely on
the clarity and validity of the organic claim in the marketplace.

We urge you to review our written comments, which provide specific comments about how to achieve this goal and we did try to be constructive and very specific about the ideas that we provided.

Thank you very much.

CHAIR STONE: Thank you, Lynn.

Miles?

MR. McEVOY: Yes, a point of clarification there. The Office of the Inspector General did do an audit report March of 2010 had some specific findings about the USDA National Organic Program not implementing the peer review panel. AMS took some recommended actions, based on that. And OIG has closed that, based on those corrective actions that the program has taken.

So, we are meeting the requirements of a peer review panel. There are more things to do and we appreciate the
input that NOC has provided, in terms of making improvements to that whole system.

MS. COODY: Well, in turn, we appreciate the proactive stance that you have taken to try to improve the situation and address some of the noncompliances that were brought out by the audits.

Now, auditing is an opportunity to provide a very specific feedback on the quality of a regulatory system and so that has been great that you have taken corrective actions. We do look forward to having a more proactive situation with the peer review panel that addresses not only the requirements of the NOP's own regulation but also the requirement of to be compliant with ISO 17011, which is in your regulation as well. So, that is an area I think that could potentially be improved, based on the results from the NIST audit.

So, and I have looked forward to working with you on this more, Miles.
CHAIR STONE: Great.

MS. COODY: Done?

CHAIR STONE: Thank you, Lynn.

MS. COODY: Thank you.

CHAIR STONE: Bill Denevan to the podium and David Moore on deck.

MR. DENEVAN: Hello. My name is Bill Denevan. From '76 to 2006, I grew 120 acres of organic pears and apples under the Denevan Apple and Happy Valley labels. In the '80s, I served on the Board of Directors of CCOF. I have been employed for the last 20 years as California and Chili Grower Rep for Viva Terra, formerly known as CF Fresh.

Three years' ago, I was elected to the Board of Directors of the California Apple Commission. I represent District 2. And I just got done visiting growers that I represent in the Central Valley.

Although I don't put my money where my mouth is, like I did when I was a grower, I still remember that time in my life.
Most of the farmers I visit, they walk a financial tightrope, just like I did. The last thing that we need now is to lose the ability to borrow money from the bank and be financially successful.

Nothing upsets a grower more than losing its future in one year due to blight. There is no bug, no fungus, no freeze, no bad market, nor any dilemma that can destroy a grower as quick as blight can.

The way I see it, throwing out all the antibiotic controls for the next year and making growers experiment, instead of letting them use their currently most effective tool in their disease toolbox would be an incredibly illogical move. At the very least, we should have a chance to create a new reasonable time line so as to figuring a new effective spray regiment.

All the organic growers I know are honest, hard-working, salt of the earth types who strive to give organic consumers the
cleanest fruit they can grow. Antibiotics have been in use for 30 years in organics and applied only when necessary. Yes, we all realize there has to be other ways to kill blight. Yes, we are in the process of trying them all. Why be in such a hurry without sufficient trials and protocol? Why do we have to seriously think about being ready to jump off the cliff and have many trees dying next year? We already have enough serious tasks to deal with markets, financing, hail, labor, fertilizers, and feeding our families.

The main reason for my coming to this meeting today is to let the decision-makers on the NOSB Board know that my research into the effectiveness of these highly-touted organic alternatives shows that without a doubt these new materials are not ready for prime time. Nearly all the experts I have talked to say that any non-antibiotic control is a work in progress and many more efficacy trials must be done before they can write
solid recommendations.

As we speak, in Reedley today there are over $1,500 per acre being spent on cutting out a burning blight on over 100 acres of organic Gala and Granny. This includes three growers. On the 30 acres with the most damage, the grower religiously adhered to the copper, lime, sulfur Blossom Protect with buffer type spray regiment, currently being touted by the industry experts in Washington. His blooms had 60 percent blight on the trees. That is an incredible amount of cutting.

Now, he has shoot blight today. He has cut everything out of the blossoms that have been infected. Now he is getting these shoots that are dying and it is starting run down the branches. Anyway, he is using Blossom Protect and this is his second year using Blossom Protect and he has got bad blight as a result.

Another grower has got 75 acres of organic Gala, Asian pears. He has horrible
blight. He has been using Agri-Mycin, MicroShield, lime sulfur, as these chemicals are approved for this year. It is his first year doing organic and he has got less damage than the Blossom Protect guy has and he needs some more research and protocol.

The good thing about this proposed ban is that we are going to be able evolve some kind of good protocol.

In the same neighborhood, another grower, who is in transition, has 20 acres. He is spraying every three days with an alternating MicroShield and Agri-Mycin and has little damage on his 18 acres. So, he has two acres of Blossom Protect and they are terrible.

So, basically, what I wanted to say is that as far as I am concerned, these new products, there’s 15 of them out there, blight control products that they’re saying hey, you’ve got to try them out, they’re placebos. They’ve got WSDA and OMRI
imprimaturs on them and they are not working. And I think this is ridiculous.

If you want to send all of California pear and apple business to South America and to Washington -- well, to South America where blight doesn't exist and send the growers of our state packing back to conventional, then don't give us our extension that we need.

This year is the worst blight I have ever seen since I started farming in '76. We have had warm temperatures. The most warmest temperatures ever recorded. The bloom has not been compact and advantageous for doing Blossom Protect sprays. We have had a bloom for five weeks. The flowers on the apples have been open for too long. This kind of situation happens in California every five years and in Washington, it almost never happens. They always have adequate chill up there.

Nothing has been developed for
warmer climates and California is not the only one. There is Pennsylvania. There is other places that have trouble, too.

Anyway, the California Pear and Apple Commission and the many growers have allotted big chunks of our orchards to study the problem and have been trying to use these new products that cost two to four times more than the products that we know that work. And we are certainly not ready to jump over the cliff, unless the proposed ban pushes us over.

That's it.

CHAIR STONE: Thank you, Bill.

Harold.

MEMBER AUSTIN: Bill, thanks for coming. I appreciate the concerns and the issues that the growers in California are dealing with, as well as others across the country.

Could you answer us, based on your personal experience in your involvement with the growers, any efficacy differences between
the materials in apples versus pears? And then also, do you see any difference in efficacy with materials, based off the age of a tree or is there certain varieties that are more susceptible?

MR. DENEVAN: That's a really good question. Let's get to the latter. Trees that are really young, they die in a hurry. Trees that are vigorous, that are well-fertilized and happy, all of a sudden they get this bacteria and they die in the same year that they get the blight.

Anything that is four years' old and younger, whether it is a pear or an apple, especially a Pink Lady, the blight will come in through the blossom and run. And it will run all the way down to the roots. I have seen 400 acres taken out in California from five-year-old trees that were not sprayed properly.

Like I said, this is not something that you can get rid of in one year. This guy
that used Blossom Protect last year and really he had blight, a little bit of blight last year. He had a little bit of cankers in his trees as a result of not having taken care of it last year. This year, he went to the label and beyond and what did he get? He has got 60 percent of all of his spurs are dieback. And now he has got shoot blight. It is incredible.

Your other question was what?

MEMBER AUSTIN: Pears, the difference between apples and pears.

MR. DENEVAN: Pears are the worst. They always have a late, a delayed bloom. They never do a snowball bloom. And yes, pears die faster than apples, as a rule. Although this year, I am changing my idea on that. This year was unbelievable. I have never seen this kind of damage. And I just came out of the field. I was there last week looking at the trees and I don't even want to look at them. It is so disgusting. Because
I grew pears for 30 years and I know how fast you can lose branches. One year, I took every single spur and shoot off of every single tree of 2,500 trees and was left with just the leaders, just the basic framework of the tree, and had to regrow all the fruit. It took years to get back.

And that is the problem. The people that are wanting us to jump off the cliff and get rid of the antibiotics immediately, they don't understand that it is not like any other situation that has ever happened to anybody. You have to be a grower. You have to be somebody that puts your money where your mouth is. You plant a tree, it last for your whole generation, your whole life. It is different than a bug or a market thing or hail. These are all like things that could be taken care of over a year or two. But blight, once you get it, you are fighting it forever.
So, any other questions about blight or the tetracycline ban?

CHAIR STONE: Jennifer.

MEMBER TAYLOR: Thank you for your presentation. I was just wondering. As you talk to your growers around the different areas, do you ever have conversations about different kinds of alternative management systems that they could use or should use or are using?

MR. DENEVAN: Well, for one thing, every year is a little different. And if you have inoculant from the year before, that means you have a certain protocol to operate on that particular year. So, the last year, your history affects what you do now. And then your region predicts what you do.

I advise people not to grow Pink Ladies because they seem to get it worse than any other variety. And I advise people to try to spray closer, when we have really hot events and it is a warm winter, I advise them
to get out there and spray more often.

As far as planting other trees and things like that, like I said, this is a long-term tree. You plant a tree, you don't go and say oh, gosh, I have got seven-year-old trees and I have to go on a whole new regiment and I will just plow it all under. It is not like growing a row crop where you can say oh, I am tired of growing this, I will grow something else or I will go fallow. This is something that you commit to for, we are talking a decade's commitment.

I know it is hard for people to understand that but I committed to growing my crops for 30 years. And I would build up fungus. There are so many issues. But with fire blight, trying new things is what we are all about. We were forced to. We were forced to. We were told five years ago that we had better get the heck into something new.

So, the biggest problem -- and this is a really good question. The biggest
problem really is we need pesticide manufacturers, and we need researcher, and we need cooperation of other growers who are trying different methods. We need to have a consensus of ideas developed that we can work together on, not like just hey, my time line says goodbye right now. No, that isn't the way nature works. That is not the way growing crops work. It works in a less finite kind of way. Do you hear what I am saying?

CHAIR STONE: Great, thank you, Bill.

MR. DENEVAN: All right.

CHAIR STONE: David Moore to the podium and Alexis Randolph is on deck.

MR. MOORE: Good afternoon, everybody. I am David Moore. I am a California licensed agricultural pest control advisor and qualified applicator and almost alone here today. I am here to talk about 205.206(e).

Section 205.206(e) is the gem of
organic agriculture. It is not just the only regulatory mandate for IPM. It is where the certification system affirms and enforces the goals of the NOP. It is also where the organic grower faces the very real challenges of crop protection. This point, where the grower and his or her OSP affirm the authority of the certifier and of the NOP is the crux of the integrity and longevity of organics. This is a really tall order for a really short regulation. And while 206(e) is rightfully the pride of organic regulation, it is proper and, I would say, critical for this Board to examine it and show that it is always up to that task.

Section 206(e) must not stifle the initiative and the ingenuity of the organic grower. It must not be interpreted in ways that hobble the growth and advance of organics. And it must become a primary driver of more organic farms, more organic acres, and of more and more affordable organic food.
The word insufficient must not be interpreted to force growers to repeat failed practices, to forego established best practices, or to violate other regulations, including other parts of the NOP. In Silicon Valley, they like to say don't let perfect become the enemy of good.

The rigors of how 206(e) is applied on the ground must be considered during Sunset and petition reviews. Section 206(e) is the bulwark to ensure the synthetics on 601 are used in accordance with the goals of the NOP and assertions that listing a synthetic material somehow allows misuse or abuse are disingenuous.

I was taught that organic agriculture is founded on the concept of the farm as a system for the well-fed, well cared for soil of its foundation. This, presumably, is one reason certification and regulation is rooted in a system of grower actions tailored to that grower's farm. Systems remain stable.
due to feedback and the grower's OSP is the
organ of that feedback. Regulating organics
is also a system and the NOSB is one organ of
that feedback.

The important concerns for 206(e)
are an example of that feedback, as stated in
the Subcommittee document. And I want to
thank the Board for showing the courage to
address this. This board should be gravely
concerned by the indifference that 206(e) so
often faces. A review of 206(e) should be a
system of ongoing feedback with a goal
elevating 206(e) to its proper place as the
beacon or organic regulation.

The document before you today is a
very important step but it has its
shortcomings. It raises the issues of public
misperception and poorly informed stakeholders
and notes how these issues sap NOSB resources
and distract from the tasks at hand, yet there
is not express call to address this.

Ongoing review of 206(e) should
include focused efforts to eliminate these persistent problems. The incredibly widespread misperception that organics are somehow free of chemical controls is disgraceful. And it is a discredit to the diligence of the organic grower and the industry as a whole. It is an intellectual dishonesty and it sullies the reputation of an industry that professes to pride itself on the transparency.

One duty of the organic stakeholder is to challenge the misinformed and to educate the uniformed. And the Board's review of 206(e) should explicitly address that duty, not merely acknowledge it.

I challenge this Board to act decisively to try to resolve all the issues identified in the Subcommittee document.

Thank you.

CHAIR STONE: Very good. Thank you, David. Questions, comments?

MR. MOORE: Thank you.
CHAIR STONE: Very good. Thank you. I've always wanted to know who made sure that crop rotation was 205.205. I just think that is great.

(Laughter.)

CHAIR STONE: Okay, Alexis is to the podium and Pat Kane is on deck.

MS. RANDOLPH: Okay, good afternoon everybody. My name is Alexis Randolph and I am representing QAI and NOP Accredited Certification Agency. We are also a member of the Accredited Certifiers Association and a proud participant in their Task Force meetings.

I am here to speak to you about the discussion document on crop management, specifically 205.206(e). QAI worked with the ACA to submit written comments and we also submitted additional comments directly. The discussion document claims there was uncertainty and variability in the application of the requirements under 206(e). I find this
statement puzzling.

All NOP certification agents undergo rigorous accreditation audit and mandatory annual NOP training to ensure that there is no variability among certifiers. Additionally, as a participant in the Accredited Certifiers Association, this allows us to share best practices and receive peer reviewed feedback on certification procedures.

The heart of the discussion document appears to be in question number one. What activities or practices do you require the applicants and certified operations in their OSP with respect to compliance with 206(e)? The answer is in the regulation itself. A full reading of 206, bullets (a) through (d) outlines numerous preventive practices, such as crop rotation, plant species selection, mechanical and physical methods to control pests, nutrient management practices and so on.

Bullet (e) clearly says that when preventative practices identified under
bullets (a) through (d) are insufficient, then
and only then may substances on the National
List be used.

Certifiers are not uncertain about
how to read that section of the regulation or
how to verify preventative practices are
implemented. Please read the comments by the
ACA and QAI for more detailed information on
the exact contents of farm organic system
plans, supporting records that are maintained,
inspection procedures, including visual
observations and in-depth auditing of records,
all of which confirm preventative practices
are being implemented and are the foundation
of a good organic system plan.

Thank you very much.

CHAIR STONE: Thank you, Alexis.

Questions? John.

VICE CHAIR FOSTER: Thank you,
Alexis. I know you can just speak for QAI.
I don't want to ask you to speak for all ACAs
everywhere. But for QAI, would you find
sufficient evidence that an operator is
complying and is that embedded into some sort
of format in the OSP template?

MS. RANDOLPH: Sure. In our
written comment, we give some examples of what
is in the OSP that the farmers have to submit
and it includes a variety of information,
everything from what is their crop rotation
plan going to be, which changes from year to
year; what is their cover crop going to be,
especially if it is a perennial system. We
ask detailed questions about their integrated
pest management, in terms of biologics and the
varieties of pest pressures that they are
receiving on farms.

So, it is a very complex question
to answer but it is being fully addressed
throughout the mechanism of the organic system
plan.

And then on final inspections are
not only auditing records, which is very
important in terms of looking at inputs that
are being purchased and harvest records and
planting records, but they also did visual
observations of the field, walking the
borders, looking at the buffers, looking at
the overall botanics that are on the farm and
promoting good pest management, et cetera.

So, it is a very complex subject
but it is one that we have been doing for
years in the organic industry. It is the
foundation of organic farming.

CHAIR STONE: Thank you, Alexis.
Thanks for all your work and for being here.

MS. RANDOLPH: Okay, thank you.

CHAIR STONE: Pat Kane to the
podium and Jessica Walden on deck.

MS. KANE: Hi, everyone. I am Pat
Kane. I am the coordinator of the Accredited
Certifiers Association. I would like to thank
the Board for all the work that you do and
providing our opportunity for comments.

I also would like to take this
opportunity to thank the National Organic
Program for the continued efforts on guidance and instructions for ACAs. It is very helpful.

ACA submitted comments to the CACS document, the request for NOP's clarification and guidance on retail compliance and certification. We thought the document was great and supported it. We like the ideas of additional education and outreach for retailers in the form of guidance from NOP. We also supported the Subcommittee's request for clarification from the National Organic Program as it applies to retailers.

The clarifications regarding record keeping requirements for exempt and excluded operations, clarification regarding whether an exempt or excluded retail establishment may sell products off-site, including online sales, and a clarification on labeling requirements in 205.308, 309, and 310.

In particular, ACA requested
clarification regarding the term certified facility that appears in 205.308 and 205.309(b). Some ACA's interpret the language in these sections prepared in a certified facility as referencing the retail food establishment. Some interpret the wording as where the product was originally produced and some believe it refers to the certified handler.

So, clarification is needed, since there are restrictions on the use of the seal and the certifier logo, depending upon which party is certified. So, we would really like some clarification on that.

Thank you.

CHAIR STONE: Thank you, Pat.

Questions? Very good. Thank you very much for your work that you do in helping the certifiers.

Jessica Walden to the podium and Charlotte Vallaеys on deck. Welcome, Jessica.

MS. WALDEN: Hi. Thank you. My
name is Jessica Walden from QAI. I am the Technical Senior Reviewer and sometimes inspector, supervisor of the reviewers. I also grow organic homo sapiens, currently. It is a difficult process.

QAI is an accredited certifier and we are an active member of the Accredited Certifiers Association. This is a forum where certifiers work together, even though we are competitors. We work together to reach consistency of how we interpret and implement the organic regulations. And we know that we are working towards the same cause, to protect organic integrity, the label, the consumer, the organic operator. I worked in the organic industry, both in the U.S. and Australia for over 18 years and I have only seen a strengthening of organic requirements, the organic regulations, and I have seen a strengthening of certification and inspection staff during that time.

The NOP has also only gotten
better through much more transparency, open
dialogue, and by providing more guidance to
certifiers and operators and consumers. So,
I wanted to say thank you to the NOP. And I
wanted to say thank you to the NOSB as well.
Your work is very much appreciated and I know
you will continue to do good work. So, thank
you.

So why am I here? I am going to
talk about glycerin, actually. This is going
to be quick. So, as a certifier, it is not my
job to argue for or against the listing or
delisting of a specific material. However, we
are always supportive of the development or
organic alternatives for items on the list.
But I can report what I see are the challenges
for when there are changes. And hopefully,
they will be considered during deliberations
and when a final decision is made.

So glycerin is currently on the
National List as a non-agricultural synthetic.
We know it can be produced in several
different ways as is summarized in the Handler's Committee's proposal and they include alkaline saponification and microbial fermentation, which both could be carried out according to the regulations and materials on the National List.

Glycerin is used in a wide variety of food and personal care products that are certified organic. And we have heard the challenges, and those include it is still uncertain about the food-grade quality of the organic glycerin produced currently.

Glycerin is also widely used in natural flavors and natural colors. And those natural flavors and natural colors are not organic. And they are often produced for the mainstream clientele and organic makes up a small percentage of the market. So, in terms of those manufacturers using organic glycerin, there might be some time required for them to start making those changes.

I really appreciated Bill Wolf's
comments because he did identify these challenges and he also proposed some solutions. And he was speaking on behalf of the petitioner. So, that really says something.

You know he talked about transitional solutions implementing the commercial availability clause, initially, and also tweaking the language of the annotations as well to sort of take into account some of these challenges.

Gwendolyn from OTA also touched upon the difficulty that certifiers face when evaluating whether the material is agricultural, non-agricultural, synthetic, non-synthetic. And so until we get that guidance from the NOP, if we are looking at glycerin that is going to be used in a made with product, certifiers might be assessing those types of glycerin in different ways.

So, thank you.

CHAIR STONE: Thank you, Jessica.
Questions, comments? Very good. Thank you very much.

Charlotte Vallaeys is up next and Will Fantle is on deck.

MS. VALLAEYS: Good afternoon. My name is Charlotte Vallaeys. I am with Consumer Reports in our Policy and Action Arm Consumers Union. We are also part of the National Organic Coalition. We believe in the unique value and critical role of the NOSB and we are concerned with the recent disregard from the USDA for this important role and value of the Board.

I work for the Food Safety and Sustainability Center at Consumer Reports. Food safety and sustainability are interconnected and our goal is to see the entire food landscape change. Organic is part of that and we want to see this label and the system of agriculture that is behind it grow and thrive but it needs to grow in a meaningful way.
The growth of the market depends on the standards staying strong, aligning with consumer expectations. In that way, please, don't disregard or diminish in any way the importance of consumers. This is a $30 billion industry and let's not forget where those $30 billion come from: consumers who are willing to pay more because they expect more.

We responded to the NOSB's research priorities request for information on consumer expectations with a comprehensive nationally representative survey. We hope you will use the results in your deliberations.

Before I address NOSB agenda items, we noted that the USDA states, in organic promotional materials outside on the table, that organic chickens are granted year-round access to the outdoors. This is also what consumers expect. Yet, we know that this isn't happening and there are no specific standards. We urge the NOP to move forward
with animal welfare standards and enforce the existing rule requiring outdoor access. We also urge the USDA to prohibit the use of antibiotics throughout the entire lifespan of organic chickens. We have survey data on that as well.

As with many synthetic materials, we are concerned with allowing ammonium hydroxide as a broiler water additive and have submitted detailed comments. In milk pasteurization, it would actually come in direct contact with organic milk. Ammonium hydroxide is a toxic substance and we think you should reject the petition.

You have our comprehensive comments on ancillary substances. The National List is for single substances, not formulated multi-ingredient products. Non-organic or artificial substances used in a formulation must be either organic or on the National List.

We believe methionine is the
poster child for how Sunset has failed, for
how materials, when they stay on the list
indefinitely, discourage the development of
natural commercially-available alternatives.

Regarding Sunset, the original
authors of OFPA in Congress have already
publicly urged you to reverse this policy
change, saying it conflicts with both the
letter and the intent of the statute. We
agree and, according to our survey results, so
does the vast majority of consumers.

We want to see the organic
industry grow and thrive. Consumers turn to
organic because it is an alternative to the
largely unregulated conventional food system.
Strong standards that meet consumer
expectations are the foundation of the organic
label and must be protected and preserved.

Thank you.

(Appplause.)

CHAIR STONE: Very good. Thank
you, Charlotte. Questions? Thank you very
much. Well done.

Will Fantle to the podium and Troy Aykan on deck. Welcome, Will.

MR. FANTLE: Thank you. My name is Will Fantle. I am the Co-Director of the Cornucopia Institute. We have more than 10,000 members scattered across the country and we believe we also have the largest number of certified organic farmers of any other comparable organization. We aim to bring their voices to this meeting, to share their concerns with good food consumers who want to support their farmer heroes.

For the past two days, you have heard a lot of concern and profound expressions about the changes that have been made to Sunset and other authority concerns with the NOSB. I understand that when the USDA brought the members of the NOSB to Washington last February for what I will call reorientation, reduction about their roles and duties, they were told on more than one
occasion to stay in your lane. Stay in your lane.

The reality is that the USDA has merged into the NOSB's lane, squeezing and minimizing the space you were given by Congress with the Organic Foods Production Act, OFPA.

Perhaps we shouldn't be surprised, after all, that the USDA told Congress that they didn't want the responsibility for administering the new law. Michael Sligh, the first Board Chair of the NOSB appropriately called this a shotgun marriage yesterday in his remarks.

Aside from Sunset, I want to draw your attention to a couple of highlighted paragraphs from OFPA. The section of the law, the first highlighted section, authorizes the Board to hire a staff director. We believe that Miles is fulfilling this function. We also believe that the power dynamic between the NOSB and the USDA would be significantly
different if this section of the law was being adhered to.

The second highlighted section deals with who handles and authorizes TRs. The Board, you have got the power who is in whose lane. Some of you may be familiar with the Italian-American philosopher Tony Soprano. When his business associates complained about this strong arm tactics, his response was: "What you going to do about it?" Well, we are going to do something about this. We are likely going to court. This power grab on Sunset and NOSB authority cannot and will not stand.

I also want to update you on a development dealing with organic eggs. I have talked about this before. This is an operation in California that was marketing their eggs with this type of packaging from this type of facility. They were taken to court by an animal rights legal defense fund organization because of the deceptive
packaging. They won. That packaging is no longer in use. So, we have animal welfare organizations enforcing welfare standards and many consumers of organics believe that this image is really what they are getting.

Lastly, I want to mention our extreme disappointment with the rule released on the reauthorization of carrageenan by the USDA. This Board appropriately attached a restriction to that reauthorization in the form of an annotation. And that annotation prohibited the use of carrageenan in infant formula. The sanitation was missing from the final rule issued by the USDA. It is outrageous. It is unacceptable. We are looking into this and likely will be challenging that.

The last little piece I want to mention is our intention to develop a scorecard going forward, just like we have -- here we go -- thank you.

CHAIR STONE: Thank you, Will. We
are getting some good ties on that stopping at
the light. I appreciate that. We have got
three right now. So, Michelle, we will have
to come up with some more prizes.

Questions for Will? All right.

Thank you very much.

Troy Aykan to the microphone and
Cheryl VanDyne on deck.

MR. AYKAN: Good afternoon. My
name is Troy Aykan. I am a food scientist and
a lawyer with Hain Celestial Group. I also
teach part-time food laws and regulations at
Catholic Pomona and Chapman Universities.

We wish to strongly support the
relisting of gellan gum on 205.605(a), non-
synthetics allowed. Our support for relisting
gellan gum is based on the following.

Essential for organic production. Gellan gum
is a necessary ingredient in many organic and
made with organic products. It is used in
various applications as a stabilizer or
thickener. It is especially useful to suspend
water insoluble substances in liquid products. We use it in a number of our non-dairy beverages. It is unique characteristics are not matched by other gums or substances on the National List.

Safety. Gellan gum is classified as grass or generally recognized as safe for direct addition to food for human consumption. This is codified in 21 CFR Section 172.665.

Meets all criteria for addition to National List. Gellan gum meets all of the criteria for allowed substances, as required in CFR 205.600. It is essential for the handling of organically-produced agricultural products and there are no organic substitutes. Gellan Gum is grass and its manufacture use and disposal do not have adverse effects on the environment and are done in a manner compatible with organic handling.

We urge the Handling Committee and the NOSB to keep gellan gum on 205.605(a).

Glycerin. We also wish to comment
on the petition to remove glycerin from the National List. We support the increased use of organic ingredients in organic products. However, there is some uncertainty about the classification about non-organic glycerin which was mentioned by previous presenters. Is it agricultural or non-agricultural? If non-agricultural, is it synthetic or non-synthetic? This should be cleared up before the Board takes any decisive action.

In addition, there are concerns that organic glycerin may not be available in sufficient quantity for the needs of organic foods. Additionally, non-organic glycerin should be allowed in natural flavors. Getting flavored houses to use organic glycerin would be a big problem. Organic companies do not have the volumes to induce most flavor houses to use organic glycerin. Glycerin should stay on the National List with the requirement to use organic glycerin if it is commercially available.
Thank you.

CHAIR STONE: Thank you, Troy.

Questions? Zea.

MEMBER SONNABEND: Thank you.

Could you give us a little more specifics about what type of food processing situations you would use gellan gum in over xanthan gum, or guar gum, or one of the other gums, why it is unique?

MR. AYKAN: Or carrageenan, yes.

I have consulted with our R and D staff. They informed me that gellan gum has unique properties that is not matched by other types of gums. And in certain applications, such as when we want to suspend water insoluble substances, it is the substance to use.

CHAIR STONE: Harold?

MEMBER AUSTIN: You also mentioned, and we have seen a couple of written comments have also come in mentioning gellan gum being used as a substitute for carrageenan. Since that came up and was
relisted during our meeting in Albuquerque,

have you seen an increased demand for gellan
gum as a replacement for carrageenan?

MR. AYKAN: From my experience, I

am not the person that formulates food

products but, as far as I know, the way I

understand it is that they have unique

properties and may not be -- I don't want to
cut it right there like it is impossible to

replace it but in certain applications, they

have unique properties to work without being

able to substitute.

CHAIR STONE: Great. Thank you,

Troy.

MR. AYKAN: Thank you.

CHAIR STONE: Cheryl VanDyne to

the microphone and Allison Walent on deck.

MS. VAN DYNE: Thank you. My name

is Cheryl VanDyne. I am the Director for

Global Regulatory Affairs for CP Kelco. I

want to thank you for your time today.
The purpose of my presentation today is to talk about gellan gum and reasons for relisting and to address some of the issues that came up in public comment.

First of all, gellan was listed at 205.605(a). and I know that in the Federal Register they said focus on providing new information. So, what I am doing is addressing the information that you need to have to support the comments that were made.

CP Kelco does note that certain comments were made and we think that maybe the basis of this might be misinformation or some unsubstantiated concerns. So like I said, the comments are going to support addressing the relisting of high-acyl gellan gum as non-synthetic and to talk about the public comments and process and safety.

So, first of all, high-acyl gellan gum is not harmful to human health or environment. And we have information to support this because it is approved as a food
additive in the U.S. and globally. And these approvals were based on extensive scientific reviews of safety and toxicology studies.

Additionally, it is not an impact to the environment, as noted in the EPA impact report.

The USDA TAP report that was prepared by the USDA NOP scientific evaluators provided expert safety evaluation of gellan gum for the NOSB Handling Committee and the NOSB Board. And this was based on full disclosure in the petition by CP Kelco. We disclosed it fully to the NOP under CBI. And this process allows us to do full disclosure and protect the confidential business information that protects our innovation but doesn't compromise the safety review. And I think that this is a very important point that was raised in public comment, talking about CBI. And representatives of CP Kelco provided public testimony and answered questions as they were asked.
So, why high-acyl gellan gum?

Well, first of all, it is used in a wide variety of the 95 percent organic -- certified at 95 percent. And it is proof that the ingredient is valuable to the organic producers and consumers, based on its high use.

It does have unique properties. I think some of the questions you had today were what is different about gellan and the others and could they be substituted and I have a couple of charts that I think will be helpful. Kind of eye charts but if you take a look at it, you can see that high-acyl gellan gum is at the top. It goes into primarily beverages and provides properties for chocolate milk suspension. One of the -- across the list.

One of the things that is unique about gellan is its ability to completely suspend nutrients. And those nutrients are then delivered in the beverage as part of the beverage, rather than having to shake or
whatever. It really does suspend.

So, the next chart is food applications. Where is it used?

Confectionaries, water gels, and fruit bakery fillings, et cetera.

High-acyl gellan gum is consistent with organic handling.

The primary reason for the decision to not list --

CHAIR STONE: Thank you. Calvin?

SECRETARY WALKER: Could you finish?

MS. VAN DYNE: I'm sorry. Any questions?

SECRETARY WALKER: My comment was, could you go ahead and complete what you were trying to --

MS. VAN DYNE: Would you like me to finish?

SECRETARY WALKER: Yes.

MS. VAN DYNE: Oh, okay, thank you. Thank you very much.
When we submitted the petition for
gellan gum, we put it with (b), 205.605(b).

As a synthetic, we didn't know any different
because that is where xanthan was.

And so during the second review,
and the NOSB kindly agreed to that, they took
a look at what it was that caused them to
think it was synthetic. And they actually
said, and there is some public comment, that
they didn't agree that gellan should be on the
(b) list. They believed it should be on the
(a) list.

So, during that review, they
looked at (a) versus (b) and determined that
the presence of IPA does not make gellan a
synthetic and that they recognized that
although low-acyl is naturally occurring, they
annotated it as high-acyl because they
realized that low-acyl can be reduced as a
process from deacetylation and, therefore,
only high-acyl would be allowable.

And, therefore, we are requesting
the relist at 205.605(a), high-acyl gellan gum
as a non-synthetic.

CHAIR STONE: Very good. Thank you. Harold?

MEMBER AUSTIN: Could you tell us how much -- is the industry still utilizing gellan gum substantially since the last time it was reviewed? Has anything changed in the use demand of the material? Is it still being used about the same or is it increased or decreased?

MS. VAN DYNE: Are you asking if the use of gellan gum has reduced the use of other materials or if the use of gellan gum has increased?

MEMBER AUSTIN: Gellan gum, itself, what is its current status?

MS. VAN DYNE: Yes, gellan gum has increased.

CHAIR STONE: Great. Oh, Joe?

MEMBER DICKSON: So, in reviewing the transcript from 2007, when the Board last
reviewed this, it looked like there was a really complex conversation about how each of these materials is produced. Can you just speak a little bit about what is different about the processing of high-acyl versus low-acyl gellan gum that would cause one to be okay as a non-synthetic?

MS. VAN DYNE: Could you repeat?

What different -- I don't hear very well. I'm sorry.

MEMBER DICKSON: Yes, that's okay. Could you explain a little bit more about what is different in the processing between high-acyl and low-acyl gellan gum?

MS. VAN DYNE: Yes. I am not the technical guru. I am the regulatory guru. So, there is a processing called deacetylation and it reduces the acyl groups. We have got Mr. Green up there. So, it reduces the acyl groups and creates, it is not a chemically different, it is a little bit different structure. It is still gellan gum but it is
recognized as deacetylated. And, therefore,
it occurs naturally. The acyl groups break
down naturally but in industry, if you want,
you can change it to the deacetylated. And I
think the Board recognized that.

We produce the high-acyl for the
organic program certifiers.

Anything else?

CHAIR STONE: Thank you very much.

And for the record, you are on the list for
getting the tee-shirt for stopping on time.

(Laughter.)

CHAIR STONE: Allison Walent to
the podium and Joy Rockwell on deck.

MS. WALENT: Good afternoon.

Thank you for your dedication and service for
organic agriculture.

My name is Allison Walent and I
represent CROPP Cooperative Organic
Valley/Organic Prairie, a farmer-owned
cooperative representing more than 1,800
farmer owners.
We would like to express our support of relisting high-acyl gellan gum as a non-synthetic on 205.605(a). Please refer to CP Kelco's the original petitioner's full written comment for more information regarding its non-synthetic classification.

Scientific studies by the Food and Agricultural Organization, as well as its grass certification have demonstrated that gellan gum is safe for human consumption.

When CROPP finds it necessary to use additional ingredients, we strictly limit the use of approved non-synthetics or synthetics to meet consumer expectations for the highest quality organic products.

Since 2012, we have been diligently working to remove carrageenan from our products and have successfully done so from our chocolate milk, egg nog, and soy beverages.

Gellan gum, for its properties as a stabilizer and thickening agent has proven
to be the best alternative. It provides a comparable alternative in body and flavor to current consumer expectations for product performance.

CROPP Cooperative Organic Valley and Organic Prairie support the relisting of gellan gum on 205.605(a). We appreciate the opportunity to address the Board and thank you for your service.

CHAIR STONE: Thank you very much. Questions or comments? Joe.

MEMBER DICKSON: Are there specific products you could not functionally make without gellan gum and what are they? And is it the ones that you listed where gellan is an alternative to carrageenan or are there other products where gellan gum is the only viable ingredient?

MS. WALENT: Gellan gum is the best alternative but I am not an R and D food scientist. So, I would have to go back to my R and D Department with that.
MEMBER DICKSON: Thank you.

MS. WALENT: Yes.

CHAIR STONE: Great. Thank you very much.

Joy Rockwell to the podium and Brad Rockwell on deck.

MS. ROCKWELL: Hello. My name is Joy Rockwell and I am a consumer and a health educator. And I have to say, I make my own almond milk at home. I don't use -- there is no additives to it. It is just almonds and water and it is delicious. And I don't mind shaking it up.

But the reason I am here, I really believe in organic food. I am a member of the Cornucopia Institute. I am here as a citizen lobbyist. I work at two health organizations, the Retreat Centers, one in California, one in Austin. And the only thing we serve is USDA organic food. And I have seen people with Stage IV cancer reverse it. Prostate cancer that has metastasized to the bone and
endometrial cancer that has spread to the lungs, people have reversed it with organic food, produce, juices. So, organic is really important and non-GMO.

Today, I will talk about sodium carbonate peroxyhydrate. This material should never have been added to the National List. Now, it should be allowed to Sunset. Ideally, the NOP will accept the advice of the NOSB and return to the Sunset process that has been in effect since 2005. If the new NOP policy remains in effect, then we urge the Crops Subcommittee to draft a proposal to remove sodium carbonate peroxyhydrate from the National List.

There are several reasons to remove SCP. The product label states bactericide, fungicide, algaecide. One possible use for SCP is to control algae in rice. But apparently, it will kill fungi and bacteria along with algae. Use of a broad spectrum biocide is not consistent with
organic principles, which is to promote ecological balance.

The Crops Subcommittee, in 2007, voted unanimously against adding SCP to the list, zero yes, five no. The committee agreed that SCP was harmful to the environment, not essential because alternatives are available, and not consistent with organic production and handling. The checklist for SCP noted that it did not satisfy evaluation criteria 1, 2, or 3. The checklist also noted that SCP does not any OFPA categories. For these reasons, SCP should never have been allowed in organic production in the first place.

The Crops Subcommittee should reconsider this information but they also need to consider the possible use of SCP for aquatic plants and hydroponic systems. Those uses were not evaluated in 2007 because the NOSB recommended that hydroponics should be prohibited. Recently, the NOP decided that crop aquaculture and hydroponics are allowed,
which means that all the crops materials must be reevaluated for those uses.

Lastly, I hope that the USDA organic regulations can be as strong and well-respected as those in other countries. The United States should lead the way. International standards do not allow SCP in crop production. We should not allow it here.

If you have questions about this testimony, I encourage you to speak with one of Cornucopia staff members. They are here today.

And I want to thank you, NOSB members, for your work in keeping organics strong. And remember what Hippocrates said: Let food be thy medicine. And I have seen so many people here through the years, hundreds of thousands of people the past 35 years have gone to these institutions and organics are so important for our health and well-being. So, thank you so much for the work that you do.

CHAIR STONE: Thank you. And
thank you for your support or organic food and
your work. We appreciate that very much.

MS. ROCKWELL: It so important,
yes.

CHAIR STONE: Thank you.

MS. ROCKWELL: Thank you.

CHAIR STONE: Brad Rockwell and
Lisa Stokke on deck.

MR. ROCKWELL: Hello. My name is
Brad Rockwell. I am 61 years old and have
been eating vegetarian organic foods for about
40 years. I depend on USDA organic
certification program. I am also an attorney
and I specialize in environmental law.

I am a member of the Cornucopia
Institute and am here as a member because I
volunteered to help present testimony because
I want to ensure the integrity of organic
food.

Today, I will talk about aqueous
potassium silicate and sulfurous acid, which
are currently up for Sunset review.
Sulfurous acid is not allowed in Canada, Japan, or Europe. Aqueous potassium silicate, or APS, is not allowed, according to standards of Canada, Japan, Europe, IFOAM or Kodex. Why are these materials allowed in the United States? Please vote to remove them from the National List.

Ideally, to ensure consumer trust and organic integrity, I encourage the USDA to reinstate the democratic Sunset process that have been used since 2005. If that does not happen, I encourage the Crops Subcommittee to write proposals to remove these materials during Sunset review.

Aqueous potassium silicate should never have been added to the National List.

In the 2003 TAP review for APS, two of the three reviewers felt that APS should be prohibited because of the highly soluble synthetic fertilizers. The Crops Subcommittee, in 2007, voted that APS should not be allowed as an insecticide for disease.
control or for hydroponic use. Despite this, the full Board approved APS, without realizing that the NOP would later allow its use in aquaculture and hydroponics.

The NOSB recommended that hydroponics should not be considered organic, yet the NOP disregarded that recommendation and stated that organic hydroponic is allowed. When the NOP chose to allow hydroponic production allowed the use of APS in a way that was not intended by the Board.

Similarly, the NOP explicitly allowed crop materials to be used for plant aquaculture without input from the NOSB.

Since these uses were not evaluated by the NOSB, I hope that these materials will now be reevaluated.

In conclusion, we request that the original democratic Sunset review be reinstated. If the new NOP policy is retained, then the Cornucopia Institute recommends the Crops Subcommittee must write
proposals to de-list these two materials.

If you have questions about the subject of my testimony, I encourage you to speak with one of the Cornucopia staff members present here today.

Thank you to you all for the work that you have done over the years and for keeping organics strong. And thank you for allowing me to present testimony here today.

CHAIR STONE: Thank you very much. Thank you for your time.

Lisa Stokke to the podium and Beth Unger is on deck.

MS. STOKKE: Thank you and it is Lisa Stokke.

CHAIR STONE: Stokke. Thank you. Welcome.

MS. STOKKE: Thank you.

Before I begin my comments, I just want to say thank you to this volunteer board. I appreciate your service. Thank you.

Good afternoon. My name is Lisa
Stokke and I am Co-founder of Food Democracy Now. We are a grassroots organization based in Iowa dedicated to education and advocacy for sustainable agriculture, organics, and family farmers. Today, I stand before you as an organic consumer for 25 years, a mother, citizen, and a representative of the community of Food Democracy Now, which is over 700,000 people strong and includes organic farmers and organic consumers.

I am also a board member of OSGATA, Organic Seed Growers and Trade Association, which is a national membership organization representing certified organic farmers, seed growers, and seed companies.

I have to say I am offering these comments under protest, as Food Democracy Now exists to advocate for the interests of the organic community and organic family farmers cannot condone in good conscious the removal of the statutory rights and responsibilities of the NOSB. The NOSB was established by
Congress as an independent citizen oversight board under the authority of the Organic Foods Protection Act of 1990. The OFPA represents the framework by which the organic community entered into partnership with the USDA in regulating the organic sector.

Yesterday, Food Democracy Now sent a call to action to our community to which over 30,000 people have responded in 24 hours by signing a petition to Secretary Vilsack, asking him to rethink the proposed changes to the NOP rules and protect organic integrity.

I echo the words of NOSB member Jay Feldman, who yesterday expressed a deep concern that many in the organic community share, with an apparent change in direction of the NOP. Namely, when he stated that the needs of the NOSB is primarily responding -- the needs that they are responding to are primarily growth-oriented. The hope and expectation is that the NOSB serve as an advocate for the organic community and act in
the spirit of cooperation and partnership.

    Sadly, organic is a victim of its
own success. As more people have woken up to
the adverse health and environmental impacts
that are associated and caused by eating food
from the industrial foods system, more are
turning to organic as a safe haven. The
people have enjoyed and earned trust in
organic farmers and producers.

    Trust was waned in recent years,
however, particularly because of the USDA's
failure to properly stand up for organic
principles. The prevailing hope and
expectation of organic consumers has been of
purity and integrity. Organic is more than
simply a label.

    I am an individual who made a
commitment to organic. I have consistently,
for over 20 years, driven two hours one way to
source organic food that I trust to feed my
four children. I have always been grateful
that organic is available, the chemical and
genetically engineered alternative being unthinkable.

The Titanic of our food system is sinking and organic is a lifeboat for parents and children suffering from food allergies and to individuals whose food is literally making them sick. We cannot sink the lifeboat.

Aside from individual health, people buy and remain committed to organic, as it creates community and a vibrant society, through fostering human health, the support of small family farmers, and the conservation of healthy soil and pure seed.

I close by reiterating the support of organic integrity by millions of individuals. It is our hope that the NOP and the USDA will work in cooperation with the NOSB as a trusted partner representative of the organic community. We have respected the action of the USDA to regulate but not to take. As a community, we will protect organic integrity.
Perfect. Thank you.

(Applause.)

CHAIR STONE: Thank you. Thank you very much.

Okay, Beth, before you get started, then we have Zareb Herman on deck, Board Members, we have five presentations left, just so you can sort of pace yourself and know where we are.

Beth, welcome.

MS. UNGER: Thank you very much. It is good to be here and thank you all for your great service and to the NOP for the improvements we have seen over the past four years. We appreciate your willingness to work together.

I am Beth Unger. I am certification manager at CROPP Cooperative, marketing products through Organic Valley and Organic Prairie brands. And I would like to talk about the seed purity report.

The Materials Committee and the
former GMO Ad Hoc Committee put out a beautiful document. It was such nice work and I really appreciate what you did. I think my favorite part of that document was in the very beginning, when you stated that one of your conclusions said a seed purity standard can be consistent with process-based standards. We agree very much so. We did respond to that document in a point-by-point in our written comments. I don't want to go over that with you today because I am sure you all read that with great interest.

So, I just wanted to bring up a few points that can't be emphasized enough. And first of all is that when seed is contaminated, the crops that come from that seed will be contaminated. There is no question about it. Practices that the farmers can employ such as delayed planting, or buffer zones, or whatever can certainly mitigate the risk of contamination but contaminated seed equals contaminated crop.
And proliferation of genetically engineered crops is frightening. It is the USDA that is allowing the proliferation of genetically modified crops in this country. To expect the USDA to come back with a polluter pays, it is a great idea. I would love to see that idea get traction.

For the organic community, I believe we have a very serious duty here and that duty is to preserve clean seed for now and future generations. It is the right thing to do. We cannot let that go.

And so I am here to request that the NOP and the NOSB get together a Task Force of the real experts in this field, the organic seed growers, other seed growers. Put them together and come up with a solution that is something more than polluter pays.

Thank you very much for your service. I appreciate it.

(Appause.)

CHAIR STONE: Thank you, Beth.
Thank you for your work as well. Thank you very much.

Zareb to the podium and Peggy Miars on deck.

MR. HERMAN: Good afternoon. My name is Zareb Herman and I am a food scientist with the Hain Celestial Group, one of the largest organic handlers in the world.

We appreciate the work of the Materials Subcommittee but we strongly disagree with the recommendation to eliminate confidential business information or CBI from petitions.

I work for a manufacturer and manufacturers are businesses. To stay in business, they must protect their trade secrets and proprietary processes from competitors. It is quite feasible to allow CBI and still obtain sufficient information from the petitioner to make decisions concerning the classification of a material and its suitability for use in organic
production or handling.

To accomplish this, technical review contractors and the NOSB should be authorized to work closely with each petitioner to obtain the necessary information without disclosing information that is confidential to the business. We all know that it has become extremely difficult to get any petition approved to add a material to the National List.

I would like to share an experience I had at the Natural Products Expo in Anaheim. I was speaking with another organic foods manufacturer when a man approached us. The man produced conventional foods but he was interested in making organic and it would be a new category of organic foods. However, his manufacturing process required a small amount of a benign but synthetic ingredient that is not on the National List. He asked about the petition process and we told him that it would take
years and require a fair amount of money to
hire someone to write the petition.

Then he asked about the chances of
getting the petition approved. And we had to
be honest with him that the chances were very
slim. So, he dropped it and we lost the
opportunity for a new category of organic
products that would utilize potentially
millions of pounds of organic ingredients.
And we also lost the new organic acreage that
would lead to less pesticides, less
herbicides, and fertilizers, and less erosion
of topsoil. This is sad because we need more
organic acreage, not less.

Manufacturers are already
reluctant to submit petitions. This
recommendation to eliminate confidential
business information will further deter
manufacturers from even trying. Some
petitions will not require CBI but some will.
We urge the NOSB to exercise good judgment and
go with the Subcommittee's Recommendation 2,
which allows confidential business information in petitions.

In closing, I thank the Board for their valuable service. And I wish to thank Miles McEvoy and his entire staff at NOP. I have always found them to be highly professional, impartial and dedicated to doing what is best for organic foods and the entire organic community.

Thank you.

(Applause.)

CHAIR STONE: Thank you. Any questions? Thank you very much.

Peggy Miars to the podium and Marty Mesh on deck.

MS. MIARS: Good afternoon. My name is Peggy Miars and I am the Executive Director of OMRI, the Organic Materials Review Institute and I have been an organic consumer for nearly 30 years.

I want to first thank each NOSB member and the NOP staff for your service.
Yesterday, I had literally one minute of comments regarding confidential business information in petitions. But after listening to the proceedings yesterday and reading some of the written comments that I hadn't yet read, last night I expanded my comments.

Well first, OMRI agrees with the proposal to eliminate the provision for confidential business information in petitions. Only generic materials should be petitioned for evaluation by the NOSB. Formulated products should be submitted to a certifier or a material review organization for evaluation. Therefore, it makes sense that confidential business information is required for a brand name product review but not for a petition material being reviewed by the NOSB.

Personally, I am glad to see that the procedures for requesting technical reports continues to be made independent of the availability of funds. And if there is a
lack of funding to secure a TR, the review of the materials should be put on hold. That ensures that substances on the National List receive the appropriate evaluation that stakeholders expect. But if you do find that you must go forward without a TR, I caution you to proceed very carefully because you may not have the current and full information.

Now for my additional comments, which are on the Sound and Sensible Initiative. I appreciated the written comments from the Organic Product Wholesalers Coalition suggesting centralizing a material review system through OMRI. I also appreciated the National Organic Coalition's recommendations to standardize the material review system's use by ACAs, to emphasize policies that encourage material suppliers to submit their products to OMRI for review, for operators to use OMRI-listed materials in order to move toward a centralized review system, and to expand the scope of NOP's
accreditation to include MROs that are not ACAs.

I couldn't agree more and, frankly, I couldn't have written a better promotions for OMRI. So thank you, Liana, wherever you are.

So, I encourage all of us to think creatively to find a better way to serve the organic operators when it comes to material review. After all, growers, handlers, and processors are benefactors or possibly victims of material review decisions. As a non-profit organization, OMRI's main motivation is our mission, rather than money. If the NOP doesn't have funding for such a material review improvement project, perhaps OMRI and other non-profits could seek grant funding to help with this.

I am in the middle of reading a book called Get There Early: Sensing the Future to Compete in the Present. And the biggest takeaway for me, halfway through this
book, is that many of us learn to be problem solvers where there must be one right answer, where there is one winner and possibly multiple losers but in today's world, the volatility, uncertainty, complexity and ambiguity, we face many more dilemmas than problems.

Now dilemmas are problems that won't go away, problems that have no right or wrong or even a solution. Instead, it is often possible to come up with win-win strategies where there is more than one winner.

So, I don't have the answers here today but I am willing to participate in a discussion about improving the material review process and how OMRI can provide support and services for the organic community.

So in closing, I will pose a question and ask do we need a working group to address this dilemma of consistency and transparency in material review.
And in my remaining seconds, I will just comment that a year ago I came right after John Ashby's comments, where he gave an eloquent poem. And today, I understand I am right before Marty Mesh and John Ashby. So, the entertainment begins when I am done here. Thank you.

(Laughter.)

CHAIR STONE: Very good! Pretty good!

(Applause.)

CHAIR STONE: Cheers to you!

Great. Thank you.

Questions for Peggy? And I know the ACA training there is a lot of discussion about how to standardize and get some more uniformity around this MRO. So, thank you for working on it in the bigger picture, not in a self-serving way. So, thank you.

MS. MIARS: Thank you.

CHAIR STONE: And your name is on the mug list.
MS. MIARS: All right!

CHAIR STONE: Okay, Marty, you are up and John will close it out.

MR. MESH: Tell me when, because I am in it for the tee-shirt.

CHAIR STONE: When.

(Laughter.)

MR. MESH: My name is still Marty Mesh. I am still the Executive Director of Florida Certified Organic Growers and Consumers, a non-profit organization which operates a certification program called Quality Certification Services, as well other types of education and foods systems programs.

I started growing organically in 1972 on a larger scale in 1976 as part of Bellevue Gardens Organic Farm. As I watched, listen, and feel the evolution of our community, I am increasingly frustrated in how we frame what I thought was our common goal of furthering organic agriculture. That is a way to protect our natural resources, our precious...
surface and groundwater, the biodiversity of
nature, and to affect farmers' and workers'
health by not being exposed to the many
poisons that have cut short farmer friends of
mine in agriculture and their lives, and
workers and farmers I don't know but I know
they left behind children without a
functioning or alive mother or father.

Then there is the health of folks
eating the produce food and products derived
from organic agriculture. The intent, in the
words of Kathleen Merrigan, have been
occasionally tossed around and one quote I
vividly remember is, "don't let the perfect be
the enemy of the good" or I might say, very
good, especially when I think of where we were
not so many years ago.

It seems to me that here in public
comment that I need to state my thanks to
members of this Board for all the time,
energy, and work you all have put in. And
thank you and acknowledgment to the USDA and
Mark for institutionalizing organic further within the context of the USDA and the NOP, under Miles' leadership. Clearly, I do not agree with every decision or action that comes out of the National Organic Program or the National Organic Standards Board. Just to repeat, clearly, I don't agree with every decision that comes out of the NOP or the NOSB. However, listening to Miles' presentation, listening to what the Program has accomplished to the presentation on the challenges of getting stuff through the Federal Register process should have given everyone in this room something for consideration on how to move ahead, versus just how to take a stance on no, no, no.

Because of the Program's work, certifiers are much clearer about interpreting standards, implementing standards verification consistently, and that should relate to consumer confidence.

The work that the Program has done
and is doing is a long way from where we were. But no one seems to know that. We don't put that out on social media and all that other kind of stuff.

Certifiers are undergoing rigorous oversight and are still required to submit corrective actions of any shortcomings that they find in their operation -- do I get three minutes or four? Phew. Okay. -- to change and improve their system as needed. As Jessica stated: "Why am I here?" To urge a more civil discourse in an open mind and heart in hearing others in the hopeful reaffirmation that if, collectively, we view the widespread adoption of organic agriculture practices as beneficial to helping solve some of the pressing issues of our time in leaving the planet in a healthier state for not only our children but my grandchildren who was born Sunday morning before I came here, --

(Applause.)

MR. MESH: -- that we need to with
a new and revigorated attitude for generations to come.

So with that, I am open to taking any questions and I am going to keep talking until we get to exactly four minutes because I am in it for the tee-shirt. So, I read it too fast and I am just going to stop in another two seconds -- 20 seconds? Shit!

(Laughter.)

MR. MESH: I want credit for that time that I went over or something like that. This will even it out. Thank you very much.

(Applause.)

CHAIR STONE: Thank you, Marty. Marty, we gave a tee-shirt yesterday for a heartfelt. You get it for style points. Okay?

John, welcome and close out the oral statements.

MR. ASHBY: Thank you. I'm John Ashby. And there once was a man from Nantucket -- no! No, that was the OMRI dinner
after a whole bunch of wine.

(Laughter.)

MR. ASHBY: I probably better

confess at the outset, despite what some

people might think of me from my comments,

that I am actually not an American style

democracy-hating communist troublemaker.

Troublemaker, I can't really completely get

rid of that one.

But anyway, I have been doing this

organic stuff in different ways for over 20

years. For some reason, people have elected

formerly five times to different leadership

positions. Sometimes they are the same one.

If I was an American style democracy-hating

communist, it would have come out by now. But

it gets worse. If I had somebody who could

help me grow organics who was an American

style democracy-hating communist, welcome.

Growth of organics is too important.

One of the little things I try to

do and I would like to encourage people to do,
is I always ask is this going to help organics, the big picture of organics? Is this going to help organics or is this going to mangle it? And what I think gets glossed over at these meetings all too often is that there is two sides to this growing organics. Buying it. People want to buy it. They should. It's great, despite what one might be able to take away from some of these meetings. Again, ask is this helping to grow or mangle. But also important is making it. People need to be able to make it.

I got an email today from a really famous Midwest organic farmer who is writing about how he just had to go to the dark side because things were so unpredictable he had to go to some conventional farming. He didn't like it. He has to do it. I would like that to stop.

Another confession, a bad one, this is worse than communist. I am an actual card-carrying certified food scientist. There
is only about 1,500 or so of us in the world.  
This includes the science, the making, the 
health and nutrition, the food safety. You 
really have got to know all this stuff. This 
means I have a pretty good handle on the 
issues of making the food, while at the same 
time understanding the balance with organic 
rules and principles. Glycerin is a great 
example. The multiply mentioned food safety 
requirements, these are not an option. These 
are not something you have a choice about, 
period. It is not an option. 

And if you take glycerin away, you 
are going to damage a lot of organic food 
production. If you want to do that, that is 
fine. You have your right to your opinion but 
you can't ignore the outcome of hurting a part 
of the organic food industry. It is a 
mistake, in my view. A huge generic solution 
to this issue is put some energy to an OFPA 
change to just add commercial availability to 
605.
It gets even worse. Here it comes. The Sunset policy is not the end of the world.

(Laughter.)

MR. ASHBY: Way worse, it is a good thing that more deliberation is required before you mess with organic food production. Even this does not make me a communist American democracy-hating troublemaker. Is this going to help or mangle organics?

And I saved until the end, in case I didn't have time, thanks to both the NOSB and the NOP for all the work that you do. Let's just really remember how much we are all in this together and we have got a lot of things stacked up against us. So, let's remember we are in this together.

CHAIR STONE: Well, I don't know if that is in the mug category or the tee-shirt but we will vote on it later. Okay?

Thank you very much for those comments. Very good. Questions for John?
Okay, thank you.

(Applause.)

CHAIR STONE: Thanks to everyone.

We joked about the tee-shirts and the mugs but really we are not joking because the respect that we give for the time, to give each other time, to give us have time to ask questions, we are going to get -- so the tee-shirt list is Harriet, Jessica, Will, Cheryl, and Marty. And the mug is Liana and Peggy.

So, Michelle will figure out how to get those to you because we didn't bring that many and we really greatly appreciate that respect.

So, we are going to take a 15-minute break and we will start the Crops Subcommittee promptly at 3:45. Thank you all.

(Whereupon, the foregoing meeting went off the record at 3:29 p.m.
and went back on the record at 3:45 p.m.)

CHAIR STONE: Okay, we're going to
move into the Crops Subcommittee. And this is
going to be the trial run for the 2015 or the
new Sunset process. So, it is important that
we are thorough in our deliberations here. We
want to get it -- so, yes. It feels really
loud right here.

So, if you all could take your
seats in the back. Calvin.

So, this part of the Program was
scheduled to start at 3:00. It is 3:45, so it
looks like we will be going to 6:00 or so,
just for gauging your time slots here.

So, with this, Zea, I guess, if
you want to be sort of generic -- oh, yes.
You all do want to pay attention to this. You
may not being paying attention to me, but this
is something you ought to pay attention to.

Okay, let it roll, whoever has the
--

MEMBER SONNABEND: Thank you.

Well, as Marty said, we deal with a lot of
very complex and contentious topics here and
sometimes we lose sight of what we are really
all doing here and what our common goals are.
And so, I thought we would take a little bit
of time, three minutes or so to reflect on
what really brought us all here, which is the
dangers of pesticides. So, we are going to
show three minutes of a five minute video to
remind us all about the dangers of pesticides.
And if you don't have a sense of humor, you
might as well leave the room now for three
minutes.

Thank you. Go ahead, Michelle.

(Whereas, a video was played from
3:47 p.m. to 3:53 p.m.)

MEMBER SONNABEND: Okay, I know we
left you in suspense but believe me, Mickey in
1935, which that is an original clip from,
does come back live another day. And it is
our duty, I think, to protect his garden in
the future from the ravages of pesticides.

Okay. Without further ado, we
have a number of topics here for the Crops
Committee and we are going to take them in order as they appear on the agenda. And we are going to run this with a presentation from each key point person who worked on each material, starting out with Lisa Brines from the Department, giving us the background on each material and then a summary of the public comments and then followed by Board discussion.

So, streptomycin is the first thing up. And so, Lisa, if you will take us away.

DR. BRINES: Sure, thank you. The petition for streptomycin was submitted on February 26, 2013. It was a joint submission by four different parties, the Washington State Horticultural Association, the California Pear Advisory Board, the U.S. Apple Association and Michigan State Horticultural Society.

The material is currently listed at Section 205.601 of the National List under
synthetic substances allowed for use in
organic crop production. Paragraph (i) as
plant disease control, number 11, streptomycin
for fire blight control in apples and pears
only until October 21, 2014.

The most recent technical
evaluation report for this substance was
completed in 2011 and there are additional
technical reports that predate that one.

This particular petition was also
on the agenda for the fall 2013 meeting that
was canceled. So, there is both a
Subcommittee proposal from the fall meeting
and an updated one for this meeting.

Thanks.

MEMBER AUSTIN: Okay, the
difference between the petition -- the
proposal that the Crops Subcommittee had
brought forward for the Louisville meeting
versus this one, there was one change based
off of comments from the petitioner. We added
-- the petitioner Blossom Protect, they had
commentary on a position, comments that the proposal had stated. So, we added the inclusion under the points of fire blight control, points of agreement and disagreement. I think it is on page 2. We added, under experience of pear growers, especially in the 2013 season, has shown that Blossom Protect has not worked well in the Pacific Northwest for California. After that we added in parentheses we added the manufacturer of Blossom Protect does not agree with this statement and has voiced their disagreement during the written public comment period prior to the canceled fall 2013 NOSB meeting. So, we did include that statement to address that concern.

Going through the list of public comments, we had two groups of commentary that we needed to take and look at. We had to go back and revisit the written public comments that were submitted for the fall presentation -- the canceled fall meeting, along with the
comments received for the spring.

A quick, just a quick breakdown of that, we had for the canceled meeting in the fall, we had ten written comments in support of the majority position from research, CCOF, the OTA, UNFI, Pennsylvania Certified Organic. We had two comments, one from the Organic Tree Fruit Association that was taking more of a centralist position, another one from Organic Produce Wholesalers that was taking a neutral position. And then one from Westbridge, the manufacturer of Blossom Protect that also took a neutral position, neither supporting or not supporting the position -- the proposal as submitted.

Okay, for the fall meeting, those that were not in support of the extension, we had 314 specific comments that were against the majority position. There were three large petitions that were signed and we had several groups and organizations that also submitted comments beyond pesticides, not Cornucopia to
name a couple of them.

For the spring public comment period, we had six written comments that were submitted that were in favor: PCO, the California Apple Commission, OTA, plus Steve Chinchilio of River Bend Orchards, an organic grower in California, Bill Denevan, who also gave an oral presentation today as a grower representative for Viva Tierra and he is also a consultant, as he said today.

We supported a neutral position, Organic Produce Wholesalers Association. They believe that the NOSB should not take away production tools before development of viable workable alternatives, lest we risk crippling the important segments of the organic industry that can take years to rebuild. But they did not support either the majority or the minority position on this proposal.

Not supporting either position, again, as I said, Westbridge, the manufacturer of Blossom Protect. Also not in favor of the
proposal, we had 424 individual comments that
were submitted. Organic Consumers Association
submitted a petition of 39,851 signatures.
Food and Water Watch submitted a petition of
12,427 signatures on it that were opposed.

Again, we had several groups or
associations, Cornucopia, Beyond Pesticides,
NOC, the Infectious Disease Society of
America, the Center for Food Safety, just
saying a few of those that were submitting
commentary.

In support of the Subcommittee's
decision to extend this, what the proposal was
to extend streptomycin, the expiration date
from October 21, 2014 to replace it with a new
expiration date of October 21, 2017 for both
apples and pears.

The classification motion, that
would stay static because it was already
classified and list on the National List. The
motion as it reads on the proposal itself is
a motion to remove the existing expiration
date of October 21, 2014 for streptomycin at 205.601(i)(11) and replace it with an expiration date of October 21, 2017, so that the listing reads: (11) Streptomycin for fire blight control in apples and pears only until October 21, 2017. That was moved forward on a five yes, three no out of the Crops Committee to the full Board review today.

We have an additional motion, a resolution that read the National Organic Standards Board is committed to phase out of this material. Between now and the expiration date, the Board urges growers and certifiers to include in organic systems plans and annual increase in the extent and/or number of alternative practices and materials that are trialed for controlling fire blight. In addition, the Board strongly advocates to the USDA a high priority for increased support for research into these alternatives practices and materials.

Part of the rationale for the
majority position of the Crops Subcommittee
was that going through the listing, listening
to commentary and the materials that we have
had and the petition itself, that the organic
stakeholders that were looking for an
extension felt that the alternatives have not
been given adequate time to complete the
trials to get into the hands of the growers,
the people that are actually going to use
those materials and work them into their day
to day production practices, so that they
could figure out exactly how and properly to
use those materials in an effective manner.
They feel that having an expiration date of
2014 still does not allow them adequate time
to take those materials, get them into their
systems, and implement an organic systems plan
approach that would be viable to their
business model as it exists today to prevent
the fire blight disease and the bacteria from
damaging their crops.

Also, these growers have had
tremendous time, energy, and expense in investment in these crops. As we heard from one of the oral commenters today, it takes years and years to develop these ranches. Once fire blight gets established, it takes an extended period of time to figure out how to deal with it, even using the existing tools. So, allowing more time for more research and development of the materials, the potential replacement materials, seemed like it was the right thing.

Allow science to run its course and allow the research and the research dollars that are already being expended and spent to take and exert the value that they present to those stakeholders. We are spending the money. They are spending the money. Allow them the time to complete those studies and those trial.

And then concern for the impact on additional stakeholders, what that might have as far as volume of crop production, would
there be a reduction to those that have built
their businesses from a handling and sales
standpoint, what impact would the loss of
streptomycin have. So, we looked at that as
well.

So, we felt that a slight
extension to 2017 was a reasonable approach to
allow these necessary steps to take place and
allow this to move forward. And that is why
we moved this proposal forward as we have
done.

MEMBER SONNABEND: Thanks, Harold.

