

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

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MEETING OF THE NATIONAL ORGANIC
STANDARDS BOARD (NOSB)

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TUESDAY
APRIL 26, 2011

+ + + + +

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

MEMBERS PRESENT

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

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STAFF PRESENT

MILES McEVOY, Deputy Administrator, National
Organic Program

MELISSA BAILEY, Director, Standards
Division, National Organic Program

LISA BRINES, Standards Division, National
Organic Program

EMILY BROWN ROSEN, Standards Division,
National Organic Program

LISA AHRAMJIAN, NOSB Executive Director

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Adjournment

1 P-R-O-C-E-E-D-I-N-G-S

2 8:00 a.m.

3 CHAIR MIEDEMA: Esteemed
4 colleagues of the National Organic Standards
5 Board, United States Department of
6 Agriculture, National Organic Program staff
7 and dear members of the public, good morning
8 and welcome to the spring 2011 meeting of the
9 National Organic Standards Board. Before we
10 begin with introductions and announcements,
11 Deputy Administrator Miles McEvoy would like
12 to present a special address that he has
13 brought from Washington, D.C.

14 MR. MCEVOY: Good morning. This
15 is Miles McEvoy, deputy administrator for the
16 National Organic Program. Kathleen Merrigan,
17 Deputy Secretary for USDA has prepared a video
18 message for the National Organic Standards
19 Board that we'd like to present to you now.

20 MS. MERRIGAN (via video): Good
21 morning everyone, Kathleen Merrigan, Deputy
22 Secretary. I wish I could be with you today.

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1 First of all, I want to start by thanking the
2 National Organic Standards Board for your
3 service. You have spent countless hours in
4 developing proposals for public review and
5 full board consideration. As a former board
6 member I understand the amount of work
7 involved in committee calls and board
8 meetings. The issues that you are dealing
9 with are challenging because agricultural
10 systems are complex. They involve
11 environmental and economic considerations,
12 consumer interests and the realities of
13 organic production and handling. You have
14 reviewed technical reports, thousands of
15 public comments and government regulations to
16 develop your proposals. I know that your
17 proposed committee recommendations were
18 developed with the greatest care to balance
19 all of the information and respect the
20 diversity of interests within the organic
21 community. Well, now comes the fun part where
22 you get to listen to numerous public comments

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1 and make your final recommendations in the
2 public spotlight. Your recommendations impact
3 the livelihood of thousands of organic
4 farmers. Consumers depend upon your
5 recommendations to align with their
6 expectations of organic farming and the
7 ingredients they expect to be in organic food
8 products. Board members need to keep an open
9 mind and a listening attitude. As the
10 seasoned board members know there are times
11 when the public testimony is heated and
12 passionate. Remember that it comes with the
13 territory, it is part of the wonderful public
14 process, but at the end of the day after a
15 spirited debate you are all part of that same
16 community trying to make the right decisions
17 to support the thriving organic agricultural
18 industry.

19 I also want to thank the public
20 for their participation. We understand that
21 the NOSB recommendations are critically
22 important to your livelihoods and the food

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1 that you eat. Your comments help the board
2 develop better recommendations. Your
3 participation in providing public comments is
4 critical to understanding the issues involved.
5 Thank you for your contributions and know that
6 the board and the National Organic Program
7 review your comments and take your input very
8 seriously. As testament to the strong public
9 interest in organic issues nearly 200 people
10 signed up to make public comments at this
11 meeting. The board agenda includes two days
12 of public comment and with five minutes per
13 person the board would have been unable to
14 accommodate all public input and adhere to the
15 agenda. The board requested to reduce the
16 oral comment period from five minutes to three
17 minutes per person so that everyone who wants
18 to make public comment could be heard. The
19 program provided advance notice of the 3-
20 minute limitation last week as a courtesy to
21 participants. We felt that it was more
22 important to hear from everyone rather than

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1 cut off public participation. Thank you for
2 your understanding.

3 Organic agriculture is prospering
4 with an 8 percent growth rate in 2010 and
5 nearly \$29 billion in sales. The USDA has
6 made numerous strides in supporting the
7 organic agriculture over the last two years.
8 The restructuring of the NOP within USDA's
9 organizational scheme has elevated the program
10 to function as its own unit under the Ag
11 Marketing Service. In conjunction, the
12 program received an increase in congressional
13 funds, bringing the budget from \$3.89 million
14 in 2009 to nearly \$7 million in 2010. The
15 President proposed a \$3.1 million increase for
16 FY '11 but with all of the budget cuts to
17 discretionary funding and USDA in particular
18 it was a victory to retain the \$6.9 million
19 budget for FY '11. President Obama has
20 requested an NOP budget of almost \$9.9 million
21 for 2012. If approved, the \$2.9 million
22 increase would be used to accelerate review

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1 and development of NOP regulations to conduct
2 more surveillance of foreign accredited
3 certified agents and increase capacity to
4 investigate complaints and violations, both
5 domestic and foreign, to enable the program to
6 respond to requests for international
7 equivalency agreements and to educate
8 certifying agents worldwide to ensure organic
9 regulations are consistently implemented.

10 The NOP is in an age of
11 enforcement. Civil penalties for willful
12 violations of the organic standards may be
13 severe, response times to complaints are
14 improving and interpretations of organic
15 standards have been narrowed and applied more
16 consistently. The NOP is increasing
17 enforcement activities in the United States
18 and monitoring recognition agreements with
19 foreign countries. In September 2010 the Ag
20 Marketing Service published its first NOP
21 program handbook to provide guidance for
22 accredited certifying agents, state organic

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1 programs and producers and handlers so that
2 organic standards are consistently
3 implemented. The NOP still has a lot of hard
4 work to do. Though improvements to the
5 complaint-handling process have occurred,
6 additional work is needed to more rapidly
7 address emerging issues, label violations and
8 fraudulent activities. The program needs to
9 do more work on improving the oversight,
10 accountability and performance of the nearly
11 100 accredited certifiers that operate around
12 the world. There are many NOSB
13 recommendations that have not been implemented
14 and rulemaking or guidance is needed. The
15 Organic Foods Production Act was designed to
16 respect the authority of the organic community
17 through the National Organic Standards Board
18 concerning which materials are allowed in
19 organic production and handling. The NOSB has
20 a statutory responsibility to review and
21 recommend materials for the national list of
22 allowed and prohibited substances. The USDA

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1 cannot add materials to the national list
2 unless the NOSB has reviewed and recommended
3 those materials to be added to the list.

4 The NOSB also has the
5 responsibility every five years to conduct the
6 sunset review of all substances on the
7 national list. Your agenda this week includes
8 the last of the 232 materials that are part of
9 the 2012 sunset review process. After the
10 April 2011 NOSB meeting the program will
11 prepare and publish the 2012 sunset proposed
12 rule. Once the comment period closes the
13 program will review the public comments
14 received and prepare a final rule. The final
15 sunset 2012 rule must be published before June
16 2012 or some substances currently allowed in
17 the national list will not be allowed to be
18 used in organic production or handling. Given
19 the lengthy timeline for rulemaking the
20 program will be working expeditiously after
21 this meeting to issue a final rule by the June
22 2012 deadline. I recognize the challenges

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1 that the board faces with the sunset review of
2 nutrient vitamins and minerals. As NOP deputy
3 administrator Miles McEvoy described in April
4 2010, previously the current annotation for
5 nutrient vitamins and minerals was incorrectly
6 interpreted by the program. We apologize for
7 this. It has made your job tougher. The
8 program has been working with the Food and
9 Drug Administration to understand what
10 vitamins and minerals are covered by the
11 existing annotation and explore alternatives
12 that would provide a clear and transparent
13 list of substances that could be reviewed by
14 the board and by the public. The program has
15 the responsibility to provide a clear and
16 transparent list of substances that are
17 allowed in organic production and handling.
18 The board has the responsibility to approve
19 all substances it feels should be on the
20 national list and to review all allowed
21 substances every five years. The program
22 needs the board now in this time to roll up

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1 its sleeves, listen to public comment and
2 complete the sunset review of the current
3 listing for nutrient vitamins and minerals at
4 this meeting.

5 The board should be aware that the
6 completion of the sunset review of nutrient
7 vitamins and minerals does not preclude the
8 board from making future recommendations
9 concerning nutrient vitamins and minerals. If
10 the NOSB does not approve the re-listing of
11 nutrient vitamins and minerals or any other
12 2012 sunset materials at this meeting then
13 nutrient vitamins and minerals or any other
14 materials not voted on will not be included as
15 part of the 2012 sunset process. See, we're
16 up against some serious deadlines here.
17 Failure to re-list nutrient vitamins and
18 minerals will cause these substances to be
19 removed from the national list on October 1,
20 2012 because the board failed to review such
21 exemption under the OFPA sunset provision.
22 Understand the failure to move forward would

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1 have a devastating impact on certain segments
2 of the industry including dairy because the
3 addition of Vitamins A and D to organic milk
4 would no longer be allowed, nor any other
5 fortified product, cereals, et cetera. This
6 is why the department needs the board to
7 complete its sunset review of nutrient
8 vitamins and minerals at this meeting and
9 provide us their recommendation. At future
10 meetings the board may decide to recommend
11 annotation changes or the addition of
12 substances, including vitamins, minerals or
13 other nutrients in the national list. The
14 program and the department are available to
15 assist the board and the organic community.
16 Please let us know how we can help. Again,
17 thank you for your work, thank you for facing
18 tough decisions this week. I wish you all the
19 best and again I wish I could be there.

20 CHAIR MIEDEMA: Thank you to the
21 National Organic Program for carrying that
22 address from Deputy Secretary Kathleen

1 Merrigan. Quite an extraordinary address.
2 I'd like to make a few announcements. First,
3 let everyone know we are in about minute 12 of
4 a meeting that is scheduled to go 2,175
5 minutes and they are sure to be filled with a
6 whole host of interesting topics.

7 A few housekeeping announcements
8 here. We do have one podium up at the front
9 of the room here. Please do listen for your
10 name to be called. We will have one public
11 speaker at the podium and one person standing
12 by, and that person will be seated here next
13 to Lisa Ahramjian at the front table. If you
14 would like to connect to the internet we do
15 have an internet connection, a wireless
16 connection in the room. Lisa, will you please
17 tell the group the password information?

18 MS. AHRAMJIAN: Sure. So the
19 network is USDA and the password is emerald
20 lower case, and then the numeral 1.

21 CHAIR MIEDEMA: I would also like
22 to remind everyone to turn off their cell

1 phone ringers. I believe there's a standing
2 round at the end of the day that needs to be
3 purchased by anyone whose cell phone rings
4 during the meeting. Okay. At this time I
5 would like to approve our agenda. And I would
6 like to start by polling each of our committee
7 chairs on whether they have any changes to the
8 agenda. And I'll start with Wendy Fulwider,
9 Livestock Committee. Do you have any changes
10 from what was announced at regulations.gov?

11 MS. FULWIDER: Yes, we will -

12 CHAIR MIEDEMA: Excuse me, NOSB
13 members, please hold down the button while you
14 are speaking.

15 MS. FULWIDER: We will be pulling
16 the omnivore discussion document and we will
17 bring that in the fall.

18 CHAIR MIEDEMA: Thank you. Barry
19 Flamm, Policy Committee, do you have any
20 changes to the agenda?

21 MR. FLAMM: There should be only
22 two items on the policy agenda. The third one

1 if it still appears on the agenda - I don't
2 have it in front of me - that should - will be
3 postponed till fall.

4 CHAIR MIEDEMA: Joe Dickson,
5 Certification, Accreditation and Compliance
6 Committee.

7 MR. DICKSON: We have no changes
8 to the agenda.

9 CHAIR MIEDEMA: Steve DeMuri and
10 Handling Committee.

11 MR. DEMURI: Thank you, Tracy.
12 Yes, we have a few changes today. The first
13 one is for a petition to remove silicone
14 dioxide. We had originally planned on having
15 a recommendation ready for this meeting on
16 that petition to remove but based on all the
17 public comment we received and our desire to
18 receive more public comment because there is
19 a lot of split in this particular material we
20 would like to postpone that until the fall
21 2011. The other one is nutrient vitamins and
22 minerals, the sunset 2012 recommendation. We

1 had originally had it on the agenda. We put
2 out a notice a couple of weeks ago that we
3 would like to rescind it from the agenda
4 because of all the public comment we were
5 receiving. We felt like we needed a little
6 more time to delve into it, receive more
7 public comment, make a very strong
8 recommendation that the board could vote on.
9 We subsequently decided to pull it from the
10 agenda and the program last week notified us
11 that because of the timing issue that Kathleen
12 so eloquently described that that was going to
13 be a problem. So what we would like to do for
14 this meeting is leave it on the agenda as a
15 recommendation for now. We would like to
16 reserve the right to pull it if we need to.
17 We will be asking the program during their
18 update later today to describe to us what the
19 timing is for the sunset process from your
20 perspective so that we can get a better
21 understanding of what steps have to take place
22 when. And at that point the committee will

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1 reconvene and we'll go through it again. At
2 this point we really only see two options.
3 One is to delay a sunset vote until 2011 in
4 the fall, the other one is to re-list it as it
5 currently stands just to buy us some time
6 until the next meeting when we can come back
7 with some more thoroughly thought out
8 recommendation based on all the public
9 comment.

10 And the last agenda item change
11 for the committee is the - a related subject,
12 nutrient vitamins and minerals recommendation.
13 Again because of all the public comment we
14 received and our desire to receive more and to
15 really study that comment we would like to
16 postpone that recommendation until the fall of
17 2011.

18 CHAIR MIEDEMA: Thank you, Steve.
19 John Foster and Crops Committee.

20 MR. FOSTER: Thanks, Tracy.
21 There's two listings for the sodium or
22 thallium nitrate. One is the sunset

1 recommendation, the other is a response to the
2 NOP. We went through a lot of deliberations.
3 We'll be voting on the sunset on thallium
4 nitrate while addressing the issues that the
5 NOP brought forward so we will be addressing
6 the NOP, however, it's a single agenda item.
7 For sodium nitrate.

8 CHAIR MIEDEMA: Thank you, John.
9 Katrina Heinze and Materials Committee.

10 MS. HEINZE: We don't have any
11 changes, thank you.

12 CHAIR MIEDEMA: May I have a
13 motion to approve the agenda?

14 MR. DEMURI: I'll move.

15 MS. ELLOR: I'll second then.

16 CHAIR MIEDEMA: All in favor of
17 approving the agenda for the spring 2011
18 meeting of the National Organic Standards
19 Board say aye.

20 (Chorus of ayes)

21 CHAIR MIEDEMA: My apologies. Was
22 there any discussion on that? Looks like

1 there was.

2 MS. HEINZE: As chair of the
3 Materials I did want to highlight that this is
4 - and I'll bring this up in my presentation.
5 This is the first meeting where we've handled
6 annotation changes during sunset. So while
7 the agenda doesn't list it, there will be two
8 votes for each of those materials. So I just
9 wanted to highlight that since those aren't
10 listed on the agenda.

11 CHAIR MIEDEMA: Thank you,
12 Katrina. Any other discussion? Okay. The
13 vote stands, we have an approved agenda and
14 let's carry on here. I'd first like to extend
15 a very warm welcome to our five new National
16 Organic Standards Board members. I'll note
17 that Jennifer Taylor is having some trouble
18 with her travels and her flights getting here
19 so we expect to see her this afternoon, but I
20 would like to extend that very warm welcome to
21 Colehour Bondera, Mac Stone, Nick Maravell,
22 Calvin Walker and Jennifer Taylor. We'll take

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1 a couple of minutes here and each give a brief
2 biographical introduction and get to hear from
3 our new members and learn about them as well,
4 thank you. Let's start with you, Steve.

5 MR. DEMURI: Hello, everybody,
6 thank you, thank you for coming. My name is
7 Steve DeMuri. I've been on the board now,
8 this is my fifth year. I'll be out next
9 January. I'm the chairperson of the Handling
10 Committee and a member of the Crops and
11 Executive Committees. In my free time I work
12 for the Mmm Mmm Good Campbell's Soup Company
13 handling all supplier and vendor quality co-
14 manufacturers and all organic certification
15 and production aspects for our company.

16 MS. HEINZE: Good morning. Okay.
17 Katrina Heinze. I am the scientist on the
18 board, also starting my fifth year. I sit on
19 Handling and Materials and chair the Materials
20 Committee. Not in my free time I work for
21 General Mills where I lead food safety and
22 product quality for Small Planet Foods and our

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1 Cascadian Farm and Muir Glen organic brands
2 and Larabar. My most important job is I'm the
3 mother of Kayla, 11, and Victor, 6, and that
4 really fuels my passion as an organic consumer
5 as they grow in their stewardship of the
6 earth. Thanks.

7 MR. STONE: My name is Mac Stone.
8 I'm executive director for the Office of
9 Marketing at the Kentucky Department of
10 Agriculture of which the organic certification
11 program is part of that. I also farm
12 organically with my wife and her brother
13 raising vegetables and various kinds of meat
14 organically.

15 MR. FOSTER: My name is John
16 Foster. I'm a director of quality food safety
17 and organic integrity for Earthbound Farm.
18 I'm here as a handler representative. I chair
19 the Crops Committee. I'm also on the Handling
20 Committee, Materials Committee and the
21 Certification, Accreditation and Compliance
22 Committee. This is the beginning of my second

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1 year and I'm very happy to be here and happy
2 to see so many interested and committed folks
3 in the audience. It's really a - it's really
4 a tribute to you all. Thank you.

5 MR. BONDERA: Hello folks, I'm
6 Colehour Bondera. Thank you for having me
7 here. I come here from Hawaii, I'm a farmer
8 in Hawaii with my wife. We have a very
9 diversified, very small, longtime certified
10 organic farm. And I do serve on the - excuse
11 me, the Crops and the Livestock Committees,
12 and I think that the main thing that I feel
13 like I can and would like to be doing for you
14 all is listening to and representing the
15 public, especially from the very small-scale
16 operation perspective. And again, thank you
17 for having me.

18 MR. DICKSON: Good morning. My
19 name is Joe Dickson. I am the retail
20 representative on the board. I work for Whole
21 Foods Market as the global coordinator of
22 quality standards. I manage food quality

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1 issues and organic certification for the
2 company. This is the beginning of my second
3 year on the board and something like my
4 seventh year as sort of a board groupie
5 following the board's activities and watching
6 very closely. I chair the Compliance
7 Accreditation and Certification Committee and
8 I serve on the Livestock, Handling and Policy
9 Development Committees. Thank you.

10 MS. FULWIDER: I'm Wendy Fulwider
11 and this is my second year on the board. I
12 serve as Livestock chair and I'm a member of
13 the Materials Committee. I work for Organic
14 Valley as the animal care specialist and I
15 have been a farmer my entire life and my son
16 is currently completing the organic transition
17 of our diversified livestock farm and he will
18 be adding dairy cows next year.

19 MS. ELLOR: My name is Tina Ellor.
20 I'm filling an environmentalist seat on the
21 board and this is my final year. Looking
22 forward to sitting out there and watching with

1 you guys. I'm currently - what am I, vice
2 chair of the Livestock Committee and also the
3 Crops Committee.

4 MR. MARAVELL: My name is Nick
5 Maravell and I'm the operator of Nick's
6 Organic Farm. I started back in 1979 as an
7 all-vegetable producer and now I have very
8 little vegetable left in my lineup but I'm a
9 diversified farm with livestock and crops.
10 And I serve on the Handling Committee and the
11 Crops Committee.

12 MR. WALKER: Good morning. My
13 name is C. Reuben Walker. I serve as program
14 leader for animal science at Southern
15 University. Came here by way of Oregon State
16 animal breeding and genetics statistics. I
17 serve on the Compliance, Accreditation and -
18 Committee, Livestock and Policy and
19 Development Committee. I am delighted to be
20 appointed to the board as a consumer and
21 public interest, and I'm looking forward to
22 this meeting to hear the numerous comments on

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1 some of the great work this committee has
2 done. And as a significant amount of public
3 comments I'm sure most of the committee
4 members have read everything so I'm looking
5 forward to keeping an open mind and see if we
6 can make organic agriculture be the shining
7 program that we all believe it should be.
8 Thanks.

9 MR. FLAMM: Good morning. I'm
10 Barry Flamm. I'm in one of the environmental
11 positions on the board. This is my fourth
12 year. I can't believe it, but it is. As many
13 of you know one of my dearest topics is the
14 conservation of biodiversity and that's what
15 I also at this time consult in and along with
16 a lifetime of working in natural resource
17 conservation, other elements of the
18 environment. But one of the things I'm most
19 proud of is that I was the first certified
20 cherry-grower in the state of Montana. I'm
21 chair of the Policy Committee and serve on the
22 Crops and the CACC Committee. Thank you all

1 for being here.

2 MR. FELDMAN: Good morning. I'm
3 an environmentalist on the board as well and
4 it's the beginning of my second year and I
5 can't believe it. It's been an exhilarating
6 year working with everybody. I'm the
7 executive director of Beyond Pesticides which
8 tries to bridge farmer-consumer interests on
9 issues related to alternatives to pesticides
10 and organic in particular. I serve on the -
11 well, I'm the vice chair of the Policy and
12 Development Committee. I also serve on the
13 Crops Committee and Materials Committee and
14 the Inerts Task Force. And like the other
15 members, it's a true honor to serve and to
16 work with you the public and really look
17 forward to hearing your input over the next
18 several days. Thanks.

