

1 NATIONAL ORGANIC STANDARDS BOARD  
2 FULL BOARD MEETING  
3 SUNDAY, MAY 16, 1993

4 Prepared By: Hal Ricker, USDA/AMS

5 Meeting was called to order by Chairman Michael Sligh at 9:00 am.

6 Members Present: Michael Sligh - Chairman; Margaret Clark -  
7 Vice-Chair; Eugene Kahn - Treasurer; Merrill Clark; E. K.  
8 Chandler; L. Dean Eppley; Donald M. Kinsman; Gary D. Osweiler;  
9 Robert M. Quinn; Thomas A. Stoneback; Nancy A. Taylor; Richard  
10 C. Theuer; Craig V. Weakley. Absent: William J. Friedman

11 USDA Members Present: Harold S. Ricker - Staff Director; Martin  
12 F. Fitzpatrick, Jr.; Julie K. Anton; D. Ted Rogers.

13 There were 36 members of the public attending as observers.

14 Mr. Tom Stoneback welcomed the National Organic Standards Board  
15 (NOSB) to the Rodale Research Institute, and discussed the  
16 facility and plans for the week, indicating they were delighted  
17 to have the NOSB there.

18 Mr. Martin (Buzz) Fitzpatrick, Director, Transportation and  
19 Marketing Division, AMS, USDA brought greetings from the  
20 Department. He briefly addressed budget concerns indicating that  
21 the Office of Management and Budget made the decision that no new  
22 budgets be approved, and that it was now up to the Congress.

23 He also indicated that Michael Hankin was being brought back on a  
24 detail to help coordinate the organic work. He indicated that  
25 Mr. Hankin is strongly dedicated to the organic program.

26 Mr. Fitzpatrick indicated that the NOSB should take full  
27 advantage of the additional funds made available for two more  
28 meetings and make as much progress as possible on developing the  
29 standards. There is an effort underway within the Administration  
30 to eliminate advisory boards.

31 Chairman Michael Sligh thanked Mr. Fitzpatrick for his comments.  
32 The Board members were then asked for a Board member to serve as  
33 acting Secretary, given the absence of Mr. Friedman. Dr. Gary  
34 Osweiler volunteered and was approved.

35 The Chairman asked for any additions or revisions to the agenda.  
36 It was proposed to add discussion of the By-Laws, and discussion  
37 of a letter that he had sent to the Board on proposed criteria  
38 for evaluation.

39 Minutes

40 Draft minutes for the July meeting in Colorado and for the  
41 September meeting in Maine were handed out for review. It was  
42 agreed to act on them at the full Board meeting on Friday.

43 **Budget**

44 Dr. Harold Ricker provided a report on expenditures to date and  
45 projected expenses for the balance of the year given the  
46 uncertainty of the location for the September meeting. It was  
47 noted that the meeting at Rodale will make it possible to  
48 continue reimbursing members for phone and fax expenses in  
49 addition to the planned meetings.

50 Dr. Ricker also distributed a letter to assist the NOSB members  
51 in preparing for and dealing with Freedom of Information Act  
52 (FOIA) requests.

53 **Election of Officers and Committee Restructuring**

54 Chair Sligh asked that members keep in mind the election of  
55 officers for Thursday and that Committees consider any needs for  
56 restructuring in their meetings. There has been concern expressed  
57 about the Materials and International Committees. Mr. E. K.  
58 Chandler expressed concern about changing officers in a start up  
59 organization. Mr. Gene Kahn indicated that the election should  
60 be based on performance.

61 Crops Committee: Mr. Kahn indicated no changes planned.

62 Materials Committee: Ms. Nancy Taylor indicated she is resigning  
63 as Chair, and considering restructuring the Committee to reflect  
64 more of a coordination role. She asked Dr. Ricker to assign more  
65 responsibility for liaison with committees and EPA/FDA to staff  
66 and he concurred.

67 Accreditation Committee: Ms. Margaret Clark indicated it was  
68 working fine. She indicated she was not sure if an International  
69 Committee is needed. She sees import requirements as an  
70 accreditation issue.

71 Livestock Committee: Ms. Merrill Clark indicated she had not  
72 heard of any move to change the Chair.

73 Processing, Handling and Labeling Committee: Mr. Rich Theuer  
74 indicated the six people were working well together.

75 International Committee: Mr. Sligh indicated there is a role  
76 outside the U.S. Mr. Friedman had asked Mr. Stoneback to chair  
77 the meetings of this committee in his absence.

78 Mr. Bob Quinn proposed that the NOSB hold off re-evaluation of  
79 the committee structure until after the first round of program

80 development is done. Mr. Chandler supported this. There was  
81 brief discussion of the need for working groups, but the  
82 consensus was to keep the structure as is for now. Mr. Sligh  
83 asked that if a need was seen for working groups to bring a list  
84 of areas to the meeting on Thursday.

85 Ms. Taylor indicated she would like to use the time between 11:00  
86 am and 12:00 noon for a joint meeting on materials.

#### 87 Definition of Organic

88 Chairman Sligh noted that Dr. Ricker had distributed a number of  
89 definitions for Board consideration, and that Ms. Margaret Clark  
90 had made an attempt to synthesize them into one. However, there  
91 was considerable differences of opinion among members on the  
92 definition she developed. She has a file of member comments that  
93 she would pass on to anyone willing to work on it. There was  
94 some question about the need for a definition. Hal indicated a  
95 need to develop a definition as part of the regulation, and that  
96 there could be two versions. The first would be a working  
97 technical definition, and the second a short marketing definition  
98 that would have meaning for consumers. He also indicated that if  
99 the Board did not do it, USDA would develop a definition as part  
100 of the rulemaking process.

01 Mr. Theuer questioned Dr. Ricker as to the fact that the statute  
102 does not call for a definition of organic. Dr. Ricker responded  
103 that it will be needed in the definitions part of the regulation,  
104 and that he is getting many inquiries about the status of a  
105 definition.

106 Mr. Sligh suggested the need for a working group on the  
107 definition and that anything developed should follow the position  
108 paper format. While Mr. Theuer, Mr. Stoneback, Ms. Merrill  
109 Clark, and Mr. Chandler volunteered, Mr. Sligh asked that it be  
110 on the various committee agendas to come back with names on  
111 Thursday.

#### 112 Future Meetings

113 The location and general dates for the July meeting have been set  
114 for July 8 to 11, 1993 at the Best Western Village Green Resort  
115 Hotel in Cottage Grove, Oregon. The meeting will be focused on  
116 individual committee meetings, with an agenda to be discussed  
117 Thursday.

118 For September, the Board has three options for consideration:  
119 Baltimore, Maryland; Arkansas; and Texas. We also have an  
120 invitation to go to North Carolina in November, but no decision  
121 will be made on that until later when we know more about the  
22 funding situation. We will make a decision on Thursday of the  
123 location for the meeting in September.

124     **Consumer Research**

125     Ms. Merrill Clark discussed her continuing interest in having a  
126     survey of consumers conducted to determine their attitudes and  
127     perceptions of organic. This is a follow-up to her meeting with  
128     NCAMP. Arkansas representatives indicated they were working on  
129     this through their Farmer to Farmer mailing list. New Hope  
130     publications expressed interest in surveying their database. It  
131     was recognized as a good idea, but concern was expressed about  
132     the need to have the questions properly phrased so as to not  
133     suggest answers and about the population to be surveyed. Mr.  
134     Quinn indicated that any questionnaire and procedure should come  
135     before the full Board for approval. Mr. Stoneback questioned the  
136     purpose and use of the survey. Dr. Ricker indicated that it was  
137     not a proper role for NOSB, and that the Board should be working  
138     on standards development.

139     **Criteria Paper**

140     Mr. Sligh briefly summarized a five page paper he had circulated  
141     to the board a couple days prior to the meeting. The paper  
142     identified 5 evaluation criteria for ongoing review and  
143     evaluation of the implementation of regulations: A. How much does  
144     it cost and who pays? B. Does it meet the mandate of the law and  
145     the intent of Congress? C. Is it accessible to the users? D.  
146     Does it pass socio/economic impact analysis? E. Does it  
147     facilitate full public participation? The rest of the paper  
148     addressed tools for adjusting regulations and recommendations for  
149     research needs. Board members indicated that they thought the  
150     criteria were excellent. Dr. Ricker indicated that parts two and  
151     three (tools for adjusting regulations and research needs) were  
152     really up to the Secretary and that the Board should focus on  
153     developing standards and the materials list.

154     Mr. Kahn moved the adoption of the first section lines 20 on page  
155     1 to line 18 on page two. Ms. Taylor seconded. The vote was  
156     unanimous.

157     Ms. Taylor briefly discussed the format for petitions for  
158     materials and the need for joint committee action.



47 independently to unanticipated locations; P.f. produces no  
48 spores; and the CellCap process sterilizes the fermenter. In  
49 balance, the product has a more specific action, with fewer non-  
50 target effects, and has better foliar persistence, efficacy, and  
51 consistency.

52 FRED KIRSCHENMANN, of Kirschenmann Family Farms in North Dakota,  
53 represented the Northern Plains Sustainable Agriculture Society  
54 of 200 organic producers. He stressed that only a small group of  
55 farmers really condemn the Organic Foods Production Act and the  
56 work of the NOSB. He noted that the NOSB has not yet heard from  
57 the many farmers who grow good organic grain. He recounted the  
58 history of the Act. Food safety was not an issue when the  
59 organic movement started. The heart of organics is farming in  
60 concert with nature. He argued that the intent of the Act is not  
61 to overly codify organic farming, particularly as the manner in  
62 which the principles are applied varies with farm situations.  
63 The organic farm plan is the key and forces farmers to evaluate  
64 their individual farms. The paperwork is to give consumers a  
65 guarantee. He asked the NOSB to remember that the legislation  
66 has limited objectives and that every problem cannot be solved  
67 with one program.

68 KATHERINE DIMATTEO, Executive Director of OFPANA, reminded the  
69 NOSB to review the OFPANA standards presented to the Board the  
70 following year. She described the actions of small OFPANA  
71 committees that initiated positions and surveyed organic  
72 community members. Revisions of these positions were circulated,  
73 and larger forums were created to resolve controversial issues.  
74 She commended both the Livestock and Processing Committees for  
75 their hard work in charting new ground. She presented the will  
76 of OFPANA as the following. The Board should create standards  
77 that encourage the growth of organic agriculture and which are  
78 manageable. OFPANA supports the Crop Standards Committee  
79 recommendation to allow split operations. All inerts should be  
80 disclosed, although the phasing in of this requirement should  
81 take place over several years. Lab testing should remain a  
82 verification tool; soil residue testing should be left to the  
83 discretion of certifying agent and not mandated. There is no  
84 infrastructure yet in place to ensure the availability of  
85 untreated seed for all organic growers. There are substitutes  
86 for potassium chloride, and therefore, it should be prohibited.  
87 The percentage of organic ingredients should not appear on the  
88 front panel of processed products. OFPANA does not support the  
89 mandatory use of an USDA seal. Processors should not be required  
90 to list the ingredients of natural flavors. Ms. DiMatteo also  
91 expressed her feeling that the NOSB Livestock Committee's  
92 proposal containing strict requirements for organic livestock  
93 production has already caused damage to potential livestock  
94 production. She stated that she believed the OFPANA National  
95 Organic Livestock Committee's position paper to reflect the  
96 results of its original survey of livestock producers.