We will have discussion now. But I think on
this and most all of our proposals, unless we
think there is unanimousness, we will postpone
voting until tomorrow. Does that seem
appropriate? Because we are running so late
the voting takes time -- Friday. Sorry. To
the end of the meeting when we have reserved
for voting.

So, Mac, are you going to call on
people for the discussion?
CHAIR STONE: Sure. Is there discussion, questions from other Board members, other Crops Committee members? I know there is a minority opinion that we will get to as well.

Calvin.

SECRETARY WALKER: My question is the October 21, 2017, is this the drop-dead date, regardless, no matter what?

MEMBER AUSTIN: That is what we would like it to be. That is what we would say that it would be. And I mean that is how the proposal that we have moved forward is, Calvin.

I don't think the industry would look to try to repetition for an extension. The 2017 would allow time for the existing trials research that is ongoing to be completed. Additional alternative materials to get through the registration course of action so that it is there in the hands of the handlers -- not the handlers but the growers
and those stakeholders. So, it would give them adequate time for that to take place.

CHAIR STONE: Other questions from the Board? Jay.

MEMBER FELDMAN: Well, I don't know if the Board has read the minority position thoroughly. I think we did get kudos for putting together a document that was more readable than the previous document and that, as a Committee, we acknowledged what the key issues were and then provided sort of a point/counterpoint, so that people could see that we have addressed each other's issues from a minority and majority standpoint.

So, the other thing that people will remember is that we had a speaker back at the Portland meeting a year ago, I guess, from the Infectious Disease Society of America, which submitted formal comments this time and Dr. Morris also submitted comments again in support of the minority position.

The key, you know obviously, there
are issues of production, which are important
issues. And you know if you go back in the
history of the NOSB, this is not a new issue.
We have been or the Board, previous Boards
have been struggling with this issue for a
long time.

So, the experience seems to be
until the Board actually takes a position on
going something off the market, often we
don't see the research gearing up. We don't
see the money going in. And in fact, the
Board back in Seattle identifying this with an
expiration date, I think most people would
agree helped to stimulate research on
alternatives.

But the history on this really
starts back way before that. I would say the
original Board even struggled with this. And
the Board previous to the Seattle meeting back
in 2008 had come very close and issued
warnings on removing both tetracycline and
streptomycin.
So anyway, the document is pretty clear. The issue of exposure to streptomycin seems to be a higher concern, even than tetracycline in terms of direct human exposure and transfer and horizontal gene transfer. Concerns about antibiotic resistance, as you know, this is the key public health issue. That is why the Infectious Disease Society of America has gotten involved in all of this.

And then struggling with the question of how do you move something off the market to effect different management strategies and how do you balance that with the public health concerns associated with continued use.

So, we are talking human health, ecological effects, effects on microbial activity, weighing into the medical community. We heard from the alternative producer of biological-based material. We know it is not perfect but we have made a lot of headway since the original expiration date. The Board
has already extended the expiration date once. We have seen new research. Hopefully, we will see more research coming in. And we just can't afford to expand this problem of antibiotic resistance. It is just something that the organic community has to lead on, I think. And I think that is the view of the minority, generally, here.

If anybody else in the minority wants to say anything, I defer to them.

CHAIR STONE: Other comments, thoughts? Tracy.

MEMBER FAVRE: Yes, this one is tough for me because like oxytetracycline, there are significant impacts to the growers. Should we take it from the marketplace? These are not crops that can be regrown across a season. As the commenter earlier today mentioned, it is an investment in time, one that has significant long-term impacts.

But looking at it from an environmental standpoint, streptomycin
troubles me for reasons that oxytetracycline
did not, in that it is allowed for repeated
application even after blossom fall. And the
half-life in the soil persists longer. It is
still not terribly persistent. I think the
checklist said something like 17 and a half
days for the half-life. But there is also
residue that is detectable in the fruit
itself.

So, unfortunately, I don't feel
like there is a good solution to this either
way on either decision, whether we vote it up
or we vote it down. But there are some things
that do trouble me about it.

CHAIR STONE: Thank you, Tracy.

Are there other -- Francis.

MEMBER THICKE: Well, on that
point, Tracy, if you like chemistry, I did a
calculation. Some of the research shows that
the streptomycin would show up in apples at a
level of up to 18 parts per billion. And if
you do a calculation and you take an apple
that weighs about a quarter of a pound, and you calculate how many molecules of streptomycin would be in that apple at one part per billion, I'll bet you couldn't guess how many molecules would be in there. It is 23 quadrillion. That is 23 times ten to the 15th molecules of streptomycin will be in that apple at one part per billion. I have my calculation right here if you want to see it.

CHAIR STONE: Others? Tracy.

MEMBER FAVRE: Just one thing I did neglect to mention earlier but is actually sort of the foundation of it for me is the soil food web itself is impacted. There are some studies that show that in the soil causing an elimination of some of the bacterial populations and it specifically says eliminated species were described as beneficial bacteria involved in various metabolic processes, mineralization, and organic compounds.

So unfortunately, we start this
downward spiral as far as soil food health, as far as the things that might actually lead to the trees themselves and their ecosystem increasing their own immunity to some of these problems.

And it certainly has, I believe this material has a greater impact than the oxytetracycline.

CHAIR STONE: Thank you, Tracy.

Zea.

MEMBER SONNABEND: I'm sorry, Francis, but I just have to challenge that perception because it doesn't mean anything unless you compare it to how many trillion molecules are in a human dosage of that or how many trillion molecules would cause a microbe to become resistant to that. It doesn't matter how many trillion molecules are in an apple.

CHAIR STONE: Harold?

MEMBER AUSTIN: Okay. Just to quote from Kenneth Mandley from the Organic
Tree Fruit Association, and this is part of their written public testimony. Objections to the use of the antibiotics for fire blight management tend to be philosophical, rather than scientifically-based. Current strains of the antibiotic resistance in human and animal pathogens have been conclusively linked to the overuse of antibiotics in animal and medical systems. However, no such linkage has been shown for antibiotics supplied to a plant pathogen. In fact, quite the contrary.

Recent published research from the University of Wisconsin, based on ten years of annual antibiotic applications to several orchards have showed no increase in antibiotic resistant microorganisms when compared to the unsprayed orchard environments.

CHAIR STONE: Francis.

MEMBER THICKE: Zea is correct that there needs to be a threshold to make an effect. No doubt about that. However, some people are more sensitive than others. I know
personally some people who have to actually, 
on person in particular, has to leave Iowa 
every summer when the spraying of corn begins  
and move to Upper Peninsula of Michigan  
because her physician said she is 
hypersensitive. And so some people. 

Again, a trillion, a quadrillion 
molecules, well, we have about a trillion 
cells in our body. It is a big number and 
things happen on a cellular level, on a 
molecular level. So, we don't know what these 
effects will be. And people, when they buy 
apples, they don't expect that to be in there. 

But you are right. There is a 
threshold effect. We don't really know what 
it is and science hasn't totally defined these 
things on safety, I don't think. 

CHAIR STONE: Jay. 

MEMBER FELDMAN: The testimony we 
got from the medical community suggested that 
lower level exposures could be, and likely 
are, more problematic when it comes to
resistant genes developing. So, if you have
low levels of exposure, and we know this from
even taking medications that if you don't
complete your dosage, you are leaving behind
potentially stronger strains of this stuff.

But to follow-up on Harold, the
technical review had a reference to Yoshihiro
and McManus 2012 and they said it is possible
that streptomycin could select for novel
resistant genes in apple orchards, even if the
overall frequency of resistant bacteria is not
increased. A greater diversity of mobile
resistant genes in apple orchards could lead
to horizontal gene transfer of resistance,
among a greater range of bacteria, which in
turn could be consumed on fresh produce.

And so this is complex. And we
spent a lot of time discussing this idea that
low level residuals of the antibiotic in the
orchard does move to affect resistance in
genes. And those do move and there is a
transfer that occurs.
So, you know you can take any piece of this puzzle and talk about it but if you don't talk about the whole environment and the context in which we live with genes and how the transfer occurs from food to humans, from environment to other microbes, to other bacteria, to humans, then you don't really have the full picture on this.

And so you know I guess the other bottom line here, as you recall from the last conversation we had on this was the consumer concerns about antibiotics used in organic production. And that is sort of a hanging over our heads in the environmental community that we have allowed the use of antibiotics. I think what saves the environmental community on this issue is that there has been very limited use and the uses that we have allowed and are now phasing out.

But I think there is probably agreement that most people assume that antibiotics are not used in organic
production.

CHAIR STONE: Seeing no other
hands, I will reference that as a grower I
don't grow tree fruit, but a perennial crop
like this and knowing how prudent growers are
in following label recommendations how they
are following, John, 205.206(e), how they are
managing the crop, then the expense of this
material, certifiers are verifying and working
with them that they are following 205.206
before they implement these sprays, that they
are doing everything they can. They only
spray it when they are having the weather
conditions, the modeling is right. And it is
such a valuable tool that I guess I am
personally reluctant to take that away from
them for a couple more years until we get more
tools that would be better tools.

Jay?

MEMBER FELDMAN: You know I agree
with that generally, but we did visit an
orchard where the grower was spraying
prophylactically. And he found in his own experience that it was best and more efficient and effective to spray on a calendar. I'm not saying that that is the norm or that the industry even endorses that as a practice but when you are dealing with a material that has the consequences that these do, then we don't have a lot of room for error on something like that.

CHAIR STONE: Harold?

MEMBER AUSTIN: A couple of points. I think the one thing that I failed to stress when we started this presentation is that both the majority and the minority positions are both in support of streptomycin delisting and Sunsetting off. I think it is just our differences of opinion are when that should occur.

I think a couple of the points that we should consider is what impact does an extension have or not have on the stakeholders. All the stakeholders. Not just
the consumers but the handlers, the producers, the retailers, everybody.

What would that decision impact? How will it impact the supply chain? How would this decision impact consumers? All consumers, not a select group of consumers but all organic consumers.

Truly, what are the real risks for granting an extension for the large use, knowing that the use patterns pose significant increases? Will they propose significant increases in human health? We have had two varying points of view. Which one is right? Which one is wrong? There is a balance there.

I think we all, at the end of the day, agree that this material needs to take and get de-listed. It is just a matter, again, whether it is 2014 or 2017. This is not a new material but it is one that has been on the National List of approved materials for several years, being allowed for use in organic -- for organic growers to use and
build on their organic crops.

So, we visited businesses. We have had other companies, besides just the producers that have built their businesses upon an expanded growth in organic production. We need to take and consider not with just this material but with all materials, the impact that we will have, our decisions will have, on all organic stakeholders.

Thank you.

CHAIR STONE: Nick.

MEMBER MARAVELL: Jay, I would just like to make a comment because we were in that orchard together where the farm manager was spraying prophylactically. Just to give you a little bit of context for that, we have heard that the history of a specific orchard or location is important. And that particular orchard he did give us the history. It was heavily infested with blight. The problem is how long do you hold on to that history. And I think you have a very legitimate concern
that they may have been holding on to that history way too long.

But I just wanted to say that growers, even this grower who you say was doing it prophylactically, was responding to his history and I don't know what the research or the data would say when does that history of a severe infection fade. It is too complicated of a formula for me to be able to render an opinion on that.

Any other? Zea.

MEMBER SONNABEND: Okay, I know we need to wrap this up or we will never finish today but I just want to, although it was in the public docket, bring out one paragraph of the testimony from the Infectious Disease Society of America. And they say much work must be done to improve our scientific understanding of the risks that antibiotic use in orchards poses to human health. We do not yet understand the magnitude, extent, and duration of the human exposure to streptomycin
that may result from environmental application
to fruit trees. We do not understand the
environmental effects of streptomycin in soil
and water. Most importantly, we do not fully
understand the extent to which bacteria with
antibiotic resistance genes can be transferred
to humans through food and water supplies or
from the environment, following application of
streptomycin from fruit trees.

Accordingly, the IDSA strongly
supports an expanded federal research agenda
to address these questions.

IDSA goes on to support the
minority position under essentially the
precautionary principle, which certainly, from
where they are coming from, makes perfect
sense. But I submit to you that these
contentions that we just don't have enough
science backing to prove any of the risks that
are being hypothesized a great deal have meant
that organic farmers have been operating in
entire good faith, trying to maintain their
livelihood using the best practices possible that they understand to ensure both the health of their trees, as well as the health of the people who eat their fruit.

And while I realize that this is probably going to go along the same voting lines that we did last time, I just really feel that to support these growers who are operating in good faith to make a reasonable transition to the products that would be more efficacious and less hypothetically impacting on the environment makes sense by having a longer term transition for them and keeping the material for another three years.

CHAIR STONE: Jay.

MEMBER FELDMAN: The complication here is both scientific. Obviously, there is a precautionary principle built in there. We also had perhaps the leading infectious disease doc in the country and maybe the global community, Glen Morris speaking. And he was very clear. He said I think if you say
we wait for more studies, we are potentially
taking years and a lot of money. And again,
while I am not speaking officially for IDS, I
believe there is a letter from IDSA in your
docket. And again, feeling very strongly from
the Infectious Disease Society of America, you
know it is time to do it now.

So, he has done a lot of work in
animal agriculture and we certainly have, I
think, agreement in this room, probably, that
antibiotics in animal agricultures are a
serious problem, and is using his experience
from that to extrapolate data in terms of
horizontal gene transfer.

So, that is the science. But now
we are faced with the assurances that we do
move away from these materials. That has been
the difficulty with this particular material.
And the juxtaposition of not having assurances
through the process by which we -- I mean this
is a proposal to put the material into the
cycle again so two or three years from now we
will having or the Board will be having the
same conversation with a whole new set of
folks. And who knows how it will go at that
point.

So, we need assurances. We needed
assurances six years' ago, when the Board
originally took this up four years' ago now,
and many people on this Board discussed it.
And assurance is only as good as the people
that agree to it. And we will have all new
folks sitting around the table, for the most
part, when this comes up again.

So, I think the time is now. I
agree with Dr. Morris. There is always going
to be with science questions of uncertainty.
Always. But you have got to take what you
know from how resistance has operated. And by
the way, you all know we are seeing a higher
degree of resistance with streptomycin than we
even saw with tetracycline. And the
expectation is we are going to see elevated
resistance to tetracycline in the orchard
environment as well.

So, all the signals are there for us. The data of the horizontal gene transfer is there. The resistance, the bacterial resistance is there. The consumer concern about exposure is there. The ultimately -- I can't think of a stronger case for -- and more deliberation and assessment that has gone on any one chemical.

So, thank you.

CHAIR STONE: Harold, is the lead all through there? Do you want to wrap up? Or Zea? I'm not sure where you all here.

MEMBER SONNABEND: Yes, I think we are ready to move on. We will vote tomorrow. And if perhaps we will have a bit more discussion at that time or make statements before voting.

Next is magnesium oxide petitioned item. Lisa will introduce this.

DR. BRINES: Thanks, Zea.

The petition for magnesium oxide
was received on February 13, 2013 and was
submitted by Mesa Verde Resources. It is not
currently included on the National List and
has been petitioned for addition to Section
205.601 as a synthetic substance allowed for
use in organic crop production.

There is no technical report that
was requested in response to this petition.
The petition was on the agenda for the October
2013 NOSB meeting that was canceled. So,
there is a subcommittee proposal from that
meeting that has been revised in response to
public comment with the minority opinion
added.

Thanks.

MEMBER SONNABEND: Okay, Francis,
I believe you are going to walk us through
this one.

MEMBER THICKE: Okay. What is
proposed or petitioned for magnesium oxide is
petition to be an agent to control the
viscosity of a clay suspension. Can you hear?
Okay, I'm sorry.

Magnesium oxide is petitioned to be an agent to control the viscosity of a clay suspension agent used to apply fine humates to soils or plants, perhaps. And so, it is used at very small level, a very low level.

And in the Committee -- well, just basically back to the comments, last fall there were eight comments and for the spring, there were an additional six comments. And actually all the comments were opposed to the petition being -- the addition of magnesium oxide to the National List. However, the committee voted to add it to the list, eight to zero.

And the comments mostly centered on the fact that it maybe wouldn't be renewed in five years, asking if it could be renewed -- if an annotation could be put in to require magnesium oxide to be revisited again in five years.

There was also one concern about
there is a small amount of acid used in the
making of the magnesium oxide.

The annotation -- let's see. The
annotation for the listing motion was for use
only to control the viscosity of a clay
suspension agent for humates. And then the
additional, the minority position that came on
since last fall added to that annotation to
list magnesium oxide with the following
annotation: until May 1, 2019 or five years
after the date it is first allowed.

So it would be only listed until
that time period. And the justification given
for that is that a synthetic material used in
organic production, even if used in small
quantities, must meet all the off-public
criteria.

Current consideration of the
material has raised issues related to the
environmental impacts and alternatives. One,
the review in five years must be performed
with the same standard for allowing continued
use as is used to approve use in the first place. Two, the need for liquid humates and, hence, magnesium oxide, should be reevaluated. Three, the possibility of using non-synthetic acids in place of synthetic sulfuric acid must be reevaluated.

So, I guess that is the base starting here.

CHAIR STONE: Questions from the Board, other people on the Committee?

Comment?

Zea, are we thinking we are going to go ahead and vote on this or will you wait on everything?

MEMBER SONNABEND: I will leave that to the discretion of the Chair, but I do have a comment, if no one else is going to talk.

CHAIR STONE: Please.

MEMBER SONNABEND: Okay. I think -- I can't speak for everyone in the majority position but I think it is safe to say that
the reason that the minority position did not become the majority position is because most people don't feel that inserting into each material something you didn't like about the Sunset process in general is an appropriate way to approach this issue.

And so, the majority feels that it should go be voted on to the National List in a normal fashion, where it will get thoroughly reviewed in five years whether there is an expiration date in three years or not. Because a fixed expiration date, when you don't know when a rule is coming out, is not five years. It could be four, three, two, who knows how long.

CHAIR STONE: Other committee members?

MEMBER BONDERA: Sorry. It does say, Zea, or five years after the date it is first allowed.

MEMBER SONNABEND: Nonetheless,

the reason I think it is --
CHAIR STONE: Jay.

MEMBER FELDMAN: Yes, I guess we may be having this conversation a lot, unfortunately, and usually it is tied to some potential environmental effect that we talk about uncertainty with streptomycin. We talk about uncertainty with magnesium oxide. As I said earlier, a lot of these things have a degree of uncertainty associated with a full degree of adverse effects. That is why it is important to default at the end of a year to a relisting process, where the Board reaffirms that this still meets the OFPA criteria.

You know, there is a real high heat -- I mean Calvin -- I mean sorry -- Francis, you evaluated this and there was this limestone process and then there was a salt brine process, which seemed to be less effective, perhaps for commercial purposes. And so we are dealing with a process, a high heat process that releases carbon dioxide through fossil fuels to achieve the high heat
required to decompose the limestone.

So, it is not as if this is something you are cooking up in your kitchen. you know there is an, albeit limited, environmental impact associated with this, although, I think some of my friends in the climate change community would not like to see the release in the organic community of additional carbon dioxide.

But the point here is that we, as a Board, have the opportunity to say there is a potential environmental insult here that we could incentivize alternatives for and the best way to do that is to require that in five years or five years after the rulemaking finishes, that the Board again makes an affirmative decision to keep this on the list, based on any new science on this carbon dioxide or hopefully the salt brine process will be better commercialized or something.

Whatever it is, creating that incentive is important. So, that is the
MEMBER SONNABEND: So, Mac, I don't see why we couldn't vote, unless anyone feels like they are going to find out something additional between now and Friday that they want to wait. Okay.

CHAIR STONE: John?

VICE CHAIR FOSTER: I didn't think about it until Zea and Jay just talked about those items but this is, I am finding truer and truer with all materials, that a lot of the dialogue speaks as if we are putting tons of these materials onto the ground. And given the use of this, the context of this use, it is just not the case. And I feel like a lot of the dialogue comes around that makes it sound like we are putting a lot of this product on.

But in the context of the limited use of something in humates, humates aren't added in large volume, certainly not relative to other inputs in organic production. I
don't -- I can't think. I don't know what the
numbers would be. But it would be a fraction
of a fraction of a percent of other kinds of
input. So, the magnesium oxide portion of
humates is even smaller than that.

And I want to, I guess, drive that
point home because what I hear, if I didn't
know the use of humates or magnesium oxide
component, the fraction in humates, I would
think this is a horrible, horrible thing. And
I would like to remind everyone that we have
a context for these materials. Magnesium
oxide is a fraction of an infrequently used,
relative to all inputs in organic, it is an
infrequently used input. And I am hoping we
can keep that context in mind. Those of you
who know me know that this is not the first
time I have said this.

But this dialogue right here makes
it sounds like it is a much larger issue, in
terms of volume than I think it will be and I
would like to just remind us of that.
CHAIR STONE: So, I'm thinking in
the essence of time, we are running late, but
also to give Board members time to converse
with each other at dinner and whatnot about
these specific materials, about this
discussion of scale, if you will, or use,
normal use, et cetera, we will defer all votes
until Friday. I think we will have enough
time on Friday so we can openly deliberate and
note bog down in vote-taking today, Zea, if
that is all right with you.

Okay, anything else on magnesium
oxide?

Okay, next up.

MEMBER SONNABEND: Okay, the next
is the petitioned item new for this meeting,
vinasse. Lisa?

DR. BRINES: Thanks, Zea. The
petition for vinasse was submitted on March
27, 2012. The petitioner is BioBizz Worldwide
N.V. The material is not currently included
anywhere on the National List and the petition
requests the inclusion of vinasse at Section 205.601 as a synthetic substance allowed for use in crop production.

In support of its review, the Crops Subcommittee requested a limited scope technical evaluation report to assist in the classification of this material. That report is posted on the NOP website. Thanks.

MEMBER SONNABEND: Thank you, Lisa. I am the point person on this one.

This material has been on our work plan almost since I joined, which is about two years plus. It is complicated and it has taken us a very long time to get to this point. We had a limited scope TR done, as it says in the posted document, only on the question of whether it was synthetic or non-synthetic and what forms of it would be considered synthetic or non-synthetic.

It is confusing because it is called vinasse, whether it has additives added before the fermentation and the production
step or after the fermentation and production
step, which is similar to molasses and some
other non-synthetic things that are on the
list of allowed things.

So, what we came to was that the
stages of extracting sugar and making molasses
are non-synthetic processes. To the extent
that the last step in vinasse is a
fermentation process to turn the molasses into
vinasse, and that is a naturally occurring
biological process, as are the other steps
that are involved in vinasse, and so the
product coming out of the fermentation would
be considered non-synthetic.

Our problem comes with additives
that are added after the fermentation process
is complete. And these additives consist of
all sorts of things, antimicrobials, ammonium
compounds, even antibiotics or chlorine
sometimes, and there is the danger of nitrogen
fortification.

So, we decided, in the Crops
Subcommittee, that we needed to distinguish the non-synthetic from the synthetic forms. And that is where our majority position came from, which was to classify it as non-synthetic but then to use the guidance documents on the classification of materials and the permitted substances list to clarify which things were and weren't synthetic.

We got public comments from relatively few, considering that it is a fertilizer material. But the gist of many of the public comments, both supporting minority and majority, was to get the classification of materials guidance finished. We are saying we are using in order to make these decisions but it is only proposed guidance and we would have a lot surer footing if we were dealing with final guidance. So, that is out on the table for everyone to hear.

We got a couple of certifiers in OMRI who support the majority position, feel that we have made a good distinguish of what
is non-synthetic and what is synthetic. And that the MROs in the certifiers and OMRI are capable of doing a good review process, using the guidelines that we have proposed.

However, PCO pointed out that we were proposing language to modify the guidance when we didn't necessarily have the authority to do so and please clarify what the procedure for amending proposed guidance or final guidance would be, so that they could petition to do it in the future presumably. They don't say that but they would like it to be clarified.

OMRI would like further guidance on what fortification means with nitrogen, which has been a big stumbling block in approving some of theirs.

All the certifiers and OMRI did not think the minority position was workable because it was too complicated and showed lack of confidence in the MROs who review materials.
Now, Beyond Pesticides and Cornucopia pointed out that the motion the way it is posed on non-synthetic is not binding on the NOP to offer the clarification and that we are only proposing to have the clarification of what non-synthetic is in guidance and Beyond Pesticide has suggested that we put the clarification on what was non-synthetic in the actual definition.

And we heard that. It was a good suggestion and so we have proposed a substitute motion -- Michelle, if you have that slide and could be getting it up while I talk -- where we have used language motion to put into the first motion to make a better actual determination on what non-synthetic vinasse means in our motion.

Cornucopia also urged us to adopt a motion that defines the distinction between synthetic and non-synthetic and should be independent of the draft guidance.

Several commenters wrote in
parroting Beyond Pesticides' comments, three
of them.

And I am going to let Jay present
the minority view in a second but the minority
view proposed roughly putting vinasse onto
both 602 and 601; 2 as prohibited, 1 to
prohibit the synthetic forms. And well, he
has to explain it.

It made very little sense to me as
well as to certifiers because 601 is for
allowed synthetics and he is proposing to put
an allowed non-synthetic -- the synthetic
forms as a prohibited synthetic.

So lastly, I want to point out
that because this is a petition that came to
us for a synthetic non-synthetic determination
and nobody wants to put synthetic forms of
vinasse onto the national list that is in our
group, as near as I can tell. If this vote
fails for the majority motion, the status quo
of what is going on in the community is
maintained and it is out of the NOSB's hands.
So, that means MROs will be continued to make their own decisions and we will be offering them no guidance whatsoever.

So, that being said, Mac, you want to take it away to call on Jay for the --

CHAIR STONE: Yes. Jay.

MEMBER FELDMAN: Yes, thanks.

Thanks, Zea.

So the Subcommittee convened again and took the suggestions from the comments and agreed with the motion unanimously, I believe, to amend the motion to include the guidance language that was in the motion into one streamlined motion.

I guess the idea is to also ask the NOP but, of course, there is no assurance on that but to request that the NOP consider putting this into guidance at some point as soon as possible.

So, in effect, that means that the minority motion is being and has been withdrawn because the proposals that came in
through the public comment period proposed
more streamlined approach.

I am a little nervous, though the
reason I was hoping to get something into the
National List is because that provides the
greatest assurance that any restrictions that
this Board wants to impose or recommends
imposing on a material would be incorporated
into the National List by the Secretary.

So, this is a little unique, in
some respects, because this is a motion on
synthetic/non-synthetic with a qualifier. I
don't think I have ever voted on one like that
before. Have you, John?

So, I guess it is going to be out
there and the MROs will rely on it as they
make their determination when vinasse products
come through the door. I hope it works.

CHAIR STONE: And I would like to
program -- Melissa, maybe, so, we have heard
that significant changes not be allowed on
short notice but Zea and the Committee
consulted with the Program that this was a clarification, not a significant change. If maybe you want to address that conversation a little bit. Substantive change.

DR. BAILEY: Substantive. Yes, sure.

Yes, we received a request from the Crops Committee to add some of the language that was really already part of the posted proposal for the public, just into the classification motion. And based on running it through the criteria we presented yesterday about substantive change, we still felt that people would understand what the Board was -- or what the Subcommittee was trying to propose and just adding that language to the classification motion is really just a clarification.

CHAIR STONE: Good. Thank you. Since that is new, I want to be sure we open that up.

Any other questions or thoughts
from the committee? Nick?

MEMBER MARAVELL: Zea, does this mean that the second motion is no longer in play or to be voted on? It seems to be an identical restatement of the first motion but only oriented towards guidance.

MEMBER SONNABEND: I was planning to keep the second motion and have it voted on so it would be clear to the NOP that we would like this added to the guidance. But if Board members and/or the NOP feel assured that that would happen anyway, then we don't need to have the second motion. But it had been my plan to keep the second motion.

And can everyone read it okay or do you need me to read it to you? And that includes the audience.

CHAIR STONE: I would like you to read it and clarify the -- please read it and clarify.

MEMBER SONNABEND: Okay. So, the original motion -- well, we had two motions.
One was a determination for classification and the other was for the guidance. The original motion for classification was just to classify vinasse as non-synthetic. The proposed change to the classification motion is move to classify vinasse, which does not contain prohibited additives, such as pH adjusters, sanitizers, ammonium compounds, antibiotics, or chlorine materials, and is not fortified with nitrogen as non-synthetic.

So, that went through the subcommittee; six yes, zero no, zero abstain, and one absent.

Is that clear? Does anyone need further explanation?

MEMBER BONDERA: Zea, I just suggest that you go ahead and repeat what the second motion is, too, please. Because it is not -- as a member of the Crops Subcommittee for a bit, I remember it not being super clear to me that that is, like you have already said, just guidance. And then repeating that
MEMBER SONNABEND: Thank you. The second motion is to -- and this is exactly what is posted. Motion to add specific language for a listing of vinasse in the guidance on materials for organic crop production, NOP 5034-1. Vinasse may not contain prohibited additives, such as but not limited to, pH adjusters, sanitizers, ammonium compounds, antibiotics, or chlorine materials that are not provided for at 205.601. Nitrogen levels may not be fortified.

CHAIR STONE: Colehour?

MEMBER BONDERA: So, I personally feel like us leaving this as a motion, like Zea suggested, makes the most sense from the perspective of -- I hesitate to say it but -- uncertainty that I want to turn back to the Program and ask if, like people said, like Jay said, has there even been a -- sorry I am not speaking into the microphone -- a classification motion that is along those
lines before and has the Program really dealt with one like that. Because that uncertainty makes me think that the second motion is necessary because of that. I don't know if you have any response or not.

CHAIR STONE: Miles.

MR. McEVOY: Yes, I think that this is exactly the kind of advice, recommendations that we are looking for from the Board is on materials. This is where we really want your expertise and the viewpoint of the community as a whole on these difficult material issues. So, I think moving forward with this, whatever your final determination is, will very much help us in terms of clarifying the standards and the requirements to organic producers, specifically.

So, the second motion of recommending that it goes into the final guidance would help us in terms of moving forward with that clarification.

In addition, I think people should
re-familiarize themselves with the
introduction to the Program handbook, where it
talks about the development of the documents
in the Program handbook. At any time, anyone
can submit comments to the documents in the
Program handbook, through NOP guidance at
USDA.gov. So, those documents are alive and
can be modified with comments and with
discussion or recommendations from the Board.

So, that is the whole concept of
that Program handbook is that it will continue
to improve with input from the Board and the
organic community.

CHAIR STONE: Nick, are you good?
Jay.

MEMBER FELDMAN: Yes, I think I
heard two parts to Colehour's question. Maybe
I was reading into it. But I would like to
verify with the Program that if this were to
pass, as Zea has read it, that the Program
would publish it as a two-part action by the
Board, one being the synthetic determination
with that qualifying language and two, the
second motion being a recommendation on
guidance, publication of guidance.

And the reason I am raising this
is because as you know, we have had other two-
part motions or votes where the Program chose
the second motion, to implement the second
motion, not the first. It is not exactly
analogous but there is a possibility, I guess,
out there that the Program could determine,
perhaps, hypothetically, that maybe a
synthetic or non-synthetic determination with
qualified language is not appropriate, that
that is just a yes or no vote, up or down, and
that a qualification Zea is proposing here and
the subcommittee voted on would not be
included with that motion.

I that were the case, I would feel
that that didn't fairly carry out at least
what the subcommittee was hoping would be
done.

Does that --
MR. McEVOY: I'm not sure I am following you. The Board passes recommendations that go to the Program and then we take those recommendations and respond to them.

So, are you asking for us to respond to what we are going to do with your recommendations now before you pass the recommendations?

MEMBER FELDMAN: Maybe a little heads up would help.

You know it seems pretty straightforward but what this subcommittee is hoping to do is to get into the synthetic/non-synthetic determination or motion, qualifying language. If the program feels that that is inappropriate or outside the scope of allowable motion on synthetic/non-synthetic, it would be nice to know that now.

DR. BAILEY: Yes, I think to your last question there, part of the reason we had the conversation leading up to this meeting
about adding the qualifying language is that we felt that would be fine to put on the table. So, hopefully, that addresses your question.

MEMBER FELDMAN: Politically stated beautifully.

CHAIR STONE: Zea, -- one second Jean -- what was the vote on the original second motion?

MEMBER SONNABEND: Four to three.

CHAIR STONE: Okay.

MEMBER SONNABEND: The minority voted against it, the same minority that voted against the first one.

CHAIR STONE: Okay. Jean, you are up.

MEMBER RICHARDSON: I would just like to hope -- I am not on your Subcommittee -- that you would vote on both motions.

MEMBER SONNABEND: I don't see why we couldn't. I mean at worst, it is redundant. So, we might as well.
CHAIR STONE: Yes, I saw it as a one and a two, myself.

Any more thoughts, clarifications?

Crystal clear?

MEMBER SONNABEND: So, do you want to hold the vote until tomorrow?

CHAIR STONE: I do, just in time.

MEMBER SONNABEND: Okay.

CHAIR STONE: And again, it gives us conversation and clarification.

MEMBER SONNABEND: Okay.

CHAIR STONE: Great.

MEMBER SONNABEND: So next up is laminarin, a petitioned item. And Lisa will tell us about that.

DR. BRINES: Thanks, Zea. The petition for laminarin was received on May 30, 2013. It was submitted by SciReg Incorporated on behalf of Laboratoires Goëmar SA. Apologies for the pronunciation. It is not currently included anywhere on the National List and the petition requests the inclusion
of Laminarin at Section 205.601 as a synthetic substance allowed for use in organic crop production.

There was no technical evaluation report that was requested by the Subcommittee for its deliberations. And the Subcommittee proposal is posted online. Thanks.

MEMBER SONNABEND: Thank you, Lisa. I was the point person on this one as well.

So, in the laminarin petition, they gave a quite detailed explanation of their manufacturing process. We took a look at that, compared to the guidance classification draft and determined that it was an acid-based extraction and the end product of the acid base extraction left a bit of -- where is the name of it -- sodium sulfate, which did not appear to have a technical or functional affect. And so the majority of the Committee voted this as non-synthetic, with a vote of five to two.
The public comment, we have gotten, again, relatively little. The gist of much of it was how can you base it on a classification guidance that is still a draft guidance. And we like final guidance to determine if this really is acid-base extraction and what you had in mind for classification.

We got several comments that were criticizing us not evaluating according to the OFPA criteria but the non-synthetic/synthetic distinction comes first and only the synthetics are evaluated, compared to the criteria formerly in our deliberations.

We got, among the public comment that we got, was PCO suggested that we do send it back for a TR to provide more guidance to MROs on how to evaluate the product.

OMRI supported the majority opinion but disagrees with the last point, as you heard Lindsay say today. Or was that yesterday? But anyway, the sodium sulfate
does remain but OMRI would look at it as a
List 4(a) inert and inerts are not something
that we are reviewing at the same time as the
generic materials.

Cornucopia and Beyond Pesticides

felt that it was synthetic and supported the
minority opinion and that it should be sent
back for a determination of synthetic and,
therefore, a full TAP review, TR.

I will mention, as I mentioned
with vinasse, unlike vinasse where if the
motion fails here, it is over, which was the
case with vinasse, if this motion fails for
calling it non-synthetic, it will go back to
the Subcommittee and the Subcommittee will
consider some of the points raised and decide
whether to request a TR and bring it back for
another synthetic/non-synthetic determination
after we have a TR. And the TR, presumably,
would look at it according the criteria that
we use for synthetics.

So, then we got three public
comments that were very brief that supported Beyond Pesticides' position. And that is pretty much all the public comment we got.

CHAIR STONE: Miles.

MR. McEVOY: Yes, I just wanted to make a comment about the need for the final guidance on classification materials. We understand it is really, really important. We are working to get that out and we hope to have that out within the next few months.

And but you do have -- yes, glacially moving through the python. You do have a lot of resources to utilize. You do have your final recommendation on the classification materials that you passed a few years ago. So, you have some really solid basis to utilize in the meantime, before that final guidance is out. And you also have the draft guidance, which is based on the NOSB final recommendation on classification materials.

So, we do understand the
importance of getting the final guidance out and Lisa and Melissa are really pushing that glacier as quickly as possible.

CHAIR STONE: Jay.

MEMBER FELDMAN: For us wonks on this stuff, this is a lot of fun. So, if you want more fun next semester, joint the Crops Committee.

There are a lot of issues here that intersect with what the Board has done previously. First of all, I don't think anyone is now denying that there is a synthetic remaining in the final product. That is the case. What you call it or otherwise could be important to this discussion for a number of reasons. But the principle reason is that typically what a manufacturer has been done in recent years anyway, is petitioning the Board for the allowance of the inert ingredient. So, we have actually a lot of -- several materials in the queue to be reviewed by the Board or the
Subcommittee and then the Board, as inert ingredients. And this one might pass the test. It might just be a great example of one that might pass the test. Who knows? But the point is it has to be evaluated. It has to be evaluated by the Board and it should be evaluated at least at the same time as the materials being evaluated, but certainly not after the material has been evaluated.

And as you all know, this has been one of the biggest problems with pesticides generally, that inerts have gotten sort of a pass, in many ways. They are not subject to the same level of scrutiny as an active ingredient. And then, years later, you find out, oops, that inert was a real problem, in fact, more problematic than the active ingredient, which may be the issue here -- may or may not. We don't have the process in place yet to make that determination.

And that is my point. Since we don't have the process in place yet to review
inerts, my thinking on this, after spending a
weekend with an EPA chemist who went through
all the numbers and then Lisa Brines checked
him out on the level of the actual sodium
sulfate left in the material after this acid-
based reaction that has been described. And
you know those numbers are neither here nor
there, except to establish that the material
is there, which was confirmed by OMRI. So, we
are not debating that issue, as I said.

Since we don't have an inerts
policy, it would be good, I thought, to
evaluate this together. And I don't think it
would even take a complete TR. I think, you
could probably do a modified TR on this.

It is bad precedent not to do
that. It is bad precedent not to review these
things. We have gotten in trouble with that
before. So, we would send it back to
subcommittee. We would do a modified TR on
this particular inert and then move it through
to the next meeting. That would be my
suggestion.

The other point you saw in OMRI's comments, which goes to the consistency question, is that other aquatic plant extracts are classified as synthetic under 205.601. So, it is not as if we don't have other synthetic aquatic plant extracts, which this would be, that are allowed in organic production. It is a matter of following the process so that we have dotted all our i's, crossed all our t's.

This would actually be an interesting case study for evaluating an inert on a pretty expedited basis. It is a 4(a), List 4(a) inert. It is one of the inerts that I would guess would probably pass the test but we have to go through that process.

CHAIR STONE: Lisa?

DR. BRINES: Yes, just a clarification, since my name was mentioned in the calculations. I did look at the calculations that Jay had forwarded. Just for
the record, I did have some concerns with some of the assumptions that were built into the calculations. I am not an EPA chemist but I didn't agree with the numbers that were calculated. Thanks.

MEMBER FELDMAN: And just -- I did not mean to misrepresent you. I didn't get that from your email. I guess I may have misinterpreted it. So, just for the record, just so folks in the future have this, there is a 624 parts per million sulfate and 299 parts per million of sodium added to the final product. And because the kelp provides some buffering capacity, which is what Lisa originally contacted us about, the chemist at EPA told us that the quantities, because of this buffering effect, are probably somewhat higher than this calculation indicates.

I thought we had had your concurrence on this but I guess we don't. That is the feedback we got from the EPA chemist and I apologize for misrepresenting.
CHAIR STONE: Jean.

MEMBER RICHARDSON: My comment may be a little bit off point but I am going to make it anyway. Because when we are looking at the laminarin, whether or not it is synthetic or non-synthetic, which I think is a slightly confusing issues, as Jay has brought out, and lacks really perfect clarity from the scientific point of view.

The other thing that I am concerned if all the Crops Subcommittee looks at is the synthetic/non-synthetic and it is fine, oh, it is agriculture or non-synthetic, it goes forward, no one has actually taken the time then to look at all the other OFPA criteria. And so, I know the north coast of Britain, where they are getting this laminaria from and I don't know how much laminaria is being harvested to make this product. I don't know what its impact is on the aquatic ecosystem in that area. And so even though it is off point, because if it is non-synthetic,
then you don't have to look at those things.
So, therefore, what I am saying is sort of moot. It is nonetheless, I think, something that is important for us to be thinking about as we deliberate on this nuance synthetic/non-synthetic, when there are, in fact, a number of other issues of conservation and biological diversity that we really need to keep in the back of our minds as we are looking at this as well.

CHAIR STONE: Zea.

MEMBER SONNABEND: Thank you.
Well, I just feel the need to correct what I see as inaccuracies in the statement that Jay just made because we do have an inerts policy in place. And the inerts policy that is in place is to allow List 4(a) and 4(b) inerts until we have another policy in place to replace that.

The inerts that were petitioned individually generally were petitioned because they are not on 4(a) or 4(b) already and they
would like some consideration. That was petitioned and it is on 4(a) and 4(b) -- then it is allowed and it will be reviewed in our regular inerts policy.

I am not saying that I am against sending this back and having a TR but I consider this residue to be an impurity and, as such an impurity, it could possibly be evaluated by a TR because it is synthetic but not because it is a 4(a) inert. Because it is a 4(a) inert, it should be allowed.

CHAIR STONE: Calvin.

SECRETARY WALKER: I would like to concur with Gene. My notes with magnesium oxide, as well as laminarin, I noted in my notes, no TR. And it has always been my view is that we should not look at just the petitioner's information. We need to use other form of information to make sure it meet all the criteria.

CHAIR STONE: So, I had a question. It says it is allowed by EPA as a
disease control. Who is using for what type of control and how much demand is there?

MEMBER SONNABEND: It is registered by the EPA for disease control. It is not yet, however, allowed in organic production and so we don't think any organic growers are using it. And we have no way of knowing what other growers might be using it. But that is why they petitioned is so they could have it allowed for organics.

MEMBER FELDMAN: As Jean said --

CHAIR STONE: Well my question is: is commercial agriculture using it? Is it trees? Is it --

MEMBER SONNABEND: It is mildew -- what were the other -- damping off type diseases and mildew were among the registrations.

CHAIR STONE: Okay, that is all I was asking.

Jay.

MEMBER FELDMAN: As Jean pointed
out, that was not the focus of our
conversation because we were just looking at
the synthetic/non-synthetic issue.

But again, I really don't enjoy
disagreeing with Zea, as you all know. I
think this is a very serious matter and I
don't want to go through the whole history on
it. But we, long ago, EPA had expected that
the NOP and the NOSB would have dispensed with
the use of these lists because EPA has
discontinued the lists. We don't have -- and
they have retained as a static list, they have
retained lists one through -- I guess for us,
lists 3 and 4(a) and (b) as a static list
because EPA no longer uses that process. They
have dispensed with this listing process.

So, we have been engaged in a
process that we are going to get a report on
that during this meeting, that is moving at
that glacial whatever speed that is.

So, I just think given that it
makes sense that we treat this, and I am happy
to do it the way you are suggesting Zea, we
treat this as a synthetic ingredient that is
identified by OMRI as an ingredient that,
whatever you call it, take the word and blurt
out, just call it ingredient, impurity,
contaminant, whatever it is, the Board is
significant enough at a significant enough
level that the Board should evaluate it in
making a determination on listing or making a
determination on whether it should be
evaluated or not, given the synthetic/non-
synthetic determination.

CHAIR STONE: Okay. It seems like
we got to a pause in that conversation. Are
you good, Zea?

MEMBER SONNABEND: So next, we are
going to have a report from Lisa about the
Inerts Working Group, which Jay and I both sit
on, along with Lisa and Emily Brown-Rosen and
two people from the EPA.

DR. BRINES: Thanks, Zea. I think
that is a good transition into this topic. I
don't have too many slides here, so we will try and zip through them.

Okay, as Zea mentioned, this is the membership of the Inerts Working Group. We have two members from the Board, two members of NOP staff and then two individuals from EPA that work specifically on pesticides and inert issues.

So, as just a reminder, the new Organic Feed Production Act does indicate that the National List may provide for the use of inerts and pesticides, specifically when they are not classified by EPA as inerts of toxicological concern. And the NOP does have a definition for inert ingredient in the regulations at 205(2), which follows from the definition that EPA uses from FIFRA.

And just as a reminder, so inert ingredient refers to other ingredients that are in pesticide products. It is not the same as something that is chemically or biologically inert. It is used for common
language.

So, the rule as it currently is listed, we do allow for the use of List 4 inerts, which are those chemical ingredients that had been previously classified by EPA as either 4(a) or 4(b). So, those allowance for List 4 on both the crop portion of the National List at 205.601(m) and the livestock portion at 205.603(e). We also have an allowance for the List 3 inert ingredients but only allowed in passive pheromone dispensers at 205.601(m).

Both List 3 and List 4 allowances are subject to Sunset review. The next coming Sunset review is October 2014 for List 4. So, some action will need to be taken before then.

Okay so again, the issue is that EPA had put inerts into these lists according to their toxicology and use patterns as part of a reassessment that they were doing. But they completed that reassessment in 2006 and they no longer use those or maintain those
Lists 1 through 4. But because of the way our regulations cite them, we are still operating with those obsolete lists of inerts, which were last updated in August 2004.

Since that time, we have been receiving and continuing to receive petitions for the use of inerts that were not captured on those old lists.

And just a brief history. In April of 2010, we had the first Board recommendation about inerts which asked NOP to work with EPA for more review of inerts and give various options for collaboration, for review and listing.

In October 2010, the NOSB reviewed the existing listing for List for inerts because it was up for Sunset. And in December 2010, following that meeting, the Inerts Working Group was established.

In October 2012, the Board issued a recommendation which proposed a policy to review all known inert ingredients by groups,
with individual inclusion on the National
List, that is individual listings on the
National List. Since that time, the Inerts
Working Group has worked to develop and look
at data on known inerts that are in use and
how to group those for categorical review.

We have developed a plan for
public notification and comment. It is a
complicated topic, so we are still continuing
to work through that.

In terms of new information that
we didn't report last time, between May 2013
and April 2014 NOP has met with EPA staff at
a different program, which is called Design
for the Environment. That is a newer program
with EPA that does do review of ingredients.
They run a voluntary labeling program for
safer chemical products and they publish a
Safer Chemical Ingredients List or the acronym
is SCIL, S-C-I-L.

They also published the detailed
criteria for those ingredients on their
website. They do -- the criteria are based categorically. So, they have got criteria for surfactants, criteria for pH adjusters, criteria for key loading agents. So, it is evaluating substances within a specific use in determining which are the safer chemicals that qualify for this list.

So, there is a lot of overlap in the criteria under the DfE, Design for the Environment program and what qualifies a chemical for the safer ingredients list. A lot of overlap with some of the criteria that was in the Board recommendation. It doesn't include all of the criteria under OFPA, such as essentiality but a lot of the toxicology and other work is covered under some of the chemicals that have been evaluated for the SCIL list.

The Inerts Working Group has reviewed some aspects of the DfE program. We have been exchanging information with EPA on the program, including some questions that
they have responded to. We have some preliminary data on some inerts that are known to be in use in products for organic use. We have shared some of that information with DfE so that we could compare a list of what we know is in use versus those chemicals that have already been reviewed by DfE and determined to qualify as a safer chemical.

So, the current status of this work is we are consulting with the Office of General Counsel to see if there is options for collaboration with EPA, in terms of this safer chemical program. They have done a lot of work in grouping chemicals by class in evaluating those chemicals within the context of how they are functioning in a product. We think there is a lot of information that we can glean from that process that directly ties in to the intent of the Board recommendation.

The inerts working group has continued meet. Once we get feedback from our Office of General Counsel, if this option is
viable, then next steps would be further consultation with the Board on details of how this arrangement might work. So, we are hoping to have more information to provide at the fall meeting. If this is something that we end up pursuing, of course, there will be public notification and comment to get information from various stakeholders that might be affected. But it looks promising, so we are hopeful that this might be a good option to pursue to avoid some of the duplicative work that might already have been done under this program.

Okay, I am happy to answer questions, if there are any.

CHAIR STONE: Questions from the Board or qualifications? Jay, anything you want to add?

MEMBER FELDMAN: Well, we appreciate all the work that NOP is doing on this topic. It is a really important topic. Obviously, we would like things to move
faster. That is always the case. So, anything we can do to move it along is helpful. Thank you.

CHAIR STONE: Thanks. Okay, we are on to Sunset 2015.

MEMBER SONNABEND: Okay, we're going to move on to the Sunset 2015 items and I think in the interest of time, and because it is posted in the posting, we won't have Lisa give the very much detail about what each one is but the point people will summarize it.

I will ask my esteemed colleagues to refrain from making this a soap box about why you are unhappy with the Sunset changes as you present each material.

CHAIR STONE: The Chair concurs with that.

MEMBER SONNABEND: Let us start in the order posted with aqueous potassium silicate, which is Jay.

MEMBER FELDMAN: Can I go second?

MEMBER SONNABEND: You want to go
second, all right.

MEMBER FELDMAN: If you don't mind.

MEMBER SONNABEND: I don't mind.

So, the next one is sodium carbonate per oxyhydrate. My glasses get stuck. And that one is mine, so hold on a second.

Okay. Sodium carbonate per oxyhydrate was put on the list in 2007 and so it doesn't have quite as long a history as the things that were adopted with the original National List. It's used as an algaecide and it had technical reports done in 2006 and then we did request another technical report in this year.

It was originally put on the list with the annotation that says federal law restricts the use of this substance in food crop production to approved food uses identified on the product label.

So, now it is up for Sunset review. And in keeping with trying to get as
much public comment on each item as possible,
you will have noticed some change in this
posting from how it was in the fall meeting.
In the fall meeting, the summary was posted
but not the comments from our Subcommittee on
what particular issues we would like to see
addressed in public comment.

So, we were able to formulate on
this and the other Sunset materials specific
questions that we may have had in terms of
that we would like input from the public. For
the sodium carbonate peroxyhydrate, the
question was we were seeking a comparison of
this material to copper sulfate for control of
algal scum in rice production and whether it
could replace copper sulfate for this use.
Unfortunately, we got very little response to
this question, except we did get some from the
petitioner.

We did get in the fall of 2013
when we gave no question, we gotten comments
from Beyond Pesticides and nine supporters
about removing from the list and one from CCOF
to keep the new items on but feeling that
there should be more information to respond to
in order to present good information back.

For this round, we got comments
from the petitioner, Biosafe Systems, Beyond
Pesticides, OMRI, and Cornucopia. And that is
all.

And you know what? This isn't the
right thing. Hold on one second.

(Pause.)

MEMBER SONNABEND: Okay, the key
points raised. The people who were against
this material noted that it would found by the
NOSB in its 2007 recommendation not to meet
the OFPA criteria of essentiality,
compatibility with organic production, and
impacts on human health and the environment.
They pointed out that it is not permitted in
organic production internationally.

The TR mentioned several materials
and alternative practices to reduce algae's in
ponds and rice patties, including rice straw, barley straw, allelopathic plants, and herbivorous fish. And they pointed out that the SCP does not fit into any OFPA categories, SCP being sodium carbonate peroxyhydrate, which I might say SCP from now on.

The comments in favor of it included those that it has better control of algae and its breakdown components of water and oxygen than cooper does and it is needed as relief from elemental copper accumulation associated with copper-based compounds.

The petitioners input mentioned that in 2014 copper labels have been restricted to a label that is rendered useless when treating algae. Therefore, copper may not even be an option from now on. I will have to look into that more because that was news to me and I did not have a chance to pursue it.

Sodium carbonate peroxyhydrate has been approved for use in drinking water by the
NSF and also has been kosher certified. And when used in irrigation ponds, sodium carbonate peroxyhydrate has less corrosion issues with irrigation equipment than copper sulfate.

Then we got a somewhat neutral comment from OMRI but talking about the annotation. The annotation for this material is confusing and difficult to interpret for products that are manufactured outside the U.S. or labeled for other uses than besides a pesticide or for food crops. The annotation indicates it is restricted to food crops. However, if you are using it as an irrigation cleaner, that wouldn't necessarily have food crops on the label, so it doesn't really make that much sense.

And I do agree with their concerns about the annotation whole-heartedly. I'm not sure I have the energy to do a whole petition to get the annotation changed at the same time, but the annotation really is lame on
this one. I am just telling you.

So, we have further work to do
before we come out with our recommendation.

We have not had a chance to discuss in
subcommittee where we are going with this. It
is very likely that a petition to remove will
come forward and then it will come before the
whole Board, as we feel is proper for a
material that definitely has unresolved
issues.

The further work that I have to do
or we, as a subcommittee, include the fact
that I think we got very little grower comment
because SCP spelled out is really a mouthful
and growers have no idea that that is actually
in the product that they may have been using.
And so, unless you name the brand name product
to growers and say what do you think about
this brand name, they are not going to know.
And so, granted, we, even at CCOF, could do a
better job because we send out to the affected
members yes, comment on this but we did not
name the brand names in ours.

However, we did, now that we can link into the material use for our growers, pull up collective data, we have 34 clients who use materials that this is the main ingredient. I believe we have five different compound -- five brand name products with this as the active ingredient, although by far, the most use is one of the brand names of those five.

So, we need to take a look at who those growers are, what they are using it for and whether there are valid things to alternatives. We clearly need to look further at whether these new copper restrictions will make a difference in the need for this material and whether it will start being used more. It only has been registered in rice since 2010 and probably that registration, there is a very short window in the spring when this is needed. And if the registration came later in the year, then that it wasn't
even used in the 2010 growing season. So, that leaves only three years when it could have been used so far and we have to look into whether it has actually been used. So, we do have more work to do but this one will come back, according to our Sunset review, in the fall.

CHAIR STONE: Any questions for Zea?

The process, so, this is the first full review. We have asked for public comment. As Zea mentioned, we got a smattering on this one but this is the opportunity for us to fully flesh out any issues, so that it can be taken back to the committee so that when it comes back in the fall, there is no surprises. The Committee can do its work thoroughly so that the new process -- people may not like the new process but this is what we are given and this is how we are going to make it work. So, this is the time for us to flesh it out.
Okay. Jean, I'm sorry.

MEMBER RICHARDSON: I would just concur with what Zea was saying about the fact that, as I read through this material, it definitely needs to have a petition to change because of the annotation. And so, I would assume we would seem -- it would be interesting to see further information on that as you go through your analysis in subcommittee.

MEMBER SONNABEND: The thing is no one in the audience or the committee has any incentive to put in a petition to change the annotation.

MEMBER RICHARDSON: Yes, I know.

MEMBER SONNABEND: So, if we can get it done in a timely way -- I mean really, it just should be removed, in my opinion.

CHAIR STONE: Melissa?

DR. BAILEY: Yes, thanks. I just wanted to remind the Board that under the Sunset process, this is the time for those
members, who may not be on the Corps Subcommittee, to voice their perspective to the Subcommittee, including whether you feel for the next meeting that they should consider a proposal to remove. So, just pointing that out, since this is our first time in the process.

CHAIR STONE: That was what I was trying to say but I think you said it better.

Jean.

MEMBER RICHARDSON: So, I am not on the Crops Subcommittee and I would certainly be supporting a proposal to -- a recommendation to remove.

CHAIR STONE: Calvin?

SECRETARY WALKER: Yes, I would concur seeing a proposal.

CHAIR STONE: Okay. Everybody good? Okay, thank you much.

So, we are going to go -- I'm sorry. Calvin.

SECRETARY WALKER: Jean and I had
suggested seeing a proposal for removal. So what is the outcome? Does that mean that the Crops Committee --

MEMBER SONNABEND: It goes back to the committee and we will take that up.

SECRETARY WALKER: So, it is not a definite. It is up to you all still to decide.

MEMBER SONNABEND: Like I said, we will take it up. I imagine that will come from within the Subcommittee, as well.

CHAIR STONE: Melissa.

DR. BAILEY: Yes, for both Jean and Calvin, it may be helpful to the Subcommittee if you elaborate on your perspective of why you would like them to consider removal, just for their own deliberations.

MEMBER RICHARDSON: It would seem to me looking at it, I would concur with the comments that were put in by OMRI that the language in the annotation sort of makes it
impossible to really adequately assure that
this material follows U.S. federal law when it
is being used in other places. That would be
one of the issues that would seem to me to be
of considerable concern.

CHAIR STONE: So, what I'm also
seeing here is it is not only important for
the community to weigh in when they see this
first notice and we are trying to sort of
advertise that as well, but also for committee
members to take this first -- non-subcommittee
members to take this and be sure that we vet
it, as individuals, to bring back to the
committee, so that this process can work as
well as it can.

So, this is our first trial

balloon and I appreciate everybody working
through it. Anything else on this material?

Yes, Jay.

MEMBER FELDMAN: Well, I don't

know again if this is something that is
feasible in the time frame but I think in
order to elicit input from the grower community along the lines that Zea suggested if there was a mechanism in place to receive that information through a docket or something of that sort.

If we don't, the likelihood is pretty high that new substantive information will come up at the next meeting that would force us to postpone. My assumption is that, though, that if we postpone and don't take action that it remains on the list. Is that correct, if we go past the 2015 deadline?

MR. McEVOY: Yes, as we presented yesterday, the process is is that your responsibility is to complete the review. So, once the review is complete, then you complete part of the Sunset process and then the next step in the process is for the program to potentially renew that substance if it continues to meet the criteria.

CHAIR STONE: Okay.

MEMBER SONNABEND: Okay, we are
MEMBER FELDMAN: Thank you. Okay, so I tried to do this one.

The summary of uses are here: insecticide, acaricide and plant disease control. Currently listed on 601(e) and 601(i) as aqueous potassium silicate, the silica -- and this is the annotation -- used in the manufacture of potassium silicate must be sourced from naturally occurring sand.

There is a technical report in 2003 and 2014. Petitions originally, I guess in 2004 and a supplemental in 2006. Action by the NOSB, a review and recommendation for addition to the National List came in November of 2007 and the proposed rule was published in 2009, added to the National List in 2010, and the Sunset date is 2015, as we know.

So, the Subcommittee had a bunch of questions that it put out the community and I hope you have all seen this already but potassium silicate -- should I go through all
this?

MEMBER SONNABEND: Don't read the whole thing.

MEMBER FELDMAN: Yes. So, there were questions about the technical report, which discussed the impact of silicate on the availability of micronutrients. In fact, on plant tissues there is a question of about foliar application and the different uses employing mitigation strategies in consideration of these impacts. How should the NOSB weigh this impact on the nutritive value of treated plants? That was one of our questions.

Okay, now the next slide, I actually will go back to the public comments, just to finish off the other questions from the Subcommittee. Can organic management systems conserve and build available silicon in the soil in a way that can serve as alternative to potassium silicate? The 2014 TR suggests that the following alternative
practices exist. And this is where we need grower input.

Ideally, what we need is grower input at this meeting, really, but we have to figure out a mechanism to get that. The Subcommittee is interested in comments concerning non-synthetic materials and practices being used in the field.

So, what we heard -- oops. Oh, well. I can't get that slide up. I have this slide here on public comments. Can you move it back one? Is that possible? Oops. Back one. Thank you. Thanks, Lisa.

So, as you can see, we didn't get a lot of comments. One grower in CCOF, Beyond Pesticides, Cornucopia, California Safe Schools, and five individuals. The comments we got were APS, which is the acronym for aqueous potassium silicate, enters the soil from plant treatment and is indistinguishable from silicates already present in the ground. APS is used as a foliar application, not for
roots. Management systems can be used to build the silicon in the soil to improve the plants' resistance to disease and reducing the likelihood of needing a pesticide treatment. However, when an infestation occurs and a treatment is required, APS should be an available option for organic farmers. Information is needed on accumulation of silicon plants. International standards do not allow APS in crop production and organic methods of soil conservation make its use unnecessary.

So, obviously, you can see the grower perspective of being toward the top of these bullets and the sort of environmental concerns being raised at the bottom, bottom three of the bullets.

And that is about it. Back to you, Mac.

CHAIR STONE: Questions or comments from other Board members, other committee members? Zea.
MEMBER SONNABEND: Yes, again, this suffers from the fact that people know it by the brand name probably more than they know it by the name we know it by. And so, that is one reason why we get low grower response.

And granted, this is our first time running through the Sunsets this way and so even with the two meeting, because the canceled meeting, format, there wasn't enough time to fully reach out to all the growers to get it clear. But from the limited conversations I started to have with growers, I have actually never seen this being used on an inspection. And the growers have indicated that it is a highly alkaline material when they put it into their tank to mix it. And so, therefore, it needs really extensive buffering that varies a lot compared to what your water situation is. And if you don't buffer it just right, it hurts, you see phytotoxic damage from the alkalinity on the plants.
And so for these reasons, I suspect it is not very widely used. And I think the fact that the petitioner didn't show up also might indicate that they are not having -- it is not very widely used.

So, I definitely think this may be a candidate for removal from the list because we really got so limited input on it and because growers don't really talk about it. They are not very likely to write in if they tried it and it burned their plants because it was alkaline. That doesn't mean they want it off the list. It means they want everything in their toolbox but that wasn't really one of the things that was good. So, I just don't know how much we will hear about it in the future.

But I will try, between now and the next meeting, to survey our growers and see what we get further.

CHAIR STONE: Jean?

MEMBER RICHARDSON: My questions,
I am not on the Crops Subcommittee, so based on the very limited information that presently we have in hand, I don't really see that it is a -- it doesn't appear to have a high level of essentiality. I am not aware of it when I do inspections, myself, in the northeast, but that is a limited area to look in, and geographically it may well vary in terms of where it is being applied and used, which would be important information to have.

Absent any good sign of essentiality, I would be recommending a motion to delist.

CHAIR STONE: Okay.

MEMBER FELDMAN: Again, if you don't mind. You know maybe we should institute a general meeting of each subcommittee that has sunsets coming up, so all Board members can bring or some other mechanism to bring concerns to the subcommittee and maybe formalize something like that.
CHAIR STONE: Yes, I think it is becoming more apparent the value of non-subcommittee members paying a lot of attention to these Sunset materials so that this first meeting can garner the attention that it needs. And this was an original concern when this system came up.

Yes, I think we need that mechanism and that is part of what we are trying to figure out here and I know that we will.

CHAIR STONE: Go ahead Miles.

MR. McEVOY: Yes, I think this is maybe where we start looking at some ideas that came out of that NOSB assessment, in terms of maybe a webinar, which could be open to the public, where the Board could have these subcommittee discussions that the whole Board participates in, so that there is a full discussion of these substances and figure out how to move forward.

So, we will try to look into some
other alternative ways to keep an open public process for the Sunset review process.

MEMBER THICKE: Could I add?

CHAIR STONE: Francis.

MEMBER THICKE: I would like to add that if we do something like that, that in some way we need to engage the producers. Because the average farmer, we are out there. We are not looking for this kind of engagement. Unless you grab a hold of us somehow, we are not going to know.

CHAIR STONE: Well, and certifiers have databases. They are getting more sophisticated in their databases and the ACAs can be a big benefit here at the risk of their time.

Zea.

MEMBER SONNABEND: Well, actually, I just wanted to reemphasize that point. If perhaps Pat or other certifiers in the room, each time we have a sense that material could call out to the group for if they know how
many of their clients use a material, they could come up with it. Like they have started doing for handling, they will often survey how many of your processors or using this or not. If they know that information for crops use materials that are sunsetting, it is definitely good to know how much the materials on the list that aren't obvious ones are being used in the field. And maybe we could get that information in.

CHAIR STONE: Because the certifiers can use brand names. It's just that we can't because of our situation.

Okay, last one.

MEMBER SONNABEND: Last we have sulfurous acid and that would be Colehour.

MEMBER BONDERA: Okay, thank you. I thought I was going to be the first of the Sunset ones but now I am the last thing of the day. So, either way I was going to go pretty quick, frankly, but we will talk about it as we need. Thank you, Zea.
Sulfurous acid is coming to Sunset. So, it is 205.601(j), just so you know.

So, just to make sure that people are, to some degree, up to speed, I think I personally find this a little bit confusing because it has gone from the subcommittee to now it is everybody. But what has everybody even thought about about it?

So, the listing is sulfurous acid is the name given to water that has been sprayed through smoke and fumes produced by burning elemental sulfur. And the primary purpose of sulfurous acid is reducing the pH of irrigation water to alleviate the effects of specific saline or sodic soil conditions or the effects caused by saline or sodic irrigation. Otherwise stated, acidified irrigation water used to adjust soil pH into the acidic range.

And you know we have had some live testimony anyway, so I don't think you know
nothing about it. But a little bit more history is that elemental sulfur was once mined from salt domes but now residual sulfur is removed from petroleum, natural gas, and coal by the quote unquote Claus process, which is the most significant gas desulfurizing process recovering elemental sulfur from gaseous hydrogen sulfide. And it was patented first in 1883 by a scientist Carl Friedrich Claus. So, just so you have that.

So, we determined that the TR, which I think I have the date here -- sorry, I thought it was going to be mentioned but this is fine -- 2010 TR. We pursued an updated TR, so we got one in 2013 but asked some follow-up questions, so it was finalized a few months ago, early 2014.

And I think it is in the packet of information. I don't know how much people have looked at it but I don't have a slide but I tried to summarize the fact that in preparation for the meeting, we determined
that there were still some question areas that we wanted more input from the public on that were put forth.

And my summary is that the first question is if or how the sulfurous acid transforms to sulfate and the crop availability, along with how farmers or certifiers can determine such soil conditions that would result in that process.

And the second question that was put forth was regarding the use of sulfurous acid to remedy unsustainable agricultural practices and the implications thereof of a Sunset review process and specifically impact on soil life as notable.