19 CHAIR MIEDEMA: Thank you. Well,
20 good morning again everyone. My name is Tracy
21 Miedema. I'm chair this year of the National
22 Organic Standards Board. This is my last year

1 on the board so two meetings. And I've got to
2 say I think I will miss it. I find this work
3 incredibly exhilarating and gratifying and I
4 really look forward to seeing many of you a
5 couple of times a year and I look forward to
6 meeting those of you out here who I haven't
7 had a chance to meet. So please know, you
8 know, we're very informal at the breaks. If
9 you have a chance to introduce yourself to any
10 of us please do that. It's especially nice
11 and serendipitous to have the meeting take
12 place in Washington State. This is my home
13 state and my alma mater town, so that adds
14 something a little extra special here. You
15 know, this meeting draws all walks of life
16 from all over the country and all over the
17 world for one shared purpose of collaborating
18 to shape the future of organic. So your voice
19 is as important as every other voice in the
20 room and that's the reason we're all here
21 today and for the next 2,000-odd minutes.

22 So without further ado we'd like

1 to take a look at the NOSB mission. Let's see
2 if we've got that ready to - we don't have
3 that ready to post up this year? We might
4 revisit that. I think we don't have it ready
5 to pull up on the screen right now. We do
6 have that on our agenda but we'll come back to
7 that. Next on our agenda is the secretary's
8 report, Wendy Fulwider.

9 MS. FULWIDER: The only business
10 is acceptance of the transcripts and voting
11 sheets. So if anyone has any changes?

12 (No response)

13 MS. FULWIDER: If not, if someone
14 would make a motion to accept?

15 MS. ELLOR: I'll motion that we -
16 do you want to do them all as one item?

17 CHAIR MIEDEMA: Yes. May we have
18 a motion to accept the transcripts and the
19 documents and recommendations from the fall
20 2010 meeting?

21 MS. ELLOR: I will make that
22 motion.

1 CHAIR MIEDEMA: Any second?

2 MS. HEINZE: Second.

3 CHAIR MIEDEMA: All in favor of
4 approving the transcripts as posted to the
5 Federal Register and the recommendations as
6 submitted from the fall 2010 meeting please
7 say aye.

8 (Chorus of ayes)

9 CHAIR MIEDEMA: Any opposed?

10 (No response)

11 CHAIR MIEDEMA: And I left off
12 that discussion again. Any discussion?

13 (No response)

14 CHAIR MIEDEMA: Okay. Okay. We
15 also have as a tradition getting started at
16 the beginning of our meeting to hear from the
17 Materials Committee chair and get a brief
18 review on the Materials Review process and the
19 various areas of the national list. Katrina
20 Heinze.

21 MS. HEINZE: Thank you. Lisa, do
22 you have the presentation? So while Lisa's

1 pulling that up, for the new folks this is a
2 review of the national list just to re-ground
3 us as well as the public, as well as a little
4 bit of a review of the process. Next slide.
5 Keep going. Okay. So a review on the
6 national list, just a reminder there are six
7 sections on the national list. For crops and
8 livestock, those both have two sections, 601
9 for crops, 603 for livestock which cover
10 synthetics that have been reviewed by the NOSB
11 and recommended to be allowed for use in
12 organic production. And then similarly there
13 are two sections, 602 and 604, which are non-
14 synthetic substances which have been reviewed
15 by the NOSB and recommended to be prohibited.
16 Handling is a little bit different. Handling
17 also has two sections but you have 605 which
18 covers non-agricultural ingredients, both
19 synthetic and non-synthetic, which are
20 allowed. So what's different about handling
21 is non-synthetic materials need to be reviewed
22 by the NOSB and recommended to be allowed. I

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1 also wanted to highlight that another
2 difference in handling is that due to other
3 regulation all ingredients have to be on the
4 package so there is disclosure to consumers.
5 Then the second section for handling is 606
6 which is agricultural products that are non-
7 organically produced. They've been reviewed
8 by the NOSB and determined to have a fragility
9 of supply so they are allowed and recommended
10 to be allowed. Next slide. So to highlight
11 for 606, handlers have to demonstrate that
12 these ingredients can be used only when they
13 are not commercially available in organic
14 form. So there's a process that handlers go
15 through with their certifiers to demonstrate
16 that they have looked for organic
17 alternatives. Next slide.

18 So the material review process.
19 And I know the new folks have been through
20 quite a bit of this in your first couple of
21 months. Material petitions are used to add a
22 new listing, change an annotation or remove a

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1 material currently on the national list, and
2 there are guidelines that have been published
3 in the Federal Register. Okay. Our published
4 minimum time frame is 145 days. I really want
5 to emphasize this is clearly the minimum. It
6 is not the reality and it does not include
7 time for rulemaking. So this is receipt of
8 the petition by NOSB to recommendation by the
9 NOSB. The time frame is dependent on a lot of
10 different things. I would say the real hurdle
11 is manpower within a specific reviewing
12 committee. So right now where we have been
13 under the 2012 sunset which has taken quite a
14 bit of work, this time frame has expanded
15 quite a bit. Okay. Next slide.

16 I won't do all the details, but in
17 general the process is that a petition is
18 received by the NOP, they do a review for
19 completeness, they have dialogue with the
20 petitioner. Once they deem it ready they send
21 it to the NOSB committee review which does a
22 review for completeness, asks for a technical

1 review if that's necessary. If there's
2 additional technical questions they will ask
3 for a supplemental TR and then that goes back
4 to the program for the technical review. Once
5 that is received the committee reviews the TR,
6 either accepts it or sends it back for more
7 information. Then there is a review of all
8 the material. There may be independent
9 research that happens. There's committee
10 debate. The committee comes up with a
11 recommendation and posts it for public
12 comment. That's received so that's where
13 we've been in the process here for the last
14 couple of weeks and then at the NOSB meeting
15 we review that and vote on a final
16 recommendation. Did want to highlight for the
17 new folks we have a practice that a
18 communication between petitioners and the NOSB
19 goes through the program. That's just so that
20 we have transparency and those public comments
21 are captured and posted. So it is a little
22 bit formal, it does make sure that we capture

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1 those comments. Okay, next slide.

2 A little bit on national list
3 criteria. And I'm - next slide. I'm not
4 going to read all of these, but in general the
5 national list criteria asks us to look for
6 detrimental effects to the land, animals,
7 human health. It asks us to look for
8 alternatives and it asks for a compatibility
9 with the system of sustainable agriculture.
10 Next slide. There are very specific criteria
11 for processing aids. These are available in
12 the rule. But wanted to highlight here that
13 these are specific to processing aids so when
14 we're looking at those you need to add these.
15 Okay.

16 We talked about 606, but this one
17 does get a little bit tricky. So for 606
18 which are those agricultural potentially
19 commercially unavailable materials for
20 handling what we try to look at is why the
21 substance should be permitted in the
22 production or handling of the organic product

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1 and then look at current industry information
2 to look at fragility of supply. So are there
3 climate things going on. So for example my
4 first year we listed hops because there was a
5 drought in Australia that had a significant
6 impact on the ability to get hops and there
7 wasn't an established industry in the United
8 States. We look at the number of suppliers,
9 trade-related issues and other issues that
10 could prevent a challenge to a consistent
11 supply. So what we don't look for is is there
12 any organic available because the organic may
13 be available but in not sufficient quantity or
14 quality. So this is really a
15 quantity/quality/form conversation that we
16 have. Okay, next slide.

17 So sunset review criteria. We are
18 required to every five years review materials
19 that are on the national list to renew those
20 exemptions. So the national list really is
21 exceptions to the rule, and these are listings
22 that were accepted by the NOSB because

1 evidence showed that the material wasn't found
2 harmful to human health or the environment, it
3 was necessary because of unavailability of
4 alternatives, and use of the material was
5 consistent and compatible with organic
6 practices. Next slide.

7 So the purpose of sunset is an
8 opportunity to revisit the continued need for
9 the exemption. So it's where we determine if
10 conditions relevant to the acceptance of the
11 exemption, so what the NOSB reviewed when they
12 first put the material on the list, whether
13 those conditions have changed, and then if the
14 review finds that the initial conditions still
15 exist the listing is renewed. It's not a time
16 to add new substances and it's not a time to
17 reinterpret information that is unchanged.
18 Those issues are dealt with through the
19 petition process. There are a lot of
20 materials on sunset so I've listed those. The
21 board early on when the first sunset came up
22 in 2007 spent quite a bit of time thinking

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1 through what sunset meant and I would
2 encourage folks to go look at those documents.
3 Lisa or I can provide them if you need them.
4 Okay, next slide.

5 Now, there are some things that
6 have changed so at our last meeting, at the
7 October 2010 this board approved a policy
8 change allowing annotation changes during
9 sunset review of materials. This is our first
10 meeting where we have used that policy change
11 and it is a learning process. So I just
12 wanted to highlight what we said in our
13 recommendation because some committees
14 probably need to go back and look at your
15 recommendations to make sure you followed this
16 properly. So a quote from the recommendation.
17 "The committee and subsequently the board will
18 first take up the annotation amendment and
19 then vote on the materials renewal." So there
20 is a two-vote process. I know one of the
21 crops recommendations has that, some do not.
22 Okay. Then, just to highlight the steps from

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1 - and these are highlights. I couldn't fit
2 all the steps on the slide, but go look at the
3 recommendation. We can request a third party
4 technical review if we feel that there is
5 public comment that is going to warrant that.
6 The NOSB committee begins review of the
7 material with the intent of providing a
8 recommendation to the board. The review is
9 conducted based on the force of evidence - so
10 this is a longstanding NOSB standard - as
11 presented by board members, public comments
12 and scientific data. So there needs to be a
13 force of evidence to change the annotation.
14 And then finally and maybe most importantly
15 the reviewing NOSB committee provides its
16 recommendation to the full board and the
17 public no less than 60 days and it would
18 include the following: a simple motion to
19 remove, add or amend an annotation resulting
20 in a restriction or clarification. So you
21 can't loosen an annotation, you can only
22 tighten. And a simple motion to renew the

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1 existing listing. Next slide.

2 Okay. So that was process. Now
3 moving on to an update and this is mostly for
4 the public so you know where we are in our
5 work plans. For the Crops Committee they're
6 handling three petition - two petition
7 materials and then sunset reviews at this
8 meeting. They have received a petition - so
9 since the last meeting we've received a
10 petition to remove ferric phosphate and two of
11 the petitions received by crops have been
12 withdrawn. We have four petitions to add a
13 substance and you can see that we're waiting
14 for TRs on several of those. And then we have
15 petitions for inert ingredients on the crops
16 work plan. Okay, next.

17 For livestock they have no
18 petition materials. They do have - have
19 received a petition to amend the annotation
20 for methionine and they have a TR on livestock
21 vaccines in process. Next. Handling. Quite
22 an active committee at the moment so I won't

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1 read all of them. They've got four - three
2 petition materials and six sunset listings for
3 this meeting. We have one petition to remove,
4 two petitions for annotation changes, a number
5 of petitions to add substances some of which
6 we've reviewed and did not feel were complete
7 and have been sent back to the petitioner for
8 additional information. Next.

9 Okay, the sunset review status.
10 We try to highlight this so that folks can see
11 what's coming. We've got 28 materials for the
12 2012 docket that we should be handling at this
13 meeting and then you can see the flow for '13,
14 '14, '15, and '16, '14 being a really good
15 year for those of you on the board where you
16 won't have any sunset materials. Okay, next.

17 So some final notes. So this is a
18 standing one and it's just to reinforce for
19 the public and the rest of the board that our
20 practice is for a committee chair to assign a
21 material to a committee member to lead the
22 review. They're often chosen due to their

1 area of expertise and the role of this person
2 is really to steward the material through the
3 process and facilitate a good dialogue. So
4 they'll lead the committee debate, they'll
5 provide all the prospectives to the rest of
6 the committee, they'll write the committee
7 recommendation and then present it at the
8 meeting. I want to highlight for folks that
9 the NOSB reviewer is representing the
10 committee, not always necessarily their own
11 personal perspective. So that's important for
12 folks to know. Okay.

13 And then this is a new note that I
14 was asked to provide. This can get a little
15 bit confusing for the new folks so I tried to
16 provide an example, hopefully a little levity
17 as well. So when we make material
18 recommendations it is our practice to make
19 these recommendations on materials in the
20 affirmative. So for example, we would - the
21 Crops Committee would make a motion to list
22 Google Rocks on the national list section

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1 205.602 non-synthetic substances prohibited in
2 crop production. So they're making it
3 affirmatively. For whatever reason the Crops
4 Committee has determined Google Rocks
5 shouldn't be prohibited so it fails in the
6 Crops Committee with one yes vote and five no
7 votes. The committee brings that motion to
8 the full board again with that affirmative
9 motion to list. The NOSB then has choices.
10 So they can vote and pass the motion which
11 would then list Google Rocks or the motion
12 could fail and it would not be listed. So
13 that is what we do. Now, let's look at the
14 non-affirmative motion. So here the motion
15 would be not to list Google Rocks. The motion
16 would pass in the Crops Committee with five
17 yes, one no vote. They would bring that
18 motion to the full board and the motion would
19 be not to list. If the motion passed then
20 Google Rocks wouldn't be listed, but if it
21 failed we're in limbo, right? Because that
22 would indicate that the board thinks it should

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1 be listed but they can't do that because they
2 don't have that motion. So then Google Rocks
3 needs to go back to committee, the committee
4 needs to rework the recommendation and bring
5 it back at the next meeting. So that's not a
6 very efficient process. It would force
7 everything into a two-meeting vote. So that
8 is why we list everything in the affirmative
9 which I know I struggled with my first year
10 when there was all these things we weren't
11 going to list and we were recommending they be
12 listed, but that's why. So click. So that's
13 not what we do. Okay, next slide. So some
14 website listings and then I think that's it.
15 If there's questions.

16 CHAIR MIEDEMA: Any questions for
17 Katrina? Jay?

18 MR. FELDMAN: Katrina, you
19 mentioned transparency and I think for
20 purposes of the public it's helpful to go into
21 a little bit more detail about how that works,
22 specifically the posting of the TRs on the NOP

1 website which many may be aware of and others
2 may not be. And the issue that we're
3 grappling with right now and that is the
4 disclosure of minutes, committee minutes which
5 some people feel would give them a better idea
6 as to the thinking of the committee and help
7 to possibly engage the public in some of these
8 discussions prior to the public comment
9 period, or engage experts. So I don't know if
10 you want to mention any of that, where we're
11 at or how that process will evolve.

12 MS. HEINZE: Well to your first
13 point yes, I should highlight that technical
14 reviews get posted to the petition database
15 once they have been accepted by the committee.
16 So if there's a technical review - the same is
17 true for petitions. So for example those
18 petitions that we've received but went back to
19 the petitioner have not been posted because
20 they have not been accepted by the NOSB. So
21 TRs are the same way. But once they have been
22 accepted they do get posted and are available

1 for everyone. You know, for the second topic,
2 Jay, I'm not sure that's in the purview of the
3 materials review process but certainly
4 something that I know is an ongoing dialogue.

5 CHAIR MIEDEMA: I recognize
6 Melissa Bailey, National Organic Program. Oh,
7 Lisa Brines.

8 MS. BRINES: Yes, Lisa Brines for
9 the record. Just a clarification that when
10 petitions are sent to the board for review
11 they are posted on the website immediately
12 once they are submitted to the board. So they
13 are available immediately. Technical reports
14 according to the policy manual as Katrina
15 described is they're not posted on the website
16 until the board has fully reviewed them and
17 all of their technical questions have been
18 addressed.

19 MS. HEINZE: Thank you for
20 clarifying, Lisa.

21 CHAIR MIEDEMA: Thank you,
22 Katrina. I have one point to add to our - for

1 the benefit of our new members. This
2 authority over materials is the most unique
3 and significant authority that Congress gave
4 us in creating the NOSB such that not even the
5 Secretary of Agriculture can go around this
6 board when it comes to materials. So I just
7 want to implore you to think independently and
8 know that we have the weight of law to vote
9 independently as a board. It is now time for
10 Deputy Administrator Miles McEvoy to give his
11 semi-annual National Organic Program address.

12 MR. MCEVOY: Good morning. Nice
13 to be here. Can everybody hear me in the
14 back? Okay, great. I'm very happy to be back
15 in my home state, Washington State. The
16 weather is, you know, typical for the spring,
17 cold and wet but sometimes it's beautiful
18 here. I mean, this is beautiful too. If
19 you're from this area the rain and the
20 precipitation is part of what makes this part
21 of the world really, really beautiful. So I'm
22 Miles McEvoy, deputy administrator for the

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1 National Organic Program. I have a lot of
2 things to do. I know we have a tight agenda
3 so I'm just going to get right into it and
4 you're going to move fast forward here. So I
5 have three things I'm going to cover, a
6 program update, what's going on with the
7 National Organic Program, a little bit of
8 background on materials and then nutrient
9 vitamins and minerals.

10 So the three main components of
11 the National Organic Program, what we're
12 implementing is having clear, enforceable
13 standards, a rigorous certification process to
14 verify the organic claims and then enforcement
15 to make sure that when there are violations of
16 the standards that we bring people back in
17 line with the requirements. A little bit on
18 the program update. The Fiscal Year 2010
19 budget was \$6.9 million. We had requested a
20 \$3.1 million increase for Fiscal Year 2011.
21 You probably followed there were a lot of
22 considerations about the Fiscal Year 2011

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1 budget that was finally passed a few weeks
2 ago. What we ended up with is about the same
3 amount of money as we had last year, about
4 \$6.9 million with a little bit of things that
5 are changed around the edges, but basically
6 the same amount of money for this year as last
7 year. Our request for Fiscal Year 2012 is for
8 \$9.8 million. That's a \$2.9 million
9 enhancement. There's a lot of things that we
10 have done but there are a lot more things that
11 we need to do. We're still a long ways from
12 getting caught up with a lot of different
13 elements of the program in terms of appeals,
14 in terms of complaints, in terms of standards,
15 implementing the National Organic Standards
16 Board recommendations. There's a lot of work
17 that the program still needs to do and
18 additional resources would really help us to
19 get there.

20 There's been some staffing changes
21 in the program. Arthur Neal who was the
22 associate deputy administrator for the

1 National Organic Program for last year has
2 gotten a promotion to be the new deputy
3 administrator of the Agricultural Marketing
4 Service's Transportation and Marketing
5 Program. He's going to do a great job there.
6 We're still going to work closely with that
7 program but he's no longer the associate at
8 NOP. So Ruihong Guo who is the director of
9 the Accreditation and International Activities
10 Division, she's now acting associate deputy
11 administrator until we make a permanent hire
12 in that particular position. We also have a
13 number of new hires that we're working on.
14 We're in the process of hiring a
15 communications director for the program and
16 the main task of the communications director
17 is going to be to get the website much more
18 functional and user-friendly than it currently
19 is. There's a lot of information on there.
20 Sometimes it's difficult to find things. We
21 made some improvements about a year ago but
22 there's still a lot more to do there so that's

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1 what that's all about and then we're hiring a
2 number of new ag marketing specialists for
3 each of the divisions to continue the work
4 that we're doing.

5 A little update on the Office of
6 Inspector General. A little over a year ago
7 they published the audit of the National
8 Organic Program. They had seven findings of
9 the program. The NOP needs to improve
10 enforcement, the processing of complaints
11 needs to be more timely, the oversight of the
12 California State Organic Program was
13 inadequate, periodic residue testing had not
14 been implemented as required by the Organic
15 Food Production Act. Peer review of the NOP
16 accreditation program had not been performed.
17 Inconsistent program requirements and audits
18 of foreign certifiers have not - were not
19 conducted. So I'm happy to say that they may
20 - out of those seven findings they made 14
21 specific recommendations for program
22 improvements, 13 of those 14 recommendations

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1 have been completed with corrective action.
2 The one in terms of implementing the periodic
3 residue testing requirements we've met the OIG
4 recommendation component but we haven't
5 completed the rulemaking on that. We have a
6 proposed rule on the periodic pesticide
7 residue testing that will be coming out within
8 the next few weeks and - but we've completed
9 the action for the OIG. The one outstanding
10 recommendation for the OIG recommendations is
11 recommendation number 9 about the peer review
12 panel, and this is where we had two different
13 components. One was that we needed a
14 procedure to do an annual review of the audits
15 of the accredited certifiers. We have already
16 implemented that procedure. But the other
17 part was to actually implement the peer review
18 process. And we've had some difficulties
19 contracting, getting an agreement with the
20 National Institutes of Standards and
21 Technology. We started that process last
22 August but because of a number of different

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1 legal things that I don't completely
2 understand it's taken us a very long time to
3 actually get the agreement signed. It was
4 just signed a month or two ago and we're in
5 the process of getting that assessment done
6 this spring and summer. We'll have a report
7 to report back to the board on that assessment
8 of the - the peer review assessment by NIST at
9 the next meeting.