97 PRESTON BOOP, President of the Pennsylvania Association for  
98 Sustainable Agriculture, described Pennsylvania organic farmers  
99 as the least supportive of Federal regulation. He stated that  
100 the final regulations should provide an opportunity for farmer-  
101 controlled organizations to participate in the certification  
102 system. Rules should not force farmers into "high input"  
103 approaches to organic farming. However, botanical insecticides  
104 are important tools for controlling unusual pest infestations.  
105 Finally, small scale farmers should not be exempt from  
106 certification requirements. Such an exemption would create two  
107 levels of "organic."

108 ERIC ARDAPPLE KINDBERG, Arkansas organic grower and editor of  
109 Farmer to Farmer, stated that it is important to know what the  
110 consumer thinks and to identify what they want to purchase. He  
111 described a survey that Farmer-to-Farmer is proposing to send out  
112 to organic and non-organic product consumers. He also extended  
113 an invitation to the NOSB to meet in Arkansas in September. He  
114 stressed that NOSB meetings should be scheduled during the winter  
115 months when farmers can participate.

116 ROGER BLOBAUM, of Blobaum Associates in Washington, D.C., noted  
117 the breakdown of goodwill among the many constituencies that had  
118 come together to see the Act passed by Congress. He described a  
119 primary purpose of the Act, as perceived by those involved in its  
120 creation, as being the following: to overcome the market  
121 barriers created by the existence of 20 different State organic  
122 programs. He said that the pursuit of authorization to file  
123 citizen suits, to prohibit the use of all toxic botanicals, to  
124 emphasize residue testing, and to ban synthetic inputs under all  
125 circumstances was abandoned in an attempt to balance the ability  
126 of growers to meet organic production standards with the  
127 integrity of the organic product. He remarked that as former  
128 director of Americans For Safe Food, he is interested in fraud  
129 and misrepresentation in the marketplace rather than the "fine  
130 points of organic farming."

131 JODI SNYDER, an OCIA-certified farmer in Pennsylvania who raises  
132 200 ewes, argued that the certification exemption for small  
133 farmers should be revoked. She supported the concept of  
134 requiring 100% organic feed, but it is not always available. She  
135 believes that antibiotics should be prohibited and is totally  
136 against parasiticide use. She noted that herbal worming  
137 compounds and diatomaceous earth both work well in controlling  
138 parasites in sheep. She agreed with the current NOSB Livestock  
139 Committee decision to decertify farms that withhold treatment  
140 from sick animals. Slaughter processing standards need to be as  
141 equally strict as production standards, with a complete audit  
142 trail required. She expressed concerns about split operations,  
143 as toxins can leachate and move through 25 foot boundaries.

144 TONI BEDARD, an OCIA-certified vegetable grower in Pennsylvania,  
145 with 22 acres/60 acres rented of 40 mixed vegetables certified  
146 organic since 1986, stressed the importance of having regionally-  
147 based certifying agencies that can serve to pass on improved  
148 techniques to farmers. He suggested nationalizing the high OCIA  
149 standards that are now in existence. He argued that a "pure  
150 organic paradigm" cannot be "legislated," given the differences  
151 among growers of monitoring their farming practices. He noted  
152 that the sale of organic products alongside conventional products  
153 sparks the interest of conventional farmers in organic farming.

154 BOB ANDERSON, of Walnut Acres in Pennsylvania, described his  
155 operation has serving 100,000 consumers. He stated that although  
156 he is in basic agreement with the NOSB on many issues, he is  
157 opposed to listing the percentage of organic juice on the  
158 principal display panel. This would tend to drive processed  
159 products to the lowest level of organic ingredients allowed in a  
160 processed product that could still have the word "organic" on its  
161 label. Processors with 50% organic ingredients or less should  
162 still be required to have an audit trail in place. He did not  
163 support full disclosure on spices. He noted that with regard to  
164 the NOSB Crop Standards Committee decision on annual transplants,  
165 an emergency provision should be handled to support growers that  
166 face devastating frosts or poor germination of untreated seed.  
167 He expressed his support for allowing the careful use of cannery  
168 waste on fields, but the issue is whether product waste is  
169 generated within the plant or outside as to whether the waste is  
170 considered sewage or field waste.

171 JOHN CLARK, organic farmer in Michigan, stated that "in the long  
172 run, only strict high standards will build organic farming  
173 numbers and organic permanence." An input should not be exempted  
174 simply because growers have not yet acquired the knowledge to  
175 utilize alternatives. He stressed that the creation of a  
176 "transitional" label would cause confusion in the marketplace.

177 LAWRENCE PLUMLEE, physician to the chemically sensitive,  
178 expressed his concern that the EPA, in its current review of  
179 pesticides, is not considering immunotoxicity or neurological  
180 testing. He stated that we already have a food system that is  
181 meeting EPA standards, and that a stricter system is needed for  
182 organic foods. He was also concerned that there is not a way to  
183 determine whether or not food products have been fumigated.

184 STEVE MCFADDEN, chemically sensitive individual, informed the  
185 audience that emergency spray eradication programs were about to  
186 be initiated in nine Southern states. He linked aerial pesticide  
187 spraying with the instigation of the Los Angeles riots. He noted  
188 that chemicals different from those allowed on food can be used  
189 for cotton defoliation. He expressed concern for the  
190 contamination that can take place in the food distribution  
191 channels.



192 BILL WELSH, organic poultry producer in Iowa, argued that organic  
193 standards should not be compromised to allow for the expansion of  
194 production. He noted that he now works with three different  
195 Japanese companies that have clients who are chemically  
196 sensitive. He said that farmers are motivated to develop  
197 alternative methods when deprived of antibiotics, and gave the  
198 example of when he switched his pigs from milk to vegetable  
199 protein and no longer had a problem with scours. He also  
200 suggested that density limits be set for dry-lotted cattle that  
201 compact crop land and harm soil life.

202 BRIAN BAKER, Technical Coordinator for California Certified  
203 Organic Farmers, expressed his interest in having the national  
204 standards reflect current certifying agency standards. He  
205 supported the Crop Standards Committee positions, but had many  
206 reservations about the Livestock Committee's March 1993 document.  
207 He suggested that the NOSB start with the following requirements  
208 for organic livestock: 100% organic feed and no subtherapeutic  
209 doses antibiotics or hormones. He described standards phase-in  
210 periods as "arbitrary and capricious."

211 TIM SULLIVAN, attorney with Farmers Legal Action Fund, described  
212 his reading of the Act as pertains to the authority of State and  
213 private certifying agencies. He saw a tension between State and  
214 private agencies that are in competition with each other to  
215 provide paid services. He stated that the Act does not allow  
216 States to accredit private organic certifying agencies. He also  
217 argued that the Peer Review Panel is the private sector's role in  
218 the Federal accreditation scheme.

219 DREW NORMAN, owner of a 50-acre organic vegetable operation in  
220 Northern Maryland, described some of his needs as a grower. He  
221 said that although the need to source inputs from off the farm  
222 may decrease over time, off-farm compost is still needed as are  
223 row covers (costing \$30K per year for 50 acres) and botanical  
224 insecticides. He stated that he must presently produce 30-40  
225 different vegetables to be able to support himself as a grower in  
226 the organic food market.

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**CROP STANDARDS COMMITTEE  
PRESENTATION TO FULL BOARD  
MONDAY, MAY 17, 1993**

Prepared by Julie Anton, USDA/AMS

Crop Standards Committee Chair Gene Kahn initiated the Committee presentation to the full Board with a discussion of Residue Testing, Crop Standards Committee Recommendation to the Full Board No. 1. The following sections of the Organic Foods Production Act of 1990 (OFPA) were reviewed: Section 2112(a), 2107(s)(6), 2112(b), 2112(c)(1), 2112(c)(2), and 2119(k)(5). Chair Kahn explained the Committee's position as in compliance with the intent of the OFPA but not creating a financial burden for producers to carry.

Chair Kahn encouraged those present to consider the development of consumer materials that would help differentiate "organically-produced" from "residue-free" claims.

Residue testing should operate as a random check on the system of organic certification. Chair Kahn presented excerpts from the Senate Agriculture Committee Report [attached], and pointed out that the intent is to test for the presence of prohibited materials at levels greater than unavoidable residual environmental contamination. Chair Kahn noted that pre-harvest testing could be done, as a service to the grower and at the discretion of the certifying agent, if it was anticipated that the food harvested may not pass the required residue tolerance levels.

Mr. Craig Weakley was called upon to explain how the Committee came to set tolerance levels. There were three clear directions the Committee could go with its recommended policy: (1) set a zero tolerance level; (2) set a tolerance level that is equivalent to that adhered to by non-organic producers (100%); or (3) set a tolerance level somewhere between zero and 100%. Mr. Weakley pointed out that the Senate Agriculture Committee Report was the determining factor. Based on the Report, the Committee decided that the residue level should be set at between 1% and 10% of EPA tolerance; based on public response, the Committee recommends that the level be set at 5%. Mr. Weakley provided a copy of the new Committee recommendation to the Board.

National level implementation [lines 189 through 208] was discussed; State level implementation was then addressed. Mr. Weakley explained that the Committee was attempting to keep the cost to producers down. Committee members feel it is fair that the bulk of periodic residue testing is done by Federal and State programs already in place, within which non-organic farmers are not required to pay for the service. The Committee's State-level policy duplicates the Federal-level policy.

47 At the local level [see lines 232-279], the certifying agent  
48 shall develop and implement a system for evaluating the potential  
49 for products to contain residues of prohibited substances. Mr.  
50 Weakley noted that it is not the Committee's intent to create a  
51 local level bureaucracy, with all its expense.

52 Chair Kahn expressed an interest in taking a "straw" vote to  
53 assess current feelings of the Board toward the presented residue  
54 testing policy: eleven Board members voted their approval; two  
55 members (Mr. Rich Theuer and Mr. Michael Sligh) disapproved.

56 Mr. Theuer request that a provision be added, allowing a  
57 State to set a lower tolerance level. Mr. Weakley responded with  
58 concern that the Secretary would not approve a State program  
59 setting a lower tolerance level, because it would impede inter-  
60 state commerce. He said that no State could establish a  
61 tolerance level less than 1%, because of the provisions of the  
62 Senate Committee Report.

63 Mr. K. Chandler proposed that a range of more than 5% or  
64 less than 10% be allowed to accommodate the desires of different  
65 States.

66 Mr. Sligh expressed his feeling that to set a permanent  
67 tolerance level would be disregarding the development of new  
68 techniques in the future. Ms. Margaret Clark s suggested that  
69 the tolerance level be subject to a biannual review.

70 Dr. Gary Osweiler asked what happens when testing implements  
71 can only get to 40% of the tolerance level. Mr. Weakley noted  
72 that the majority of his inquiries into the subject revealed that  
73 it is possible to get to 5% of EPA tolerance levels on the  
74 majority of substances. Dr. Osweiler suggested that the phrase,  
75 "unless not technically feasible," be added after the tolerance  
76 level requirement.

77 Mr. Weakley explained that the Luke test can get down to 5%  
78 for most pesticides it screens for. If a State lab does not have  
79 capacity for conducting the Luke test, the sample would have to  
80 be sent to another lab. Most States have it but choose not to  
81 use it because of cost, Mr. Weakley revealed. He noted that  
82 California already has a 5% of EPA tolerance level requirement  
83 in State law.