So, I am about to even wrap it up here. I think it is worth noting, again, historically, that sulfurous acid is not permitted in other countries' organic systems.

From my perspective at least, looking at the whole picture, we did get comment because this was going to be done at
the last meeting. So, if you looked through
the public testimony -- the written testimony,
we did get comment. And we got -- I don't
think it is ridiculously substantial but we
got comment for both meetings we did, both the
canceled meeting and this meeting.

I would say sorry my thing
disappeared on me. Sorry.

Overall, my general observation is
that the comments, and we can divide them into
categories, but the testimony was both to
delist and to relist on both sides, if you
want to view it that way. I think that
numerically, there were more, the votes were
more for not renewing the listing, again,
depending on how one wants to look at that.

Several farmers, processor, and
the certifier, CCOF, encouraged that sulfurous
acids remain on the list. From written
testimony and from some of those same people
you heard live testimony today in that regard,
that there aren't viable alternatives and that
the needs are at hand for its use. I think, you know I am not going to quote who or what all those things were but I think it is worth noting that -- and I did say this to the subcommittee but for me, for whatever reason it stands out, that some kinds of limitations of allowing use only if the pH is verified above seven and/or a statement that it is not permitted in water-logged soils was included in some of that testimony. I think all of the public interest groups that testified representing their members and all of the consumers, and it wasn't a small percentage of the total testimony that submitted written testimony, requested that NOSB delist sulfurous acid, in terms of protecting our soils, the broader environment, and looking at the situational need. I think, at this point in time, that is really a general overview and I am not certain how. If people have comments or
questions, I am happy to do it. Several
people who work with Driscolds submitted
written testimony that we all saw. Like I
said, I'm not going to cite all the different
ones. But that is all I wanted to go through.

CHAIR STONE: Jean?

MEMBER RICHARDSON: Yes, for me,
not on the Crops Subcommittee, having read the
public comment and listened to the comment
today, and noting that elemental sulfur, which
it has to meet those characteristics,
elemental sulfur, at (j)(2) of what is it 605
-- I mean 205.601, it would seem to me that
the way in which it is being utilized is
appropriate.

So, on this one, I would not be
suggesting a motion to delist but in fact to
keep this one in use, based on the limited
range, perhaps, but certainly essentiality and
its range of limited use in application.

CHAIR STONE: Zea.

MEMBER SONNABEND: Colehour failed
to totally mention this, but all of the
growers who commented that they use this did
indicate that it improved their soil and
contributed in a positive way to their soil
situation that they started with and that the
sulfate did not contribute any fertilizer
value as a plant nutrient, which is in
directly answering the questions that we
posed, which was very nice that we posed
questions and they addressed them.

CHAIR STONE: Francis.

MEMBER THICKE: Yes, I have got to
say from what I heard from the growers, I was
pretty impressed with how it worked. And we
have got to remember, this is for use in the
desert. If you are farming in a desert
irrigating, this is not a natural system. And
so, we are going to -- it seems like this is
pretty -- I was pretty impressed that
something like this works better than
elemental sulfur, which actually puts sulfur
in the ground.
So, I would be hard-pressed to vote against this thing.

CHAIR STONE: Harold?

MEMBER AUSTIN: I think, too, along with the other materials that we were just talking about on the 2015, coming from that desert area and being well adverse in this particular process, I think also trying to ferret back out from some of the other growers, they are going to think about it as a sulfur burner, the sulfurous acid. Probably 90 percent of those growers aren't even going to -- this is not going to be registering with them. They are going to be talking about their sulfur burners that are burning 99.9 percent pure elemental sulfur.

So, we probably need to find a way to garner that information, maybe is for the certifiers or somebody else as well. This will be one of the things I think, as we go through this process, we are going to need to try to figure out how do we ferret that
information out and get the word out to the appropriate stakeholders, so that they are aware of it.

CHAIR STONE: Miles.

MR. McEVOY: Yes, I just wanted to point out that this is an area that -- an international arena. This is sort of similar to the biodegradable mulch situation, where all the other international standards have a positive list of things that can be used but they have a different way of looking at what is allowed and what is not allowed.

So, if you look at the EU regulation, in particular, you will see that biodegradable mulch is not on the list of allowed substances. However, it is allowed and used under the European certification system. And this is a similar situation with sulfurous acid. Even though it is not specifically listed as an allowed substance under these international regulations, I think there needs to be some additional looking into
that to see whether or not they consider it something that has to be reviewed because it used to treat the water before application. And there is water treatment that occurs that may not be subject to their particular regulations.

We have a meeting with our European colleagues on Monday. We have the European organic working group and this is something that we will bring up and we will report back to the Board about how they look at this particular compound so that can be clarified.

CHAIR STONE: Colehour.

MEMBER BONDERA: Thank you, Miles, for that comment. I think that that is very useful but it is just in the moment my first reaction is shouldn't that be something that would be included in the TR. Shouldn't those people, a neutral party, be looking at ways to find out that kind of information or do we need to rephrase or make sure that kind of
questioning is put forth in the TR questions?
Because that is hard for, I think, us to know
how to do or to do appropriately.

    I think your point is well taken,
    though.

    CHAIR STONE: Okay, anything else?
So, the Committee heard some comments from the
Board, as well as public testimony.

    Zea are you good for now as far as
the Committee?

    MEMBER SONNABEND: Yes, I think
that wraps up.

    Just for the benefit of the
public, though, I do want to say that because
we did not start any voting today, we did not
have the opportunity to make a conflict of
interest declaration, which I am very
interested I making before we start voting.
And so I will do that before we start doing.

    CHAIR STONE: Yes, Miles and I
talked about that when we started
deliberations and knowing that no one had
declared a conflict of interest, anyone on the Board on any of the materials or any of the subjects. We didn't go through that today but certainly we will clarify that and welcome you all to be comfortable with that when we start voting.

So, any subcommittee chairs, if you feel the need or something, then we can do that.

So, I guess I want to make sure we wrap this up, what we learned today. So, reaching out to the stakeholders, as Harold likes to call it. The different materials are going to have different stakeholders that use different names, that use different materials, that are in different regions and those types of things. So, it is incumbent on us to reach out so that we can do a good job and fulfill our obligation in reviewing these sunset materials in the timely manner that we have to work with.

So, any other final thoughts on
this kind of first shot across the bow on the sunset process?

Okay, I will remind everyone the reception, you go out the front door of the hotel to the right, down two blocks, take a left and you will find it at 110 Broadway and Houston Street.

We will reconvene tomorrow morning at 8:30. Thank you very much.

(Whereupon, at 6:06 p.m., the foregoing meeting was adjourned to reconvene at 8:30 a.m. on Thursday, May 1, 2014.)
Page 476
compensation
17:11
Compete 331:21
competing 92:8
231:5
competition 226:21
competitive 170:13
236:18
competitors 216:2
283:10 325:18
complained 293:8
complaints 249:12
249:16
complete 39:4
103:22 227:2
243:22 303:16
353:7 354:18
366:4 389:17
412:14 441:15,16
441:16
completed 41:18
347:8 356:19
422:21
completely 66:19
70:15 82:17
223:22 302:19
339:8
complex 29:6 61:4
247:15 255:3
279:16 280:7
306:2 344:22
366:17
complexing 213:4
complexities 9:4
44:18
complexity 27:9
28:1,20 29:17
30:1 39:6 332:5
compliance 73:11
93:7 98:8 99:4
249:14,21 250:4
277:14 281:6
compliances 104:3
compliant 44:9
46:8 162:3 258:16
complicated 11:11
29:3 101:3 372:9

388:13 391:20
424:9
complication 42:18
374:16
compliment 103:8
comply 181:22
complying 158:20
279:2
component 119:1
386:9
components 432:9
compost 188:10,10
composted 214:21
compound 435:7
461:12
compounds 362:21
389:19 398:8
399:10 432:12
comprehension
104:5
comprehensive
288:12 289:15
comprised 246:11
compromise 25:11
27:11,16 28:1,2
29:17,19 30:10
31:3 41:4 43:18
66:3,16,17 98:13
301:17
compromised
21:10
compromises 40:12
137:15
computer 255:17
Con't 4:1
concentrate 166:1
concentrated
227:15
concentrations
131:5
concept 254:10,13
255:3,6 273:17
401:10
concern 12:2 26:11
37:9,12 110:8
179:3 213:2,3,11
214:18 217:7,12

238:14 291:15
319:15 348:16
354:20 359:3
371:22 377:5
379:22 421:14
440:5 449:6
concerned 31:9,13
32:12 33:2 48:5
48:21 78:20 79:5
85:16 87:4 90:17
103:18 106:14
108:20 112:11
229:9 236:12
242:20 243:1,5
249:1 263:18
274:10 287:11
289:8 415:11
concerning 172:2
184:13 206:22
325:21 444:7
concerns 7:6 43:16
49:14 63:6 112:4
114:18 151:14
153:2 157:13
234:18,22 236:2
265:16 274:5
291:12,17 297:11
300:14 359:6,14
367:12 414:1
433:18 445:16
448:20
conclude 180:7
concludes 92:14
179:16
conclusion 16:5
98:1 256:19
316:18
conclusions 323:6
conclusive 185:15
conclusively 364:7
concur 417:14
437:3 438:17
439:20
concurrence
414:20
concurs 428:16
condition 221:19

conditions 27:12,20
28:4 81:15 125:9
127:21 130:7
187:13 190:14
221:13 222:8
232:6 368:14
452:16 454:8
condone 13:12
318:20
conduct 209:2
conducted 125:1
128:2
Confectionaries
303:4
conference 104:11
122:2
confess 339:4
confession 340:20
confidence 14:7
37:22 137:15
138:4 237:11
336:21 391:21
confident 74:22
79:10
confidential 301:15
325:12 326:7
327:17 328:1
329:2,9,15
confine 226:14
confined 91:18
confinement 238:3
238:19
confines 201:20
confining 91:14
232:15
confirm 278:13
confirmed 412:9
conflict 183:11
462:16 463:1
conflicts 183:8
290:8
confusing 31:4
220:16 221:2,4
388:20 415:7
433:9 452:6
confusion 39:6
59:12 98:14 120:2

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Congress 13:15
110:14 290:6
292:6,9 319:1
Congressman
48:16
connections 98:17
conscience 13:13
conscious 318:20
consecutive 62:8
consensus 98:12
100:5,15 271:5
consent 48:15
consequence 15:8
consequences 15:7
369:7
Consequently
225:10
conservation
321:12 416:7
445:11
conserve 443:19
consider 9:9,11
52:16 54:3,9 55:6
55:7 56:2 61:15
61:17 79:20 83:21
168:12 175:14
176:22 215:8
230:22 243:8
312:17 369:20
371:6 394:17
408:16 417:7
438:4 439:17
461:1
considerable 440:5
consideration
24:18 73:3 184:19
187:12 336:15
380:18 417:1
443:11
considerations
181:14
considered 108:13
208:8 273:9
284:18 316:6
388:19 389:14
considering 47:14
79:4 81:20 142:5


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recommending
recommends
reconsider
reconsidered
record
recorded
records
recovering
recovery
red
redistributing
reduce
reduced
reduces
reducing
reduction
redundant
Redley
reemphasize
reenergize
reevaluated
refer
reference
referred
referencing
refers
reflect
refrain
regard
regarding
regrew
regrown
region
regions
register
registered
registering
registration
registrations
regression
relating
relationship
relate
related
relates
relatively
reliable
relevant
remains
remain
remedy
remind
remedies
removal
removable
reminds
remove
removals
removes
removing
remember
remembers
removal
removable
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revoke 250:20
revised 49:2
rich 97:1
RICHARDSON 1:19
Riddle 49:11
Ridley 12:20
right 277:3
risks 370:8
River 140:17
Robert 1:10,13
Roberts' 77:19
robust 50:6
rock 114:15
Rockwell 4:10,10
roads 200:7

roots 94:20
rootstocks 26:4,9
rotation 242:6,11
rough 168:9
roughly 393:5
round 187:21
Row 270:8
rules 34:16
ruminant 136:21
rumors 129:15,20
run 95:3
rules 450:15
R.B. 134:18

SA 405:19
sad 327:13
CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: National Organic Standards Board

Before: Department of Agriculture

Date: 04-30-2014

Place: San Antonio, Texas

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

______________________________
Court Reporter
UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE (AMS)
NATIONAL ORGANIC PROGRAM (NOP)

MEETING OF THE NATIONAL ORGANIC
STANDARDS BOARD (NOSB)

THURSDAY
MAY 1, 2014

The National Organic Standards Board convened at 8:31 a.m. at the Saint Anthony Hotel, 300 East Travis Street, San Antonio, Texas, Mac Stone, Chairperson, presiding.

MEMBERS PRESENT

MAC STONE, Chairperson
JOHN FOSTER, Vice Chairperson
CALVIN WALKER, NOSB Secretary
HAROLD AUSTIN
CARMELE BECK
COLEHOUR BONDERA
JOSEPH DICKSON
TRACY FAVRE
JAY FELDMAN
WENDY FULWIDER
NICHOLAS MARAVEREL
JEAN RICHARDSON
ZEA SONNABEND
JENNIFER TAYLOR
FRANCIS THICKE
STAFF PRESENT

MILES McEVOY, Deputy Administrator, National Organic Program
MICHELLE ARSENAULT, Advisory Board Specialist
MELISSA BAILEY, Director, Standards Division, National Organic Program
LISA BRINES, Standards Division, National Organic Program
Livestock Subcommittee
Proposal: Methionine in Organic Poultry Feed (MET) - petitioned 18

Proposal: Acidified Sodium Chlorite (ASC) petitioned 52

Verbal Update: Vaccines from Excluded Methods (GMO Vaccines) 61

Proposal: Aquaculture - Chlorine (for aquatic animals) - petitioned 73

Proposal: Aquaculture - Tocopherols (for aquatic animals) - petitioned 103

Proposal: Aquaculture - Minerals (for aquatic animals) - petitioned 114

Proposal: Aquaculture - Vitamins (for aquatic animals) - petitioned 127

Proposal: Aquaculture - Micronutrients (for aquatic plants) - petitioned 154

Proposal: Aquaculture - CO2 (for aquatic plants) - petitioned 163

Proposal: Aquaculture - Chlorine (for aquatic plants) - petitioned 182

Proposal: Aquaculture - Lignin sulfonate (for aquatic plants) - petitioned 185

Proposal: Aquaculture - Vitamins B1, B12, H (for aquatic plants) - petitioned 196

Compliance, Accreditation & Certification Subcommittee
Proposal: Guidance on Retail
Certification 210

Discussion Document: Clarifying Accredited Certifying Agents' Application of Section 205.206(e) 231

Verbal Summary/Update: Sound and Sensible (no document) 248

Handling Subcommittee
Proposal: Ammonium Hydroxide (boiler water additive) - petitioned 256

Proposal: Glycerin - petitioned for removal 275

Discussion Document: Polyalkylene Glycol Monobutyl Ether (PGME) - petitioned. 280

Update: Ancillary Substances (no document) 293

Sunset 2015 Review List:
- Gellan Gum 301
- Tragacanth Gum 307
- Marsala 314
- Sherry 316

Materials Subcommittee
Proposal: Update of Petition & Technical Review Process 324

Proposal: Confidential Business Information in Petitions (CBI) 330

Proposal: Fall 2013 Research Priorities 352

Written Report: Seed Purity from GMOs 365
CHAIR STONE: If I could ask everyone to start taking their seats. Board members make their way to the table, please. We have a very long day ahead of us today. We've -- each committee is going to go through their agendas. We want to have plenty of time for the Board discussion. We have a couple of kind of generic housekeeping chores here first thing this morning. And I better get my agenda out.

I know that Ms. Favre is ready. We're going to start off with livestock which we kind of referred to.

You may have noticed that we -- when we took back up the aquaculture this semester or term we combined the plant aquaculture materials and the livestock aquaculture materials just so that we could have a unified approach and a shared conversation because of the interaction
between them. And I really appreciate the work the committee did to really roll up your sleeves and work hard. And I'll let Tracy get into a little more of the details of that. So it was kind of a hybrid committee if you will and they did a lot of great work and we're going to learn a lot more about it here in a few minutes.

Going to start. Miles is going to -- I neglected to clarify the conflict of interest or lack thereof on the discussions for this meeting yesterday before Zea started the Crops Committee.

So Miles, if you'll at this time refresh our memory and Michelle has the tally that the Board has already weighed in on this. Miles?

MR. MCEVOY: Good morning. Can everybody hear me okay? Okay, good.

First of all, I just wanted to say a little bit about the public comments. Not very many people here today so I might repeat
this later on in the meeting. But I just
wanted to thank everybody for their public
comments over the last couple of days.
The Board received a lot of great
information and perspectives about their
proposals. The Agricultural Marketing Service
also heard many concerns about the revised
sunset process as well as concerns about USDA
taking away authority from the Independent
National Organic Standards Board.

We really appreciate all the time
and effort that everyone put into providing
these comments. It's really important to us
and it's important to the Board.

My goal is to support the success
of the organic community in all of its
diversity. You are a very diverse and a very
passionate group.

I am lucky to be able to serve and
I am working to support all of you and your
amazing diversity of perspectives. I would
encourage all of you to reach out to me and
the National Organic Program.

Please come up and talk with us during the breaks, invite us to your farms or organizations so that we can understand your concerns. Stop in and visit with us when you are in D.C. and also send us your comments. You can always do that at nopguidance@usda.gov and any allegations of violations you can send to nopcompliance@usda.gov.

We're not always going to agree but we're not your enemy. We're here to try to serve the best interest of the organic community as a whole.

Okay. Moving onto conflict of interest. The members of the Board were appointed to the Board to represent the interests of particular groups.

As such, many of the interests that you hold, the Board members hold, are acceptable interests. An interest is acceptable if you carry it on on behalf of a represented group and if you receive no
disproportionate benefit from expressing that interest.

Interests create appearance problems, often referred to as conflicts of interest when an interest directly and disproportionately benefits you or a person associated with you that could impair your objectivity in representing your group, or has the potential to create an unfair competitive advantage.

Conflict of interest is as much about the appearance of a personal conflict and loss of impartiality as it is about direct financial gain.

So Board members are appointed because they have interests. They represent those interests. That's a very important part of the structure of the National Organic Standards Board is that they have interests and those interests are important to represent so there's a full diversity of interests that are represented in the recommendations that
come from the Board.

So over the last month the National Organic Program provided the members of the Board with a matrix that lists the documents that are being voted on at this meeting.

The Board members were asked to identify any conflicts of interest on any agenda item. The completed matrix did not identify any conflicts with any of the agenda items by any of the Board members. Therefore there will be no recusals on any of the items at this meeting.

At the beginning of each subcommittee session, at the beginning of this subcommittee session for livestock no Board members have a conflict of interest with an of these subcommittee items.

At this point I'll turn it over to Mac. And that's it. Thanks.

CHAIR STONE: Okay, thanks, Miles.

So at the beginning of each subcommittee
deliberation we had this conversation in the executive committee and maybe hopefully we did at each subcommittee that the USDA has their official conflict of interest policy.

We as 15 individuals look each other in the eye and recognize and revel in those differences, in those interests as Miles said that we have. So we as a Board, as individuals on the Board have sort of recognized where each of us is in that.

And I personally like, if there were any stronger declaration of interest, John, that it be involved in the discussion phase, acknowledged in discussion, not just in voting. And I'm not aware of anyone that feels that they need to declare any abnormal interests. But to be aware.

So each of us as individuals. I certainly welcome you to state an interest, declaration of interest, or lack thereof at the beginning of each of these subcommittees as we go in. So, feel free to do that.
And I will remind each of the subcommittees as we begin each of the sessions. Zea?

MEMBER SONNABEND: I would like to make a declaration of interest. And I don't want to do it at each subcommittee. I just want to do it once. So may I proceed?

CHAIR STONE: Yes, ma'am.

MEMBER SONNABEND: Okay. Because I feel personally and beyond the NOP policy that it is worth it for us to declare our interest to the public or lack thereof.

And so therefore I would like to say that I do work for a certifier who may or may not certify any of the products that come before us. But I do not stand to gain for any of those approvals or not approvals.

And I am a partner in a small farm who grows apples and may or may not use any of the products that are on the list once they are approved. Thank you.

CHAIR STONE: Thank you, Zea. Any
other thoughts or comments, declarations if you will? Great, thank you. But please feel comfortable if you feel it coming on, let us know.

Okay, we're going to start this morning with the Livestock Subcommittee. We've got that scheduled until lunch. We don't want to be in any rush. I'll let Tracy introduce how we're going to proceed.

Then we've got CACS immediately after lunch, Handling the middle of the afternoon and we'll round out the day with the Materials Subcommittee.

So, Tracy, with no further ado I'll let you open the conversation.

MEMBER FAVRE: Thank you, Mac. To start off the conversation this morning I'd like to first acknowledge and thank the subcommittee for their work on all the materials. As you see on the agenda we have had a boatload of materials and petitions that we've been responsible for reviewing.
It's been a pleasure to work with this subcommittee. We haven't always agreed on some of the materials during our discussions but it's always been very respectful. And hopefully we've created an environment where everybody gets to voice their opinion and feels as though their position has been heard.

We'll start with some materials that are not aquaculture but aquaculture is the 3,000-pound gorilla sitting in the room today. So I do at least want to acknowledge that we did approach these materials with a systems approach.

We had several discussions as a subcommittee even prior to review, particularly when the materials came over from Crops about how we wanted to philosophically approach the review of these materials.

We all did have concerns and reservations about the fact that there were not yet standards out for us to review within,
but were encouraged to also review the draft standards that had been submitted from previous NOSB and use that as the framework under which we reviewed the materials.

Like I said we did all have some reservations and as early as December of last year did feel as though that there was a chance that we would move these materials forward, do the work and the review and if the standards were not ready we may elect as a subcommittee to either bring them to the table for discussion but not vote on them, or not bring them to the full Board.

As is obvious from the agenda today we did bring the materials together and forward for the full Board to discuss. I personally and I think the rest of the subcommittee felt because there is so much controversy and this is such a complex issue that we wanted to have an opportunity for the full Board to discuss in public these materials and have everybody weigh in and have
a healthy and lively debate on them not only
for the record but also for the benefit of our
stakeholders who want to see that there is
earnest and well-intentioned work being done
on the materials.

It is our intention, so everybody
knows here today, to have that presentation of
each of the materials and a discussion. But
we do intend to defer the vote until Friday,
tomorrow, at which time we do intend likely
unless there is a very, very strong reason
otherwise to refer them back to committee
after having considered the written and the
public testimony that we've heard over the
last few days.

So having said all that and gotten
the ball rolling we do have our first proposal
petition material, methionine in organic
poultry feed. And Mac is the lead on that.
Lisa, I think you need to make your
introduction.

DR. BRINES: Thanks, Tracy. The
petition for methionine was received on April 8, 2011, and it was submitted by the methionine task force. The petition requests an amendment to the current listing for methionine on Section 205.603 of the National List. And I'll go ahead and read the full current listing for the record.

It's under 205.603 Synthetic Substances Allowed for Use in Organic Livestock Production, paragraph D as Feed Additives, number 1, DL-Methionine, DL-Methionine hydroxy analog, and DL-Methionine hydroxy analog calcium (CAS numbers 59-51-8, 583-91-5, 4857-44-7, and 922-50-9) for use only in organic poultry production at the following maximum levels of synthetic methionine per 10 of feed.

Laying in broiler chickens - 2 pounds, turkey and all other poultry - 3 pounds.

The current sunset date for this listing is October 2, 2017. The most recent
technical report for methionine was completed in 2011 and previous reports are also posted on the NOP website. Thanks.

MEMBER FAVRE: Go ahead, Mac.

CHAIR STONE: Thank you, Tracy, Lisa. So, I've got the recommendation before me. I'm glad to if any of the committee members would like me to review the history of the cascading of recommendations.

It's been discuss ad nauseam over the years since the beginning and before there was a rule. I'm glad to run through that but I think everyone's pretty well aware of the history.

There's the intent from the beginning that synthetic amino acid in poultry has just been, excuse the pun, Madam Chair, stuck in the craw of this whole group.

And we heard testimony yesterday that there has been a lot of work, a lot of money has gone into finding alternatives for this synthetic product and they've not come up
I raise broilers and layers on pasture. I exceed the European Union 43 square foot per bird most of the time, maybe not on broilers.

But I would suggest that access to outdoors which is referenced in public comment a lot, when I move my birds the broilers move twice a day every day. The layers move every three or four days on pasture.

Whatever insects are there are gone within minutes of them finding their new enclosure and that alone does not meet the methionine needs of the birds, but it does help.

So, I just make reference that it is -- this is the step-down that the previous Board has implemented to get the 2 pounds for broilers and layers, 3 pounds for turkeys and other fowl.

Some describe it as arbitrary. Others say, well, it has to be forceful to try
to encourage these alternatives to be generated and found.

I know that at the University of Kentucky near where I am they've got a multi-year trial. They're using different feeds and cafeteria style feeding, different genetics to see about this. So there's a lot of work going into finding these alternatives.

But frankly we heard and seemingly the commercial availability of those is just not there yet.

So, the proposal to allow these 2 pounds or 3 pounds to be a variable rate in the feed to meet the stage of maturity demand of the chickens became aware to the committee as an animal welfare issue because of what we heard in testimony yesterday and other documentation that the committee has received.

When the growers went to these step-down rates they could witness and document behavioral changes, physical changes, lack of feathering. Chickens can be very
cannibalistic by nature and that just doesn't seem right for us as -- for me as an organic farmer to allow those things to happen when we know what can fix it.

So just kind of reviewing comments yesterday. Ernie from the Feed Mill was talking about variations and if they don't eat enough total feed then they don't get enough methionine based on location in the country. And summertime is different than wintertime.

The broiler boys that were here yesterday, I talked to them. The synthetic portion of the methionine is somewhere between one-fifth to one quarter of the total methionine needs to the bird. So most of it is still coming from the natural ingredients in the feed products.

Certifiers, I think Jackie from MOSES talked about that it's important. And the certifiers will work with the growers and develop a system of tracking and monitoring to make this variable rate workable and
verifiable at the individual level.

So, all that being said the recommendation is to allow both broilers -- well, all poultry to use a variable rate of methionine to meet the nutritional demand of the birds but still not exceed the overall total pounds of methionine that go into an individual animal over the life of that bird. I've got other comments but I think that sort of frames the conversation.

MEMBER FAVRE: Okay, thanks, Mac. I'm going to open it up for any discussion with the rest of the Board.

CHAIR STONE: Yes, so it's a little awkward since I'm the lead but we had decided that I will sort of direct the conversation so that the subcommittee chair can manage on the details of the conversation. So, Nick?

MEMBER MARAVELL: Well, in the interest of full disclosure like Mac I raise broilers and layers. And I intend to support
this proposal because it gives additional flexibility to poultry growers.

However, I'd like to state in my reservations in doing so. I feel that we have used both methionine and no-methionine in our mineral mix, particularly in the wintertime when insect activity is lower methionine would seem to be more advisable.

We also mix in alfalfa with our feed which means we have to change our feed ration to accommodate the addition of a higher protein and a lower energy source.

But those things are all -- that's not rocket science. I'm not a nutritionist but the nutritionists can figure that out. We also grow alfalfa so it's economically feasible for us to do so.

And what I would like to comment here is that there's a fine balance between economic viability making organics available in the marketplace and staying away from synthetics.
And so my reservation here is I am not able, I mean this methionine issue has been debated for a very long time. I'm not able to ascertain from the public or from within my own limited capacity a way to provide an incentive for everyone to come together on this and still make the product economically viable.

Because I think in the end this is an economic issue. And as a Board member my statutory charge does not include economic considerations. So, it is a little bit difficult for me to move forward in this mode. So I just wanted to express that.

And that I do think, and this is just an opinion, and I've got no basis for this, but I do think that eventually if there is continued demand from within the organic community to move away from methionine, synthetic methionine, we will find better ways to do it.

And I don't think there's going to
be one answer in one section of the country.
I mean it's going to vary from place to place and from type of operation to type of operation.

But I guess my only reservation about voting for this is the we give in and don't continue to explore and innovate. And I know that the task force is going to continue on.

We do need to keep the pressure on and that's about the only thing I can say. And we need to do it in a moderated way.

So, while I support this and I believe this is an improvement over our existing policy for poultry producers, there's no question about that, I'm all for adding the flexibility. I just don't want us to lose sight of the final goal. So, thank you.

CHAIR STONE: Zea?

MEMBER SONNABEND: Thank you, Mac. I have two questions. So, if you -- I'll do them both together or else one at a time.
Well, this is a material that sitting in the audience for 20 years I often turn to the person next to me and said boy, I'm glad I don't have to vote on it.

(Laughter)

MEMBER SONNABEND: Because it is really one of the more tougher complicated things that we have to do.

But being that I'm not on the Livestock Committee and I went back and read the document yesterday and reread the recommendation yesterday, but I have not read all the TRs recently or anything like that. So this may be in there and I just don't know.

My first question is has relatively more or less methionine in the chicken affected anyone's health, any humans that eat the eggs or the meat from that chicken? Like do they get methionine deficient? Do people get methionine deficient? Or has there been any health effects from too much methionine in a chicken?
CHAIR STONE: It's been a little while since I read the TR but I don't remember thinking anything about that aspect.

I did have in my notes and did mention that as I sell chickens one at a time at the farmer's market and engage customers they have no idea what methionine is and that's not anywhere on the radar of their concern. And I'll be glad to check that. But I don't remember anything of pass through the chicken and affecting the human.

MEMBER SONNABEND: I figured someone might have commented on that if it was the case.

So my second question, and granted I probably should know this, but I couldn't figure it out from reading this again yesterday. If we vote this in does that start 5 years ago again for sunset on this? Or if not, what's the previous sunset schedule that we're voting something in for how many years?

CHAIR STONE: It does reset the
sunset clock because it's a change in it. I think Lisa said it's currently set to sunset in 17.

MEMBER SONNABEND: I would like that to be more specific if not in the document itself at least in the cover sheet once it's voted for. Because that was just not at all clear to me.

CHAIR STONE: Melissa, you want to clarify?

DR. BAILEY: Yes, thanks. Just to be clear, the Board if they voted and make a final recommendation to change the annotation that would come to USDA, we'd review that recommendation and determine whether we were going to pursue rulemaking.

If we did pursue rulemaking the sunset date for this material would only change upon issuance of a final rule on that effective date. So, it's hard to say actually what that target would be because we have to do our own review of what you provide and then
it would have to go through that process.

MEMBER SONNABEND: But it would be

five years from whenever the final rule is

published for this particular annotation.

DR. BAILEY: Correct.

CHAIR STONE: Jay?

MEMBER FELDMAN: I appreciate

hearing all the comments, particularly Nick's

comments about keeping the pressure on.

As you know, I'm concerned that

we're taking the pressure off. I'm less

concerned about transition. I mean, I always

thought the statute and the regulations

facilitated transitions and didn't create

abrupt changes by virtue of the debate that's

usually preceded action by several years and

then action that has resulted in rulemaking,

that extends the time frame.

And then the flexibility of the

Board over the years to keep the pressure on

by use of expiration annotations from time to

time such as with antibiotics.

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With -- when I first started debating this, and yes, it's not my favorite thing to do, the sunset process has changed. You all know that. And it's changed in ways that takes the pressure off.

So, with respect to the comments we previously heard about the desire of one member to keep the pressure on I don't think anything in this motion would do that. In fact, I think it would do just the opposite. And I'd appreciate hearing comments on that point from Nick especially.

This is probably a good example, Mr. Chair, of a place where this Board would want to keep the pressure on. We already heard from one of those who gave us a statement that what the Board had done previously did help to move the industry to make changes. I mean, that's music to my ears. That's what this Board is about, continuous improvement.

But to put this into the new
sunset process is basically to say that we won't see -- the likelihood of change goes down, the pressure goes down, the effect of this Board's desire or some members to effect more changes and transition. That pressure goes down.

So I would propose when we get to that point in the program that we consider an expiration date on this petition. I don't know if the program would consider that substantial new information or new -- but I think we really need to seriously consider whether this is one of those examples where we want to create incentives for the industry to move even further.

This decision will affect research dollars, it will affect investment of private -- private investment of research and development.

The message that comes out of this vote will either mean we stay on the treadmill, this dependency treadmill, or we
create investments out there in the private sector and even in government research to make this transition.

So think about that when you think about whether you can support the motion as has been proposed by the subcommittee. And think about -- I hope you'll think about whether we can do something as a Board that provides more incentives for the kinds of investments we'd want to see.

And by the way, just to give you a parallel, if you go back and talk to researchers on alternatives to antibiotics I don't think anyone would disagree that the vote that this Board took in Seattle in what was that, 2011 or 10 -- I forget -- did create research dollars, literally. It created the awareness in the research community that we better get looking at this.

So that message that this Board sends out is critically important. And your role in helping to not just rhetorically state
that desire but take an action that puts it -- makes it happen is what we're about I think.

Thanks.

CHAIR STONE: Colehour.

MEMBER BONDERA: Thank you. Yes, I guess -- I have three different points I want to make and I'm not sure they're all questions. But I do want to say the first one really is -- I guess it's sort of related to what Jay just said.

Which is, even though it's not directly which -- my understanding since I've been on the NOSB and since I've listened to what we've talked about really is we as a body are supposed to be respecting past NOSB decisions and working from what was decided.

And what Melissa responded when Zea was asking that question about how many years, you know, the step-down idea was every 5 years less and less of the synthetic methionine would be allowed.

And this proposal actually does
not respect that 5-year reduction process realistically. It changes how it's implemented but it extends the period we're currently in. And that's a concern of mine. I guess I'm raising it that way.

I do -- my second point I guess is to some degree a question and I think -- I don't know in what capacity you want to respond to this, but Mac, you as the lead person on this topic made a comment about your personal situation and it was unclear to me if the birds that you are -- you said the birds -- I'm not going to quote you accurately but they don't get all of their methionine needs met by the insects.

But you didn't say, and I'm curious if you would please say, if you provide them with -- if you use synthetic methionine in your poultry-raising. Because that wasn't clear to me. So I don't know if you're willing to respond to that.

CHAIR STONE: Sure. No, we use a
crabmeal and/or a fishmeal. And among other
natural -- we don't use any synthetic vitamins
or minerals in our poultry ration. It's
outrageously expensive. We sell eggs for $7
a dozen at our farmer's market. We don't have
enough of them. I wish we had more.

Our customers tell us that our
eggs are different than organic storebought
eggs. Their public comment referencing
systems, how do these different systems
address this methionine issue.

And we know that there's variable
systems in the poultry industry. And that's
a bigger picture that I think this Board and
the program is working at. But short answer
is no, I don't use synthetic methionine.

MEMBER BONDERA: Thank you for
that. I just wanted to make sure it's clear
to the whole Board and to the public that this
is not something that all poultry producers
are dependent upon. And I think it's a
critical variable to consider and to be aware
And my final point isn't really again a question per se but it's to bring up another topic which is one of the things we discussed in this conversation within the Livestock Subcommittee and I think it's pretty important in my opinion and I think we should discuss it further in this context is considering and/or looking at the alternatives that do exist internationally.

And I think that Calvin may or may not have comments from his research on that that he'll be sharing this morning. But I think that it's not as if there are no other alternatives already being used in different ways.

And so I think that we can't -- I think getting the ball rolling is good, but I think my point is the ball is rolling and we need to recognize that and acknowledge that.

So that's what I wanted to say. Thank you.

CHAIR STONE: Wendy?
MEMBER FULWIDER: We all understand and respect that we want to get the synthetics off the list. But the bottom line really is that the chickens need the methionine because it's going to be a big animal welfare issue for the organic industry.

So I'm not sure how you can keep that with your research priorities. I mean, everybody needs to understand that until we have the alternatives available for the producers we have to have the methionine available.

CHAIR STONE: Jean.

MEMBER RICHARDSON: This is a very difficult decision for me to make as a consumer representative on the Board, a real challenge. And I would like to thank Colehour and especially Jay for their really articulate comments on this.

And I agree with them all although I will be voting in favor of this motion on the methionine.
It's been my observation over the last many decades that the way we've bred chickens into the lines that are going to be very fast-growing broiler birds and the lines that are going to be the egg producers, we've really selected for animals that grow very fast and are expected to produce large amounts of eggs or large amounts of meat in an extremely short period of time.

And we have a national policy of cheap food. And we expect to get these expensively produced animals, we consumers are a fickle lot, for still as cheap as possible. And I think that's placed a great pressure not just on conventional but certainly even more so on organic farming.

So, we know that these new breeds of hens require very large nutritional inputs and over a long period of time. We want eggs 12 months of the year. We don't want little pullet eggs, and we don't want them different sizes, we want the eggs large and we want
enough meat on the bird so that there's not
much left over afterwards when it's a meat
bird.

So at the moment I actually don't
think that we have much choice if we're really
going to meet consumer demand that we're going
to have to maintain these methionine levels
and send two messages.

Send Jay's message and my message
at the same time to the administration
reminding them that what we really need are
those new rules that will allow more of these
hens to be outside in pasture most of the time
with proper outdoor access, critically
important.

Because we consumers expect that
those sweet, happy little chickens have been
out there on little family farms with all
kinds of pasture to eat as much as they can
during the year. So it's not a simple
decision for us to make here.

And I know that the egg producers
that I've talked to in the Northeast that are running many, many small farms like the guy we heard from yesterday. Consumers we have one, Pete and Jerry's, I think that's what the right name is, in New England they too have lots of small family farms that -- where the animals, the birds are out on pasture all the time. But their production costs are of course higher than the very large industrial so-called farms where eggs are coming out much more cheaply.

So we have -- and they, even the small family farms in New England, they also need the methionine based on the observations that I've made at the present time. So I shall be voting for this.

CHAIR STONE: Tracy?

MEMBER MARAVELL: I'd like to thank everybody for their comments. I think my opinion has been expressed sort of equally around the various comments.

I'd also like to tell everyone how
much I appreciate that we have three hours in
the Livestock Committee for debate. If this
is the discussion for the first material we've
got a long way to go.

I would like to remind everybody
that the step-down that we've proposed of 2
pounds over the life of the bird, average over
the life of the bird still doesn't adequately
meet the demands for broilers as we heard in
written and public comments yesterday.

I do think that we have not let up
the pressure for incentives because that
component of the industry is still going to be
a little bit behind the eight ball and still
looking for alternatives. So, lest we think
that we're somehow letting off the pressure we
need to recognize that there is still a
component of this industry that's going to be
pinched pretty badly and is going to be
raising a ruckus.

I personally feel that the photos
shown to us yesterday in public comment were
very compelling. We can all sit here and argue philosophically about synthetics and organics but when you look at animals that are suffering.

I completely agree with Wendy's comments. Whether or not we feel it's what we want, we cannot in my opinion ethically and morally allow animals to suffer because of a standard that we're trying to reach.

I would also say that this in large part is a situation of our own creation. The Livestock Committee three meetings ago I guess floated an omnivore methionine questionnaire discussion document where we got emphatic feedback that meat scraps and meat alternatives or meat byproducts were not an alternative for us.

And so we forced an omnivore to consume a vegetarian diet and now we're all wailing and gnashing our teeth that we have to include a synthetic to accommodate that. So we need to think about that.
And obviously this is a very difficult decision. We're trying to balance competing agendas and objectives but in the end we've created this situation and I think it behooves us to take in the animal welfare considerations that we've created because of the situation.

CHAIR STONE: Calvin?

SECRETARY WALKER: There's a saying be careful what you ask for because you might get it. And I say that is that I would like to disclose that I do use methionine from ADM as well as lysine. It is a difficult thing.

And we were told during the training session to stay in our lane. And in this, Jean and Jennifer, we are a representative of the public.

And it's not often that the group that we represent, they're generally on the same side. But on this particular issue some of the public interest groups are with the
business interests. It's not often that you see Cornucopia and OTA on the same side. Just clearly saying that. And that was a game-changer for me to think about. And not only that in our research priorities that, Zea and Jennifer that you all led, one of the priorities was methionine research.

And the Secretary of Agriculture with his Organic and Sustainable Agriculture Working Group, three weeks ago Mark passed out the findings of the different priorities that we asked that USDA do research on. And I believe that USDA ARS is a very independent body.

If you look at their recommendation for methionine it said to continue it and they endorsed the idea of looking at doing research in that area. And that was in the document that was passed out to us I believe Tuesday by Mark if you read the methionine USDA recommendation, the
scientists and to me that was also a game-changer.

And plus, my stakeholders are all over the place as it relates to this particular matter.

And then the last thing I would like to say is that we know that organic aquaculture will come. And some of these particular systems will be requiring, what, 25 and 30 percent non-organic materials to feed fish.

And yet, this level of methionine is not even 1 percent of the diet. So, as a representative of the consumers my intent is to vote yes on this, I call it a modified step-down. Even though I would like to see more research continue.

CHAIR STONE: Francis?

MEMBER THICKE: Thank you. In the interest of full disclosure I have 20 chickens on my farm. And their role is to help control the flies around the barnyard. They do a
great job. Obviously they're outdoors.

But I think that the outdoor thing, it's important to consider this in that context. Nick and Mac both talked about how it helps their methionine needs for supplemental.

And I had an interesting experience recently. I got some new chickens this year because my old chicken house I shut down and over the winter I didn't have any.

So I built a new chicken house and, Mac, by the way I put an automatic door so it opens in the morning and closes at night all by itself.

But first I bought six chickens from somebody and they were outdoor chickens. They ran around right away.

And then I bought about 10 pullets just beginning to lay. And I put them in there. And they apparently hadn't been outside before. And it took them about a week before they finally looked out the door. The
door was wide open. And then they started to
slowly look around.

And finally they found the grass
and pretty soon they were eating grass, and
eating insects, and scratching around, and
making dust baths, and so on. And la dolce
vita, you know?

But that got me thinking about
these large poultry houses where they have a
little door and they have 100,000 birds and
even if they got out there it wouldn't be
outdoors. It's not outdoors.

And so I think we have to look at
this. And this access to outdoors already in
the rule would be enough to change that
situation. That's not workable.

And while I'm on that point,
another experience I had recently related to
the economic analysis for the outdoor access,
or for the chicken animal welfare thing is
usually I grow all my own grain for my animals
and my dairy cows. But I ran out this year.
And I called National Farmers Organization, broker, organic broker, and I told them I need a load of organic grain. I usually get barley or wheat or Triticale. And he got me a load of Triticale.

But he said there's no corn out there. He said these huge chicken producers are just sucking it all up. And you can't even get it and it's sky high prices.

And I thought that isn't in the economic analysis for this animal welfare thing. All the livestock producers, especially in Northeast U.S., the dairy producers, they can't hardly get corn. It's expensive. It's driving them out of business. And that wasn't in the economic analysis. And that needs to be in the economic analysis I think.

So, to me that's a big part of the whole issue. But I've seen over the years chickens cannibalize each other and so I don't think we can use methionine to try to change
the animal welfare standards. It's like trying to wag the dog with the tail. We have to fix that problem. We have to fix that problem.

But I think we can't make the chickens bear the brunt of it. And so I'm going to have to vote for the proposal.

CHAIR STONE: John, do you want to wrap this up?

VICE CHAIR FOSTER: I think this is a really reasonable approach. Everything I've heard sounds like it respects some data that I think was given in good faith.

I think anyone, any producers that don't think we're suddenly taking pressure off are just not paying attention. Because obviously these deliberations, if they're not indicating the pressure is still on I don't think they'll probably be in business very long. I don't think the pressure is coming off. I think this is just a reasonable approach to accommodate new information which
we asked for. We got new information. We are adapting, just like every iteration of this Board has always done.

Every Board with a vote says we think X, Y, or Z needs to happen. Next Boards come in and say hey, this is new information. We think W ought to happen. And that's what that iteration of the Board does.

So with respect to giving respect to past Boards I think we -- we do that every day. We're just doing it with new information. We adapt and we overcome.

Some of the best and brightest have done that for many, many years. I think this Board is a good example of that. That's all I have to say.

CHAIR STONE: Good. So Madam Chair, I'll close this out. A couple of comments on alternatives.

We heard that a variety of oats called naked oats are very easily digested and good for the chickens and can help with this
overall get away from the corn thing, Francis.

So we've grown in the last two years because the birds rarely accept them.

Well, as soon as they get ripe just like raccoons and sweet corn, the wild birds came in, harvested everything we had and we didn't hardly -- it wasn't even worth harvesting the field. So, just an example of how difficult developing some of these alternatives can be.

And I don't want to go off the deep end of how we as a Board, we hear from the community. But where does retail drive farm policy. And if that impacts the livelihood or the well-being of our farm animals or farming systems this Board has the responsibility to balance retail driving farm policy or farm policy driving retail availability. It may be one of those overarching conversations, John.

But I think also I want to close out saying that the program and the audience
really appreciates this kind of a go-around
and lots of diversity of opinions and it helps
everybody to know where we come from in our
logic and thinking.

So I think with that, Madam Chair,
we'll close out this one.

MEMBER FAVRE: Thank you, Mac.

Thank you, everyone.

As I said at the top of the
discussion we are going to defer votes until
Friday and in the interest of time which I
think we're going to need. When we planned
this three hours sounded like forever but I'm
rapidly reassessing that decision.

So we're going to go ahead and
move onto the next material. We had a
petition for acidified sodium chlorite. Joe
Dickson is the lead on that. Lisa?

DR. BRINES: Thanks, Tracy. The
petition for acidified sodium chlorite was
received on April 30, 2012, and was submitted
by Agrosystems International.
The petition requests the inclusion of acidified sodium chlorite at Section 205.603 of the National List for use in organic livestock production.

The material is listed elsewhere on the National List at Section 205.605 under paragraph B Synthetics Allowed.

In support of its review the Livestock Subcommittee did request the development of a technical report which was completed in 2013 and is posted on the NOP website.

There was also a previous technical report completed in 2008 in support of the review for processing and handling use.

This petition was also on the agenda of the October 2013 NOSB meeting which was canceled and the proposal has moved forward to this meeting instead. Thanks.

MEMBER FAVRE: Thank you, Lisa.

Joe?

MEMBER DICKSON: So, we evaluated
this material over the last half a year or so
and based that review largely on the technical
report that we had available to us as a
subcommittee.

It seemed like a pretty cut and
dry evaluation. The material is allowed in
processing for direct food contact. There are
no real safety or environmental issues. Its
environmental fate is very clear and not an
issue.

But where the technical report and
the petition didn't convince us was in the
essentiality arena. The technical report
listed a number of alternative teat dips for
mastitis treatment that were available.

The petition itself was not as
clear as it could have been in helping us
understand why this material was the most
appropriate material for certain situations.

And so we voted as a subcommittee
to not list this material because the
essentiality hadn't been shown to us.
Yesterday we heard public comment from two different commenters, one Dan Giacomini, our former chair, who is a dairy health consultant.

And he took us through some very detailed comment that laid out a number of ways in which the technical report may have been missing key pieces of information or may have overstated the availability of alternative materials.

And we also heard from the petitioner who gave us similar information.

So, based in that public comment that we heard the Livestock Committee met last night and discussed this material.

And we feel that there's enough question mark here to withdraw the recommendation and as a subcommittee reevaluate the technical report, whether it is in fact sufficient, and how we want to proceed as a subcommittee in looking at this material.

Questions or discussion?
CHAIR STONE:  Calvin?

SECRETARY WALKER:  I would just

like to add I believe it was my first Board

meeting one of the things that I found strange

was that written comment, oral comment, and

this Board make decisions on things that

sometimes need to be vetted beyond 24 hours.

Policy juries, city councils, Supreme Court,
takes longer.  And I think that this is one of

these materials that need further
deliberations on instead of trying to make a
decision in 24 hours.

CHAIR STONE:  John.

VICE CHAIR FOSTER:  This is one

that was kind of new material for me not being

on Livestock.  So, I wasn't kind of up to

speed on it until we all do our cramming for

the previous two weeks prior to these

meetings.  So I had kind of so-so feelings

about it.

I will say Dan Giacomini whose

work in the field is quite admirable in my
opinion, very respected, was pretty compelling for me.

And having had that it allowed me to kind of go back and re-look at other material that I maybe didn't have a full appreciation of before, I didn't have a good context. Certainly not a practical context for.

And that's what we rely on public comment for. I thought Dan's comments were a great example of that. So, I feel like if we do, you know, decide to go through the vote I'm feeling very confident that I can make a reasoned decision on it.

CHAIR STONE: Francis?

MEMBER THICKE: I think we need to -- as we proceed we need to look more at the essentiality -- continue to look at that.

I did put on a question on the dairy listserv, organic dairy farmer listserv, about 100 members, and I only got one response back. And it was from somebody who kind of
first gave a libertarian slam on bureaucracy and then said why not include it. And so I didn't really know that, you know, he really needed it or not. I was surprised we didn't. So I think we need to pursue that essentiality.

And also, we can look at other things we need for the TR. But one is I think when you mix that acid with the chlorite you need to look at the gaseous thing. We need to look at the toxicity of that particular instance of using it for mixing things.

CHAIR STONE: Harold?

MEMBER AUSTIN: You know, I agree with the approach that the subcommittee's proposing to the Board.

I think also, just a visual comment that it kind of helps show the importance of the combination of not only the written testimony but also the oral presentations that we receive. It helps to bring things I think in a little truer
perspective by looking at the combination of those two.

The other thing that I would suggest to the subcommittee if you do refer this back to take further review of it, those are some pretty serious points raised about the depth or the lack of adequate information within the TR itself.

And I think that would be something to try to take and put that into a balance for ourselves but also for those people sitting in the audience that we've looked at those issues as they were raised. And look at that I think would help bring value to future TRs and stuff. And see if some of those points were legitimate or if they were just from a personal perspective.

And then when you come back with a proposal be able to take and inform us on those findings as well.

CHAIR STONE: Joe.

MEMBER DICKSON: Thank you,
Harold, that's a really good point. Also, it makes me wish that when we accepted the technical review we'd had the resources to look more critically at it.

Francis and Wendy fortunately on the committee have some expertise in mastitis. Others of us do not. But it really does highlight the role of finding that deep technical expertise and really using it and critically evaluating these materials.

CHAIR STONE: I'll make a comment. I've stated it at the committee level several times. We have the responsibility to accept the TR or not as sufficient. And I know I've often been very uncomfortable. I know what I see in a TR but often if it's outside the wheelhouse you don't know what you don't see or what's not there. So I think we can work with the program to try to develop those.

And we've talked about modified TRs and specific questions and things. And that's part of this continual improvement,
Miles, that we work with the program to make our work more efficient and more thorough at the same time.

MEMBER FAVRE: Okay, thank you, Joe. I'll state again so everyone knows that we will be deferring the vote or in this case probably a motion to our voting tomorrow.

Okay, next on our agenda is a verbal update on vaccines from excluded methods, GMO vaccines. Jean?

MEMBER RICHARDSON: So, I'm trying to keep the GMO vaccines issue alive and well on the NOSB Board and keep it on the sort of -- even though it may be somewhat on the backburner for the NOP in terms of our work plan, but at each meeting we're going to try to give an update as to where we are with developing what the certifiers and the producers would really like to see, and that's a list of good vaccines and bad vaccines, or at least a list of good vaccines.

So as you recall, the working
group of the NOSB and the NOP and APHIS, we began working 2 years ago now on issues surrounding the use of biologic vaccines made with excluded methods.

We hope to get a list for producers and certifiers that would clearly make this differentiation between those made with excluded methods and those not.

We eventually reached a sort of stumbling block which we sort of remain at and as Zea has found doing the same thing in terms of seeds, the actual definition of excluded methods needs updating and that's a big job. And I'm not sure when that will actually take place. So these are in a way interim measures that we've been trying to think what might work so that we could really keep assuring the public that indeed in terms of consistency we're working hard across the country to try to make sure that we are having non-GMO vaccines going to our livestock.

We understand that certifiers and
producers need to know whether or not they're made with excluded methods. And the common language they use is the non-GMO language.

So just a quick reminder is that Section 205.238(a)(6) requires that land-based livestock must establish and maintain a preventive healthcare practices including administration of vaccines and other veterinary biologics.

At the present time livestock producers are allowed to use vaccines as provided in 205.603(a)(4). However, vaccines made with excluded methods, GMOs, are prohibited as provided in Section 205.105(e).

And as well aware many people don't realize this across the country.

Further, there is specific reference that 205.105(e) to provide an allowance for vaccines made with excluded methods if the vaccines are reviewed and recommended for addition to the National List by the NOSB.

Such review needs to be conducted
in accordance with Section 205.600(a) using criteria specified in the act at 651.7 and 651.8. And I again remind us on the record that no such GMO vaccine has been approved. Products containing biologics are regulated by USDA APHIS Center for Veterinary Biologics and that's the group that we have been working with. And I must say Nick and I have found them to be really very thoughtful and good people to be working through. And hopefully we will be able to continue doing that as the month go by.

So it was of some interest that we heard that the Vermont Organic Farmers had developed an affidavit seeking information on vaccines. And so in a way this is sort of a good news report.

Vermont Organic Farmers did a survey of their farms and they were trying to get this list that would work for their farmers. So I asked for a report from the certifier and Nicole Dehne who is the

Neal R. Gross and Co., Inc.
(202) 234-4433
executive director of that or the head
certifier, I don't remember her important
title. She'll yell at me later I'm sure.

And so she's going to help me with
this in just a minute. And certainly as we
present something that's just from one
certifier I know I've been talking to other
certifiers in the room these last few days.

If there are any other of you out
there who are certifiers that are in fact
collecting data on all of the various vaccines
that are being used by your producers and if
you've got documents that are good affidavits
and lists of vaccines that you've found to be
acceptable for your producers the Livestock
Subcommittee would really appreciate that.

And you could direct them directly
to me and I'll make sure they're properly
distributed. So if, Michelle, we could put up
the NOSB Vaccine Report from VOF I would
appreciate it.

And Nicole, if you could come up
to the microphone I would appreciate that. And I'm hoping that everyone is seeing that here we are the NOSB, the voice of the people, we're trying to work with stakeholders around the country. And so it was nice to be able to work with a member of a certifier group to try to develop this information.

Nicole, I wonder if you could walk us through the report. We haven't got it yet. Sorry? Yes, that's it.

MS. DEHNE: So, for the record my name is Nicole Dehne and I coordinate the Vermont Organic Farmers which is the organic certification program of NOFA Vermont.

And I'm happy to go over kind of our process and what we found while reviewing vaccines used by our certified livestock producers.

And you know I want to just say that any success that we've had really needs to be put in the context of the type of farms that we certify. It's not our intention at
all to create a list of approved vaccines that's usable nationwide.

So, as this report describes what we did is we developed a document that was -- the intent was that it would be signed by vaccine manufacturers to verify whether their vaccines were produced using excluded methods.

And as Jean described the initial challenge for us was really developing a working definition for what a vaccine is that's produced with the excluded method.

So we referenced the NOSB's the Vaccine Working Group interim report and we developed our document based on that report. And it aims to define vaccines that would be considered made with excluded methods and then therefore prohibited.

So probably the most significant definitions in the document which we pulled out of the working group report start on the second page. Number 3. And that talks about vaccines made with excluded methods include
all those vaccines in which specific modifications, additions, or deletions are introduced into the viral or bacterial genome.

And then we give examples of excluded methods and examples of allowed methods. And then we're asking manufacturers to sign off as to whether their vaccines qualify.

So, last year what we did is we queried our certification database and we created a list of all the vaccines used by our certified organic dairy producers. And then we contacted the manufacturers that were on that list.

And we currently have 156 dairy operations out of 189 that are reporting the use of at least one vaccine. So interestingly enough, we were able to receive non-GMO confirmation from the manufacturers of all the vaccines that were in question on our queried list. So that was great news.

So then what we did was all of our
livestock producers beyond just our dairy producers received a list of all of the vaccines that we had approved or verified in January of this year. And then we have been able to add to this list since we've distributed it to our producers.

So, at this point for the most part producers contact us now if they wish to use a vaccine that's not on the list. And then we will contact the manufacturer and try to verify whether it can meet the practices and can be considered made without excluded methods.

So, if you want to -- oh, right, if you could scroll down, Melissa. This description, this paragraph here is kind of what I just described. If you could scroll down a little bit more I actually included the list of vaccines here. Next page.

So, it's organized by manufacturer and then this is the list of the vaccines that we've received confirmation that they're not
made with excluded methods.

We did contact -- so again, these vaccines mainly address vaccines used by dairy producers. Some of the -- one manufacturer that we did contact, Merck -- and if you scroll down a little bit, Melissa, you might see that one -- they did respond by giving us all of their vaccines including for swine and for poultry.

MEMBER RICHARDSON: And we do have copies, made about 10 copies of this if anyone's interested in looking at the list of the OF accumulated. And if people want to have copies of it just let me know or come by and get one.

And do we know if we use any poultry vaccines in Vermont? Or you weren't looking at that at all, were you?

MS. DEHNE: No, so that's a great question. The poultry producers that we certify are all under 1,000 birds. Way under 1,000 birds. Our largest poultry producer
probably has around 200 birds. So none of our poultry producers are using vaccines earlier than past the second day of life.

And we have a very small number of pork producers and they also are not using vaccines. So again, you should think of this list in context of the type of farms that we certify which are primarily smaller dairy operations and beef operations.

But it was interesting that some manufacturers did provide information for poultry and swine.

MEMBER RICHARDSON: Are there any questions from the other members of the NOSB to Nicole on this?

Let me just ask you one other thing. Did you find the manufacturers were helpful and responsive, and did some of their own affidavits?

MS. DEHNE: Yes, that's a great question. We did find the manufacturers were very helpful and receptive. And we also came
across an affidavit from a large dairy
operation that was obviously verifying their
vaccines as well. So we're certainly not the
only ones that are out there doing this was my
assumption.

MEMBER RICHARDSON: Great. So
thanks very much, Nicole. I really appreciate
you coming and giving this information and for
doing this work.

And again, as I say to other
certifiers, if you have similar affidavits and
lists I sure would appreciate it because we
don't really want to let this issue sort of
die before we come up with a list that would
be a useful thing to use throughout the
country.

And as far as I know that's going
to be only the poultry area that's going to be
a slight challenge for us in finding a non-GMO
vaccine for one of the salmonellas.

Otherwise I think that we should
have enough vaccines that are used around the
country that it's easy for all of our organic farmers to find appropriate non-GMO vaccines to reassure the public that indeed we're all making a concerted joint effort to make sure there are no GMOs in the food stream. Thank you.

MEMBER FAVRE: Thank you, Jean.

Well, I feel like we should have a drum roll and a crescendo. We are now ready to start our discussion on the aquaculture materials. The first one on the agenda. I almost feel like we need to stand up and everybody limber up and get loose and get ready.

Okay, first proposal for aquaculture is chlorine for aquatic animals.

Joe Dickson is the lead on that. Lisa?

DR. BRINES: Thanks, Tracy. The petition for chlorine for aquatic animal use was submitted on April 19, 2012 and was submitted by the Aquaculture Working Group. The petition requests the inclusion of chlorine for aquatic animal use in addition to
the National List.

This particular agenda item was a carryover from the fall 2013 meeting that was canceled and the subcommittee proposal was revised in response to comments from that comment period.

There was no new technical report for chlorine. There are existing technical reports from 2011 for crop uses as well as for crop handling and processing uses from 2006 and some earlier ones.

There is also chlorine consideration on the agenda for aquatic plant use and we'll be discussing that later this morning. Thanks.

MEMBER FAVRE: Thank you, Lisa.

Joe?

MEMBER DICKSON: Thank you, Tracy.

So, to start out, my notes here are pretty complicated.

The process we followed with chlorine was a little bit confusing for the
committee in that we wanted to capture the intent of the petition and that is the desired use of chlorine.

We wanted to come up with a listing that was consistent with other uses of chlorine on the National List. And we thought we did that.

Basically, so the petitioned annotation for chlorine or the intent of the petitioner was to use chlorine as a disinfectant as the material is currently used in handling with the additional use in culture water.

Our original thinking was to match the current handling listing which restricts the residual chlorine levels in the water to the level set by the Safe Drinking Water Act.

After we made that initial recommendation we learned from the program that the program's intent had been to change that listing to specifically mention the effluent water rather than the water itself to
clarify that we're not restricting its use in the sanitizing water but rather the effluent water from the facility.

So we had some go-around with the program on that and I think finally arrived at a proposed annotation that works and suits everyone's intent.

Lisa, does that make sense and does that correctly capture sort of our process?

DR. BRINES: Yes, I believe so.

Thanks.

MEMBER DICKSON: Thank you. I'm glad to hear that makes sense because I'm still trying to sort it out in my own notes here.

But bottom line is we wanted to write an annotation for use of chlorine that was identical with how it's used right now in food processing. To be used for sanitizing facilities and equipment including culture water and aquaculture applications.
The one new topic for the listing was the sort of question of culture water where chlorine is essentially used to sterilize water and eliminate any existing organisms before establishing new cultures in the water.

I believe it was Francis on the last subcommittee who brought up a really interesting question which was is that -- do we want to look at that use of chlorine in culture water as similar to the practice of soil fumigation.

You know, from a sort of organic philosophy perspective is this sort of practice of wiping out the existing microorganism population of water consistent with the principles that we're here to uphold.

I'd say that conversation is ongoing within the Livestock Committee but definitely one for discussion here.

And that really concludes my general introduction.
CHAIR STONE: Are there questions, comments? Start a conversation around this material? Zea?

MEMBER SONNABEND: Thank you, Joe. 
The issue of culture water was not made clear at all in this checklist or the way the recommendation was framed to someone who did not participate in the Livestock Subcommittee. I know it was petitioned for culture water but nowhere in the actual listing does it -- you know, the whole text talks about we're going to make this similar to the rest of the listed uses of chlorine, but that's not an already listed use of chlorine. And nowhere in the text of what was passed does it say this is also approved for culture water. So I would assume from reading it it is not approved for culture water. I mean that's just how you read it. It's only allowed for disinfecting and
sanitizing facilities and equipment. That's 
what it says.

Furthermore, while I know there's 
been many TRs in the past on this none of them 
had to do with culture water at all. And I 
really feel that it needs to be studied, the 
checklist needs to be studied for what happens 
when it's used in culture water.

Because like for instance, I don't 
see how this is different than soil 
fumigation. You're sterilizing everything in 
the water just like you would with methyl 
bromide. So maybe it's not that bad but I 
would really like to see that studied with a 
TR and/or expert opinion and then specifically 
talked about in the checklist with, you know, 
what would happen to the effluent water from 
culture water. Are there trihalomethanes for 
them that sink to the bottom of the pond?

And plus, it doesn't distinguish -
- and I'm just having to assume this here 
because it wasn't made clear in the thing --
whether you'd try to sterilize a net pen in
the ocean which I'd hope you wouldn't even
try. But that this is only for ponds.

I mean, I just really think it
needs to be distinguished, the culture water
thing which is a new facet of it.

And so I feel like I could not --
no way could I vote for or against this motion
it being incomplete in this form.

And I would say that the same
thing applies to the chlorine for plants so I
don't have to repeat myself there.

CHAIR STONE: Zea, thank you. So
this is exactly what the subcommittee is
looking for, to have this extended view, the
extended perception of the materials and the
process of evaluating these from those outside
the committee. And let the audience know how
we're not finished doing our due diligence on
these. So, thank you. That's exactly what
the committee wants to hear. Francis?

MEMBER THICKE: I think it's
pretty obvious too that the reason we couldn't
really figure all this out is we don't have
any standards. And so we don't know for sure
what we're trying to sanitize and what we're
trying to do here.

CHAIR STONE: Colehour?

MEMBER BONDERA: Yes, I don't mean
to cause any unpleasantness in this
conversation, but I do want to note that as a
Livestock Subcommittee member, and I
approximately Zea's input at this point in
time, frankly and realistically as a minority
opinion on these conversations I brought up
most every one of those points in most every
one of those same kind of approaches within
the subcommittee that we consider, listing in
an annotation this is only for certain uses,
and the whole culture water discussion, and
all of these other issues.

And so I don't think it's bad to
bring it up again, but I think we need a
context in which we're going to do something
with these things. For example, within these recommendations, these proposed recommendations at the subcommittee level I think that that could or should have been put forth as this was brought up as one minority discussion points.

So that people like Zea not on the subcommittee would be aware that at least it had been considered so that the whole NOSB isn't thinking this is brand new in process. Because I think we need to make our process a little bit more efficient, frankly, for that reason. Thank you.

CHAIR STONE: Jay?

MEMBER FELDMAN: Yes, thank you. Just to echo Colehour's sentiment here. The Livestock Committee was given a checklist from the Crops Subcommittee which included this exact conversation.

All of that information was stripped out of the Livestock Committee checklist. The minority position was
relegated to the back of the checklist in a narrative form.

You know, this is the credibility of the organic label. And either way you cut this, Mr. Chair, if you come to this body in a public forum, this meeting and say to the subcommittee, well, we've been looking at this thing for a year and we got new information at this meeting that is causing us to return this issue back to subcommittee I personally feel it makes this Board look foolish.

On the other hand, if you admit that we did evaluate a lot of these issues and we chose to ignore them I think that makes the process look somehow deficient.

So I hope we can take from this the need that I think the community has that we give voice through this process to all the views.