10 The strategic plan is how we keep
11 track of how we're doing. This is where we're
12 going, our target, what we're trying to
13 accomplish. It has specific objectives and
14 performance measures in there. So I'm going
15 to go through the five major goals within the
16 strategic plan and a little bit about the
17 performance of how we're doing on meeting our
18 objectives. So the first one is around
19 quality management. The objectives were to
20 develop and publish a quality manual, analyze
21 existing processes and develop a quality
22 management system that's aligned with ISO

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1 17011 which is the international norms for
2 accreditation bodies like the National Organic
3 Program, implement and train the National
4 Organic Program staff on the quality
5 management system, and conduct internal
6 audits, management reviews and continuous
7 improvement efforts. So those were our
8 objectives in this particular area. So we
9 have published the quality manual last August.
10 We're working with the Audit Review and
11 Compliance Branch and collaborating with them
12 to analyze and improve the accreditation and
13 audit procedures to align with ISO 17011. We
14 conducted training with ARC on this new system
15 the last few months so this year the audit
16 procedures are going to be somewhat different
17 to more closely align with ISO 17011. There's
18 a lot of changes there that we've - we're in
19 the process of implementing. And then we've
20 started the implementation and training of NOP
21 staff on the quality management system.
22 That's an ongoing process. If you know about

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1 quality management systems it's not like you
2 do it and you're done, it's an ongoing
3 process. Each division has an assistant
4 quality manager that assists with that
5 training and implementing of the quality
6 management system. And then we're in the
7 process of doing a mid-year assessment of the
8 strategic plan. We have created an NOP
9 integration team that is making specific
10 recommendations for improvements and then we
11 have internal audit and management review to
12 conduct later this year. We have the
13 processes for that in place, it's just a
14 matter of doing those for later this year.

15 The second major goal is around
16 standards, developing consistency for
17 certifiers and organic producers and handlers.
18 The objectives were to publish the program
19 handbook, develop and publish additional
20 organic practice standards, implement the NOSB
21 recommendations and develop a system to
22 respond to questions and interpretations of

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1 the NOP regulations. Performance here, we
2 published the program handbook first and
3 second edition. There's still a lot more work
4 to do, a lot of guidance and instructions that
5 need to be completed, so that's a work in
6 progress but we're at least - we're making
7 some progress there. The residue testing rule
8 is in clearance. Other practice standards
9 we're working on. We have many national list
10 rules that are under development or in
11 clearance. We've provided training to the NOP
12 auditors on the program handbook so when
13 they're doing the audits this year they're
14 following those guidance and instructions
15 within the program handbook. And we have a
16 new internal public inquiries tracking and
17 documentation system that's under development.
18 We get many, many questions and we need a
19 system to provide consistent answers to folks
20 that are asking those questions.

21 This is a whole long list of
22 published rules, guidances and notices that

1 we've done since October 2010. Proposed rule
2 on national list for crops and processing, a
3 final rule for crops and processing for a
4 number of different substances, a proposed
5 rule for Sunset 2011, a notice on draft
6 guidance for made-with-organic-ingredients and
7 labeling, a notice for draft guidance on wild
8 crop poultry commingling compost and chlorine,
9 the second edition of the program handbook, a
10 notice for the section 610 review per
11 requirements of the Regulatory Flexibility
12 Act, a notice for the information collection
13 per requirements of the Office of Management
14 and Budget and a final rule on methionine. So
15 all of these standards, all these notices and
16 rules take a significant amount of staff time
17 and - to work with Office of General Counsel
18 and get it through the clearance process.

19 Forthcoming - what we're coming
20 on, forthcoming rules, guidances and policy.
21 We anticipate many of these things will be
22 published later this spring or summer.

1 Advanced notice of proposed rulemaking for
2 Sunset 2013, a proposed rule on periodic
3 residue testing, a proposed rule for national
4 list for Fenbendazole and moxidectin, a notice
5 on the final guidance for wild crops poultry
6 commingling compost and chlorine, a notice for
7 ruminant slaughter stocks under the access to
8 pasture - that's answering the questions from
9 the final pasture rule from last year - the
10 final rule on national list for crops and
11 processing for lecithin, cheese wax, acidified
12 sodium chlorite, orange pulp, Pacific kombu
13 seaweed, a final rule for Sunset 2011, a
14 notice on draft guidance for commercial
15 availability of seeds, livestock feed
16 additives, kelp, and responding to positive
17 residue testing results and the third edition
18 of the program handbook which we expect to be
19 out in July of this year. So many additional
20 things are coming down the road for us to get
21 out later this year.

22 Moving on to the third major goal,

1 accreditation, this is the oversight over the
2 certifiers. The objectives are to conduct
3 thorough and timely audits of certifiers,
4 state organic programs and foreign
5 governments, and also to develop a realtime
6 database for certified operations.

7 Performance in this area, we've completed all
8 foreign audits and we're on schedule for all
9 foreign audits. We have implemented
10 requirements for pre-decisional audits prior
11 to granting accreditation. Three pre-
12 decisional audits were conducted in 2010 and
13 we have completed the assessment of the
14 Canadian organic regime last fall and the
15 California State Organic Program had their
16 second assessment in two years earlier this
17 year. We've also developed new audit review
18 checklists that will be implemented this year.

19 The new checklist that the auditors will use
20 will actually score the certifiers on their
21 percent compliance with the accreditation
22 requirements so we'll be able to report out

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1 those numbers of the percent compliance with
2 the requirements that certifiers have to
3 maintain for their accreditation. We've
4 established a designated accreditation
5 specialist to provide technical support to all
6 the certifying agents around the world and
7 removed accreditation from two accreditation
8 agents through settlement agreements.

9 In terms of international
10 activities briefly, the U.S.-Canada Organic
11 Equivalency Arrangement, we now have a
12 technical working group, a steering committee.
13 We're conducting mutual peer assessments and
14 then we've also made a formal request to
15 remove stocking rates from that critical
16 variance for ruminants based on the pasture
17 rule. For EU equivalency the EU had a mission
18 to the U.S. last year. They've completed
19 their report on the NOP. We'll be doing our
20 assessment of the EU program later this year
21 so we're moving forward with trying to see if
22 there's a possibility for U.S.-EU equivalency.

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1 And our other priorities in terms of
2 equivalency and market access are China, Korea
3 and Japan. China in particular has a new
4 organic standard that's difficult for U.S.
5 producers to get products into China. It's an
6 emerging organic market so we're trying to see
7 if we can do things to open up that market for
8 U.S. organic products.

9 Moving on to compliance and
10 enforcement, the objectives are to handle
11 complaints and enforcement actions in a timely
12 manner, classify and prioritize the complaints
13 so we're putting our resources to the types of
14 complaints that really make a difference, and
15 develop onsite investigative procedures and a
16 penalty matrix. So we've closed so far this
17 year 71 complaints in the first six months of
18 this fiscal year, improving the closure rate
19 by 15 percent over last year. Thirty-six
20 complaints alleged the representation of
21 products as organic without certification.
22 That's a fairly common complaint that we deal

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1 with. Eleven complaints alleged labeling
2 violations of certified products and two
3 complaints alleged the use of fraudulent NOP
4 certificate. We've also streamlined the
5 complaint intake procedure by establishing an
6 internal investigative priority policy so that
7 we're determining those types of complaints
8 that need to be kind of a rapid - more rapid
9 response. Anything to deal with fraud or
10 pesticide residues, that gets into that
11 category whereas a labeling complaint is not
12 as high of a priority as fraud or pesticide
13 residues. We've also collected eight civil
14 penalties for willful violations in the first
15 six months of this fiscal year compared to 10
16 civil penalties in all of Fiscal Year 2010,
17 and we also have a new enforcement action
18 procedure for publishing notices of NOP
19 fraudulent certificates. We don't have the
20 same - we don't have jurisdictional authority
21 in foreign countries for assessing civil
22 penalties so we're looking at other ways of

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1 protecting organic integrity when it involves
2 a foreign operation. And so we've published
3 two notices about fraudulent certificates both
4 involved in international operations
5 misrepresentation of agricultural products as
6 certified organic through falsification of an
7 approved accredited certifying agent
8 certificate. Now, if this was a certified
9 operation then we would have some authority to
10 suspend or revoke the certification, but these
11 are operations that are operating in foreign
12 countries where we don't have jurisdiction and
13 they're not certified under the National
14 Organic Program. So this is an idea of
15 getting that information out to the public
16 that these are not valid certificates and we
17 plan to continue to expand on that concept.

18 In terms of our management
19 strategy, effectively managing the human
20 resources, communication and administrative
21 activities of the program. This includes
22 working with the National Organic Standards

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1 Board, the cost-share programs, human
2 resources, civil rights, Freedom of
3 Information Act, transparency and
4 communication. In terms of performance here
5 we've developed an employee handbook for NOP
6 staff. We now have the NOP Organic Insider to
7 disseminate information, a Listserv to
8 interested parties. We've done certifier
9 trainings and numerous presentations. We have
10 a new technical report contractor that's
11 providing technical reports to the National
12 Organic Standards Board and the public and we
13 believe that should expedite the response time
14 from the time that we get a technical report
15 request to getting that report to the National
16 Organic Standards Board. We have a new
17 internal petition substances database that's
18 in the process of being populated that will
19 help with our management of the petition
20 substances and that we've met and we continue
21 to meet the federal requirements for
22 disclosing information and also redacting non-

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1 disclosable information under the Freedom of
2 Information Act. That's a constant thing that
3 the program has to deal with. We basically
4 have one full-time person that that's what
5 they do is handle Freedom of Information Act
6 requests and it does impact the rest of our
7 staff as well. It's a very important thing
8 that we do is to provide information to the
9 public but we also have to be very diligent
10 that we don't disclose information that's not
11 disclosable because it's confidential business
12 information or personal information. So
13 that's a constant thing that we're - have to
14 manage.

15 Positive trends that we're seeing
16 is that overall certifiers are very effective
17 at protecting organic integrity. The vast
18 majority of organic operations comply with
19 organic standards and the pesticide residue
20 testing that we've done shows that organic
21 products, many have no residues and those that
22 have residues are at - tend to be at very

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1 minimal residues - minimal levels. So that's
2 a good thing. Okay. So that's the program
3 update.

4 Moving on to materials. Materials
5 that are used in organic agriculture. There's
6 a long history of their use in organic
7 systems, they're consistent with organic
8 principles and there's nowhere in the Organic
9 Food Production Act that it states that the
10 list of materials - the list of allowed
11 materials should be minimized. In terms of
12 crop materials there's over 500 natural
13 substances and 88 synthetics that are
14 currently allowed under the National Organic
15 Program regulations. And if you think about
16 it there's lots of things. In greenhouse
17 there's potting soils, there's compost and
18 manure, rock minerals, soil amendments,
19 there's liquid fertilizers, micronutrients.
20 For pest control you have botanicals, you have
21 dormant oils, you have biologicals like BT,
22 you have sulfur and pheromones, you have the

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1 inert ingredients and then you have crop
2 production aids such as gibberellic acid and
3 cytokinins. For livestock we have over 400
4 natural minerals and 38 synthetics that are
5 currently allowed under the program. The
6 numbers here are taken from looking at OMRI's
7 list of generic substances. That's where we
8 got the numbers from. So for livestock,
9 livestock feed, feed additives, vitamins,
10 minerals, methionine, feed supplements,
11 molasses, it must be organic. For health
12 care, vaccines, medications, probiotics,
13 excipients. There's many substances used in
14 livestock production, organic livestock
15 production. For handling post harvest
16 substances, processing aids and ingredients
17 both natural and synthetic must be listed on
18 the national list. So there's 28 naturals
19 under 205.605(a), there's 44 synthetics under
20 205.605(b) and then if it's an agricultural
21 substance used in a processed organic product
22 it must be organic or there are 43

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1 agricultural substances on 205.606. They also
2 must be organic unless it can be documented
3 and shown that those particular substances are
4 not commercially available in organic form.
5 So for handling, natural substances includes
6 citric acid, bentonite, dairy cultures,
7 enzymes, flavors, microorganisms and waxes.
8 For synthetic substances, ascorbic acid,
9 baking soda, baking powder, chlorine,
10 ethylene, glycerin, vitamins and minerals and
11 xanthan gum. This is just a sampling of some
12 of the substances. And for the agricultural
13 substances again they must be organic. If
14 they're on 606 they - you can use non-organic
15 if you can show that they're not commercially
16 available. There's 19 colors on there.
17 There's casings, celery powder, fish oil,
18 gelatin, gums, kelp, cornstarch and wakame
19 seaweed just to name a few.

20 So the Organic Foods Production
21 Act, it's designed to respect the authority of
22 the organic community through the National

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1 Organic Standards Board. Natural substances
2 or non-synthetics are allowed unless they're
3 specifically prohibited. Synthetic substances
4 are prohibited unless they're allowed. It
5 must be through an NOSB recommendation and
6 rulemaking to add the substance to the
7 national list. And again, OFPA has no
8 restrictions regarding the length of the
9 materials list. So the NOSB has the statutory
10 authority to review and recommend approval of
11 the following classes of materials, synthetics
12 in crop production, synthetics in livestock
13 production, non-synthetics and synthetics in
14 organic handling both ingredients and
15 processing aids, and also NOSB recommends
16 prohibitions on natural substances and also
17 advises the Secretary on any other aspect of
18 the implementation of the National Organic
19 Program.

20 The National Organic Program
21 supports the work of the board. We're a
22 liaison between the board and the national

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1 list petitioners. We coordinate the
2 development of the technical reports by the
3 third party contractors. We take notes for
4 the NOSB committee work. We facilitate the
5 logistics of the NOSB meetings and we ensure
6 a public and transparent process. We
7 definitely respect the work of the NOSB, of
8 your work and we strive to implement your
9 recommendation. You all have been very, very
10 busy over the last, what, 15, 16, 17 years now
11 and we have a lot of work to do to get caught
12 up with you all. So our responsibility is to
13 have clear, enforceable standards including a
14 clear list of allowed substances. We cannot
15 add substances to the national list unless you
16 have reviewed and recommended adding materials
17 to the national list and we have to ensure
18 that those recommendations are clearly defined
19 and follow the process outlined in OFPA, the
20 NOP regulations and the NOSB policy handbook.
21 So making sure that the process is correctly
22 followed.

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1 A little bit about respect.
2 Reasonable - there's a lot of knowledge here
3 and a lot of deep knowledge and background and
4 perspective. You're all reasonable and well-
5 intentioned people and you have different
6 opinions and perspective. We encourage a
7 spirited debate and public input but at the
8 end of the day we're all part of the same
9 community. We're not always going to agree
10 but we should respect the process and the
11 decisions made by the board. We will
12 certainly respect the decisions made by the
13 board and we implore the board to also do the
14 same.

15 Nutrient vitamins and minerals.
16 Just want to give a little bit of background
17 on this since this has been such a - an
18 interesting topic to get our hands around. So
19 the 1995 NOSB recommendation said a number of
20 different things. Said specifically that
21 vitamins and minerals that were required by
22 law should be allowed in organic food

1 products, that accessory nutrients that are
2 allowed or supported by independent
3 professional organizations should be allowed
4 in organic food products on the national list.
5 It also referred to nutrients that are not
6 specifically classified as vitamins and
7 minerals including omega-3 fatty acids,
8 inositol, choline, carnitine and taurine were
9 specifically mentioned in the 1995 NOSB
10 recommendations. And from our perspective
11 that recommendation was promoting or
12 recommending that a relatively open-ended list
13 would be appropriate to support the continued
14 development of nutritionally rich foods. So
15 what the program did is it took that
16 recommendation in the midst of writing the
17 proposed and final rule and came out with the
18 listing in 7 CFR 205.605(b), Synthetics
19 Allowed, and this is how it's written.
20 "Nutrient vitamins and minerals in accordance
21 with 21 CFR 104.20, Nutritional Quality
22 Guidelines for Foods." The reference as

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1 stated in the rule only lists vitamins and
2 minerals that are allowed, that nutrients that
3 are not vitamins or minerals are not
4 referenced in the national list. We went
5 through this a year ago.

6 So in 2006 NOP received a
7 complaint alleging violation to the national
8 organic standards for certified organic
9 products that contained accessory nutrients.
10 NOP at that time determined that accessory
11 nutrients were allowed based on an
12 interpretation of 7 CFR 205.605(b), 21 CFR
13 104.20 and the past NOSB recommendations. So
14 they took a lot of things into context to make
15 that particular determination that accessory
16 nutrients were allowed under the current NOP
17 regulations. Then in 2008 the NOP determined
18 that lutein ester in another ruling did not
19 fall under the FDA fortification policy and
20 was not allowed in organic foods. That
21 particular letter also stated that only
22 nutrients listed in 21 CFR 104.20(d)(3) were

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1 allowed. So there were inconsistencies in
2 terms of how the program reviewed 104.20 in
3 the past. And what we're trying to do here is
4 say okay, it's not the best reference, let's
5 figure out where to go from here to meet the
6 recommendations from the board and have a
7 clear list of what's allowed in this class of
8 nutrient vitamins and minerals. Next slide.

9 So we've been working with the
10 Food and Drug Administration, specifically the
11 Center for Food Safety and Applied Nutrition
12 and we finally got the letter from them and we
13 posted it that states that the specific
14 regulatory reference in the national list to
15 21 CFR 104.20 is limited, that it does not
16 cover the nutrients such as taurine, DHA, ARA,
17 lycopene, lutein. It does not include
18 nutrients used in infant formula or pet food,
19 and it does not - FDA does not define
20 accessory nutrients. So it's a real
21 disconnect between that regulatory reference
22 and FDA's view of the meaning of 104.20. And

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1 FDA has suggested that a better regulatory
2 reference to meet kind of the intent of that
3 '95 recommendation would be 21 CFR 101.9,
4 107.100 and 107.10 and that would include
5 essential and approved vitamins, minerals and
6 other nutrients for infant formula and the
7 fortification of foods. The other thing
8 that's nice about those particular references,
9 it does provide specifically lists of
10 substances that you can look at and you can
11 say this is allowed. If it's not on that
12 particular list then it wouldn't be allowed.
13 So our plan is that - well first of all, that
14 we currently list a clear list of nutrient
15 vitamins and minerals that are allowed in
16 organic food products. It's something that we
17 sorely need, that our previous interpretation
18 of those nutrient vitamins and minerals
19 allowed under 205.605(b) was incorrect. We
20 recognize that many certified operations made
21 business decisions based on that '95
22 recommendation and statements previously made

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1 by the program. We do plan to publish draft
2 guidance that will clarify the FDA
3 interpretation of 21 CFR 104.20 and - and next
4 slide. So we plan to provide a transition
5 time for businesses to reformulate products to
6 comply with the regulations as per the FDA
7 interpretation. The draft guidance as per all
8 draft guidance would be published through the
9 Federal Register with a 60-day comment period
10 for the draft guidance and then after that we
11 would publish final guidance after considering
12 the comments received, and again, after that -
13 that final guidance would include the - enough
14 time for the petition process to work, for the
15 board to do their work and for rulemaking to
16 occur to meet the intent of the NOSB and to
17 respect the authority of the NOSB in terms of
18 what materials are allowed in organic food
19 production and handling.

20 So nutrient vitamins and minerals
21 that are required for pet food are being
22 covered by a separate rulemaking. We're in

1 the process of working on a proposed rule for
2 the pet food - to implement the NOSB pet food
3 recommendations. DHA, ARA, choline and
4 taurine have been petitioned and are awaiting
5 board action, so those things can be
6 separately reviewed by the board. And we also
7 advise companies that they may petition to add
8 substances to the national list including
9 nutrient vitamins and minerals that are not
10 currently allowed under 21 CFR 104.20.

11 So in summary the NOSB needs to
12 review and approve all substances on the
13 national list. The program and the organic
14 certifiers, producers and handlers need a
15 clear list of what's allowed and what's
16 prohibited to do their work. We need an open
17 and transparent process, that's essential to
18 moving forward and adequate time is needed for
19 the organic trade to petition substances not
20 included under 21 CFR 104.20, for NOSB to do
21 the review that they need to do and for any
22 rulemaking to be completed. So thank you very

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1 much and please remember that we're all in
2 this together. The NOP is here as a partner
3 with the organic community, with the board and
4 so we look forward to working together on many
5 of these issues in the future. Thank you.

6 CHAIR MIEDEMA: Thank you, Deputy
7 Administrator McEvoy.

8 (Applause)

9 CHAIR MIEDEMA: Now I'd like to
10 see if anyone has questions for Mr. McEvoy.
11 And before you step down from the podium I
12 hope that you introduce your NOP staff as
13 well. But now, any questions for Mr. McEvoy?
14 Steve.

15 MR. DEMURI: Thanks, Miles, good
16 update. As I mentioned in my agenda update at
17 the beginning of the meeting I was going to
18 ask you for an off-the-top-of-your-head
19 timeline on sunset for nutrient vitamins and
20 minerals if we did not act on it at this
21 meeting.