84 Chair Kahn concluded the discussion by stating that the  
85 residue testing policy would be referred back to Committee for a  
86 refinement of the changes suggested. He noted in closing that  
87 among the 108 letters addressed to the Crop Standards Committee,  
88 there was widespread support for the Committee's residue testing  
89 policy (which, on the position paper distributed, was stated as  
90 between 5% and 10% of EPA tolerance). He read quotes from

91 farmers from New York, respondents McKay and Lawrence, and from  
92 Brian Baker, who suggests developing an assessment program.

93 Emergency Spray Exception, Crop Standards Committee Proposal  
94 to the Livestock Committee No. 1, was presented next, with Chair  
95 Kahn reading from the Committee's commentary on the subject  
96 [attached]. Chair Kahn noted public input that states that the  
97 NOSB should prohibit emergency spray programs; he expressed  
98 appreciation for the sentiment but stated that the NOSB must work  
99 within the OFPA. The "polluter pays" policy could not be created  
100 by NOSB. He explained that without full compensation to organic  
101 producers for loss of certification status, such a policy would  
102 be punitive.

103 Excerpts were read from the Senate Committee Report.  
104 Residue testing requirements must still be met by producers  
105 subject to emergency spray programs. Section 2105(2) of the OFPA  
106 was reviewed, and the Committee's recommendation in light of  
107 statutory requirements was stated as: agricultural products  
108 affected by emergency spray programs cannot be sold as  
109 organically produced.

110 A joint meeting between the Livestock and Crop Standards  
111 Committee was announced, whereby the Committee's would develop a  
112 joint position on the emergency spray exception.

113 Chair Kahn noted that certified producers would be required  
114 to notify the relevant certifying agent of an emergency spray  
115 incident. Requirements for certifying agents were then  
116 deliberated. Ms. Margaret Clark remarked that there will be a  
117 difference in the residue level detected depending on the timing  
118 of the spray, i.e. at planting versus at harvest.

119 Ms. Merrill Clark asked how the Committee reconciled their  
120 position with the OFPA requirement that no prohibited substances  
121 can be applied during the three years prior to organic  
122 certification. Giving advance notice emergency spray plans to  
123 organic producers would help them find a way to substitute  
124 treatment with permissible substances. Otherwise, Ms. Clark  
125 feared, it would be possible for certain organic farms to be  
126 subjected to emergency spray programs "every other year."

127 Ms. Margaret Clark agreed that without regulatory  
128 requirement for notification, the certifying agent can ask but  
129 not expect an organic producer to necessarily report an emergency  
130 spray incident.

131 Mr. Bob Quinn said that the three-year statutory requirement  
132 applies to the organic farm management system, rather than to  
133 situations out of the control of the producer. The punishment  
134 applied to an organic producer who deliberately applies  
135 prohibited substances within the context of his/her farm system

136 should not be that applied to a producer who has no say in an  
137 emergency spray program. The loss of certification for one year  
138 is punishment enough.

139 It was pointed out that the setting of a one--year period  
140 for loss of certification is arbitrary, particularly given that  
141 more than one crop may be produced in a year. Mr. Theuer asked  
142 about a beginning and ending of the crop production cycle in the  
143 case of perennials. Mr. Quinn suggested defining the loss period  
144 as a crop season.

145 Mr. Sligh suggested that the emergency spray policy  
146 recommended by the Board include a requirement that it be  
147 reviewed annually, and asked how the USDA would handle the  
148 conflict between the objectives of a Federally-mandated spray  
149 program and a program overseeing the integrity of the "organic"  
150 level. Mr. Buzz Fitzpatrick suggested that the Board recommend  
151 to the Secretary that he advise policy-makers to be aware of  
152 cross-compliance issues.

153 Mr. Quinn commented that in almost all cases, the sprays  
154 used in emergency spray programs do not have a soil residual by  
155 nature.

156 Ms. Merrill Clark described her interpretation of the Senate  
57 Committee Report: the exception granted to organic producers  
158 affected by emergency spray programs should only be in extreme  
159 cases. She suggested that there be full disclosure to consumers.

160 Chair Kahn took a "straw" vote among Board members regarding  
161 the Committee's emergency spray exception as currently written:  
162 seven Board members voted their approval; four members voted  
163 their disapproval.

164 Pesticide Drift Policy, Crop Standards Committee Proposal to  
165 the NOSB Livestock Committee, was then presented. Chair Kahn  
166 read the relevant excerpt from the Senate Committee Report.

167 He pointed out that the Committee's position requires  
168 producers to notify the relevant certifying agent within 48 hours  
169 of a drift incident, and the crop drifted upon cannot be sold as  
170 organic until the certifying agent has made an assessment of the  
171 impact of the drift. The certifying agent must determine if the  
172 drift incident actually occurred, and then if so, must determine  
173 if the agricultural product can be sold as "organic." Ms.  
174 Margaret Clark expressed her concern about who decides when and  
175 where to test and about who bears the cost of these decisions.

176 Mr. Quinn presented his minority position, which states that  
177 the penalty for drift should equal that of the emergency spray  
78 policy. He said that he is not comfortable with residue testing  
179 as means of determining whether or not a product can be sold as

180 "organic." Drift, in many cases, is avoidable; unless there is a  
181 deterrent, "chemical trespass" will continue and growers will  
182 never be able to collect damages, Mr. Quinn stated. He reported  
183 that the majority of public input received by the Committee did  
184 not support selling a drifted-upon crop as "organic," even if  
185 residue-tested.

186 Mr. Chandler remarked that the argument is essentially  
187 philosophical; producers who are "innocent bystanders" in a drift  
188 incident may be forced to pay a penalty "because we refused to  
189 recognize scientific evidence that no harm was done to that  
190 crop." Mr. Weakley added that the Board should focus on the fact  
191 that, in the case of drift, the producer has not violated the  
192 OFPA.

193 Chair Kahn stated that he knew of no growers who had sought  
194 legal recourse in a drift incident, even when the applicator  
195 could be identified.

196 Ms. Zea Sonnabend of CCOF explained that her organization  
197 customizes its policy to the individual situation. The extent of  
198 drift is determined, and the affected crop is not marketed as  
199 "organic." However, the affected crop area may only be three  
200 rows, and this is assessed. Furthermore, CCOF does not call the  
201 punitive action "decertification," so as not to inadvertently  
202 harm the reputation of the producer. Three to five cases of  
203 drift are brought to the attention of CCOF each year on average.

204 Mr. Brent Wiseman countered that in Texas there is much  
205 recourse for the grower in cases of drift. The State inspector  
206 reviews the situation, and makes a determination on a case by  
207 case basis; however, it may take 6-7 months for a determination  
208 to be made. A private certifying agent would not have access to  
209 the records until after the case was settled. He stated that the  
210 incidence of drift is seldom, adding up to five cases per year on  
211 average. Furthermore, of those five cases, in only two have  
212 residues of spray drift be detected. Mr. Kahn remarked that only  
213 one case per year is brought up in the State of Washington.

214 Mr. Brian Baker stated that in California, the burden is on  
215 the grower to prove that applicator was negligent. County  
216 agricultural commissioners may not recognize the harm drift  
217 imposes upon organic producers. The rate of success recovering  
218 both time and money losses among growers has been poor. The  
219 price premium loss when a grower has to sell an organically  
220 produced product on the conventional market is difficult to  
221 recover.

222 Mr. Quinn described the strong chemical trespass laws  
223 established in Montana; 2-3 cases are brought to bear each year.  
224 Mr. Quinn described how he lost certification status for 3 years

25 under OCIA's program. The Committee should not undermine grower  
226 ability to get recourse, he said.

227 Mr. Weakley expressed the majority Committee view: by  
228 making drift policy consistent with the residue testing policy  
229 only, there will be incentive for producers to report drift.  
230 Chair Kahn called a "straw" vote: 5 Board members voted for the  
231 current Committee position; 7 members voted against the position;  
232 and one member abstained.

233 Requirements for a Split Operation, Conversion to 100%  
234 Organic, Crop Standards Committee Recommendation to the Full  
235 Board No. 1, was presented with Committee commentary [see  
236 attached]. Chair Kahn reviewed arguments for and against the  
237 mandatory conversion of split operations to 100% organic. He  
238 described the Committee position as basing certification solely  
239 upon compliance with the OFPA, which allows for the maintenance  
240 of organic and non-organic fields within the same farming  
241 operation.

242 Chair Kahn reviewed public responses from the Carolina Farm  
243 Stewardship Association, Mark Corley, the Demeter Association,  
244 Chip Kraynyk, MOFGA, and two Maine farmers, Mr. Holmes and Mr.  
245 Gerritson.

246 Ms. Julie Anton noted that she had prepared an analysis of  
247 public responses on the topics of split operations, the Organic  
248 Farm Plan, inputs for organic crop production, and planting stock  
249 policies, of which copies were available.

250 Ms. Margaret Clark commented that the process of conversion  
251 is different for different crops. She gave an example of how an  
252 apple grower can experiment with different varieties, as long  
253 organic production can be subsidized by non-organic production.

254 Chair Kahn expressed his view that the Board cannot  
255 legislate grower intent. It is best, then, to build provisions  
256 that assure compliance and prevent a penetration of substances  
257 from non-organic fields. He stated that the organic food  
258 industry has been build upon on split operations, and that the  
259 market base has not been established yet to support a requirement  
260 for full conversion.

261 Ms. Nancy Taylor described her personal experience as an  
262 owner of a split operation. Her view is that a split operation  
263 should be allowed to remain as such throughout ownership.

264 Mr. Chandler asserted that the State could mandate full  
265 conversion, but a national conversion policy would be intrusive.

266 Chair Kahn stated that he would strongly support policy allowing  
.67 private certifying agents to require full conversion.

268 Ms. Merrill Clark expressed serious reservations about  
269 allowing split operations, given the possibilities of prohibited  
270 substance leaching and beneficial insect loss. She guessed that  
271 there were split operations that make no improvements from year  
272 to year.

273 Dr. Don Kinsman described how pesticide "drift" in a  
274 livestock operation is different than in crop production.

275 Mr. Dean Eppley remarked that the integrity of split  
276 operations is based upon the ability of the grower to section off  
277 parts of an operation, and ensure that each section is properly  
278 managed; such sections may be managed by different employees.

279 Chair Kahn stated his appreciation for every acre converted  
280 to organic production. He gave the example of leased fields  
281 surrounded by non-organic fields. He commented that there will  
282 be increased scrutiny of split operations, and to question the  
283 intent or commitment of split operators is objectionable to him.

284 Finally, Chair Kahn called a "straw" vote on the Committee's  
285 current position: ten Board members voted for the position; one  
286 opposed the position; and two abstained.

287 Organic Farm Plan, Crop Standards Committee Recommendation  
288 to the Full Board No. 1 was presented in conjunction with  
289 Committee commentary. The basic premise of the commentary was  
290 that organic farming is not merely production by prescription to  
291 a list of materials. Chair Kahn expressed appreciation for the  
292 essay presented by Dr. Fred Kirschenmann, which stressed long-  
293 term improvement and a narrative farm plan.

294 Statutory requirements for the Organic Farm Plan were  
295 reviewed. The role of the Livestock Committee in developing  
296 their own plan on organic livestock management was clarified.

297 Ms. Taylor suggested that the Committee include the term,  
298 "evaluate," with regard to the progress to be described by the  
299 producer in the Organic Farm Plan Questionnaire.