One of the issues, Joe, that I know was raised in the context of this discussion was the distinction between the
Safe Drinking Water Act and the Clean Water Act. That was brought to the subcommittee by the minority view.

And again, that issue which is a technical issue of import to the deliberations of this Board was not addressed or incorporated into the checklist.

I know some people feel it's confusing to have a checklist which incorporates a variety of opinions, but I think the credibility of the label ties to the fact that the public can point to and see that this Board deliberated fully and reached a conclusion that it believed in its best intent meets the standards of the statute.

And I think with regard to this material in particular, but others as well, when we're talking about a chlorine-based economy and a chlorine-based food supply which is exactly the kinds of materials the public supporting organic wants to get away from we have to be very careful that we explain the
1 justification for these uses and show due
diligence.

3 I think every attempt was made to
do this through the subcommittee process. I
4 know the information and if you go back to the
5 checklists that were prepared and then
6 withdrawn for the last meeting that was
7 canceled I think you'll find that the
8 committee and the Board, or the committee at
9 the least, the Crops Committee did its due
10 diligence on this issue.

12 So, again, I support the hard work
13 of Colehour to bring these issues forward.
14 And I hope as we discuss moving forward on
15 this that we can incorporate these issues into
16 our review.

17 CHAIR STONE: Tracy and then Jean.

18 MEMBER RICHARDSON: A point of
19 order or clarification, Mr. Chair, is that
20 many of Jay's comments are actually
21 referencing really the chlorine in the plants
22 one which we haven't yet got to. So, if we
can hold all your comments and sort of --

because right now Joe's only discussing the
chlorine in the animals thing because that --
for which -- for the plants there is a long
minority opinion.

CHAIR STONE: Tracy?

MEMBER FAVRE: Thank you, Jean.

That was one point I was going to make.

And there is a minority opinion
that is fairly lengthy that's attached to
chlorine for aquatic plants.

I will just say that, Colehour, I
appreciate your comment that you're not trying
to be contentious. I think we did have
collegial conversations about this in
subcommittee. I hope you feel that way. You
indicated as such I think to me anyway.

The issue about the checklists
which Jean has rightfully pointed out, excuse
me, belong more to the aquatic plants and
aquatic animals was an issue that we discussed
essentially one whole meeting when we first
received the material -- materials from Crops.

And we had a pretty lively debate about

philosophically how we wanted to make sure to

represent all of those opinions.

And it was the consensus of the

subcommittee. In fact, I think there was --

maybe Colehour was the only dissenting vote on

that -- that we felt very strongly that it was

our job as a subcommittee to come forth with

a recommendation that clearly presented the

reasons for why the recommendation was going

the way it was, but still left room for

commentary and discussion from minority

opinions.

That is specifically the reason we

elected to untangle the checklist which I

think most of us felt was very confusing and

left not only the remainder of the Board but

the public as well very confused as to what a

clear recommendation was.

We want to make sure that there's

an opportunity for all sides to be presented.
And I'll remind you, Jay, that specifically one of the reasons we brought these proposal to the full Board was so that we could have this discussion on the public record within view and sight of the public and stakeholders that are interested in this to make sure that we have an opportunity to present all sides of the issue. Thank you.

CHAIR STONE: Calvin.

SECRETARY WALKER: Jay, are you saying that for the checklist the minority opinion should be a part -- be placed as a part of that right? It seemed like that may be --

MEMBER FELDMAN: I think the attempt of the minority as I understood it on the calls that I listened into and observed was to incorporate into the checklist the issues of chlorine that have been previously addressed by the Crops Committee. And that those issues applied both to chlorine use in animal agriculture -- or aquatic agriculture
as well as crop aquaculture.

So, I, you know, I don't understand why that -- it was so difficult to incorporate those issues. I thought that was the whole point as you say, Madam Chair, to bring the two committees together and incorporate the issues of concern which are issues related to the categories under the checklist related to adverse impacts on the environment. And incorporate those very same questions.

Is there a persistence or concentration of the material or breakdown products in the environment? I mean, that's an issue whether we're talking about crop aquaculture or animal aquaculture. It's the same issue.

And that was just my point, that the minority was attempting to incorporate key scientific issues. And the only thing that is in here is chlorine dioxide is reactive and breaks down quickly. That's what's in here.
So, I -- and then other things about it degrading rapidly in the environment. Yes, a lot of that's true. But where is the information on the potential adverse effects in the animal side?

So yes, that was my point. Just to try to -- I hope -- you know, I know there's well intentions behind this. I'm not criticizing any individual. I'm just hoping that we can create a document that incorporates in a more easily understood manner if it was confusing in the past, but clearly incorporates into the checklist the different viewpoints so that everybody knows that we've done our due diligence. I feel it's left out of here.

CHAIR STONE: Joe? Harold?

MEMBER AUSTIN: While I don't sit on the Livestock Subcommittee I am a part of the Crops Subcommittee and was a part of the deliberation when the aquaculture materials that we had were there until we combined them
with the Livestock Subcommittee.

    And I applaud what you guys have
done with the proposals. You've cleaned up
the checklist rather than diluted them.

    The way they were written I think
for even those of us on the subcommittee by
trying to interject the majority and the
minority opinions within the context of the
checklists themselves actually made a very
convoluted hodge-podge of what we had in front
of us.

    It made it very difficult to
understand because the points kept crossing
over. You'd have the majority and then we
would have the minority got inputted into
that.

    I think by pulling it out and
addressing that in the minority opinion at the
end of the document makes a very clearer, more
concise, more transparent document for
everybody to understand and be able to take
and move forward.
I think the thing we also have to look at is the stuff that we put forward now as a Board are going to be reference points for those that follow us in our footsteps down the road. And we need to make sure that we leave a clear and concise path and trail for those to follow that have to make future decisions that we're going to leave for them.

So I think what you've done was the right move to do on behalf of myself. I mean it was my personal opinion but I think it's made a much, much better document.

CHAIR STONE: And I would suggest that we had conversation and we talked with the Standards staff. And there's two objectives here, Jay, of being sure that everyone understands we considered the various factors, the various implications, but also that the Standards staff has a clear picture as they go into rulemaking.

So in my opinion as Harold represented if it didn't do that -- and we are
going to rework these I think. If we didn't
do that we'd have two objectives. Be sure
that everyone knows we did our due diligence,
but also that the Standards staff has clear
information with which to begin the rulemaking
process. Zea?

MEMBER SONNABEND: I think this
goes beyond majority/minority opinion to
really doing a good job on the checklists
though. Which isn't to say that -- I mean I
appreciate that it's cleared up in this form
so that it isn't all this minority/majority.
But I think it could be a more complete
statement of the facts.

And especially regarding this
question 6 here of the persistence and
concentration in the environment which is the
key one that would be different between a use
as a disinfectant where the statements here
apply to its use as a disinfectant in the
presence of air and sunlight.

If it's used -- it should have
another paragraph in it that says when used in
culture water which would be in a big tank
indoors or a big pond in water without air and
sunlight here's what might happen to it and
here would be the fate. And that might be a
quite different but yet factual statement
compared to what happens for it as a
disinfectant.

And I really feel that we could be
a little more thorough in this case without
saying -- you know, then you draw your own
conclusion from it, is it good or bad, or
majority or minority. But you have a more
thorough statement.

And if you can't create that
statement by yourselves because you don't know
then we need a TR and expert assistance with
it.

CHAIR STONE: Calvin?

SECRETARY WALKER: It seemed to me
looking at the minority opinions that Colehour
placed in the aquaculture petitions it seemed
like it would be okay if you have a minority opinion. If you want to put it in a paragraph form essentially that's what the minority opinion was.

For each of the three criterias for -- that we was evaluating Colehour had it in a paragraph form. To me he could have easily placed it in a tabular form with the same thing as the minority opinion. Because at the end of the day when they go to rulemaking only the majority is going to carry the day.

So I look at category 1, category 2, category 3. They -- I could easily see they are his response being put in the checklist, but why not -- instead of putting it in a paragraph form place it in a tabular form as the minority opinion. It's essentially the same. It's a checklist without the table already.

CHAIR STONE: So, Madam Chair, in a little bit of essence of time here. So,
this first material I think we were able to
get a lot of those generic sort of process
things on the table. And I think we won't
have to spend as much time around this process
and this education.

I know the Standards staff also
uses these comments, the transcripts, not just
recommendations. So they comb through every
word as they're working through the rulemaking
process.

But, so with some of that, if
there's other generics, you know, I'm not
squandering conversation here, but as we move
through these materials maybe we can not have
to reiterate these types of comments on how
the subcommittee goes forward in the process.

So if there's other material-
specific I welcome that. Zea?

MEMBER SONNABEND: Did you just
say you weren't going to talk about the rest
of them individually?

CHAIR STONE: No, ma'am. I tried
to say that if we've covered the generic bases
of the committee's work going forward that we
can keep it to specific as we go through each
one individually around the material itself.

MEMBER SONNABEND: I have one more
general statement to make that overarches all
of them. I didn't want to take it all out on
chlorine.

I just wanted to be on the record
to point out to people that the majority of
the National List was voted in before there
were published standards in the federal rule.

And if the federal rule in 2002
had come out and all the materials were waited
until the rule came out we'd still be here
today hashing it out.

So, I pretty much reject this
notion that you have to wait till the
standards are out to review any materials for
it. That being said -- so I don't feel that
that is a reason to hold up everything.

But that being said I was somewhat
disappointed that the checklist on the whole did not distinguish very clearly between the closed system aquaculture and the open net pen aquaculture.

And although we have NOSB recommendations which will be the basis for the standards to refer to in deciding on the materials I did not find the NOSB recommendation on the open net pens creating enough illumination to me to be able to support any of the materials in the context of net pens since it wasn't discussed in the checklist specifically. Like here's the impact of this material in a closed system, here's the impact of this material in an open system.

So I feel pretty comfortable with the pond NOSB recommendations that things like handling the waste water would be dealt with in an organic system plan.

But as far as the net pens recommendation, even after talking to a former
Board member who was there for that debate and he told me how strict they were I do not feel comfortable with that use of any of the materials that is before us.

And I would like us to take them back, to reconsider making a distinction between net pens and pond systems and perhaps having separate votes on them for that purpose.

But I'm not using the excuse of no standards, no materials, because when we did the list to begin with we had NOSB recommendations on the different facets of what became the federal rule and we were able to create a materials list proposed that could come out with the regulations. Thank you.

CHAIR STONE: Thank you, Zea.

Tracy?

MEMBER FAVRE: Thank you very much for those comments. I think that's going to be helpful in our deliberations when we take these back to committee.
If there's nothing more on --

CHAIR STONE: I've got one more, Nick and then Jean. That would be two.

MEMBER MARAVELL: Zea, I'd just like to point out I do not share the same level of assurance that we should move forward in the absence of standards based upon your comments.

We did have operating standards by certifiers, public and private, across the country. Assured there were differences on materials. We had recommendations from the NOSB. So I think we should -- we should acknowledge. Plus we had certain definitions and guidance from the federal legislation.

So I'm just saying that I understand your point but I think we should view that point in the context of how we evolve this. So, I personally think we have the luxury now of seeing standards before we approve materials. And I would prefer to go that way if at all possible.
CHAIR STONE: Jean? Want to wrap this up?

MEMBER RICHARDSON: Yes, I agree with that second part of what Zea was saying. It was very frustrating to us not to have adequate information in order to do exactly what you're saying, that how would these materials be used in net pens as opposed to closed systems. It was quite frustrating.

The petitions were all, quite frankly, on the record fairly badly written. And we received really not -- and even with experts coming on and explaining how these materials might be used to some of our conference calls we really didn't get an adequate framework because there are no -- apart from the NOSB recommendations which we did look at of course in fine detail and we tried to make our sort of analysis somewhat based on those.

Unfortunately without the actual detail of what the final proposed regulations
will look like it was very difficult to do that depth of analysis.

But I really appreciate your comments that we need to rework those checklists, all of them, in regards to these general comments that have come up today. So I appreciate that very much, thank you.

CHAIR STONE: Zea?

MEMBER SONNABEND: I just want to add one supplemental point that Nick brought up. And I do agree with you, Nick, that we did have established certifier standards to work with.

And that’s what brought to mind that one other weakness here I thought, and this is not blame on the NOSB, but it’s a factor of not having TRs done on them, is that the existing standards in other countries we did not really take a look at, or at least maybe the committee did but it did not come out in these checklists for those countries who do have standards for aquaculture whether
they allow these materials in fish.

And that's something I would like to explore in the absence of our own standards to at least know what was going on in those other standards.

CHAIR STONE: Great. Well, Madam Chair, I think that was a great opening conversation and exactly what I think the committee was hoping would happen today and appreciate the good input from the Board. So, next up.

MEMBER FAVRE: Yes, thank you, everyone. Okay. Next up is tocopherols in aquatic animal production. Myself and Colehour were co-leads on this material. Lisa?

DR. BRINES: Thanks, Tracy. The petition for tocopherols for aquatic animal use was submitted on April 27, 2012 by the Aquaculture Working Group.

The petition requests the inclusion of tocopherols for use in aquatic
animal production. There's one other listing for tocopherols on the National List at Section 205.605(b) for use in handling and processing.

In support of its review the Livestock Subcommittee did request the development of a new technical evaluation report to assist in its review. And that report was completed in 2013. There is also additional information from the original technical advisory panel report for a processing consideration from 1995.

This particular agenda item was also on the agenda for the October 2013 meeting which was canceled and the subcommittee proposal was revised in response to comments submitted for that meeting.

Thanks.

MEMBER FAVRE: Thank you. I'm going to make some initial comments. Then I'm going to turn it over to Colehour.

First of all, I'd like to
apologize for an error that crept into the checklist. Under category 2 is the substance agricultural. It was marked as yes. I noticed OTA caught that. Thank you very much. Obviously in other places on the National List it's considered a non-agricultural synthetic.

If we had a category for agricultural synthetic it might be easier but that doesn't happen.

So anyway, Colehour, I'll turn it over to you for discussion.

MEMBER BONDERA: Okay, thank you.

Yes, to be honest with you all I'm not prepared to do a general presentation on this subject area, but I can try in the moment to accomplish that just in terms of what we as a subcommittee did with the process.

So, I think that there was a little bit of questioning regarding the classification issue in terms of the as-petitioned part. I think that the fact is that it relates to the clarity that is shared
in the listing part regarding whether -- how
the tocopherols are derived.

And I think that that's a critical
component. Like it says in the listing motion
tocopherols derived from vegetable oils are
allowed as ingredients in aquatic livestock
production when rosemary extracts are not a
suitable alternative.

And so I think that there's a
bunch of questions brought up in there in
terms of how the tocopherols are derived and
what is suitable for what purposes. But I
think that we went through the process. I
think if you look at the checklist you can see
that in a number of cases there are times when
both yes and no are checked because of those
same factors, that there are, for example, in
the same one that Tracy was just referring to,
you know, item number 4, is the substance
created by naturally occurring biological
processes? Well, there are naturally
occurring tocopherols. But the petition is
for synthetic tocopherols. So I think that we need to recognize that range of issues.

And I think that how the tocopherols are extracted was definitely one of the turning points of our conversation. I think that we did as a subcommittee, and I won't be able to quote this accurately, but we did go, so maybe Tracy will chime in here, we did go back and forth a little bit with where we were going to -- what was included as annotation language and/or specific language. I believe, and again, I'm not looking at it at this moment so I can't read it, but I believe I suggested and for some time period we actually entertained an annotation that was more comprehensive than what we ended up with. Again, I can't quote that. I don't know if somebody has that available to read.

MEMBER FAVRE: Yes, let me address that. This was one of the proposals that was originally posted for discussion at the fall meeting. And so we did receive some public
comment back on the more restrictive
annotation that we had put in there which
specifically excluded tocopherols made by
volatile solvents.

And the feedback we got from the
comments at the defunct fall meeting was that
there were essentially no such tocopherols
that were commercially available for these
applications.

So, I did a little digging after
that public comment period and after that
meeting had been canceled and I did get some
feedback that there are particularly for
personal cosmetic use and personal care
products use organic non-volatile solvent
extracted tocopherols available on the
marketplace.

One of the things that I found
that we really struggle with is understanding
true commercial availability in the quantities
necessary. Because we get conflicting
feedback on that on public comment. We don't
always have the resources available to gather that information ourselves.

So, while we removed the specific reference to non-hexane or non-volatile solvent extractions from the annotation we do know that there are some organic tocopherols non-volatile solvent extractions.

So this is definitely one of the ones that regardless of the other public comments we got for aquaculture in general we felt like we probably were going to need to present to the public and post for getting additional feedback in preparation for this meeting. But regardless it will be referred back to committee for a little bit of tweaking.

MEMBER BONDERA: Thank you, Tracy. I guess that was my final intention was to read part of the minority opinion into the record. It does appear in our proposed recommendation and it does refer to one of the interactions, a letter from OO Organics which
supports actually the consistent availability
of natural tocopherols extracted without
synthetic solvents.

And the letter states, "I have
sold non-GMO non-solvent extracted tocopherol
since 2005 both BASF, an international
ingredient manufacturer out of Germany, and
BTSA, a company specializing in non-GMO
tocopherols, supply this material. It is
consistently available and is broadly used in
the food, cosmetic and household cleaning
business.

"Additionally, I have been ISO
certified documents for a supplier in China so
I believe it available around the world."

So, you know, partly for that
reason I voted and ended up in a minority
position in the discussions with the -- like
Tracy said she and I were co-leading this but
in the Livestock Subcommittee's deliberations
and conclusions.

But I think with that I think I
feel fine wrapping it up and listening to
other people's input. Thank you.

CHAIR STONE: Zea?

MEMBER SONNABEND: Well, maybe
this is not a very smart question but I
appreciate the availability of non-GMO non-
solvent tocopherols.

But if tocopherols were not added
to the list wouldn't they also have to be from
organic sources? As livestock feed.

CHAIR STONE: I take that as a
question to the committee to evaluate. I
would add to that that the committee look at
feed manufacturing for aquaculture animals and
availability of -- we heard at one of the
committee meetings that there's like a cold
water species vitamin mineral pack and a warm
water species.

And just because they're available
-- what's the commercial availability and the
ability for feed manufacturers to access them
to get them into these diets. I think we
heard some issues around that.

MEMBER FAVRE: Yes, I'll just add that just because they're available on the market doesn't mean that they're commercially available, to Mac's point, for the type of application we need. We certainly need to do a little more digging on that.

CHAIR STONE: Jay, did you have your hand up?

MEMBER FELDMAN: Thank you. I have two points to make. One is I know it's really important to understand these materials in the context of how they're regulated in other environments such as the FDA. And understanding that something is GRAS listed they're generally recognized as safe at FDA is certainly part of the deliberations.

But I think we should be careful as a Board to reference GRAS as if it equates with the standards of the Organic Foods Production Act. And I see that creeping into a lot of the documents.
If we want to reference GRAS we should be very specific, I believe, as to how that review -- because there are a variety of reviews under that GRAS listing -- how that specific review relates to the OFPA standards. And that's going to be important down the road as -- and has been important in different conversations.

The other issue I think we have to look at is given this being used as a vitamin and it's -- this is in the minority position, actually.

Usually, when we're looking at vitamins for terrestrial animals they're -- well, in the case of vitamins for terrestrial animals they're restricted to enrichment or fortification when FDA approved.

And so I guess the question is whether that is the case in this case. Are we talking about -- are we being consistent with vitamins that are listed for terrestrial animals? And are we restricting it in the
same way that we've restricted it for terrestrial use.

So, those are my two comments.

Thank you.

CHAIR STONE: Thank you, Jay.

Calvin?

SECRETARY WALKER: Jay, that comment was also echoed by some of the written commenters because we did not do that. To use it with the same annotation when only for enrichment. So that's something we would have to look at for sure.

CHAIR STONE: Okay. Madam Chair, we're a few minutes ahead of a scheduled break. If we can get one more done we're almost halfway your agenda for the morning. So maybe we can add one more and then we'll take a break.

MEMBER FAVRE: All right, thank you. Next on the agenda is a petition for aquaculture minerals for aquatic animals. Francis, I believe you're the lead on that.
Lisa?

DR. BRINES: Thanks, Tracy. The petition for minerals to be used in aquatic animal production was submitted on March 27, 2012 by the Aquaculture Working Group.

In support of its review the Livestock Subcommittee did specifically request a technical evaluation report for minerals to address the petition. That report was completed in 2013 and is posted on the NOP website.

There is an analogous listing for minerals on Section 205.603 of the National List under paragraph (d) as feed additives, subparagraph (2) for trace minerals. Thanks.

MEMBER FAVRE: Francis?

MEMBER THICKE: One thing we did is that we recognized the trace mineral element that Lisa mentioned really actually in practice includes all minerals, macro minerals as well.

Generally trace minerals to animal
scientists and cell scientists means a certain group of them. It doesn't include the macro mineral. So anyway, we changed the nomenclature to "minerals" instead of "trace minerals" first of all.

And then secondly we just kind of put it parallel to with livestock production already in the existing rules and allowed for minerals that are essential for animals basically. I don't know, I don't have any other comments to make.

CHAIR STONE: Comments?
Questions? Other committee members outside?
Zea?

MEMBER SONNABEND: I didn't think I had any questions till Francis just said that. But what that isn't a trace mineral might be used as a mineral in fish? Is it potassium or calcium or what?

CHAIR STONE: Francis.

MEMBER THICKE: You know, I can't really answer that but I presume that they
need calcium, magnesium, potassium, phosphorus
for their bodybuilding. I guess I made an
assumption there.

MEMBER SONNABEND: I mean, it's
not on this list and the list of what was
petitioned with the exception of potassium
iodide which is both potassium and iodide, but
all the rest are truly trace minerals.

MEMBER THICKE: You're right. But
when we talked to the working group they
didn't really I think understand. They said
they meant all minerals when they did it and
they were a little unclear of how they ended
up -- they just took the trace mineral
nomenclature out of the existing rule. And so
in our discussions with them they indicated
they meant all minerals. Even though,
actually you're right, they listed only a few.
So it's a little confusing.

So we decided that in discussing
with the program and with the working group
that they intended to have all minerals, and
that if we didn't have all minerals it wasn't complete.

CHAIR STONE: Very good. Other thoughts? Colehour?

MEMBER BONDERA: I hesitate to bring this up because I'm guilty of it as well, but process-wise I'm a little bit concerned that we're not each -- when each lead person is presenting these reviewing what public comment has come in and discussing that as part of the presentation of the topic.

I would like us to try to do so just because that's been very useful for me as an NOSB member.

I do have a separate point I want to ask. I don't know if, Francis, you want to address that.

MEMBER THICKE: Are you referring to particular public comments? Were you referring to specific public comments? I'm not prepared. I don't have them reviewed in front of me. I'm sorry.
MEMBER BONDERA: My experience is just at least a general commentary on what the public comment was is good for other members to contemplate the topic.

MEMBER THICKE: Good point, but I'm not prepared to do that. Sorry.

CHAIR STONE: Just for clarification so Tony can follow the transcripts. I like the fast nature of back and forth conversation but it does sort of need to route just to be sure the transcripts are clear later. Although it makes more sense for people to have a conversation.

I've got Tracy and then Calvin.

MEMBER FAVRE: Colehour, I think that's a good point. I re-reviewed the public comments for livestock last night and in general there were a few comments that spoke specifically to individual materials. And as we come to them hopefully those will be brought up.

But I'd say that in general most
of the comments were along the lines of don't do it. We have no standards.

CHAIR STONE: Calvin?

SECRETARY WALKER: In addition to what Tracy just mentioned in the presentation on vitamins I did summarize all of the public comment and it was along the line of what Tracy mentioned. And I do have the numbers and it will be shared.

CHAIR STONE: Zea?

MEMBER SONNABEND: Well, in light of the last little bit of discussion I do respectfully request that if this is going back to committee that there be a list or characterization of what type of minerals are being voted on in the motion.

Because I thought I was prepared to vote for this at least for ponds but now I'm very uncomfortable with what might be in that list of minerals for fish. Thank you.

CHAIR STONE: And I assume other aquatic creatures as well.
MEMBER SONNABEND: Well, for plants we'd need to stick to only trace minerals as defined in the statute for crops I think.

CHAIR STONE: Right, but crustaceans and shellfish and other types.

Jay and then Francis.

MEMBER FELDMAN: I believe we did receive a comment about needing more specificity on minerals. I think that came in if I'm not mistaken from Oregon Tilth.

But in any event, I know that I wanted to reference on the specificity issue under 6517(b) of OFPA it says, "The list established under Subsection (a) of this section shall contain an itemization by specific use or application of each synthetic substance permitted under Subsection (c)(1) of this section."

So I guess that would provide more basis for more specificity given a use pattern or specific need being addressed. That seems
to be something we might want to do when we go back to the subcommittee.

CHAIR STONE: Francis?

MEMBER THICKE: So Jay, are you suggesting that in the annotation it should list all of the essential elements for animals?

CHAIR STONE: Jay?

MEMBER FELDMAN: Thank you. Well, you know, if we get down to the species and what is needed if there's any unique -- if there's any uniqueness associated with the need for these materials on a routine basis, yes, I think we should list them and identify -- hopefully identify the specific species in which they are being used.

CHAIR STONE: Francis?

MEMBER THICKE: We could do that.

It would be very complicated when you're getting down to the level of species. But I'd refer back to the crop production listing for minerals. It says trace minerals used for
enrichment for fortification when FDA approved.

So, if you were to list the 18 essential elements and then try to do it by species it would get pretty complicated.

MEMBER FELDMAN: Well, I guess the question here is the distinction between trace minerals and minerals. Okay, so that would be one distinction that's being made.

And if we're making the case for routine use as opposed to a more specific use as needed or given a specific use pattern I think that would be helpful.

But certainly the distinction between trace minerals and synthetic minerals would be helpful.

But in the case of listing the, you know, I know when we dealt with micro nutrients in the past at least from a crops perspective we've identified the specific use and need and been very specific about that.

So I think it would be helpful to list -- at
least provide the list and differentiate
between the trace minerals and the synthetic
minerals.

CHAIR STONE: Francis, do you all
want to take this outside?

MEMBER THICKE: No, no, no. I'm
not arguing with you, Jay. It's just that I'm
trying to get clarity here.

I understand that in the plant
side where it's just trace minerals. It gets
complicated because then we think about if we
have a true aquaculture system where there are
plants and animals together, and we have a
real, true multitrophic system we perhaps
don't need to use trace minerals for the plant
side.

On the animal side we probably
still do need to, as we do in terrestrial
animals. So we can discuss it later I guess.

MEMBER FELDMAN: Yes. This goes
to the larger issue of routine use and routine
dependency outside of a system. So I think
that's where the complication comes in.

Because when we look at some of these things we might be able to provide them from natural sources depending on the system that's available.

CHAIR STONE: And I don't want to make light of that. It's very good. That's exactly what the committee is looking for in this conversation. So, Harold?

MEMBER AUSTIN: I think one approach to take though would be similar to crops, Jay.

I think it would be part of the organic systems plan. And it would have to be a validation justification for the use. And the producer would have to take and be able to show that in some way, shape, or form that there is a need. And it would be a part of their organic systems plan. And then for review at their annual review and audit.

So I think the mechanism is in place to be able to justify that and prove
that. But that would be something I think as we look at rulemaking and we come up with those guidelines I think that would definitely be something to make sure that that's a part of. To give us that balance, Jay, that we're looking for.

CHAIR STONE: Okay, thank you.

That was I think a very rewarding conversation we've had this morning, Madam Chair. Exactly what I think the committee is looking for.

I've got 10:40. Maybe we'll come back at 10 -- let's come back at 11. Thank you very much.

(Whereupon, the foregoing matter went off the record at 10:40 a.m. and went back on the record at 11:02 a.m.)

SECRETARY WALKER: Thank you, Madam Chair. They say why be a copy when you can be an original so I'm doing a little PowerPoint here. And for the audience and Board members of the material that the public has seen is a part of the PowerPoint
presentation.

And also I have the subcommittee listed but it's also, it may be a conflict of interest for maybe financial gain. Miles is not here. Because when I get back to work, when they start talking about merit pay and what have you been doing I could add these documents to show that my name was on the presentation. So it does have a cache.

I think Dave Willis mentioned yesterday the word "cache." It could have that benefit for me in the next one or two years.

Okay, next as Dr. Brines has read -- sorry about the small print. This went out to the public by way of summary of the proposed action. Essentially it said that synthetic vitamins is already on the National List. It's listed at OFPA 6517(c)(1)(B)(i).

There was a TR requested and the Livestock Subcommittee did get a TR for aquatic vitamins. Essentially the evaluation
criteria, the committee at that point in time we thought that it met the criteria. It did meet the criteria of impact on humans and the environment. And I'll show you the public comment where they had a lot of concerns based upon how we evaluated aquaculture vitamins for animals.

Essentiality, we checked it yes. And compatibility and consistency, yes.

In terms of the subcommittee's vote as Colehour was asking as it relates to this the vote, everyone on the committee voted to move the aquaculture vitamin petition forward to the public. And for the classification motion there was 15 vitamins that was petitioned by the Aquaculture Working Group. And no annotations.

And it will be mentioned later on that some of the commenters as Jay mentioned wanted to see an annotation. Even with terrestrials there is an annotation for enrichment so we did not have that. So some
of the commenters wanted to see that.

Okay. If we can get to general public comments. During the time that I was -- based on my count in the fall of 2013 we had seven commenters, 29 percent approved what was put forward as it relates to aquaculture vitamins.

In the spring of 2014 there were 79 commenters. Only 3 percent approved. And it doesn't take a lot to do the math. If you multiply 3 percent times 79 you can see that there was only a few that actually support it, what was put forward.

And it was primarily the Aquaculture Working Group that supported the petition.

I have a little asterisk at the bottom for those of you like me who can barely see sometimes is that Food and Water Watch had over 11,000 signatures. The only state that I did not see was North Dakota. And it was 10 countries.
Next slide relates to public comments. Came in from a citizen from Washington. It was Anne. She gave an excellent presentation on yesterday. But we were told during the training about how not to mention the names. So I just unveiled her. Her name was Anne I think from Bellingham, Washington. She was the one that had the commercial fish operation.

Someone from New York, MOSA, MOFGA. Sero Kolawa from Hawaii voiced opposition. Tennessee, North Carolina, Limburg, Belgium, you name it. Also, Oregon Tilth supported the vitamins but they wanted to see it similar with the annotation as in terrestrials. When FDA approved an annotation.

What I thought was more for lack of a better word is, again it is very rare since I've been on the Board to have Cornucopia, Center for Food Safety, Organic Trade Association, Food and Water Works,
Beyond Pesticides, PCC Markets and others all on the same page. So, when you get all on the same page it kind of gives you pause to say that something is wrong.

And when I was at Oregon State my advisor Dr. England said that he never made errors, he made mistakes. And then Robert Kennedy said a mistake is not a mistake until you refuse to correct it.

And the message that seemed to be with the public is that we need to take these back, take this back and address some of the concerns. Even Zea had mentioned about are these for closed, are these for net pens.

And these were some of the things that we briefly had mentioned in the Livestock Subcommittee but we didn't ferret it out as we placed it in the document before you.

Okay, the next one, about two more minutes here of public comments. The Aquaculture Working Group supported vitamins for animal adequacy.
Organic Trade Association gave four reasons to take it back. One was they supported tabling vitamins recommendations until the proposed rule is out.

The question of essentiality cannot be evaluated outside the context of production standards.

The third reason, material evaluation for the National List cannot occur in a vacuum.

And then the fourth reason for bringing these back to the committee was the need for annotation for specific restrictions on materials.

Food and Water Watch, basically the same. There's no rule so these should be pulled back.

Anne from Washington again said that -- do not contribute to the demise of the integrity of the U.S. organic standards and reputation by bringing these forth within the absence of the rule.
And she also expressed concerns about biodiversity and environmental impact. And one particular person -- she also stated this which said by draining the Southeast Pacific oceans of wild fish for feed salmon farmers are stealing fish out of the mouth of Latin American people.

Beyond Pesticides, the same reason. Essentiality cannot be addressed without standards.

Also, the concern of open versus closed systems needed to be defined, et cetera. And we can go on and on.

Consumers Union expressed some of the same things. And they also went to say that the 100 percent organic feed should be required for carnivore fish and migratory fish.

Also, Consumers Union stated that NOSB should consider certain recommendations such as open ocean systems should be prohibited. Wild-caught fish for feed meal
and fishmeal should also be prohibited.

Oregon Tilth recommended using the same annotation that we use for terrestrial animals. Vitamins used for enrichment and fortification when FDA approved.

MOFGA, Maine Organic Farmers and Gardeners Association, essentially said the same thing.

National Organic Coalition, same thing.

And essentially the National Organic Coalition says that for various systems we need to have a definition of what a closed system is.

Center for Food Safety outlined what a closed system should look like. One hundred percent feed. And they even suggested using a closed system land base as a demonstration to see if it works before we go forward.

And their concern was also about as one guy in Louisiana asked me, he said Doc,
he said what's the difference between tilapia
organic in a net pen versus tilapia outside of
the pen.

You know, it took me awhile to
fumble through an answer but basically I had
to tell him it was basically feed. So, even
those who may not really understand organic as
we might, we have to make sure that these
definitions for closed and open systems are
clear.

Madam Chairman that's in a
nutshell what we have.

MEMBER FAVRE: Thank you, Calvin.

CHAIR STONE: Are there some
specific input that Board members would like
to give to Calvin as the lead on this material
and the subcommittee in general? Harold?

MEMBER AUSTIN: Yes, thanks Mac.

Calvin, just a point of clarification. On the
classification motion you've got the list of
the vitamins and stuff.

Tocopherols, CAS 59-02-9. What's
the difference between here and the ones that we discussed previously before taking a break?

SECRETARY WALKER: My answer would be they should be the same. Anybody else have any? Which is vitamin E.

MEMBER FAVRE: It's the application of the tocopherols are slightly different in the petitioned use when they were petitioned separately.

CHAIR STONE: Correct. One was for fishmeal stabilization, feed stabilization. The other was for feeding the animal as we understood that. But thank you, Harold.

Other questions, comments? Jean?

MEMBER RICHARDSON: Mine's sort of a question to staff if it would be helpful to have Calvin's analysis of the consumer comments to be part of your transcript. Because otherwise he read some of them in but not all of them and he has quite a lot of useful detail there. And rather than us all
take time to do it.

I did a somewhat similar analysis but his looks much better than mine did. I was just wondering if that would be helpful to you to have that as you go forward out of this meeting or if it's okay just the way it was done?

CHAIR STONE: We can have the PowerPoint and Calvin's notes as part of the record for our deliberation today.

DR. BAILEY: I'm sorry, we were talking. What did you say, Mac?

CHAIR STONE: Just Jean wanted to make sure that we captured the public comments. And I say that we could incorporate his presentation as to part of our documentation of this conversation.

DR. BAILEY: Sure, yes, that's fine. Those kinds of comments will be most important to the staff once you actually are voting on any kind of proposal and giving us a recommendation. But sure, that sounds fine.
CHAIR STONE: But so yes, Jean, you don't need to repeat that when we come back around. Other specific comments to the material or overarching kind of thoughts?

Jay?

MEMBER FELDMAN: Yes, under the overarching. And you just mentioned it, Calvin. Thank you very much for that thorough presentation, by the way, and collating all those opinions and input to the Board.

You mentioned in your response to the student what's the difference. And you said feed. And that got me thinking back to some of the comments we've received about the organic law supporting natural behavior of animals.

Does the -- I know we've talked about different systems, but it seems to me, and I'd be curious if anybody has a different opinion on this, that one of the screens that the Board should apply when it looks at these inputs is natural behavior of the animal, and
whether that material would be necessary or essential to the animal in its natural environment.

And how does that apply to these individual materials as we presumably send these things back to the subcommittee and then evaluate them. So that's an overarching question I think that could be applied to all these things. But it's something that came up in the testimony that we received over the last couple of days.

CHAIR STONE: John?

VICE CHAIR FOSTER: I think that's a good idea. The challenge is defining a natural environment for animals and plants for that matter that have been bred for several thousand years in many cases. That's an interesting, as those who know me know this is a topic of some interest for me, like how we define that is also important.

I think it's a really good point and a good direction but what constitutes
natural in agriculture is -- that can be a difficult thing.

MEMBER FELDMAN: And in this case I'd qualify that. I meant natural behavior. And I understand that behavior can be bred as well.

CHAIR STONE: Okay. Others? And this was clearly -- was this a clearly defined list of vitamins in the petition is the question I had. I don't know this one or one of -- this one was clearly defined? Very good.

Anything else? Very good. The break didn't put the brakes on the ship moving across the sea as they say. So, very good. I think that's it, Madam Chair.

MEMBER FAVRE: Okay. Thank you, Calvin. Thank you, everyone, for your comments.

The next proposal is a petition for aquaculture biologics vaccine for aquatic animals. Jean is the lead on that. Lisa?
DR. BRINES: Thanks, Tracy. The petition for biologics vaccines was submitted on June 12, 2012 by the Aquaculture Working Group.

The petition requests the inclusion of vaccines to the National List for aquatic animal production.

In support of its review the Livestock Subcommittee did request the development of a third party technical evaluation report. That report was completed in early 2014 and is posted on the NOP website.

There is one analogous listing for biologics vaccines on the National List at Section 205.603 for organic livestock production under paragraph (a)(4). Thanks.

MEMBER FAVRE: Jean?

MEMBER RICHARDSON: Thank you. The petitioner requests vaccines including vaccines made with excluded methods for medical treatment of aquatic animals.
Obviously when we worked through this we would not at any point be proposing vaccines made with excluded methods. So the vote that we would -- our recommendation that we came up with was that it would be -- we would propose to approve vaccines except for those produced by excluded methods.

The petitioner used somewhat similar kind of language to suggest that because vaccines are approved for livestock, land-based livestock it would be the same kinds of approach for vaccines that would be used under aquatic conditions.

The products containing biologics are regulated through USDA Center for Veterinary Biologics. So, they provided us information on that.

They explained how the vaccines would be given, injected intramuscularly or orally and to the fish. Primarily finfish would be receiving these. The technical report differentiated clearly between
inactivated and modified live vaccines. And believed that they would be significant to have these, very important because of the conditions under which the animals would be being produced. Although there was a lack of specificity on exactly what that would be.

Internationally vaccines are allowed in aquaculture in the United Kingdom, Canada, Japan, Sweden, except for GMO vaccines. The European Union allows GMO vaccines in aquaculture as an exception to their rule.

The vote to move this forward, the listing motion was that they are synthetic -- one person was absent. There were six yeses, no nos, no abstentions, no recusals. The listing motion to move it forward was five yes, one no, one absent, no abstentions and no recusals.

The public comments that were received on this were very much -- my analysis was very, very similar to that of Calvin's so
I won't repeat it here.

I would say that there were a range of organizations and certifiers that put in comments including Beyond Pesticides, MOFGA, OTCO that had some comments also on CO2.

There were 68 individuals that provided information and many of the organizations had a large following of people who obviously were involved in providing those organizations with comments.

I should say that the comments lacked specificity as to materials. So that's why we're really just getting general comments. They were -- except for chlorine and CO2. They all related to the lack of standards so they were all rather general in nature.

We also have one minority opinion from Colehour on this subject. And Madam Chair, I'm not sure if this is the appropriate time to have Colehour want to make your
comments at this time because you had some serious concerns about allowing this to go forward. Thank you.

MEMBER FAVRE: Yes, Colehour, I'd suggest you might want to raise them here.

CHAIR STONE: Colehour?

MEMBER BONDERA: Thank you. Yes, I think that I would like to repeat some of what I did -- what is shared. And I think that generally speaking in terms of the listing motion, you know, it's from my personal experience and background critical that the annotation was included regarding accepting those with excluded methods. Just for the record I wanted to note that.

I think that the one thing that I'll spend the few moments focusing on is I think that the clarity of the checklist in terms of the information provided in the comments and documentation and like Lisa told us when we asked the program or the program commented about the checklist process, it kind
of doesn't matter whether or not the answer
chosen is yes or no. What matters is the
comments.

And I would actually agree that
it's very nice that the comments are pretty
thorough and are there. However, I think that
it's misleading in a number of cases that the
no column is chosen when the comments if you
read them essentially suggest that yes, I
think that the probability of environmental
contamination during use or misuse really
suggests that that is a yes answer is one
example. And I think that there's a number
more that are similar to that.

I think the one question, category
1, number 9, "Are there adverse biological and
chemical interactions in the agro-ecosystem"
really suggests that maybe we're lacking
sufficient information to decide that the
answer is no.

So, I think that my general sense
is, and I very much do not mean this as a
commentary to Jean who has put so much work
into these vaccines in the last several years
in terms of getting up to speed and
understanding it.

But I just think that we are -- I
think my general sense is maybe that the
information isn't well enough rounded and/or
the presentation of it is not as clear as it
could be. And I think that that's really the
main motivation I had in that regard to come
up with my minority thoughts to make sure that
the broader picture is there.

So that's all I wanted to share.

Thank you.

CHAIR STONE: Okay. Thank you,
Colehour, not just for that but for
incorporating that into the written materials.
Zea?

MEMBER SONNABEND: Thank you, Mac.
I have two very specific questions about this
which means that I guess I'm glad we're
sending it back because granted this may not
be me reading the TR very thoroughly. I did, I confess, rather skim through it and didn't look up the citations like I do in a lot of the TRs.

But my two specific questions are this. And this is one that I think would benefit the most from standards being out before we look at it.

It mentions in a general way that overcrowding contributes to the need for the vaccinations. And -- but not -- I didn't see any specific information on the relationship between stocking density and the need for vaccinations.

And I don't know if there's going to be stocking density provisions in the standards. And so that would be a question I would have is if there is any specific research on the relationship between stocking density, overcrowding and the need for vaccinations.

The second point is that I would
really want to know what happened if you
vaccinated fish in a net pen and one of them
escaped, whether that fish would have a
competitive advantage over the wild fish in
the ocean because it was so vaccinated and
more healthy.

So this would be another reason I
would feel like I couldn't vote for it in a
net pen until that question was explored.

Thank you.

CHAIR STONE: Thank you, Zea.

Jean?

MEMBER RICHARDSON: I can sort of
answer the questions in part. Some of it was
in the TR but the TR would not specifically
answer your question.

But when we talk to people on our
conference calls and also when we made that
field visit that we did to Maine and discussed
with the aquaculture experts there how they
were actually doing vaccines they don't
necessarily prophylactically do vaccinations.
It varies enormously from species to species. And again, they were not listed separately species by species of finfish in the TR. But the use of the vaccines really does vary enormously as to how they're used. For many of them no vaccine is given until it looks like there may be a problem. And so then they would be given in order to protect that immediate flock at the time.

And I don't have an answer to your second question is does a vaccinated fish getting out be at a competitive edge. I don't have an answer to that. Certainly there's a lot of difference between whether or not they're dealing with killed or not killed vaccines that are being administered to the fish. I think one of the other issues for the fish in terms of fish humane treatment is the extent to which they're being given things like the equivalent of lidocaine procaine or stunned in order so that they
don't get upset when they get vaccinated.

There's a whole range of other issues I think that we could have -- we'll need greater specificity on which hopefully will come out when we get the standards.

CHAIR STONE: Other suggestions, thoughts for Jean as the lead and the subcommittee in general to discuss around the vaccines? Jennifer?

MEMBER TAYLOR: Thank you. Can you tell me if you're able to look at different kinds of alternative systems that may lower the need for vaccinations or any of the other strategies that we're looking for?

As you're looking at systems and developing a protocol maybe you can look at alternative management or alternative types of scenarios that would bring about a system maybe where vaccinations aren't needed or as much. Or some of the other protocols that were looking at it as well.

CHAIR STONE: Jean?
MEMBER TAYLOR: I'm probably not - - I mean, obviously I'm on a learning curve on this as well. My understanding from the way in which the standards upon which we were basing our discussions were going to be similar to the recommendations that went forward from the NOSB in those three separate recommendations that went into the NOP from the foundation for the upcoming regulations.

So that the way to minimize the use of vaccines is to have extremely low stocking densities and also to incorporate a range of other fish species and plant species that would somewhat assimilate a more natural living condition.

But there would be, for example, if they're in net pens out in the ocean there would be an interior net pen in which the fish species that was being raised would be located. And then maybe other fish species within that.

And in an outer sort of circle
around it in another sort of external net as well other fish species and plant species that would assimilate to some extent the natural ecological conditions of the area so that the overuse of vaccines wouldn't take place.

But the assumption is that there's for some fish species that preventive vaccines may still be necessary nonetheless.

But vaccines are expensive, difficult, fiddly to do, dangerous sometimes to the person giving the vaccine because they're literally, they're vaccinated. You know, you handle the fish and you put the needle into it. So if they can avoid that they're obviously going to do so.

The other things in terms of systems within which we made this conversation was the assumption that there would indeed be rotational grazing of the net pens. The net pens would be left fallow for -- used for one cropping season and then those net pens, both the interior and the
exterior, but sort of the interior ones would be emptied out.

There would be no fish in there and that those areas would be left fallow for a period of time. Whether that was 9 months or 3 years would again vary depending on the geographical location of the net pens and that would allow for recovery of the local benthic environment prior to restocking again.

So yes, I think that you make a very good point, that there are management activities that could take place that would reduce the need for an excessive use of vaccines. Thank you.

CHAIR STONE: Anything else from the Board? All right, thank you very much. Madam Chair, next one?

MEMBER FAVRE: Sorry, I was making notes about things to include.

CHAIR STONE: Take your time.

MEMBER FAVRE: Next on the agenda is we are now getting into the aquatic plants...
petition material. Next on the agenda is a petition for -- aquaculture micronutrients for aquatic plants. And Francis, you're the lead on that.

CHAIR STONE: Lisa?

DR. BRINES: We're starting with micronutrients?

CHAIR STONE: Yes.

DR. BRINES: Okay, sorry. The petition for micronutrients was submitted on June 7, 2012 by the Aquaculture Working Group. It requests the use of micronutrients in aquatic plant production.

This petition was not on the agenda for the October meeting so it's a new item.

There is an analogous listing for micronutrients on the National List for organic plant production under Section 205.601 of the National List under paragraph (j) as plant and soil amendments. Thanks.

CHAIR STONE: Francis?
MEMBER THICKE: Yes. So the listing motion includes the annotation for non-vascular plants only, which means it's not for hydroponics.

And with that we need to look ahead. We didn't do that for some of the other plant aquaculture things and we may need to have that in there in the future.

The motion passed 7 to zero.

However, there are some controversial issues in here I think and a lot of it depends upon the system as it's defined. And we don't have a standard so we don't know what it is.

But basically this proposal is for a very simple system where you're supplying all the nutrients to the plants. And I think that in the comments, of course most of the comments that came to this were about not approving them until we have standards in place.

But I think Beyond Pesticides probably articulated very well this issue in
that in general in organic production synthetic materials are not the norm. They only are there for deficiencies.

Like for example, crop production. You have to have a soil test in order to apply micronutrients.

Well, in a plant aquaculture the way they are doing it and proposing to do it is that you put in a media mix that has the micronutrients in it at the onset.

And the rationale for that is that it's very expensive and difficult to test if there's a deficiency. So they just put it in routinely.

And that basically you're starting with water so you're not -- unlike soil you're not going to normally have them in there. So that I think is the real issue.

Because if you're looking at, as Beyond Pesticides is talking about, a multитrophic system with plants and animals together the animal aquaculture will supply
the nutrients for the plants. And in some
successful systems they do not use any
additional nutrients for the plants.

And so if that were the system
that we're defining then what we have here is
not appropriate. However, if it's a simple
system defined by the Aquaculture Working
Group that's what this is kind of targeted
for. So I'd be interested in people's
thoughts on this.

MEMBER FAVRE: Thank you, Francis.

CHAIR STONE: Questions?
Comments? Thoughts? Nick?

MEMBER MARAVELL: This is just a
question because I wasn't part of the
discussion. Is this a proposal only for non-
vascular aquatic plants? And it would ignore
whether or not that was in a multitrophic
system or a system with aquatic animals.

MEMBER THICKE: As it's written it
appears it would apply to both a multitrophic
system -- it could apply to both and a
monoculture system. A plant like maybe algae
or something.

That's the way it is now. And is
that the way the standards are going to be?
Are the standards going to require a
multitrophic system? The Working Group didn't
seem to indicate that that was the direction
they're going in.

Is that what you're talking about,
Nick?

CHAIR STONE: So, my impression,
and that's all it is is an impression, that
multitrophic systems are very much not only a
requirement of the standards in order to be
organic and to do it. It's the growers want
it to be, they need it to be. It's a critical
point.

Some of those may be multiple
saleable crops and some of those may be a
biofilter type of a system that's not a
saleable crop. So to Nick's point there's a
couple of layers there that have to be sort of
peeled away to see just what is happening in
there. So, John, do you have something?

VICE CHAIR FOSTER: It's been
awhile since these were in the Crops Committee
where I was -- these materials were covered by
the Crops Committee back what seems like a
long time ago now.

But my recollection of my
conversations with the Aquaculture Working
Group representatives when I was looking at
these materials was that it was specified --
well, the utility was expected for non-
vascular plants only to generate a food source
for animals.

And in that context then I don't
know that it needs to be -- I don't know that
we -- I don't know, that was my recollection
anyway, and that makes sense to me. I would
rather have micronutrients used to feed algae
that were grown onsite kind of locally grown,
locally consumed. I would much rather have
that than needing to import some other food source from offsite at whatever expense.

So if the cost of having an aquatic animal producer be able to provide some of his or her own feed, if the cost of that is micronutrients to grow algae that seems like a really good tradeoff to me, irrespective of the issues you were talking about, Francis.

CHAIR STONE: Zea?

MEMBER SONNABEND: Thank you.

Okay. I find this really confusing now because aquatic plants as far as I know does not include lettuce and tomatoes grown hydroponically. And yet terrestrial plants doesn't either really.

And so, but you haven't defined aquatic plants to say it does. And yet you're trying to accomplish some ban on hydroponic crops in an aquatic plant document which -- without exploring that in the checklist near as I can tell.
And so I could -- I would need definitions and what is done in hydroponics now. Because right now hydroponic people are operating under the 205.601 crop standard. Before you could really justify this sufficiently. At very minimum a definition of an aquatic plant which to me does not include hydroponics at the moment.

CHAIR STONE: Francis?

MEMBER THICKE: Well, we operated under the assumption that it was non-vascular plants throughout. And then we put it in at the end to make sure.

Because aquatic plants could be ambiguous. It could mean non-vascular plants. It could mean a plant like a tomato growing in water. Somebody may say well, that's an aquatic plant because it's growing in water. I mean, that's why we put it in there.

CHAIR STONE: Okay, very good.

You've got your marching orders. Tracy, take your time with your notes.
MEMBER FAVRE: Thank you for your patience.

CHAIR STONE: Absolutely.

MEMBER FAVRE: Okay, no other questions on -- we're good? Okay.

Next proposal was a petition for aquaculture CO2 for aquatic plants. I was the lead on that so the -- I'm sorry, Lisa. Yes, thank you.

DR. BRINES: Thanks, Tracy. The petition for carbon dioxide for aquatic plant use was originally submitted April 3, 2012. It was updated after the initial posting on the NOP website. So the current update was submitted on November 20, 2012.

The petition requests the inclusion of carbon dioxide on the National List for aquatic plant production.

In support of its review the committee did not request a technical evaluation report although there are previous reports available from 2006 and earlier in
consideration of carbon dioxide that was
previously petitioned for a change on
handling.

Carbon dioxide is currently
included on the National List for processing
and handling at Section 205.605(b). Thanks.

CHAIR STONE: Tracy?

MEMBER FAVRE: Okay. So, the
petitioner specifically has requested
synthetic carbon dioxide but has actually made
a statement in the petition that there are
natural sources of carbon dioxide out there.
Clearly there are.

The reason for the petition for
synthetic is that geographic availability of
natural carbon dioxide is not reliable. And
likewise, there's not always a good match-up
where the deposits of natural CO2 exist
compared with where potentially they would be
used in aquaculture systems.

And they've rightfully pointed out
that transport of CO2 can potentially be
dangerous. So that's why they've indicated that they've specifically petitioned for synthetic.

The purpose of the CO2 in aquaculture systems is to be used in the adjustment as a production aid for alkalinity adjustment and for maintaining pH levels.

Basically this is going to be used for culture of aquatic plants. As those plants grow, particularly micro algae, the pH can fluctuate due to the proliferation of the plant itself. And so the CO2 would be used as a pH adjustment.

The committee passed a motion to classify carbon dioxide as petitioned as synthetic, 5 yes, zero no, 2 absent, zero abstain, zero recusals.

The listing motion was to list it with the following annotation for use in contained systems such as tanks and ponds. That motion passed 4 yes, 1 no, 2 absent, zero abstained, zero recusals.
Looking at the public comment as
with all the other materials and as both
Calvin and Jean have mentioned there was very
little specificity around most of the
materials.

However, there were a couple of
comments around CO2. Beyond Pesticides
particularly made some very good cogent
remarks.

But I will express some
disagreement with the comment that they make
that because the carbon dioxide is consumed as
the algae grows that it's therefore considered
a synthetic micronutrient.

I don't necessarily agree with
that. I think it's a culture adjustment. And
it can be argued probably either way but
that's my personal opinion on it.

This was a tough one. Obviously
as someone sitting on the environmental
position on the Board there are valid reasons
for why CO2 production is problematic.
If we do have the opportunity to use the recycled version of CO2 and in most cases even the synthetic CO2 is a byproduct of manufacturing of other processes. Some of the processes are fairly noxious including petrochemical processing. But the material itself is already produced. So there is some mitigation of that in my mind.

Generally, like I said, the comments were that none of the materials should be approved in absence of standards. And there were some particular concerns around CO2.

CHAIR STONE: Thank you, Tracy.

Other Board members, subcommittee members, additional comments? Colehour?

MEMBER BONDERA: Yes, thank you, and thank you, Tracy. I'll just add a little bit of the minority opinion on the subject area since I'm the one who voted in opposition to listing.

And I think just in summary really
the general concept of a major component
that's necessary for aquatic plant growth in
an organic system in the form of a synthetic
chemical is really inconsistent with organic
principles in my opinion.

And as is noted in the record, and
I'm not going to read through it, but you
know, the -- this was before it came to the
Livestock Subcommittee considered by the Crop
Subcommittee and there was information that
indicated that additions of synthetic carbon
dioxide are not essential.

And finally, really the use of
synthetic carbon dioxide which is not captured
as opposed to using carbon dioxide produced by
animals in the system contributes to, like
Tracy was generally suggesting, to the problem
of global climate change, environmental
questions.

So I just think that those points
stand on their own in terms of that this
listing isn't merited in my opinion. Thank
you.

CHAIR STONE: Tracy?

MEMBER FAVRE: I did only want to
add that CO2 is actually currently approved
for use in other international organic
aquaculture systems and does seem to be fairly
innocuous as it's described in those
international systems.

CHAIR STONE: Zea?

MEMBER SONNABEND: Okay. This is
a subject I know quite a bit about the sources
of CO2 because I did write the petition in
Handling that is referred to extensively in
the Aquaculture Working Group petition.

There are two non-synthetic
sources mined from the ground, in deposits
underground, and the byproduct of ethanol
production which is a naturally occurring
biological process of which CO2 is the residue
after the ethanol is produced. There are also
synthetic sources from industry and
manufacturing.
I submit that by recapturing the sources that would ordinarily come out of a smokestack all you're doing -- that has less environmental impact than the non-synthetic sources that you're mining from the ground and then putting the CO2 in the air because all you're doing recirculating the first, the synthetic, whereas the mined you're putting it in the air originally. So, I just wanted to make that point clear.

You cannot -- if you're a small consumer of carbon dioxide, and by that I mean if you're buying less than a railcar full you cannot find out usually where your source is coming from. And so producers do not have the luxury of choosing synthetic or non-synthetic.

That being said, I have not been at all convinced on the need for this material in algae production based on both written public comment from Oregon Tilth and from things that Rahm said in his oral comment and also when he was on the conference call.
And I think that if it would be approved a more restrictive annotation than this would be needed because both of them seemed to imply that, especially Rahm, that it was only needed in the very early stages of growth on algae in tanks and in multitrophic systems.

But I might have that wrong because it wasn't really explored in the checklist. And we did not get a TR on that. And so the specific uses of what situations it's used in would lead to being able to make a better decision.

Because if it's not really needed in everything, you know, why approve it for everything. And you know, Tilth's testimony said they didn't allow it because they found that all the systems they certify in it's not necessary.

And so I would like to have a little more input on that from our stakeholders before I really would feel
comfortable voting for this material.

CHAIR STONE: Colehour?

MEMBER BONDERA: Thank you. Thank you, Zea. I just want to add it's not exactly clarification so I guess it's repetition, but in the checklist category 2 question, number 8, are there alternative substances.

You know, the last sentence reads, and if you look at the petition it's going to read, "When aquatic plant production is paired with animal production the requirement for additional CO2 is reduced."

So I think it goes back to what Zea was just talking about is the system and how it's balanced and what is being incorporated. And what Francis was talking about, a multitrophic.

So I think that there's a lot of issues here even within where the thing is currently at in terms of need. Thank you.

CHAIR STONE: Jay?

MEMBER FELDMAN: Thank you. We
worked on this in the Crops Subcommittee as you know. I think others have mentioned this. So I'd like to just provide some orientation on the issues Zea raised related to production of CO2.

But before getting to that I'd like to just quickly read the comment into the record from Oregon Tilth which sort of captures my view on this.

The Environmental Protection Agency has deemed CO2 to be a regulated air pollutant and greenhouse gas. That's 2014. This proposed allowance, that is the proposal coming out of the Livestock Subcommittee for CO2 in crop aquaculture would open up the doors to regular, not intermittent use of synthetic CO2 in organic production.

Although the petition is optimistic that recycled CO2 could be used the primary sources of recycled CO2 are from industrial waste, flue gas, et cetera, would contain other contaminants including nitrous
oxides and sulfurous oxides.

For pure CO2 to be used in aquatic plant production it is probable that new synthetic CO2 would need to be produced which would ultimately add additional greenhouse gas into the environment.

Oregon Tilth believes that the listing motion "for use in contained systems such as tanks and ponds" is not sufficient to prevent the eventual release of new CO2 into the atmosphere.

So this raises the larger, bigger picture issue. And I guess you could argue it's philosophical. I think others would argue it's legal, a legal question as to the checklist and questions surrounding the origins of materials, where they come from.

Regardless of whether we are taking a recycled material from an otherwise polluting industrial process I think at the end of the day organic has to provide us a model for not being reliant on polluting...
industrial practices.

I think that's inherent in the
statute, it's the goal of the organic system.
We are more than what we put in our mouths.
We are, as an organic system, as we all know,
really focused on how we protect the Earth,
the land, the management systems that we all
are trying to improve on a day-to-day basis.

So this would be a step backwards
in terms of creating a system, calling it
organic and being reliant on an industrial
waste product that we know to be hazardous and
deemed by EPA to be a pollutant greenhouse
gas.

I appreciate the perspective that
recycling is good in a society otherwise
dependent on these industrial practices.
However, I think what we're trying to do
through organic and what the law initiates is
a new view of how we create systems that are
not reliant on those practices and show that
these industrial practices can be eliminated
because clearly organic is not dependent on them.

So, I know there are a lot of complex issues in there but I think we have -- at some point may want to have that discussion in more depth.

The other issue that I still don't have complete clarity on is the nutrient value of this material, and whether in fact -- I thought I heard yesterday from Rahm that this does have nutrient value.

And of course if this is a synthetic and we're not very careful that we are evaluating that aspect. In fact, the original petition mentioned the nutrient value of CO2. We went back to the petitioner and the petitioner corrected that. And so that was taken out of the petition.

But I think if in fact that is even a secondary effect of this reliance then we have to know that and evaluate it in the context of the review. Thank you.
CHAIR STONE: Thank you, Jay.

John?

VICE CHAIR FOSTER: So I hate to disagree with my former employer at Oregon Tilth but there's -- there are several companies not in this room, but who'd find a whole bunch of food-grade carbon dioxide readily available that does not have any of the byproducts that would be problematic. So I'm hard-pressed to believe that the relatively minor use that this -- at issue here would impact the larger multinational corporations that carbonated beverages on a regular basis that don't have those pollutants in them.

So I'm puzzled by that. I would like to know more about that, the details of that. But, just the carbonated beverage industry alone tells me there's plenty of toxin-free CO2 available.

So that aside, I don't want to forget that -- I don't know many farmers that
grow or raise anything that use things they
don't really have to. So I wanted to remind
us that as we talk about this I don't think --
I don't think every operator is going to start
using this just because it's on the list.
They'll only use it if they need it.

And that's true I think for a lot
of inputs. That certainly was true for me
when I was growing vegetables.

Even though the National List has
several things on it never used any of them
unless I absolutely had to just from cost. So
I'd hate to have the dialogue keep going
without reminding ourselves that just because
it's on the list doesn't mean everyone is
going to run out and use it.

The wisdom of growers is very,
very deep and their pockets are not. So they
will tend not to use things unless they have
to. I just wanted to remind us of that.

CHAIR STONE: Nick?

MEMBER MARAVELL: Yes, just a
suggestion for the committee. The statement about carbon dioxide is used internationally is based on a 2006 report and did not cover as is indicated here aquaculture standards in the international community.

So if you have the information to update that standard and whether or not the sources are synthetic or natural. Just to see. You know, it's been almost 10 years. Let's see, maybe they figured this one out.

CHAIR STONE: Jay?

MEMBER FELDMAN: Yes. John, I think -- again, I don't want to get off, and we can have a side conversation on this, but I think it's important when we talk about production practices to -- and this is category 1, question 2, is there environmental contamination during manufacture, use, misuse, or disposal. And it's in that context of manufacture that we're talking about the release of greenhouse gases and those sorts of things.
So, I appreciate that, you know, organic is a minor player in virtually all these discussions of contamination. But our hope long-term is that organic becomes the major mainstream player.

And if we don't have a good foundation in having answered these questions early on about the underlying source material in their manufacturing processes we will have built organic on a foundation that we didn't intend to build on which is a foundation of industrial practices that are polluting and ones that we would like to see discontinued, ones that many of our friends in the environmental community working on green chemistry, alternative practices just as we are here are seeking to eliminate.

So let's early on when we approve a system like this, something new, that we start with a sound foundation and answer all these questions really thoroughly.

Look at all the words in the
question, not just pick one. Don't pick "use." Don't pick "disposal." Don't pick "misuse." Don't just simply pick "manufacture." Look at all the questions and answer those questions to the best of our ability so that we can go out to the community and say we've created this new system here that we feel to the best of our ability is truly compatible with organic principles and core values.

CHAIR STONE: Thank you, Jay. Francis?

MEMBER THICKE: Yes, I'd like to point to something too that Oregon Tilth said. In the case that the CO2 emissions from the fish are not enough to keep the pH right. There are other natural pH adjustments like lactic acid and vinegar and oyster shells. So that's reassuring that they're looking at that.

CHAIR STONE: Okay. Madam Chair, when you get your notes squared away, next up.
Do you need another pen or anything over there?

MEMBER FAVRE: I'm going to start pricking my finger and writing it in blood.
Okay.

(Laughter)

MEMBER FAVRE: Sorry, TMI? Okay.

Next on the agenda is aquaculture chlorine for aquatic plants petitioned. Lisa?

DR. BRINES: Thanks, Tracy. The petition for chlorine for aquatic plant use was received on April 19, 2012. It requests the inclusion of chlorine materials to the National List for use in aquatic plant production.

As mentioned earlier there is no new technical report for chlorine for aquaculture use. But there were previous reports available from previous review for both crops and livestock and handling uses. And chlorine materials are currently listed on the National List at 205.601, 205.603 and
205.605. Thanks.

MEMBER FAVRE: Thank you, Lisa.

Joe, you're the lead on this.

MEMBER DICKSON: Thank you, Tracy.

I don't know that there's a lot to say here that we didn't talk about when we discussed the aquatic animal use of this material this morning.

There is clearly a lot of work to do on the checklist for both uses of the material. And I think we can do a lot of work to accommodate the concerns that were brought up this morning and in the minority opinion on both of them.

I think we as a committee have a chance to work collaboratively with both the minority and the majority groups on both uses of this material and come up with something a little more detailed and I think a little more robust.

There's also the question of culture water which we talked about a little
bit this morning, both philosophically and in understanding the mechanics of exactly how that use works, what it looks like, how we visualize it and understand it.

It's a good illustration of I think where a practice standard would really come in handy and I think help a lot of people on this committee feel better about the material. So again, you know, I think that does confirm our overall approach to all of these aquaculture materials.

CHAIR STONE: Jay?

MEMBER FELDMAN: Thank you for that, Joe. I look forward to working with you guys on that.

And for anyone reading this transcript in the year 2020 please refer back to the discussion on livestock animal aquaculture because I don't think we need to repeat the discussion we had this morning as it relates to crop aquaculture. Thank you.

CHAIR STONE: Tracy?
MEMBER FAVRE: I would like to just say to Jay bless your heart. Thank you for that.

(Laughter)

CHAIR STONE: Great. Thank you all. Very good. Tracy, you didn't even have to take any notes. Very nice.