22 MR. MCEVOY: Well, the program's

1 going to - is going to be moving forward with
2 the Sunset 2012 proposed rule after the
3 meeting. So we need to move forward with
4 that. It's 230-plus materials, 232 materials
5 that we will move forward with after the
6 meeting. Usually a rulemaking to go from a
7 proposed to a final rule is about - we like to
8 have about 18 months for things that are non-
9 controversial so we already have kind of a
10 tight time frame to get the proposed and final
11 rule done by June of 2012. In that proposed
12 rule we would list all the materials that are
13 being proposed to be re-listed but we'd also
14 have to list any materials that were not being
15 proposed to be re-listed. So that's part of
16 the consideration here. Now if you wait until
17 the fall meeting which is going to end the
18 first week of December of 2011 then we would
19 work to make a final recommendation on
20 nutrient vitamins and minerals. It wouldn't
21 be included in this packet that moves forward,
22 but we would work as diligently as we could to

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1 try to get that completed by October of 2012.
2 As I said we like to have 18 months to do
3 national list rulemaking. With a
4 controversial topic such as nutrient vitamins
5 and minerals there's all kinds of things that
6 could potentially happen. We've had notices
7 that to us seem to be fairly insignificant
8 that OMB is very interested in everything that
9 the National Organic Program does. And so
10 part of the process we control but a lot of
11 the process we don't control. We have Office
12 of General Counsel that needs to do review, we
13 have OBPA that does review and then we have
14 OMB. So it's a wild card to say what exactly
15 would happen, but we would work our darnedest
16 to get it done.

17 MR. DEMURI: Well, let me ask a
18 follow-up. If we did not act until the next
19 meeting and you folks weren't able to get it
20 completed by the end of the sunset period what
21 would happen to nutrient vitamins and
22 minerals?

1 MR. MCEVOY: Well, they'd no
2 longer be on the list so that processors could
3 not use those substances in their products.
4 Until rulemaking was completed.

5 CHAIR MIEDEMA: Katrina?

6 MS. HEINZE: For the full docket
7 that you intend to move forward with after
8 this meeting if there's certain materials that
9 aren't included does that make that docket
10 more controversial? Because then you have to
11 - I'm hypothesizing because then you would
12 have to work through the economic impact of
13 those coming off the list? How does that
14 work?

15 MR. MCEVOY: Yes, that's a good
16 question. So if the - if the 2012 proposed
17 rule does not include nutrient vitamins and
18 minerals would we have to address the
19 potential economic impact of nutrient vitamins
20 and minerals coming off the national list. I
21 think we would have to address that, yes. So
22 it could slow down that process.

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1 MS. HEINZE: And I was just
2 thinking more broadly. There's other
3 materials.

4 MR. MCEVOY: There's lots of
5 materials on that list that are important to
6 organic agriculture, yes.

7 CHAIR MIEDEMA: Any other
8 questions for Mr. McEvoy? I have -

9 MR. MCEVOY: I can introduce my
10 staff.

11 CHAIR MIEDEMA: I have a question.

12 MR. MCEVOY: Okay, go ahead Tracy.

13 CHAIR MIEDEMA: And it's related
14 to something Deputy Secretary Merrigan
15 mentioned. She mentioned the potential of
16 Vitamin D coming out of milk in relation to
17 this topic if we didn't perform sunseting.
18 What I wondered was the effect of other laws
19 in OFPA and the Federal Food, Drug and
20 Cosmetic Act. I was under the understanding
21 that the National Organic Program is subject
22 to other laws such as the fortification of

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1 milk with Vitamin D.

2 MR. MCEVOY: Well, you can't use
3 the organic standards to violate other federal
4 statutes that are required so if Vitamin D and
5 Vitamin A are required to be in milk then -
6 and the organic standards didn't allow Vitamin
7 D and Vitamin A to be in milk then you
8 wouldn't be able to have organic milk. But
9 you'd still be able to have milk because milk
10 would have that requirement to have those
11 things added to it.

12 CHAIR MIEDEMA: So is Secretary
13 Merrigan saying that if we don't get a vote
14 this time on this material that organic milk
15 would go away?

16 MR. MCEVOY: Deputy Secretary
17 Merrigan is concerned about the potential
18 impact on the trade of delaying a
19 determination on nutrient vitamins and
20 minerals in terms of the amount of time it
21 takes to do rulemaking, the possibility for
22 problems in - I mean there would be the

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1 possibility if you waited till December to do
2 an interim rule. OMB does not like interim
3 rules, especially for controversial topics
4 such as this. So yes, there's - we're just
5 concerned that to not disrupt the trade it
6 would be better to move forward now rather
7 than wait until December.

8 CHAIR MIEDEMA: Okay, thank you.
9 And just one other follow-up question. You
10 mentioned the FDA letter that just was
11 released last week. Our board has just
12 received that letter on Friday. Did FDA
13 approve of the current annotation?

14 MR. MCEVOY: I don't know.

15 CHAIR MIEDEMA: Katrina?

16 MS. HEINZE: So one of the things
17 that we've talked about is to re-list with the
18 current annotation which is less than ideal
19 and then to move forward with a recommended
20 annotation change at a later meeting. What
21 would be the process to get that annotation
22 change through?

1 MR. MCEVOY: Well, you have a
2 number of different options that you could
3 take. So you could - you could determine to
4 re-list as is and now with the policy change
5 you're allowed to change annotations during
6 the sunset review process. So you could
7 either recommend to re-list, you could
8 recommend to re-list with an annotation
9 change. If you recommended to re-list with an
10 annotation change then we would take that and
11 incorporate that into the proposed rule for
12 2012. That doesn't preclude you from doing
13 further action in the fall that could again
14 make a further annotation change or a change
15 to the listing. The board has fairly broad
16 authority in terms of what you can do with the
17 national list. You have the petition process
18 where the public can petition to get materials
19 either added to the list or deleted from the
20 list, but you also have the ability as a board
21 to take separate action like you did on the
22 injectable vitamins vote from a couple of

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1 years ago. So if you move forward with a
2 recommendation at this point we would then -
3 either to re-list or re-list with an
4 annotation change we would move forward with
5 proposed rule based on that recommendation.
6 Again, that doesn't preclude you from making
7 a further recommendation in the fall which
8 would entail doing a separate docket to move
9 that forward through a separate rulemaking
10 action. So both of those things could happen
11 at not exactly a parallel process but a
12 staggered process.

13 CHAIR MIEDEMA: Any further
14 questions for the deputy administrator? Thank
15 you.

16 MR. MCEVOY: Okay, I'd like to
17 introduce the staff. We have Lisa Ahramjian
18 who is the NOSB executive director. And then
19 we have Melissa Bailey who's the standards
20 director. And then we have Emily Brown Rosen
21 who's staff in the Standards Division and Dr.
22 Brines who's also staff in the Standards

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1 Division and handles the petition process in
2 the national list.

3 (Applause)

4 CHAIR MIEDEMA: Next up on our
5 agenda is an update on the inerts materials
6 working group by Emily Brown Rosen. Thank
7 you.

8 MS. BROWN ROSEN: Okay. Good
9 morning. I'm Emily Brown Rosen in the
10 Standards Division now at National Organic
11 Program and I'd like to tell you a little bit
12 about what's been happening with inerts in
13 pesticides. Inert ingredients in pesticides,
14 just a little background for everyone who's
15 not breathing this stuff every day. An inert
16 ingredient is any substance other than the
17 active ingredient which is intentionally
18 included in any pesticide product. That's the
19 definition we have in the rule. It also
20 aligns with the EPA definition of inert
21 ingredient. It's a little bit abridged there.
22 So we have this problem - well, first of all

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1 as examples, these are the other ingredients
2 that don't have to be on your pesticide label
3 by the EPA's FIFRA law. They can be concealed
4 basically. They can just put "inert." So
5 there could be all kinds of things that are
6 used as - to prevent caking, foaming,
7 preservatives, help it stick on the plant,
8 help it actually make the pesticide work much
9 more effectively in a lot of cases. But it's
10 a huge category of compounds.

11 The Organic Foods Production Act
12 permits synthetic inerts that are not
13 classified by EPA as inerts of toxicological
14 concern. So this is the general statement.
15 It's been interpreted in the current
16 regulation and by the previous board to mean
17 a certain class of inert ingredients that are
18 classed by - or were classed by EPA as List 4,
19 meaning inerts that were supposedly of less
20 toxicological concern, of more minimal risk.
21 And so these have been in use, allowed in
22 pesticides for the last - well, pretty much

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1 since 1990 but formalized in 2002 in the
2 regulation. And we also have an allowance for
3 List 3 inerts which are slightly more unknown,
4 more of concern, that are allowed only in
5 pheromone traps, passive pheromone traps.

6 Now, EPA has revised this system
7 of assessment in 2006 under the Food Quality
8 Protection Act. So they no longer use this
9 system where there was a List 1, 2, 3 and 4 of
10 classification of inerts. And we have been
11 operating yet with this reference in our rule
12 since 2006 and it's an obsolete system. So
13 we're referring to a list of inerts that was
14 done - well, it was last modified in 2004. So
15 this definitely - it's causing more and more
16 problems as pesticide formulations are, you
17 know, newly created that don't really
18 compliment this old system. So we are getting
19 more petitions as the board's well aware for
20 inert ingredients and that they're not on the
21 old List 4.

22 Last April the board made a

1 recommendation and reviewed this and it was a
2 difficult thing to try and figure out what to
3 do. In summary, they suggested that the NOP
4 should create a memorandum of agreement with
5 EPA and try and work on evaluating all the
6 former List 3's and 4's, maybe start a task
7 force that the NOSB and/or the task force
8 would review as a first step the former List
9 4's to identify any that might be natural non-
10 synthetic compounds that would be okay for use
11 and those should be the first choice in
12 pesticide formulations. Then we'd ask - the
13 idea was to ask the manufacturers to give
14 information on all the remaining synthetics
15 and possibly review them individually as
16 petitions. The task force should come up with
17 sort of a prioritized review of inerts with
18 well-publicized timelines and then the result
19 would be either individual listings of certain
20 inerts or maybe there was hope that EPA could
21 manage some sort of list that NOP could refer
22 to.

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1 Okay. So what we've done since
2 then, we at the NOP have drafted an MOU and
3 we've shared it with EPA. It's a real general
4 agreement to share information and work
5 together. We had an initial meeting with a
6 number of EPA staff in October of 2010 over at
7 EPA and it was a very positive meeting.
8 They're very interested in seeing some
9 progress on this issue. We had another
10 follow-up meeting with the staff that came to
11 our office in December and then we set up an
12 initial work group, we're calling it a working
13 group meeting - working group, not a task
14 force - but we met for a full day in February
15 of this year. And we're basically in a data
16 collection phase at this point. But this is
17 who's on the work group now. It's myself,
18 Lisa Brines and John Punzi from the NOP staff.
19 John Punzi is also a chemist who's on detail
20 to our Standards Division at this time who's
21 done a lot of work with the pesticide residue
22 guidance and regulations so he's very helpful.

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1 On the EPA side we have Chris Pfeifer from the
2 Biological Pesticide Pollution Prevention
3 Division. I think that's what that stands
4 for. And then Kerry Leifer who is in the
5 Inerts Division. He's been around quite a
6 long time and has been very - he knows inerts
7 like inside and out so he's really helpful.
8 Then we've invited several NOSB members, Tracy
9 Miedema, Jay Feldman, and then Jeff Moyer is
10 a former board member who was very involved in
11 the recommendation. And so they all came to
12 Washington and we you know did preliminary
13 work on this.

14 So just some beginning information
15 that we have so far. EPA has made it real
16 clear they're willing to help, they're willing
17 to share with us what information they have on
18 inerts and their procedures for reviewing
19 them, but they don't have authority or
20 resources and they really don't want to be you
21 know the keeper of an organic list of inerts
22 which is kind of disappointing. We would like

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1 - that would be an easy way out but it's -
2 they see it as the National Organic Program is
3 our rules for organic rules. They don't have
4 authority over organic but they want to work
5 with us and collaborate. So that's what we're
6 going to be dealing with. The overall goal of
7 the group is to develop a new policy that can
8 be finalized no later than 2017 which is the
9 next sunset date after this one for the List
10 4 inerts and we would want to do that in a way
11 that provides an ample timeline for pesticide
12 formulators to actually be able to meet that
13 date and not majorly disrupt what limited
14 tools organic farmers have for the pesticides
15 that are in use.

16 Just as a few points of
17 information the old EPA list is divided in two
18 sections, 4(a) and 4(b) and there's a total of
19 879 substances on that list. But this, in the
20 new system EPA lists inerts that are allowed
21 for food crop use either as exempt from
22 tolerance of - in other words, they don't -

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1 they are exempt from having any residue
2 tolerance on the crop or they have specific
3 tolerance, there's limits to how much
4 pesticide residue could be found on a crop.
5 So there's a specific section of the EPA's
6 rules that list these exemptions from
7 tolerance and they also have a system where
8 they classify some inerts as permitted for use
9 in what they consider minimal risk pesticides.
10 This is often referred to as a 25(b) list.
11 These are products that generally - that are
12 exempt from registration. So they have
13 actually changed the 25(b) list, updated it a
14 little bit since December 2010 and that's
15 probably one of our primary starting points is
16 to look at this list and see how usable that
17 could be because that list actually is
18 reviewed for not only hazard to health and
19 humans but environmental harm. So we're -
20 that's one of our primary things to look at.
21 These are some of the options
22 we've been talking about. The first option

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1 listed was, well, maybe we'll have to review
2 everything individually and come up with
3 screening criteria. The board had proposed
4 some types of environmental screening and -
5 health and environmental screening criteria in
6 their proposal last year. This everybody
7 recognizes would be extremely difficult and
8 you know, no one really wants to see hundreds
9 and hundreds of inert ingredients on the
10 national list. It's just - it's very
11 problematic. Then we're hoping maybe we could
12 identify subgroups of inerts under the EPA
13 current system for listing that might be
14 compatible, especially with this 25(b) list.
15 And then another tactic will be to evaluate
16 the currently used inerts for any patterns or
17 groupings, look at the known uses, see if we
18 can identify certain groups that would be, you
19 know, categories of inerts that we'd want to
20 support.

21 So far I'd like to thank OMRI,
22 Organic Material Review Institute, and WSDA,

1 the Washington State Department of
2 Agriculture, for sharing with us. They have
3 graciously helped us in an anonymous manner.
4 We don't know the products but they've shared
5 with us lists of inerts that are commonly in
6 use in products that they review. We know
7 this is not all the products out there that
8 are being used in organic farms, but it's a
9 good start. And so we're looking at this,
10 comparing it to how EPA classifies them and
11 the old List 4 to see where the overlaps and
12 the gaps are and also going through to look
13 for what are non-synthetic and not a problem.
14 So the good news of this is that out of those
15 879 ingredients OMRI's list only has about 157
16 of 4(a)'s and 4(b)'s that are synthetic. So
17 that immediately, you know, indicates to us
18 that maybe we have a, you know, not as huge of
19 a problem as we were fearful of. And then
20 Washington State's list overlaps pretty much.
21 There's another extra 20 or so that are not
22 covered. So we're looking at I think

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1 approximately 179 List 4(a) and mostly 4(b)'s
2 really. The 4(a)'s are mostly all natural.
3 So that's - so we're starting to focus in on
4 the problem and get somewhere.

5 So the next steps will be to look
6 at the data further, compare all these lists
7 and then look at where the ones that are in
8 use fall under EPA classification, see if we
9 can figure out a baseline reference point and
10 then work on if we're going to need additional
11 criteria. I think the board indicated as
12 pretty well the Crops Committee, I've been
13 working with them the last year, very
14 difficult to review inert ingredients that are
15 being petitioned to the board under the
16 existing checklists and criteria that you go
17 through for an active ingredient in organic.
18 So if we are going to need a step two to
19 review inerts we would like to come up with
20 some better criteria that match, you know,
21 that sort of elaborate on OFPA but are more
22 suitable for inert ingredients in pesticides.

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1 So those are things. So that's basically it.
2 Our plan is to keep reporting back to the
3 board and you know, we'll keep you informed.
4 Any questions? Okay, thank you very much.

5 CHAIR MIEDEMA: Thank you very
6 much, Emily. We are slightly ahead of
7 schedule and so if - if Director Newhouse of
8 the Washington State Department of Agriculture
9 is here we would love to hear his address. Is
10 he here?

11 MS. AHRAMJIAN: Do you want to do
12 the mission first?

13 CHAIR MIEDEMA: We'll take that up
14 right before public comments begin after the
15 break. Director Newhouse, welcome to the
16 podium.

17 DIRECTOR NEWHOUSE: This is an
18 unusual situation. Good morning. My name is
19 Dan Newhouse. I'm the director of agriculture
20 for Washington State and I believe my duty is
21 to welcome you folks to the state of
22 Washington. We are very proud of our state

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1 and located in the far corner of the United
2 States, but we think that we in the Pacific
3 Northwest have a very unique place to live and
4 we welcome you here and are anxious to share
5 our part of the country with you. I also want
6 to take my hat off to you for holding these
7 regional meetings. I've been standing in the
8 back of the room because there's no chairs
9 available so I think that's a great indication
10 of the kind of interest that people have in
11 being participants in your work. So I think
12 it was a great step forward and will make this
13 program even stronger.

14 Let me just say a few things about
15 Washington State. Maybe many of you have been
16 here before but if you haven't and I'll bet
17 you even if you have there's some things that
18 you don't know about the state of Washington.
19 Of course, I'm going to speak to you from an
20 agricultural perspective because that's the
21 most important thing in the world, right?
22 Being the director of agriculture I can say

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1 things like that and also because I'm a farmer
2 from eastern Washington. But Washington State
3 is, you know, we're known for a lot of
4 different things. You probably have heard of
5 a little airplane company called Boeing.
6 They've been here for a long time. Things
7 like Microsoft and Starbucks and things like
8 that are familiar icons from the state of
9 Washington. Agriculture isn't something that
10 usually pops to mind when people think of
11 Washington State. Maybe you're familiar with
12 our famous Washington apple. That's something
13 that many people know of. But did you know
14 that we can raise, and we do raise
15 commercially about 300 different kinds of
16 crops in Washington State? We can raise
17 almost anything except citrus and those kinds
18 of things. But the variety that we can raise
19 in the state is tremendous and that gives us
20 a lot of opportunities. We've got about
21 39,000 farms in the state of Washington
22 producing some of those 300 different crops.

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1 We're the third largest producer of fruits and
2 vegetables in the United States. We are also
3 - and I'm kind of proud of this - the third
4 largest exporter of agricultural products in
5 the United States, second only behind
6 California and Louisiana which is a fact not
7 too many people even in our state are aware
8 of. Our processing industry is tremendously
9 important as well. Over 40,000 people are
10 employed in agricultural processing. It's a
11 \$13 billion industry. It impacts every county
12 in our state. In fact, you're in the largest
13 ag processing county in Washington State of
14 King County. So agriculture is a tremendously
15 important industry. It's fully equal to
16 aerospace which is about 13 percent of our
17 economy. So we are very impactful for our
18 state. So it's a big deal.

19 I'm very proud of our industry
20 that we have here in Washington State. Of
21 course focused on organics. The National
22 Organic Program has been a tremendous asset to

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1 our farmers. It gives us a lot of its
2 different options, it allows us to
3 differentiate our products from others and I
4 think it gives consumers a tremendous variety
5 of choices which is very important especially
6 in this very competitive market we find
7 ourselves in and extremely thin bottom lines.
8 We need all of the help we can get. We're
9 very proud of our organic industry. I believe
10 we are second in production value in the
11 United States with over \$200 million worth of
12 production organically. So it's a big deal to
13 us. Only about I think 1 and a half percent
14 of our farmland is in organic production but
15 it accounts for over 4 percent of our farm
16 gate value in the state of Washington. So
17 there's a tremendous value to our industry.

18 Being the director of agriculture
19 let me brag a little bit about WSDA. We have
20 the largest organic program in the country.
21 We have benefitted from tremendous leadership
22 in our program, not the least of which was Mr.

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1 Miles McEvoy who actually helped start our
2 program more than 20 years ago. So thank you
3 very much, Miles, for your contributions and
4 I certainly want to say thank you to him for
5 his continued leadership at the USDA and his
6 efforts in making sure organic remains a
7 strong viable option. We are also the biggest
8 state organic certification agency. We are
9 very proud of our relationship with our
10 growers and we are working hard to improve
11 those relationships to make sure that they can
12 be as successful as possible.

13 One of my goals as the director of
14 agriculture is something that I hope is one of
15 your goals too, and that is to reconnect
16 people with the source of their food. We have
17 a tremendous challenge there. Less than I
18 think 1 percent of our population has any
19 connection with actual farming so it's a huge
20 challenge. Organics play a huge role in that.
21 Many of our urban cousins want to know where
22 their food comes from so we're enjoying a

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1 renewed interest in the source of food around
2 the country. It's no different here in
3 Washington State. So the decisions you make
4 certainly have an impact on our ability to
5 make that reconnection. And you know, that is
6 so important for a host of reasons, not only
7 for the financial success of our producers but
8 people need to understand the kinds of
9 challenges agriculture faces, whether it's
10 conventional, organic or whatever kind it is.
11 Policies need to be in place locally, at state
12 levels and national levels in order to provide
13 an environment where farmers can continue to
14 be successful. And so having that
15 reconnection will help people understand those
16 challenges and the policymakers then can make
17 the correct decisions when it comes time for
18 agricultural discussions. So it's a very
19 important thing for us to do.