300 Mr. Quinn stressed that a distinction needs to be drawn  
301 between soil building programs and organic by neglect at the farm  
302 level. He also noted that producers should address irrigation  
303 water quality when describing "trends" on their farms.

304 Ms. Margaret Clark requested that the Committee address  
305 certifying agency ability to review the Organic Farm Plan as an  
306 accreditation criteria. Chair Kahn noted this request in the  
307 Committee workplan. Ms. Clark asked the Committee to outline  
308 elements that must be present in the structure of the Organic  
309 Farm Plan document of each certifying agency.



310 Chair Kahn called a "straw" vote to assess the Board's  
311 approval of the Organic Farm Plan approach: approval was  
312 unanimous.

313 Crop Standards Committee Interim Botanicals Policy, Draft  
314 Position Paper No. 1, dated April 22, 1993, was presented in  
315 brief. Chair Kahn explained that the Committee chose to limit  
316 the list of botanicals included in this policy to those with  
317 documented and long-term historical use. Dr. Osweiler pointed  
318 out the high toxicity of strychnine.

319 The suggestion to change the word "recommend" to the word  
320 "allow" on line 23 was agreed to by the Committee.

321 It was noted that OCIA prohibits piperonyl butoxide (PBO),  
322 whereas OFPANA allows it. Ms. Merrill Clark expressed her  
323 disapproval of PBO, and petroleum distillates in general. Chair  
324 Kahn remarked that PBO reduces the amount of botanical pesticide  
325 required for efficacy by 10 times. He noted that PBO originates  
326 from sassafras, and that there are differing opinions as to  
327 whether or not PBO is natural.

328 Chair Kahn called a straw vote and received eight votes in  
329 favor of the interim position, two votes opposed, and four  
330 abstentions.

331 The document entitled, Planting Stock Policies, Crop  
332 Standards Committee Recommendation to the Full Board No. 1, was  
333 referred to by Chair Kahn as the Committee's position as of May  
334 5, 1993. Since May 5, public input had been reviewed and  
335 policies regarding garlic and onion starts changed to allow non-  
336 organic sources until commercially available.

337 A short discussion concerning seed potatoes ensued, with  
338 Chair Kahn describing the excessive transport cost which makes  
339 sourcing from remote areas prohibitive.

340 Lorsban, a pesticide, is commonly used to treat seeds. Such  
341 pesticides would not be allowed according to the current  
342 Committee position.

343 Chair Kahn read excerpts from letters from CFSA, MOFGA, OR  
344 Tilth, Ward Sinclair, and Jim Boatman of the Idaho Department of  
345 Agriculture regarding tissue culture.

346 The term "commercially available" was viewed as a complex  
347 term by the Committee; thus, the Committee concluded that the  
348 historic loophole could best be handled by certifying agencies,  
349 to whom discretion should be granted.

350 Mr. Weakley then brought forth the argument that the current  
351 Committee recommendation to allow a one-year grace period for

352 non-organic annual transplants was in direct violation of the  
353 OFPA. Chair Kahn reviewed the Committee concern for growers who  
354 would have to obtain transplants at great cost or for whom it  
355 would be impossible to obtain organic transplants. Mr. Sligh  
356 suggested language that would allow for an extended date of  
357 compliance and language that would encourage a market in organic  
358 transplants to develop.

359 Chair Kahn called a "straw" vote on the current Committee  
360 recommendation and received nine votes of support, 1 vote of  
361 opposition, and 2 abstentions.

362 Inputs for Organic Crop Production, Position Paper No. 2,  
363 was briefly discussed. Chair Kahn described the Committee's  
364 concern about getting the list of inputs out to growers to dispel  
365 some of the confusion across the country. Dr. Theuer asked the  
366 Committee how it determined what is natural and what is  
367 synthetic. Chair Kahn noted that there are some paradoxes to  
368 resolve, such as over wood ash. A Committee definition of  
369 "synthetic" is in draft form.

370 As a miscellaneous note of business, Ms. Margaret Clark  
371 relayed a question from Yvonne Buckley of OGBA regarding land  
372 released from a conservation program, where no prohibited  
373 materials would have been applied for three years.

374 In concluding the Crop Standards Committee presentation, the  
375 Committee workplan was distributed.

1 CROP STANDARDS ISSUES  
2 PUBLIC INPUT SESSION  
3 MONDAY, MAY 17, 1993

4 Prepared By: Julie Anton, USDA/AMS

5 GEORGE KALOGRIDIS, of Ojai Organics, a consulting firm in  
6 California, reiterated concerns he had expressed earlier about  
7 focussing too greatly on the specific needs of chemically-  
8 sensitive people. He does not see food safety as the primary  
9 issue facing the organics community.

10 BILL WOLF, of Necessary Trading Company (an input supplier), and  
11 an organic farmer in Virginia, described his perspective in  
12 support of the Crop Standards Committee's current position on  
13 botanical pesticides. He described his Pest Control BioSelector,  
14 where botanicals are viewed as a tool of last resort. He sees a  
15 gradual move away from reliance on botanicals, giving the example  
16 of soaps replacing rotenone. He agreed to provide the Board with  
17 research results revealing that there is no real data supporting  
18 the report to Congress stating that botanicals are "dangerous."

19 BRENT WISEMAN, of the Texas Department of Agriculture, stated his  
20 support for the allowance of split operations. He noted that  
21 60% of the harvested crop processed at Arrowhead Mills are from  
22 split operators. He gave an example of a family farm where the  
23 son, who prefers to produce organically, must work with his  
24 father, who is only interested in continuing the farming methods  
25 he has relied on for years. Mr. Wiseman also described the  
26 forthcoming Texas bollweevil eradication bill, within which there  
27 is protection for organic growers. He said that the legislation  
28 will require organic growers to control the insect, but that  
29 alternatives, such as botanical pesticides, are offered. He  
30 stressed that the State certification programs should determine  
31 the emergency spray exemption policy.

32 ZEA SONNABEND, of California Certified Organic Farmers (CCOF),  
33 announced that her organization awaits a decision on inspection  
34 requirements for nut shellers and facilities cold-storing dried  
35 fruit. She asserted that CCOF would prefer that the  
36 determination of restrictions on natural crop production inputs  
37 be made by USDA accredited certifying agents and not be included  
38 in the NOSB recommendations to the Secretary. Ms. Sonnabend also  
39 noted that CCOF provides an incentive for split operators to  
40 convert to 100% organic production by charging a surcharge to  
41 inspect split farming operations. She commented, however, that  
42 non-organic crops often subsidize upstart organic crops.

43 JERRY FEITELSON, of Mycogen Corporation, described the cellcap  
44 technology utilized to manufacture his company's product, MVP, as  
45 fitting certain organic principles. He noted that MVP is

46 incapable of survival or transgenation in nature, though produced  
47 through genetic engineering. MVP and the cellcap process have  
48 been registered with the EPA, and are accepted by Jeremy Rifkin's  
49 group.

50 STEVE WALSER, a farmer from the State of Washington, expressed  
51 his interest in seeing language in the emergency spray policy  
52 which encourages the establishment of buffer zones. He also  
53 commented that where Colorado potato beetles were originally  
54 controlled with botanicals, seven alternative methods are now  
55 employed, with botanicals used as a last resort. He said that an  
56 allowance for PBO is important, as it is necessary as a synergist  
57 in liquid botanicals, which are preferable to powdered botanicals  
58 which get on laborers.

59 BRUCE KRANTZ, of the Hynite Corporation, described his company's  
60 origin as a cooperative of tanners who found leather trimmings  
61 had valuable protein and nitrogen. In leather making process,  
62 eight synthetic chemicals are typically used but are all washed  
63 out, leaving only chromium and sulfur. Ms. Nancy Taylor asked  
64 about the vegetable oil tanning practice, which Mr. Krantz stated  
65 was limited because of a problem with odor and ventilation. He  
66 said that chrome keeps the protein from putrefying. Hynite  
67 Corporation is the only company that makes a hydrolyzed leather  
68 product.

69 DENNIS HOLBROOK, who owns in a citrus and mixed vegetable  
70 operation and who is president of the Texas Organic Growers  
71 Association and on the Texas State advisory board, spoke on the  
72 issue of drift. In one case, a grower was able to recover  
73 damages from a drift incidence involving a cotton defoliant. In  
74 another case where an aerial sprayer had been viewed, the  
75 investigation took 8 weeks and he could not sell his crop in the  
76 meantime; residue testing determined there had not been a drift  
77 incidence, and the grower could recover no damages. Regarding  
78 split operations, he asked about how his involvement in a holding  
79 management company with absentee landowners.

80 SUZANNE VAUPEL, a consultant from California, announced her  
81 support for the Committee's split operation position. She said a  
82 producer may be growing all crops organically, but cannot afford  
83 to have all land certified; whole farm certification requirements  
84 would be economically prohibitive. She commented that drift is  
85 more based on the unknown than emergency spraying: questions  
86 such as, was there really an incident, was it reported, arise.  
87 She asked about drift in fog that travels for miles. On a  
88 different subject, she noted that the definition of pesticide in  
89 the Federal Insecticide, Fungicide, and Rodenticide Act applies  
90 to botanicals.

91 JAY FELDMAN, the Director of NCAMP, concurred with the concern  
92 for not burdening growers with unrealistic requirements; however,

93 he stated that the OFPA does not provide for a transitional label  
94 -- if it did, the OFPA would be institutionalizing illegal  
95 actions.  
96 He noted that FIFRA establishes a risk-benefit standard as a  
97 means of distinguishing between residual and current pesticide  
98 levels. Regarding the 620 substances approved by the EPA, only 2  
99 dozen have full data sets, he said. By accepting EPA tolerances,  
100 the Board was accepting "baggage" of inadequacy. He recommended  
101 that the Board determine what is known under the tolerance-  
102 setting procedures. Apparently, 70 carcinogens are accepted  
103 under food policy currently.

104 STEPHEN MCFADDEN, a representative chemically-sensitive consumer,  
105 made several miscellaneous comments. He described the extent of  
106 mileage covered by medfly eradication. He explained the types of  
107 chemicals utilized in aerial sprays.

108 JOHN CLARK, an organic farmer from Michigan, remarked on chemical  
109 trespass: he said that the damage to farmer is the disruption of  
110 his/her farming system, from which it may take years to recover.  
111 Also, substance damage on crops may be determined visually,  
112 without residue testing results to prove incident. He commented  
113 on Repeated Toxicological Syndrome, where a lower threshold to  
114 toxicity is established among humans.

115 DR. LAWRENCE PLUMLEE, a Medical Science Advisor in the Research  
116 and Development office of the EPA for many years and a physician  
117 of chemically-sensitive people, stated that chemically sensitive  
118 people will incur reactions to botanicals. He expressed hope  
119 that the Committee will develop a more "rational" approach to  
120 tolerance setting.

121 ERIC ARDAPPLE KINDBERG, an organic livestock and vegetable  
122 producer in Arkansas, suggested the Committee look at organic  
123 production standards in light of both community and grower  
124 responsibilities.  
125 He expressed concern about tailwater from pesticide treated  
126 fields. He did not feel that drift is covered by the OFPA. He  
127 stated that split organic/non-organic livestock production is not  
128 possible since livestock are mobile. He commented that organic  
129 farmers have not been using neem for a long time, and that neem  
130 has not been reviewed by EPA. He recommended that the Committee  
131 provide some direction to certifying agencies regarding nitrogen  
132 source obtention, requiring legume-based rotations, for instance.