MEMBER FAVRE: Okay. Well, actually I did. You missed it. Thank you. Next on the agenda is a proposal petitioned aquaculture lignin sulfonate for aquatic plants. Jean is the lead on that. Lisa?

DR. BRINES: Thanks, Tracy. The petition for lignin sulfonate for aquatic plant production was submitted on June 27, 2012 by the Aquaculture Working Group. It requests the inclusion of lignin sulfonate as a chelating agent for aquatic plant production. In support of its review there was not a new technical report but there was a previous technical evaluation
report available for lignin sulfonate from 2011 to assist in the subcommittee's deliberations.

One other point on lignin sulfonate. There were previously two petitions for lignin sulfonate, one for aquatic plants and one for aquatic animals. The petition for lignin sulfonate for aquatic animals which was as a feed binder was withdrawn by the petitioner last August.

Thanks.

MEMBER FAVRE: Yes, go ahead.

MEMBER RICHARDSON: Okay, so lignin sulfonate, interesting material. The proposed recommendation for this would be to use it only for a chelating agent for micronutrient uptake.

Lignin sulfonate presently is used in organic soil-based crop production as a plant or soil amendment, as a chelating agent and as a dust suppressant and also as a floating agent in post harvest handling at
So the chelating agents are water soluble compounds which is an important aspect to keep in mind since we're dealing with aquatic systems. And they have the ability to bind metal nutrients.

And what they do is they allow -- the chelate molecule facilitates cell uptake of the metal nutrients which are needed by the plants in this case.

Now, lignin sulfonate is not my favorite material. It's a byproduct of the wood and pulping industry, a derivative of lignin, and it can be made by a number of different processes: sulfite chemical pulping, acidic sulfite process and the craft pulping process.

And there has in the past been some serious concern about the mechanisms whereby the lignin sulfonate is derived by then is utilized subsequently in agriculture. Some of those issues have been laid to rest.
but again the TR does in fact raise some of these and the references associated with it get into quite a reasonable amount of detail.

One of the problems with lignin sulfonate salts, that they're soluble in water, and these are water plants that we're looking at. Due to the high biological demand during breakdown the lignin sulfonates will remove dissolved oxygen from waters, decreasing pH and can have a range of impacts including increasing metal uptake through bioaccumulation and also to modify considerably -- the potential is there to modify considerably the benthic environment.

It is with those things in mind that when the lignin sulfonate, the other petition which was for use as a fish binder, fish feed binder, sorry, came to our subcommittee we spent considerable time working on that, looking at it within the context of using the regulations that were -- recommendations that were being proposed by
the NOSB for aquatic aquaculture we in our
subcommittee had come up with a decision and
voted to say no to lignin sulfonate being used
as a fish feed binder because of the impact on
the aquatic environment, the benthic
ecosystem, et cetera.

And we were proposing that that
was going to go forward to the full Board.

However, the petitioner withdrew that.

I mention that because it is
important that we then looked at the use of
the lignin sulfonate within the proposed
systems as far as we could tell that were
going to be used.

We made some assumptions based on
the petition and our understanding of what was
going to be proposed from the NOSB
recommendations on aquaculture that the plants
would be in glass flasks such as we saw, those
of us that went to the -- on the NOSB when we
went to -- was it Portland? We went and
looked at the university and we went out and
looked at shellfish production.

    I remember Calvin and Wendy and I went and looked at how they were producing these small algae in glass flasks, in containers, in tanks and in ponds. And they were not being produced in open water.

    So for these reasons it appears absent the detail of the new regulations, and everything to do with aquaculture depends on the detail in those regulations that are upcoming, we made the assumption that the environmental impact of using the lignin sulfonate in these kinds of systems could be expected to be minimal or negligible.

    Based on those assumptions we voted, the listing motion, we voted to approve the lignin sulfonate for a chelating agent. There were 6 yes, 1 no and abstentions and recusals were zero.

    Again, the public comments that we've talked about earlier were non-specific to lignin sulfonate, only referred basically
to the systems as a whole.

    So, we're recommending approval.

It would be interesting to be able to see what these -- see what our discussion would look like once we've received the final regulations as to how exactly they're going to be used.

    CHAIR STONE: Okay, Nick?

    MEMBER MARAVELL: Yes, Jean, I was interested in the assumption. But it was not necessary to place that assumption as an annotation then you didn't feel on the approval of lignin sulfonate?

    CHAIR STONE: Jean?

    MEMBER RICHARDSON: We weren't getting into annotations. No.

    CHAIR STONE: Nick. Oh, you're good? Other thoughts? Jay?

    MEMBER FELDMAN: Well, you know, this obviously, as you say, Jean, this was wrapped up in the larger question of the system that ultimately is used. And then the question of essentiality comes up as well.
I guess my view of this is similar to the CO2. As you pointed out, the source of this material is problematic. And so you know, again, that's going to have to be balanced with the essentiality concerns given the different systems.

And I might put a little more weight than others on the manufacturing process and origins of the material. But ultimately I hope that we can have that discussion, balancing of the essentiality with the adverse impacts.

CHAIR STONE: Colehour?

MEMBER BONDERA: Yes, I think what Jay just said was related to what I wanted to say. And I'll just add maybe the fact that we really are being asked to decide about not the essentiality of those micronutrients for the plants, but the essentiality of synthetic micronutrients and the lignin sulfonate is used to chelate those synthetic micronutrients. And that's I think the
question really is essentiality of that means to achieve.

CHAIR STONE: Jean.

MEMBER RICHARDSON: I think those, Jay and Colehour, are both very valid points.

I know that when we looked at the use of the lignin sulfonate as a feed binder for fish feed we did note in terms of essentiality that in fact there were a number of other materials that could be used to replace that which was one of the essentiality issues that we looked at for that.

We weren't able to find what might be used for -- as a chelating agent other than the lignin sulfonate. There really wasn't enough information on that. And it would be good to have it. Because quite frankly it would be very difficult for me to vote seeing more lignin sulfonate getting into aquatic ecosystems of any kind.

So unless there's really clear evidence as we re-review these and look at it
within the system hopefully they will find
some other material that could be more
appropriate. Because I would have a hard time
putting more, or any of this really into an
aquatic ecosystem if any of it's getting into
an outside of the tank situation.

CHAIR STONE: Francis?

MEMBER THICKE: Oregon Tilth made
a good comment related to this lignin
sulfonate and micronutrients.

They said if all micronutrient
forms including synthetically chelated ones
are allowed then the petition allowance for
lignin sulfonate as a synthetic chelate
becomes irrelevant.

It's an interesting concept. If
you're going to put them in there anyway we
don't really need the lignin sulfonate. Not
that I'm in favor necessarily of putting them
in there anyway.

CHAIR STONE: Jay?

MEMBER FELDMAN: Jean, I don't
know if you got into the detail of the natural sources of micronutrients that could be added when the subcommittee discussed essentiality. But obviously that's a key element in all our discussions.

Do you recall if there was any discussion of natural sources of micronutrients?

CHAIR STONE: Jean.

MEMBER RICHARDSON: That would be a question to the micronutrient lead person. I mean this one, right now we're just talking about the lignin sulfonate.

MEMBER FELDMAN: Right.

MEMBER RICHARDSON: So.

MEMBER FELDMAN: However.

MEMBER RICHARDSON: Right. Yes, they both have to go together, no, I agree.

MEMBER FELDMAN: Okay. In any event, I hope that can be done and we can cross-fertilize the information on that issue and see on the question of essentiality.
CHAIR STONE: Great. Very good.

Thanks, everyone. Tracy, the last hurrah.

MEMBER FAVRE: All right, everybody take a deep breath. I think we're almost there. The end is in sight. That's either the train or the light at the end of the tunnel.

Final proposal for aquaculture is a petition for aquaculture vitamins B1, B12 and H for aquatic plants as petitioned.

Calvin, you're the lead on that.

Lisa?

DR. BRINES: Thanks, Tracy. The petition for vitamins was submitted on August 3, 2012. The petition requests the addition of three specific vitamins, again, B12, B1 and H to the National List for use in aquatic plant production.

Of those three petitioned vitamins vitamin B1 is currently individually listed on the National List at 205.601(j)(8) as part of three other vitamins that are already allowed
for use in organic crop production.

The subcommittee did not request a new technical report in support of its review.

Thanks.

MEMBER FAVRE: Calvin?

SECRETARY WALKER: I make a motion that we go to lunch right now.

(Laughter)

SECRETARY WALKER: This will be very brief.

The title of this one is "Aquatic Plant Vitamins." And what we are hearing is that maybe a need for a TR. Because this particular material, B1, B12 and H. There was no TR for this particular material for plants use.

The Livestock Subcommittee received the petition from the Crop Committee in October of 2013. So we had a very short window to request a TR. And that was one of the concerns for some, there was no TR for this particular use in plants.
And as Dr. Brines mentioned, B1 is already -- these vitamins are already being used in plants.

As far as the evaluation criteria, again, as the public had told us how can we evaluate these criteria without a rule, but we did. And we have seen the error of our ways and we're going to go back and hopefully come back with something more meaningful the next time these come up as it relates to impact on human and environment, essentiality and compatibility.

The committee as you could see was in support of this particular material, 7 yes, zero no on the classification motion.

As it relates to the listing there was an objection by Colehour. And one other objection of the minority committee was in the absence -- in the change in the sunset process there needs to be a time-line for reevaluating these materials. And I'm sure Colehour may mention that but that was one of the concerns
that he had on a lot of these petitions.

And again, as Tracy mentioned,

there's a large number of commenters and most

were against what we had put forward. But we

are optimistic that when we come back those

numbers will be reversed and more clear.

And again, I'm not going to go and

read all of the -- I'm just going to read a

few different ones.

They said when you start naming

people and calling names you don't want to

leave anybody out so I'm going to pick a few

different ones hopefully again for some.

But again, when you have the same

outstanding group such as OTA and Cornucopia

and Food Safety and the rest having issues and

all on the same side, that kind of tells you

that you need to go back and look at what we

have done. And it's very rare that you would

have them all on the same side. And if we

don't get it right we may not want the program

to do that.
And I said that with conflict of interest. Everyone has had some issue with conflict of interest. So we dilly-dallied for some time and then eventually the program had to step in and they've taken over that particular matter based on their authority.

Okay, some of the objections of the public which I always find good. I sometimes spend three and four days reading the public comment because I find that you all are very intelligent. You are far smarter than I am. So, I sometimes take three and four days off just to read the comments because you all are very insightful as Chairman Mac had mentioned.

Food and Water Watch. Let me pick out one particular one for this one that I didn't read before that I thought that others expressed.

So, as you know, NOSB recommendation on fish farming has been extremely controversial, especially the use of
open net pens for fish. Yet there are no standards for organic aquaculture operations.

Thus, the use of synthetic materials in organic production is likewise highly controversial. And voting on allowing synthetic materials in organic agriculture before we even know what these operations will look like is not acceptable.

And I just underlined that it was from at least 59 states and 10 countries signed the petition.

Okay. Moving down here. As it relates to a citizen, again, she had a nice comment from Washington.

CHAIR STONE: I thought you were hungry.

SECRETARY WALKER: Yes.

(Laughter)

SECRETARY WALKER: Okay, I'm here, A. This particular citizen we heard yesterday. I didn't read these two but I kind of highlighted some of the ones. A formal
assessment of risk and impact must be
calculated before NOSB proceeds with
greenlighting an industry that most consider
incompatible with organic principles,
especially those important practices that
biodiversity, minimize environmental impact,
control inputs and allow natural behavior.

And C., pollution, pathogens and
parasites cannot be confined in a fluid
environment.

Getting near the end here. Beyond
Pesticides, something that -- A. Inputs must
be judged in the context of an aquaculture
system. And that's even been the sentiment of
others that had written in.

Almost near the end here. Oregon
Tilth annotations for vitamins. Well, they
especially had an issue with the annotation
for aquatic plants and animals, that it should
be the same as in the -- what we already have.

Okay, Maine Organic Farmers and
Gardeners Association. I believe that covers
several states. It's an OFPA mandate that producers must provide organically produced animals with toll feed ration -- okay, let me skip that one. We're opposed to giving an organic label to fish that lives or moves in and out of an undesignated area that is not controlled by the producer.

So, to make the long and short, the public comment was for, as we have heard yesterday and the day before, was bringing these particular materials back, and maybe for some may even need a TR that we can chisel into some of the things that they had a concern about. That's it.

CHAIR STONE: All right.

Specifics around the vitamins in aquatic plants? Colehour?

MEMBER BONDERA: Thank you. Thank you, Calvin. I just want to add two little notes to that concept of this being brought back to the subcommittee and considered further.
And one is you suggested and I think it's appropriate which is consider annotation by system or definition of what systems are being -- this is being approved for. And I think we should seriously consider that.

And I think that the other issue which isn't in my opinion adequately addressed but needs a little more attention is considering whether or not there realistically are natural source alternatives to be looking at or considering regarding deciding whether or not this is essential as petitioned. Thank you.

CHAIR STONE: Calvin?

SECRETARY WALKER: I'm not sure if I gave that to the committee but that was one of their concerns.

I did email one of the manufacturers. Being an animal scientist I'd never heard of vitamins for plants. I've heard of NPK, trace minerals and those things.
But one of the manufacturers of these vitamins did email me back. I didn't let him know I was on the NOSB or anything. But the person that the petitioner referred to, they had the view that the vitamins for plants were not needed if you provide the other essential elements in the system.

I'm not sure if I shared that, Madam Chair, with the committee, that particular email from the manufacturer.

CHAIR STONE: Okay. That's great.

Tracy, you want to do sort of a generic wrap-up?

MEMBER FAVRE: Yes. Thank you, Mr. Chair. We appreciate all of your all's patience today as we've slogged through these materials.

As you can see we have a lot of work to do going back and tweaking and refining these. That was really my goal and objective for bringing these materials forward is to have this kind of dialogue to seek the
public comment. I'll reiterate that because that is really important to understand.

These are complicated issues. The use of these materials is complicated and we certainly need the input. In this case it sort of takes a village to craft the proposals for this.

I would also like to, whoever might be listening to this or reading this in the public record strongly urge that potential producers of organic aquaculture weigh in on the public comments.

The public comments are very strongly listened to and influence our deliberations and our discussions.

And I personally truly appreciate all the comments we've received. However, I feel as though they're slightly unbalanced right now. We've had a great deal of input from consumers and certifiers and consumer groups, but we've heard very little from the producers themselves except as an aggregate of
the Aquaculture Working Group. So I think it
would be useful for us to hear.

We've had several remarks made in
today's comments about the essentiality of
some of these materials. And it's difficult
for us to really weigh that without having the
expertise.

I've heard comments over the last
few days about unless you're a farmer you
don't get it. Or unless you use XYZ material
you don't understand whether it's essential or
not.

And I think that's particularly
true in something like this where these are
complicated systems.

So with that I think I will say
that we are going to wrap up unless there's
any other comments from the group. And I
appreciate everyone's attention so thank you.

CHAIR STONE: Well, I want to
personally thank on behalf of the rest of the
Board members the subcommittee.
It was awkward. It was new territory. There was a lot of angst. They knew, you all knew as a subcommittee that this was a lot of interest and a lot of concerns around this and appreciated how well you worked through it, and produced something that gave us enough information for the rest of us to sort of weigh in.

I appreciate Jay and Colehour and others, those that weren't on the committee but showed interest and joined in the discussion. So, real loud applause for you all for what you did to get us to this point. And now it will be much easier to take that next step.

I've got 12:30 essentially so we'll be back here at 1:45 and begin the afternoon. Thank you very much.

(Whereupon, the foregoing matter went off the record at 12:32 p.m. and went back on the record at 1:51 p.m.)

CHAIR STONE: So, if those of you
in the back mind taking your seat we're going
to go ahead and ramp back up. I know it's
hard to get out and eat and get back in an
hour and 15 minutes but we're pretty much on
time.

We had a great conversation this
morning. I appreciate the Board members and
their thorough yet succinct conversation over
a complicated topic.

So if we can continue in that vein
this afternoon we can get a lot more work done
and be fully prepared with comfort level
around all of these different proposals that
we're evaluating for tomorrow's ultimate vote.

So with no further ado I'll turn
the program lead over to Ms. Carmela Beck for
the Compliance, Accreditation and
Certification Subcommittee conversation.

Carmela?

MEMBER BECK: Thank you, Mac. So
I'd just like to thank the members of the
Compliance, Accreditation and Certification
Subcommittee for their collaborative work over the past few months.

Today we have three items on the agenda. The first topic is titled "The Request for NOP Clarification and Guidance on Retail Compliance and Certification."

The second topic is titled "Towards Clarifying Accredited Certifying Agents' Application of 205.206(e).

And the third item will be a brief statement regarding sound and sensible.

So I will just go ahead and we'll go in that order. So I'm wondering, Joe, if you could go ahead and get started. Thank you.

MEMBER DICKSON: Thank you, Carmela. So, we have a proposal on retail certification and certification requirements before us.

This is a subject that of course is really close to my heart and I'm really happy to see it on the NOSB agenda once again.
It first appeared on this agenda back in 2007 before I was on the Board and I worked at the time and provided testimony -- and worked at the time with Bea James who was our retail representative who put a lot of work and effort and outreach into the recommendation that that Board came up with.

It's a proposal that covers a very complex series of issues that affect the entire retail sector. We have retailers of all sizes and types from national chains to single-store independent food stores and co-ops, farmers markets.

Since the rule came out we have seen a proliferation of virtual and online retail outlets that didn't exist in the same form in 2000 and 2002. And really, any place that organic products are made available directly to consumers.

We've seen in the news in the last couple of weeks a few large national conventional retailers are working on boosting
their organic offerings. That really does underscore how timely this recommendation is.

As the final step in the whole organic supply chain from grower to consumer retailers have a critical role to play in ensuring that organic products are sourced, handled and marketed with care and integrity.

However, retailers are one of the only links in the whole supply chain that are exempt from the requirement for certification in the rule.

Because of this exemption many retailers lie outside of the certification infrastructure and the supervision that certified retailers and certified handlers and growers all receive from their certifiers.

For the store where I work because we are a voluntarily certified retailer we operate under a very strict organic system plan and the continuous supervision and inspection of our certifier.

For stores that are not certified
there's constant certifier feedback. And so
-- or there isn't rather that feedback. So
there are greater opportunities for non-
compliance in that segment of the sector.

That's why the main focus of the
recommendation we've come up with is not
enforcement but rather education. We've asked
the program to proactively reach out to
retailers, especially uncertified retailers
but also all retailers to enhance their
understanding of what the rule requires in a
retail environment.

In addition, we've asked the
program to clarify a few parts of the rule
that are very confusing or perhaps ambiguous
for retailers. This represents a huge
opportunity to enhance understanding, improve
consumer confidence in the organic label and
to ensure integrity within a segment of the
organic supply chain that remains largely
uncertified.

I co-led this initiative with my
colleague Harold Austin. I didn't want to
take this on solely because I am the retail
representative and wanted to share the fun of
this work.

    Harold, do you have anything you
want to add?

    MEMBER AUSTIN: Thanks, Joe. You
know, I think there was a lot of good public
comment coming back in on this from various
stakeholders in the organic community.

    And I think from what we saw,
whether it was from the consumer groups, or
whether it was from some of the organic trade
associations, or some of the retailers
themselves, we got some really good feedback.

    Everybody was very, very positive
of this document that we're moving forward.
And they liked the fact that it's outreach and
education and some very specific points that
were listed in there.

    MEMBER DICKSON: Thank you,
Harold. Michelle, could we have the

Neal R. Gross and Co., Inc.
(202) 234-4433
recommendation or the proposal on the screen?

I can still just kind of talk through it. I'm not going to read the whole thing verbatim.

This was on the agenda for the canceled meeting in Louisville as a discussion document. And the intent of that document had been to ask a series of very specific questions of the organic community to answer to sort of give us a body of data and feedback to take back as a committee and use to fashion a recommendation.

That meeting of course didn't happen but it did solicit a fair amount of public comment from retailers, from certifiers, from non-profit groups and others in the community.

We felt we had enough to go on there to take that feedback and turn it into the proposal that we're presenting now.

As I mentioned before, the NOSB made its last guidance recommendation back in 2009 called "Clarification of Marketing for
Voluntary Retail Certification."

It covered some of the issues that we have covered in this recommendation but not all of them. Its focus was more on the certified organic retailer, a retailer who's volunteered to become certified, and the kinds of marketing claims that such a retailer could make.

And we have included that among the issues that we cover in the current recommendation.

The 2009 recommendation also asked the program for clear guidance on the use of the USDA seal in marketing certified retailers; clear guidelines for deli and bakery operations identifying precisely under what considerations certification is required; additional guidance on the accredited certifying agent's role in managing voluntary retailer certification; and clarity on the retailer's role in improving the marketing of voluntary retailer organic certification.
So those are all areas from the 2009 recommendation that we've sort of restated in this one.

We've also asked for a number of sort of broader pieces of education and outreach from the program that don't specifically apply to certified retailers but to retailers in general.

As I mentioned before, certified retailers get a lot of supervision and a lot of oversight from certifiers acting as agents of the National Organic Program. Uncertified retailers do not.

And especially with the growth of farmers markets and online marketplaces we'd like to see the program come out with some really targeted outreach and education focusing on those particular types of retailers.

There are also a couple of areas of the rule that could bear some clarification as to how they apply to retailers that are
exempt and excluded from the certification requirements.

For example, it's not clear the extent to which exempt retailers -- it is clear that they're required to comply with the record-keeping requirements in the rule, but it's not explicit entirely the extent to which retailers need to also comply with the commingling and the contamination provisions in the rule.

There's also a question as to whether excluded operations are required to comply with the record-keeping operations in 205.101(c).

There's also some room for interpretation around what it means to handle or process. The exemption applies to retailers who process or handle -- or process foods that are prepared to be eaten onsite, or are processed onsite rather.

One of the questions, for example, that came up on our committee discussion was
a retailer that is processing products onsite
but then selling them both onsite and in an
online venue. That was one area where we
thought we could use clarification.

And then as a few of the
commenters confirmed and we brought up in our
recommendation, you know, when a retailer
brings in produce, say, and takes in a case of
avocados and re-stacks them on the sales
floor, have those been handled under the rule
and in that particular situation?

Can a retailer still use the USDA
seal and the term "certified organic" when
they have handled, or re-stacked, or re-
packaged a previously certified product in an
uncertified environment?

That really summarizes the bulk of
our recommendation. The public comment that
we received for this meeting was pretty
substantial.

We did receive a few comments.

Bea James, the original sort of shepherd of
this recommendation from 2009 made a series of suggestions asking us to actually add the terms "merchandiser" and certain provisions related to retail operations to the rule itself.

The consensus among the committee was that that type of rule change was outside of the scope of this recommendation, but we would like to look specifically at her recommendations and other recommendations for rule change that were received, some from Beyond Pesticides as well. And really look at those as a committee and consider them separately.

We got pretty supportive feedback from Crop, especially on the sort of question of the virtual marketplace and online sales and how they fall under the retail exemption.

CCOF supported the recommendation and reiterated their concerns about the use of the term "certified organic" and the USDA seal itself on products that have been handled in
retail stores.

A few consumers wrote in with supportive comments.

The Accredited Certifiers Association provided very detailed comments supporting the recommendation and our request for clarification from the program.

The Organic Trade Association actually convened a retailer task force that they put together and based on the work of that task force provided very detailed comments to the committee.

And finally, MOSA also provided supportive comments as a certifier.

To summarize the subcommittee vote, the subcommittee voted 7 in favor, none not in favor or abstaining on this proposal.

And Harold, do you have anything to add about the process or the recommendation?

MEMBER AUSTIN: No, I think, you know, we had a lot of discussion on the
subcommittee prior to the fall meeting and
then after the fall meeting.

And then listening to -- we did,
you were right. We got a lot of really good
comments in preparation for the council in
Louisville. Which just kind of reiterated
that this was the right direction to move,
especially based off of the growth.

And I think you kind of touched on
a lot of it, Joe. The organic industry has
grown considerably. And the retail
certification is a voluntary certification.
So, those people that choose to certify
understand the rules and they have a good
concept of it.

But it's that other segment where
the growth really lies that the outreach I
think is imperative that we help to give the
program some very specific guidelines to go
out with the outreach and education. And I
think this will help do that to ensure the
organic integrity that we're all seeking.
And it's no fault of these people, whether it's the increased farmers markets or the other various retail operations. They're just not aware. And so if we can find a vehicle to provide that education, outreach and education for them I think it's a solid move for our industry as a whole.

And so I think this will help cover a lot of those if acted upon.

MEMBER DICKSON: Yes, well said.

And to reiterate too I think that's the most important piece is that uncertified retailers are perhaps -- are one of the only major parts of our whole supply chain that aren't under the continuous supervision of certifiers.

And so that doesn't mean that they're, you know, necessarily not in compliance but I think that that area could bear some extra outreach and education and the same support that we all within the certified world get on a daily basis.

CHAIR STONE: Others? Miles?
MR. MCEVOY: Yes, this is an area that we have a lot of interest in. We are working on a number of documents around this topic area. We have a fact sheet that we're working on for direct marketing, for organic claims for direct marketing operations, mostly directed towards farmers markets. We hope to have that out within the next few weeks.

We're also -- on our quality management list we have a policy memo about community-supported agriculture around retailing and the definition of retail operations.

The concept of doing outreach and education, more of that retail operations I think is a good one and we'll certainly try to do more and more of that to explain the requirements for retail operations.

And then the open questions that you have, this is where the program and AMS really would -- I mean, we're fine to go back and answer the question, but it's always nice
when the Board can provide us with your recommendation on how to answer those questions and what your preference is in terms of the interpretation of those sections that are identified.

Certainly that's our responsibility to provide that clarification but it also is very nice if the Board can provide us with your best advice, your best recommendation about how those various sections should be clarified and interpreted.

CHAIR STONE: So, you're asking -- so we asked these specific questions and we got good feedback, but how do we incorporate that into the recommendation in a follow-up? I mean, have you thought about how to do that, Joe?

MEMBER DICKSON: Yes, Miles, do I -- I think I hear you saying that you'd rather receive this recommendation with the answers to our questions sort of penciled in.

MR. MCEVOY: Right.
MEMBER DICKSON: Okay. That's good feedback.

CHAIR STONE: Yes, that's kind of what I was sitting here thinking too. That's very good for the Board to have that opportunity to assimilate everything from the community on behalf.

One specific question that has always interested me are the green-washing of the label. Like the markets where they may certify the pastures but not the livestock. And they have an organic seal and talk about being certified organic but it's not the product.

Those sort of gray areas are really tough. So if we could spend a little more time with it we might could help the program in identifying some of that type of thing.

MEMBER DICKSON: Miles, you mentioned the program has a few pieces of guidance or education forthcoming. Do any of
those answer parts of these questions already?

MR. MCEVOY: We'd have to take a look at that. The fact sheet for direct market operations, no. The CSA policy may address some of those things.

But I think what we could do -- because that's further along. It has a lot further along the python to go before it gets out. It's early enough probably in that process that these particular questions could go into the mouth of the python and possibly come out the other end.

(Laughter)

MEMBER DICKSON: I guess what I'm asking is should we feed them to the python at this meeting? Like, would you rather that the python get fed these questions now or in the fall with answers filled in?

MR. MCEVOY: Yes, you can -- we can take the questions now. Yes, absolutely. It will help our process. If we get the questions now then we know that those are
important questions to answer and we have our
staff and our legal review try to answer those
questions.

And if we have some questions as
we try to answer your questions we'll come
back to the Board with further questions.
How's that sound?

MEMBER DICKSON: That sounds fun.

CHAIR STONE: That python's
wrapping around something here, but I'm not
sure.

(Laughter)

CHAIR STONE: So that also means a
follow-up in the fall. But get them started
and get that. Great.

Other comments? Jay, you had your
hand up a minute ago. Anybody else? Sounds
like collaboration to me.

Okay, great, Joe. Thank you for
bringing that to our attention with your
expertise. And Harold, thanks for your
leadership on that as well. Carmela?
MEMBER BECK: Yes, so can I just get clarification? So, will we be moving this document forward for a full Board vote and then issue another document in the fall?

CHAIR STONE: Yes, ma'am.

MEMBER BECK: Great. So, it sounds like we can move this to a full Board vote at this point. Okay.

CHAIR STONE: Very good.

MEMBER BECK: All right. So, I'll go ahead and make the motion. So, the motion is to accept the request for NOP clarification and guidance on retail compliance and certification proposal. Can I get a second?

MEMBER AUSTIN: Second that.

MEMBER BECK: Thank you, Harold.

CHAIR STONE: So, we have a motion and a second. We're going to move this one on through thinking that tomorrow might be full and this is pretty straightforward.

So, we'll begin -- we don't have an order yet. So moving from clockwise. So
we'll start with Colehour on this vote.

MEMBER BONDERA: Thank you. Aye.
MEMBER TAYLOR: Aye.
MEMBER FELDMAN: Aye.
MEMBER AUSTIN: Yes.

VICE CHAIR FOSTER: Yes.
SECRETARY WALKER: Yes.
MEMBER RICHARDSON: Yes.
MEMBER DICKSON: Yes.
MEMBER BECK: Yes.
MEMBER FAVRE: Yes.
MEMBER MARAVELL: Yes.
MEMBER FULWIDER: Yes.
MEMBER THICKE: Yes.

CHAIR STONE: Chair votes yes and one absent. Thank you, Carmela.

Okay, next up?

MEMBER BECK: All right. John, would you mind?

CHAIR STONE: So I've got 14 yeses and 1 absent. Thank you. Motion passes.

VICE CHAIR FOSTER: Yes, Carmela,
I'd be more than happy to do that. Calvin,

I'm starting to appreciate the chaos of vote-
counting and doing your other work here. Yes,
hat's off to you. You did it great last time.

In front of us now we have a

proposal to move a document forward to the NOP
toward clarifying accredited certifying
agents' application of Section 205.206(e).

This was a document that was
discussed in the main for presentation at the
fall 2013 meeting. Of course with the
shutdown not voted on or discussed at that
time.

We discussed it a bit this winter
and in the spring brought it forward unchanged
as noted on the version that was posted. We
voted on that again February 11, 2014 to move
it forward as a proposal. It was unchanged
since last fall.

There were no revisions to content
and we opted to move this forward as a
proposal.
Now, with all this discussion of the python we may need to revisit, have a similar conversation as we just had with retail. But we'll cover that I think at the end. I just wanted to say python because everyone else has done it.

The intent of this document was to provide a means of asking the certification community some questions about their views on the application of 205.206(e).

It was also intended to highlight kind of the cascading approach to -- that organic producers are very familiar with in order to manage pests, weed, disease issues.

And very importantly, also reminding all of the stakeholders, community, Board, everyone in between that our primary function of reviewing and discussing substances on the National List, while we always perform that with respect to the criteria in 205.600, that's where most of our deliberations are, we also need to do that in
the context and with respect to and for the
requirements of 205.206.

There were several good
substantive public comments including Beyond
Pesticides, OTA, NOC. There was also an
individual comment generally supportive of the
direction of the proposal.

Three of them had some kind of
modifications. I believe it was the NOC
recommendation were quite thorough on
suggesting where it might go farther, some of
the questions might go farther or re-framing
of the questions. That was very helpful.

There was also a desire in the
comments to bring kind of overarching
principles of organic production and handling,
that document the Board passed several years
ago, to bear on the deliberations.

And I don't know about which is
the cart and which is the horse, which is the
dog, which is the tail here, but I think that
those principles are -- have a reflection in
this codification of basically IPM.

And to my knowledge it's the only federally mandated IPM program. And even though it's not called that here that's really what it is.

For me that's a very proud moment for the organic community. Because I don't think you find that requirement anywhere else in federal regulation.

Another commenter had some confusion about the structure of the proposal. I understand that because the proposal does have some kind of just discussion document tendencies. That's because it was generated as a discussion document. In the course of the deliberations recognized that we could put that forward.

It achieved the intent that we had talked about so there's no reason not to put it forward as a proposal, mostly as an advisory to the program and a way to highlight the issues that we felt were important.
We had some real articulate spoken comment here from I think it was Mr. Moore or Ms. Randolph. That's on the record already. It was very well received. I think timely also.

Particularly I was struck by Mr. Moore's recognition that this is an opportunity. I liked his phrasing, a call to action to address this core tenet and raise the profile of it.

I think consumers want that. I think they want to know that. And several of the comments highlighted the consumers' desire to want to know the steps that are taken in the production of their organic food. I agree with that completely.

My observation in the last four years of a lot of subcommittee discussions was, and I've mentioned this in subcommittee meetings frequently and at public meetings in the past also that we often forget there is this context.
And this was also an opportunity to remind ourselves that all the criteria, the technical criteria that we spend most of our time on, that's the core. I get that. But I don't want to forget what's operating in the background either. And this 206 is part of that background.

That's about it in summary. The subcommittee voted 7 to zero with 1 absent to move it forward as a recognition of these important items to the NOP.

And now, with respect to the python I don't know where we want to -- if we want to include -- whether we want to vote on this as is now but create another document that includes more of the public comment that we received in the fall like the previous proposal. We can do that. I would leave that up to Madam Chair.

MEMBER BECK: Just for clarification I think when we published this it accidentally had the word "proposal" on it
and it was supposed to be a discussion document.

VICE CHAIR FOSTER: Other members of the CACS? Is that everyone's recollection? Excellent. Then everything I just said about that, change that. That was not my recollection but I'm happy to be wrong on that.

MEMBER FELDMAN: Is that a substantive change?

VICE CHAIR FOSTER: I hope not. In that event then, heck, we can move it forward as a discussion document at this time. We would then kind of as a matter of protocol include all the public comments, re-wrap that and put that forward as a proposal in the fall.

Miles?

MR. MCEVOY: Yes, I'm glad it's a discussion document because my question was going to be what are we supposed to do with this. Like what your expectation was.
So if you have -- yes. Because it should be a recommendation or advice for us to do something. Otherwise it's like, okay, that's nice. So, great. It looks like a great discussion document. Thanks for your really great work on this.

VICE CHAIR FOSTER: Happy to make this a discussion document. That would make it a very natural progression to incorporate all of the public comments received, perhaps add some of the questions or modify them and then ask you to put those forward in a more formal way in the fall meeting. Excellent.

CHAIR STONE: Great. Is there any other input for the committee? Nick?

MEMBER MARAVELL: Yes, I have basically three points.

The first is is there -- what was your feeling as the extent to which this is a major gap or problem or an issue.

The second point is did you give any thought to how this might impact the
paperwork burden on the farmer and tying that
into sound and sensible.

And then the third point is is
this an organic or a wild-caught python?
Because then I want to know what we're feeding
it.

MR. MCEVOY: Is that question for
me?
MEMBER MARAVELL: It was simply
for consideration as these issues are
developed. If somebody wants to respond
that's fine.

MR. MCEVOY: Okay, yes. Yes,
well, this is something that is done by
certifiers all the time. This is that part of
the certification process that's very
thoroughly reviewed for each production
operation. It's very much incorporated into
the requirements under the organic system
plans.

So when producers write their
organic system plans they're demonstrating --
if they are using any substances they have to demonstrate how they comply with this progressive pest control practices. They can only use pest control practices if they have these other -- if they have the other practices in place. So there's the cultural practices, resistant varieties, biological control, all those things have to be utilized before they can use those substances for pest control.

So a very standard practice in the certification process. It's something that we look at very thoroughly when we do our accreditation audits to ensure that certifiers are adequately reviewing this both when they review the organic system plan and when they're onsite conducting the inspections, that yes, they check all those substances to make sure that they comply with the standards.

But they're also checking to see that there's compliance with the provisions of 205.206. A lot of focus on this area. It's
really some of the most fascinating parts of
the inspection when you're out there doing the
inspections is talking about the whole
integrated system of the crops, and the
plants, and the pest control systems, and how
they all interrelate, and how they sometimes
need to use substances to control certain
pests.

But for the most part on an
organic system most pests, insects, disease,
weeds are controlled by an integrated system
without inputs.

Impact on farmers/handlers. There
is an impact. There's a lot of explanation of
really what farmers are doing, especially
organic farmers are doing. They have to
translate that from what they just normally do
to a paperwork format.

So they've got to translate it
from their mind and put it on paper. For some
farmers that's quite a struggle because that's
not what they're -- they're farmers. They're
not in the business of writing down -- writing books, I guess.

But they do it. There is that requirement, that it is documented and it's reviewed, and it's also documented and reviewed by the inspector and the certification agency.

So there's -- there's nothing new here. This is just part of the system that's been set up for many, many years.

And is it organic or wild-caught?

Hmm. I think it's organic. I don't think it's wild-caught. Yes, we're very cultured in the South building. I don't think there's any wild buildings in the South building. Some rats down in the basement.

CHAIR STONE: Okay, Nick? Follow-up?

MEMBER MARAVELL: Yes. My point was exactly what you just stated, Miles, which is I think we're already doing this. My certifier does that to me every OSP. So I was
just wondering was I missing something here
that perhaps we're not doing adequately. That
was really the nature of my question. And if
we're not doing adequately will that then
result in yet additional paperwork burden.
I'm just sort of trying to respond as a
farmer.

CHAIR STONE: John?

VICE CHAIR FOSTER: So that did
come up in the discussion. I remember
conversations primarily around the folks that
have been doing inspections in the past,
myself, Jean, others, that there is some
variability in how across those 80-some odd
certifiers.

My observation has been in the
United States the larger certifiers are pretty
consistent about it, the larger certifiers by
number. And that by definition would mean the
amount of variability is pretty slim.

I have noted more variability in
foreign certifiers, particularly South
America. Some of that may be a translation thing, I don't know. But when I look at inspection reports or OSPs from South American suppliers, there's some nuances there that I think -- there's some variability.

I have every assurance that as ACAs they're doing that work. And I think that's what Miles was talking about.

But to what degree they focus on that, I think there's some variability there.

And in the context of us focusing our primary mission on thinking about materials and inputs for the National List the application of that in the field is where that rubber hits the road. And so any variability there is, you know, we should be talking about.

I don't think it's widespread but it's there. It's a minor -- it's not low-hanging fruit. We've picked all that. This is stuff higher up in the trees that needs just a little, a tweaking, perhaps.
CHAIR STONE: Jennifer.

MEMBER TAYLOR: Thank you. I was just wondering is there a reason why (f) wasn't included?

VICE CHAIR FOSTER: Can you read (f) to me?

MEMBER TAYLOR: "The producer must not use lumber treated with arsenic or other prohibited materials for new installations or replacement purposes in contact with soil or livestock."

VICE CHAIR FOSTER: Yes, because that didn't refer to this cascading sequential order of things. That (e), (e) essentially says thou shalt do (a), (b), (c), (d) before you try -- well, before you get to synthetics on the National List you've got to try these other cultural, physical, mechanical, biological practices before you get to synthetic materials. That was really the meat of it, that cascading effect is what we were focused on.
And since (f) was focused on a single use of a material that was not dependent at least in (e) and above.

MEMBER TAYLOR: It does impact the other items though, don't you think?

VICE CHAIR FOSTER: How so?

MEMBER TAYLOR: Well, it doesn't impact the -- maybe the nutrient content management practice. You've got crop rotation, sanitation measures, cultural practices. Then it says don't use arsenic.

Just a minute, I lost it.

VICE CHAIR FOSTER: That was not part of the discussion amongst the subcommittee.

MEMBER TAYLOR: That's what I was asking. Okay.

VICE CHAIR FOSTER: Because we were focused on the vast majority I think of crop pest control materials is covered in (a) through (d). The vast majority. And that was the main focus. That was also kind of the --
what we had found to be most variable.

The application of 206(f) didn't seem to be that variable in the experiences that we were aware of prior to our discussions.

CHAIR STONE: Miles?

MR. MCEVOY: Yes, in our experience of doing accreditation audits we actually are seeing a fair amount of variability in the interpretation of (f). So we're working on some clarification of that. It's actually a very nuanced part of the rule. So we could report more information on that to the Board if you're interested.

CHAIR STONE: Okay. Anything else? Jennifer, I think your mike is still on.

MEMBER TAYLOR: Yes, thanks.

CHAIR STONE: Anything else from the Board? Do you want to vote this one while we're here? No vote? Okay, thank you.

MEMBER BECK: Okay. Well, thank
you so much. Can we go ahead and just move
on, Mac, to your statement?

CHAIR STONE: Great. So, the
committee, I guess it's a year ago now we had
a discussion document around sound and
sensible which a lot of that was to educate
the broader community about the work that the
program and the certifiers, the inspector core
were working together to make a more sound and
sensible certification process.

The Secretary I guess had
approached Mark and Miles concerned that the
increasing numbers of -- the numbers of
organic operations was not increasing as fast
as they would like and wondered what was going
on.

And the onerous certification
process was one of the things. High grain
prices and there's other factors as well.

But so, the program has done lots
of work. The certifiers as individuals, the
ACA, the collective ACA with Scott Rice and
Pat Kane and the Board had done a lot of work. They had a working group to evaluate lots of different options.

So, the program recalibrated the accreditation auditors. The certifiers at the first of this conversation said yes, we can think of lots of stuff that we could do that would make this easier but it has to be compliant with our accreditation manual.

And then how the auditors interpret our implementation of our accreditation manual and that type of thing. Certifiers are in different parts of the country, different audit cores.

We had different beliefs and interpretations so there's inconsistency not just among certifiers but partly because the auditors had different feelings and different individuals and their perceptions.

So, the program, Miles and Sheri Courtney and that team, all of those accreditation managers worked very hard to get
consistency of the message, retooling of those accreditation auditors.

And the accreditation staff, Sheri and her staff meet more routinely. They bring each other news from the field if you will so that when they get questions from certifiers they were being answered in a more consistent way.

Prior to the Portland meeting I think Ib made reference to it in his public comment the other day, yesterday. We all sat in one room, representatives all sat in one room and discussed what are some options that we maintain integrity at all costs. But how do we answer these different types of questions.

So this obviously is an ongoing process and continual improvement is very much the moniker that this group, individuals are working continuously to think and work together.

At the annual certifier training
this year the program has a one-day educational update and then the certifiers have two additional days that they work amongst themselves for that continual improvement.

And it's nice to know that at the end of that second day Miles was giving the presentation and I was kind of the secretary of the conversation if you will.

After several questions Scott, the questions stopped coming in. Miles was just saying tell me what I need to know, tell me what I need to know. And the certifiers were much more comfortable. It was a great feeling to see the additional comfort from the first one of those I went to several years ago which is a shout-out to how well the certifiers and the accreditation folks are working to make a better system.

So, some of the things the certifiers are doing. One of the biggest things I mentioned yesterday is this
information exchange between operators and
their certifier. Electronic updates. The
different certifiers have different systems.
It can be electronic.

Some smaller certifiers, they call
them up on the phone and say what's different?
How many chickens you got? How many cows you
got? And that's the only difference. You
know, buffers aren't changing, inputs aren't
changing, barns aren't changing, milking
systems aren't changing. So a more
streamlined update to an annual update system.

Another big part of this was
training inspectors, not just a more thorough
exit interview process but Margaret Scholls
and IOA are doing a good job of kind of
reevaluating how the exit interview can be a
valuable tool in all of this.

But also to help the inspectors be
more comfortable in not consulting with the
operator but to educate them, to explain the
rule, interpret the jargon that's inherent in
the rule. Because as we said they're the face of certification to a lot of operators.

Material review is sort of this messy problem that certifiers and inconsistency across the different certifiers' capability to do good material review is sort of inherent in all this. Again, that's another part of the conversation.

The groups, the certifiers and the program agreed on definitions. It says you must document. Does that mean a piece of paper, or does that mean that the inspector can visually verify so there's not all of this paper that has to be submitted to the certifier? If there's a good communication between the inspector and the certifier visual verification can go a long way in reducing some of the paperwork burden that Miles referred to.

So all in all I guess certifiers are doing everything they can to make their clients happy but also sleep good at night
knowing that all of their operators meet the
letter of the rule, and understand the rule,
and can make those decisions going forward in
a comfortable way, and have built a better
relationship with the program and the
accreditation staff, getting their questions
answered.

The ACA, a shout-out to Pat Kane
and the ACA as a group, how well they work
together and try to help each other to gain
this consistency across the spectrum on the
various topics.

So, that's just sort of an
overview and I would welcome any questions or
thoughts. Francis?

MEMBER THICKE: I just want to
report that last year my inspection -- it must
be working because my inspection was so easy
on my farm and my processing plant. It was
just a totally different thing.

And I kept all the old information
from last year in my database and just updated
things. That didn't change were the same.

Thank you.

CHAIR STONE: Would you like to repeat that, please?

(Laughter)

CHAIR STONE: Okay. Well, sure enough, thank you, Francis. That's one thing that's really good to hear. I know Miles and the certifiers are really glad to hear that.

Because it takes the accreditation -- not everybody gets accredited every year. They'd go bankrupt if they were -- had an audit every year. But it takes a few years for all of us to get fully implemented and the comfort level of certifiers.

If they retool in some way and their accreditation auditors are not comfortable with the reduction of a paperwork transfer, information transfer, then they're going to get a non-compliance and they have more work to go back to whatever it was.

So I know there's anxiousness
among certifiers, how far can they go without
getting themselves in trouble. So I'm really,
really glad to hear you say that you've
already seen it and felt it on the ground.

So, Madam Chair, that concludes my report.

MEMBER BECK: Great, well those were our three topics so that concludes the CACS report.

CHAIR STONE: Thank you. Thank you. Carmela did a great job with running that committee this term.

Okay, Handling Subcommittee is next on the agenda. Harold Austin, chair of the subcommittee, I'll turn it over to you to get us started.

MEMBER AUSTIN: All right.

Thanks, Mac. I'm just going to run over quickly what the Handling Subcommittee is going to be bringing forward to the full Board for deliberation today.

We've got two proposals. The
first proposal is to add to 205.605 ammonium hydroxide as a boiler water additive, petitioned.

The second proposal is to remove from 205.605(b) glycerin, CAS number 56-81-5, petitioned.

The next item is a discussion document. This document is talking about polyalkylene glycol monobutyl ether, from now on called PGME. This was petitioned to be added to 205.605(b) as a boiler water additive material. And we'll clarify that during our subcommittee preponderance.

We will have an update on ancillary substances. This will help to give stakeholders an update as to where we are on this initial phase of the implementation of the review of ancillary substances.

We are going to look at using microorganisms, one of our 2016 sunset materials as our guinea pig to test the process and see what we need to do to improve
or otherwise with that.

And then we'll move into the sunset 2015 materials, there's four of those. This will be the first of the scheduled two-part comment periods for use of the four materials. The first posting gives the subcommittee, in this case the Handling Subcommittee, an opportunity to pose additional and specific questions to either the stakeholders, the certifiers, or the original petitioner about the material that's now being -- beginning its required sunset review process.

With that I will turn it over to our -- our first material will be ammonium hydroxide.

Before we start on that I would like to say that the two proposals and the discussion document, we'll probably like to defer the voting until tomorrow.

And for the full Board's consideration we'd like to have good
discussion on this so we'll go over the public comment.

The subcommittee is considering referring these three proposals back to the subcommittee for further deliberation.

With that we'll have our lead on ammonium hydroxide.

CHAIR STONE: Lisa will start.

MEMBER AUSTIN: Lisa?

DR. BRINES: Thank you. The petition for ammonium hydroxide was submitted on November 2, 2012 from Dr. Richard Theurer. The petition requests the addition of ammonium hydroxide to Section 205.605 of the National List as a synthetic substance for handling and processing.

There are some background materials available from a previous review of this substance when it was petitioned in 2000 so the subcommittee was able to use that previous technical report from 2001 to assist in its review. Thanks.
MEMBER AUSTIN: Jean is our lead reviewer on this.

MEMBER RICHARDSON: Thank you.

There's quite a bit to say about ammonium hydroxide. Just to be sure we have it in the record and in order for us to be able to discuss it fully I will be giving quite a bit on the background of this material.

Ammonium hydroxide is a strong alkali and used as a boiler additive to prevent boiler and pipe corrosion by reducing the pH to 8.509 and neutralizing carbonic acid.

It's manufactured from natural gas, synthetic -- the natural gas which is used to convert atmospheric nitrogen to ammonia to which water is added. It is toxic by all routes.

In terms of the actual background, the history of this material, in the NOSB Organic Good Manufacturing Practices of 1995 did not include boiler additives.
In 2001 ammonium hydroxide was petitioned for addition to the National List and there was a TEP review which was actually quite a lengthy one. And attached to it were many appendices and a steam paper which analyzes and compares all the boiler additives. But that was in 2001. As you'll see later we have some concerns as to its modern day adequacy after public comment.

This TEP review as done by OMRI back in 2001 and it recommended prohibition of ammonium hydroxide.

And in August 2001 there was a lengthy analysis submitted to the NOSB by Dr. Theurer comparing all of boiler additives.

The NOSB recommendation dated October 2001 was to approve limited use of three amine boiler additives which we'll also get to in a minute, and to approve ammonium hydroxide "for use as a boiler additive only with removal from the National List October 21, 2005."
And if the Office of General Counsel says no to a shorter sunset date the material will remain prohibited. And the vote was 10 in favor, 3 abstentions and 1 no.

I mention this because in the final rule, the NOP dated September 2006 which stated that most commenters wanted the chemical included and some did not. However, the expiration date recommended by the NOSB had lapsed and therefore it was not added to the list.

Therefore in October 2012 Dr. Theurer submitted this petition that Lisa has just read into the record. It's a new petition with appendices to add the ammonium hydroxide to the National List "solely for use as a boiler water additive to neutralize carbon dioxide in steam condensate."

The petitioner in his materials suggests that the addition of ammonium hydroxide as a boiler additive on the National List would allow the eliminate of the three
synthetic volatile amines.

And as time went by and we got public comment and looked around we still don't really know whether that is correct or not. So, it is -- and we have not received further information that would clarify it as I'll get to when I talk in public comments in a few minutes.

So, right now the National List currently includes three volatile synthetic amines as boiler water additives. Here we go, I'll read them out: cyclohexylamine, diethylaminoethanol and two neutralizing amines, and octadecyclamine, a filming amine. The pronunciation is more or less correct.

It should be noted that these three amines are only for packaging sterilization. They're not for broad use. The present petition is for somewhat broader use and it may get into culinary steam. I'll get to that in a minute too.

The petitioner indicates that
ammonium hydroxide is a direct food substance affirmed by the FDA is generally recognized as safe, grass, for what, you know. And again, as Jay mentioned this morning, that's something for us to consider just as one of the criteria or pieces of information.

The petitioner indicates that the form of ammonium hydroxide in the steam condensate itself is actually ammonium carbonate and states that the substance ammonium carbonate is currently on the National List.

However, it should be noted that ammonium carbonate and ammonium bicarbonate are on the National List only for use as leavening agents.

In contrast, the three synthetic amines retain their identity in the steam condensate and thus persist into the processed food in their forms.

So we will of course look to essentiality, one of the criteria which we
must consider. And we found that when we first did this back when John was chairing this Handling Committee last year we discussed and noted that there are many different alternatives for ammonium hydroxide. And I'll read them out because there are a lot of them that we need to really be thinking about as we look at these and the other boiler additives. Stainless steel piping. Treatment of incoming water to soften, filter and purify. Physical and chemical deaeration, interrupt your boiler water treatment before the organic processing, bleed runs, blowdowns, dismantle the system and clean before organic runs, steam-to-steam heat exchangers, secondary boiler steam for direct food contact application. So there's a lot of management things that could be done which would make this non-essential for the intent that the petitioner was asking for. And therefore the subcommittee voted in February of 2013 -- 2013, note -- for
yes - zero, no - 6, absent - 2 and there were no abstentions or recusal.

Then the fall meeting was canceled and we did have some public input which I'll get to in a second.

So in February 2014 the newly revised subcommittee under Harold's leadership revised the proposal to go out to the public seeking further public comment regarding essentiality of ammonium hydroxide especially in light of the upcoming 2016 sunset review for the three amines.

And the public comment were received both in the fall of 2013 and spring 2014 from several commenters including the petitioner.

The majority of the public comments such as Consumers Union, Beyond Pesticides and individuals recommended not adding ammonium hydroxide to the National List.

The petitioner provided written
comment raising broader issues related to the
use of chloramines in drinking water and
states that we the NOSB "have failed to
distinguish between manageable hazards of
ammonium hydroxide added to a boiler in a
factory and the absence of any risk created by
consumption of a food product containing a few
parts per million of ammonium carbonate
contributed by the condensate water."

However, the petitioner did not
provide us with -- we're still unaware of
which producers out there, which handlers,
which processors, which people want this
material as a boiler additive. So we don't
have that information yet.

And also, Dr. Theurer still has
failed to help us to fully understand the full
range of uses of this material in the culinary
steam uses that may come into play if there is
any suggestion that this could be used, that
the ammonium hydroxide could be used to
replace the three amines.
So, while there doesn't appear to be a demand for this chemical there are many alternatives. We're presently thinking in the subcommittee that it might be more sensible for us to send this back to the subcommittee in order to really be able to analyze this boiler additive along with the sunset boiler additives as a group.

And I especially want to thank Cornucopia for providing us a little bit of additional data as part of the public comment which they've supplied to us for PGME which I'll get to later where as you heard in the public comment yesterday they did some quick research for us to find out if they knew who was using as range of boiler additives including the three amines.

And this is already part of the public record. I won't go into it in any more detail here.

But again, it raises some concerns that we probably should be looking at all of
these boiler additives with perhaps some more
information and look at them as a group so
that we don't inadvertently vote no on a
boiler additive when in fact it could be used
to replace things that are more toxic.

And those ones that are more toxic
are the ones that are coming up for sunset.
So probably I would be, Harold, recommending
that we send these back to the subcommittee to
be looked at together for the four. So that's
our report.

MEMBER AUSTIN: Thank you, Jean.
And that's kind of part of what I was alluding
to when we started was that we'd like to defer
the voting on these till tomorrow.

And that's probably going to be
our subcommittee recommendation to the Board
will be to refer these back to committee so
that we can group them, take a better look at
them as a whole group rather than this one
particular product. Since we know we have the
other three amines coming up on 2016.
CHAIR STONE: Are there others who'd like to weigh in at this point? Colehour?

MEMBER BONDERA: Thank you. I actually frankly don't want to talk about this but I want to just site a minor error in the document which reports on the listing motion that it was seconded by Colehour Bondera who does not serve on the Handling Committee.

So I just want to make sure that everybody in their record for the sake of review knows that for whatever reason, if you do or don't want to know that, my understanding is it was Carmela Beck who seconded that last year. But in any case, slight correction.

MEMBER RICHARDSON: It's the initials that do it.

VICE CHAIR FOSTER: We'd be happy to adopt you.

CHAIR STONE: Yes, just for the audience in the minutes and whatnot, in our
correspondence there is CBO which is Colehour Bondera and CBE which is Carmela Beck. So I assume that's what happened in translation there. But thank you for pointing that out for the official document here. Jay?

MEMBER FELDMAN: Thank you. Thank you for that thorough report. Jean, do we know who Dr. Theurer represents? Does he have a client for this petition?

MEMBER RICHARDSON: No, my understanding he does not have a specific client. In fact, his public comment, the written form that came in and the other materials list him as an independent person. But obviously he does have people that he's working with but they're not specifically mentioned in this, no.

MEMBER FELDMAN: Thank you.

CHAIR STONE: Melissa?

DR. BAILEY: Thanks, Mac. Yes, I think that makes a lot of sense. I think where the subcommittee is going with this to
consider it perhaps against the other three additives that are already on the National List. Because those three will be discussed at the fall meeting.

It seems like one possibility would be to have an expert panel or a few experts here on this particular subject area if that would be helpful for those deliberations.

CHAIR STONE: Jay?

MEMBER FELDMAN: Just clarification on the process. The three amines are up for sunset so that will be the first meeting on the amines. But would be expect to be voting on the ammonium hydroxide at the fall meeting?

DR. BAILEY: I think that would be up to the subcommittee.

CHAIR STONE: It depends on where they are on their information stream leading up to that meeting. Jay?

MEMBER FELDMAN: On that point
then, it seems to me if I understood your
presentation correctly it would be good to
have all the information assembled on all four
materials so that when voting whoever's voting
at that time has an understanding of how they
relate to each other and what action will be
taken.

CHAIR STONE:  Jean?

MEMBER RICHARDSON:  Yes, I agree
with you, Jay.  I think that especially since
we haven't noted a demand for this.  I mean,
we've had no company that says this is
essential, this ammonium hydroxide, we really
want it now.  We haven't seen any demand for
that.

So I don't think delaying this
until the spring of next year when we'll be
looking at the amines, I don't think that
that's going to be an issue.

But certainly we could put it on
the fall agenda at least for an update.  When
we're doing the sunset of the others we'll be
sure to bring it up at the same time so that people can see that we're still trying to accumulate all the appropriate information to come up with a good decision.

CHAIR STONE: Harold?

MEMBER AUSTIN: Yes, Jay. I think that if you look at the listing motion the subcommittee actually was zero yes and 6 no on this proposal to move it forward for listing.

But based off of public comments in the fall and then again this spring we decided that some of the points that have been raised are valid and if we can take a look at the boiler group collectively as a whole, and if there's a possibility that we could remove three toxic amines off of the list of approved materials and replace it with one material that's a solid move and it's a move in the right direction.

So we want to make sure we get it right. So we're going to take our time and we're going to make sure that this one's done
properly. And that's the whole purpose of
what we're trying to accomplish now.

CHAIR STONE: And Jean made
reference I remember on one of the calls some
is just boilers. There's no food contact.
Some there's packaging contact. And then
there's culinary steam. So that's that sort
of overlay of three different uses much less
four different materials. So there's kind of
a matrix to be built there I guess in that.

Anything else from the Board?
Very good. Thank you, Harold. Next up?

MEMBER AUSTIN: Okay, our next
material is glycerin. Lisa, you can lead us
off. Tracy is the lead reviewer on that.

DR. BRINES: Okay. Thanks,
Harold. The petition for glycerin was
submitted on January 4, 2013 by Draco Natural
Products. The petitioner requests the removal
of glycerin from Section 205.605(b) of the
National List.

The current listing reads,
"Glycerin produced by hydrolysis of fats and oils."

There is one additional listing for glycerin on the National List under an alternate spelling with an E at the end. That's on 205.603, an allowance in organic livestock production as a teat dip.

That particular allowance is not within the scope of this petition. The removal is just requesting the committee address 205.605.

In support of its review the Handling Subcommittee did request the development of a third party technical evaluation report. That report was completed in 2013 and is posted on the NOP website. Thanks.

MEMBER AUSTIN: Tracy, go ahead.

MEMBER FAVRE: Thanks, Harold.

Okay, so at first blush this looked like a fairly straightforward petition. They've requested to remove it from 205.605(b) with
the assertion that there is sufficient quantity of organic glycerin. So, in our efforts for continuous improvement we should consider removal.

When we put the proposal together we did actually have this proposed for the fall meeting as Lisa said and put in a request specifically because we understand that glycerin is used in a wide variety of products. We wanted to get some feedback on what the potential impact would be on the industry should it be removed.

So under the classification of be careful what you ask for we've gotten some feedback that appears to make this a lot more complicated than we first thought.

So, initially the intent after the review of the TR and the past materials was for a recommendation from the subcommittee to remove glycerin as currently listed. For the reasons that -- it did seem as though there was sufficient quantity of organic glycerin
However, again referring to the public comments, because there is some confusion about the classification of glycerin, there is some draft material out there for classification of materials that would provide us some guidance, but it is a little confusing because there are multiple processes by which glycerin can be made. And in some cases it's considered organic -- excuse me, it could be considered agricultural and in some cases it's considered synthetic. So that muddies the water.

After looking at the potential impacts, particularly as it relates to natural flavorings and natural colors essentially -- and that coupled with the confusion around the classification of glycerin we've decided as a committee generally that we are probably going to refer this back to committee to reassess based on the comments that we've received in public.
CHAIR STONE: Okay. Is there further input for the committee or this discussion? Okay, thank you. I think we did hear several different things yesterday and then in written as well. So rarely are things as simple as they appear. Okay, Harold?

MEMBER AUSTIN: Thanks, Mac. I think to go along with that I think it comes into play. Making sure that we make the right choices so that we don't negatively impact our organic community.

If we're not going to get it right we're going to pull it back and make sure that when we come forward with something that we do get it right based off of essentiality, trying to get our heads around the facts about the availability.

And about not just the availability of organic glycerin but it also boils down to is that organic glycerin an adequate substitute in the form that it is for what's currently being used as well. So
there's a lot of peripheral things that we need to take a look at and consider.

Plus the peripheral impact of this decision. So, Tracy. Mac.

MEMBER FAVRE: Yes, I just wanted to add I thought the remarks by Bill Wolf on Tuesday were indicative of some of the confusion around it where the original petitioner themselves has said wait a minute, we need to assess the impact of this and reconsider.

So, I think for me that was a compelling reason to go ahead and pull it back even though we'd already considered doing that.

MEMBER AUSTIN: Thanks, Tracy.

Our next material to talk about will be polyalkylene glycol monobutyl ether. Actually, I already said that was just going to be PGME from now on.

So, Lisa, if you would go ahead and then Jean was the lead reviewer on this.
MEMBER FAVRE: Sure. Thanks, Harold. The petition for PGME was submitted on December 27, 2012 by Pellet Products, Inc. The petition requests the addition of PGME to Section 205.605 of the National List as a boiler water additive.

In support of its review the Handling Subcommittee did request the development of a technical evaluation report and that report was completed in 2013 and is posted on the NOP website.

This petition is also an agenda item from the fall meeting that's moved forward from the canceled meeting and it is a discussion document that was reposted with no revisions. Thanks.

MEMBER AUSTIN: Jean?

MEMBER RICHARDSON: Thank you. I like boiler water additives, actually. They're quite interesting.

All right. This boiler additive was an interesting one. We received the
information on this back in 2013. And as we
looked at it, at the technical report we noted
that the PGME is non-volatile and as far as we
could tell from the technical report it
remains in the boiler and does not come into
direct contact with the processed organic
products, in this case feed meal materials.

It's a very interesting material.

It functions to reduce foaming during
production of pelleted livestock feeds and
also functions as a lubricant.

It has the unique property of
inverse solubility such that it dissolves
easily in cold water but at temperatures over
104 which is cloud point it's completely
insoluble.

So, PGME is not delivered with the
steam but remains in the boiler as a
precipitate until the cooler boils down below
the cloud point and thus PGME does not come
into contact with the feed. And it has
extremely low toxicity. And there's all sorts
of other good things about it.

However, let's see, there are no natural sources of it, although there are -- there are not many natural anti-foam chemicals. There are natural oils such as cottonseed, lard, sunflower, and so forth that are listed in the discussion document but very little data is available on these.

So, initially what the Handling Committee did was the normal thing. We developed a recommendation or a proposal based on the checklist and were voting that it would be okay based on our interpretation of the petition, the TR, the attachments and all the material that we had received. And as I say, it's a new TR that was done.

And then when the NOP saw that they determined that because there is apparently no contact of the PGME with the food material, in this case animal feed, that therefore it wasn't necessary for it to be petitioned to be on the National List.
And so therefore they recommended that we turn it into a discussion document and that this is the discussion document that was then posted ready for last fall. The document was to seek public comment on this petition and with the NOP notifying the petitioner that they would have thought that PGME is not eligible for petition to 205.605(b) because it is not used in direct contact with organic products.

Then we got public comment. We didn't get any public comment that I recall from last fall. But since then with the re-posting of this we got some very interesting public comment.

We got comment from Beyond Pesticides, Cornucopia, OTA, NOC, Center for Food Safety and one individual. Public comment raised some very serious concerns that the petition and the technical report contained inaccuracies and inconsistencies.

Beyond Pesticides, "believes that
although PGME is non-volatile contact with organic food is possible under this use through entrainment of water droplets and should be evaluated through the petition process for its appropriateness for use in organic production.

"PGME is made from highly toxic ethylene dioxide and the TR identifies alternative production practices that do not require an additive like PGME," end of quote.

Cornucopia states that, quote, the quality of the technical report does not provide sufficient information to evaluate PGME. They further state, quote, "The petition submitted by the manufacturer of the product containing PGME designed to be used in livestock feed mills states that the mode of action is through direct contact with the product," end of quote.

The TR, however, states that this does not occur, but the TR does not provide adequate citation for this assertion so that
it could then be independently verified.

Cornucopia further asserts that
entrainment of water droplets is possible, and
that the TR conflicts with the petition,
raising the possibility of PGME being in
contact with animal feed pellets.

The subcommittee then discussed
these public comments received, both those
submitted in writing as well as oral comment
that we've heard. And we proposed that any
decision on listing or not listing PGME should
be deferred until we have more information
both from the petitioner and a TR contractor.

And it should be noted that the
petition is limited for use as a processing
aid for livestock feed pellets. And it should
also be -- and that this petition was
initially sent to the Materials Subcommittee
for feedback on whether the petition should be
addressed in Livestock or Handling because OTA
pointed out it was maybe in the wrong
subcommittee.
But the Handling Subcommittee was assigned this petition and we worked with the Materials Subcommittee to keep them informed at the same time because the idea is to have them all -- sorry, the Handling Committee, so that the Handling Committee could really look at all of these boiler additives together.

So, I guess we don't want to petition right now, do we, Harold? We'll do that tomorrow. Okay.