20 I want to thank you folks for your
21 continued efforts to make organics mean
22 something. To continue the integrity of an

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1 organic program is very important. The
2 branding, the marketing tool that it's become
3 is key, it's essential for folks in order for
4 them to be successful. So your efforts to
5 protect that integrity are very, very
6 important. So again, I'd just like to say
7 thank you for coming to the state of
8 Washington, for holding these regional
9 meetings. Again, as evidenced by the standing
10 room only crowd there's a tremendous amount of
11 interest in what you do because it impacts
12 each and every one of us in a variety of ways.
13 I don't know what the kinds of crowds you're
14 seeing in other locations, but I would expect
15 that it would be very, very similar and we
16 encourage you to continue having these kinds
17 of discussions so that we can all participate.
18 So again, welcome to Washington State, I
19 appreciate you being here and hope you can
20 come back and spend lots of money while you're
21 here. So thank you very much.

22 (Applause)

1 CHAIR MIEDEMA: Thank you very
2 much, Director Newhouse for that warm and kind
3 welcome to the state of Washington. It is
4 three minutes before 10:00 and we are going to
5 take a 15-minute break which puts us back here
6 in this room at 12 minutes after the hour.
7 And we will start right up as soon as we have
8 quorum and 10 members seated, so we'll start
9 sharply at 10:12 and give a little bit of
10 direction and dive right into public comments.
11 Thanks, everyone.

12 (Whereupon, the foregoing matter
13 went off the record at 9:56 a.m. and resumed
14 at 10:16 a.m.)

15 CHAIR MIEDEMA: We have quorum and
16 we'll go ahead and get started. Will members
17 of the audience please be seated or feel free
18 to carry on those conversations out in the
19 back. All right, thank you everyone. We have
20 now reached the portion of our agenda that is
21 most important and that is our opportunity to
22 hear from the public. When the NOSB is

1 operating at its best we are a conduit for the
2 organic community to channel information into
3 the rulemaking and decision-making process.
4 Just a few housekeeping notes on how public
5 comment will be run. Public comments are to
6 be limited to three minutes. We will have to
7 kind of give you the hook at the 3-minute mark
8 so try to do your best to stick to that three
9 minutes. We are limiting the NOSB member
10 portion of the repartee to two minutes. And
11 I'd like to just speak hopefully for everyone
12 in the room and say that we absolutely
13 appreciate hearing from every single one of
14 you and it's very kind that so many of you
15 take a moment to thank us for our service. If
16 we could have that be an understood shared
17 appreciation then that would give you all back
18 some time at the podium and that would give us
19 back some time to ask salient questions. NOSB
20 members, I would urge you not to use our very
21 precious bit of time to say that you agree or
22 that you disagree. The purpose of that two

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1 minutes is to ask very distinct clarifying
2 questions that are on the specific material
3 that the commenter presented. We will have an
4 entire day to have our committee discussions
5 and that is really the appropriate time to
6 talk about the topics in general. So let's,
7 you know, take lots of notes on things that we
8 want to bring up on our committee presentation
9 day so that we really stick to - stick to
10 questions. The information about who is up
11 next at the podium is going to be posted on
12 the board here. Lisa Ahramjian is going to be
13 managing that for us. The first name that's
14 at the top of the list is the person speaking.
15 The next name on the list is the person who is
16 standing by. And Lisa, you have something to
17 say.

18 MS. AHRAMJIAN: Unfortunately our
19 projector bulb seems to have expired so we are
20 attempting to resolve that as quickly as
21 possible. So we will have a brief break in
22 projecting and I will just be announcing names

1 and next up if that's okay with you, Tracy,
2 until we get that fixed.

3 CHAIR MIEDEMA: Yes, that's just
4 fine. Yes, any questions from NOSB?
5 Colehour.

6 MR. BONDERA: I don't exactly
7 apologize, but as a new member I just - and it
8 seems like maybe this is a new process in
9 terms of some of the time issues. Since I'm
10 not familiar with this public comment process
11 I just would like at least for my sake and/or
12 for everybody's sake to better understand what
13 the two minutes for NOSB member discussion
14 and/or questions means in logistical terms.
15 In other words, like you said we could quickly
16 ask a direct question rather than make some
17 comments about something but does that two
18 minutes also include the public speaker's
19 response to those questions in addition to us
20 asking the question? And is that - sorry, the
21 second part of that question is is that two
22 minutes total for all NOSB members or is it

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1 per each person asking a question? So those
2 are unclear details from what you shared that
3 I don't know how to work with yet.

4 CHAIR MIEDEMA: Great questions,
5 Colehour. That two minutes needs to include
6 questions and answers, and we all need to be
7 very economical here. We might be dredging
8 back to our high school debate and coaching in
9 that regard that we put a very fine point on
10 what we're trying to say and just cut right to
11 the chase. So with - okay, another questions.
12 Katrina.

13 MS. HEINZE: And I know we talked
14 about this in the executive committee. I
15 would just ask that where appropriate we have
16 flexibility if there's still information that
17 the board is trying to gather. I get not
18 debate, but responses to questions.

19 CHAIR MIEDEMA: This will not be
20 monolithic, but it is the protocol for today
21 so let's do our absolute best to you know keep
22 the trains running on time. Lisa, will you

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1 please announce our first public speaker
2 today.

3 MS. AHRAMJIAN: It's - the
4 projector is actually working again, so. But
5 first is Meghann Quinn. On deck is Paige
6 Tomaselli and I apologize in advance for
7 butchering anyone's name.

8 MS. QUINN: All right, everyone
9 ready? My name's Meghann Quinn and I am the
10 executive director of the American Organic Hop
11 Grower Association. I'm here today to give
12 the NOSB and the NOP a quick update on organic
13 hop production. In January the AOHGA
14 distributed its first ever organic hop market
15 report and brewer survey. The report
16 presented information on the NOSB's
17 recommendation, the unsold inventory of
18 certified organic hops and current and
19 projected acreage data. In this report we
20 estimated that while 127 acres of hops were in
21 certified organic production last year, 300
22 acres are certified and available for

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1 production this year and 362 acres will be
2 certified and available for production in
3 2012. One thing I want to make clear is that
4 this additional acreage I mentioned is already
5 certified so the 3-year transition period that
6 some people are concerned with does not apply
7 to this acreage. So that shows that the
8 industry has the potential to triple in size
9 just by 2012.

10 Along with the report, we sent out
11 an informational brewer survey which gave the
12 brewers an opportunity to let the growers know
13 which varieties they demand and in approximate
14 quantities. We're very pleased with the
15 participation we received and we learned that
16 many of the hop varieties in demand by organic
17 breweries are already being produced
18 organically, such as Cascade, Centennial and
19 Magnum. Now it's just a matter of connecting
20 the supply with the demand.

21 The spring planting season has
22 already passed, but here are a few things we'd

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1 like to report. Over 50 new acres of
2 certified organic hops were planted this year
3 and many existing acres were converted to
4 varieties in demand. At least eight new
5 varieties were planted this spring including
6 Ahtanum, citrus - sorry, Chinook, Newport,
7 Perle, Simcoe, Sterling and an experimental
8 high alpha variety. These eight varieties
9 will be grown in addition to the plethora of
10 varieties that are already grown organically
11 which includes Cascade, Centennial, Fuggle,
12 Golding, Magnum, Nugget, Palisade, Summit and
13 Willamette just to name a few.

14 The last thing I want to reiterate
15 is the importance of communication and
16 contracting between grower and brewer.
17 Although the industry has the potential to
18 triple in size before January 1, 2013, it
19 won't without market information being
20 supplied to the growers by the brewers. The
21 only way for the brewers to ensure access to
22 the desired varieties in the proper quantities

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1 is through contracting. We ask that all the
2 certifiers be sure to remind the breweries
3 that they work with of the importance of
4 contracting for their organic hop needs and to
5 make sure the breweries fully understand what
6 this rule change will mean for them. Like
7 we've said before, it's not economically
8 feasible for growers to plant hops solely
9 based on speculation. The dialogue needs to
10 begin now to ensure the desired varieties and
11 quantities are available on January 1, 2013.

12 So lastly we just want to commend
13 the NOSB for recommending the removal of hops
14 from the national list. Although there's
15 still room for improvement your recommendation
16 is already leading to a healthier and more
17 efficient industry.

18 CHAIR MIEDEMA: Thank you. Any
19 questions for Meghann? Jay.

20 MR. FELDMAN: Thank you, and thank
21 you Meghann for all the work you did leading
22 up to this. I would just like to know if you

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1 could distill for us what the learning
2 experience was in terms of impacting future
3 decisions on shifting synthetics out of
4 organic as a result of commercialization of
5 the organic form. And are there any sort of
6 structural changes, process changes that would
7 have made it easier for the farmers you
8 represent to have made this process smoother
9 and apply it more broadly to other processes
10 in the future?

11 MS. QUINN: You mean the NOSB
12 process? I guess I would just say - I mean
13 the more open the process could have been, the
14 more transparent it all could have been would
15 have made it a lot easier on our end over the
16 last couple of years. Really, it's a very
17 complicated process and so I think that would
18 have helped. Did that answer your question?

19 MR. FELDMAN: Yes.

20 CHAIR MIEDEMA: Any other
21 questions? Thank you, Meghann.

22 MS. QUINN: Thanks.

1 CHAIR MIEDEMA: Next up is Paige
2 Tomaselli and standing by is Urvashi Rangan.

3 MS. TOMASELLI: Good morning. My
4 name is Paige Tomaselli and I'm a staff
5 attorney at the Center for Food Safety which
6 is a non-profit organization working to
7 protect human health and the environment by
8 curbing the proliferation of harmful food
9 production technologies and promoting organic
10 and other forms of sustainable agriculture.
11 Our true food network members include over
12 200,000 people across the country who support
13 organic food and farming, grow organic food
14 and regularly purchase organic products. It
15 is essential that the NOSB function in an open
16 and publicly transparent manner regardless of
17 who is on the board or what institution they
18 represent. This maximizes its effectiveness
19 as a respected NOP advisory board. As such,
20 NOSB members who have a financial stake in an
21 issue on the agenda must fully disclose their
22 interest prior to its being discussed and

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1 again prior to its being voted on by the full
2 board. CFS urges NOSB to support the National
3 Organic Coalition's conflict of interest
4 recommendation.

5 CFS supports the Materials
6 Committee recommendation to sunset
7 streptomycin and deny the petition to remove
8 tetracycline sunset date. Antibiotics are
9 prohibited in organic animal agriculture and
10 we believe it's crucial that the same
11 prohibition apply to produce, especially with
12 the antibiotic resistance epidemic this
13 country now faces. Consumers view organic as
14 a healthy alternative to the many highly
15 processed foods on the market today, many of
16 which contain synthetic additives,
17 preservatives, hormones and dyes. They
18 certainly do not expect the use of antibiotics
19 in organic apple and pear production. After
20 10 years of use in organic it's time to remove
21 them from the national list. We urge you to
22 vote against allowing the extension of

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1 antibiotics in organic.

2 CFS strongly believes that corn-
3 steep liquor should be considered a synthetic
4 substance under the organic rules. The
5 addition of the synthetic chemical sulfur
6 dioxide stimulates the desired chemical change
7 in the countercurrent wet milling process of
8 CSL and renders the final product a synthetic.
9 We support the minority report's conclusion
10 that corn steep liquor clearly meets OFPA's
11 definition of synthetic.

12 CFS does not support the animal
13 welfare recommendations as they do not promote
14 animal welfare. To meet consumer expectations
15 animals must be well fed, healthy, have true
16 access to the outdoors and be raised in an
17 environment that allows them to engage in
18 natural behaviors. This will minimize if not
19 eliminate the need for physical alterations
20 and other inhumane practices currently used to
21 curb aggression in animals. In our detailed
22 written comments CFS provides many

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1 recommendations to improve the draft board
2 recommendations. Most importantly,
3 instituting training programs for animal
4 handlers that perform physical alterations to
5 animals, increasing the stocking rates for
6 animals - for instance, the current
7 regulations allow some chickens to be raised
8 in an area little more than the size of this
9 piece of paper. This is unacceptable. This
10 does not provide enough space for a bird to
11 turn around, let alone spread its wings.
12 Finally, prioritizing enforcement for all
13 welfare standards is crucial. CFS has brought
14 copies of the book Capo for all of the
15 National Organic Standards Board members and
16 we will distribute them to you this week.

17 CHAIR MIEDEMA: Paige?

18 MS. TOMASELLI: Yes.

19 CHAIR MIEDEMA: Your three minutes
20 is up.

21 MS. TOMASELLI: Oh, that was the
22 last thing I was going to say. We brought

1 books for you as a gift.

2 CHAIR MIEDEMA: Thank you. Any
3 questions for Paige Tomaselli? Thank you.

4 MS. TOMASELLI: Thank you.

5 CHAIR MIEDEMA: Next up is Urvashi
6 Rangan.

7 MS. RANGAN: Good morning,
8 everybody.

9 CHAIR MIEDEMA: Oh, excuse me,
10 Urvashi. Standing by is Sam Earnshaw. Excuse
11 me, Urvashi, go ahead.

12 MS. RANGAN: No problem. Good
13 morning. My name's Urvashi Rangan, I'm the
14 director of technical policy at Consumers
15 Union. We publish Consumer Reports magazine.
16 I'm a toxicologist. We'd like to extend our
17 welcome to the new board members. We're very
18 excited to have you on the board and I'm going
19 to dive right in. We've been to a lot of
20 these meetings and I want to just start with
21 a couple of top overarching things. This
22 job's board while I appreciate the

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1 clarification that the NOP provided that it is
2 to review materials including synthetic
3 substances, it's also to ensure that within
4 that review consistency of standards and
5 integrity of those standards is maintained
6 over time. We have some concerns in many
7 deliberations that that is not happening
8 especially when it comes to materials review
9 by this board and we want to discuss that a
10 little bit.

11 We think that materials review
12 needs to have a scientific basis to it so that
13 it can be applied in a consistent fashion. We
14 feel that the deliberations on corn steep
15 liquor have been anything but that. They are
16 not scientific discussions. And when we
17 review the science behind anything we are
18 looking for the independent science behind
19 that, and we rely on that at Consumer Reports
20 in order to inform our decisions. The science
21 that has underwritten the majority opinion
22 deeming corn steep liquor as a non-synthetic

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1 is simply biased scientific opinion. It is
2 not based on the independent scientific
3 opinion that is highlighted in the minority
4 opinion. The fact that you use a synthetic
5 substance and you get a chemical change means
6 that you have a synthetic ingredient.

7 The fact that this board's had so
8 much trouble classifying that ingredient gives
9 us at Consumers Union a lot of pause and we
10 are really concerned about the deliberations
11 that have been taking place. As a result we
12 are here to inform you all that we want to
13 educate the public on the deliberations going
14 on with this board and as such, after each of
15 these meetings we will be providing more
16 enhanced dissemination to the public about how
17 the board - how the board is voting on these
18 issues, not just as a board but by individuals
19 on the board. And for that I'd like to echo
20 the sentiments generated by the National
21 Organic Coalition and the Center for Food
22 Safety on disclosure of conflicts of interest

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1 in making decisions on the board. The public
2 needs to know that these decisions are being
3 made in the most non-biased fashion possible.

4 Diving into the rest of the
5 issues. In terms of the nutrient supplements
6 it's a little confusing for the public to have
7 this topic be off-deck, on-deck, off-deck. I
8 think it's fine if these are essential
9 nutrients looking as what we had before, that
10 seems fine to Consumers Union. I would just
11 caution though that a lot of those substances
12 are synthetic and if there are natural
13 alternatives available or more organic ones
14 available those incentives should be created
15 over time. So if there's a way to ask for
16 that allowance we would appreciate that.
17 We've made extensive -

18 CHAIR MIEDEMA: Thank you,
19 Urvashi.

20 MS. RANGAN: - in the written
21 comments. Thank you.

22 CHAIR MIEDEMA: Any questions for

1 Ms. Rangan?

2 MS. RANGAN: Thank you.

3 CHAIR MIEDEMA: Thank you. Next
4 up is Sam Earnshaw and standing by is Joanna
5 Kappel.

6 MR. EARNSHAW: Hello. My name is
7 Sam Earnshaw. I work for the Community
8 Alliance with Family Farmers, a California
9 non-profit. With my wife we farm 10 acres of
10 organic vegetables in Santa Cruz County for
11 over 10 years. I'm here to speak to the issue
12 of biodiversity in organic farming. As you
13 know, in 2009 the NOSB recommended to the
14 National Organic Program that biodiversity
15 conservation be fully implemented in the
16 organic system plan, such implementation
17 requiring action by farmers, inspectors,
18 certifiers and trainers. We all know there's
19 a global biodiversity crisis and agriculture
20 with its large footprint on the land has the
21 capability of mitigating this crisis by
22 providing an actual land base to increase

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1 biodiversity. This does not mean taking
2 farmland out of production. Every farm has
3 non-cropped areas where hedgerows, wind
4 breaks, the grassed waterways, filter strips
5 and - can be planted.

6 Increasing biodiversity equally
7 contributes to the health and resilience in
8 many well-documented and scientifically
9 studied ways. Since 1996 we have installed
10 over 200 miles of hedgerows, wind breaks,
11 grassed waterways and filter strips on farms.
12 In conjunction with these plantings we have
13 conducted biodiversity farm plans with over 50
14 farmers and they all are very positive and
15 interested and excited about how their farms
16 were and could be part of larger local and
17 regional ecosystems and equally how their
18 farms would benefit from increasing
19 biodiversity. I have many stories to tell
20 about how farmers have sometimes joyously
21 reacted to the addition of this biodiversity
22 to their farms and to their lives. Habitat

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1 brings beneficial insects, pollinators,
2 insect-eating birds, rodent-eating snakes,
3 coyotes and raptors, not to mention a more
4 diversified landscape that protects soil,
5 water and air resources. While the food
6 safety issue has presented challenges of
7 perception, scientific studies are showing
8 that conservation plantings can filter and
9 neutralize air and water-borne pathogens and
10 thus lead to a healthier and more safe
11 environment not provided by sterile, scorched-
12 earth farmscapes. Additionally, consumers
13 expect organic farming to have biodiversity
14 and expect what is in the rule to be
15 implemented.

16 So in conclusion we have seen
17 farmers be positive and enthusiastic about
18 incorporating biodiversity into their systems
19 and we encourage you, the NOSB, to keep the
20 implementation of biodiversity conservation as
21 a priority issue. You are welcome to contact
22 me through the CAFF website, caff.org, if you

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1 have any - if you need any further information
2 or inputs. Thank you.

3 CHAIR MIEDEMA: Thank you, Mr.
4 Earnshaw. Any questions? Is Joanna Kappele
5 in the galley? Okay. Next up - excuse me,
6 Lisa?

7 MS. AHRAMJIAN: I just want to
8 remind everyone that when the person before
9 you is speaking please come up and sit next to
10 me so that we reduce time between comments.
11 Thank you.

12 CHAIR MIEDEMA: Next at the podium
13 then is Will Fantle and standing by is Deborah
14 Carter. Please proceed, Mr. Fantle.

15 MR. FANTLE: My name is Will
16 Fantle. I am the co-director of the
17 Cornucopia Institute. We're based in
18 Wisconsin. We have a national membership
19 consisting primarily of farmers, most of those
20 being organic farmers and their consumer
21 allies that support them in their activities.
22 First, I just have to say I'm a little bit

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1 disappointed and distressed by the reductions
2 in time that's being allotted and provided to
3 everyone. You've heard people speed up their
4 testimony to try and get it in. I'm sure you
5 find that helping you comprehend what's being
6 said. I think it's important that the board
7 receive meaningful testimony and I'm not going
8 to suggest that I'm the only one or would be
9 one of those presenting that. I think all the
10 public has the ability to do that. I'd like
11 to see you have time to digest and factor that
12 in.

13 That said I want to go first to
14 salmonella and the poultry issue. I want to
15 address the regulation that was released by
16 the FDA as it pertains to poultry. And in
17 that regulation which was published in the
18 Federal Register and we will be providing that
19 particular citation to you. I don't have the
20 full text with me. The preamble says
21 referring to stray animals, the potential to
22 infect poultry operations, "Therefore, in the

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1 final rule we have changed the requirement for
2 stray animals so that it applies only to
3 poultry houses rather than the entire
4 grounds." Important distinction. I think
5 that's very important for the discussion that
6 you're going to be having on the poultry
7 issue, particularly as some of the larger
8 growers as we suspect will try to use that
9 rule to argue against outdoor access for
10 poultry.

11 Secondly, I want to talk about
12 briefly the rule change or the change that we
13 suggested to the NOP and to you for
14 mislabeling of products that has occurred in
15 the marketplace. We in particular looked at
16 one product this year that we found multiple
17 instances of retail establishments still
18 selling this product labeled on their shelves
19 as organic. It was no longer organic, hadn't
20 been for several years. We are suggesting
21 that a UPC bar code change be mandated and
22 required for product manufacturers when they

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1 exit the organic business so that retailers
2 are alerted to that. It's not up to the
3 retailer to figure that out, it's up to the
4 product manufacturer to make that clear to
5 retailers. This will ensure consumer
6 confidence when they go into stores that
7 they're purchasing a product that is truly
8 organic and not something that is pretending
9 to be organic.