133 AL JOHNSON, representing the 120 members of the Independent  
134 Organic Inspectors Association (IOIA), presented highlights from  
135 highlights from Jim Riddle's letter to the Committee. He  
136 questioned the practicality of mandating 100% conversion of  
137 farming operations to organic production. He expressed concern  
138 that there be some sort of legal protection established for

139 inspectors while on a farm, including liability insurance.  
140 Regarding the farm plan, on-farm processing should be addressed;  
141 otherwise, he expressed support for the farm plan as written. He  
142 would like to see generic use of OCIA's easy-to-use farm  
143 application. Finally, he commented that documentation on all  
144 seed sources is needed.

145 EMILY BROWN-ROSEN, of NOFA-NJ, voiced her support for split  
146 operations, though would like to see an encouragement of full  
147 conversion. She pointed out the need for the Committee to look  
148 more closely at the biotechnology provision, and to be sure not  
149 to disregard such products as MVP that are compatible synthetics  
150 and which are valuable and sustainable. She argued that with  
151 regard to planting stock policy, there should be an transplant  
152 exemption for unforeseen natural disasters, such as killing  
153 frosts or sweeping diseases. She encouraged the Committee to  
154 develop a brand names list, as it is frustrating to try to get  
155 information from companies. In representing OFAC, Ms. Brown-  
156 Rosen referred the Committee to a handout, which describes OFAC's  
157 latest positions. She noted that OFAC has not come to a  
158 consensus on biotechnology issues. OFAC does have a proposal for  
159 new wording. She remarked that OFAC unanimously opposed Eric  
160 Ardapple's proposal for an Organic Check-off Program.

161 The Crop Standards Committee public input session closed at 12:30  
162 p.m.

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164  
165

**ACCREDITATION COMMITTEE  
PRESENTATION TO THE FULL BOARD  
MONDAY, MAY 17, 1993**

166 Prepared By: Harold Ricker, USDA/AMS

167 Accreditation Committee Chair Margaret Clark introduced the  
168 agenda for the meeting which was a presentation of the Committee  
169 draft recommendations: Criteria, Process, and Other Procedures.

170 **Criteria for Accreditation**

171 Mr. Richard Theuer then presented the criteria entitled,  
172 Competence.

173 Mr. Theuer indicated the Committee had identified 7 steps to  
174 accreditation.

175 1. Promulgation of the application for certification and  
176 certification standards.

177 2. Submission of the completed application, including the  
178 organic plan, by a producer or handler.

179 3. Initial review of the application by the Certifying  
180 Agent.

181 4. On-site inspection of the farm or handling operation by  
182 an inspector.

183 5. Administrative review and certification determination by  
184 the Certifying Agent.

185 6. Annual inspection and submission of an affidavit by the  
186 producer or handler.

187 7. An applicant appeal process to the Certifying Agent.

188 The question of a uniform certification form was raised. Chair  
189 Clark indicated that judgements are made at the application,  
190 (inspection), and approval (decision) phases of certification.  
191 Every certifying agency is not required to have the same forms.

192 Accreditation is the process of evaluating the Certifying Agent.  
193 Accreditation also involves: application, field evaluation,  
194 decision, and recommendation to the Secretary.

195 The second criteria is entitled, Transparency (or Record keeping,  
196 as the word "Transparency" does not appear in the Organic Foods  
197 Production Act of 1990 (OFPA). It involves the following:

- 198 . Clearly articulating policies and procedures  
199 . Open accessibility and clear documentation  
200 . Clear and explained roles of officers, staff,  
201 inspectors and decision-making bodies  
202 . Open accessibility and responsible appeals  
203 . Disclosure and timely resolution of appeals

204 The basis of transparency is documentation:

- 205 . Record-keeping of producers and handlers
- 206 . Records required to be kept by certifier and available to
- 207 public
- 208 . Records required to be kept by certifier and available
- 209 on request to the Secretary.
- 210 . Records required to be available about producer,
- 211 processor with the inspection report.
- 212 . Record-keeping requirements of the OFPA.

213 Mr. Craig Weakley indicated that the California law is very  
 214 detailed about the records to be made available or kept  
 215 confidential.

216 Chair Clark indicated she took the structure from the California  
 217 Act and abbreviated it.

218 Mr. Weakley indicated he was still concerned about the disclosure  
 219 of proprietary information.

220 The third criteria is entitled, Independence. Mr. Theuer  
 221 indicated he had looked at the Conflict of Interest issue using  
 222 the HACCP approach where conflict of interest is a hazard to the  
 223 integrity of the inspection process. He recommended that  
 224 certifying agents have written policies and procedures regarding  
 225 the application handling process; disclosure of inspectors'  
 226 interests; the appeal of inspection results; the certification  
 227 decision-making process; disclosure of interests and affiliations  
 228 of members of decision-making body including conditions for  
 229 disqualification; and appeal of certification decision.

230 **Process of Accreditation**

231 Chair Clark then asked Mr. Bob Quinn to present Phase I: the  
 232 Application Process.

- 233 Mr. Quinn described the purposes of Phase I:
- 234 . Groups currently certifying may continue certifying
  - 235 while continuing through the process.
  - 236 . New groups may not begin certifying until Phase I is
  - 237 completed.

238 The Committee would like a list published every six months  
 239 naming those currently in the process and what phase they have  
 240 completed. Mr. Quinn presented a diagram to show the flow of  
 241 activity. With the call for applications, the certifiers would  
 242 have 90 days to submit applications; the applications would be  
 243 reviewed by AMS staff for completeness within 60 days; if the  
 244 application is incomplete it would go back to the certifier for  
 245 revision with 60 days for completion; if complete, it would go to  
 246 the peer review panel. If no response, or a certifier does not  
 247 submit an application within the proposed time period, the  
 248 certifier must cease certification activities. Peer Review Panel



249 reviews the application and makes a determination of  
250 "accreditation applied for status" which is not an approved  
251 labeling designation, but allows new certifiers to begin  
252 certifying.

253 Judgement is called for in the evaluation process beyond the  
254 completeness of the application. This could be done by either  
255 USDA staff or by peer review panel.

256 Highlights of the Application form (page 28 of the Committee's  
257 document) were described:  
258 1. Basic information - size and scope of organization  
259 Estimated sales volume  
260 Areas of competence  
261 2. Memorandum of Agreement  
262 3. Questionnaire  
263 Question 5 gets into issues other committees are working on.  
264 State standards require separate forms.  
265 Policies and procedures should include confidentiality and  
266 access to records, and where they can be found (foot note in  
267 manual).

268 It was emphasized that the Committee is trying to demonstrate  
269 equivalency and not necessarily standardize all procedures.

270 It was recommended that the categories of certifiers be reduced  
271 from six to three in the questionnaire on p-30.

272 Procedures for Phase II, Field Evaluation were presented per the  
273 Draft. The Committee stressed the importance of field evaluation  
274 despite the fact that the OFPA does not specifically require it.  
275 There was some discussion of the content of a site visit and the  
276 fact that an evaluator may have a scoring document. Parts i and  
277 j as listed under content of site visit are optional depending  
278 on the circumstances.

279 Phase III, Peer Review Panel, was discussed in the context of the  
280 OFPA. Mr. Sligh cited the OFPA and noted the apparent confusion  
281 about whether the Secretary shall or may establish a peer review  
282 panel.

283 A question from the audience addressed the issue of whether or  
284 not the Committee would recommend a Peer Review Panel. The  
285 Committee stated its support but that it was still working on a  
286 draft document that should not be elevated to a recommendation  
287 until it is all together. The Peer Review Panel is one of the  
288 few places where the public and private sector are actually  
289 verbalized in the process.

290 Chair Clark stated that the Committee would recommend a Peer  
291 Review Panel in a cost-effective manner that is fair and  
292 representative.

338 The Organic Certifiers Caucus (OCC) indicated that the costs of  
339 preparing for evaluation according to their survey could be at  
340 least \$3,000.

341 Without appropriations, administrative costs would also have to  
342 be covered.

343 One estimate predicts costs of:  
344 \$325 for Phase I  
345 \$680 - \$3,250 for Phase II  
346 Uncertain for Phase III  
347 Average costs could depend upon the size of the certifier.

348 The Committee needs feedback on cost estimates, and there is an  
349 effort to weigh cost-effectiveness against an ideal program.

350 Conference call costs = \$10 for set-up, \$.49/min x number of  
351 people.

352 A question from the audience involved the costs of Peer Review  
353 Panel under the option that establishes regional panels. The  
354 Committee considered this an extra layer of decision making.

355 Regarding the evaluation of handling plan, the Committee was  
356 asked why it separates competency in the handler plan from other  
357 aspects. The Committee responded that, unlike some aspects, it  
358 is not cut and dried - continually need improvement in the plan.

359 What goes in the plan goes in the standards. How they use it is  
360 an accreditation issue. For processing, might look for any  
361 training in HACCP.

362 Need to expand on qualifications of inspectors and general  
363 principles of organic food production.

364 What process do you use in evaluating plans for producers and  
365 certifiers. Similar principles?

366  
367  
368

**ACCREDITATION COMMITTEE  
PUBLIC INPUT SESSION  
MAY 17, 1993**

369 YVONNE BUCKLEY, Executive Director of the Organic Growers and  
370 Buyers Association: There are already accreditation models in  
371 operation in Canada, and EEC that may work. OGBA has gone  
372 through an evaluation.

373 Would like to see the audit trail expanded on with a clear  
374 understanding of the role of the certifier to the producer. OGBA  
375 is spending time and dollars tracking product. Does not know how  
376 many times certificate is being reused.

17 BRENT WISEMAN, Coordinator for the Texas Department of  
378 Agriculture's Organic Program, disagreed with the accreditation  
379 approach. USDA will be talking to Texas and no other. The  
380 approval process is designed different from the accreditation  
381 process.  
382 Not in the business of certifying private certifiers in  
383 Texas. Can't handle the liabilities. Private certifiers may be  
384 approved by the Department, and every private certifier will  
385 receive notice of fee hearing.

386 DAVID HAENN, Small Farm Viability Project in Arkansas, stated  
387 that the language in the document is confusing because it varies  
388 from the OFPA (e.g. transparency, competence, etc.). Every body  
389 will have the same standards.

390 Peer Review Panel makeup - certifiers should not be making  
391 checks on certifiers - producers and handlers more appropriate.  
392 Wants USDA to do certification.

393 Question: Universities have peer panel - who would be better?  
394 Answer; Field evaluation is not in Act as component of review -  
395 inherent conflict of interest.

396 ERIC ARDAPPLE KINDBERG, Small Farm Viability Project in Arkansas,  
397 presented a model for accreditation. Congress is not going to  
398 appropriate money for accreditation and so need cost effective  
399 system. Reviewers don't go to D.C. Knowledgeable people are in  
400 the states in the country. Have certified farmers and handlers  
401 elected to state panels, and use currently available inspectors.

402 GEORGE KALOGRIDIS, representing the Organic Food Production  
403 Association of North America, expressed support for a  
404 public/private format for accreditation - will have a program in  
405 the next few weeks - empower the private sector. There are legal  
406 questions to the NOSB becoming the peer review panel.