So, I'd like, perhaps if I may, Jay, you had some other comments in Beyond Pesticides that I was hoping that you would also bring up in terms of the -- whether or not NOP should have just let us do the document or not. If you would please articulate those.

CHAIR STONE: Jay.

MEMBER FELDMAN: Sure, thank you.

You know, this goes to the issue of production. I mean, production aids or issues related to processing where there may not be
-- it may not be a food contact substance
which we believe it is because the TR actually
identifies entrainment. But because of it
being an input in the production process.
And so I don't know if that's a
difference of interpretation of the law, or
why the food contact substance issue would
preclude an NOSB review. And so that's
raised, as you point out, that's raised in the
Beyond Pesticides comment.
I guess I don't have anything more
to add on that. It just may be a straight up
disagreement on interpreting the law.
But are there other examples I
would ask of where food contact becomes the
ultimate issue when the material is part of
the production processing, production and/or
processing of the end product that's labeled
organic.

CHAIR STONE: Miles.

MR. MCEVOY: Yes, this is part of
the reason why we bring these kinds of things
to the Board. Great discussion, great to have public input on this, on these complex issues.

The basic concept would be if the substance does not come into contact, does not by direct or indirect contact with the organic product that it's not really relevant to the organic system. So there's many things that are used in both production and handling that are outside the scope of the regulations.

For instance, if you had cleaning supplies for your bathroom that's used in the production facility or in the handling facility, not really relevant.

But this is a more interesting substance because the concept of entrainment, it certainly comes close. So that's why it should be evaluated very, very closely.

But there's areas I guess where there's going to be a clear line of yes, that's not relevant. We don't need to look at what they're using to clean their bathrooms, or what they're using in their kitchen.
But if it's near the production or handling system, then it's certainly worth a careful look. And that's what inspectors and certifiers are doing when they're evaluating onsite, when they're doing their inspections they're evaluating all the substances that are being used to see if they have any possibility of commingling or contamination of the organic product.

If it's being used in the handling of the organic product then it has to be an allowed substance.

CHAIR STONE: Jay.

MEMBER FELDMAN: And I guess that was the position we came down on which was a 7 USC 6504 National Standards for Organic Production to be sold or labeled as an organically produced agricultural product. Under this title an agricultural product shall have been produced and handled without the use of synthetic chemicals except as otherwise provided.
So it's that interpretation I would think is distinct from the management practices of the facility which do intersect especially with storage facilities with organic standards.

But this is certainly a part of the handling and production of the product, the agricultural product.

MR. MCEVOY: Right. And you have to think that there are many things that are used in a processing facility, for instance, that are looked at in the inspection process but are not looked at in terms of whether they're on the National List.

For instance, there's a lot of equipment that has various lubricants that are used. And if during the evaluation of the system you determine that there's no potential contact or contamination of the organic products that it's not really relevant for review.

You can think on a farming
operation there's a lot of mechanical equipment. There's the diesel or the gasoline that's used to run the equipment. Again, those things are not on the National List. So, it is challenging at times to determine where -- how far you go. But there's definitely an evaluation part of the process by the certifiers and inspectors.

CHAIR STONE: Francis?

MEMBER THICKE: Well, you could go ahead and go back and look at this material. I think you need to look a little more closely at the chemistry and make sure you've got a real chemical analysis. Because if something is completely soluble at low temperature I'm pretty skeptical that it's zero solubility at a high temperature. KSP doesn't go down to zero I don't think.

And also the vapor pressure. I mean, that's a little suspicious in my mind.

It needs to be looked at I think.

CHAIR STONE: Okay, seeing no more
hands, going once, twice, okay. You good, Harold?

MEMBER AUSTIN: We're good. We appreciate the feedback. Okay, for those three materials we look to defer voting on those tomorrow.

Having said that we'll move onto our next topic which will be an update on ancillary substances given to us by Zea.

MEMBER SONNABEND: Okay, now that everyone is wide awake we can talk about one of our favorite subjects.

This is brief and quite informal. And I apologize to those of you who aren't into all that brevity stuff.

But as you all know what started out as other ingredients and now is known as ancillary substances are defined in our proposal that was passed in Portland as additives that are added during the manufacturing of a non-organic substance and not removed.
We did pass this as a proposal at our last meeting a year ago and we are operating under this proposal at least until we see the need to make changes to it. So we're going to try it out and see how it works.

As Harold mentioned our little test case, our first test case is going to be the microorganisms which are scheduled for a 2016 sunset. And so that means that they will come for their first session before the Board at the next meeting, at the fall 2014 meeting.

A TR was done, an initial TR was done on microorganisms. Unfortunately it was commissioned before we had passed the ancillary substance proposal and so it did not include a full set of questions regarding ancillary substances the way we would like to have them covered.

And it also didn't include a few of the microorganisms that we need to look at, like fungi.
So, we have developed a series of questions to get another TR or a supplemental TR done. They're not quite finalized yet but we'll be going at our next -- by the time we have another phone call we'll be going through the subcommittee and onto Lisa to get the TR underway.

We are looking -- we have identified, meanwhile, at least the beginning of those functional classes of ancillaries that will be in the microorganisms.

And some of those ancillary categories that we've come up with are anti-caking agents and antioxidants, carriers and fillers, what would be known as growth media or substrate, preservatives and stabilizers. And so those are a few of the groups we will be looking at.

We have developed a special checklist that will -- for the ancillaries that will -- or not checklist. Yes, I guess checklist is the right form. That will go as
a secondary checklist along with the main checklist for the microorganisms.

The checklist will include the functional classes and the things we have reviewed so that once a proposal is through the ACAs and the others who care about this stuff can go after our meeting and just look at the one piece of paper and say okay, now we know which ancillaries are approved for this particular class of things and which ones may not be.

We will be having these go as a separate proposal. Right, Miles? A separate proposal for each meeting. So there will be a microorganisms proposal and then there will be an ancillary proposal for that thing?

That's what I perceived is in the checklist that Emily gave us.

DR. BRINES: Yes, I think you were going to do them in sequence. That was the plan.

MEMBER SONNABEND: Yes, okay. So,
it will be very clear to everyone that we have reviewed the ancillary substances that go with each thing.

The checklist does address the key points that are in our evaluation criteria such as impacts in humans on the environment, essentiality, availability and comparability and consistency with organic handling.

And that's really my report.

We'll see how it goes at the fall meeting.

Oh, I do want to put out the call well ahead of time to especially Pat and the certifiers in the room.

We would really like to start collecting spec sheets and see the spec sheets which will indicate what the ancillaries are for microorganisms.

If you could mention on the ACA listserv perhaps that if anyone has microorganism spec sheets they can either email them to me or Michelle or Emily Brown Rosen who I believe you have both of their
emails.

And same with any handlers in the room that would like to make sure that the ancillaries in their particular things are considered and reviewed. So that's my report, thanks.

CHAIR STONE: Zea, I spoke with Scott Rice who's the chair of the ACA board earlier today relative to our sunset conversation the other day.

And he has offered Pat. Pat, I didn't get a chance to talk to you about our conversation. Maybe Scott did.

But he offered that the ACAs would very much like to help get in front of sunset materials. And they can use brand names and get the word out to help us in our preliminary review for meeting 1 on sunsets. So this falls right in line with that.

So I feel sure they're welcome your advice and all of us to reach out to them as a group. Harold?
MEMBER AUSTIN: Well, I think just to go along with Zea. So, as we go through the materials review process then we'll have the review for the material itself and then it will be followed with a supplemental review of the ancillary material. And that will be on a separate checklist. It won't be on the same materials checklist that we use for the other materials.

MEMBER SONNABEND: Yes, although there are some questions on our regular checklist that also refer to ancillary substances. But probably more along the lines of which types of functional classes are used in this.

CHAIR STONE: Okay, are there others on the Handling Committee want to fill in any gaps or details? Or if you're not on the Handling Committee questions for Zea or the Handling Committee. Lisa.

DR. BRINES: Yes, just one clarification for those in the audience that
might be looking for that microorganisms technical report. Since it's still under subcommittee review it hasn't been posted for the public yet. But we will have that posted as soon as it's approved by the subcommittee. Thanks.

CHAIR STONE: Good. Thanks, Lisa.

Other questions or comments for the committee?

Okay.

Harold, we're scheduled for a break about now but I don't know if you want to run through your sunsets, how long you think that will take and we can break after that. It's up to you. I don't know how long you think we'll be.

MEMBER AUSTIN: What do our leads think? Nick says we can go for it. He's not even a lead.

CHAIR STONE: We came back a little late.

MEMBER AUSTIN: I think we'll be okay to move forward.
CHAIR STONE: We started a little late so actually it would be a cleaner break to work on through this if that's okay. Good, thank you.

MEMBER AUSTIN: Okay. We've got four 2015 materials up for sunset review. The first one will be gellan gum. Joe's the lead on that. Lisa, if you could -- are you -- yes, you're going to read that, correct?

DR. BRINES: I believe all the information was posted online so I'm happy just to let Joe proceed if you'd like.

MEMBER AUSTIN: Okay. Joe, you ready?

MEMBER DICKSON: Yes, I'm ready. And just to confirm with you, Harold, as the chair this is our first sunset material under the new approach. I'm just going to kind of talk through the material in general and the process and summarize public comment.

MEMBER AUSTIN: I think so, Joe. I think we'll just kind of do an overview of
that's been posted. This is the first of two public reviews of that material.

And I think just maybe if we've gotten a little bit of feedback from the public comment we can talk about that right now. I think that would be the approach to take.

CHAIR STONE: Yes, I think so. And again, this is our trial balloon on this sunset and we're learning did we reach out well enough in this first meeting. But we'll go with where we are and learn as we go.

But I think all of us are dedicated to make this work and we'll go with where we are. Thanks, Joe.

MEMBER DICKSON: All right. The listing is for gellan gum, CAS no. 710-10-521, high acyl form only on 205.605(a) as a non-synthetic material.

Gellan gum is a polysaccharide gum produced as a fermentation product of a microbe called pseudomonas elodea.
This bacterium produces a gum which is used as a thickening agent in a diverse array of food products including bakery fillings, confections, dairy products specifically, gels, frostings, icings and glazes.

It was petitioned for addition to 205.605(b) in 2004. In 2006 a technical evaluation report was completed for the Handling Committee which recommended its addition to 605(b) in April of 2007.

Following that a detailed discussion among the Board, the program and the petitioner at that meeting led to the conclusion that it is in fact non-synthetic and should have been added to 205.605(a).

The Handling Committee made an updated recommendation in 2007 and it was passed by the full Board at the April 2008 meeting.

The public comment we have received on this material is overwhelmingly
supportive of re-listing.

One important thing to note is that the current listing is for gellan gum high-acyl only which is the non-synthetic form of the substance.

Two commenters, Beyond Pesticides and Cornucopia, noted that low-acyl gellan gum shouldn't be on 605(a) and it's not. And that wasn't made as clear as it could have been in the sunset recommendation so I wanted to clarify that.

The Hain Celestial Group, CP Kelco which is the manufacturer, QAI, CROPP, all confirm that the material is essential in the production of non-dairy beverages and other specific foods.

CHAIR STONE: Okay. Thank you, Joe. And Joe said we did have some written and public testimony on this one. Is there any questions for Joe or be sure that we reach out to the community? Zea?

MEMBER SONNABEND: I just want to
bring up one point that was raised in public

comment that I think was a little

misunderstood. And that was the perception

that isopropyl alcohol was an ancillary

substance in gellan gum when it is in fact a

processing aid used in gellan gum. And so I

think that is not under consideration as an

ancillary substance.

CHAIR STONE: Jean?

MEMBER RICHARDSON: I'd be

interested in hearing maybe, Wendy, the

people, or Nick, people who are not on the

Handling Subcommittee if you've had a chance

to look at this and if you have an opinion

based on some of the comments we heard

yesterday how you see it going forward.

MEMBER MARAVELL: I'm speechless.

CHAIR STONE: Harold?

MEMBER AUSTIN: I think this was a
good material to give us an example of the new

sunset process, possibly how it's going to

work, its strengths, its weaknesses. I think
we probably need to get a little bit more aggressive on the requests of specific information.

Because this is going to be I think the first listing of the material through the public comment is going to give the subcommittee working on those sunset reviews the highest level of ability of information to be able to come back then to the full Board and then the community and the stakeholders for discussion at this -- like for these four materials at this type of a meeting, the first round.

So, I think we got -- on gellan gum I think we got some pretty good feedback yesterday from several different sources.

I think one of the comments that I think stood out for me, and this goes back to my first meeting on the NOSB in Albuquerque.

And the review material that I got back then and this is a possible material that sounds like some of the handlers are beginning
to use as a replacement for carrageenan. So it shows that the system's working.

It also shows that the industry and the stakeholders are listening to what takes place at these meetings. So it helps just to reinforce that the process is working if we help it and we give it the time and the ability to move forward.

CHAIR STONE: Okay, any other discussion? Thank you. Next up?

MEMBER AUSTIN: Next up will be Joe again with tragacanth gum.

MEMBER DICKSON: Thank you, Harold. Tragacanth gum is up for sunset on 205.606 as a non-organic agricultural ingredient.

Of course, most of the discussion among the committee and the Board when it was originally listed centered around its commercial availability in organic form.

It is an exudate gum which is a category of gums that are minimally processed
and basically a sap that is extracted directly from the tree.

At the time of its listing the Board looked at the reasons for this material not being commercially available in organic form.

There was discussion that it was primarily cultivated in the Middle East particularly and Iran, and international trade issues had limited the availability of the supply.

At the time it was noted that Turkey was increasing its production of conventional tragacanth gum and also its organic production.

We have scoured the ingredient market and the whole internet and everywhere you might buy a gum and we were unable to find any evidence of organic gum tragacanth being available.

However, a few commenters did raise the question of whether gum Arabic,
which is now available in organic form, would
serve as a suitable replacement for this
material.

That is a question I believe would
be well answered by the current users of the
material. I know that there is at least one
candy product and one sauce on the market
right now using this in its conventional form.

QAI which I believe is the
certifier for one or both of those companies
did confirm that it's still in use. But our
hope is that we are able to hear directly from
those manufacturers as to whether gum Arabic
is a suitable substitute and whether there is
an organic form of this available and its
ongoing necessity.

That really sums up gum

tragacanth.

CHAIR STONE:  Jay?

MEMBER FELDMAN:  So, how would we
do that?  I think you're raising good
questions about getting information back from
the community on alternatives or essentiality.
And you've already gotten some from QAI.

But the presumption is -- I mean, to me just hearing that doesn't sound like sufficient evidence of essentiality. We obviously have to maybe contact those folks and find out if the alternative would work.

But that's presumably going to happen between now and the next Board meeting. So, I guess if we publish -- if the subcommittee publishes something prior to the next Board meeting any new information that comes in as a result of that publication would be considered untimely and would have to -- and if that were to influence the thinking of the subcommittee would have to go back to the subcommittee. Is there sufficient time to do that on a -- these are 2015 right? Sunsets.

CHAIR STONE: Yes, they are 2015.

MEMBER FELDMAN: Okay. So I'm just -- I mean, this is a classic example where getting essentiality information has
always been a tough thing for the Board. And
the best essentiality information seems to
come in during the course of generating public
comments.

So, I suspect if the past is any
indication of the future that we'll get some
at least substantive comments after the
publication of the subcommittee proposal for
the fall meeting.

MEMBER DICKSON: Is your question
will it be too late at that point to take
action on that and change this recommendation?

MEMBER FELDMAN: Yes.

MEMBER DICKSON: Yes, that's a
good question.

CHAIR STONE: Miles.

MR. MCEVOY: Well, if you have the
proposal, if the subcommittee comes with a
proposal to remove then that proposal would be
on the table for consideration at the fall
meeting with any new information that was
provided between now and the fall meeting and
at the fall meeting. So that's why you may want to consider having that always as a possibility.

It also seems to be a way of encouraging input because, you know, people take that seriously.

Yes, the concept though is hopefully that -- the plan is to get as much information as possible at this meeting, the first meeting, that then helps to supplement that with additional information for the second meeting.

CHAIR STONE: Harold?

MEMBER AUSTIN: Jay, that was a valid point that you brought up. And I think looking at this process I think that going through the two-step process on sunset review like we're proposing to -- we are now implementing and we are now doing, I think that would probably be an indicator for us as for the subcommittees.

If we don't public comment back
from either the user or certifiers or the petitioner or somebody helping us to explain and substantiate what the essentiality is then I think then that would be the indicator for the subcommittee to then take and come forward with that type of a motion to de-list it.

And so I think that would be the message to send out. Once we're getting feedback on the first of the two meetings about essentiality and stuff, that kind of helps us to decide how to move forward or not to move forward.

But if we're hearing nothing back then I think that for me at least as the Handling Subcommittee chair would trigger our debate in the Handling Subcommittee that we would want to move forward with a motion to de-list for the fall meeting, or for the second meeting.

CHAIR STONE: Carmela?

MEMBER BECK: Yes, in my experience we've historically relied very
heavily on our certifier to provide us notifications about possible de-listings or things that we're talking about right now.

And so I think that from this time until the fall we could expect that certifiers would be the ones that might carry this and might help generate more information to come our way. And I'm not sure how that comes our way but so that it's not all in the fall at the public comment period. So, I don't know.

CHAIR STONE: And Scott and Pat, you may want to know the numbers are going to get quite big in the next year or so.

Anything else on this material?

All right, thank you much. Harold?

MEMBER AUSTIN: All right, the third of our four materials, marsala. And our lead on that is Tracy.

MEMBER FAVRE: Thank you, Harold.

Marsala or a fortified cooking line was originally petitioned in 2007 for addition to 205.606 because it was considered a unique
flavor ingredient and was not commercially available as organic. This is for agricultural non-organic.

The use of marsala in organic products actually, after doing some informal research this applies almost equally between marsala and sherry which will be coming up next.

There was one particular petitioner that requested the ingredient or the material and doing some digging around we actually couldn't find that original petitioner.

I do understand since then that they're still in business but we haven't been able to actually get anybody to give us any feedback in regards to whether this material is still in use, whether there's still a need for it.

So, the initial proposal coming back from the initial analysis from the Handling Committee is that we would be
considering de-listing. So we brought it forth as part of the new sunset process to basically make that statement and request input.

The feedback on both marsala and sherry was generally that because it can be produced organically it should be removed as agricultural non-organic.

And as part of our research on these two materials we've talked to a producer who says it is possible to produce it and he's probably been requested information about production of organic marsala. But generally he is not producing it because there's not a demand for it.

And so it's a little bit of a chicken and the egg. It's hard for us to determine essentiality. It doesn't appear to be essentially in use or not in significant amounts. Even the original petitioner is difficult to find and track down. So for that reason we would recommend the de-listing.
Generally the public comments were along the lines like I said of it's not organic. It can be produced organically which we have verified it can and should be de-listed. Thank you.

CHAIR STONE: Thank you, Tracy.

Questions? Comments? Harold?

MEMBER AUSTIN: Yes. One of the things I think to point out to the full Board is with this first listing because we did have questions with marsala and then with sherry as Tracy will get into in just a moment, this was an opportunity for the subcommittee to reach out to the industry and the stakeholders and the users to ask very specific questions.

And if you notice on marsala and sherry we did have three specific questions looking for stakeholder input and feedback.

The first one was the Handling Subcommittee request that the public provide comment regarding commercial demand for marsala in organic comments and provide
comments on the impact that removing it from 205.606 would have on the organic business or organic products.

The second question was has the industry attempted to locate organic sources of marsala and with what degree of success.

And then the third, are there other ingredients with suitable flavor profiles that would -- could be used in place of marsala given adequate transition time for the ingredient inventory and label depletion.

We got very, very little feedback if any at all as Tracy has alluded to. So I think this is a good example where this is probably a sunset material that the subcommittee will move forward with a recommendation to de-list come the fall.

CHAIR STONE: Proceed.

MEMBER AUSTIN: Okay, our fourth and final material is sherry. Tracy, you're up to bat again.

MEMBER FAVRE: Well, same song,
second verse. Sherry being agricultural non-organic, same issues. It's a fortified cooking wine. Again, originally petitioned for its unique flavor profile.

    It was the same petitioner as for marsala, same investigation, same results essentially.

    We did get some public comment along the lines from a couple of the certifiers that they think they may have a couple of clients who have this material in use.

    And that -- but they aren't sure. Again, there doesn't seem to be a huge demand. Certainly there was no hue and outcry when we put it out there for feedback as to whether or not there was going to be an issue.

    And maybe with the second opportunity we'll get some feedback, particularly if they hear from this meeting that we are heavily leaning towards de-listing.
And the same three questions apply that Harold read off. My apologies for not catching those first go-around with the new process. But anyway.

And particularly the original justification being the unique flavor profile. If it's not being used and it's available organically but not in demand there's really no reason to leave it on the National List.

Thank you.


MEMBER MARAVELL: Yes, in the interest of levity I'd like to make a full disclosure here that I use marsala and sherry in the non-organic form for a beef liver pate which I use as a lead-in with restaurant chefs.

And many of whom would like me to produce that commercially which I am not doing.
But after half a bottle -- I mean, a tureen of that I've got them eating out of my hand. They just love it.

So, I may in the future have an interest in marsala and sherry. But I thought I would just indicate that for full disclosure.

CHAIR STONE: Thank you. Jay?

MEMBER FELDMAN: Could the gentleman from Maryland please explain why he's not using organic forms of marsala and sherry?

MEMBER MARAVELL: I can't find them.

CHAIR STONE: Tracy?

MEMBER FAVRE: I would only like to remark that your comments officially on the record along those lines might have been helpful in our discussions. Thank you very much.

(Laughter)

CHAIR STONE: Joe?
MEMBER DICKSON: Tracy, when you say that -- I guess this is more on the marsala, but you also have it on sherry.

When you're talking about there potentially being organic forms available are you talking made with organic grapes but with added sulfites? Or organic no-sulfite versions?

MEMBER FAVRE: The indication that we received. Now, obviously this could be and should be and might be rather than is at the moment. But the indications are that it would be made with organic grapes without added sulfites.

CHAIR STONE: Okay. Joe, you still look perplexed?

MEMBER DICKSON: Yes, I am perplexed. Because then how would that impact its -- the argument for it going off of -- being available in a made with organic form isn't the same as it being available in organic form. I guess is my perplexion.
CHAIR STONE: Well, we're glad we aired that out at the first meeting here.
Harold, are we good?
MEMBER AUSTIN: Mac, that's all we have for the Handling Subcommittee.
CHAIR STONE: All right. Thank you all, that's great work.
And I just want to add a brief comment that obviously many folks in the broader community are bothered or concerned about the change in the sunset process. We hear stories about calling your legislator and calling lawyers and all sorts of things.
But this group has a responsibility to work with this new process and make it work the best we can. So, not only I but each of these Board members is seeking your all's help in making this process work, helping us make the process work to provide the best service that we can to the individuals, those 25,000 certified operations around the world that depend on us for this
process to work.

   And frankly, really reaching out
to you all to help us communicate and shorten
that divide of our work and your all's need.
So, please, and thank you for helping us get
our work done.

   So with that we'll take a little
break. I've got 3:51 so let's say 10 after 4.
Thank you.

   (Whereupon, the foregoing matter
went off the record at 3:51 p.m. and went back
on the record at 4:13 p.m.)

   CHAIR STONE: Okay, it looks like
most of the Board is here pretty much. We've
got some of the program here to make sure we
don't cross any lines, get out of our lane.

   So at this point it's the
Materials Subcommittee. I'll turn it over to
the chair, Mr. C. Reuben Walker.

   SECRETARY WALKER: Thank you, Mr.
Chair. We have four topics. First will be
update of the petition and technical review
process which will be led by Zea.

Next we will have confidential business information and petitions, CBI, by the trumpeter, Dr. Thicke, Francis Thicke.

And John -- Dr. Thicke. The third proposal will be the fall 2013 research priorities. I will be giving that one. It was originally assigned to Zea but we know that Zea has a full plate on a lot of these subcommittees. So, a couple of weeks ago we wanted to lighten her workload since she made that request.

And Dr. Taylor, Jennifer was in France. And I ended up getting stuck in presenting this.

The same thing happened with George Bush, Jr., the younger one. Dick Cheney was the person over the VP search committee and he could not come up with a VP candidate. So Bush told him you're the one. So that's how Dick Cheney ended up being the Vice President for George Bush 43.
And the last report will be given by Zea. It will be a written report on seed purity and GMO. And we'll start out with Zea.

MEMBER SONNABEND: Thank you, Calvin. I just realized here that on the agenda for the Louisville meeting that was canceled I had requested that Michelle switch the order so that at least when we vote we need to vote on confidential business information first before we vote on updating the petition and process.

And so we need -- I'll talk about this one now but when we vote we have to vote CBI first because it affects what happens in this proposal.

So anyway, the NOP asked us to take up the issue of updating the petition and technical review process.

We did that. We posted the document in the fall 2013 and again this time without changing it.

We -- language was outdated in
there and there was a need to take a look at
and modernize a bunch of the language. Now,
even though there is a relatively recent
change to have the Department be in charge of
the policy manual, that change happened too
late for us to reconsider this document. But
essentially we're just -- the two parts, one
of which are what will be in a Federal
Register notice for petitions and the other
part is the policies and procedures manual and
they mirror each other. So really we are only
voting -- probably voting the first part
because whatever happens from the first part
will end up in whatever the policy and
procedures manual is.

We received very little public
comment on any of the things other than the
CBI portion which we'll cover in a minute.

Most people were favorable that
did comment, especially in the fall we got a
couple of comments with people who just said
yes, these are good changes.
A particular one to highlight is that we streamlined the process for if you just want a petition to change an annotation so that you don't have to answer all 12 or 13 questions, you just need to answer certain ones of them, about half of them or even a little less than half of them in order to change an annotation.

We also did add questions about ancillary substances when people are petitioning handling ingredients so that those come in at the same time hopefully to the extent possible. At least for that one petitioner.

But we do recognize that any petitioned generic substance may have other formulators who use other ancillary substances. And we'll still have to do work on finding out what those are.

So, I think that is pretty explanatory. If anyone has questions on this I guess we'll take them now and then we'll
talk about CBI and vote on that.

CHAIR STONE: Okay, are there questions or clarifications for Zea or others in the committee? Jay?

MEMBER FELDMAN: Thank you, Zea, for your work on this.

So in terms of the process we're not amending the PPM at this point. Do we have concurrence with the program that the changes that are being proposed here are acceptable?

CHAIR STONE: You have to say something, not just nod.

MEMBER SONNABEND: Before we posted it in the fall 2013 the Department had agreed to it, yes.

MR. MCEVOY: Yes.

MEMBER FELDMAN: Thank you.

CHAIR STONE: Any other thoughts? Questions? And I guess we've kind of got to tie this into the other one like you said.

Okay, let's proceed.
MEMBER SONNABEND: I'm not the lead on CBI.

SECRETARY WALKER: Okay, next we have Francis, CBI.

MEMBER THICKE: Okay. And I may need some help here because the CBI thing started before I got on the Board. And I'm summarizing the comments and the petition on the proposal as I see it. Maybe -- if I don't do it all maybe Zea can help me out.

Basically the proposal is that there are two possible recommendations. One is that CBI not be allowed at all in petitions. And the second one is that CBI be allowed and it outlines the responsibilities of the various stakeholders, of the NOP, the petitioners and NOSB.

And the subcommittee voted for number one, that no CBI be allowed 7 to zero.

Now, just to clarify that. That doesn't mean that the petitioners have to give their exact recipes of such. But we need to
have enough information to know -- to be able
to evaluate the materials and to see what
effect they may have on health, human health
or the environment. So that's an important
distinction to keep in mind.

And as far as the comments go,
there were comments both last fall and this
year and a total of about 11 between the two
times. And there may be a few more in favor
of the position of the subcommittee of no CBI.

However, Hain Celestial and OTA
had strong objections to that, thinking that
there needs to be some CBI to allow keeping
proprietary information private. So that's
the basics.

CHAIR STONE: Okay. Do others on
the committee want to add anything or clarify
that point? Zea?

MEMBER SONNABEND: Yes. As a
person who's read a lot of petitions and a lot
of TRs it just keeps coming up time and time
again specifically about manufacturing
processes. How can you tell if something is synthetic or non-synthetic without knowing the manufacturing process?

And times when we have turned this over to the TR contractor because it was CBI and they could look at it and we wouldn't look at it, they don't really have the best track record of getting what we mean when we say synthetic or non-synthetic.

And for instance, vinasse we had to send back like three times before they even understood what distinction we were trying to make between synthetic and non-synthetic.

And so I just keep asking myself the question of can I trust what a TR says based on CBI and whether it's synthetic or non-synthetic. And I had to say to myself no, I cannot trust that.

However, I do feel that this does not mean that companies have to turn in all their confidential formulas and confidential recipes. You can just leave it out of the
petition and only turn in, you know, saying things like this patent covers things that are in our manufacturing process and give the patent reference number and leave the exact formula out.

And if what the patent says is true and can be verified by the TR then that covers it.

But I do feel that we need to be able to know whether things are made with a synthetic or a non-synthetic process. And I believe the Department feels the same because they asked us to consider this opinion in the first place.

CHAIR STONE: Okay. Questions? Thoughts? Lisa?

DR. BRINES: Thanks, Mac. Yes, we agree with Zea that we do support the proposal to eliminate the CBI option. It's been a problem periodically with certain petitions even when those petitions meet the guidelines in the current petition guidelines.
So we think that eliminating this option will alleviate the NOP's need to manage that information.

The CBI information that does get submitted to the program really doesn't seem to be serving any practical purpose and it's not available to the Board or the public. So, just in the interest of transparency we'd like to see that option removed from the petition process. Thanks.

CHAIR STONE: Miles?

MR. MCEVOY: Yes, I just want to add to that that, yes, it's been difficult to manage. We have petitioners that have submitted CBI to us and believe that because they do that that somehow we're going to be able to make a determination.

Just, it's not for us to make the determination on the petition. It's for the Board to make that determination. So it puts -- it's a very awkward position. And the spirit of organics is to have this open to the
public and to have a transparent process. So it seems like keeping that information confidential is just not meeting the needs of the program or the public for full disclosure of the substances that are being considered for listing on the National List.

CHAIR STONE: John.

VICE CHAIR FOSTER: I'm not on the Materials Subcommittee. Could you characterize the discussion around what you expect, if any, impact to be on submission petitions if there is no CBI anymore? Was that part of the discussion? And if so, how would you characterize it?


MEMBER SONNABEND: I'm sure it probably will make the amount of petitions go down but I'm not sure how much lower it will than other factors in the organic community that are making petitions go way down.

But it's just -- once again, I
just feel like we have to be able to determine the process in order to evaluate the petition.

I will say just as a for instance a couple of meetings ago we reviewed lutein. And lutein -- I might not be saying it right, but it's made from marigolds originally.

And it is one thing I was really, really on the fence about. And this actual process with CBI. And if they had told the actual process so I actually knew this -- could determine that the steps from marigold to lutein seemed compatible that would have made me vote for it.

But I voted against it because I didn't have the confidence that the TR that was done on it or the information provided by the manufacturer was sufficient for me to make that determination.

CHAIR STONE: John.

VICE CHAIR FOSTER: So, I get that. We've had that conversation, you and I, before.
I'm interested in the conversation that might have happened in the subcommittee context. I'm assuming it did, and if it did kind of what was the committee's kind of, you know, characterization about that.

CHAIR STONE: Francis.

MEMBER THICKE: Just the one piece that I'm more familiar with is that more often I've heard that those with CBI get turned down anyway. And so it's like it's a waste of effort and time for the petitioner and the Board. And so -- because such a high majority get turned down with CBI.

CHAIR STONE: Anything else?

Anybody else? Okay, thank you. Oh, Harold, I'm sorry.

MEMBER AUSTIN: Yes. You know, I guess kind of along the lines where John's at it's been difficult as we review some of the petitions that do get submitted.

Because you'll get -- I've got one I'm working on right now and it's probably got
four or five pages of CBI information
redacted. So, I mean you've got like nine
pages, there's four or five of them that are
just, they're blacked out. So, it does make
it difficult on some petitions.

But I'm also a little bit
concerned about where we take the process and
the dialogue we have with those people that
might in the future be wanting to submit a
petition and what flexibility do we give them
or allow them to protect their investment but
yet provide us with enough information to make
a solid determination.

And I think that's kind of where I
think John and myself as well were wondering
if that type of dialogue had taken place
within the subcommittee to talk about those
issues and how to move forward.

And I know you probably did by
that but just kind of like hearing some of
that information back from you guys I think
would help the rest of us on the Board
depending on how we want to look at this.

CHAIR STONE: Jay.

MEMBER FELDMAN: Well, this is not a new discussion. I mean, the previous Materials Committee had discussed this in preparation for the Louisville meeting that didn't happen. So we're talking about over at least a year or more than that.

And I can tell you that when I was on the Materials Committee we discussed this.

We discussed it with the program.

We did recognize that, first of all, the business community is used to producing product and utilizing protection under proprietary information protection in different statutes. I mean, pesticide manufacturers get that protection.

And so what Miles describes which is a commitment to transparency is unique as are other provisions or other means of doing business is unique to this law and the way it's implemented. So we recognize that that
was a part of the discussion.

I think it will take some manufacturers some getting used to. And a lot will reject that notion that they can subject what they have traditionally viewed as proprietary information to the public arena.

We have found in our organization that many of the claims of proprietary information are, you know, especially when it comes to ingredient materials, or those materials used in an extraction process, or whatever they're claiming as proprietary to the manufacturing is really understood by their competitors.

You know, these are often ways in which manufacturers try to claim a uniqueness in the market. But to their competitors what they're doing is pretty well understood. I'm not saying that's always the case, but it's very often the case.

So, the upside at least in the discussions we had when I was on the Materials
Subcommittee, the upside of maintaining a commitment to transparency, providing the Board all the information it needed to comply with the statute and generate sufficient information to make informed decisions, all of that outweighed what was -- what we understand to be the downside which, John, you've obviously identified as a potential downside.

I would say that over the long term if this doesn't work out and somehow people can identify where this is impeding the growth of organic, you know, or the organic brand then, you know, we would have to revisit this with the program. And maybe it will be a little bit difficult but establish a mechanism for protecting that data, protecting that information.

But the other element to all of this is that, and I'm not sure how it intersects, exactly, but we're dealing with generic materials. We're not dealing with brand name materials. So, I think the subset
that we're dealing with may be smaller than we
typically see in the industry.

So that's the experience -- I'm
just trying to explain the experience that I
had as a part. It was thoroughly debated. We
had a lot of input from the program, feedback,
and you know, didn't come to this decision
lightly.

CHAIR STONE: Calvin?

SECRETARY WALKER: I would like to
share some of the concerns that John and
Harold had talked about and how I was able to
get over it.

In 2004 I was fortunate enough to
get a patent. And sometimes when you do write
grants or review them, they write back and ask
for more detail.

And my first inclination is I
don't really want to tell you all about my
rinse process other than what's in the patent.
Because when you write patents you tend to
write it broad enough to give you broad
coverage to keep someone else from patenting
over your patent.

So, but the way the committee
handled CBI, Zea and the others, I would feel
comfortable if a program was asking me for a
little bit more information to make a decision
about my product to be used.

But certainly I would have some
questions. I wouldn't just say straight up
yes. I would have some additional questions
to ask them before I divulge anything that I
thought that the reviewers were looking at it.

And we do know that reviewers are
not always tight-lipped. And I've seen it
happen. You know, people divulge your patent
to their colleagues. So it is a problem.

But I think Zea said it. Some of
the individuals may not file a petition but I
think that the process that we have outlined,
I think it would be okay for most people who
are trying to conceal their trade secrets from
the public.
CHAIR STONE: John?

VICE CHAIR FOSTER: I'll use this to kind of finish my thought.

My biggest concern is that -- I guess it's mostly in handling materials, generic ones, is that in the attempt to try and develop less objectionable synthetics, say, or non-synthetic versions of things that are now on the list as synthetic I'm guessing it will become increasingly popular as the marketplace expands for companies to want to develop those kinds of products.

And I think the nature of the business is that there's going to be more interesting and more esoteric methods used to create those novel products.

And what I don't want to do is establish a means that we could get better products on the National List, or even natural versions of things on the National List right now. Because I think developing those is going to require some really interesting
technology and processes. A lot of those are going to want to be tightly held.

So my concern isn't so much about growing the National List. It's finding better alternatives to things that are already there. That's my biggest concern.

So, I mean, if obviously the will of the Board is to move this way that's, you know, I get it. But I hope we have kind of our sights on the right things, or at least I think we do, is finding better things than we have right now.

And as long as we're not impeding that evolution I'm fine. But I wanted to get that out there. That's my intent.

CHAIR STONE: Zea.

MEMBER SONNABEND: I do share that concern, John. And I just think one of the impacts of this hopefully will be that companies who want a petition will think of creative ways to put in their petition with information that is sufficient for us to make
our determination.

Like, there's nothing wrong with them saying I make my stuff by putting it through a hydrolysis process with an enzyme followed by a centrifuge, followed by a fermentation process. And all of these processes are natural, but I don't want to give you my exact recipe.

And if that can then be verified by a TR then that could be a non-synthetic process and they've disclosed what they can without disclosing everything that's proprietary.

And that being said, I also want to make it clear that much as it's really annoying to do this for sunset I have no intention of asking for the CBI to be eliminated retroactively to the things that have already been reviewed.

That has come up a few times in the public comments but I just think those people joined the list on one set of rules and
those rules hold for them now that they're on
the list.

CHAIR STONE: So, I have a
question I guess for Lisa. So, how -- the
redaction happens at your desk? Or how do you
know what to redact? Or where does CBI get
redacted?

DR. BRINES: Yes, as part of the
petition guidelines it requires petitioners
with CBI to submit two different versions of
the petition. So the first version has the
full information. The second copy of the
petition, the petitioner has redacted that
information such that it's supposed to be sort
of a carbon copy of the first version but just
with the removals. So we verify that the
information that's redacted meets the
guidelines for removing that information.

Oftentimes when petitions are
determined to be incomplete it's because that
specific provision of the petition guidelines
has not been met. So it does create some
administrative -- it's a little bit time-consuming sometimes because petitioners don't always interpret that section correctly.

CHAIR STONE: And the TR contractors have the same confidentiality that you all have obviously. It's just when it comes into our public realm that it loses the control of that confidential.

DR. BRINES: Yes, that's right. We are able to send the confidential information to the contractor.

However, the contractor can't provide that information within the content of the report. So they can verify some things but it's of limited value even with that option.

CHAIR STONE: So, the contractor gets both versions as well.

DR. BRINES: We usually will start by sending them a link to the version that's redacted. If they need more information we can supply them with the confidential business
information.

CHAIR STONE: Okay, thanks.

Harold?

MEMBER AUSTIN: Would it then be possible to get a list of the problematic types of scenarios that the various subcommittees as we review these materials experience and then work a little bit more in detail with the contractors that are doing the TRs for us so that they can spend a little bit more time and energy to try to help wade through the weeds and pull that information, frame it a little bit better to where we've got a more clearer and better understanding of the information that's being presented to us. Rather than go through a full removal of CBI.

DR. BRINES: Yes, I think I see your point. I don't think that that would be the easiest solution to this problem. I do think there is some burden on the petitioner who's submitting that information to disclose as much information as
they can.

A lot of times the information that is redacted is manufacturing information. Oftentimes they're re-purposing manufacturing information that was developed for another purpose.

It does have a level of detail that really is above and beyond what the Board generally needs to be able to make a classification decision or to evaluate the manufacturing process.

So I think oftentimes it's certainly possible to rephrase the manufacturing process in a way that describes it accurately and precisely to a general audience without the level of detail that they generally include.

CHAIR STONE: Zea.

MEMBER SONNABEND: You know, like I said, I've read a lot of petitions and TRs. And the most egregious example I have to say, and I'm not going to name the
material because I can't even remember what it was, but we have one material on our list that not only was the manufacturing process redacted but I think it's question 4 where they ask for the effects on human health -- human health effects from handling the material.

The entire question 4 was redacted. It said we have done studies on the effects of human health, black black black black black. Blacked out for page after page after page.

So they sent it to the TR and the TR says yes, from the information provided by the manufacturer there seem to be no effects on human health. But with no outside verification other than that. And not telling us what studies were done.

So, how can you make a decision on that? But a former NOSB apparently did.

CHAIR STONE: Okay. I think that was a good discussion. We got a little more
background to how we got to where we are I

guess.

Anything else there? No redacted

comments in getting us to where we are? Okay.

Okay.

Calvin, next up?

SECRETARY WALKER: Next up would

be research priorities. This will be very

quick. Jennifer, if you were here you would

be doing this one but you were in France so

you're fortunate.

This was sent out to the public.

So it's placing on the PowerPoint. And it's

probably of little use. You can't see it

here. So I can at least read it.

This was what was sent out to the

public that I believe 11 stakeholders

responded to. A recommendation for -- let me

just read it here.

As the introduction to what all of

you that responded had a chance to see, one

was a recommendation for a framework to set
resource priorities and was approved by the NOSB in May of 2012.

A part of the recommendation was to bring these -- do these priorities and deliberations and bring them back up at our fall meeting.

Three, I believe this was done by Zea and Jennifer that was handling this in those years. It was that each subcommittee was asked to give research priorities that they thought was needed for the things that they were dealing with. And these were actually submitted to the public for comment.

And some of the priorities for 2013 was whole farm systems, alternatives for antibiotics including tetracycline, streptomycin for fire blight, evaluation of genetically modified vaccines, methionine alternatives, aquatic biodiversity, herd health, and so forth and so on.

What was not added, and this was taken from what was put out to the public for
commenting. The Livestock Committee and the Crop Committee inadvertently submitted their recommendations a little late and there were five items that want -- was chlorine alternatives, sulfuric acid alternatives, parasitism, mastitis and pneumonia.

What the subcommittee did, we voted on these. The motion was by Zea, second by Tracy and the vote was 5 to zero and two members of the subcommittee was absent.

Again, I apologize for the table.

Public comment. For the fall there was 11 and 100 percent supported the work done by Zea and Jennifer in leading this particular document.

What was interesting that I counted was that 89 percent not only said what was shared with them was okay, but 89 percent offered additional recommendations. I thought that was good, that the public weigh in and say what you have, we like that, but here's some of our recommendations. So I thought that that was a good way, Mac, to engage the
public.

In the spring of 2014 there was 10 commenters. The research priorities by this Board are all approved. And 80 percent offered additional comments.

And this is where it goes into -- we always say as a Board it is good to read the comments from the public. So we want the public to know that what you write and spend time on, we read it. We may not be able to respond to all of it but we do read for thousands or hundreds of pages.

Some of the entities that gave a response was OTA, the Organic Producers Wholesalers Coalition, Organic Seed Alliance, Consumers Union, Organic Center, Cornucopia, Beyond Pesticides, Center for Food Safety, and CCOF.

I'm just going to highlight a couple of from each of these organizations because they're taking time to write them and send them in so I think we should take time to
at least share with the rest of the Board what was said.

OTA which I thought was good as we talk about land grant. And it kind of ties into what Mark had mentioned.

OTA had said that research on seed quality should precede the determination of best stewardship practice. Education and outreach should be about these defined stewardship practices.

And for those of us who work at land grants, we know that research is not good just for research only. It needs to be a nexus to that. And that nexus is education and extension or which we call outreach. So I thought that that was good. So, that was one that was suggested by OTA.

Another one was that as we look at the issue of seed purity, and we are finding out today in talking to fellow Board members over lunch what happened today to get the feedback from the public that's so great is
that it was suggested that maybe a group of
seed experts may be convened by NOSB at the
next meeting. Maybe for a 30- or a 40-minute
presentation. A dialogue on the next step
with seed purity.

Going to the Organic Producers
Wholesalers Coalition, three things. They
gave four but for the sake of time. One they
wanted to know was research to be done on the
impact of consumers by organic apples', pears'
availability and pricing.

And they mentioned, I believe they
represent about 10 different businesses with
a half a billion dollars in sale. So I think
that when you almost have a billion dollars in
sales and if there's something that we can do
to help them see what is the next step since
tetracycline is out and streptomycin is on the
ropes, we don't know. So I think that we owe
it to this group to continue to look at these
things.

Another question that the Organic
Producers Wholesalers Coalition wanted to see
was an analysis of the impact of organic
apples and pears production based on current
organic policy on antibiotics.

And I think Mark said something I
thought was nice. We should not only be
trying to engage NIFA but all of us come from
a state that has a land grant institution.
And they all at least have one ag economist.
So this could be something for an ag economist
to look at, at the data maybe to see how they
can -- it wouldn't take a lot of research
money.

Plant science research and animal
science research take money, but agriculture
economic data, there's many times it's all
there, you've just got to compile it.

Okay, next if we move right along,
Organic Seed Alliance. Two things here.
Their interest for the Materials Committee as
it relates to research priorities was
approaches from leading organic seed market
demand without narrowing uniformity in our fields. That was a concern that they wanted to see something done about or addressed.

And another one was organic and the seed industry collaboration to identify and improve availability of germ plasm that was appropriate for organic seed production.

And the last thing they wanted to know was research done around the state of contamination of organic seeds.

Okay, National Organic Coalition.

Biodegradable plastic mulch. And we heard a couple of days ago about insects, black soldier flies, other alternatives to deal with the methionine issue.

Okay, Consumers Union. And one thing I have noticed, that OTA, Consumers Union and PCC seem to do a number of surveys. And the Consumers Union offered to use their expertise on matters that relates -- let me go to that one here. Let me just skip to this one. I made a mistake. I had Consumers Union
twice. That was no bias, that was just an
accident.

(Laughter)

SECRETARY WALKER: Consumers Union
essentially said using scientifically valid
research methods the National Research Center
surveyed consumers about a wide range of
topics.

The center essentially did over
200 qualitative studies each year. They're
very independent. So essentially what
Consumers Union said, that they are available
if we need to do surveys. And I'm sure that
there are other organizations that have the
research and expertise would try to do the
same. But Consumers Union have offered to do
these surveys for us. And I thought that was
a very excellent gesture.

Okay, going back to the Organic
Center. Another thing that they were really
concerned about, I thought it was a good one,
was the organic control of citrus greening.
And I think that's a big problem in the State of Florida. So I think that when we ask consumers and stakeholder groups.

GMO vaccines. CCOF has stated that they were willing to lend their expertise in helping us out. So, as we look with research priorities I think as Mark and others said we don't always need to go to NIFA USDA. We've got state agricultural experiment stations and we've got some of the organizations that are being represented here today have a wealth of information to help us address some of these issues.

And the research committee knows that we need to find a way to make this happen because many times the research we need takes 20 and 30 years. So, if we set fire blight today those who deal with pears' health their issue is now. So by the time the research is done it's too late almost. So we need to find a path as a Board to how we can do research priorities where it's enough time to get
funding and get the research back.

And research for those who do not

know generally take 10, 15 and 20 years or

longer. It's not something you can always do

in two years or three years.

So, in essence that's the nature

of this report that I was presenting on behalf

of Zea and the good work that Jennifer had

done the year before.

So, as it relates to research

priorities these were the ones that the

subcommittees came up with along with yours.

And I would like to take to the

subcommittee is that for those of you who give

comments and offer good recommendations for

research priorities I hope that this

subcommittee would look at each one of them

and in some way provide a response.

If you're taking the time to say

citrus greening this should not be the end of

that. At the next meeting we ought to be able

to come back to you to say that the committee
talked about it, deliberated on it and we have
made that a priority. And this is what we are
attempting to do. As opposed to just a
written document that goes nowhere. That's it.

CHAIR STONE: Okay. Anybody, questions, comments? And Mark handed out a handout. He has taken that to Organic Working Group, going deeper into USDA or broader. And I think again we need to thank Mark and Miles for institutionalizing the O word in the South and the North building. Nick?

MEMBER MARAVELL: Just a minor editorial correction on page 2 under methionine alternative. I suggest we strike the words in 205.207(5)(b) currently reads one former NOSB member stated in 205.237(5)(b) et cetera.

There's obviously been a mistake there. So NOSB member is quoted in the regulations.

CHAIR STONE: Okay, good catch.
Anything else here? Okay, very good. All right. Calvin, last on your list and last on our day on this subcommittee, a written report on seed purity and GMOs.

SECRETARY WALKER: This will be led again by Zea.

MEMBER SONNABEND: Okay. Thank you, Calvin.

We haven't been voting on the things that are votable on this committee so are we voting tomorrow on everything?

CHAIR STONE: I was going to ask Mr. Chairman if he wanted to vote on these today. We've got a little bit of time here if you so choose, or we can wait till tomorrow.

It's up to Calvin.

MEMBER SONNABEND: Because this report is about 10 to 15 minutes long.

SECRETARY WALKER: I was going to defer to the person that was leading it. Do they want to bring it for a vote today.

CHAIR STONE: Why don't you run
through this and we'll see how everybody feels.

MEMBER SONNABEND: Okay. All right. So, as you all know we had a year-long process talking about seed purity from GMOs.

The results of that so far has been a report that you see posted on this occasion. I'm not going to rehash the whole report, but basically we had it out for public comment on two occasions. We analyzed all that public comment and arrived at the conclusion as a committee that we could not make a recommendation at this time, but that we would explore all the issues raised in public comment and present the public with where we stood on them in hopes that the public would write in with inspiration for us on what the next steps should be. And to try and keep this moving forward. And the whole issue of GMOs front and center before the Department, the public and the Secretary.

So, this is what we received for
this meeting. This is mostly divided into the
same sections that the report is divided into
with just a few key points singled out and
then a little section at the end about
research.

We received 12 substantive public
comments. We also received a number of
comments of citizens who just said label GMOs
or no GMOs. I did not even count those but we
will count them because they're good for
ammunition in our future reports and things
like that. But I'm going to mostly focus on
the 12 of substantive.

And this is a lot of initials. By
now most of you know these groups but I will
name them off. And my typeface is a little
bit bigger than Calvin's so you should be able
to see most of it.

We got them from the National
Organic Coalition, the Center for Food Safety,
the Natural Organic Farmers Association, well
NOFA. Northeast. Sorry, Jean. Organic Seed
Alliance, Organic Seed Growers and Organic Trade Association, CCOF California Certified Organic Farmers, CROPP Cooperative, and I'm not going to try to what CROPP stands for. Organic Produce Wholesalers Coalition, Beyond Pesticides and two individuals.

It's not a lot bigger than Calvin's but a little bit.

Okay, key points. And I've divided these into shared responsibility and achievability.

In our letter to the Secretary that we sent a couple of years ago we -- our main point was that the issue of GMOs had to be a shared responsibility between organic farmers and conventional farmers, and that organic farmers would do everything in their power to keep GMOs out of their production. And we would certainly hope that conventional farmers and the makers of the pollution technology would do the same, keep things on their side of the fence. So this is
one step in that trajectory of showing that we are doing our share.

It was pointed out by several commenters including Beyond Pesticides while a seed purity standard is reasonable it's not reasonable to impose a standard in the absence of a comprehensive program both within organic agriculture and agriculture as practiced by those using genetic engineered varieties to prevent contamination of organic crops by genetically engineered crops, and to fine those responsible for the contamination.

We got -- now, I am singling out key comments here in these 12 comments, but several commenters would tend to be a bit redundant so I'm not repeating every single one.

CFS and NOC said something very similar as did OTA, that we need to have a more comprehensive guidance on best practices.

We were thinking of this at the same time our public was and so we have put in
the proposal and received the mandate from the NOP to work on organic prevention guidance practices.

And we can only hope that the other side of the USDA, the conventional side, is doing the same and looking at prevention guidance for conventional farmers to keep their GMOs in their fields. So this is a key point.

The second key point is a number of our commenters felt that this is achievable in the end, that a seed purity standard is achievable.

CROPP said we support the statement that change can only happen by speaking out and thank you for speaking out. You're welcome.

(Laughter)

MEMBER SONNABEND: OTA strongly encourages the Materials Committee to keep the discussion alive and take action now to keep GMOs out of organic agriculture.
A seed purity standard if properly established would protect rather than burden farmers.

CCOF thinks that a clear requirement for seed purity in 5 to 10 years is achievable and necessary, and it could be integrated into a certification process as other documentation and protocols that are already in place.

Okay, now into the comments that were directly aligned with the sections of the report.

People who did comment were in agreement that this would be a tool that would be consistent with a process standard. And that the non-detect standard proposed was a workable one for using if we were going to proceed with a recommendation.

Next section was about data, about testing protocols and thresholds for rejection. OTA thinks that the lack of data is the most significant source of reluctance.
to moving forward with this. They offered to help with aggregating and encouraging initiatives that will collect and present baseline data on seed purity.

And other people concurred that there is definitely a need for increased data collection and increased testing protocols.

It is an area that I hope we can work maybe with Mark before he leaves with institutionalizing how the data call goes through the Department so that we can make a more firm statement about what data we need and can gather from the Department and also industry. And I'm sure we'll be talking further about that as one of our next steps.

Okay, these are a little bit out of order. Just for the sake of making coherent slides.

The source material is unavailable. Both CROPP and OTA said substantial players in the seed industry have made it clear that the archive parent lines
owned by large seed houses of the U.S. are generally stored in archives clear of GMO genetic code and could be made available to breeders interested in clean versions of the parent lines.

This somewhat obscure statement is in contrast to what we heard in some of the public comment from those companies who use those lines, but we will want to investigate that more.

The concern about genetic diversity being decreased. CROPP addressed that through careful breeding isolation over the coming years a breeder could confidently select for seeds that retain lower and lower levels of unwanted genetics in exactly the same way they select for specific varietal genetics.

Well, this would be a good area to follow up more with the OSA suggestion that Calvin reiterated about having seed experts come speak to us at a future NOSB meeting.
because this is clearly an area that we'd want to hear more about.

Okay, the issue of cost or expense for organic farmers, especially small-scale ones. The Organic Produce Wholesalers believe that the primary focus of NOSB recommendations should require the USDA to upholds its obligation to protect organic producers by preventing GE contamination and if it does occur establish compensation models.

Yet CCOF said we don't believe that it's practical or desirable to wait until the compensation mechanism from companies manufacturing transgenic crops is in place before implementing a genetic purity standard.

OSGATA commended us for recognizing the onus of contamination and concurs that it belongs with the patent holders and they need to be held accountable for their pollution.

Okay. Seed availability, especially organic seed. CROPP says they are
quite certain that there are a number of adequate seed suppliers who have access to adequate non-detect germ plasm and want to save the organic non-detect market.

That's great if it's, you know, but if they assert it we have to back that up with a little bit more investigation and data before we can go ahead.

Distinguishing between organic and conventional seed. OSA commented extensively on this. And these are just some excerpts.

The strategy for favoring organic seed in general will take a comprehensive approach that includes better guidance for the NOP, stronger enforcement of the organic seed requirement, especially for minor uses of organic seed that don't -- minor users that don't demonstrate improvement. And an unintended consequence of any standard could be to encourage non-organic seed usage.

Also, the policy must address farmer saved seed which I had really not been...
thinking were any different than any other seed but perhaps does need special consideration.

Okay. And the last point. It's the responsibility of the greater USDA, not just the NOP. I have two slides about this because everybody weighed in on this topic as you might imagine.

It's the duty of the National Organic Program to work with the USDA to ensure that organic is a protected form of agriculture because the USDA's mission is to ensure fair farming for all. So I believe they would like Miles and the program to go to bat for us against the rest of the USDA who doesn't really want to support organic.

(Laughter)

MEMBER SONNABEND: Home run, Miles. Come back and show us the ball.

(Laughter)

MEMBER SONNABEND: Okay. OSGATA disagrees with they call it our conclusion
that holding patent holders financially accountable as well as logistically responsible is outside of the scope of the NOP and USDA. This wasn't totally our conclusion but this is what is stated in the report.

The USDA statutory responsibility is to work on behalf of the welfare of all farmers for the U.S. which includes organic farmers.

The NOSB should be encouraged to call upon the NOP to take a more proactive role in advocating for GMO contamination prevention.

Okay, the next ones have to do with people who -- primarily OTA and Organic Seed Alliance who talk about the Plant Protection Act of 2000 which is what gives the underlying authority to the USDA to regulate crops produced through biotechnology and appears to be the root of the problem.

OSA had the very interesting comment which I am going to read verbatim
because I thought it was interesting. The PPA which is Plant Protection Act expands APHIS's authority to regulate noxious weeds, a category that more appropriately covers crops than plant pests.

The statute defines a noxious weed as any plant or plant product that can directly or indirectly injure or cause damage to crops, livestock, poultry, or other interests of agriculture, irrigation, navigation, the natural resources of the U.S., the public health or the environment.

Clearly, based on this language USDA has sufficient statutory authority to issue regulations that address economic and other harms posed by GE crops.

So, I'm not sure we're going anywhere with this, but let it give everyone in the audience ideas if you'd like to pursue that.

Okay. A lot of people wrote in about research needs involved with all the
steps. And some of this is quite redundant to what Calvin's talked about so I'm not going to be talking about this at length.

But we appear to have, oh, not just 15 or 30 years but 100 years' worth of research ideas that we could do on GMO crops. We singled out two for our research priorities this year because they came up in discussion. But several slides here worth of more.

OTA suggested that the NOSB could create a research model to collect data. I'm not exactly sure what that means, a research model to collect data. So maybe they'll tell me more about that at some future time.

But there is definitely a lack of data on how much contamination is occurring, whether that contamination is coming through the seed or through drift or handling practices. How contaminated is the seed supply now.

And then we also need research and
funding on methods to eliminate contamination
from breeding lines and foundation seed.

And more topics on this slide
which includes cost analysis of the financial
burdens that would be placed on different
organic stakeholders in the process of
implementing it.

Now, I will say that some other
groups besides these 12 commented on these
same subjects for research priorities that
Calvin summarized and not directly on the seed
purity report.

Okay. A few other random stray
comments.

Please leave the discussion of
seed purity open until the committee has a
recommendation ready for the USDA. That was
one of our two individual comments.

OTA urges NOSB to include in the
recommendation guidance that ACAs require a
seed purity declaration made by the seed
supplier of the non-GMO status of seed and as
Laura talked about on their bags.

The difference between commercial seed and farm-saved seed was brought up. And our other individual commented we should set fines for GMO crops drifting over and contaminating organic non-GMO crops.

So that concludes the report on seed purity. I think we have grist to talk about in the committee meetings on some possible next steps regarding research data and some other actions. And so we will take it from there. Thank you.

CHAIR STONE: Thank you very much, Zea, for compiling all that and the whole background to generate the information, to generate this is just tremendous, the effort you put in on that.

Are there others on the Board that would like to add to or ask questions or clarify? John?

VICE CHAIR FOSTER: I just want to say I think this is a great work product.
This is a lot of work and took a tremendous amount of effort and talent and knowledge. And I just wanted to acknowledge it. It's a really nice piece of work.

CHAIR STONE: Zea?

MEMBER SONNABEND: And I do want to acknowledge that this might have never been posted if the NOP hadn't agreed to work with us on it. Because we realize that it draws conclusions that are outside of their scope but they did agree to help us make it go forward as a report. So thank you to Melissa and Mark Lipson who helped substantially on this.

CHAIR STONE: Yes, I sense a lot of interest in the audience and heard some nice noises from them as you were unveiling some of that. Nick?

MEMBER MARAVELL: Yes, I'd just like to make a comment to help frame some of the issues surrounding compensation for GMO contamination. And the use of the concept of
irreparable harm.

Once you accept compensation for GMO contamination you no longer have access to irreparable harm arguments. And when you no longer have access to that, you no longer have access to certain forms of injunctive relief.

I don't want to get too complicated here but I'm just trying to tell you that once you go down the road of compensation you shut off a whole realm of legal argument to try and contain the activities of the patent holders.

So I feel that's more of a legal issue and this paper certainly is not a legal brief, it's a discussion of the substantive problems involved with the contamination.

But that is also why it is important to keep your eye on AC 21 and why you may have heard some questions about the AC 21 committee here at this meeting.

CHAIR STONE: Any other thoughts?

Comments? Okay. Mr. Chairman, Calvin, there
seemed to be a lot of consensus around the couple of voting. We've got 10 or 15 minutes. We've got quite a bit tomorrow as well. I'll leave it up to you but I might recommend we knock a couple of these out if that's favorable. Is that -- everybody? While these are still fresh on our minds. We obviously won't go backwards into the agenda.

SECRETARY WALKER: Okay. Thank you, Mr. Chairman. Francis, you would like to take the bat on CBI?

MEMBER THICKE: CBI? Since I have not done this before I'm not sure what I'm doing here.

CHAIR STONE: So, if you'll read the motion and make a motion since you're the lead. And then we'll hopefully get a second.

MEMBER THICKE: This isn't really a motion like it is in a proposal usually. Okay, so how about this. The Materials Subcommittee moves to accept recommendation number 1 in the proposal. And it's pretty
long. Do you want me to read it?

CHAIR STONE: Maybe not.

MEMBER THICKE: Okay.

MEMBER SONNABEND: Actually, I
don't have it open this second. The sentence
right above where it says that motion
summarizes it in a much shorter form.

MEMBER THICKE: Okay, here we go,
yes. Thank you, Zea. The Materials
Subcommittee is recommending a revision to the
material petition process to eliminate the
provision for confidential business
information.

CHAIR STONE: We have a motion.

Is there a second?

MEMBER TAYLOR: I second.

CHAIR STONE: Second by Jennifer.

Any further discussion? Okay. Hearing none,
we'll proceed with the vote and we'll start
with Jennifer.

MEMBER TAYLOR: Yes.

MEMBER FELDMAN: Yes.
MEMBER SONNABEND: Yes.
MEMBER AUSTIN: No.
CHAIR STONE: I'm not voting.

We're going a little bit slower so the tally-takers can keep up here too. John?

VICE CHAIR FOSTER: Yes.
SECRETARY WALKER: Yes.
MEMBER RICHARDSON: Yes.
MEMBER DICKSON: Yes.
MEMBER BECK: Yes.
MEMBER FAVRE: Yes.
MEMBER MARAVELL: Yes.
MEMBER FULWIDER: Yes.
MEMBER THICKE: Yes.

CHAIR STONE: The chair votes yes.
MEMBER BONDERA: Yes.

CHAIR STONE: Oh, I'm sorry. I forgot. I thought we started at the beginning. Sorry, Colehour.

So, we got 14 yes, 1 no. Thank you very much. So Zea, I think that motion carries. Remember, all chairs are rookies.
They have to get used to this thing.

So, Zea said that we needed to do that one first. So, Calvin?

SECRETARY WALKER: Next it would be a petitions and technical reviewing process. Zea?

MEMBER SONNABEND: The motion is to accept the proposal on updating the petition and TR process as described above and voted on on August 27, 2013.

CHAIR STONE: Which I would suggest is a lot of verbiage to make sure everyone is clear that it's above that in the document. Is there anyone that's not clear?

Is that okay, Melissa, entered into the record as such? Is there a second?

SECRETARY WALKER: I'll second.

CHAIR STONE: Second, Calvin. Any further discussion? Seeing none I'll proceed with the vote starting with Jay.

MEMBER FELDMAN: Yes.

MEMBER SONNABEND: Yes.
MEMBER AUSTIN: Yes.

VICE CHAIR FOSTER: Yes.

SECRETARY WALKER: Yes.

MEMBER RICHARDSON: Yes.

MEMBER DICKSON: Yes.

MEMBER BECK: Yes.

MEMBER FAVRE: Yes.

MEMBER MARAVELL: Yes.

MEMBER FULWIDER: Yes.

MEMBER THICKE: Yes.

MEMBER BONDERA: Yes.

MEMBER TAYLOR: Yes.

CHAIR STONE: The chair votes yes.

We have 15 - 0, the motion passes. I notice Wendy a former secretary is down there busily making sure that we get it right. Thank you for that, Wendy. We can't get it out of you.

So, the last one to vote on would be the research priorities.

SECRETARY WALKER: Okay, this motion is a motion to adopt the proposed recommendation on NOSB research priorities for
2013.

CHAIR STONE: We have a motion.

Is there a second?

MEMBER TAYLOR: I second.


MEMBER SONNABEND: Yes.

MEMBER AUSTIN: Yes.

VICE CHAIR FOSTER: Yes.

SECRETARY WALKER: Yes.

MEMBER RICHARDSON: Yes.

MEMBER DICKSON: Yes.

MEMBER BECK: Yes.

MEMBER FAVRE: Yes.

MEMBER MARAVELL: Yes.

MEMBER FULWIDER: Yes.

MEMBER THICKE: Yes.

MEMBER BONDERA: Yes.

MEMBER TAYLOR: Yes.

MEMBER FELDMAN: Yes.
CHAIR STONE: Vote 15 - 0. Motion passes. Thank you very much. And thank you for the great report or else we wouldn't have had that kind of quick and easy voting process here.

So, in closing out, thank you, Mr. Chairman. Thank you for getting your work done.

So, tomorrow I guess I want to visit with subcommittee chairs just a little bit. Be sure Michelle has the accurate list, that we know sort of which are being voted on, maybe which are being referred back to committee. We may affect the order of the vote so that we can maybe save time.

Many of those that we think are being referred back to committee, we'll sort of maybe work through those to get warmed up, get our juices flowing tomorrow morning, and then save some of the others if there's more time for deliberation that might be needed.