10 Third thing I want to comment on
11 is the analysis that we have done which I
12 provided to you which has been passed around
13 of the large volume of public comments that
14 were received in advance of this meeting. It
15 caused the Handling Committee to pull the
16 nutrients recommendation from the agenda and -

17
18 CHAIR MIEDEMA: Mr. Fantle, that's
19 three minutes. Thank you.

20 MR. FANTLE: Okay. Please review
21 this.

22 CHAIR MIEDEMA: Does anyone have a

1 question for Mr. Fantle? Katrina?

2 MS. HEINZE: I was reading what
3 you had handed us as you were talking. Am I
4 understanding correctly that you would support
5 re-listing of nutrient vitamins and minerals
6 as it is on the list right now?

7 MR. FANTLE: Well, we are
8 interested in potentially exploring options
9 that may include an annotation and I'm going
10 to defer that question to be answered by one
11 of our staff members who will be testifying
12 later. She has been addressing and
13 researching this issue.

14 CHAIR MIEDEMA: Jay?

15 MR. FELDMAN: Will, I wanted to
16 ask you to comment on something Urvashi Rangan
17 said about the availability of non-synthetic
18 forms of any of these nutrients or vitamins.
19 As far as I can tell the proposal before us
20 doesn't differentiate between synthetic and
21 non-synthetic. Are you - do you concur with
22 her comment? Do you have any thoughts on

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1 that?

2 MR. FANTLE: Well, we clearly
3 think that synthetics need to be reviewed.
4 And in particular, the one material that we
5 have been talking so much about, one approved
6 synthetic that we suggest is - and know is in
7 some organic products. These are the types of
8 concerns we have that we want you and the NOP
9 to look closely at these materials to assure
10 and verify that they are appropriate for use
11 in organics.

12 MR. FELDMAN: Just a follow-up.
13 In the case where we're depending on these
14 citations, fortification rules that FDA has
15 established, FDA doesn't distinguish between
16 synthetic and non-synthetic. In those
17 categories do you think the board should be
18 distinguishing?

19 MR. FANTLE: And again I'm going
20 to defer that to our staff member who will be
21 coming up later who was looking at that list
22 and - last night in advance of this meeting.

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1 CHAIR MIEDEMA: Thank you, Mr.
2 Fantle. And all NOSB members, please make
3 sure you wait to be recognized before asking
4 any follow-up questions, just so that we give
5 everybody a chance. Next up. Lisa, may I see
6 the list? We won't count this on your time.

7 MS. CARTER: Thank you.

8 CHAIR MIEDEMA: Next up is Deborah
9 Carter. Standing by is Leika Suzumura.

10 MS. CARTER: I'm Deborah Carter,
11 Northwest Horticultural Council of Yakima,
12 Washington and I represent about a thousand
13 organic growers and shippers of apples and
14 pears from California, Idaho, Oregon, New York
15 and Washington. And they're a part of about
16 15 different fruit organizations, including
17 U.S. Apple Association which is a national
18 organization representing 40 states. The five
19 states that I mentioned are about 93 percent
20 of the pounds of organic apples and 94 percent
21 of the organic pears grown in the United
22 States.

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1 I just want to make three quick
2 points. Number one, the decision to remove
3 tetracycline from the organic list has put the
4 new variety apples and pears, all variety of
5 pears in jeopardy. Antibiotics do not end up
6 in the fruit and fire blight does not affect
7 just one tree. If unchecked it will destroy
8 an entire orchard and you'll see that in these
9 pictures. I wish it was clearer for you
10 because you'll see hundreds of acres that are
11 burned from fire blight. It's been suggested
12 that the industry should use fire blight-
13 resistant root stocks. Well, they're not
14 commercially available, nor are they the
15 immediate answer. Resistance does not mean
16 that it will stop fire blight. There's
17 millions of dollars that have gone into the
18 research by the industry and the USDA over 20
19 years and there hasn't been a commercial root
20 stock produced. In an economy that we're
21 having now we would not want to wait four to
22 seven years to get a paycheck and that's

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1 what's going to happen if some of these
2 organic growers have to do without
3 tetracycline. If it is a severe fire blight
4 year, if there's a severe strike, organic
5 orchards will likely have to go commercial and
6 save their livelihood.

7 The second point I want to make is
8 that research is not - has not identified a
9 commercially viable alternative to
10 oxytetracycline after working on fire blight
11 for over 20 years. You're going to hear later
12 on today from researchers who have the most
13 experience in fire blight throughout the
14 country and they can scientifically verify
15 that there are not any commercially available
16 alternatives. And what's important about it
17 is that conventional and organic growers have
18 paid for research in the area to treat fire
19 blight and nothing has been identified in 20
20 years. And finally what I want to tell you is
21 that there is not a viable alternative to
22 oxytetracycline that is commercially available

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1 to control fire blight. The science has
2 spoken, the grower industry has spoken,
3 oxytetracycline is required to treat fire
4 blight. Antibiotics to treat fire blight are
5 only used under high risk, high fire blight
6 conditions. They're not used carelessly or
7 without forethought and organic growers are
8 intelligent, thoughtful of their environment
9 and careful with their resources. So
10 therefore we request the NOSB remove the
11 expiration date from tetracycline and
12 reinstate to the product - to the national
13 list. Thank you.

14 CHAIR MIEDEMA: Thank you,
15 Deborah. I have a question. What does fire
16 blight do to organic apple and pear trees?

17 MS. CARTER: It's not just
18 organic, it's conventional and organic pears.
19 It's an infection. It gets into the flower,
20 actually gets into the flower of the tree and
21 will actually - it's a systemic bacteria and
22 will actually go all the way through the tree

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1 and will kill the entire tree. And if you saw
2 some of those pictures it'll start at the top
3 where the infection takes place and it'll work
4 its way through the branches all the way into
5 the tree. It'll totally kill the entire
6 orchard. And you'll see two, three, four
7 hundred acres of orchards that are dead from
8 fire blight.

9 CHAIR MIEDEMA: Thank you. Jay
10 Feldman?

11 MR. FELDMAN: Thank you.

12 MS. CARTER: Yes.

13 MR. FELDMAN: And know that I
14 think everybody on this board wants to find a
15 solution to this.

16 MS. CARTER: Absolutely.

17 MR. FELDMAN: I - my question goes
18 to the use of streptomycin. Why is
19 streptomycin no longer used in the Northwest?
20 What happened to that use as an effective
21 tool, I understand, for fire blight control?

22 MS. CARTER: Not as a researcher,

1 but I'm going to leave that - defer that to
2 one of the researchers, but I can tell you
3 that many chemicals become resistant to a
4 variety of pests and that's what's happened
5 with streptomycin. It has become resistant.

6 CHAIR MIEDEMA: Nick Maravell?

7 MR. MARAVELL: Yes, I had a
8 question.

9 MS. CARTER: Yes.

10 MR. MARAVELL: Yes, I was
11 wondering if you had a little bit more
12 detailed information about the research that
13 has been conducted over the past 20 years and
14 how much has been spent on it from the various
15 sectors that are involved in this question.
16 And if you don't have that right available you
17 can supply it later.

18 MS. CARTER: I don't have that
19 available, but there are two researchers
20 coming on later who have been working 20 years
21 with fire blight. They will have that
22 information for you. Thank you.

1 MR. MARAVELL: Thank you.

2 CHAIR MIEDEMA: Thank you, Ms.
3 Carter. Next up is Leika Suzumura. And my
4 apologies in advance to any of you I
5 mispronounce your name. Is Leika Suzumura in
6 the room?

7 MS. CAUGHLIN: She is not and I
8 believe there was a mixup in terms of her
9 understanding of when she was scheduled, but
10 I'll have to see if I can -

11 CHAIR MIEDEMA: We can make
12 accommodations if there was a mixup. Next up
13 would be Robin Shurtleff. Next up, David
14 Bruce. And standing by is Buzz Hoffard.

15 MR. BRUCE: All right, thanks for
16 this opportunity. My name is David Bruce and
17 I work for Crop Cooperative where we market
18 eggs for 78 farmers from Organic Valley
19 ranging in size of flocks from 650 to 16,000.
20 We've always been strong supporters of
21 meaningful outdoor access for poultry. Our
22 policy from the beginning of our program in

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1 1994 has been 5 square feet outdoors per bird
2 in the Midwest and the East. In the West
3 we've modified our proposal and gone with the
4 NOP standard because other elements of the
5 housing out there and the conditions provide
6 for excellent animal welfare.

7 We've been at the table for this
8 discussion on organic poultry outdoor access
9 since 1993. We understand the complexities of
10 disease risk, environmental impact and manure
11 management. Just as the ruminant pasture
12 standard illustrates, there's no one-size-
13 fits-all solution, and yet certainly there's
14 a minimum threshold for all organic egg
15 producers so that we can differentiate organic
16 eggs in the marketplace. We believe outdoor
17 access for laying hens means outside on the
18 ground scratching and pecking.

19 That being said we feel strongly
20 that the current animal welfare proposal from
21 the Livestock Committee contains language that
22 is far too prescriptive. The paperwork burden

1 on organic farmers today has already gone too
2 great. Some certification forms are
3 approaching 60 pages. The proposal on the
4 table from the Livestock Committee sets a
5 precedent we're not comfortable with with
6 again much too detailed information
7 requirements that further lead to constraints
8 on farmers so that they can't make the choices
9 in daily management that they need to. We
10 encourage the withdrawal of the current
11 Livestock Committee proposal in consultation
12 with farmers, scientists and the human animal
13 welfare community in order to develop
14 standards that reflect the realities of
15 production agriculture while holding the
16 highest organic integrity as our constant
17 goal. Particularly in light of the FDA's
18 salmonella control guidelines that will
19 require further clarity on how to maintain
20 food safety controls in the context of organic
21 management systems, we would ask an advisory
22 group of organic egg producers work hand-in-

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1 hand with the NOSB, the NOP and the FDA.
2 Scientists and all - and experienced organic
3 egg producers can work cooperatively together
4 to carefully develop language that will
5 provide a stable platform going forward.
6 Thank you.

7 CHAIR MIEDEMA: Thank you very
8 much, Mr. Bruce. Any questions? Joe Dickson.

9 MR. DICKSON: Hey. You mentioned
10 that the Livestock recommendation was far too
11 prescriptive and I'm just curious are there
12 specific parts of it that you feel are too
13 prescriptive? Is it about the specific
14 stocking densities, or are there other issues
15 you have?

16 MR. BRUCE: Stocking densities in
17 particular, yes.

18 MR. DICKSON: Thank you.

19 CHAIR MIEDEMA: Any other
20 questions? Thank you. Next up, Buzz Hoffard
21 and standing by is Don Gibson.

22 MR. HOFFARD: Is it too late for a

1 visual?

2 CHAIR MIEDEMA: Let's go ahead and
3 switch their order if you don't mind, if you
4 have something that needs to be loaded.

5 MR. HOFFARD: Sure.

6 CHAIR MIEDEMA: Okay. Mr. Gibson,
7 would you be ready to go ahead and switch
8 places with Mr. Hoffard? You have a slide?
9 Okay. Folks, if you have materials that need
10 to be loaded to a computer please bring those
11 to Lisa at the next break or kind of creep up
12 here and do that, please. And in the meantime
13 I'd like to go ahead even one more person.
14 Can - Lisa, can you put the list back up?

15 MS. AHRAMJIAN: After Don Gibson
16 was Patrick Leavy.

17 CHAIR MIEDEMA: Patrick Leavy, are
18 you ready? Okay. Patrick Leavy is going to
19 go ahead and come on up to the podium while
20 the two gentlemen - okay. Come on up. You
21 can stand by.

22 MR. GIBSON: I believe it was

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1 scheduled for 11:20.

2 CHAIR MIEDEMA: Yes, and for
3 everyone in the gallery here, we're doing our
4 best to be precise but please know that your
5 comment can run in a pretty big window of when
6 you were confirmed.

7 MR. GIBSON: Perfect.

8 CHAIR MIEDEMA: Thank you. Okay,
9 so just to make sure we know who we're
10 speaking with please do introduce yourself so
11 we have it on the record.

12 MR. GIBSON: Okay. My name is Don
13 Gibson. I'm here to request that the board
14 remove the expiration date from tetracycline
15 and reinstate it on the product - reinstate
16 this product on the national list. Next
17 slide, please.

18 I'm an orchardist, an owner of a
19 pear orchard north of White Salmon, along the
20 White Salmon River. We've been farming 168
21 acres of organic pears since about 1998. I
22 believe it's about - that includes the three

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1 years of transition. Our company has been
2 sustainably farming the same orchard since the
3 1940s. Next slide, please. Many of our trees
4 are over a hundred years old. The orchard was
5 originally planted in 1905 through 1907. The
6 trees here in this picture are over a hundred
7 years old. Next slide, please. Our
8 environment is unique. As the pictures show,
9 which will be the next slide, we're surrounded
10 by fir trees and forest. It is a wet
11 environment. It is humid. It is one of the
12 reasons that we can grow the quality of pears
13 that store well and don't have calcium
14 deficiencies and other disorders is because of
15 the Hood River and White Salmon districts have
16 some climatic advantages. But one of the
17 disadvantages is our susceptibility to fire
18 blight. Next slide. In 1987 we were using
19 streptomycin, only streptomycin and we lost
20 over one-third of our acreage to fire blight
21 infection. I don't know if you can see there
22 but there's some major areas that were pulled

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1 out and as a result - next slide please - just
2 a little bit of information.

3 Every 10 acres of organic pear
4 production equals a full-time job. That's
5 about 17 jobs in our local economy related to
6 the organic production. The cost to replace
7 a Bartlett pear orchard is now estimated to be
8 over \$28,000 per acre. That's per the WSU
9 2010 cost study. It takes seven to eight
10 years for a modern pear orchard to reach full
11 production and profitability. Next slide. We
12 have new yeasts to control fire blight being
13 tested that are promising. However, we cannot
14 put at risk our \$28,000 per acre investment in
15 the interim. We rely on tetracycline for
16 consistent fire blight control. Next slide.
17 Without the use of tetracycline we do not plan
18 to farm organically in 2012. The risk of tree
19 loss is simply too great. Again, a request
20 that the board remove the expiration date for
21 tetracycline and reinstate this product on the
22 national list. Yes, sir?

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1 CHAIR MIEDEMA: Excuse me. Does
2 anyone have any questions? Nick.

3 MR. GIBSON: Shoot.

4 MR. MARAVELL: Yes. What other
5 crops, if any, do you produce or is it all in
6 pears so this would affect your entire -

7 MR. GIBSON: Cherries, apples and
8 pears. It would also affect our apple trees
9 as well. But pears are our biggest concern.

10 MR. MARAVELL: Thank you.

11 CHAIR MIEDEMA: Jay Feldman.

12 MR. FELDMAN: Thank you. You
13 became certified in 1998 or started
14 transitioning?

15 MR. GIBSON: I think transitioned
16 about '98.

17 MR. FELDMAN: And this, the fire
18 blight that wiped you out was before that
19 transition, right? 1987?

20 MR. GIBSON: It was conventional
21 use but we were using streptomycin at the
22 time.

1 MR. FELDMAN: Okay. In that time
2 frame how many new trees have you planted, do
3 you figure, out of your orchard? What
4 percentage?

5 MR. GIBSON: In the organic area,
6 I would guess that with our tetracycline
7 control it's been very few. Most of that
8 orchard is older orchard but we are - we do
9 have younger, new trees which are more
10 susceptible.

11 MR. FELDMAN: I was going to ask
12 you do - I'm sorry. Can I ask these follow-
13 ups?

14 CHAIR MIEDEMA: Please proceed.

15 MR. FELDMAN: Thank you. I was
16 going to ask you if you saw a difference
17 between the younger trees and the older trees
18 in terms of susceptibility.

19 MR. GIBSON: Absolutely. Every
20 growth union from one year to the next create
21 a barrier of sorts. So a one-year-old tree is
22 more susceptible than a two-year-old tree and

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1 subsequently.

2 MR. FELDMAN: Thank you.

3 CHAIR MIEDEMA: Any other
4 questions from the NOSB? Thank you very much.

5 MR. GIBSON: Thank you.

6 CHAIR MIEDEMA: Okay, next up is
7 Buzz Hoffard. And Patrick Leavy is standing
8 by.

9 MR. HOFFARD: Good morning. My
10 name is Buzz Hoffard. I'm speaking as a
11 trustee for PCC Natural Markets, a certified
12 organic chain of nine stores here in the Puget
13 Sound area and the largest consumer-owned
14 natural foods co-op in the country. In
15 addition to representing 47,000 active members
16 we also serve more than 100,000 customers a
17 week. As leaders of Salmon Nation we ask you
18 to revise your previous recommendations for
19 organic aquiculture, prohibit certification of
20 carnivorous migratory species and limit
21 certification to closed land-based systems
22 with vegetarian diets. Fish that spend their

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1 lives in floating ocean feed lots suffer
2 unhealthy conditions just like cattle in CAFOs
3 and chickens in battery cages. Most ocean
4 fish have strong instinctual drives. Wild
5 salmon migrate thousands of miles before
6 returning to the streams of their birth.
7 Confining these fish in cages prevents them
8 from exercising their natural behaviors,
9 violating a core organic principle. Organic
10 standards also prohibit antibiotics, yet
11 aquiculture today consumes more antibiotics
12 per pound than any other feed lot industry.
13 CAFOs at sea are no healthier than those on
14 land. The board's recommendation would
15 encourage aquiculture to continue harvesting
16 enormous volumes of wild fish for feed. This
17 practice is both ecologically unsustainable
18 and unhealthy for consumers. Feed pellets
19 made of wild fish contain high concentrations
20 of PCBs, dioxins and other contaminants which
21 are then passed on to consumers. These
22 chemical contaminants further violate organic

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1 principles.

2 Floating feed lots violate the
3 organic principle of protecting the natural
4 environment by annually flushing millions of
5 pounds of unfiltered fish waste directly into
6 surrounding marine environments. Salmon farms
7 expose wild salmon to diseases and parasites,
8 threatening their survival. Every year
9 scientists report elevated levels of sea lice
10 on wild juvenile salmon near salmon farms
11 resulting in declining populations of wild
12 native species. Native fish like our prized
13 wild salmon already struggle for survival
14 against ever-increasing environmental threats.
15 Fish farms threaten the long-term viability of
16 these populations. We strongly encourage you
17 to prohibit certifying migratory carnivorous
18 fish and limit certification to fish raised in
19 closed land-based systems with vegetarian
20 diets. Thank you very much.

21 CHAIR MIEDEMA: Thank you, Mr.
22 Hoffard. Any questions? Next up is Mr.

1 Leavy. Standing by is Charlotte Vallaeys.

2 MR. LEAVY: Thank you. My name is
3 Pat Leavy and I'm with the American Organic
4 Hop Growers Association. Just wanted to make
5 a quick comment that I appreciate the comment
6 period and I know that the hop growers
7 benefitted greatly from that system and would
8 hope that physically you guys can withstand
9 that system. As far as the openness that Jay,
10 you mentioned the question, I think it is
11 critical that things are done in the open. I
12 think it helps everybody to understand the
13 decisions and it also helps you improve your
14 position if something didn't go your way. You
15 would understand why and what the industry or
16 what somebody would need to do. I agree that
17 - I think Jay alluded a little bit to I think
18 subcommittee minutes should be available to
19 the public. I think that's also critical to
20 the process.

21 One other thing as far as when you
22 do file a petition and it has an impact on

1 business which I think most of this ultimately
2 that your decisions, many have impacts,
3 economic impacts on businesses. And in this
4 process with hops of talking about the supply
5 and all that, of course there are people who
6 disagree with you. So many times I think the
7 petitioners - to remove especially - do have
8 some blowback in the marketplace. There are
9 people who are not happy with me because of
10 what I was involved with. So I appreciate the
11 time and I know that it's difficult to do all
12 this, to create the letter of the law that
13 handles all situations. Thank you.

14 CHAIR MIEDEMA: Any questions for
15 Patrick Leavy? Okay. Next up is Charlotte
16 Vallaeys and standing by is Leika Suzumura.

17 MS. VALLAEYS: Good morning. My
18 name is Charlotte Vallaeys. I'm director of
19 farm and food policy at the Cornucopia
20 Institute. I would like to comment about
21 nutrient vitamins and minerals. We do
22 encourage the board to re-list nutrient

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1 vitamins and minerals. We do, however, feel
2 that a very specific annotation is necessary
3 so that certifiers know exactly what falls
4 under this - this - the rule. And therefore
5 we have suggested the following annotation.
6 Vitamins and essential minerals restricted to
7 vitamins identified in 21 CFR 107.100 and
8 essential minerals identified in 21 CFR
9 101.9(c)(8)(4). So these are specific tables
10 that list specific minerals and vitamins so
11 that everybody can be on the same page about
12 what can be in organics. We also suggest
13 adding in nutrients that are required in
14 infant formula limited to those under 21 CFR
15 107.100(a). So again, that would ensure that
16 an organic infant formula has all of the
17 nutrients that are required by the FDA to be
18 in infant formula.