407 Question: Did you hear the Texas presentation?  
408 Answer: Yes, and there are public/private organizations that do  
409 space certification.

410 EMILY BROWN ROSEN, of the Natural Organic Farming Association of  
411 New Jersey, expressed concerned about the cost of accreditation.  
412 Farmers are in the low income range. \$1,400 to a group like them  
413 and \$500 indemnification adds costs and comes down to \$30 per  
414 farm over a three year period. Questions the on sight inspection  
415 and prefers the IOIA proposal. OFAC supports the two tiered  
416 accreditation model and likes the regional models. Areas are  
417 richer in volunteers than cash.

418 Question: Are farmers opting out?  
419 Answer: Have strong feedback that people can't pay more than they  
20 are paying now.

421 TIM SULLIVAN, Farmers Legal Action Group, stated that there is  
422 confusion between certification of programs and accreditation of  
423 certifying agents. States can have additional standards. Who  
424 holds certifying agent accountable for additional standards?  
425 States should not be in business of accreditation. States should  
426 look at private organizations to see if they are performing under  
427 OFPA. Need an appeals program and states should not have final  
428 say on appeals. USDA will have an independent appeals agency when  
429 reorganization is done.

430 SUZANNE VAUPEL, Vaupel Associates, argued that the "shall" part  
431 of the language in the Act for the Peer Review Panel is the  
432 strongest part of the law. The "may" refers to how the panel is  
433 established. On states setting higher standards - is keeping  
434 private certifiers out a restraint of trade? Preemption issue  
435 may come into play here.

436 BRIAN BAKER, Technical Coordinator for California Certified  
437 Organic Farmers, asked the Committee to avoid duplication. Ask  
438 for a standard set of information and one place to send it to.  
439 Make it fair to all certifiers. Suggests a clearing house.  
440 Consolidation of multiple certifications under a single seal;  
441 information in one place for product exported; information in one  
442 place for product imported. Begin putting input in the clearing  
443 house at Phase I.

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**INTERNATIONAL COMMITTEE  
PRESENTATION TO THE FULL BOARD  
MONDAY, MAY 17, 1993**

447 Prepared By: Julie Anton, USDA/AMS

448 In the absence of International Committee Chair William J.  
449 Friedman, Mr. Tom Stoneback, as designated Acting Chair,  
450 coordinated the presentations of Dr. Harold Ricker and Ms. Julie  
451 Anton of the USDA on international issues of relevance to the  
452 work of the NOSB.

453 Ms. Julie Anton presented a condensed version of a written  
454 chronology of United States - European Economic Community  
455 negotiations on equivalency in organic product labeling  
456 legislation and trade in agricultural products labeled  
457 "organically produced."  
458 The written chronology is attached. Included in her summary, was  
459 a description of the trade disruption seriously impacting U.S.  
460 producers, certifiers, and exporters of organic products. Mr.  
461 Brent Wiseman commented that Texas has been exporting organic  
462 cotton without detainment.

463 Dr. Harold Ricker reported on the work of the CODEX  
64 Alimentarius Food Issues Committee, a committee with  
465 representation from 149 countries and sponsored by FAO and WHO.  
466 Dr. Ricker described the eight-step process for the development  
467 of international regulations, and pointed out that the recent  
468 meeting of the committee in Ottawa, Canada, constituted step  
469 three.

470 A meeting held specifically to address organic food product  
471 labeling was attended by delegates from twelve countries, the  
472 EEC, and IFOAM, and included Dr. Ricker. At this meeting, the  
473 delegates agreed to move the organic food product labeling draft  
474 ahead to step five in the regulation development process. The  
475 next meeting will be held in Geneva this July; by October 1994,  
476 the draft is expected to be at step seven. Dr. Ricker urged the  
477 Board members to participate in an analysis of the draft on  
478 organic food product labeling, providing comments to him by June  
479 1, 1993, for inclusion in his response to the CODEX committee.

480 Dr. Ricker reported that there is recognition among those  
481 working on GATT for CODEX Alimentarius; he noted that if included  
482 in GATT, the CODEX guidelines on organic food product labeling  
483 would become international law.

484 From a solicitation of comments from the public in  
485 attendance, a Japanese importer, Donald Nordic, reported that the  
486 Japanese Ministry of Agriculture, Forestry, and Fisheries,  
487 developed draft guidelines for organic food product labeling in

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**LIVESTOCK COMMITTEE  
PRESENTATION TO THE FULL BOARD  
TUESDAY, MAY 18, 1993**

6 Prepared By: Julie Anton, USDA/AMS

7 Livestock Committee Chair Merrill Clark initiated the  
8 Committee's presentation to the Board with a bit of background.  
9 Ms. Clark commented that livestock standards have historically  
10 received less attention than crop standards. She then described  
11 the rationale behind Committee decision-making to date, which  
12 consists of the following: (1) how can producers be encouraged  
13 to enter into organic production; (2) how can regional  
14 differences in climate and geography be accounted for, given that  
15 production of certain species may not be possible in certain  
16 areas without use of prohibited inputs; (3) how can livestock  
17 production standards be kept "tight" to lend integrity to the  
18 organic label; (4) how is the production of livestock, which are  
19 mobile, animate beings, different from the production of crops;  
20 and (5) what are the bioaccumulative aspects of inputs used in  
21 livestock feed production. [Attach Commentary...Merrill, I need  
a copy of your overhead]

22 Chair Clark then introduced the Committee members,  
23 describing the expertise of each.

24 The Livestock Committee Recommendation to the Full Board #1  
25 was presented section by section, each section being introduced  
26 with a description of the changes made by the Committee based  
27 upon public responses. Ms. Julie Anton announced that she had  
28 prepared an analysis of responses to the Livestock Committee's  
29 position paper, which she then provided to the Board.

30 Ms. Clark summarized the primary changes to the position  
31 paper as follows:

- 32 1. In the National List section, duplicative criteria were  
33 eliminated.
- 34 2. The requirement for "segregation" of organic livestock from  
35 conventionally-treated livestock was removed in three places.
- 36 3. Isolation of new breeder replacement stock is no longer  
37 required.
- 38 4. The reference to semen from certified organic livestock when  
39 commercially available was removed.
- 40 5. The following new language denotes a change in the  
41 Committee's position on feed additives: "Feed additives utilized  
42 in livestock ration may be from any source unless prohibited by  
43 the National List." The requirement that feed supplements be  
44 from organically-produced sources was not changed.
- 45 6. The term, "opportunity for exercise," replaces the term,  
46 "exercise" in the health care standards section.

47 Ms. Clark then described the general livestock standard  
48 issues about which the Committee would be making a recommendation  
49 to the full Board [see attachment...Merrill, I need a copy of  
50 your overhead to attach here].

51 Discussion was then initiated on sources of livestock for  
52 certified organic production. The Committee's recommendation to  
53 the Board that all livestock of the same species that are part of  
54 the same farming operation be certified organic within three  
55 years was the first issue of contention. Mr. Theuer suggested  
56 replacing the term, "isolation," with the term, "non-contiguous,"  
57 describing a distinct, physical location that can be identified.  
58 Mr. Weakley questioned the three-year period, and suggested that  
59 a "relevant" time period be sought from current organic livestock  
60 producers. Dr. Osweiler pointed out the rationale for this  
61 recommended standard outlined in the Commentary document [see  
62 attachment...Merrill, I need a copy of your overhead to attach  
63 here].

64 Dr. Osweiler went on to address contamination from a  
65 pharmacology standpoint. Antibiotics can be transferred through  
66 contact with the urine and feces of treated livestock; this can  
67 happen in pasture as well as at a drylot.

68 Dr. Theuer described a scenario where twin lambs are born  
69 and one gets scours. He asked what happens to the lamb in the  
70 period between weaning and separation from the mother? He noted  
71 that the certifying agent can take the language of the standard  
72 very literally.

73 Dr. Osweiler pointed out that the requirement was that the  
74 producer needs to show that organic and non-organic livestock  
75 should not be consuming feed from the same mill and not be kept  
76 in the same lot; the physical facilities should be separate. Dr.  
77 Stoneback suggested that the "farming operation" could be defined  
78 as a distinctly separate functional unit.

79 Mr. Kahn argued that it is better to create tough standards  
80 than to mandate total conversion of a farming operation. He  
81 described a scenario where a one out of five of a producer's  
82 chicken houses is organically managed; the property is  
83 contiguous, but adequate provisions are made for complete  
84 separation of livestock. Dr. Stoneback drew the analogy of a  
85 tomato processing facility, where cleaning of the equipment must  
86 take place prior to the processing of organic tomatoes. Mr. Kahn  
87 added that, for example, it takes eight hours to clean out a  
88 green pea steamer; this level of effort alone is a strict  
89 standard. He restated his belief that it is possible to create  
90 adequate conditions for segregation of livestock of different  
91 statuses. Ms. Margaret Clark voiced her opinion that a standard  
92 mandating total conversion would be hardest on the small

93 producer. Dr. Theuer noted that Beechnut Corporation maintains  
94 separate facilities for Kosher products.

95 Dr. Don Kinsman led the discussions on slaughter, poultry,  
96 dairy, and breeder stock. For each, the statutory requirement  
97 was quoted. Dr. Kinsman noted that the Committee had interpreted  
98 the Act to require that slaughter stock be from breeder stock  
99 managed organically from the last third of gestation.

100 The idea that sources of poultry and dairy livestock can be  
101 non-organic until "commercially available" was discussed at  
102 length. Ms. Anton linked the Crop Standards Committee concern  
103 regarding the definition of "commercially available" with that of  
104 the Livestock Committee. Dr. Stoneback pointed out that the  
105 definition of "commercially available" depends on the method of  
106 shipping. Ms. Margaret Clark commented that there may be areas  
107 of the country with no organic livestock production facilities  
108 from which calves for organic beef stock production could be  
109 sourced.

110 Ms. Merrill Clark asserted that the Committee's position on  
111 breeder stock was formulated through conversations with growers  
112 throughout the United States, with the exception of the South.  
113 Dr. Kinsman pointed out that the Committee is of the belief that  
114 its position is workable under all conditions. He stated that it  
115 is possible to raise lambs for slaughter under the proposed  
116 requirements, for example.

117 Dr. Theuer brought up the question of embryo transfers. Dr.  
118 Theuer also asked if organic dairy stock could be slaughtered and  
119 sold as organic, to which the Committee responded, only if born  
120 of organic breeder stock and raised organically from birth.

121 Mr. Weakley described the scenario of a non-organic dairy  
122 bull calf that has not yet been weaned, and asked if there could  
123 be an exception to the organic feed requirement for the first 14  
124 days or so of the calf's life. Dr. Osweiler responded with the  
125 statement that treatment [with prohibited materials] would likely  
126 occur within the first two weeks of life. Mr. Weakley asked if  
127 it would be possible to work out an arrangement with the non-  
128 organic producer where the calf would not be treated. Mr. George  
129 Siemon pointed out that the Committee's current position that  
130 slaughter stock be from breeder stock managed organically from  
131 the last third of gestation renders the question moot.

132 Mr. K. Chandler inquired about the possibility of setting a  
133 "reasonable" period of time before slaughter during which the  
134 livestock would have to be managed organically; he said that  
135 weaned beef calves could be made available for incorporation into  
136 an organic operation at 90 days of age. Dr. Kinsman responded  
137 that



138 it is very appropriate to require that pigs and lambs be raised  
139 organically from birth and that the weaning periods for various  
140 livestock are different and would be difficult to regulate. Dr.  
141 Quinn inquired about a requirement that the nursing mother be fed  
142 organic feed until the offspring is weaned.