Any other thoughts or anything
that anyone wants to bring before we recess for the evening?

    Thank you very much. We did a lot of great work today. We had a lot of great conversation. The conversation flowed nicely. I appreciate everyone's sharing of information and adding to our work. Thank you very much and we'll see you at 8:30 in the morning.

    (Whereupon, the foregoing matter went off the record at 5:27 p.m.)
Page 398

Neal R. Gross and Co., Inc.  
(202) 234-4433
effects 26:22 90:4
  351:5,6,10,15
efficient 61:2 82:12
  effluent 75:22 76:2
  79:17
effort 7:12 73:4
  211:6 337:11
  380:16 381:2
efforts 277:3
  egg 38:5 39:22
  316:17
egative 114:14
  14:14
either 15:11 31:21
  83:4 161:16
  166:17 196:6
  236:6 258:9
  297:20 313:1
elect 15:10
  elected 87:16
  electronic 252:2,4
  element 115:19
  195:4 341:18
  elements 122:6
  123:4 205:7
  eligible 284:8
  eliminate 77:4
  180:17 262:22
  333:19 379:1
  384:11
  eliminated 175:22
  346:18
  eliminating 334:1
eleotia 302:22
  email 204:19 205:2
  205:10 297:21
  298:1
  Emily 296:18
  297:21
  emissions 181:15
  emphatic 42:15
  employer 177:4
  emptied 154:2
  enclosure 19:13
encourage 7:22
  20:1 374:20
  encouraged 15:1
  376:10
  encourages 369:20
  encouraging 312:5
  371:2
  ended 107:16
  110:17 117:13
  325:14,21
d endorsed 44:18
  enemey 8:11
  energy 23:12
  349:11
  enforcement 213:7
  374:15
  engage 27:6 354:22
  358:7
  engineered 368:9
  368:11
  England 40:5,13
  131:6
  enhance 213:10,17
  enormously 150:1
  150:5
  enrichment 113:16
  114:11 123:1
  128:22 134:4
  ensure 213:19
  222:21 240:14
  375:11,13
  ensuring 212:6
  entered 386:15
  entertained 107:15
  entire 211:10 351:8
  entirely 218:7
  entities 355:13
  entainment 285:3
  286:3 288:3
  289:15
  environment 14:6
  89:10,14 90:2
  93:17 128:4 139:3
  139:15 154:9
  174:6 188:14
  189:5 198:11
  202:10 213:12
  219:16 297:6
  331:4 377:12
  environmental 54:8,9
  133:2
  146:10 166:20
  168:18 170:4
  173:10 179:17
  180:15 190:12
  202:6
  environments 112:14
  enzyme 346:4
  EPA 175:13
equally 40:20 315:6
  equates 112:19
  equipment 76:21
  79:1 291:16 292:2
  292:3
equivalent 150:21
  Ernie 21:6
  error 105:1 198:7
  270:6
  errors 131:7
  escaped 149:3
  esoteric 344:15
  especially 30:12
  37:18 48:13 93:15
  171:4 200:22
  202:5 213:9
  217:14 220:16
  222:8 241:15
  266:10 268:9
  273:10 291:4
  297:12 327:20
  340:9 373:4,22
  374:16
  essence 95:22 362:6
  essential 116:9
  122:6 123:4 139:2
  168:12 204:13
  205:7 207:11
  273:13 304:14
  essentiality 54:13
  54:22 57:18 58:6
  128:8 132:5 133:9
  191:22 192:5,11
  192:18,19 193:1,9
  193:11 195:3,22
  198:11 207:4
  264:22 266:10
  279:15 297:7
  310:1,5,22 311:2
  313:3,10 316:18
  essentially 77:3
  86:22 95:3,19
  108:7 127:17,22
  134:7,11 146:9
  202:18 208:16
  245:14 278:16
  316:19 319:7
  327:7 360:5,9,11
  establish 63:6
  341:15 344:18
  373:10
  established 102:12
  121:15 370:2
  establishing 77:5
  et 133:12 173:21
  189:6 363:17
  ethanol 169:17,20
  ether 4:9 257:9
  280:18
  ethically 42:7
  ethylene 285:8
  European 19:3
  143:10
  evaluate 83:13
  111:12 139:7
  176:21 198:6
  249:2 285:13
  331:2 336:2
  350:10
  evaluated 53:22
  128:6 132:6 285:4
  289:17
  evaluating 60:10
  80:17 95:6 176:14
  209:14 290:4,6
  evaluation 54:6
  104:7 115:8
  127:22 132:9
  141:11 163:21
  185:22 198:4
  276:15 281:9
| Interaction | 218:16 225:4  
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Interactions</td>
<td>247:10 283:13 288:6 291:1</td>
</tr>
<tr>
<td>Interpretation</td>
<td>249:16 225:11 288:13</td>
</tr>
<tr>
<td>Interrelate</td>
<td>214:19 241:6 265:12</td>
</tr>
<tr>
<td>Interrupt</td>
<td>291:3</td>
</tr>
<tr>
<td>Intersect</td>
<td>341:20 252:15 252:17</td>
</tr>
<tr>
<td>Intramuscularly</td>
<td>142:19</td>
</tr>
<tr>
<td>Introduce</td>
<td>13:9 68:3</td>
</tr>
<tr>
<td>Introduction</td>
<td>16:21 77:22 352:20</td>
</tr>
<tr>
<td>Inventory</td>
<td>318:11</td>
</tr>
<tr>
<td>Inverse</td>
<td>282:13</td>
</tr>
<tr>
<td>Investigate</td>
<td>372:9 374:7</td>
</tr>
<tr>
<td>Investigation</td>
<td>319:6</td>
</tr>
<tr>
<td>Investment</td>
<td>31:17 31:18 338:11</td>
</tr>
<tr>
<td>Investments</td>
<td>32:1 32:10</td>
</tr>
<tr>
<td>Invite</td>
<td>8:3</td>
</tr>
<tr>
<td>Involved</td>
<td>11:13 144:10 377:22 382:16</td>
</tr>
<tr>
<td>IQA</td>
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<td>234:1,3</td>
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<td>308:9</td>
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<tr>
<td>Irrelevant</td>
<td>194:15 382:1,4</td>
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<td>Irreparable</td>
<td>161:8 377:10</td>
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<tr>
<td>Irrespective</td>
<td>110:13 372:13</td>
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<tr>
<td>Irrigation</td>
<td>214:19 281:13</td>
</tr>
<tr>
<td>ISO</td>
<td>110:13 372:13</td>
</tr>
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<td>Isopropyl</td>
<td>305:4</td>
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<td>Issuance</td>
<td>28:19</td>
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<tr>
<td>Issue</td>
<td>15:19 20:16 24:2,10 35:11</td>
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<tr>
<td>Iteration</td>
<td>50:2,8</td>
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</tbody>
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<thead>
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<tbody>
<tr>
<td>Jackie</td>
<td>21:18</td>
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<tr>
<td>James</td>
<td>211:4</td>
</tr>
<tr>
<td>January</td>
<td>69:4 275:18</td>
</tr>
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<td>Japan</td>
<td>143:9</td>
</tr>
<tr>
<td>Jargon</td>
<td>252:22</td>
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<td>Joe</td>
<td>62:13 87:9</td>
</tr>
<tr>
<td>June</td>
<td>113:9</td>
</tr>
</tbody>
</table>
OTA 44:2 105:4
199:15 233:5
284:17 286:20
331:11 355:14
356:3,6,17 359:17
368:19 369:19
370:21 371:20
376:15 378:10
379:19
OTCO 144:5
ought 50:7 362:21
outcry 319:15
outdated 326:22
outdoor 39:14 46:2
46:16 47:19
outdoors 19:7 46:1
47:12,12,14
out 152:22
outlets 211:16
outlined 134:15
343:19
outlines 330:15
outrageously 35:4
outreach 211:6
214:18 217:6,17
222:17,20 223:5
223:19 224:14
356:9,15
outside 39:13 46:21
60:16 80:17
116:13 124:5,22
132:6 135:2 194:6
212:13 220:7
289:9 351:16
376:3 381:10
outstanding 199:15
outweighed 341:6
overall 22:6 51:1
184:10
overarches 97:6
overarching 51:20
138:4,7 139:7
233:15
overcome 50:12
overcrowding 148:10,20
overlay 275:8
oversight 217:11
overstated 55:9
overuse 153:5
overview 254:14
301:22
overwhelmingly 303:22
owe 357:19
owned 372:1
oxides 174:1,1
oxygen 188:9
oyster 181:18

P
P-R-O-C-E-D-U-R-E 5:1
p.m. 208:20,21
324:11,12 390:10
Pacific 133:5
pack 111:17
packaged 219:15
packaging 263:17
275:6
page 67:21 69:19
131:2,3 351:11,11
351:12 363:14
pages 338:1,3
355:12
paired 172:10
panel 104:11 272:6
paper 241:20
253:12,14 261:5
296:8 382:14
paperwork 239:1
241:18 243:5
253:18 255:18
paragraph 17:10
53:7 69:16 94:1
95:2,7,17 115:14
141:17 165:20
parallel 32:12
116:7
parasites 202:9
parasitism 354:6
parent 371:22
372:5
part 9:17 42:11
48:19 60:22 69:8
88:12,13 90:19,20
101:4 105:21
106:1 109:19
112:17 118:11
125:13,18 126:4
126:22 136:19
137:9,16 149:14
158:16 196:21
236:6 239:15
241:9 242:9
246:14 247:12
252:13 253:8
258:5 268:11,18
269:13 288:16,21
291:6 292:7 316:2
316:9 327:10,12
327:13 335:13
340:1 342:5 347:8
353:3
participate 78:8
particular 8:17
29:4 43:21 45:5,9
58:11 74:2 84:17
104:13 118:19
133:3 167:12
197:14,15,22
198:14 200:6,17
201:20 203:11
205:10 217:18
219:11 227:10
269:21 272:7
276:8 296:10
298:4 315:9 328:1
354:14
particularly 14:17
23:6 29:8 108:13
165:10 166:8
207:13 235:6
243:22 278:15
308:9 319:20
320:5
partly 110:16
249:17
partner 12:18
parts 213:14
223:13 227:1
241:1 249:13
267:8 327:7
party 141:10
276:14
pass 27:10 294:1
passed 44:11,20
78:17 156:9
165:4,21 233:17
293:19 294:15
303:19
passes 230:21
387:14 389:2
passionate 7:18
pasture 19:3,10
39:13,19 40:7
pastures 226:11
Pat 249:1 254:8
297:12 298:11,11
314:11
pate 320:17
patent 333:2,4,6
342:15,20 343:2
343:15 373:18
376:1 382:12
patenting 343:1
patents 342:21
path 92:6 361:21
pathogens 202:8
patience 163:2
205:16
pattern 121:21
123:12
pause 131:3
pay 127:6
paying 49:16
PCC 131:1 359:18
pears 357:10 358:3
361:18
peeled 160:2
Pellet 281:3
pelleted 282:10
pellets 286:6,16
pen 80:1 98:3 135:2
135:3 149:2,9
152:18 182:1
penciled 225:21
pens 98:9,12,21

Neal R. Gross and Co., Inc.
(202) 234-4433
rhetorically 32:22
Rice 248:22 298:8
Richard 259:12
RICHARDSON
1:19 37:14 61:11
70:10 71:13 72:6
85:18 101:3
136:16 141:19
149:13 186:13
191:14 193:4
195:10,15,17
230:8 260:3
270:17 271:10
273:9 281:18
305:10 385:8
387:4 388:13
right 21:2 40:5
46:17 69:14 76:19
86:2 88:13 92:10
114:19 117:9,18
121:5 154:16
162:3 181:17
195:12,14,17
196:3 197:7
199:21 203:15
206:19 222:4,7
225:22 229:10
230:18 256:17
263:9 274:19,21
279:9,12,15
281:21 287:9
291:9 295:22
296:13 298:19
302:5,16 309:8
310:18 314:3,15
314:16 323:6
336:5 337:22
344:20 345:10,12
348:9 358:18
364:2 365:4 384:6
387:16
rightfully 86:19
164:21
rinse 342:20
ripe 51:4
risk 202:1 267:6
road 92:5 113:6
244:15 382:9
Robert 131:7
robust 183:20
rocket 23:14
role 32:22 45:21
60:8 212:5 216:19
216:21 376:12
roll 6:2 73:8
rolling 16:17 36:18
36:19
rookies 385:22
room 14:11 65:8
87:12 177:6
218:15 250:12,13
297:13 298:3
root 376:20
ropes 357:19
rosemary 106:7
Rosen 297:22
rotation 246:10
rotational 153:19
round 13:12 306:13
rounded 147:7
route 119:11
routes 260:18
routine 122:13
123:11 124:21,21
routinely 157:14
250:4
rubber 244:15
ruckus 41:20
rule 18:12 28:19
29:3 47:15 97:12
97:13,15 99:14
117:15 132:4,16
132:22 143:12
198:6 211:14
212:11 213:11,14
217:21 218:6,10
219:10 220:4,7,11
247:12 252:22
253:1 254:2,2
262:6
rulemaking 28:16
28:17 29:17 92:20
93:5 95:11 96:9
126:2
rules 39:12 116:8
222:14 346:22
347:1
run 18:12 178:16
256:18 292:3
300:12 364:22
375:18
running 40:2
256:11
runs 265:14,15
rush 13:8
—— S ———
s 37:16
safe 75:17 84:1
112:16 264:3
safety 54:8 130:21
134:15 199:16
284:18 355:17
366:20
Saint 1:9
sake 270:11 357:8
371:17
sale 357:14
saleable 159:20,22
sales 219:9 220:17
357:16
salmon 133:6
salmonellas 72:20
salts 188:5
San 1:10
sanitation 246:10
scraps 42:15
scratching 47:5
screen 215:1
screens 138:20
scroll 69:15,17 70:6
se 36:3
sea 140:15
seat 216:14 219:13
220:21 226:12
search 325:18
season 153:21
seat 209:1
seats 5:4
Seattle 32:15
second 27:15 34:6
67:21 71:3 101:4
148:22 150:11
210:7 229:14,15
229:18 238:21
251:7 257:4 266:5
312:12 313:19
318:4 319:1,18
330:14 347:12
354:8 369:10
383:17 384:5,15
384:16,17 386:16
386:17,18 388:3,4
secondary 176:20
265:16 296:1
seconded 270:8,15
secondly 116:6
secretary 1:14 43:9
44:9 56:2 88:10
94:20 114:7 120:4
126:17 136:3
197:6,9 201:17,19
204:16 230:7
248:11 251:8
324:20 330:3
342:10 352:7
360:4 364:5,19
365:21 367:12
383:9 385:7 386:4
386:17 387:3,15
387:20 388:12
secrets 343:21
section 4:2 17:5
25:1 53:3,6 63:5
63:14 64:1 104:3
115:13 121:16,19
141:16 155:19
164:6 231:8
259:14 275:20
281:5 348:3 366:4
370:19
sections 225:4,11
366:2 370:11
sector 32:2 211:10
213:4
see 13:20 16:3 20:7
31:2 32:10 44:2
vaccinated 149:2,5
150:11 151:1
153:12
vaccinations 148:11,14,21
149:22 151:13,19
vaccine 64:4 65:20
67:6,10,13 68:17
69:9 72:20 140:21
150:6 153:11
vaccines 3:5,6 61:9
61:10,12,20,20,21
62:3,21 63:8,11
63:12,19,20 64:16
65:11,14 66:17
67:1,7,15,22 68:1
68:7,11,20 69:3
69:19,21 70:3,3,8
70:17 71:2,6 72:3
72:22 73:2 141:2
141:6,15,20,21
142:3,6,10,12,18
143:1,7,10,11
147:2 149:21
150:4,16 151:9
152:11 153:5,7,9
154:14 353:18
361:4
vacuum 132:10
valid 166:21 193:5
274:13 312:15
360:5
validation 125:15
valuable 252:18
value 59:15 176:8
176:11,15 348:15
values 181:10
dep 292:19
variability 243:14
243:20,21 244:5
244:10,15 247:10
variable 20:13
21:22 22:4 35:12
35:22 247:1,3
variations 21:7
varies 150:1
varietal 372:17
varieties 240:7
368:9
variety 50:20 84:10
113:3 277:9
various 40:21
65:11 92:17,18
134:12 214:9
223:3 225:10
254:12 291:16
330:16 349:6
vary 25:2 150:5
154:6
vascular 158:18
160:14
vast 246:19,21
vegetable 106:5
vegetables 178:9
vegetarian 42:19
vehicle 223:5
vein 209:10
venue 219:3
verbal 3:5 4:4 61:9
verbatim 215:3
376:22
verbiage 386:12
verifiable 22:1
verification 253:17
351:17
verified 69:3 286:1
317:4 333:7 346:9
verify 67:6 69:11
253:13 347:16
348:14
verifying 72:2
Vermont 64:14,18
66:13,14 70:17
verse 319:1
version 167:2
231:16 347:11,15
348:20
versions 322:8
344:8,20 347:10
348:18 372:4
versus 133:11
135:2
veterinary 63:9
64:6 142:16
vetted 56:7
viability 23:20
viable 24:8
Vice 1:14 49:10
56:14 139:13
160:4 177:3 230:6
230:22 237:3,11
238:7 243:9 245:5
245:12 246:6,13
246:18 270:19
325:22 335:8
336:20 344:2
380:21 385:6
387:2 388:11
view 80:15 84:3
88:5 100:18 173:9
175:20 192:1
205:5
viewed 340:5
viewpoints 90:14
views 83:19 232:9
village 206:6
vinasse 332:10
vinegar 181:18
violations 8:8
viral 68:3
virtual 211:15
220:17
virtually 180:2
virtue 29:15
visit 8:5 149:19
389:10
visual 58:17 253:16
visualize 184:4
visually 253:13
vita 47:7
vitamin 111:17
113:10 128:13
136:5 196:20
vitamins 3:11,19
35:2 113:14,15,21
120:6 127:18,22
128:6,15 129:7
130:14 131:21
132:3 134:4
135:21 140:9
196:9,14,16,19,22
197:12 198:2
202:17 203:16
204:21 205:2,5
VOF 65:20
voice 14:6 66:3
83:18
voiced 130:11
volatile 108:4 263:1
263:10
voluntarily 212:18
voluntary 216:1,19
216:22 222:12
volunteered 216:6
votable 364:10
vote 15:12 16:9
26:4 27:18 31:21
32:15 45:15 49:7
50:4 57:12 61:6
80:8 87:7 120:18
128:11,12 142:4
143:13 149:8
193:18 209:14
221:16 229:3,8
230:1 231:2
236:14 247:20,21
262:3 269:3 326:8
326:9,10,13,13
329:1 336:13
354:9 364:13,21
384:19 386:20
387:18 388:7
389:1,15
voted 10:5 28:7,12
54:20 97:11
110:17 120:16
128:12 167:20
189:3 190:16,16
221:16 231:12,17
236:9 265:22
330:18 336:14
354:8 386:10
389:12
votes 52:10 99:8
230:15 385:15
387:13

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<table>
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</tr>
</tbody>
</table>
6504 290:16
651.7 64:2
651.8 64:3
6517(b) 121:14
6517(c)(1)(B)(i) 127:19
68 144:7

7 155:11 156:9
198:14 221:16
236:9 290:16
330:19
710-10-521 302:17
73 3:7
79 129:9,11

8 17:2 172:7
8.509 260:12
8:30 390:8
8:31 1:9 5:2
80 355:4
80-some 243:14
89 354:16,17

9 146:16 154:5
922-50-9 17:14
CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: National Organic Standards Board

Before: Department of Agriculture

Date: 05-01-2014

Place: San Antonio, Texas

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

[Signature]
Court Reporter

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The National Organic Standards Board convened at 8:30 a.m., at the St. Anthony Hotel, 300 East Travis Street, San Antonio, Texas, Mac Stone, Chairperson, presiding.

MEMBERS PRESENT:

MAC STONE, Chairperson
JOHN FOSTER, Vice Chairperson
CALVIN WALKER, NOSB Secretary
HAROLD AUSTIN
CARMELA BECK
COLEHOUR BONDERA
JOSEPH DICKSON
TRACY FavRE
JAY FELDMAN
WENDY FULWIDER
NICHOLAS MARAVELL
JEAN RICHARDSON
ZEA SONNABEND
JENNIFER TAYLOR
FRANCIS THICKE
STAFF PRESENT:

MILES McEVOY, Deputy Administrator, National Organic Program

MICHELLE ARSENAULT, Advisory Board Specialist

MELISSA BAILEY, Director, Standards Division, National Organic Program

LISA BRINES, Standards Division, National Organic Program
TABLE OF CONTENTS

Deferred Proposals/Final Votes 4

NOSB Officer Elections 143

Subcommittee Workplans 149

Other Business and Closing Remarks 160
CHAIR STONE: Okay. I've got 8:30 -- 8:31 actually. We've got a lot of voting to do today. We had great discussion on these materials the last two or three -- three days I guess.

I think everyone in the audience heard that several of these are going back to committee. And I think actually my sense is the Board members appreciate that, they're fine with that. They feel like we did good work, we listened to comment, we read comments, we adjusted our decisionmaking because of the good information that we got from the broader community.

So we talk about it at the Board level, of how do we engage the community during our deliberations so that we can get closer to the right thing before we get here. And so there's several layers of continual improvement, and I think information-sharing,
but I'm pretty proud of this group of people that worked hard, listened hard, and going back to work on these same materials so that we can get it right in the long run.

So, Board members, I know it's going to be feel sort of not fun to go around on referrals. But with Robert's Rules, when you have a two-third majority that's needed, you have to do a roll call vote. And it goes into the -- it gets recorded that way. We can't just everybody raise their hand or nod or whatever. We have to go around.

So I think we'll go through just in order. Ms. Grateful Dead, Zea, over here, we'll start with the Crops Committee when Zea gets settled in.

I think it makes most sense -- we do have a hard stop at 11:15. So I think that's plenty of time to discuss the ones that are not being referred back to committee. But I will be moving it along. If it gets to that point, we'll have to just stop the
deliberations and vote to move on. Because of
the Federal Register Notice, the meeting has
to end on time. And, besides that, several of
us have planes to catch and we planned on
being finished on time, frankly.

So is there any other

housekeeping? Miles, anything you've got?

MR. McEVOY: No.

CHAIR STONE: Okay. Colehour?

MEMBER BONDERA: Thank you. Don't
mean to correct you, but you read it quickly,
and I just want to make sure it's clear. It
says 11:15 is when that session starts. It
ends at 11:45. Just so you aren't looking at
your clock this whole time thinking we're
ending at 11:15.

CHAIR STONE: Right. No, the
voting ends at 11:15. Right.

MEMBER BONDERA: No. Is that --
okay. Okay. Thank you. Thank you. I'm
reading it wrong now. Thank you.

CHAIR STONE: Okay. Zea, are you
settled in? We'll start with streptomycin.

MEMBER SONNABEND: Okay. This is my birthday celebration, not the Grateful Dead, because it's the last day, so we might as well celebrate today. And Michelle gave me this.

Okay. The first thing in the Crops Committee will be streptomycin. And I don't know, do you want the point person to read the motion for each one? Which I think would be good, since I don't have it in front of me?

CHAIR STONE: Correct. I think let the point person start the discussion.

MEMBER SONNABEND: Okay. So, then I'll ask Harold to take it away.

MEMBER AUSTIN: Okay. For streptomycin, classification motion, we won't need as it's already on the national list classified as a synthetic. The listing motion, which is before us, is the motion to remove the existing expiration date of October
21, 2014, for streptomycin at 205.601-I-11,
and replace it with an expiration date of
October 21, 2017, so that the listing reads,
"Section 11 streptomycin for fire blight
control in apples and pears only until October
21, 2017."

CHAIR STONE: So I'm going to let
that be as a motion. You didn't just read the
motion. That is a motion, correct?

MEMBER AUSTIN: I move to accept
this motion as I just read it.

CHAIR STONE: Okay. Is there a
second?

MEMBER SONNABEND: I'll second it.

CHAIR STONE: Seconded by Zea. Is
there further discussion on this motion? Jay?

MEMBER FELDMAN: Just to make it
clear, could we just explain that a vote in
favor will extend streptomycin and a vote
against will keep the existing expiration date
of October 2014.

CHAIR STONE: Correct. Thank you
for clarifying that. Does anyone have further conversation versus having thought about it from the other day?

(Off-microphone comment.)

CHAIR STONE: Thank you. Michelle reminded us we discussed the other day, whichever day, conflict of interest. The process that we have is the Board has emailed a chart of all of the petitions on the table, and Board members self-declare whether they have a conflict of interest under the definition, the USDA definition that we have been advised of.

No one on the Board, to my knowledge, had any conflicts on any of the materials today. But I welcome any Board member that wishes to declare their interest or potential perception of interest. If they would like to, you're certainly welcome to do so. Zea did the other day, and she said that lasts for the whole meeting, the way I remember it. But anyone else is certainly
welcome to do so.

MR. McEVOY: Yeah, and as the Designated Federal Officer for the National Organic Standards Board, the information that was supplied by the members indicated that no members have a conflict of interest with any of the proposals being voted on.

CHAIR STONE: Okay. Thanks.

Thanks, Michelle, for keeping us on track.

Harold, did you have your hand up?

MEMBER AUSTIN: Okay. Before we start to take our vote, I would just like to make a few comments in defense of the listing motion. I think, you know, we've gone through the written public comment period. We've gone through the oral testimony. And I think we've gotten some decent feedbacks from both those that are in favor of this motion and those that have some very solid-based grounds of concerns about not moving this motion forward.

I would like to say that, in Seattle, this Board challenged the organic
producer industry to go out and start to begin
to take the task of finding alternatives to
streptomycin and tetracycline, which the
industry did. I think we heard in testimony
yesterday that research testing and
development on replacement products will take
anywhere from five to 10 to as long as 15
years to really go through that cycle of
taking and learning a product, learning
physically how to use it, taking that product,
then, and being able to physically work it
into a day-to-day operation, something that a
grower has a comfortability about using that
product and knowing that it's not going to
damage his crop in a different way than maybe
what fire blight was, if we use products we
can cause russet, whatever.

I think the problem for me is that
the Board set the ground rules when they
challenged the industry and they told them in
Seattle to go forward and come back to us and
show us that you're making progress, which is
exactly what they did. They haven't completed
the trials. They haven't completed the
testing.

We've got one material, and we
continue to hear about, well, we've got this
Blossom Protect. As we heard in oral
testimony, and as we saw in written testimony,
Blossom Protect is not a panacea for a full
replacement of antibiotics. It's not shown to
be completely effective in all geographic
locations of the United States. It's a
material that does not replace the antibiotics
post-bloom. Post-bloom is a serious point of
control when we've got tip blight and we've
got blight that can be caused from hail
damage. We have no material.

There is a material, a copper,
that is still tied up. We talked about it
during the tetracycline discussion. It's
still tied up with EPA. It does sound like
it's coming through and will be ready for use
later this season, which of course will be
after the fire blight season.

The tools aren't yet there for our stakeholders in the organic sector for the removal of this material. I don't think anybody in this room that sits on this Board wants to see an indefinite period of time for streptomycin to continue to be used. We know that's not the right move, and that's not what sunset is all about, and we appreciate that.

To remove this now, before the rest of the research and development has been done, will put a hardship on individuals that we heard yesterday. These crops are not crops that get replaced each and every year, once or twice a year. These are crops that are put in the ground and they are going to have a lifetime expectancy of 20 to 30 years. That is a tough loss when you're starting to take those trees, those plants, that production out of the equation for your family livelihood.

We owe it to our organic stakeholders, our producers that rely on this
material, to give them this extension and set a hard-fast date of October 21, 2017, for a firm and definite removal. We are not yet there. 2011 to 2014 is not adequate time for the research and development to have been given proper time to take place and reach full continuity and have the results back to the industry and the stakeholders that they need.

Thank you.

CHAIR STONE: Thank you, Harold.

Zea?

MEMBER SONNABEND: I just would like to speak from personal experience and on behalf of the pear growers in California. Pears are more susceptible, as we've heard, to fire blight. California does have a pear industry. We've been watching this carefully. We have very different conditions there than they do in Washington and Oregon. And since I've been really trying to encourage our growers to move away from antibiotics, I have been trying to stay on top of all of the
guidance and suggestions and research and like
that to tell our growers.

The research and the public
information for the most part is oriented
towards Washington and Oregon. And so, for
instance, we eagerly awaited the publication
by David Granatstein and Harold Ostenson. It
was not released until March of this year,
which is after blooms started for California
pears in the Central Valley and in my area.
And by after bloom it is too late to do an
integrated program for that year. I mean,
it's not too late to do some of it, but it's
too late to do the whole integrated program.
You have to start in the dormant season.

So, you know, we being
enterprising, fruit growers on my farm decided
the future is in fire-resistant pears, so
let's plant a block of them. Well, that is
not that easy. There is one variety. It's
not that easy to find. We had to have it
custom-grafted onto rootstock that works in
our area, because it is not the same rootstock
as in Washington, and so we have to wait.

That's a two-year process for us to arrange
the custom grafting onto the right rootstock.

And so even though I started last
year, we won't be able to have those trees to
even plant until next year. And then we have
to wait five to seven years to get pears.

And so, you know, people are like,
okay, the consumers don't want antibiotic
pears. Okay. The consumers get a choice
between conventional pears, pears from
Argentina, or no pears at all.

So, the organic consumer has
spoken. They don't want pears. I'm sorry,
but that's what it boils down to for the next
several years. And my estimate is,
realistically, 10 to 20 years until a good
supply of organic pears will become available
again. And that's why I'm in support of this
motion.

CHAIR STONE: Thank you, Zea.
Others? Jay?

MEMBER FELDMAN: Thank you. The discussion we're having is critical to how we try to balance the need for materials versus the adverse impacts of materials, and that's always a challenge, obviously. And I don't think anybody feels good about taking materials away, especially when the need is established.

In many ways, I view organic as having a number of pressure points that are elevated among the many, this being one of them, this being one of them for the reason that most of the people -- and you mentioned consumers -- most of the people that buy organic food have believed that antibiotics are not a part of the inputs, or not among the inputs.

And, you know, that is how the industry has evolved, for better or worse. And so we're trying to catch up with that perception out there. And in the context of
how we might do that, this Board, I think, has been extremely diligent in trying to effect the transition.

It didn't start in Seattle. It started years before. By the time it got to Seattle, we were already faced with an expiration date. The Seattle meeting extended the expiration date. So, you know, you can go back to some of the original meetings of the Board, and this has been on the table.

You know, one thing I'm beginning to realize, until the hammer falls, the incentive doesn't seem to be there, for some reason. And I wish it weren't that way. I wish people would actually read the transcripts and see how serious the issues are and try to stay ahead of the curve. But typically what we've seen, you know, I've worked the pesticides side of ag production for many years, and I can tell you, in all the hot button issues, most of what I've seen happen in industry is to rally around
supporting a material rather than trying to get ahead of the curve and transition.

So to say that the hammer fell in Seattle on this I don't believe is accurate.

Yes, the Board has picked up a degree of seriousness that has become more and more elevated. And I think it has become more elevated because when you see medical institutions, like the World Health Organization, and, you know, doctors that are concerned about antibiotic resistance in very serious public health terms, then, you know, a Board like this is really instructed to consider that.

And so when we make this decision, unfortunately, it's not just a decision of, well, what does an individual sector need or believe it needs for having a successful crop, because that is changing all the time. We need to do a better job of conveying the seriousness of the transition away from materials that are believed to be out of
compliance with the standards of OFPA.

Because obviously the message from the Board didn't get out in 2008, didn't get out years before that, if you go through the transcript, which I have, where there is a very serious discussion.

So the discussion doesn't motivate the change. You know, when I tried to bring Harold Ostenson to the conversation back in Seattle, I was told that was inappropriate. And that his name was just referenced because he has written a document for the Organic Center, which is very helpful.

But the industry has known about Dr. Ostenson for a very long time, and that he has been assisting growers in transitioning away from these materials. So we're at this juncture where we shouldn't really be, and it shouldn't have had to come down to this. We should have been able to get to this point through a more collaborative spirit, and it shouldn't be viewed as environmentalists or
consumers against growers.

The whole purpose of this Board is to bring all of us together to put the message out there to effect the transition, and we just haven't gotten to that yet.

So we're dealing with human pathogens and fire blight bacteria that share the same exact gene pool of genes resistant to streptomycin. You can't deny that. There is a direct connection there. We are dealing with streptomycin residues that are sometimes present in treated fruit. We can't deny that. And at the same time, we are dealing with the fact that streptomycin is still an important antimicrobial that is used to fight human pathogens.

I'm not going to go into all of the details about how, you know, horizontal gene transfer works. You've got the testimony. You've got Dr. Morris' statements that he delivered to the Board in Portland and reiterated in public comment. You've got the
Infectious Disease Society of America, which has raised a very serious, you can call it precautionary appeal or precautionary standard, but that is what medicine is about, connecting the dots and saying to the public we have sufficient evidence to urge you to take another course, even though all of the science isn't on the table at this point.

There is enough science that they could reach the conclusion that this connection that I just read you is evident, this horizontal gene transfer and this connection to human pathogens and the resistance associated with them.

So, when we have the discussion, yes, we need to hear what Harold is saying. This is very painful that, you know, we've gotten to a point where the clock somehow only started ticking in Seattle, when this Board has been on record for about a decade at least, if not more, that this was a problem.

Medical communities weighing in,
consumers, at the end of the day, we have to
protect the label and the integrity of the
label and ensure consumer trust. So, you
know, as Zea said yesterday, you sit and watch
these issues from the audience and you say,
"Boy, I hope I don't have to vote," or "I'm
glad I don't have to vote on that." And we're
at one of those junctures where we shouldn't
have to be voting on this. This should have
transitioned on its own through the great work
of this Board historically, but it didn't. So
we're forced to push it along again in the
interest of protecting consumer trust in the
label. So, you've heard me say all of this
before, but there you have it.

CHAIR STONE: Wendy?

MEMBER FULWIDER: I find that when
consumers come directly to the farm and they
have questions about organic and conventional
and transitioning and all of those things, if
you take the time to explain it to them, they
understand it. And I think the bulk of
consumers would support having organic fruit in the United States, even if we need to give them time and give them a few tools, because it's going to be cleaner, it's going to be more sustainable, and it's going to be better.

And we really need to move forward and support one another rather than push producers out of the industry.

CHAIR STONE: Thank you, Wendy.

Harold?

MEMBER AUSTIN: I'd just like to say that, Jay, the decision in Seattle 2011 didn't start the hammer drop-down and the industry working for a solution to the antibiotic use. I have been raised my whole life in tree fruit production in the Northwest. I've been a licensed crop consultant for over 35 years. I have been involved in the organic industry for over 20. I've been in IPM since its inception in the Northwest.

We've been looking for a solution
for antibiotics for as long as I can remember.

For the organic sector, with the transitioning
of the acreages starting in 2008, we started
to see enough volume where people outside the
scope of the norm started to look at the
organic sector as a viable, plausible,
supporting sector of the agriculture industry,
to where the research and development started
to take place.

We started to see some grants come
through. We started to see some research
projects starting to be initiated. So it
wasn't 2011, this hammer dropping, as you
said. 2011 was the arbitrary date of 2014 for
this to expire from use for our industry.

The research and development from
the growers has been going on for as long as
I've been a part of tree fruit farming. It's
a continual phase, it's a continual process,
and that's why I'm saying it's not like all of
a sudden the light bulb clicked on and these
growers said, "Hey, wow, look, we've got to
start doing something because the National
Organic Standards Board in Seattle in 2011
said, 'You've got to get your act together.'"

Their act has been together. It
has been together for a very long time. They
just haven't had the resources or the ability
or the financial backing from the universities
and the grants and those entities that provide
that ability for them to be able to be
successful. They are making huge progress.

I feel that we need to afford them the
opportunity, the time, and our support to make
that happen.

I know there's a concern from a
lot of other stakeholders. We're not denying
that, and we're not turning our backs on that.
It's not like these guys are asking for an
expiration date of 2020, 2030. They're
looking for a couple more years to get a
couple more products and some research
material out in the field where they can
physically get their hands on it, take a look
at it, integrate it into their organic systems plants in a functional, viable way. That's all they're looking for, and that's all I've got to say.

But the research and the industry movement from those stakeholders, those producers, didn't start in 2011. It started a heck of a long time before that.

CHAIR STONE: Thank you. Others?

(No response.)

Okay. I think it's framed pretty well, and we're ready for a vote. Okay.

Starts with Harold.

MEMBER AUSTIN: Hm, let me think about that.

(Laughter.)

Yes.

VICE CHAIR FOSTER: Yes.

SECRETARY WALKER: No.

MEMBER RICHARDSON: No.

MEMBER DICKSON: Yes.

MEMBER BECK: Yes.
MEMBER FAVRE: No.

MEMBER MARAVELL: Yes.

MEMBER FULWIDER: Yes.

MEMBER THICKE: No.

MEMBER BONDERA: No.

MEMBER TAYLOR: No.

MEMBER FELDMAN: No.

MEMBER SONNABEND: Yes.

CHAIR STONE: Yes.

The vote was seven nos, eight yes, motion fails. Thank you. It's not easy.

MEMBER AUSTIN: Mac, we would like to go ahead and bring forth the additional resolution motion at this time as well.

CHAIR STONE: Proceed.

MEMBER AUSTIN: Okay. We also have an attached resolution motion with the streptomycin motion we'd like to take and put before the Board. And it reads, "The National Organic Standards Board is committed to the phase-out of this material. Between now and the expiration date, the Board urges growers
and certifiers to include an organic systems
plan, an annual increase in the extent and/or
number of alternative practices and materials
that are trialed for controlling fire blight.
In addition, the Board strongly advocates to
the USDA a high priority for increased support
for research into these alternative practices
and materials."

I make this motion.

CHAIR STONE: Thank you, Harold.

Is there a second?

MEMBER BONDERA: I'll second that
motion.

CHAIR STONE: Second, Colehour
Bondera. Any further conversation?

(No response.)

Voting begins with John.

VICE CHAIR FOSTER: Yes.

SECRETARY WALKER: Could you
repeat what has been said, what we're voting
on?

CHAIR STONE: The resolution, the
commitment resolution that is --

MEMBER AUSTIN: A yes vote would accept this resolution from the Board; a no vote would not.

SECRETARY WALKER: Yes.

MEMBER RICHARDSON: Yes.

MEMBER DICKSON: Yes.

MEMBER BECK: Yes.

MEMBER FAVRE: Yes.

MEMBER MARAVELL: Yes.

MEMBER FULWIDER: Yes.

MEMBER THICKE: Yes.

MEMBER BONDERA: Yes.

MEMBER TAYLOR: Yes.

MEMBER FELDMAN: Yes.

MEMBER SONNABEND: Yes.

CHAIR STONE: Yes.

MEMBER AUSTIN: Yes.

Fifteen-zero.

CHAIR STONE: Fifteen-zero.

Motion passes. Thank you, Harold.

Magnesium oxide. Zea?
MEMBER SONNABEND: Okay. That would be -- Francis will read the motion.

MEMBER THICKE: So, first, we need a classification motion, and so I make a motion to classify magnesium oxide as a synthetic.

MEMBER AUSTIN: Second that.

CHAIR STONE: Motion by Francis. Second by Harold. Any conversation?

Deliberations?

(No response.)

Voting begins with Calvin. Oh, I'm sorry. Jay?

MEMBER FELDMAN: Sorry about that.

Okay. So this is the synthetic motion we're voting on right now?

CHAIR STONE: Correct.

MEMBER FELDMAN: Okay. Sorry.

CHAIR STONE: Voting begins with Calvin.

SECRETARY WALKER: Yes.

MEMBER RICHARDSON: Yes.
MEMBER DICKSON: Yes.
MEMBER BECK: Yes.
MEMBER FAVRE: Yes.
MEMBER MARAVELL: Yes.
MEMBER FULWIDER: Yes.
MEMBER THICKE: Yes.
MEMBER BONDERA: Yes.
MEMBER TAYLOR: Yes.
MEMBER FELDMAN: Yes.
MEMBER SONNABEND: Yes.
MEMBER AUSTIN: Yes.
VICE CHAIR FOSTER: Yes.
CHAIR STONE: Yes.
SECRETARY WALKER: Fifteen-zero.
CHAIR STONE: Fifteen-zero.

Motion passes.

Francis?

MEMBER THICKE: So I make a motion
to list magnesium oxide at 205.601 with the
following annotation, "For use only to control
the viscosity of a clay suspension agent for
humates."
CHAIR STONE: Motion by Francis.

Is there a second?

MEMBER RICHARDSON: Second.

CHAIR STONE: Who said that?

Jean? Motion second by Jean. Any deliberations?

MEMBER FELDMAN: Okay. Thank you.

Okay. I originally supported this motion, as you know, in subcommittee because I believed that this, based on the data received, would provide -- serve a useful function. As with many of the petitions that we get, there are issues of a variety of manufacturing processes. Some are better than others, you know, when it comes to extraction or source material or release of effluent or some sort of contaminant associated with the manufacturing process.

In this case, as we talked about yesterday -- I'm not going to repeat all of this again, but there are contaminants associated with that process or source
material. I always felt comfortable with these deficiencies or limitations or imperfections in -- you know, in the petitions insofar as them being perfectly "safe," quote/unquote, and took some console in the fact that -- or consolation in the fact that we would, as a Board, revisit these materials under the same rigorous process that we applied to their initial listing on the national list.

So, in other words, we are now going to vote on this. It will require a two-thirds vote. And in five years we would have voted on this again; it would have required a two-thirds vote. And that provided the kind of incentive, both in research and in the -- in the industry to push toward the safer manufacturing processes.

We are taking that incentive away, and we are -- as we have seen with other materials, as soon as you introduce a material, you create a dependency on that
material. This certainly will make things easier to build organic matter in the soil, to create a more healthy humus in the soil. These are all good things. This is part of what we want to do in organic production. But we don't have access to it now, and we are doing those things.

We could do it better and more easily, but we need to maintain the rigor with which we evaluate whether this material is acceptable, and, more importantly whether we can do it better, whether we can make this material better.

There is no incentive for someone to go out there and invest in R&D if they don't think they could get the votes when you've got a whole bunch of folks showing up at a meeting or commenting that they need this material in this form because of its unique characteristics, et cetera.

It's very hard once you let something on the Board -- on the list, you put
something on the list, to have the kind of
cornerstone conversation we are supposed to have when we
initially put it on the list. If we don't
have that conversation, things get skewed
toward one side, and that's -- that's exactly
what the drafters of the law, of the Organic
Foods Production Act, were trying to avoid.

So I -- I believe it's appropriate
to establish an expiration date when we adopt
petitions. Petitions are within the realm of
the Board. None of the new policies that have
been put in place as far as I understand it --
and I have been back through all of the
training materials and the different memos --
none of the materials that we have received
have been specific to the petition process.
They have been specific to the sunset process.

So here we are as a Board asking
ourselves, are there enough questions about
the production processes associated with
magnesium oxide that warrant us going through
this same deliberative process five years from
now to make a determination that this material meets the standards and there hasn't been something else that has come along that has -- that would make this a safer material or change the manufacturing process in some way.

So I would like to introduce a motion at some point when it's appropriate, Mr. Chair, to amend this motion to add a five-year expiration date after the publication of the rule listing this material on the national list. And I would ask for, when appropriate, a second to that motion.

CHAIR STONE: Would you restate the motion, the amendment to the motion?

MEMBER FELDMAN: Yes. The amendment would be -- I don't have it in front of me. It's in the minority position.

MEMBER SONNABEND: Doesn't the maker of the motion have to accept the amendment?

MEMBER FELDMAN: No.

MEMBER SONNABEND: And the second?
MEMBER FELDMAN: No. Not if I get a second. I wasn't introducing it. I was waiting for the Chair to tell me the appropriate time. But, no, the maker of the motion has to get a second, and then we discuss the second motion. And after that vote, then we go on to discuss the primary motion. And it would require a majority vote, but I guess under our rules a two-thirds vote to amend the motion.

So there you have it. To list magnesium oxide at 205.601 with the following annotation, "Until May 1, 2019, five years after, or" -- it should say "or five years after the date it is first allowed" -- sorry? That's it.

CHAIR STONE: It does say that.

MEMBER FELDMAN: Sorry. Thank you.

MEMBER THICKE: I'll second that motion.

CHAIR STONE: I have a motion and
a second by Francis for an amendment to set a hard date for this material to come off the list. Is that characterized right?

Discussion? Nick?

MEMBER MARAVELL: Just sort of a technical question here. We've got two potentially conflicting dates here. Do you mean for five years after the date is first allowed, whichever is later? Because we have two dates now, May 1 --

MEMBER FELDMAN: Yes.

MEMBER MARAVELL: -- and for five years. So whichever is later?

MEMBER FELDMAN: Yes. Thank you.

MEMBER MARAVELL: So would you accept that as a friendly amendment?

MEMBER FELDMAN: Yes. Thank you.

CHAIR STONE: Everybody is clear with that clarification? Harold?

MEMBER AUSTIN: Will this constitute a significant change from what has been posted for public commentary?
CHAIR STONE: I yield to the program.

MR. McEVOY: No. That would not. That's just a clarification of something that is already on the table, or as part of this minority opinion. So it's not -- I think maybe Lisa needs to clarify this, but my understanding is that the minority position would have to -- in order to be voted on would need a majority of the members to vote to then be able to vote on it to substitute for the majority proposal coming out of the subcommittee.

DR. BRINES: Yes, that's correct. So just as a clarification for everyone, at this point the motion is to amend the listing motion. So the focus of the debate should be focused on whether to accept that amendment. If that amendment does not pass, then you would revert back to the original motion. Thanks.

CHAIR STONE: Zea?
MEMBER SONNABEND: Thank you, Mac.

This is the point where I'm going to invoke the lyrics to the song that I feel is most appropriate for this event, which is -- I can't sing like Peter Rowan, and so I'm just going to read you a couple of lines. Peter Rowan is a very good singer.

"If you ever feel sorrow for the deeds you have done, with no hope for tomorrow in the setting of the sun, I will meet you at Alamo Mission and we can say our prayers."

Since we're in San Antonio, I just have to say that I resent the position that the Board will not do a rigorous review every five years in sunset, and I don't believe that every material should be held hostage to people who are unhappy with the sunset process.

Therefore, I completely reject this idea of putting an expiration date on this or any other material.

Thank you.

CHAIR STONE: Colehour?
MEMBER BONDERA: Thank you. And thank you, Zea. I think at some level we completely agree, except for the last part of what you said, which is an ultimatum of "it can't happen with any," because your suggestion was, you know, it may or may not be appropriate, and then you're like, but this can't -- this doesn't need to be applied at all. And I think in some cases it does, in my opinion, and in this particular case I think that a reevaluation will be appropriate on considering what has been put forth and discussed already, even up to this point.

So I do not disagree that, you know, maybe it does not need to be applied across the board. Maybe, maybe not. But I think that, you know, the opposite doesn't make sense either, in my opinion.

CHAIR STONE: Jay? And we do need to move on here.

MEMBER FELDMAN: You know, I believe the maker of the motion and the
seconder is -- wants to make the process work and wants to facilitate access to materials that can assist organic growers. If anyone could show me where, over the history of this Board, the application of the sunset process, as envisioned by the drafters of the statute and carried out over the last 15-plus years, has been harmful to organic growers and the growth of a 35 or more billion dollar industry, I would like to see that information.

This has been a healthy, rigorous debate as part of petitioning and sunset, the exact debate that the drafters envisioned. So that at the end of the day the consumers trusting in the label understood that these issues had been hashed out in the most thorough and honest, scientific way, with growers sitting around the table, consumers bringing their views together. This is healthy. This isn't antagonistic, because we all want the same thing.
I think -- I hope, I truly hope that people believe that. So we're talking about fixing a problem. In fact, what we're doing is undermining the integrity of the label. You may not see it that way, but I hope -- I don't want to be -- I hope I'm wrong about this. I hope consumers will -- this is just a blip in the history and consumers will say, "Oh, what the heck. It doesn't matter." But I don't see it panning out that way.

I have never wanted to bring these issues to a forum outside this room. I have always protected the sanctity of this room and this Board to have an honest and open discussion with the most informed audience I know of at any public hearing that I have ever been at over the years, to engage that informed community and do it in a way that ensures that at the end of the day, even though we emerge from this room with disagreements, the consumers that emerge, the environmentalists that emerge, the farmers
that emerge said, "Well, we at least had a real honest and open debate, and everyone had a chance to vote." And at the end of the day, we drove this discussion to consensus, and we did it. And we left it on the list or we took it off the list.

MEMBER RICHARDSON: Call the question.

MEMBER FELDMAN: That's all we're doing.

MEMBER RICHARDSON: Call the question.

CHAIR STONE: The question has been called, and the voting starts with Jean.

MEMBER RICHARDSON: No.

MEMBER DICKSON: No.

MEMBER BECK: No.

MEMBER FAVRE: No.

MEMBER MARAVELL: Yes.

MEMBER FULWIDER: No.

MEMBER THICKE: Yes.

MEMBER BONDERA: Yes.
MEMBER TAYLOR: Yes.
MEMBER FELDMAN: Yes.
MEMBER SONNABEND: No.
MEMBER AUSTIN: No.
VICE CHAIR FOSTER: No.
SECRETARY WALKER: No.
CHAIR STONE: The Chair votes no.
(Pause.)
VICE CHAIR FOSTER: I'm going to have to -- I'm going to have to doublecheck this here. We got 11 no's and four yeses.
Does that sound -- I don't --
MEMBER SONNABEND: I've got five yeses.
VICE CHAIR FOSTER: Okay. Five yeses. Okay.
CHAIR STONE: So 10 no, five yes.
Motion fails. And so we're back to the original motion to list this as annotated.
Further discussion about the material itself?
(No response.)
Seeing none, the vote starts with
Joe. And take your time going around the table, please.

MEMBER DICKSON: Yes.
MEMBER BECK: Yes.
MEMBER FAVRE: Yes.
MEMBER MARAVELL: Yes.
MEMBER FULWIDER: Yes.
MEMBER THICKE: Yes.
MEMBER BONDERA: Yes.
MEMBER TAYLOR: No.
MEMBER FELDMAN: No.
MEMBER SONNABEND: Yes.
MEMBER AUSTIN: Yes.
VICE CHAIR FOSTER: Yes.
SECRETARY WALKER: Yes.
MEMBER RICHARDSON: Yes.
CHAIR STONE: Yes.
SECRETARY WALKER: Thirteen-two.
CHAIR STONE: The vote was 13 yes, two no's.
SECRETARY WALKER: Yes.
CHAIR STONE: The motion passes.
Thank you.

Zea, next up is vinasse.

MEMBER SONNABEND: Thank you.

Okay. We presented a change to the current --
to the wording for the vinasse motion, which
is on the slide, Michelle. Remember? Yes,
not in the proposal.

I will read it while you are
pulling it up. This is for the classification
motion for vinasse, and there is a second
motion also. The classification motion is to
classify vinasse that does not contain
prohibited additives, such as pH adjusters,
sanitizers, ammonium compounds, antibiotics,
or chlorine materials, and is not fortified
with nitrogen as non-synthetic. And I will
make that motion.

MEMBER AUSTIN: I'll second it.

CHAIR STONE: Motion by Zea.

Second by Harold.

MEMBER SONNABEND: And could I
start --
CHAIR STONE: Yes.

MEMBER SONNABEND: -- out with a clarification on this.

CHAIR STONE: Yes, ma'am.

MEMBER SONNABEND: I do want to remind the Board what I said yesterday, that if this fails, then vinasse is a -- no longer a subject before this Board. There is nothing else we could do unless someone wanted to come back at the next meeting with a proposal about it being synthetic, and that would -- so since that's relatively unlikely to happen, it will mean that vinasse will be essentially unregulated in the organic community as it is now.

Thank you.

CHAIR STONE: Any other discussion? Going once, going twice.

(No response.)

Okay. Voting starts with Carmela.

MEMBER BECK: Yes.

MEMBER FAVRE: Yes.
MEMBER MARAVELL: Yes.
MEMBER FULWIDER: Yes.
MEMBER THICKE: Yes.
MEMBER BONDERA: Yes.
MEMBER TAYLOR: No.
MEMBER FELDMAN: Yes.
MEMBER SONNABEND: Yes.
MEMBER AUSTIN: Yes.
VICE CHAIR FOSTER: Yes.
SECRETARY WALKER: Yes.
MEMBER RICHARDSON: Yes.
MEMBER DICKSON: Yes.
CHAIR STONE: Yes. Fourteen yes, one no. Motion passes.
Zea?
MEMBER SONNABEND: Thank you. The second motion is to add specific language in the listing for vinasse in the guidance on materials for organic product production and OP 5034-1. Vinasse may not contain prohibitive additives, such as, but not limited to, pH adjusters, sanitizers, ammonium
compounds, antibiotics, or chlorine materials that are not provided for at 205.601.
Nitrogen levels may not be fortified.

CHAIR STONE: Is there a second?
MEMBER AUSTIN: I'll second that.
CHAIR STONE: Second, Harold.

Further discussion? Nick?

MEMBER MARAVELL: Yes. I'd just like to say I have no objection to the motion, but I think it isn't absolutely necessary. I feel the program would do that anyway. And I -- just in the interest of relieving a little bit of, you know, paperwork and burden on all concerned, I would hate to see this become a routinized thing that every time we pass a motion we also pass a motion with regard to something that the program is probably going to do anyway. That's all. But I support the motion.

CHAIR STONE: Zea?

MEMBER SONNABEND: Yes. Nick, I understand that concern. I am -- we are only
doing it -- and, yes, it is redundant, but we're doing it because the guidance is only in draft form. And I'm imagining that by the time it comes out in final form there will be some clarification on how someone would request a change to that guidance, so that the Board would not have to do this once it's a final guidance and we know that things will be in it.

CHAIR STONE: Anything else, Board?

(No response.)

Very good. Voting starts with Tracy.

MEMBER FAVRE: Yes.

MEMBER MARAVELL: Yes.

MEMBER FULWIDER: Yes.

MEMBER THICKE: Yes.

MEMBER BONDERA: Yes.

MEMBER TAYLOR: Yes.

MEMBER FELDMAN: Yes.

MEMBER SONNABEND: Yes.
Fifteen-love, as they say in tennis. Motion carries.

Okay. Zea, laminarin.

Laminarin, the motion coming out of the subcommittee is to classify laminarin as non-synthetic. I will put forward that motion.

CHAIR STONE: Motion by Zea.

Second? Is there a second?

MEMBER BONDERA: I'll second.

CHAIR STONE: Colehour second.

Any further discussion?
MEMBER FELDMAN: Yes. Since this is the only motion on the table on laminarin I just want to remind folks that a vote in favor of the motion will mean that the Board will not review laminarin. There are two points to be made here. Any further -- in other words, it would be deemed non-synthetic, and then any form of it will be allowed to be used in organic production.

Two points here. One, as we discussed yesterday, just to remind you, there is a chemical residue, sodium sulfate, in this material. It is considered either of technical or functional effect or significant, any way you want to look at it. Choose your category, but it's there.

It is there at considerably elevated levels. I mean, significant enough to be -- fall into one of those categories of technical functional effect or significant, which are the terms that are used in the -- all of the kinds of draft classification of
materials documents that are floating around.

We should not be allowing this as an inert. The inert issue is central to our decisionmaking process in the present. We can't be allowing materials onto the market without evaluating them. I'm not saying we wouldn't allow this, but without evaluating the material as a component of the -- making a component of the material laminarin, and, thus, making the material a synthetic material.

Secondly, if this doesn't go -- so I think it's legitimately a synthetic material, whether you describe that as a synthetic that has an inert or a synthetic that has an impurity or a synthetic that is part of the production or a result of the production process by virtue of adding an extractant.

But in addition to that, if we don't put it on the list, then we're not going to get to any of the manufacturing practices.
Are there ecological impacts? Are there environmental impacts associated with the laminarin at harvesting, et cetera, et cetera? So that's the reason I will be voting against this motion. But I would like to suggest to the Chair that if this motion were to fail, we should be on record as defining it as synthetic. So we would need a motion, is that right, to define it as synthetic?

CHAIR STONE: Zea?

MEMBER SONNABEND: Well, if this motion fails, it goes back to the subcommittee for potentially a TR to determine whether it's synthetic or not, and comes back to this Board at the next meeting for another classification motion as synthetic or not. We are not prepared to say that it's synthetic just because we vote that it's -- if we don't vote that it's non-synthetic.

MEMBER FELDMAN: Okay. That sounds perfect to me. I would -- I have
actually advocated that process, so that would be the process I would hope we could get behind. So a no vote would ensure that that process would take place.

Thank you.

CHAIR STONE: Zea, would you clarify that for me, and maybe others?

MEMBER SONNABEND: Okay.

Essentially, if you vote no on the motion today, it's not because you think it's synthetic; it's because you think there's not enough information to make it clear to you that it is non-synthetic. Okay? So you don't -- you don't have enough information.

Therefore, it goes back to the subcommittee. The subcommittee, in all likelihood, will request at least a limited TR, maybe a full TR, on this question. The TR will illuminate for us the issues around the impurities, the residues, the ecological impacts, whatever, we ask it for. And then you may come back -- and a proposal will come
to the next meeting.

The proposal will still have a listing motion, because that's the first -- I mean, a classification motion, because that's the first step. Maybe you'll read the TR and you go, "Okay. It really is non-synthetic." Maybe you read the TR and go, "Okay. It's synthetic." But we'll vote again on that. We're not making that decision today.

CHAIR STONE: Thank you for that.

Miles?

MR. McEVOY: Yes. A point of clarification. There are hundreds of materials that are used by organic farmers that are never reviewed by this Board. The majority of the materials used in organic production are natural substances that never come in front of this Board for review or determination.

And the NOSB recommendation on classification of materials is used by certification agencies and material review
organizations each and every day to make
determinations about whether something is
allowed or not, and also the draft guidance
that we published that will eventually become
final guidance on classification materials.

So it seems like there is a
distinction between the policy determination
versus this substance itself. And I think
those two things are getting mixed up here,
because by the NOSB's recommendation on
classification materials, my understanding is
that this substance would be classified as a
non-synthetic.

So, but just -- the real point is
is that there are hundreds of materials -- and
this is the job that certifiers and material
review organizations are doing each and every
day. Those materials never come before this
Board for consideration, because this Board's
consideration is the purview of the potential
for having synthetics on the national list of
allowed and prohibited substances.
CHAIR STONE: Thank you, Miles.

Any further discussion?

Questions? Zea?

MEMBER SONNABEND: Jay wanted me to clarify why this is a petition before this Board in light of what Miles just said. And it is pretty clear to me -- and maybe Lisa will concur with this -- that this was petitioned because it is an aquatic plant extract that is used as a registered pesticide. Aquatic plant extracts are already on 205.601 but as a fertilizing material.

And so if it were to be declared a synthetic, it would need to be added for that use. And if it were declared non-synthetic, it has to be a non-synthetic extract, because the aquatic plant extracts that are on the list are considered synthetic extracts because of the alkali without the acid. This has both an alkali and an acid added. Therefore, we think it's neutralized. But the fertilizer ones only have alkali, no acid.
It was petitioned. I mean, the fact that it was petitioned for a review, unlike all the other natural things which aren't petitioned. So we're taking it up.

CHAIR STONE: I actually got it, but I didn't think I was going to. It's getting --

(Laughter.)

Okay. If people are comfortable, which I believe we are, voting starts with Nick.

MEMBER MARAVELL: Oh, great. You give me an easy one here, Mac.

CHAIR STONE: Okay.

MEMBER MARAVELL: No.

MEMBER FULWIDER: Yes.

MEMBER THICKE: No.

MEMBER BONDERA: No.

MEMBER TAYLOR: No.

MEMBER FELDMAN: No.

MEMBER SONNABEND: Yes.

VICE CHAIR FOSTER: Yes.
MEMBER AUSTIN: Yes.
SECRETARY WALKER: No.
MEMBER RICHARDSON: No.
MEMBER DICKSON: Yes.
MEMBER BECK: Yes.
MEMBER FAVRE: Yes.

CHAIR STONE: Yes. Eight yes, seven no. Motion fails. So it goes back to committee.

Thank you.

Okay. While Michelle is getting up methionine -- I believe that's it, right? Zea, you're -- we're good on crops?

MEMBER SONNABEND: Yes.

CHAIR STONE: Thank you.

Time check, one hour. Okay. So methionine. Is the lead on that -- Tracy, do you want to make any opening statements for the Livestock Committee?

MEMBER FAVRE: No. I think we had plenty from me yesterday.

CHAIR STONE: So as the lead on
methionine, I will read into the record the motion to accept the following amendment at 205.603-D, DL methionine, DL methionine hydroxyanalog, and DL methionine hydroxyanalog calcium, CAS Numbers 59518, 583915, 4857447, and 922509, for use only in organic poultry production at the following maximum average pounds per ton of 100 percent synthetic methionine in the diet over the life of the flock -- laying and broiler chickens, two pounds; turkeys and all other poultry, three pounds.

I'll make that motion.

MEMBER FAVRE: Second.

CHAIR STONE: Second, Tracy.

Further conversation? Jay?

MEMBER FELDMAN: Okay. Thank you. So this is a similar conversation to magnesium oxide, on steroids, though, this time. I think there is concern, especially on this, that we get into this treadmill effect where unless we have an expiration date on this
material -- we do a couple of things, and I'm not going to go through the whole explanation that I just did on magnesium oxide.

But one of the things that we have been clear on with antibiotics is where there was clarity. It's a really clear statement by the Board that this material needs research attention and research dollars and investment in alternatives and transition tools and, you know, all of the issues around humane treatment of animals. That without clarity from the Board we don't really see this -- I don't see this thing moving off of this dependency that we all, I believe, think we should try to get away from.

Now, remember that the petition process -- and we've seen this with a number of materials -- where an expiration date is set, the users of the material come back and they get -- the petitions are extended, similar to the sunset process extending, previously extending allowances on the
national list.

This happened at least twice,
definitely twice with all of the antibiotics
back in 2008, 2011, where the user community
came -- and the research community came to the
Board and said, "We need an extension." And
those extensions were granted for a reasonable
amount of time.

So I would like to introduce a
motion, or someone else among those who feel
this way, I'd like to hear some discussion on
this about, you know, removing this -- there
are a couple of ways we could do this -- refer
this back to the subcommittee to -- with the
instructions to bring to the Board a proposal
to -- just as it's written, the current
proposal, with an annotation that allows this
material to expire after a five-year period,
after the publication of the final rule by the
department.

So I guess the question is, for
me, how do we best promote and advance
alternatives and research into alternatives so that we can reduce and hopefully eliminate reliance on this material? And how do we expedite that rather than -- you know, this is one of those issues that has been around this Board, kicking around for about a decade or more. And so, you know, I believe we have to keep moving in that direction of restricting it and helping to attract research dollars to the alternatives.

CHAIR STONE: Tracy?

MEMBER FAVRE: It's way too early to sit and be lectured to this morning. I call the question.

CHAIR STONE: The question has been called on the original motion.

MEMBER FELDMAN: Well, then, I would have to appeal to the Chair the calling of the question. I think more discussion -- I apologize that you felt lectured to, but this is for many -- as you heard in testimony, this is connected to a whole range of issues
that are important, and having an expiration date is a critical mechanism.

MEMBER BONDERA: I second that.

CHAIR STONE: So the question has been called. Nick?

MEMBER MARAVELL: What happens if this question is called and it does not prevail? Can another motion be made?

CHAIR STONE: I would entertain another motion.

MR. McEVOY: You can't -- the only proposal that you can vote on here is the one that has been published. So the -- you have an option to refer this back to the subcommittee, but if -- the only proposal is the one that's published. There is no alternative.

MEMBER MARAVELL: How would we refer this back to subcommittee?

MR. McEVOY: How would -- you would determine that that's the best way to move forward rather than voting on the
proposal is you want to refer it back to the
subcommittee.

MEMBER MARAVELL: But do we have
to do that -- if we vote on this motion now,
and the motion does not pass, can we still
make a motion to refer it to subcommittee?
I'm just not familiar with procedure.

MEMBER BONDERA: Yes. That's a
Robert's Rules question.

MEMBER MARAVELL: If somebody can
answer. I'm just asking for clarification.

DR. BRINES: Sorry. So the
question is whether, if someone moves the
previous question and you vote on the motion,
whether it can be then motioned back to
committee?

MEMBER MARAVELL: I think that --
the question specifically is, if we are to
vote on the proposal as contained in the
committee recommendation, and that proposal
does not prevail, it fails, can another motion
be introduced at that time to refer it back to
subcommittee for additional work?

DR. BRINES: I think at that point it would be off the table.

MEMBER MARAVELL: So a motion --

MEMBER FELDMAN: Get a reconsideration motion, though, to bring it back for reconsideration, with an amendment to refer it back to committee?

DR. BRINES: Yes. It would have to be a motion for reconsideration by somebody who was on the prevailing side.

CHAIR STONE: And Lisa did advise me that the -- when the question is called, it has to be seconded and approved.

DR. BRINES: By a two-thirds majority to end debate.

CHAIR STONE: Okay.

DR. BRINES: Since there was an objection, you might want to go through that process.

CHAIR STONE: Right. Okay.

So the question was called. It's
on the table first. So is there a second to
calling the question?