19 We are very concerned with the
20 lack of enforcement. Currently there are
21 products on market shelves that have the
22 organic label containing substances that have

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1 never been reviewed by the board and approved,
2 and that's a serious concern for the organic
3 integrity and consumer trust in the organic
4 label. They expect when they buy something
5 with the label that it - that everything in
6 there has been - if it's synthetic has been
7 reviewed and approved. There is nothing in
8 the law that protects people who are violating
9 the organic standards from being protected
10 from enforcement action. So we urge immediate
11 enforcement action, especially given the FDA
12 clarification letter which makes it very clear
13 that the current rule can be enforced.

14 Finally, I'd like to address the
15 Martec petition to add DHA and ARA. This is
16 a perfect example of a substance that needs to
17 be reviewed before it is put in organics. We
18 have serious concerns. We urge the Handling
19 Committee and the board to look at the adverse
20 reaction reports that have been filed with the
21 FDA. There are consumers, in this case
22 babies, who get sick from consuming these.

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1 That's a serious concern and needs to be
2 addressed. There are alternatives to these
3 substances. They don't have to be these novel
4 algae that are very highly processed.

5 And last we - I'll just end it
6 right here.

7 CHAIR MIEDEMA: Thank you, Ms.
8 Vallaeys. Any questions? Katrina.

9 MS. HEINZE: I wanted to get your
10 perspective. One of the things that the
11 Handling Committee has discussed is the fact
12 that we posted that we weren't going to vote
13 on nutrient vitamins and minerals and
14 obviously transparency is a really important
15 goal of ours. We did that because at the time
16 we were under the impression that there would
17 be enough time if we voted in November. So as
18 an advocate for consumers what are your
19 thoughts if we did vote at this meeting to re-
20 list and then what would be your thoughts if
21 we voted with an annotation such as the one
22 that you proposed? I think we're very

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1 concerned about making sure that we do the
2 process right so that we are transparent. So
3 I thought as a consumer advocate you could
4 perhaps give us your perspective on that.

5 MS. VALLAEYS: Right. So, we
6 would support re-listing with the current
7 annotation because given the FDA clarification
8 letter that has come in it's very clear in
9 there that, for example, DHA and ARA are not
10 essential nutrients covered under 104.20. So
11 given that letter by the FDA we would support
12 re-listing and then - but we would expect
13 enforcement action. That's the missing key.
14 I mean, that's the missing part of this is
15 that there is no enforcement action. And we
16 would also support re-listing with the
17 annotation that I read which is another very
18 clear example of a list by the FDA of
19 essential nutrient vitamins and minerals.
20 Does that answer your question?

21 CHAIR MIEDEMA: I'm going to take
22 Jay Feldman's question next.

1 MR. FELDMAN: Thank you. Again, a
2 follow-up. Urvashi Rangan mentioned that
3 there should be some considerations as to the
4 source of the nutrient or the vitamin, and if
5 organic or non-synthetic forms were available
6 they should be considered. Are you concerned
7 that if we simply cite in an annotation a CFR
8 notice that we would then escape or we would
9 waive the responsibility to evaluate the
10 availability of non-synthetic forms?

11 MS. VALLAEYS: Yes, I mean that's
12 certainly a concern. We would expect
13 processors to look for natural sources, but
14 given that it is a very restricted list, just
15 vitamins and minerals, it doesn't open the
16 door to other sources, to other nutrients. So
17 since those all would have to be individually
18 petitioned I think it would be the board's
19 responsibility to reject petitions of
20 nutrients that are synthetic but that are
21 available in natural form.

22 CHAIR MIEDEMA: Thank you, Ms.

1 Vallaeys.

2 MS. VALLAEYS: Thank you.

3 CHAIR MIEDEMA: Next up is Leika
4 Suzumura. Katrina. We'll catch it at the
5 Handling Committee discussion. Standing by is
6 David Granatstein.

7 MS. SUZUMURA: Good morning, my
8 name is Leika Suzumura and I'm here speaking
9 as a consumer. I'm also a registered
10 dietician. I'm a community nutrition educator
11 for PCC and I'm also a mother and that's I
12 think the biggest stance that I have here
13 today. So I want to thank you for this time
14 to come and listen to our comments.

15 I want to speak specifically about
16 synthetic additives in organics as well as the
17 nanotechnology. And I would say that the
18 biggest reason why I personally choose to
19 support organics and eat organics is because
20 I trust the food that I'm eating, and I think
21 it's because the base principle that organics
22 is really put on is what nature has always

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1 provided us and I trust that. And when it
2 comes to synthetic additives and particularly
3 the Martec additives in the baby formula I'm
4 very concerned that it didn't necessarily go
5 through the process that it needs to to ensure
6 that it's safe and really falls under the
7 standards of organics, and so that when a
8 mother is going to choose that to give to
9 their baby that it is something that she can
10 trust is going to be safe. And I think from
11 the research that's been done and some of the
12 effects that we've seen that it is not
13 necessarily safe, and especially when it's
14 being put under organic. So I would really
15 highly encourage you to reconsider how those
16 synthetics are added in and that the proper
17 testing is done and the procedure that is
18 taken to do that.

19 And as far as nanotechnology I
20 also have a lot of concerns there, again,
21 looking at the principle of trust and looking
22 at nature as our way to really show us what

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1 has been safe throughout time and knowing that
2 things do change of course and the
3 complications of organics is that there do
4 need to be rules and regulations. But as an
5 educator in the community a lot of people look
6 to us to give them education about what is and
7 is not safe and that many, many people are
8 concerned about organics. And nanotechnology
9 is one of those things that many people don't
10 know about and I think it's because there's
11 not any labeling about that. And I don't feel
12 that it's safe, that we know that the long-
13 term testing has really shown that it's safe.
14 And in particular, something like titanium
15 oxide where, granted you know nano particles
16 is something in nature no doubt, but when we
17 create something to be that small we don't
18 know how that's going to affect the cells on
19 a very nuclear level and that is something
20 that I don't feel is safe under organics
21 especially, and that if it is going to be
22 something that is included that we need to

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1 have safety tests as well as proper labeling
2 so that people understand what they are and
3 are not consuming. So I appreciate you
4 considering these issues and as a mother I
5 really trust and look to organics as a way not
6 only for my children to be safe but also my
7 great-great-great-grandchildren. And I trust
8 that every time that we make these decisions
9 that we're not just thinking about ourselves
10 and our children because we can't necessarily
11 always say our children are the leaders of
12 tomorrow because we still have to live today,
13 and that is what we need to look at in all the
14 safety issues right now. So thank you for
15 your time and I appreciate it.

16 CHAIR MIEDEMA: Any questions for
17 Leika? Thank you. And I inadvertently jumped
18 and skipped right ahead to Leika. We still
19 had one more question for Charlotte Vallaeys.
20 If you would be willing to come back up to the
21 podium for one brief question from one NOSB
22 member? Thanks.

1 MS. HEINZE: Thank you, Tracy.
2 Thank you, Charlotte. You didn't exactly
3 answer my question.

4 MS. VALLAEYS: Okay.

5 MS. HEINZE: What I was trying to
6 understand is if you had any concerns if we
7 handled the re-list or the annotation change
8 at this meeting given that we had said we were
9 taking it off the table.

10 MS. VALLAEYS: You mean
11 procedurally?

12 MS. HEINZE: Transparency-wise.

13 MS. VALLAEYS: We would be okay
14 with that.

15 MS. HEINZE: Thanks.

16 CHAIR MIEDEMA: Okay. Next up is
17 David Granatstein and standing by is Phaedra
18 Morrill.

19 MR. GRANATSTEIN: Good morning. I
20 do have some slides if you want to watch them
21 while I speak. My name is David Granatstein.
22 I'm with the Center for Sustaining Agriculture

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1 and Natural Resources at Washington State
2 University where I work extensively with
3 organic fruit producers. I've been involved
4 with organic agriculture since 1975.

5 Organic fruit growers in the U.S.
6 have expanded their production to meet the
7 steadily growing demand for organic fruit.
8 With the help of new technologies such as
9 pheromones as well as older tools like
10 oxytetracycline. The allowance for antibiotic
11 use on fire blight in organic apple and pear
12 production as part of the national list has
13 been very important for these producers. This
14 bacterial disease which is native to North
15 America is not well controlled by other
16 materials and can devastate an orchard as
17 you've heard. Next slide, please. Truly
18 resistant commercial varieties do not exist.
19 Red Delicious apple is perhaps the least
20 susceptible of the varieties but still suffers
21 45 to 65 percent infection of blossoms if
22 untreated. All pears and newer apple

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1 varieties are more susceptible than Red
2 Delicious. In Washington, 90 percent of
3 organic apple acres are other than Red
4 Delicious. They are the newer, more
5 susceptible varieties because that's what
6 consumers are interested in buying. Breeding
7 for fire blight resistance is under way but it
8 will be years until a new variety is available
9 and likely the use of biotechnology in the
10 process may prohibit some of these varieties
11 from being accessible to organic growers.
12 Common dwarfing apple root stock such as
13 Malling 9 which are the most common root stock
14 used in modern orchards are also highly
15 susceptible to fire blight, making it more
16 likely that a blossom infection will kill the
17 entire tree. Geneva series root stocks do
18 have considerable resistance to fire blight
19 but they are not yet commercially available.
20 Next slide.

21 Researchers have been developing
22 potential bio controls for fire blight since

1 the 1980s but so far these products have not
2 had the efficacy of antibiotics. A new yeast
3 bio control agent from Europe shows promise
4 but it needs extensive testing, it needs EPA
5 registration and grower training. In a survey
6 that I did of organic orchardists, 80 percent
7 said they could not control fire blight
8 without oxytetracycline in a severe infection
9 year, and a similar number plan to exit or
10 reduce their organic apple and pear production
11 once oxytetracycline is no longer available.
12 Since other regions such as South America and
13 Australia do not have fire blight a likely
14 consequence of the loss of oxytetracycline
15 without a suitable alternative will be
16 increased reliance on imports. So given the
17 risk - next slide please - that fire blight
18 poses I request that oxytetracycline be re-
19 listed and considered under the sunset process
20 as other materials are. Next slide. Next
21 after that also.

22 I also support the continued

1 listing of pheromones for insect control and
2 the use of fabric mulches for weed control.
3 Fabrics and perennial crops provide a viable
4 alternative to tillage which degrades soil
5 quality and damages crop roots. Fabrics are
6 increasingly used by our organic producers and
7 can last 10 to 15 years. Thank you.

8 CHAIR MIEDEMA: Thank you, Mr.
9 Granatstein. Any questions? Steve.

10 MR. DEMURI: We've heard from a
11 couple of you now that there's some promising
12 research under way. How much longer do you
13 think you need past the 2012 date in the
14 regulations?

15 MR. GRANATSTEIN: Dr. Ken Johnson
16 will address that later, but it is promising.
17 Other materials that have been developed were
18 promising but were not stand-alone
19 replacements and that's the issue why we need
20 the testing. So you know, we can say two to
21 three years but it could turn out that it's
22 not a viable solution.

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1 CHAIR MIEDEMA: Nick?

2 MR. MARAVELL: Yes. What's the
3 source of the funding for the research and how
4 much do you feel that there's been adequate
5 funding for research into alternatives?

6 MR. GRANATSTEIN: A good share of
7 the research has been on biological control.
8 Again, Ken Johnson can address that because
9 that's specifically his field. The research
10 is a mix of USDA funds and probably in
11 Washington State we do have some state - some
12 funds from the grower through the Tree Fruit
13 Research Commission which is a grower-funded
14 organization in which organic growers also
15 contribute.

16 CHAIR MIEDEMA: Colehour?

17 MR. BONDERA: David, I'd just like
18 to ask you to briefly address the question
19 that we've heard before of resistance
20 regarding these antibiotics.

21 MR. GRANATSTEIN: I'm going to
22 defer to Ken Johnson who has much more

1 expertise than I do on that subject.

2 CHAIR MIEDEMA: Jay Feldman.

3 MR. FELDMAN: Thank you. In terms
4 of the research on alternative varieties, both
5 cultivars and root stocks, what - we in the
6 committee that looked at this were looking at
7 data coming out of Purdue University and a
8 number of varieties were listed as highly
9 resistant, including a number of the
10 Jonathans. We have a long list of them
11 actually which we'll talk about tomorrow I
12 guess. Is this your primary research that
13 you're citing or - in Washington State on
14 different varieties and susceptibility? Or
15 are you citing the literature?

16 MR. GRANATSTEIN: No, what I'm
17 citing is our apple breeder who I spoke to in
18 advance of this meeting to get her
19 understanding of the current state of
20 availability. And her reply was yes, there's
21 been a lot of work done but virtually all the
22 varieties that have come out are inedible or

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1 unacceptable to the marketplace. That's been
2 the struggle.

3 MR. FELDMAN: That's in direct
4 contradiction with other data from research -

5 CHAIR MIEDEMA: Mr. Feldman, can
6 you please wait to be recognized -

7 MR. FELDMAN: - so I guess I'm -

8 CHAIR MIEDEMA: - with your
9 follow-ups? Thank you. And also, let's
10 please refrain from commenting on the
11 commenter's response. Let's limit ourselves
12 to questions, guys. Any other clarifying
13 questions?

14 MR. MARAVELL: Yes, you mentioned
15 that the Geneva root stock was resistant but
16 not commercially available. What are the
17 barriers to that particular root stock in
18 terms of commercial availability or any other
19 barriers?

20 MR. GRANATSTEIN: There have been
21 some major problems with propagation that
22 they're trying to work out at Cornell and

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1 apparently they are making progress but
2 there's just been not enough material
3 propagated to be put into the breeding
4 pipeline by nurseries.

5 CHAIR MIEDEMA: Any last questions
6 for Mr. Granatstein? Okay. Thank you very
7 much.

8 MR. GRANATSTEIN: Thank you.

9 CHAIR MIEDEMA: Next up is Phaedra
10 Morrill. Standing by, Bruce Riggle.

11 MS. MORRILL: Hi, my name is
12 Phaedra LaRocca Morrill and I am second
13 generation LaRocca Vineyards. I'm here
14 because there's a petition to allow the
15 synthetic sulfur dioxide sulfites to wines
16 that carry the USDA organic seal. There are
17 several wineries out there that are successful
18 viable wineries that are selling over 4
19 million bottles a year of wines that carry the
20 USDA organic seal without the synthetic
21 additive sulfur dioxide. Allowing this toxic
22 chemical preservative in wines goes against

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1 the core meaning of organic. There's a packet
2 that's going around and there's documentation
3 representing that it's a neurotoxin, it's a
4 highly poisonous gas when handled and it's -
5 it's very toxic with immediate and serious
6 effects which meets criteria for disclosure.
7 The FDA requires food manufacturers to declare
8 the use of preservatives on labels of
9 processed foods with sulfites after receiving
10 reports of allergic reactions following
11 consumption of these products. So this is a
12 preservative that people actually do have
13 adverse reactions to. If you go to the TTB
14 website, ttb.gov, it clearly states that a
15 sulfite declaration is required on any wine
16 intended for interstate commerce that contains
17 10 parts per million of sulfur dioxide or
18 more.

19 One might say that there are
20 naturally occurring sulfites in wine and that
21 can be true. We do get vintages that have no
22 sulfites detected. Naturally what Mother

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1 Nature intended is under 10 parts per million.
2 It's basically zero parts per million. The
3 petition is requesting up to 100 parts per
4 million of the synthetic additive. It's
5 really imperative that you understand that
6 there's an obvious difference between the
7 natural occurring and the synthetic sulfite
8 that can be in very, very small amounts in
9 organic wine.

10 Also in the packet I've included
11 lots of documentation about the increase in
12 organic grape production, wine grape growing
13 production and the continuous increase in
14 organic wine production in general. CCOF came
15 out and said that between 2007 and 2010 there
16 was over 77 percent growth in the organic wine
17 grape production. Like I mentioned earlier,
18 there's over 300,000 cases of no-sulfite-added
19 wines being sold on the market. They are
20 award-winning wines, they are just like any
21 other wine, cabernet, merlot, zinfandel.

22 CHAIR MIEDEMA: Thank you,

1 Phaedra. Any questions? Okay. Next up is
2 Bruce Riggle. Standing by, Matt Perrin.

3 MR. RIGGLE: Thank you much. I'd
4 like to thank the committee for the
5 opportunity to address the growers' concerns
6 on the continued use of oxytetracycline on
7 organic apple and pear trees for control of
8 fire blight. I'm a representative here for
9 New Farm Americas, Inc., that holds the
10 Mycoshield label. I've worked in
11 collaboration with Bernie Amundsen (phonetic)
12 and Debbie Carter in preparing the petition
13 that requested the reinstatement of
14 tetracycline for organic use and follow-up
15 rebuttal document to the committee's response
16 to the petition. This work was done for the
17 Washington State Horticultural Association.
18 I will cover the committee's concerns
19 involving the regulated use of oxytetracycline
20 on apple and pear trees, particularly for the
21 Pacific Northwest.

22 First, regarding the committee's

1 concerns on environmental contamination during
2 manufacturing use, misuse and disposal. It is
3 important to understand that EPA has strict
4 rules and regulations regarding these matters
5 as they are listed in the labels with specific
6 language backed up to the full extent of
7 federal law. EPA lists specific remediation
8 steps. It's understood that not following
9 these listed procedures has consequences, one
10 of which a person cannot intentionally damage
11 environment. Given this, the committee should
12 have little concern for these issues.

13 Second, regarding the committee's
14 concerns as to human toxicity and/or other
15 adverse effects following exposure to the
16 material or breakdown products of these of
17 having harmful human health issues involving
18 the use of oxytetracycline in orchards, these
19 including effects on human development, EPA
20 addressed the potential risk to workers by
21 requiring personal protective equipment,
22 referred to as PPE, to minimize exposure to

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1 workers. Such PPE is described in detail on
2 the labels regarding human toxicity. EPA did
3 not find tetracyclines to be human development
4 toxins and determined that the materials posed
5 a medium risk to the general public with
6 regards to antibiotic resistance. With regard
7 to dietary intake EPA estimated the
8 pharmaceutical oxytetracycline exposure to a
9 user from a typical therapeutic dose is 50,000
10 to 200,000 times greater than the estimated
11 dietary dose exposure resulting from the
12 consumption of treated apples or pears. The
13 fact of the matter is is that apples and pears
14 have no detectable residues of this material.
15 Finally, we hope and trust that the NOSB will
16 remove the expiration date for tetracycline
17 and reinstate this important product back onto
18 the national list.

19 CHAIR MIEDEMA: Thank you. Any
20 questions for Mr. Riggle? Okay.

21 MR. RIGGLE: Thank you.

22 CHAIR MIEDEMA: Okay. Lisa? May

1 I have the list? Go ahead and get started,
2 sir, and introduce yourself and then we'll
3 talk about who's standing by. Oh, here we
4 are, here we are. So next up is Matt Perrin
5 at the podium, and standing by, Tyler Shannon.

6 MR. PERRIN: Hi, my name is Matt
7 Perrin. I milk a hundred cows with my dad and
8 sister outside of Woodburn, Oregon. Quality
9 of milk is our biggest priority along with the
10 health of our cows and our land. And we have
11 a free stall barn and we'd like to recommend
12 that you change the regulations from 50 square
13 feet per cow to one cow per stall in a free
14 stall barn setup. We use chlorine and copper
15 sulfate on our farm to protect the quality of
16 our milk and the health of our cows and we
17 would like you to vote to continue to use
18 these products. Vitamin A and D are critical
19 for milk products and I would also like to see
20 the use of DHA in our milk products to
21 continue. The consumers really enjoy having
22 this product on the market and it helps

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1 organic farmers in the end, so thank you.

2 CHAIR MIEDEMA: Short and sweet.

3 Does anybody have any questions for - I'm

4 sorry, say your name again.

5 MR. PERRIN: Matt Perrin.

6 CHAIR MIEDEMA: For Matt. Thank

7 you. Nick?

8 MR. MARAVELL: Matt, what amount

9 of space do you think you have in your free

10 stall for a cow?

11 MR. PERRIN: I haven't calculated

12 it. It's, you know, we have less cows than we

13 have stalls so - and then they have a lot of

14 walking space around the barn and they can go

15 outside the barn a little bit. And so they

16 have quite a bit of space to move around and

17 not bump into each other and whatnot.

18 CHAIR MIEDEMA: Pardon me. What

19 is a free stall?

20 MR. PERRIN: They have a raised

21 stall, they can go in and lay down and then

22 they can get up and go eat and drink water,

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1 you know, at their leisure.

2 CHAIR MIEDEMA: Any other
3 questions for Matt? Thank you very much.

4 MR. PERRIN: Thank you.

5 CHAIR MIEDEMA: Tyler Shannon,
6 you're up, and Gregg Buckwalter is standing
7 by.

8 MR. SHANNON: I'm here with Food &
9 Water Watch and I'm submitting this comment on
10 behalf of Food & Water Watch Consumers Union,
11 Suzuki Environmental Foundation, George Strait
12 Alliance and the Living Oceans Society. This
13 wasn't submitted electronically but I have
14 written copies.