143 Apparent that the livestock sources issue required more  
144 intra-Committee discussion, Chair Clark shifted the discussion to  
145 the Committee workplan [see attachment....Merrill, I need a copy  
146 of your overhead to attach].

147 Feed, feed supplements, and feed additives were addressed  
148 next. Dr. Theuer argued that allowing synthetic amino acids  
149 would violate the criteria set forth by the Committee. Synthetic  
150 amino acids are not sustainable, in his view. They can be  
151 created by synthesis or through bioengineering. He believes that  
152 amino acid requirements can be met by the proper balance of  
153 proteins in the ration. Dr. Kinsman responded by pointing out  
154 the need to consider ruminant animals, which may risk  
155 deficiencies more than monogastrates.

156 Dr. Quinn inquired about an emergency exemption to the 100%  
157 certified organic feed requirement. Mr. Chandler offered the  
158 example of flooded fields, occurring often in Texas. Dr. Quinn  
159 described cases of drought in Montana where livestock have to be  
160 moved from the land.

161 Mr. Kahn pointed to Section 2105(2) of the OFPA. There is  
162 still confusion among Board members as to what the exception to  
163 the three-year land in organic production requirement is.

164 Chair Clark pointed out that there is not explicit statutory  
165 requirement pertaining to livestock drinking water. Dr. Theuer  
166 commented that almost all water has some traces of hazardous  
167 substances, so the "free from contamination" statement in the  
168 Committee's proposed standard is not realistic. Dr. Quinn  
169 remarked that a farm-level assessment should be made, as water  
170 sourced from a mountain spring would not be of the concern that  
171 water sourced downriver from an urban area would. Mr. Weakley  
172 argued that water quality assessment should be part of the  
173 Organic Farm Plan.

174 Dr. Osweiler presented the health care section of the  
175 Committee's recommendations. The change to the second standard  
176 in this section was noted. No other comments were made, with the  
177 exception of those made in a discussion of consumable livestock  
178 bedding and livestock medicines. It was apparent that Board  
179 members held differing views of the intent of the OFPA with  
180 regard to the use of antibiotics and parasiticides. Mr. Chandler  
181 pointed out that the term, "drylot," and the conditions of it,  
182 should be defined by the Committee.

183           With regard to the transportation section of the Committee's  
184           recommendations, Chair Clark noted that the reference to  
185           segregation of organic and non-organic livestock in transport was  
186           removed. Dr. Theuer asked about injury during transport, and  
187           noted that downer animals would be treated differently.

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LIVESTOCK STANDARDS ISSUES  
PUBLIC INPUT SESSION  
May 18, 1993

191 Prepared By: Julie Anton, USDA/AMS

192 GEORGE KALOGRIDIS, representing OFPANA, stated that OFPANA  
193 supports the work of its subcommittee on livestock, although the  
194 subcommittee's report has not yet received the approval of the  
195 Quality Assurance Council. OFPANA is opposed to mandatory time  
196 limits on whole farm conversion to organic production. OFPANA is  
197 opposed to the barriers to entry indicated in NOSB Livestock  
198 Committee's split operations position. Livestock and crops  
199 production are not different in terms of a whole systems  
200 approach. The OFPA is not a "pure foods" Act. There is a  
201 Business and Professionals Act being implemented in the States,  
202 whereby false claims cannot be made.

203 ANNE SCHWARTZ, OFPANA subcommittee on livestock, described the  
204 history of industry consensus-building on livestock issues. The  
205 first meeting was in Fall 1991 in the Ozarks, which many could  
206 not attend due to a blizzard. The next meetings were at Asilomar  
207 in January 1992 and at the March CSPI meeting. There were  
208 attendees from many States. For a number of issues, consensus  
209 was not reached. These meetings constituted the first real  
210 discussion on livestock issues only since the Act was passed.  
211 Huge holes in technical expertise regarding how to implement The  
212 changing structure of the American farm has left many areas of  
213 the country without infrastructure. An ability to make  
214 slaughterhouses available for small producers is being lost. The  
215 changing infrastructure is affecting livestock production more  
216 than crop production. Three to five private corporations are  
217 producing 60% of the meat consumed in the U.S. It will be  
218 difficult to reintroduce livestock onto the American farm. The  
219 meetings in different regions come out with completely different  
220 standards. A survey was created to reach livestock producers who  
221 cannot leave the farm because year-round responsibilities.  
222 Physical attendance at meetings causes hardship on livestock  
223 producers in particular. Stuart Fishman contacted certifying  
224 agencies to determine all livestock producers. The Ozark Small  
225 Farm Viability Project and the Humane Society also did some  
226 contact work. New Farm published Ms. Schwartz's name and  
227 address: generated 250 letters. Materials issues were not  
228 addressed. It was decided in the Ozarks that there was no  
229 controversy regarding water quality, humane standards, and  
230 transportation. Ms. Schwartz expressed her feeling that the  
231 issues will blow apart the cooperation of producers. There are  
232 persons around U.S. who are waiting in the wings for this to  
233 fail. She suggested greater use of grandfather clauses and  
234 interim positions; then identify and target research for the most  
235 critical needs. Where there are the very fewest alternative  
236 veterinarians, there will be the most difficulty. Mr. Gene Kahn

237 asked for an overview of what Ms. Schwartz's views are on the  
238 proposed standards, to which she offered the following:  
239 . Inputs that are suggested to be prohibited should be on the  
240 technical review list.  
241 . Parasite problems create risks to dairy producers who must  
242 make major investments.  
243 . Allow parasiticide use in breeding stock; there is consensus  
244 among survey respondents.  
245 . There is a major restraint to FDA approval of alternative  
246 vet care. There may be an organized campaign to prohibit  
247 alternative vet care.  
248 . Most of survey respondents could live with a ban on  
249 antibiotics in slaughterstock. There is an issue about calves  
250 with pneumonia not able to be treated when not going to slaughter  
251 for 22 months.  
252 . Feed is the biggest issue in dairy, particularly for small  
253 grower. A reasonable exemption should be made.  
254 . The survey did not address split operations.

255 MICHAEL FOX, of the Humane Society of the U.S., asked the Board  
256 to embrace the principles of humane sustainable agriculture. He  
257 proposed the notion of bioethics, respect for all life, and all  
258 methods that cause the least harm. A "pro-agra" movement is  
259 needed. Enhance natural and biodiversity. There must be no net  
260 loss of biodiversity. Restore and regenerate existing lands.

261 STEPHEN MCFADDEN, a chemically-sensitive individual, discussed  
262 emergency treatment of public lands; aerial spraying to kill the  
263 sage in Taos, New Mexico. Many farmers cannot meet bacterial  
264 criteria of EPA drinking water supply. The Committee should look  
265 at sources of amino acids. Visible damage test for  
266 drift/contamination could be conducted.

267 BRIAN BAKER, Technical Coordinator for California Certified  
268 Organic Farmers, stated that the number of organic beef producers  
269 has not increased. CCOF hopes for the least intrusive standards  
270 for livestock allowed by law. CCOF is against mandated same  
271 species conversion.

272 ANDREW PERRY, of Northeast Organic Farming Association of  
273 Connecticut, stated that the slaughter facilities in the  
274 Northeast are not at the same par as others around the U.S.  
275 NOFA-CT is concerned about the Committee's stance on bull calves,  
276 source of livestock requirement. Time is needed to develop an  
277 adequate supply of organic breeding stock. With regard to  
278 organic feed, the Northeast has a lot to learn about grass and  
279 grain production.

280 BOB EBBERLY, an organic chicken and turkey producer from Eberly  
281 Farm, operates an USDA-inspected poultry plant and is certified  
282 by NOFA-NY. Regarding the single species issue on same site,  
283 many producers utilizing his plant are contract growers. They

284 could be required to submit blueprint of site, which must be  
285 certifiable. The certifying agency can determine if sites  
286 suitable. From biosecurity standard, he is more concerned about  
287 commercial chickens getting sick from organic chickens.  
288 He is trying to line up grain for 1995; the supply is out there,  
289 but expensive. He supports slaughterstock raised on 100% organic  
290 feed. He stated that it is difficult to obtain organic chick  
291 sources. Mr. Eberly suggested that processors be bonded based  
292 on value of sales to use term organic. The processor would  
293 forfeit the bond if he/she illegitimately uses terms. There must  
294 be some incentive to prohibit processor from adding non-organic  
295 producers to the stream of processed meat from a plant.

296 GEORGE ROCHE, of the Maryland Department of Agriculture, stated  
297 that as long as producers define the containment of organic  
298 production, split operations are allowed. Mr. Roche stated that  
299 there is No organic feed available in the East. He noted that  
300 organic fish producers are increasing in number and that they are  
301 dedicated, using recirculating systems of aquaculture.

302 STACY STRAUS BERKOWITZ, of OEFFA, expressed support for split  
303 operations. She strongly objected to \$5,000 exemption.  
304 Producers should be flexible in developing management strategies  
305 to address standards.

306 ERIC ARDAPPLE KINDBERG, of the Ozark Small Farm Viability  
307 Project, stated that the term "organic" must mean something to  
308 the consumer and be reasonable. 25% of all farm receipts come  
309 from feed production; 50% from livestock. Breeder and  
310 replacement stock are essentially same thing, with exception of  
311 dairy. There must be separation to prevent fraud. Antibiotics  
312 and parasiticides are not exempted by law, but part of evaluation  
313 criteria. The Board should make clear that the mother cow is to  
314 be fed organic feed.

315 DAVID HAEHN, of the Ozark Small Farm Viability Project, stated  
316 that antibiotics and parasiticides should go through review  
317 process: the Act offers a mechanism to put materials into the  
318 context of organics. A high percentage of antibiotics in manure  
319 can contaminate crops. Colostrum keeps forever in the freezer.  
320 There is a lot of organic colostrum available.

321 MIRIAM STRAUS, representing Albert Straus of Blake's Landing  
322 Farm, a certified organic dairy farm in California. The farm is  
323 trying to expand to 220 cow dairy, on-farm milk bottling.  
324 Production must be made possible and should be humane. Animals  
325 treated with restricted substances should be withdrawn and  
326 allowed to reenter. Criteria should apply to farmers. The  
327 current Livestock Committee feed and medication requirements are  
328 too strict. Small calves need to be treated with antibiotics for  
329 pneumonia. The transition time for dairy animals should be one  
330 year.

331 JOHN CLARK, of Roseland Farms in Michigan, brought out synthetic  
332 amino acid considerations. Amino acids, vitamins, and minerals  
333 are feed substitutes and therefore feed. The organic community  
334 should be encouraging diversified feed: three small grains.  
335 Feeding meat by-products to certified organic livestock in  
336 midwest is wrong. Feed supplements should be limited to  
337 synthetic trace minerals. Tyson and Conagra ready to benefit  
338 from 2 cents savings; the benefit is not so great to the small  
339 operator.