MEMBER MARAVELL: I have one more
point of clarification --

CHAIR STONE: Go ahead.

MEMBER MARAVELL: -- of Lisa's
description, because I'm not a parliamentarian
here, so -- so when you say a motion to
reconsider would be what would be possible by
someone who was on the prevailing side, what
is the prevailing side if the motion fails?

DR. BRINES: Someone who voted
against the motion.

MEMBER MARAVELL: And a motion to
reconsider would allow what further action?
Would that allow us to send it back to
subcommittee? I'm looking for a way here to
keep this vitally alive.

DR. BRINES: Yes. It's getting a
little bit complicated. We might have to
huddle on that before I give you a definitive
answer.
MEMBER MARAVELL: Well, would it be best to have that huddle before we go down any further this road? I'd submit that to the Chair.

CHAIR STONE: So we have to finish the question question, but maybe we should take a short break and let the parliamentarians discuss where we are and where -- the options to go forward. So we'll come back in 10 minutes.

Thanks.

(Whereupon, the proceedings in the foregoing matter went off the record at 9:43 a.m. and went back on the record at 9:53 a.m.)

CHAIR STONE: Okay. The discussion was that, first, when someone calls the question -- this is a broader sort of a thing -- when someone calls the question, they don't have autonomy to stop the debate. The question has to be seconded and approved by a two-thirds majority.

I know that in lots of settings in
boards that we're on, without this much attention being paid to them, that often it works that way. So I'm glad to know that that's the way this Board operates. So just for the future.

Tracy?

MEMBER FAVRE: In the interest of continuing the conversation, I will withdraw my call for the question, and I would like to encourage this Board to consider the motion as it exists from the proposal.

Thank you.

CHAIR STONE: Okay. Thank you for that.

So there is two options. We can vote as is. If there is a motion made to refer this back to committee, technically a motion to refer is a simple majority, not a two-thirds majority. So that is important for the other, we think, referrals later on our agenda. That can be a simple majority, and we truthfully don't have to do the go-arounds
unless we choose to.

    Tracy?

MEMBER FAVRE: In regards to the
current motion that came from the proposal, as
I understand it, the objection is really about
making sure that we have a hard deadline on
it, so that we are not in the same position as
we have been with other materials where they
just keeping getting extended over and over
again.

    I understand the desire to want to
try to make sure that this doesn't continue to
happen on materials. However, I think it's
really important, particularly for this
proposal, that we give some indication to the
producers out there that we do intend to come
up with a compromise that will allow them to
work through their issues.

    For those of you that might want
to stand on principle on the removal of
synthetic methionine, I understand that
desire, and I applaud that desire. But if it
comes at the expense of animal welfare, I say
shame on you; that's inappropriate. It's not
what we stand for as organic producers. And
I would really like to see the proposal, and
the motion as it stands, go through, so that
we have a workable solution for poultry
producers.

Thank you.

CHAIR STONE: Okay. There's one
other aspect to this relative to the magnesium
oxide. The minority opinion had it in there
-- a hard date -- so it was allowed to be
voted on, because it was in play, if you will,
as part of the -- as part of the
recommendation, if you will. In this case,
that is -- that is not the case with
methionine.

So the program has determined that
to be a substantive change, and, therefore, it
would not be allowed as an amendment to this
motion based on a technicality.

Nick?
MEMBER MARAVELL: As I stated yesterday, I am in favor of the proposal, but I have reservations. And I think that it would be advisable, in my opinion, not to let this proposal run the risk of not passing. I think it's a good proposal, but I think that there has been a history of this Board, in dealing with methionine, and it has been to reevaluate methionine in a very serious way. And I think that putting a five-year expiration date is something that the Board should consider.

And so if referring it back to committee is the only way to achieve that, I think it's unfortunate. I mean, under previous -- what should I say -- under previous Board meetings we have been able to, for example, in Seattle set an expiration date. But I'm not quibbling with the procedure; I'm just saying it's unfortunate that this procedure is going to take more time. But I think that the Board should have
the opportunity to consider a fixed end date,
and I think that would also improve the
chances of putting a signal out to the
research community that this is indeed a very
prudent investment for future study and for
innovation.

So I don't want to see anything
adverse happen here. I simply would like the
Board to have that opportunity. So I would
support sending this back to committee to
consider some form of a mandate.

And I am not a parliamentarian,
and so I leave it up to the others here to say
what would be the best way to pursue that,
that that would be my -- my desire.

CHAIR STONE: Thank you, Nick.

Others? Francis, I'm sorry.

MEMBER THICKE: First, I need a
clarification. I don't know for sure -- if
the motion fails, can there be a motion made
to refer it back to committee by one of the
people who --
CHAIR STONE: No, sir.

MEMBER THICKE: -- prevailed?

CHAIR STONE: No, sir. If the motion fails, it's done.

MEMBER THICKE: Okay.

CHAIR STONE: Jean?

MEMBER THICKE: Well, I'm not -- can I continue, please?

CHAIR STONE: Yes. I'm sorry.

I'm sorry.

MEMBER THICKE: I just want to make a statement, though. So I've been on the fence on this issue. I see the need to take care of the animals, no question about it, and make sure they have adequate methionine. However, I see a need to keep the pressure on industry.

My concern is that a yes vote will take that pressure off again, and it's going to -- it's not going to accomplish that objective.

I would like to see that go to an
average of the lifetime of the flock.

However, I think we need a hard expiration date. And so if this fails, I would like to bring forth another -- a new proposal to the subcommittee for a five-year expiration back in subcommittee.

CHAIR STONE: And, Lisa, correct me if I'm wrong, but that would require a new petition?

DR. BRINES: Yes, that's right.

Normally, once the petition is voted on at the Board meeting, in order to raise the issue again a new petition would be submitted with new information that wasn't previously considered by the Board.

CHAIR STONE: And I could bring that petition forward with a five-year deadline, which is new information, right?

DR. BRINES: Yes. We would have to look at that. I mean, the --

MR. McEVOY: Well, it would be a new petition, so you could -- it would just be
a new petition and would start through the
process all over again.

CHAIR STONE: And, Zea, with --

question, Zea. With the new petition,
abbreviated petition process, would that come
into play here?

MEMBER SONNABEND: Well, of course
the new petition process would make it a
little bit easier to petition, because you are
petitioning for an annotation rather than for
a whole new thing on the national list.

However, just asking for a
five-year expiration isn't really new
information, in my opinion. And so the -- but
it's not my call, so the Department would have
to evaluate whether a five-year expiration is
really new enough information to bring a
petition before the Board in any sort of
priority.

CHAIR STONE: Jay?

MEMBER FELDMAN: Well, we've had a
finding by the program that it's substantially
new. So in some respects that sets the
framework for it being new information.

I think the issues around research
and the ability to move or incentivize the
research community and innovators to come up
with new ideas is something that hasn't been
addressed by the petition in the past. So I
would argue that if Francis or another Board
member would come forward with a petition and
a five-year limitation or expiration, whatever
you call it, I hope the program would view
that as a new petition with new information.

CHAIR STONE: Jean?

MEMBER RICHARDSON: I would like
to see us vote in favor of this
recommendation. We have round and round and
round on it for an awful long time. And I am
concerned, obviously, for the health of the
birds, their nutrition needs. And the breeds
that we're using nowadays, whether they're
organic or conventional, they're all -- their
needs are such that the methionine presently,
the way we're doing organic agriculture, is
really needed.

And to keep on delaying it by
these mechanisms really is sort of a concern
for me. I know that we're all a bit
aggravated that the sunset and all that stuff
has taken place, and we're getting edicts from
Washington. I mean, I've been as frustrated
as the rest of us, although, you know, I stay
quiet and well behaved sometimes.

But I don't think that we should
-- we should use our concerns and the politics
of all of that at the expense of things that
are needed for the organic industry. I
believe that five years from now the sunset
review that the methionine will get under the
normal procedures that it will go through
under the new sunset, or whatever happens to
it in the next few months or years, will
adequately address the concerns of both the --
of both sides of the issues, and that we will
get a reasonable -- I mean, an excellent
review, no matter which one of the sunset things we end up with in the next few years. But I'm assuming this one will continue on the way it is.

CHAIR STONE: So I've got two or three hands. I would also suggest that the irony here is by the time a petition is put forth, reviewed by the program, sent to the committee, we are going to add a year or much more before we have the opportunity to readdress this issue.

I've got Zea, and then Nick, and then Harold, and then Tracy. So Zea.

MEMBER SONNABEND: Okay. Thank you. I agree with Jean pretty much completely. And along the lines of what Mac said, I just want to add that that year or two that is added is going to keep a policy going that does not have the best interest of the birds at heart, and, as we have heard testimony for, is not working and creating conditions where the animals are not happy and
healthy.

And so I really think we need to make this change, so that the life of the flock average can be implemented in the field. But I do suggest that an alternative to finding -- to submitting a new petition and delaying the whole thing would be to -- for people who want it to go back to subcommittee to prevail upon the subcommittee before we vote to withdraw it and take it back, and I don't know exactly if that's amendment or referral motion with a majority, but to do that before we vote to see if it can go back to the committee rather than trying to do something after we vote and then repetition, which, you know, as was mentioned adds years.

CHAIR STONE: Nick?

MEMBER MARAVELL: Yes. Zea anticipated what I wanted to say. I'd like to state it the following way. I think that under the circumstances the best thing to do would be to have a vote on whether or not to
send this back to subcommittee. If that vote prevails, then that's what happens. If that vote does not prevail, then we should be able to vote on the petition as is. 

So could I simply get clarification from the Chair if that's a possible scenario, and then I would respectfully ask that we withdraw the motion and try to go that way. But -- so could I find out if that scenario I outlined is possible, if first we vote on referral to committee; if that fails, then we can vote on the motion as is.

CHAIR STONE: Yes, we can do that. And the referral is a simple majority, I remind you.

MEMBER MARAVELL: Is there any willingness on the part of the person who made the motion to entertain that procedure?

CHAIR STONE: Why don't we get a little more input. I've got several hands up with the current conversation. So now I'm
MEMBER AUSTIN: You know, I think we saw some pretty good testimony, both through written and through oral, on this issue. And I think for me the most important part of it right now is the health and well-being of the flock. You know, I know we've dealt with this material. I think we've made tremendous progress over the last couple of years since I've been on the Board, and I applaud the members of the Livestock Committee for that.

But I think right now the animal welfare probably should be the one thing that we're looking at. I mean, we saw the photos, we saw the pictures, and we know that the testimonies were coming from the heart. I think to do anything other than that I think would be turning our backs on that group of organic stakeholders that have brought us their heart and souls and their testimonies to this committee and to this Board.
The other thing that I would like to just briefly touch upon is I really am appalled by the process of wanting to do the five-year extensions and deadlines. Having lived through it with the antibiotics, it takes the materials outside of the scope of the sunset process. I think with the sunset process, as we showed yesterday in the Handling Subcommittee, with the two-step process that we are now under, gives us a very solid mechanism to take in -- in a material like this -- it looks like we're having a separate Board meeting over in the corner.

But I think we have the vehicle in place. I think we can have solid testimony, solid discussion, as these materials come up for sunset review. It's a little distracting with the guys in the corner, but it's okay.

Anyway, Mac, that's my two cents. I just think stepping outside of the sunset process with these continued annotation and expiration dates is a travesty to the process
itself.

CHAIR STONE: Tracy?

Gentlemen, if you all would like
to join us, we're having a discussion here.

MEMBER FAVRE: I would like to
state for the record that I would certainly
prefer to see this referred back to committee
if I thought this proposal was going to fail.
I'm not convinced of that yet.

But I want to address a comment
that was brought up in regards to -- I think
it was Francis made the comment about keeping
the pressure up. I said this the other day in
the comments, and I'll reiterate it. The
broiler people are already unhappy at the two
pounds, even as an average over the life of
the bird. It is not sufficient for their
needs. They are already desperately looking
for alternatives to augment what they are
going to be currently allowed even with this
proposal.

There is continued pressure on
them to find solutions. By voting this proposal through, we are not letting up the pressure. They are continuously looking for alternatives. There is progress on the research right now.

That is not going to suddenly stop just because we have basically changed the application of the limits. The application of the limits, in my mind, were completely about animal welfare. As I said the other day, we have created this circumstance by refusing to allow an omnivore to eat like an omnivore.

And I think that we need to recognize that this is more about our frustration and consternation with the revised sunset policy rather than with the proposal itself. And I, along with Harold, would like us to have faith in the system. If we choose at the time of sunset to bring forth a motion to remove a material, we have the option to do that.

We have the control and the
ability to review the material in whatever
depth and detail we wish to at sunset. So
let's please not stall an issue and a proposal
out that needs to be brought forward and we
need resolution on in order to comfort
ourselves with our frustrations about sunset.

CHAIR STONE: We've got Colehour,
then Francis, then Wendy.

MEMBER BONDERA: Yes. I don't
know, in response to Tracy's comment, if Mr.
Chair, you would like to engage in what we
have done here before, a quick straw poll of
where -- like she indicated, of the motion.

CHAIR STONE: Not yet.

Francis?

MEMBER THICKE: Well, first, I'd
like to make it clear that for me this is not
about procedure, not about sunset. It's about
I think we need to keep that pressure on. And
I -- without a hard expiration date, I'm not
going to be able to support it.

So I make a motion we refer it
back to committee.

CHAIR STONE: I have a motion to refer it back to committee. Is there a second?

MEMBER MARAVELL: I second that motion.

CHAIR STONE: Second by Nick.

Further discussion?

(No response.)

I was going to offer an option, based on the animal welfare of this issue, that we could vote the motion -- we could allow the birds to have -- allow the growers to manage their birds in a more appropriate manner. And a petition could be brought forward for a hard-fast date, while the birds are being managed in a better condition as an option here.

Any other discussion on the motion to --

MEMBER FELDMAN: I'm sorry. Could you repeat that?
CHAIR STONE: Someone could bring forth a petition from the committee to create a hard-fast date before -- while the birds are being properly, or more appropriately fed, I should say, as a way to get the birds' welfare taken care of while we debate the date.

Other discussion? John?

VICE CHAIR FOSTER: I like that idea.

CHAIR STONE: So we have a motion on the floor, and I wish we could continue the debate with the Colehour thought of straw vote, if you would, to see where -- again, I think there are several of us that are very concerned about the welfare of the animals, and they are the ones that are going to suffer here while we tinker with the process of a date and motivation for change.

Francis?

MEMBER THICKE: Could you clarify -- so your suggestion is that we vote for the original petition -- original proposal, and
then meanwhile we pursue a petition for a hard date?

CHAIR STONE: Yes, sir. I think that's a --

MEMBER THICKE: Could I ask the program if they would be willing to consider such a petition?

DR. BRINES: Yes. I think with any petition that we receive we look at the eligibility and the complete list guidelines. For things that have been previously petitioned, we evaluate any previous Board recommendations to ensure there is new information. So if there's new information which is a basis for the petition, we would forward that to the subcommittee for further deliberation.

CHAIR STONE: Okay. Other conversation?

Jay?

MEMBER FELDMAN: I can't recall what you said about Colehour's proposal, how
you --

CHAIR STONE: He was suggesting a straw poll to see which way we think this thing is going before we make some alternation motion. But now we have a motion on the floor.

MEMBER FELDMAN: Are you in favor of doing that or --

CHAIR STONE: I'm okay with that.

MEMBER FELDMAN: Yes.

CHAIR STONE: I'm not sure exactly how to do that. If there is a -- if it were made to -- if the motion that's on the floor were to be withdrawn, it would give us more flexibility in crafting a fix here, frankly.

MEMBER THICKE: So I will temporarily withdraw that emotion. Motion.

(Laughter.)

MEMBER MARAVELL: I second that emotion.

(Laughter.)

CHAIR STONE: Good. Okay. So
with the options that I see -- and so everyone
at this table and in this room is getting the
fact that there needs to be some pressure, if
you will, and how best to bring some closure
to this, as I stated yesterday, this ad
nauseam debate by the Board of this material.
But the welfare of the birds that are out
there is happening while we are doing what
we're doing.

So I don't see any problem with
someone coming forth with some hard date. If
that were to be a workable solution, we can
get the birds taken care of. So I'm
suggesting that with that framework I ask --
I guess it's a show of hands? Is that how a
straw poll -- a show of hands that if we work
to -- if the subcommittee works to petition
this Board -- so it doesn't have to come from
the community.

We're doing this ourselves. We're
managing the conversation ourselves with the
amended petition process that Zea and we voted
on yesterday. It's an internal conversation that -- but we get the birds in a better condition. How many would be in favor of that?

Francis?

MEMBER THICKE: You're sort of insinuating that the program is going to accept that discussion in this -- that petition. And I'm a little unclear that the program is going to accept that petition, so --

MEMBER SONNABEND: And I have a point of clarification about that, too, that I'd like to ask the program.

CHAIR STONE: Please do.

MEMBER SONNABEND: I mean, normally, when we approve a recommendation such as the revised petition process, we have to wait until it's final and comes out in the Federal Register that we can streamline a petition for an annotation change.

So if the Department says now,
yes, if it's just a petition for an annotation change, we will follow the guidelines that are in the NOSB recommendation to only answer, you know, six of the questions instead of all 13, then that would work. But if we have to operate under the old thing where you have to do a complete full petition for even an annotation change, then it becomes a lot more difficult, and so I'd like the program to clarify that, please.

MR. McEVOY: Well, first of all, if there is a recommendation on methionine that goes to the program, then the program would look at that recommendation to determine what's the best course to move forward, whether or not to go into rulemaking, to make the changes to the -- to the rates of methionine allowed in organic poultry production or not.

So remember that this is a recommendation to the Board that goes to the USDA for consideration of how best to proceed
and respond to that recommendation.

In terms of petitions, there is --

we receive many petitions, and they are

evaluated to determine how to move them

through the process. So we would consider a

new petition just like any other petition, and
do it in a fair and complete manner, like we

do for other petitions.

MEMBER SONNABEND: Well, but what

we approved yesterday changes the requirements

of a new petition for an annotation change a

bit.

MR. McEVOY: Again, that's a

recommendation back to the program, and we'll

-- it seems like a great recommendation. We

have no concerns about it, but there is a

process for us to then get that new -- that

recommendation implemented.

CHAIR STONE: And subsequent time

delay while that's happening as far as -- so,

Francis, as far as there is still a delay,

there is still time, if there's -- if it's two
years before a motion to set a date can be
realized, all the way to the table at this
stage of the process, then the date might be
adjusted accordingly to give time for
rulemaking for that date to be effective. It
wouldn't have to be five years after that
date; it could be some other, quote,
"arbitrary date."

So why is everybody looking at me?
No.

So I guess I'd like to -- with
that in mind as an option, I'd be curious --
so there's a general sense that the birds are
the ones that are a concern here while we do
our administrative duties as Board members.
Are people willing to move this recommendation
for the welfare of the animals while the
administrative changes can be implemented as
discussed on hard date issue? I see seven
hands.

So I feel we should refer this --
I feel the motion to refer it back to
committee is a shorter timeframe to
potentially get the birds -- the producers the
ability to effect the rations for the birds,
would be the shortest timeframe would be to
refer it back to committee to come back in the
fall.

Is that right? Nick?

MEMBER MARAVELL: Well, I'm going
to make this comment, and if the program does
not agree I don't choose to pursue it. But my
understanding is that in the statute that we
are, as a Board, entitled to set the
procedures for petitions. And it appears that
this is a petition, and that some of our
procedures are being set by the program.

Now, I'm asking this very
respectfully, that if the -- if the program
could see their way clear, that we could do
both right now -- approve the motion as
proposed and add -- under a procedure that we
would sanction, and add the extension through
a five-year period -- I would consider that in
the best interests of everyone.

But, as I said, this would have to be with the concurrence of the program, if they could see their way clear to do that. I do not think that this would be something that we would set -- that we would do this on everything, but this is something that we would want to consider doing in this specific case to accomplish the will of everybody on the Board.

So I just respectfully ask that question.

CHAIR STONE: We're going to take a don't-leave-the-room five-minute recess, please.

(whereupon, the proceedings in the foregoing matter went off the record at 10:25 a.m. and went back on the record at 10:30 a.m.)

CHAIR STONE: The program was asked for clarification or -- why don't you all tell us what you huddled about?

MR. McEVOY: Yes. Okay. So it's
our role at AMS to ensure the fairness of the whole process, that everybody has the same access to information, the public has the same process, whether they're here at the meeting or just anywhere in the United States.

So last summer when we were talking with the Board about the upcoming changes to the sunset process, we talked about changes to the -- updating the petition guidelines. We have been supportive of an expedited, streamlined way for petitions to remove, so we have been supporting that process.

We support the recommendation that was passed yesterday, and we have to implement that. The current petition guidelines were published in the Federal Register Notice in 2007. And in order for us to implement these new recommendations that we support, we have to publish a new Federal Register Notice, so everyone understands what that process is and has the same access to the information.
That, I understand, is going to be expedited. And you'll remember this is the glacial speed of the python that we are talking about, but -- so an expedited move through the python is for a couple of months before we'd be able to publish a new Federal Register Notice that would then take the place of the 2007 petition guidelines that are the current ones that are being operated under.

So we support the recommendation. We have to go through a process to implement it. I hope that answers your question.

MEMBER MARAVELL: Not directly, unfortunately.

CHAIR STONE: I'll attempt an interpretation, that a petition by a subcommittee member could be brought forth during this term to be effective at the next Board meeting, because there is interest to make that happen, and it's a clear and open process. It just has to be on the work plan of the subcommittee.
MEMBER MARAVELL: So to clarify, then, if we add this today, we will be discussing subcommittee work plans. If we add this to the work plan, the program anticipates putting out new guidelines for the petition process. That would allow the subcommittee to submit a petition for the very next meeting, and that petition process could be somewhat abbreviated because it would only be a petition for an annotation.

And now I'm going to make a leap of logic here, but that this would basically affect the same -- similar thing as referring this back to subcommittee. But it would allow more flexibility in providing methionine, synthetic methionine, to poultry right now.

I understand all of that. My original question was a little bit different, but I understand all of that. My original question was, can we do it all right here, right now? But it does not appear that that
was the answer from the program.

So I -- but I appreciate your
willingness to accommodate, as much as you
can, what it is that the Board might want to
achieve.

CHAIR STONE: And there is one
other step to the way I characterize it is the
petition has to be accepted and forwarded to
the subcommittee, so there is another time lag
in there, not just as clean as I characterized
it a moment ago.

Colehour?

MEMBER BONDERA: Thank you, Mr.
Chair. And I just wanted to -- and I
apologize if I should have done it before we
had our last little break -- but I really
second what Nick put forth as what I see as an
opportunity for simplification. I really
think this idea of a five-year expiration
amendment does not affect any of the involved
interests to a great extent, and it does
exactly what everybody said regarding -- it's
a minor change that really allows for the
topic to be dealt with.

I really feel that within OFPA the
materials face a five-year sunset review, and
that's the reason that we're, you know, like
it says, reduce the -- you know, the step-down
process with methionine requires reducing it,
and I think that adding a five-year expiration
date does not -- and I apologize if, after the
fact, based on the program's huddle that they
have determined otherwise -- it does not
substantially alter the subjects or issues
involved in the proposal in my opinion. And
I just really feel like we have this
opportunity to make it simple, frankly.

CHAIR STONE:  Francis?

MEMBER THICKE:  Well, I would have
to agree. If you look at the yes and no vote
on the initial -- original petition, this --
what we're talking about is right in the
middle. It takes both sides and brings it
right to the middle. It's not really new
information. It's not anything radical. If it were outside of one side or the other, I could understand it. But this is just a -- kind of a little compromise here. That's nothing new.

So I think it's overly rigid, frankly. I'm concerned about that. And I actually have to say I didn't understand the whole circuit of logic about the petitions. Maybe I'm too new to understand all that.

So I don't know if I'm at the point where I should now introduce that motion to bring it back to the subcommittee, or if the other alternative, which I didn't understand, is a better one. Maybe somebody can help me out here.

CHAIR STONE: So, Tracy? So the other alternative is to approve the motion on the table, knowing that the subcommittee is going to bring a petition as soon as they can to this Board to set a hard-fast date, or it goes back to -- that we make a -- we move it
back to Committee and it comes back in the
fall with this same debate to be had.

Tracy?

MEMBER FAVRE: Just a point or a
question for the program. Do we have the
option to appeal the decision of it being a
substantive change, to put in a hard and fast
date in the motion? I mean, can we get some
information about that?

MR. McEVOY: Can you repeat the
question, please?

MEMBER FAVRE: Several of us here
feel as though, since it's going to sunset in
five years anyway, putting a hard and fast
date of five years into the motion wouldn't
be, in my opinion, a substantive change. It
may be different from what was posted, but
it's not really different in practicality as
to what would likely happen for the material.

I think we've heard from you that
you feel that that is a substantive change,
and so I'm asking if we can sort of appeal
that decision.

MR. McEVOY: Yes. It is definitely a substantive change. It's very different than what was proposed. What is proposed was a change to the annotation from the pounds per ton to an average over the life of the bird. There was no talk about an expiration date.

The process for -- of sunset review and renewal is that every substance that's on the national list is thoroughly reviewed by the National Organic Standards Board every five years. An expiration date is a very different effect than the sunset review and renewal process.

So no one had the opportunity to consider that in -- coming up to the meeting. There was no one that could submit written or oral public comments on that particular proposal, so it's definitely a substantive change that cannot be considered at this meeting. If you want to consider that, you
will have to go back to your subcommittee.

CHAIR STONE: Tracy? And we're --

I'm watching the clock a little tighter here.

MEMBER FAVRE: Sorry. Just I

think maybe an unintended consequence of this

is that we are going to have -- as I

understand from an earlier conversation, it

was allowed on the other material because

there was a minority opinion that stated that

as a possibility. So I think potentially an

unintended consequence of this decision is we

might end up with minority opinions on every

single material. That includes a hard stop as

a suggestion.

So that's just something to think

about. That's going to force us into

potentially having minority opinions on every

material if we're not careful.

CHAIR STONE: Okay. So we have

two options. We can send it back to committee

to come back with the variable rate and a

hard-fast date in the fall, or we can approve
the motion on the table and come back as soon
as we can with a hard-fast date to be voted on
separately. So we can -- yes, they will be
voted on together, if it goes back to
committee. They will be voted on separately
if we do it the second way.

Francis, and then I'm going to
wrap up.

MEMBER THICKE: Okay. I make a
motion that we refer this back to committee.

CHAIR STONE: I have a motion to
refer this back to committee. Is there a
second?

MEMBER MARAVELL: I second the
motion.

CHAIR STONE: Even though -- is
there more discussion? Nick?

MEMBER MARAVELL: Well, I would be
willing to continue to work towards a solution
that could be more expeditious. If there are
other suggestions -- I thought Zea had one
that would get us pretty close to that, but
I'm -- what I'm saying is I'm seconding this motion, but I'm also wishing, if anybody has additional ways in which it appears that we could get to where we want to go, I'd be happy to consider those.

CHAIR STONE: So I'm thinking we can't craft that at the microphone, frankly. Jean?

MEMBER RICHARDSON: I'll be voting against the motion to send it back to subcommittee. I think a much more sensible alternative is to vote in favor of the present motion on the floor, thinking of the health of the birds over the long time and the need to spread out the methionine from the young months to the older ones, and allow the subcommittee to work on a petition.

CHAIR STONE: Jay? Last comment.

MEMBER FELDMAN: I'll be voting for the motion. I think separating these two -- unfortunately, though I'd like to see that as a viable option -- has too many unknowns.
associated with it. We have already seen the
difficulties of moving something through the
regulatory process to final rulemaking. And
given the way the straw vote went, it's
unlikely that the motion for a five-year
authorization would prevail -- a five-year
expiration would prevail.

That's unfortunate. I think,
again, the -- to remind you, the drafters of
the law understood that it wanted to bring
along as close to consensus of the group as
possible, and this is just one of those hard
examples. If we had a little more
flexibility, as Tracy suggested, I think the
process could go much more smoothly, and we'd
only bring motions that are of a serious
nature such as this to the full Board for
consideration of expiration annotations.

CHAIR STONE: Okay. And I would
also suggest that the -- if it does go back to
the subcommittee, it can be brought forth in
two separate motions, one for the variable
rate and one for a date. So it doesn't have
to be coupled into one motion coming out of
committee.

So with that, we said this is a
simple majority. But because of the
sensitivity of this conversation, I'm going to
take a roll call vote, and we start with
Wendy. This is to send it back to -- this is
an amendment to send it back to committee.

MEMBER FULWIDER: Yes.
MEMBER THICKE: Yes.
MEMBER BONDERA: Yes.
MEMBER TAYLOR: Yes.
MEMBER FELDMAN: Yes.
MEMBER SONNABEND: I'm really
confused, so I think I'm abstaining. Well,
no.

CHAIR STONE: Your vote is no.
Clarify, okay.

MEMBER SONNABEND: Yes, it's no.

(Laughter.)

MEMBER AUSTIN: No.
VICE CHAIR FOSTER: No.

SECRETARY WALKER: Yes.

MEMBER RICHARDSON: No.

MEMBER DICKSON: No.

MEMBER BECK: No.

MEMBER FAVRE: No.

MEMBER MARAVELL: Yes.

CHAIR STONE: Yes.

SECRETARY WALKER: I've got eight.

Eight. Eight yes.

CHAIR STONE: We have eight yes, seven no's. That's a simple majority, so it goes back to committee.

Thank you.

So having worked through that, we -- the next proposal, so if my notes are right, any of the motions that are -- any of the proposals that are -- there's a motion to refer back to committee, we can do in the form of a simple majority. I'm going to do, in essence of time, because we don't have much, I'm going to say yea and nay. If there's any
question of whether it's clear one way or the other, then we'll take a roll call vote, if that's acceptable.

Okay. Tracy, acidified sodium chlorite.

MEMBER FAVRE: Yes. Joe Dickson is the lead on this. Joe, I'm going to let you bring forth the motion, please.

MEMBER DICKSON: I'd like to make a motion to refer the proposal on acidified sodium chlorite back to the Livestock Committee.

MEMBER THICKE: I second.

CHAIR STONE: I have a motion and a second. Is there any conversation?

(No response.)

All in favor say aye.

(Chorus of ayes.)

Any opposed?

(No response.)

Hearing no opposed, motion carries.
Next?

MEMBER FAVRE: Okay. The next material is chlorine materials in aquatic livestock production. Again, Joe, you're the lead on this.

MEMBER DICKSON: I make a motion to refer the recommendation on chlorine for aquatic animal production back to the Livestock Subcommittee.

CHAIR STONE: I have a motion to refer it back to committee. Is there a second?

MEMBER RICHARDSON: Second.

CHAIR STONE: Second by Jean. Any further conversation?

(No response.)

All in favor say aye.

(Chorus of ayes.)

Any opposed?

(No response.)

Hearing no opposed, motion approved.
Next?

MEMBER FAVRE: Okay. Get the train rolling. The next one is tocopherols in aquatic animal protection. Colehour and I are the lead on that. Colehour, do you want to make the motion, or would you rather I do?

MEMBER BONDERA: Go ahead.

MEMBER FAVRE: Okay. I'd like to make a motion that we refer this proposal back to the Livestock Subcommittee.

CHAIR STONE: I have a motion to refer tocopherols back to the Livestock Subcommittee. Is there a second?

MEMBER BONDERA: Second.

CHAIR STONE: Second, Colehour.

Any further conversation? Jay?

MEMBER FELDMAN: Yes. I was wondering if -- Jean, I don't know if you want to -- if you're interested in the language on instructions when we refer this back to subcommittee, if that's still something of interest. We had talked about a statement,
which I can read.

So I'd like to propose an amendment, and I'm not sure I have the final version in front of me.

MEMBER FAVRE: Jay, I have the language if you want me to read it.

MEMBER FELDMAN: Okay. Is that okay? Thank you.

MEMBER FAVRE: There was language discussed that a motion be made to refer back -- the material back to the Livestock Committee, and that the subcommittee be instructed to reconsider its proposal and make a determination on the future action after the NOP publishes aquaculture final regulations.

And, two, the Livestock Subcommittee requests and receives updated TRs as needed for aquaculture material use and revises the materials checklist in response to public comment and Board discussion from the spring 2014 meeting, which includes consideration of the regulations and the TR.
The Board would then welcome a proposal that integrates all views related to specific aquaculture systems and species.

That was the crafted language.

I think, as part of this, I don't disagree in principle with all the language in this. I do feel like it's a little bit overly prescriptive. I took, and I think all the subcommittee took, extensive and detailed notes based on the comments we received yesterday. But it is our intention that we would be reviewing these materials in the context of the new standards when they come out. And I don't know if that gets you where you want to go or not, Jay.

MEMBER FELDMAN: I'm not comfortable with this level of prescription either, although we added words like "as needed." And I believe when this -- at least the intent was when this was written was intended to capture the conversation that we all had. It wasn't intended to add anything.
I think this would be helpful. I mean, you know, some on the board have felt that we should really get better petitions from the petitioner. But this I think would be a middle ground to at least codify what we did discuss, and so it's on the record and in some succinct form so people don't have to wade back through the transcript to know what the intent of the Board is. That was the intent behind it.

CHAIR STONE: Might I suggest that this be a separate motion, separate from being coupled to any particular material, as a -- so that the subcommittee can address it, know the intent of the Board, the intent of the conversation is expressed in this, in general, not coupled to any one material. Tracy?

MEMBER FAVRE: Can we do that in the form of a resolution after the proposal -- or the motion is made to return it to committee?

CHAIR STONE: I like that.
Zea?

MEMBER SONNABEND: So I don't even know if this motion is on the floor or not. But I am completely opposed to the prescription notion that the standards have to be out first, as I said the other day.

CHAIR STONE: So, Jay, if you'll allow, let's move through the -- let's get the -- Colehour?

MEMBER BONDERA: I'm not sure I agree with the process that's occurring. I personally was going to suggest that it be -- this be added as a friendly amendment language to all of these, so we didn't have to discuss it every time and that it was considered as a friendly amendment.

But if we're going to vote on it as a resolution, and it's not going to be done in this kind of way, the referral back to committee, which is just a simple majority, then I think we are facing a different question as a resolution and a longer
conversation, and I'm not sure that that's

going to be as smooth or comfortable.

CHAIR STONE: So a motion was made
to couple this to each of the following
materials, not the first two.

MEMBER FAVRE: Point of order. I
don't know that Colehour actually made a
motion. Did he?

CHAIR STONE: Jay did.

MEMBER FELDMAN: I made the
motion. I don't think I got a second.

CHAIR STONE: It wasn't seconded,
so we're still sort of in limbo here.

MEMBER BONDERA: I second Jay's
motion.

CHAIR STONE: So to couple this to
each -- clarification, Jay, is that to couple
this statement with each material?

MEMBER FELDMAN: You know, there
were different ways it could be done. But if
there were to be a motion, I think it would
have to come prior to the vote, which might be
a little awkward, on each material.

MEMBER AUSTIN: Mac?

CHAIR STONE: Harold?

MEMBER AUSTIN: Since the voting has already started, and we've already got a couple of materials where I could move through it, I think this would be out of order.

CHAIR STONE: That's why I suggested this as a -- as its own item to be approved or not after we get the referrals done.

MEMBER FELDMAN: I don't see --

CHAIR STONE: Jay?

MEMBER FELDMAN: I'm not sure I understand this being out of order. A motion was on the table for specific material approval, and a motion was made to amend that motion by attaching this language. That requires a second, and then a majority vote. So I'm not sure why that would be out of order.

CHAIR STONE: No. I wasn't saying
it was out of order. It's just --

MEMBER FELDMAN: Okay.

CHAIR STONE: -- it's complicated.

So there is a motion and a second to couple this language with the referral. Motion?

Tracy?

MEMBER FAVRE: Just a point of clarity. Colehour did ask for it to be attached to each referral. And since one has already been done, I think that was Harold's point about being out of order. If we're doing it going forward, or -- I mean, we have already voted to send the first material back to committee, and that is already done and it's gone. So I don't know that we can go back now and reattach it. I mean, we probably should have done it back at that material.

MEMBER BONDERA: I agree. I agree. I apologize. I was trying to suggest simplification. I understand that we had voted on the one that Joe had done, the chlorine, but at this point in time, since it
was -- you know, Jean hadn't brought it up, and Jay hadn't made the motion, so it would apply to this one at this point in time. And if we want to do it for each one, I was just suggesting we could maybe simplify it. But if we need to do it more formally, I'm happy to be more formal.

CHAIR STONE: Jean?

MEMBER RICHARDSON: You know, this isn't really that bad, what's up here. I mean, I think if it said -- I would be in favor of this motion, just do it as a motion for all of the materials that go back to the subcommittee on aquaculture. It's a perfectly reasonable motion. Jay and I have tried to sort of build in what we think is -- reflects what we will actually be doing in the subcommittee.

So I don't think it's a big deal. I think I would just say that the motion -- that all of the materials referred back to the Livestock Committee, and that way you just do
1 it once and just vote on it.
   I understand that Zea isn't
terribly keen on the idea that we wait for
final. I mean, the reality of what will
happen is it will go back to the subcommittee.
And as soon as the proposal comes out, knowing
our work plans, we will already be working on
it, so that hopefully by the time the final
rule in fact comes out that we will be able to
mesh the new recommendations in line with the
final as it is coming out. I mean, that's the
reality of what's on there.
   So I think this is a very
reasonable motion that probably meets
everybody's needs.
   CHAIR STONE: Zea?
   MEMBER SONNABEND: I respectfully
disagree with that assessment. I think that
waiting until the final rule comes out on the
standards in order to propose the first
material onto the list, say it doesn't come
out for three years, and then you have the
rulemaking process on the materials which takes another two years. You're looking at five years.

If it was not quite so prescriptive, this mandates that it has to not be done until the final regulations come out, by just referring it back to the committee. That is, you know, absurdly restrict for something that just needs more exploration.

So if it just had .2, then I would vote in favor of it. But with .1 in there, I just think you are completely hamstringing the Board and the future boards into this absurd thing.

CHAIR STONE: Jean?

MEMBER RICHARDSON: So if we just change the phrase where it says the NOP publish proposed aquaculture, would that do it for you? Because obviously we can't actually look at the --

MEMBER SONNABEND: If it said that and it was "or" between one and two, that
would be okay. But if it says that, you know, I'm not that comfortable with just that. But if it said they published the proposed rule or you get a TR that makes you comfortable to vote for it --

MEMBER RICHARDSON: But the thing is, we really can't study the materials until such time as we've actually got some regulations or proposed ones to look at. So we won't even know the right questions perhaps for the TR.

So, in other words, what --

MEMBER SONNABEND: Well, if you're back to not even requesting a TR, because you don't have questions until there's rules out, then you're talking about like six or seven --

MEMBER RICHARDSON: Well, there are plenty of questions we can ask now, but they won't necessarily be all of them until we have a proposed rule.

CHAIR STONE: Tracy?

MEMBER FAVRE: I would consider it
as a friendly amendment if we put in there "publishes the draft rules." I would be more comfortable with that. I share Zea's concern about the prescriptive nature of this, as I said, but we do effectively need some sort of standards at least from which to work as we're doing the evaluation and incorporating the comments that we received yesterday from the Board.

So I would, at least for tocopherols, which is mine that made the motion, I would consider that as a friendly amendment, if we revised it so that Point I was the NOP publishes draft aquaculture regulations. Sorry, proposed.

CHAIR STONE: Does the maker of the motion accept that friendly amendment?

MEMBER FELDMAN: I mean, I'd like to hear other conversation on that. You know, the problem is, that was a big part of the public comment, that -- how do we determine
acceptable materials and their use patterns
outside the context of a regulation.

As you all know, you guys have
been involved with the regulatory process, and
with as intelligent a group of stakeholders in
the audience, you know, we could -- I'm just
putting this on the table for question. You
know, we could see the final rule change, you
know, in some important ways from the draft
rule.

That's -- that would just mean we
-- I would suspect the Board would have to
come back and then do additional work if the
final rule were to be substantially different.
And so just think about that when you amend
this language. But I'm open to it. I just
wanted to have a little discussion on that, so
people are aware of that problem.

CHAIR STONE: And I would suggest
that -- trust future boards to determine when
the right time to listen to public comment off
the proposed rule. But to Zea's point, the
materials can be coupled with the final rule as they go -- to be ready to be coupled to go through the rulemaking process. So we are desperately tight on time here. Nick, quickly.

MEMBER MARAVELL: Yes. I support the friendly amendment, and I understand the -- and have been in, as most of us have been, in this situation of materials and rules. But we have managed to work through it over the past 20-odd years. So I support the friendly amendment.

CHAIR STONE: Jay?

MEMBER FELDMAN: Okay. I support it.

CHAIR STONE: Thank you, Jay.

Colehour?

MEMBER BONDERA: I'll accept the change of "final" to "proposed."

CHAIR STONE: So Michelle will change the word "final" to "proposed." And we'll trust that future boards will act
appropriately based on how that transpires.

So now we're going to couple this with each of the materials. In effect, that will -- chlorine will be -- was not coupled with this, is caught in the same bundle, so I think it was not necessary to go backwards in the agenda.

So we have a motion on the floor to accept this attachment to the referral documents, and the voting starts with Francis.

MEMBER THICKE: Yes.
MEMBER BONDERA: Yes.
MEMBER TAYLOR: Yes.
MEMBER FELDMAN: Yes.
MEMBER SONNABEND: Abstain.
MEMBER AUSTIN: No.
VICE CHAIR FOSTER: Yes.
SECRETARY WALKER: Yes.
MEMBER RICHARDSON: Yes.
MEMBER DICKSON: Yes.
MEMBER BECK: No.
MEMBER FAVRE: Yes.
MEMBER MARAVELL: Yes.

MEMBER FULWIDER: Yes.

CHAIR STONE: The Chair votes yes.

So this will be coupled with each of the materials, so as to expedite the voting on the rest of the aquaculture materials -- be quite clear.

Now there is a motion on the floor to refer tocopherols back to committee. Any questions? Any clarification?

(No response.)

All in favor say aye.

(Chorus of ayes.)

Any opposed?

(No response.)

Hearing no opposed, motion carries.

MEMBER FAVRE: Okay. The next material is petition for minerals in aquatic animal production. Francis, that's you.

MEMBER THICKE: I move that we refer the proposal for minerals for aquatic
animals back to the committee, as per the
language on the screen, except the word
"final" being replaced with "proposed."

MEMBER FAVRE: Second.

CHAIR STONE: That's a given.

Motion and a second. Any further discussion?

(No response.)

All in favor say aye.

(Chorus of ayes.)

Any opposed?

(No response.)

Hearing no opposed, motion carries.

Next?

MEMBER FAVRE: Next material was a petition for vitamins in aquatic animal production. Calvin?

SECRETARY WALKER: Yes. I move that we refer vitamins for aquaculture animals back to the committee, with the proposed motion change.

MEMBER FAVRE: Second.
CHAIR STONE: I have a motion and a second. Any further discussion?

(No response.)

All in favor say aye.

(Chorus of ayes.)

Any opposed?

(No response.)

Hearing no opposed, motion carries.

Thank you.

MEMBER FAVRE: Next material is biologics/vaccines in aquatic animal production. Jean?

MEMBER RICHARDSON: I make a motion that we refer the vaccine/biologics for aquatic animals back to the subcommittee.

MEMBER FAVRE: Second.

CHAIR STONE: Motion by Jean. Second by Tracy. Any further discussion?

(No response.)

All in favor say aye.

(Chorus of ayes.)
Any opposed?

(No response.)

Hearing no opposed, motion carries.

Next?

MEMBER FAVRE: Next, material for petition was micronutrients for use in aquatic plant production. Francis?

MEMBER THICKE: I move that we refer the proposal for micronutrients for aquatic plants back to the Livestock Subcommittee with the attached language.

MEMBER FAVRE: Second.

CHAIR STONE: Motion, Francis; second, Tracy. Any further discussion?

(No response.)

All in favor say aye.

(Chorus of ayes.)

Any opposed?

(No response.)

Hearing no opposed, motion carries.
Thank you.

MEMBER FAVRE: Next material is carbon dioxide for use in aquatic plant production. I'd like to make a motion that this be referred back to subcommittee with the attached language.

MEMBER THICKE: Second.

CHAIR STONE: Motion, Tracy; second, Francis. Any further discussion?

(No response.)

All in favor say aye.

(Chorus of ayes.)

Any opposed?

(No response.)

Hearing no opposed, motion carries.

MEMBER FAVRE: Next material is chlorine materials for use in aquatic plant production. Joe?

MEMBER DICKSON: I move that the proposal on aquatic -- or on chlorine in aquatic plant production be referred back to
the subcommittee with the language on the screen.

MEMBER FAVRE: Second.

CHAIR STONE: Motion, Joe; second, Tracy. Any further discussion?

(No response.)

All in favor say aye.

(Chorus of ayes.)

Any opposed?

(No response.)

Hearing no opposed, motion carries.

MEMBER FAVRE: Next material is lignin sulfonate in aquatic plant production. Jean?

MEMBER RICHARDSON: I make the motion that we refer lignin sulfonate for aquatic plants back to the subcommittee.

MEMBER FAVRE: Second.

CHAIR STONE: Motion, Jean; second, Tracy. Any further discussion?

(No response.)
All in favor say aye.

(Chorus of ayes.)

Any opposed?

(No response.)

Hearing no opposed, motion carries.

MEMBER FAVRE: And our final material -- a round of applause, please -- for vitamins in aquatic plant production. Calvin?

SECRETARY WALKER: I make a motion that vitamins for plants to be returned back to the committee with the language change proposed.

MEMBER FAVRE: Second.

CHAIR STONE: I have a motion for aquatic plants. Second, Tracy. Any further discussion?

(No response.)

All in favor say aye.

(Chorus of ayes.)

Any opposed?

(No response.)
Hearing no opposed, motion carries.

Thank you very much.

MEMBER FAVRE: Mr. Chair, thank you. That concludes the votes for Livestock.

CHAIR STONE: And I thank the Livestock Committee, and Tracy specifically, and others that worked very diligently in developing those proposals and getting us to this point in the process on those materials.

Thank you, all.

Okay. In the essence of time, we are not going to take a break.

MEMBER BONDERA: Can we have a five-minute break?

CHAIR STONE: Five? Okay. Five minutes. Be back in five minutes.

Thank you.

(Whereupon, the proceedings in the foregoing matter went off the record at 11:06 a.m. and went back on the record at 11:12 a.m.)

CHAIR STONE: Okay. I'm going to
turn the -- turn to Harold as the Chair of the Handling Subcommittee to put the first material on the table.

MEMBER AUSTIN: Thank you, Mac.

Our first material for addition to 205605, ammonium hydroxide as a boiler water additive. Jean was the lead. Jean, would you make the proposal?

MEMBER RICHARDSON: Yes. I make the motion that we refer the ammonium hydroxide boiler water additive as petitioned back to the Handling Subcommittee.

MEMBER AUSTIN: I'll second that.

CHAIR STONE: I have a motion by Jean, a second by Harold, to refer this material back to committee -- subcommittee.

Any further discussion?

(No response.)

All in favor say aye.

(Chorus of ayes.)

Any opposed?

(No response.)
Hearing no opposed, motion carries.

Harold?

MEMBER AUSTIN: All right. Our second material is a material to be removed from 205605B, glycerin, Case Number 56-81-5. Tracy was the lead on that.

MEMBER FAVRE: I make the motion that this material is referred back to subcommittee.

MEMBER AUSTIN: I'll second.

CHAIR STONE: I have a motion, Tracy; second, Harold, refer this back to committee. Any further discussion?

(No response.)

All in favor say aye.

(Chorus of ayes.)

Any opposed?

(No response.)

Hearing none, motion carries.

Thank you.

MEMBER AUSTIN: We've got one
final -- third material, polyalkaline glycol monobutyl ether. That was a discussion
document, and that will default back to the
subcommittee for further deliberation. And we
will bring that back to the full Board in the
fall. And that wraps up our presentation.

CHAIR STONE: Okay. Thank you,
Harold.

And just for the record, we are
one minute ahead of schedule.

Thank you all very much. That was
-- it's always difficult to work through this,
and thank you all. Difficult in many ways, I
should say.

So next on the agenda is officer
elections. So just in general the process is
we will take nominations from the Board for --
to be Chair. Once that vote is complete, then
there will be nominations for Vice -- Vice
Chair. And then once voting is complete,
there will be nominations for Secretary, and
they will each be voted on separately.
So which color, Calvin, is going to be Chair?

SECRETARY WALKER: Pink for Chair.


So I will entertain a motion, nominations for -- to be Chair. Joe?

MEMBER DICKSON: I'd like to nominate Dr. Jean Richardson as Chair.

SECRETARY WALKER: Second.

CHAIR STONE: I have a motion -- I mean, a nomination -- I don't guess it's motions. Yes, it is. It's a motion. And a second for Jean to -- Jean Richardson to be the Chair of the National Organic Standards Board.

Are there other nominations from the Board?

(No response.)

Seeing no other nominations, hearing no other nominations from the Board, I guess we declare Jean by acclamation to be
the next Chair of the National Organic Standards Board.

(Applause.)

Is that really a smile, or just kind of a fake smile?

(Laughter.)

I'm going with the fake smile myself. And I might understand that myself, actually, after this morning.

So next I'll accept nominations from Board members for Vice Chair. And Jean does need some help. Somebody?

SECRETARY WALKER: I nominate Wendy Fulwider.

CHAIR STONE: I have a nomination for Wendy. I guess I should ask, do you accept the nomination?

MEMBER FULWIDER: I'm going to decline.

CHAIR STONE: Okay. Okay. So we have a do-over. Jean?

MEMBER RICHARDSON: I would like
to nominate John Foster.

SECRETARY WALKER: Second.

CHAIR STONE: I have a nomination and a second for John to continue as Vice Chair. Is there any other nominations from the Board?

VICE CHAIR FOSTER: I'll nominate Colehour.

CHAIR STONE: I have a nomination of Colehour. Do you accept that nomination?

MEMBER BONDERA: Yes.

CHAIR STONE: Jennifer, you had your hand up a second ago?

MEMBER TAYLOR: I was going to have the same --

CHAIR STONE: Okay. I have a nomination for Colehour for Vice Chair. Any other nominations from the Board? I'm sorry. John, do you accept the nomination?

VICE CHAIR FOSTER: I do.

CHAIR STONE: Okay. Thanks.

Okay. So, at this time, if each
one would mark the green sheet, Calvin, is
that right, for Vice Chair?

SECRETARY WALKER: Yellow.

CHAIR STONE: Yellow? Use your
yellow notecards. And Calvin, as Secretary,
will read the votes, and I will ask Jean, as
incoming, to have the second set of eyes to
look at the votes, please.

(Pause.)

So, Secretary C. Reuben has -- and
verified by Dr. Richardson, John, nine votes;
Colehour, six. John, stay on as Vice Chair.
Thank you very much.

VICE CHAIR FOSTER: You're
welcome.

(Applause.)

CHAIR STONE: So now for Secretary
I'll accept nominations from Board members.

SECRETARY WALKER: I would like to
nominate Mac Stone Secretary.

MEMBER MARAVELL: I second the
nomination.
CHAIR STONE:  Yesterday I was thinking one thing.  After this morning, I'm thinking something -- no, I would accept.

MEMBER MARAVELL:  Well, we're not nominating you for Chair.

CHAIR STONE:  I understand that.  No, I will accept that.  Other nominations from the Board, please?  Please?

(Laughter.)

MEMBER FAVRE:  Do we need to call A and B, first?

CHAIR STONE:  No.  But I'm hoping I miss my flight.  No other nominations?

(No response.)

Okay.  A little awkward accepting that myself as the Chair, but -- yes, John, if you would do that.

VICE CHAIR FOSTER:  Hearing no other nominations, we will -- hearing no other nominations, we'll by acclamation declare Mac Stone as the Secretary for the next season.

(Applause.)
CHAIR STONE: Thank you very much.

I guess we didn't clarify before the vote, we are out of synch because of the cancelled fall meeting last fall. So this sitting officership will be for six months. And at the fall meeting we will vote again for each of these officers to get back online to be consistent with our PPM that they are voted on at the fall meeting. So this is an abbreviated officership, however you phrase that. Okay?

Thank you very much.

So I think the way we have kind of scripted this is I'm going to hand the floor, the Chair, to the new Chair, Jean. The work plans will be discussed, and she will be chairing this term. And then, when she is done, there will be a few closing remarks by myself and/or Miles to close out the meeting.

So, Jean, and I guess we've got work plans coming up.

MEMBER RICHARDSON: The next item
on the agenda, then, are the work plans. And we see them on the overhead next to us. I'm not sure exactly how we do this. Do we go through each subcommittee and have the Chair of each subcommittee comment on them?

CHAIR STONE: Yes, ma'am.

MEMBER RICHARDSON: Okay. Start with CACS. Carmela, please?

MEMBER BECK: All right. Well, so it looks like we've got two agenda items. The 205206E, that's the one that we're going to take back to subcommittee to see how to proceed on it for the fall meeting, if indeed we choose to move forward with that, and then the second item is, as it says, the assessment of soil conservation practices, that we plan to have a discussion document for the fall meeting. So those are our two for the fall.

Thank you.

MEMBER RICHARDSON: Thank you.

For the Crops Subcommittee, Zea, please.
MEMBER SONNABEND: Okay. So now is when I'll ask inspiration to move me brightly towards our next semester of work for the NOSB when we will be considering our first sunset materials. Those sunsets are sulfurous acid, sodium carbonate peroxyhydrate, and two listings for aqueous potassium silicate.

We have 2016 sunset materials that we will be doing our first summary for. Those include ferric phosphate -- hard to believe that's up again already -- and hydrogen chloride for cotton seed delinting.

And then -- okay. I don't -- what? No, I don't want to see 2017. But just so the public knows, we are well underway on taking a look at 2017 materials to try and commission TRs for the ones that seem to need it. And we will, over the summer, be deciding on those TRs and identifying questions to send along for the TR reviews.

Then, we have petition materials. Those include carbon monoxide, which we have
renamed as exhaust gas, because it is not pure carbon monoxide, and a TR is out for that right now. So we hope to have a proposal for fall. Allyl isothiocyanate will also be -- that's in the TR stage. It's a petitioned item and will be hopefully a proposal for fall. We do hope to have progress on inerts, and we will report on that as we can. The thing right below that, propylene carbonate, is a petition for an inert, which is pretty much on hold in the meantime. And, last but not least, the issue that we put on the work plan -- well, right before the last fall meeting, which is to examine contamination issues in farm inputs, that will be on -- we hope as a discussion document in the fall of 2014. And that will be the Crops Committee -- Subcommittee's work plan.
Thank you.

MEMBER RICHARDSON: Thank you, Zea.

Harold for Handling, please.

MEMBER AUSTIN: All right. For the Handling for this next term, you know, we've got a pretty light workload, so I think we'll be able to take it easy, sit back along the beach somewhere.

No, we've actually got quite an extensive workload. Petition materials, we've got gibberellic acid, which now would -- since we have the first harvest handling guidance, we'll be able to move that along and make a determination on that. Whole algal flour, a petition that it be added to 205606.

Ammonium hydroxide, which just was deferred back to the committee, glycine, and then PGME was the discussion document. All of those are coming back to the subcommittee for further work. Triethyl citrate, that one should be moving forward for the fall meeting.
as well.

That will move us on into our 2015 sunset materials, which we heard the first public commentary on. First posting took place at this meeting. The final review, final posting on those, and discussion will be coming up for discussion in the fall meeting.

And we'll move into our 2016 materials. Egg white lysozyme microorganisms, activated charcoal, peracetic acid, we'll run into our three boiler materials, which I'm not going to try to pronounce all of those right now. L-Malic acid, sodium acid, pyrophosphate, and then tetrasodium pyrophosphate, TSPP.

And then, just for good measure, we will have -- we will move into our 2017 sunset materials. We have just simply got 103 of those. We won't go into them individually, but I think I would, just for the sake of getting it into the record, so everybody is aware, we are going to look at those as
classification groups.

And those groups will be looking
-- that will be looking at will -- as we do
the review for TR need, will be filtering
agents, food coatings, food acids, minerals,
sanitizers, gums and thickening agents,
vitamins and minerals, leavening agents,
drying, preservatives, gases, colors, casings,
miscellaneous ingredients, dairy products, and
flavors.

So, I mean, that's just breaking
them up into the subclasses. I mean, and each
one of those, like I said, we've got 103 of
those.

Then, other projects, we will be
continuing to work and come back with an
update on progression on ancillary substances,
and then we have one other material -- is it
on here? It's not on there. We've got one
that we are working on, and I don't know --
we'll have it back on our work plan -- BPA.
So at this moment it's just -- we've got it
tabled, and we may or may not bring it back forward.

Madam Chair, that's all I have.

MEMBER RICHARDSON: Thank you, Harold.

John, you have a comment?

VICE CHAIR FOSTER: Just one thing to say. As former Chair of the Handling Committee, good luck to you. And I can tell you with no uncertainty you are entering a world of pain.

(Laughter.)

MEMBER AUSTIN: Golly, gee, thanks.

MEMBER RICHARDSON: The next subcommittee is Livestock. Tracy, please?

MEMBER FAVRE: Thank you, Jean. We will be doing petition materials as they come up, including aluminum sulfate. Obviously, our work plan is going to look substantially different than planned, since we have so many proposals referred back to
committee.

But other projects, we've got vaccines from excluded methods, the update on that. We have 43 2017 sunset materials. And then, in addition to the aquaculture proposals, we also have the methionine, the acidified sodium chlorite.

MEMBER RICHARDSON: Mac, you have a question?

CHAIR STONE: Yes. Just a comment, really. Just with the sunset bubble on the way, just figure out how the committee and the timing of -- I'm worried about aquaculture materials getting stale. Maybe we -- we heard a lot of great comment from other Board members about specific issues, and just trying to think about how best to address some of that while it's fresh in our mind versus waiting for a proposed rule. And so it's just a comment for the committee members to think -- start thinking about processing the timing of how to deal with all of that.
So you've got a lot on your plate,
and I just want to offer some help in that
way, so --

MEMBER RICHARDSON: Thank you. It
will be appreciated.

Thank you, Tracy.

The next subcommittee, Materials,
GMO, ad hoc. Calvin, please?

SECRETARY WALKER: Thank you,
Madam Chair, Chairman, Chairperson. The work
plan items for the Materials GMO Ad Hoc
Committee, as you can see on the screen, is
research priorities will be coming up in the
fall, petitions and TR tracking, which will be
an ongoing thing that will probably not be
brought back up in the fall.

Technical difficulty.

Seed purity, the next step, report
that we heard at this meeting here is that
over 80 percent of the stakeholders wanted --
provided input. And we still have some work
to do on seed purity based upon our
stakeholders' requests.

And other projects, prevention strategies, for excluded methods and crops and handling, also planned for the fall.

That's it.

MEMBER RICHARDSON: Thank you, Calvin.

Those are all the work plans, right? So I turn it back to you, Mac.

CHAIR STONE: Thank you, Jean.

Just one other thought. We heard some public testimony, concern about work plan development. There has been a lot of conversation as we've discussed this at the subcommittee level and Executive Committee level, Jay, that there is a process.

The committee members can bring forth a White Paper, for lack of a better term, to make the case for a work plan item. It gets vetted by the subcommittee. It bubbles up to the Executive Committee and can be strengthened along the way, if you will.
It gets submitted to the program.

They evaluate it about, is it something that's in our wheelhouse? Is it something that they can control? Is it -- so they evaluate it for how it fits in with the rest of the authority that the program and the Board has and discusses it with the Executive Committee and/or the subcommittee.

So there still is a process. It is more formal. And from my perspective, it's still a very viable and open process for the Board members to listen to the broader community and work with the process that we have to get work plan items brought forth to the full Board.

Any other thoughts/comments there, while we have a minute?

(No response.)

Okay. So that concludes our official business. I had a couple of thoughts, just -- is there any Other Business to come before the Board? Colehour?
MEMBER BONDERA: Thank you, Mac.

Yes, I think that this is Other Business, and I'm glad that we are not super far behind schedule, according to my review, so it will take a few moments, but it won't take that long.

I just wanted to tell everybody as a proud small-scale farmer, which I am, and I think in jest, but truthfully I'm a confirmed NOSB minority in many ways, but for the sake of, you know, just -- I want to just say this for the sake of transparency. I want to let other NOSB members know that I'm going to be submitting this to Miles McEvoy, so I just want to read it. It's pretty brief.

"Dear National Organic Program:

As a member of the National Organic Standards Board, in order to maintain the integrity of the organic label, I hereby urge you to enforce the sunset provision of the Organic Foods Production Act as intended by requiring public debate and discussion and a vote of the
National Organic Standards Board on whether to relist allowed synthetic materials in organic production and processing on a five-year cycle.

"Organic has always been held to high standards of public review, and the relisting process, like the initial petition process, ensures important scientific and essentiality scrutiny to maintain public trust in the organic label. Sincerely, Colehour Bondera."

And I do invite and welcome other minority and majority NOSB members to add their names to this Other Business, and I honestly also think that this should be at least commented on or discussed at the Executive Subcommittee level. So that's what I wanted to put forth, and I appreciate your time to hear me.

Thank you.

CHAIR STONE: Okay. Jay?

MEMBER FELDMAN: Mr. Chairman,
thank you for all of your hard work and
diligence as Chair, and especially in running
the meetings. I know that's a very stressful
job.

I just wanted to let the Board
members know that I will be signing on to
Colehour's letter, and hope that we can
continue this discussion in an open manner, so
that the community feels that we are
responsive to these issues.

Thank you.

CHAIR STONE: Thank you, Jay.

Any other last thoughts of Board
members?

MR. McEVOY: If I may say
something. Yes. Thank you for those
comments, and look forward to further
discussions at the Executive Committee.

CHAIR STONE: So I just had a
couple of thoughts that I'd like to leave out
there. As Chair, I think I stated it earlier
today, that all Board chairs are rookies, and
it's really easy for rookies to not be sure how to navigate various aspects. But it has been very, very rewarding to me to have the pleasure and to work with such dedicated, hardworking folks.

And for my term on the Board, not just as Chair, no matter how much we give, Jay, no matter how much energy we put into this stuff, I personally have gained more than I ever feel like I could give, because of what we go through to make the deliberations.

So to the audience, I'd like to -- apparently, I didn't say it as well as I thought I did yesterday. The sunset procedure has changed. The Board cannot do anything about that. That's not what we do. That's not true; there is something we can do about that.

We have the responsibility to make it the best it can be on behalf of the stakeholders that have materials or standards changes to go through. So whatever happens in
the broader context outside of this room,
outside of the Board action, we can't do
anything about that. I hear rumors about
things that may happen because of people not
liking the action of the USDA, but I think you
saw here that this Board still has a
responsibility to work with the rules that we
have and to do the best that we can.

And we need your all's support,
your all's help, whatever that -- whatever
perspective you bring to the table, we need
your help to get the work done, and the other
thing is just out there. But while that's --
whatever happens out there doesn't affect --
we need your help to get our work done at this
table.

The last thing I'd like to say is,
so when we come into this room and very
passionate, very caring, very understanding
people throw barbs at the process, at this --
all of this inside this room, and that's
great. That's what democracy is all about.
But I will suggest that those barbs hit people, these 15, 16, 17, 18 people. And it can be hurtful because we are trying to do the best we can.

So, again, we need your help. But what I'm concerned about is is when people leave this room, when you get the cab back to the airport, and the cab driver says, "Oh, what have you been doing in San Antonio?" that when you get out of that cab, the cab driver has a better appreciation and respect for organic food for what it is rather than a perception that the system is flawed or the people don't care or whatever it might be.

And I just want to make sure that all of us, when we leave this room, differing opinions about what votes we made, that we promote that seal right there to anybody and everybody we can. When we come into this room, we fight tooth and nail for our conviction. But when we leave, it's all about promotion of that seal.
Thank you very much.

(Applause.)

MEMBER SONNABEND: I think we should give Mac a big round of applause for being our Chair and going out with a bang.

CHAIR STONE: Thank you.

(Applause.)

Miles? So, Miles, I'll turn it over to you to close it out.

MR. McEVOY: All righty. So an interesting meeting, as all meetings are. Lots of fun this week. Thank you all for the public comments. The Board received a lot of great information and perspectives about their proposals. We really appreciate all the time and effort that everyone put into providing comments.

The Agricultural Marketing Service also heard many concerns about the revised sunset process. As you heard from me, that we are convinced that the revised sunset process increases transparency and public input into
the process. The revised process more closely aligns with the Organic Foods Production Act by ensuring that the NOSB fulfills its responsibility to fully review all substances on the national list every five years.

In addition, it assures that all recommended changes to the USDA organic regulations are supported by at least two-thirds of the Board members.

Thanks to the Board for their work on implementing the revised process. USDA thanks the Board members for their service. Your expertise and advice will help USDA improve the National Organic Program. We invite everyone to come see us next October in Louisville, Kentucky.

And with that, the spring 2014 NOSB meeting is closed.

Thank you.

(Whereupon, at 11:43 a.m., the proceedings in the foregoing matter were concluded.)
CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: National Organic Standards Board

Before: Department of Agriculture

Date: 05-02-2014

Place: San Antonio, Texas

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

[Signature]
Court Reporter

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