340 ERIC RICE, of the Maryland Food and Farming Association, has been  
341 working on livestock standards for Maryland.  
342 1. Can live with feed with two exceptions:  
343 a. emergency provision; ex. of farmer who loses his barn of  
344 feed.  
345 b. Noxious weeds on pasture: there are State laws that  
346 regulate.  
347 2. Water quality: contaminant free is impossible.  
348 3. Commend space and humane treatment of  
349 Reviewing HSUS v. USDA research  
350 4. Parasiticides: need allowance for sheep.  
351 5. Slaughter animals: think about interim standard.  
352 6. Split production should be allowed.  
353 7. Aquaculture and crayfishing in Maryland; have been  
354 approached

355 GEORGE SIEMON, organic dairy farmer from Wisconsin, asked the  
356 Board to review the OFPA. The label must be protected.  
357 Only 2-5% of all livestock in U.S. get a shot of antibiotics.  
358 Husbandry provisions have support in the Act from the farm plan  
359 provision. Regional considerations about water are a real  
360 concern. Mandating pasture is a mistake; the issue is what is  
361 best ecologically for each farm. Address density instead. There  
362 should be no exception to feed requirement. Pasture is feed;  
363 there should be no exemption regarding treatments to the land.  
364 He sits on a certification review committee, and has determined  
365 that strict standards only way to maintain organic integrity.

366 PAUL SHAW, of Walnut Acres in Pennsylvania, has 16 holstein  
367 steers. Organic holstein steers are not sourceable. Raising  
368 such steers from birth is not an attainable goal. The sourcing  
369 restrictions should be along the same line of thinking as  
370 transplants: one year of organic management before slaughter.

1 NATIONAL ORGANIC STANDARDS BOARD  
2 PROCESSING, HANDLING, AND LABELING COMMITTEE  
3 PRESENTATION TO THE FULL BOARD  
4 May 18, 1993

5  
6 Prepared By: Ted Rogers, USDA/AMS

7 Rich Theuer the Committee Chairperson opened the meeting at 1:40  
8 p.m., then called upon Craig Weakley to present a review of the  
9 ORGANIC HANDLING PLAN - WORKING DRAFT #2 of which he was both  
10 author and editor. (Refer to above paper dated April 5, 1993.)

11 Tom posed a question about boiler additives and the efficacy and  
12 advisability of running an organic plant all year with out the  
13 steam additives. Craig said that it would not be advisable, and  
14 that steam injection would be an option. Rich confirmed this  
15 saying that the combination of steam injection and charcoal  
16 filtration would be a very workable solution. Craig closed the  
17 discussion by posing the question: Are boiler chemicals a good  
18 thing to use in general?

19 Michael asked if there were any large scale processing plants  
20 that were currently dedicated to organic. Gene answered that  
21 Walnut Acres was the closest and it was not large scale. Merrill  
22 asked if existing plants were interested in taking on organic or  
23 if new plants would come on line. Craig said that there was a  
24 need to use existing plants. Gene added that this is driven by  
25 demand and that currently processing capacity far exceeds demand.  
26 He also indicated that the conventional food companies are  
27 dedicated to accommodating the organic food standards. Merrill  
28 asked what the usual percentage of organic handled in the  
29 conventional plant was. Gene indicated that it was somewhere  
30 less than 1%. Craig said that it was 7 days out of a 3.5 month  
31 season in California. Merrill wondered if it were possible to  
32 have plants dedicated to organics in the future? It was pointed  
33 out that while this was possible that demand would have to  
34 increase dramatically to employ economies of scale. Gene  
35 observed that Walnut Acres was working with a flex system which  
36 is not typical in the industry today. Craig closed the  
37 discussion by commenting that the standards for organic  
38 processing could influence the development of plants in the  
39 future.

40 There has been little comment to date on the current handling  
41 plan draft, the deadline for comment is July 1.

42 Rich then reviewed the committee Draft recommendations on  
43 labeling of organic foods. Comments on this paper have been  
44 sparse so far; the deadline for comment is July 1 also.

45 This paper has two elements: Calculation of the percentage of  
46 organically produced ingredients, and label statements for foods  
47 purporting to be organic foods or to contain organic ingredients.

48 This proposal should be viewed as supplemental to the FDA  
49 regulations.

50 Two critical points were presented: 1- according to the Labeling  
51 Draft Recommendation use of % of organic ingredient on the  
52 nutritional panel is mandatory. 2- Non-synthetic substances not  
53 available in organic form are the only ingredients allowed by the  
54 law in organic product.

55 Michael asked if the certifier were verifying the percentage of  
56 organic ingredient would they be liable for manufacturer's label?

57 There was a discussion of how the meaning of not available non-  
58 synthetic would be handled, Craig indicated that this had been  
59 discussed by the committee but that they had not yet taken a  
60 position.

61 "The 50% or more organic ingredient" category applies if you use  
62 any non-organic ingredients not on the National List, seal or  
63 shield would not be used on this product.

64 "The Less than 50% organic" category discussion centered around  
65 whether the processors would be required to be certified. Rich  
66 noted that the law indicated a clear exemption and that, since  
67 the label claim was so minor, any extra requirements would be a  
68 dis-incentive to use any organic ingredients at all. There were  
69 some opinions that this might open up an opportunity for fraud,  
70 and some opinions that any use of the word organic should require  
71 certification.

72 Ingredient declarations: The Committee is recommending a strict  
73 approach in that any substance that remains in the product must  
74 be listed in the ingredient declaration and used in the  
75 calculation of % organic.

76 Disclosure of ingredients: spices, flavors, colors.

77 The discussion on spices centered on the concern for proprietary  
78 information. The discussion closed with the clear alternative,  
79 if legal, to list spices in some order other than that of  
80 decreasing percentage [such as alphabetical].

81 The discussion on the listing of ingredients in so called natural  
82 flavors concerned the difficulty of getting the information and  
83 the dubious nature of the processes used in extracting the  
84 flavors.

85 A continuing discussion about what a synthetic ingredient is when



87 considering the category of processed foods was carried till the  
88 end of the meeting time. The Committee is endeavoring to develop  
89 criteria to define the categories of various substances  
essential for processing organic foods.

90 Public comment:

91 John Clark: Complemented the work of the Committee and  
92 admonished them to keep it simple. In this he suggested that  
93 they should deliver a short list within the categories they were  
94 working on.

95 David Haenn: Expressed some concern for the use of the \$5,000  
96 small farmer exemption to deliver organic ingredients to organic  
97 processors. He also felt that any processor handling organic  
98 ingredients by definition must be certified.

99 Larry Plumlee: Felt that spices definitely should be listed, as  
100 well as flavorings. He advised the board that heat extraction of  
101 natural fermentation products sometimes produces toxic  
102 substances. He also suggested that synthetic vitamin and mineral  
103 compounds could cause reactions in the chemically sensitive and  
104 suggested that the purest grade available or affordable should be  
105 used. His reasoning indicates that these reactions have more to  
106 do with impurities than with the compound itself.

107 Steve McFadden: expressed some concern about the criteria and  
108 category for processing aids and what might be approved in that  
109 realm. He also had doubts about nitrogen and the use of solvents  
110 in the manufacture of non-organic ingredients. He also suggested  
111 that a sophisticated certificate system could be employed and  
112 would involve a disk accompanying the product including all  
113 information about its production in detail.

114 Brent Wiseman: Was concerned that certain of his small processor  
115 producers might continue to use the TDA seal on their small batch  
116 processed products.

117 George Kalogridis: Speaking for OFPANA George noted that they  
118 did not support any % claims on the front panel. He also pointed  
119 out that a modified certification was already in use in the  
120 industry for those using lesser amounts of organic ingredients  
121 and that this would be adaptable for those using less than 50%  
122 organic ingredients. He personally advised against using even  
123 made from organic grapes in reference to wines containing any  
124 sulfiting agent.

125 John Clark / for Bill Welsh: Noted that USDA/FSIS acknowledges  
126 beef raised with out ----- and with certified organic feed now.  
127 It just can't be called organic beef.

128 Eric Ardapple-Kindberg: Stated the % organic in the information  
129 panel is not called for in the act. He was well pleased with the  
130 ingredient definition. He also insisted that the law meant that  
131 baked goods would be yeast raised and that other products would  
132 be made from organic ingredients. He also observed that some  
133 bio-technology has been in use for some time, sighting the use of  
134 colchicine, in plant breeding for doubling chromosome pairs,  
135 producing tetraploid used in plant breeding.

136 Paul Chartrand: again voiced concern for proscribing all  
137 sulfiting agents in the bottling of wine. He felt that the  
138 Senate report alluded to the use of various synthetic materials.

139 George Roche: Expressed some concern for guaranteeing the  
140 integrity of the audit trail. Concerned particularly with cost  
141 of surveillance or investigation of trail to other State. He was  
142 supportive of the 50% rules as presented.

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**NATIONAL ORGANIC STANDARDS BOARD  
MATERIALS COMMITTEE  
PRESENTATION TO THE FULL BOARD  
May 18, 1993**

Prepared By: Ted Rogers, USDA/AMS

Materials Committee Chair Nancy Taylor initiated her presentation at 5:40 p.m., and began by emphasizing the parameters of the national list. There is still some misconception in the community about how the list will be structured. She then reviewed the statement of purpose, formatting of materials being reviewed and the phases of materials tasks.

Dean presented a review of the crops committee's work and positions on materials.

Gary reviewed the Livestock Committee's work covering their categories and reviewed the current list as it is.

Nancy then reviewed the materials review and disclosure policy position and discussed the position on phasing out of possible prohibited materials currently approved by some certifiers.

Public comment:

Brent Wiseman: Urged the committee to consider permitting the new insect growth and reproduction inhibitors as pest management inputs.

John Clark: Questioned the use of pesticide categories. Any pesticide disrupts the ecosystem. Strongly opposes Potassium chloride. Chloride is a known disrupter of soil biota.

David Haenn: The law refers to permitted synthetics, use that language for consistency. On the disclosure issue advise any manufacturer that not using the sun shine tactic will result in delay of approval. Reminded that all substances to appear on the national list must be reviewed by TAP. Also that a special review of botanicals is required.

Bruce Krantz: Felt that Chromium resulting from Tanning process was insignificant in Hynite leather meal product. Gene asked how this process was different from production of super phosphate from rock phosphate. Bruce pointed out that his product was hydrolysed a heat process, and that no acid was used.

Walter Jeffery: Felt that his Potassium Chloride product should be permitted as it is needed in plant production and is more economically available than some of the alternatives.

1 Steve McFadden: Cautioned against sawdust from treated lumber  
2 being used in animal production and questioned the concern about  
3 sodium chloride in livestock list. He also wondered about the  
4 use of antibiotics from natural sources, and opposed to PBO.  
5

6 Larry Plumlee: Advised of the concern for contaminants in  
7 synthetic vitamins and minerals and suggested a solution might be  
8 to use the highest grade available. He also proffered the idea  
9 of using sensitive people to indicate where a problem might be by  
10 screening the finished product. Suggested Dr. Randolph for the  
11 TAP if an expert on chemical sensitivity was required.  
12

13 George Kalogridis: Confirmed the work of the OFPANA Livestock  
14 Committee and its continued viability. Advised that the  
15 industries consumer is well educated and could be depended upon  
16 to understand the issues. Also asked about the a Homeopathic  
17 Pharmacopeia in reference to livestock usage. Ted answered that  
18 there is a pharmacopeia for human usage but not for veterinary  
19 usage. This is the problem currently and the debate is being  
20 carried on between the Vets, the Homeopathic Vets, the  
21 Homeopathic Doctors, Homeopathic Pharmacists, and the FDA. That  
22 seems to be the proper forum for the debate.  
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