15 Since the NOSB approved final
16 recommendations on aquiculture in November
17 2008 new information has emerged on these
18 topics that we believe is worthy of the NOSB's
19 consideration. We submit the following
20 information based on recent academic
21 literature as well as reports from several of
22 the open water finfish aquiculture facilities

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1 operating throughout the world in order to
2 ensure that this new information is considered
3 by the NOSB. We believe that this information
4 is significant enough to give the NOSB reason
5 to reconsider its 2008 recommendations. We
6 also urge the National Organic Program to
7 consider this information before it pursues
8 formal rulemaking to develop organic standards
9 for aquiculture products.

10 Since 2008 more information about
11 the impact of open net pens on surrounding
12 ecosystems and the use of wild fish as feed
13 has come to light, calling the 2008
14 recommendations into question. These studies
15 are outlined in here but I'm not going to go
16 over them now. The significant and long-term
17 impacts of open net pens on the surrounding
18 environment and ecosystems are incompatible
19 with the principles that organic production
20 should minimize environmental harm and promote
21 biodiversity. Open net penned finfish
22 aquiculture has too many risks associated with

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1 the industry to be considered for the organic
2 label. Also, any reliance on ecologically
3 sensitive forage fisheries for fish meal and
4 fish oil as a source of feed for farmed fish
5 even in the short term is wholly inappropriate
6 for an organic product. Because of this new
7 information we urge the NOSB to reevaluate the
8 recommendations on aquaculture products. A
9 more appropriate standard would require, (1),
10 closed recirculating systems that do not
11 release waste or water into the environment,
12 (2), no use of wild fish or fish meal as feed.
13 These criteria can only be met by systems
14 raising vegetarian fish such as shrimp or
15 Tilapia. That is an appropriate place for the
16 organic aquaculture industry to start.
17 Building on this foundation could allow the
18 industry to create a system of organic fish
19 that can be used to generate truly organic
20 fish-based feed or fish meal that could be
21 used as a feed source for organic carnivorous
22 fish as long as those fish are raised in

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1 closed recirculating systems. Thank you for
2 your consideration.

3 CHAIR MIEDEMA: Thank you very
4 much. Any questions? Colehour.

5 MR. BONDERA: Thank you, Tyler.
6 You said something just now that I wrote down
7 because it wasn't clear enough for me and I
8 don't know if it was what you said that you
9 didn't have time to talk about, but I'd like
10 to ask you. Which is you said - you alluded
11 to the penned fish processes have too many
12 risks, but it wasn't clear to me what those
13 risks are. I wonder if you could clarify
14 that.

15 MR. SHANNON: Right and those are
16 - there's environmental risks with the longer
17 term studies that have come out since 2008
18 that the previous recommendations about the
19 time that it's left fallow and the distance
20 away from the land is not enough. And it's
21 open and uncontrolled. So again, these
22 studies are outlined in here and our assistant

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1 director Patty Lovera will be commenting later
2 this week and can add more details on that.

3 CHAIR MIEDEMA: Any other
4 questions? Thank you very much. Next up is
5 Gregg Buckwalter and Steve Sevadones is
6 standing by.

7 MR. BUCKWALTER: Good morning.
8 I'm a producer in Pennsylvania of organic and
9 cage-free eggs. I'm in support of the
10 proposed standards for outdoor access and
11 inside stocking rates. The previous and
12 current standards are too nebulous in that
13 they don't specify what can and cannot be -
14 constitute outdoor access. It is reasonable
15 that an informed person can understand that
16 the true intent of the organic law is to let
17 chickens out on pastures so they can scratch
18 and engage in natural behaviors. Some think
19 that it's not possible to have birds with
20 outdoor access, at the same time produce a
21 food-safe quality egg and have healthy birds.
22 We have six different farms with approximately

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1 95,000 birds overall and all of them are on
2 the PEQAP Pennsylvania Egg Quality Assurance
3 Program and they are - which the program that
4 FDA paralleled for their egg program is a lot
5 of what the - that's a part of the PEQAP
6 program. We also are producing eggs in this
7 state that is watched closely for avian
8 influenza and we are used to biosecurity
9 protocols with live bird markets and waterfowl
10 flying ahead. I also believe that this is
11 what the customers want and what they expect
12 from us. In my opinion if most of the
13 consumers saw how a majority of the organic
14 eggs are produced I think they would either
15 become vegan or would go back to eating caged
16 eggs or they would lose trust in the organic
17 standards nonetheless. They are not picturing
18 this kind of production. They're picturing
19 what the standards will entail.

20 I'd also like to see a cutoff date
21 of a year and a half or some timetable of all
22 production has to move to the 2 square foot

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1 outdoor access for all birds in the house, not
2 a square foot based on percentage of the house
3 capacity. If you do percentages or a number
4 of flocks for a phase-in or a depreciated
5 house complex you can play around with those
6 numbers and calculations. There can be
7 grandfathering of usefulness of a facility.
8 People can remodel things and continue to do
9 what they are doing currently if you don't set
10 a date. Unless there is a clear, defined time
11 or objective people will bastardize the law
12 like they have currently done. That is why in
13 this - that is why we are in a situation of
14 defining outdoor access now because there was
15 no clear definition of it. In conclusion, I
16 would support the changes to the organic
17 standards and provide outdoor access as it was
18 originally intended. That's what our
19 consumers demand and the expectations are.

20 CHAIR MIEDEMA: Thank you very
21 much. Any questions? Thank you. Next up,
22 Steve Sevadones. Okay. Goldie Caughlin. Are

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1 you in the room?

2 MS. CAUGHLIN: Yes.

3 CHAIR MIEDEMA: Thank you, Goldie.

4 And then standing by is Lindsay Fernandez-
5 Salvador. Goldie, please come on up.

6 MS. CAUGHLIN: Thank you. I'm
7 here today - my name is Goldie Caughlin. I'm
8 a former member of this body from 2001 to 2006
9 so my sympathies to all of you and my thanks.
10 I'm also here today as a consumer, but also as
11 a longtime educator with PCC Natural Markets
12 and I am the third hat if you want to put it
13 that way and a very important hat to me is my
14 service as a member of the board of Cornucopia
15 Institute. I want to first of all comment on
16 something that a little while ago I believe -
17 no, let me just back up. It was one year ago
18 today that - I believe that it was announced
19 by Mr. McEvoy that indeed there was a decision
20 that he concurred that there was a presence of
21 accessory nutrients currently in organic
22 products - and that does include DHA and ARA -

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1 that those were based upon, in his words, a
2 faulty interpretation. I think that's a
3 charitable way of defining it. But the fact
4 of the matter is that was one year ago today
5 that he had said that there would be
6 forthcoming from the NOP a draft guidance. So
7 let me just say that at least - and obviously
8 nothing has come forth. No actions have been
9 taken in terms of removing these substances
10 being in labeled and USDA sealed products that
11 are on the market. I find that appalling as
12 a consumer. I find it appalling as a mother
13 and a grandmother. I find it appalling as an
14 educator and I certainly find it sad as a
15 former member of keeping organic standards
16 organic. And I know that it is painful to all
17 of us. I have heard a great deal about the
18 fact that there will be economic disruption
19 and that that seems to me to be today more and
20 more the driving force of decisions is what
21 will be the economic disruption of these
22 companies. A lot of hand-wringing, agonizing

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1 about that. What about the fact that those
2 consumers who think they are buying something
3 that has gone through the entire process
4 having the benefit of the congressionally
5 mandated review that's given to you. Tracy,
6 you mentioned yesterday in another meeting
7 that this body is an exceptional body. We as
8 FACA members on this body have authority to do
9 various things that are not given to other
10 FACA members and that really concerns me if we
11 let go of that and don't exercise it. Guard
12 it, guard that ability to be the final viewers
13 of what shall and shall not come into organic.

14 I'm also very concerned to see the
15 animal welfare -

16 CHAIR MIEDEMA: Thank you, Goldie,
17 we are at the -

18 MS. CAUGHLIN: Thanks. All right.
19 I also have a petition from - at this moment
20 over 1,500 printouts of a petition that
21 consumers are saying keep questionable
22 synthetics out of organics. There's another

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1 several hundred that we saw today.

2 CHAIR MIEDEMA: Thank you. Please
3 submit that to the National Organic Program
4 and it will be registered to regulations.gov.

5 MS. CAUGHLIN: We will do so.

6 CHAIR MIEDEMA: Who has a
7 question? Any questions for Goldie Caughlin?
8 Thank you very much, Goldie. Okay. We have
9 had a range of sign-ups for walk-ins for
10 public comment and that's an important part of
11 our public comment process, to allow people to
12 come in this morning and put their name on the
13 list and at this time we would like to see
14 whether any of the walk-in sign-ups are in the
15 room and available to come and speak. Okay.
16 Next up is Lindsay Salvador-Fernandez.
17 Fernandez-Salvador. And - okay. And sir, if
18 you're a walk-in come on up and please check
19 in with Lisa Ahramjian. Lindsay Fernandez-
20 Salvador, please proceed.

21 MS. FERNANDEZ-SALVADOR: Thanks.
22 Well, I depend on public comment to get way

1 behind to prepare my public comments so I was
2 right in the middle of it. So I'm surprised.
3 But here I am and I was almost done so phew.
4 At any rate, my name is Lindsay Fernandez-
5 Salvador. I'm speaking on behalf of OMRI
6 today. I'd like to thank the CACC for taking
7 on the very complex subject of material review
8 organizations. This was a long time coming
9 for OMRI and it of course is very important to
10 our core mission and we care about it, we're
11 passionate about it in our office. I'm really
12 actually especially thankful because it means
13 that I don't have to talk about corn steep
14 liquor either and that's a good thing too.

15 I wanted to elaborate a little bit
16 on our written comments and why we called for
17 a guidance for material review organizations
18 and ACAs as opposed to an accreditation scope.
19 We're not opposed to an accreditation scope by
20 any means, but what we are interested in is
21 more action in the short term in the form of
22 guidance and additional audits on the part of

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1 the NOP with ACAs and OMRI if we ever get to
2 that point and then enforcement on that
3 guidance and - during those audits. We
4 support our ACA peers and colleagues in their
5 efforts and their capability to review
6 materials on behalf of their clients and in
7 the context of the OSP. We understand that
8 materials can range from a very simple
9 limestone or manure source to a blended
10 fertilizer that I just saw had 57 ingredients
11 on our list the other day. So that can be
12 very complex and we need a guidance to just
13 really give us the basics of how to get there
14 and everything in between. We also recommend
15 that the NOP spend more significant time and
16 energy during their audits on the material
17 review processes of the ACAs that are seeking
18 continued accreditation.

19 And finally, we would like the NOP
20 to provide increased enforcement regarding
21 material review. We think that the guidance
22 and audits and enforcements may fix many of

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1 the challenges and the problems that you've
2 cited in your discussion document. And then
3 although I am a biased source I consider OMRI
4 to be the gold standard for material review
5 organizations. We review every ingredient,
6 every additive, every manufacturing process
7 for both the ingredient and the final product
8 and we collect analyses for heavy metals,
9 pathogens, and we analyze MPK content based on
10 the ingredients to make sure that it in fact
11 makes sense based on what the ingredients are
12 and the final product is. My colleague - I'm
13 going to end there. I made it for three
14 minutes out of nowhere.

15 CHAIR MIEDEMA: Thank you,
16 Lindsay. Any questions? I have one. You
17 mentioned inert materials and you mentioned
18 that OMRI reviews the constituent parts of the
19 approved materials. This goes back to Emily's
20 presentation earlier this morning on the
21 inerts working group. We know now that about
22 179 of these inerts. Can you just walk us

1 briefly through what - how you approve inerts
2 to be used in crop production? And the
3 combinations.

4 MS. FERNANDEZ-SALVADOR: Yes, yes.
5 Well, thankfully for - in terms of pesticides
6 we also collect a lot of information that the
7 EPA collects, including what they call the
8 confidential statement of formula. And which
9 contains everything from what we would
10 consider impurities that are just naturally
11 occurring in the inerts or the active
12 ingredients and also formulated inerts. This
13 is very common as well. You'll get something
14 called maybe Tween 60 which in fact is not
15 some chemical, it's a formulated set of
16 chemicals that we are able to ask the company
17 to divulge that proprietary information to us.
18 So what we do is we get a complete list of
19 every single inert ingredient and then we
20 compare that to the List 4(a) or 4(b)
21 including the cast number. And something that
22 people don't realize is that cast numbers can

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1 have synonyms to them so we spend a lot of
2 time sorting through that kind of data and
3 that's how we review them. We make sure that
4 they're compliant with Lists 4(a) and 4(b).

5 CHAIR MIEDEMA: Thank you. Any
6 further questions? Okay.

7 MS. FERNANDEZ-SALVADOR: Thank
8 you.

9 CHAIR MIEDEMA: All right. Next
10 up is Blair Busenbark. And it looks like we
11 are shifting some timelines around here or
12 some staging of public comments so on deck is
13 Patti Bursten. Go ahead.

14 MR. BUSENBARK: Good morning. My
15 name is Blair Busenbark. I'm with Sun Gro
16 Horticulture and we have been a longtime
17 subscriber to having a group of our products
18 OMRI listed. And I'm coming here to give
19 comment in support of working towards a more
20 coherent and more discernible process for
21 input review. We are a - have been a strong
22 supporter of OMRI and we continue to have and

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1 use OMRI as a marketing advantage against our
2 competitors. We produce - we're the largest
3 producer of peat moss in North America as well
4 as we produce commercial grow mixes to
5 commercial growers as well as consumer
6 products. And we use our OMRI listed listing
7 status as a marketing advantage. And I think
8 it's crucial that just like consumers have
9 when they go into the produce section of a
10 store they can see the OMRI logo - not the
11 OMRI logo, the USDA NOP logo on the approval
12 of the product that they can be confident that
13 the product has gone through a rigorous review
14 process. I think that we still - we need that
15 same process with the inputs and that at Sun
16 Gro we recognize that the input review process
17 is important and that we use that, as I said,
18 as a marketing advantage but we believe that
19 that process should be up for review and that
20 all agencies should have a transparent process
21 that's similar to OMRI if they're going to do
22 that, and that those agencies all follow the

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1 same process just like all of the certifiers
2 for a product that is NOP-approved have the
3 same process.

4 The last part that I think is that
5 I think it's crucial that everything is
6 science-based and I know that many of the
7 concerns and processes that we are submitted
8 to because we are a national manufacturer of
9 products, it seems that there's a lot of
10 duplication in the processes and anything that
11 I think could facilitate a company that's
12 trying to do the appropriate activities but at
13 a national level where obviously the sourcing
14 and ability for inputs that we combine
15 together for our products is not the same,
16 that would make it flow to our system better
17 at the same time producing top-quality
18 products that do live up to the organic
19 standards we would appreciate.

20 CHAIR MIEDEMA: Thank you. Any
21 questions? Thank you, sir. Next up is Patti
22 Bursten.

1 MS. BURSTEN: Good morning. So
2 I'm sort of slightly unprepared as well. I
3 moved my time, so I'll just be reading right
4 from the script. In 15 years as an
5 independent organic inspector, technical
6 reviewer and consultant I've witnessed a broad
7 range of strategies for becoming and
8 successfully staying certified. There's a
9 profound difference in an inspections outcome
10 between a company that is proactively managing
11 its certification and one that simply relies
12 on annual organic inspections to find its non-
13 compliances. Operations that pay attention to
14 the regulations, embrace the concept of an
15 organic system plan, train their employees to
16 the procedures and perform self-audits are
17 usually not far out of compliance. Following
18 a quick and efficient inspection, the exit
19 interview generally only takes - only
20 identifies finer points of compliance and
21 commonly they are fixed before the report
22 makes it to the certifier. The other end of

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1 the spectrum is unfortunately more the norm in
2 which the OSP is handled as an application for
3 certification never to be revisited again. In
4 this common scenario the mitigation of non-
5 compliances that could be avoided with
6 proactive management become stifling to the
7 certification and renewal process which
8 results in several concerns, delays to
9 updating certificates, loss in business
10 opportunities, increased cost to the
11 certification agencies and the NOP, and non-
12 compliant products either entering or staying
13 in the marketplace.

14 Currently, most global and U.S.
15 food safety and quality standards pertaining
16 to farm production and processing include
17 specific requirements for personnel training
18 and internal audits. Right now the NOP is not
19 as explicit. The regulation only hints at
20 proactive management of certification in
21 205.201(a)(3) which states that the organic
22 system plan must include a description of

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1 monitoring. I can't keep repeating it because
2 you all know what it says I hope. The
3 language nods towards a need to ensure
4 activities described are actually carried out
5 and documented, but that is actually not the
6 case. The way to do this is to require
7 training and internal audits. Skipping,
8 skipping, skipping. I turned in some proposed
9 guidance language as public comment and I hope
10 you all have an opportunity to look at it.
11 And I'll skip ahead to say I hope if you have
12 questions about it you will come to me with
13 it. The guidance document stresses that
14 regardless of size an operation must strive to
15 educate and inform all of those who are
16 relevant to be informed of what the document
17 says and how to actually carry out and
18 implement those critical components relevant
19 to the activities that organic represents for
20 the company. In addition, they have to be
21 actually trained - am I done? Okay. I could
22 go on and on and extol the virtues of my plan,

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1 but thank you.

2 CHAIR MIEDEMA: Don't go away,
3 Patti. Any questions for Patti? Okay, I
4 guess we're set. All right. Mr. Bob Baker is
5 up next. And once Mr. Baker is done and we've
6 had a chance to ask him questions it will be
7 right about the noon hour and we will be
8 recessing for lunch.

9 MR. BAKER: Hello. My name is Bob
10 Baker and I'm a dairy farmer about 40 miles
11 out of town here. And we ship our milk to
12 Organic Valley. Just a couple of things I
13 want to comment on. I think there's been a
14 proposal that free stalls should be widened to
15 about twice what they are normally widened to
16 and that would be bad policy. You probably
17 don't understand free stalls real well, but I
18 hope you do. But anyhow, a free stall is in
19 a loafing barn or a sleeping barn if you want
20 to call it that where cows go and lay down.
21 And these stalls are normally about 4 feet
22 wide and about 8 feet long and so a cow goes

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1 in and lays down and her rump is over the back
2 so any defecation that she does goes into the
3 alley behind her so she doesn't end up laying
4 in it. If the free stalls were widened then
5 cows could be laying crosswise or any
6 direction and it would be not - it would not
7 be clean and just a policy I think whoever
8 suggested it didn't understand.

9 I'd also like to comment on the
10 one stall per cow. I think that's a little
11 too restrictive at least in my herd. There's
12 usually at least 20 percent of cows that are
13 not lying down at any one time and I think a
14 20 percent over-population over stall is not
15 a problem at all. Another comment would be
16 regarding the DHA which is added to milk.
17 There are approved products that can be added
18 and I don't see any reason to add others, fish
19 oil for example I believe is an approved
20 product. Why do we need to add something
21 else? Sometimes I think these proposals are
22 perhaps made by corporate interests rather

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1 than people interested in true organics.

2 Thank you.

3 CHAIR MIEDEMA: Thank you very
4 much, Mr. Baker. Does anyone have any
5 questions? Okay. We are now going to recess
6 for lunch and let's all be back at 1:15 to
7 resume.

8 (Whereupon, the foregoing matter
9 went off the record at 11:57 a.m. and resumed
10 at 1:21 p.m.)

11 CHAIR MIEDEMA: The National
12 Organic Standards Board is now back in
13 session. First, an announcement. We have a
14 videographer here named Brenda Asterino from
15 Seattle Community Access Network, Puget Sound
16 Public Television. If you have any questions
17 for her feel free to approach the videographer
18 directly.

19 We are going to start out our next
20 round of public testimony by reviewing the
21 NOSB mission statement. And then one more
22 announcement just before that. We do have

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1 some spots for walk-in sign-ups. We - I've
2 just been notified that we had several
3 cancellations today and so a few more spots
4 opened up. So if you would like to go and
5 sign up for one of those walk-in spots please
6 do so and then check in with Lisa. A question
7 from the floor?

8 MS. CAUGHLIN: It turns out that
9 reasonably early on if you decide that you do
10 not get that sort of response can you still -
11 in your time frame would it be possible for
12 maybe a lottery or whatever of those of us who
13 might want additional time.

14 CHAIR MIEDEMA: Let's cross that
15 bridge if and when we get there. Okay. I'd
16 just like to refresh everyone's memory on what
17 the NOSB statutory mission is. And Miles
18 alluded to and mentioned some of these
19 responsibilities. The statutory mission, the
20 law is to assist in the development of
21 standards for substances to be used in organic
22 production and to advise the Secretary of any

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1 other aspects of the implementation of this
2 title. It's also been tradition here at every
3 NOSB meeting to read the NOSB mission
4 statement into the public record as part of
5 our shared understanding of the purpose of the
6 National Organic Standards Board. To provide
7 effective and constructive advice,
8 clarification and guidance to the Secretary of
9 Agriculture concerning the National Organic
10 Program and the consensus of the organic
11 community. In carrying out the mission, key
12 activities of the board include assist in the
13 development and maintenance of organic
14 standards and regulations, review petition
15 materials for inclusion on or deletion from
16 the national list of approved and prohibited
17 substances - the national list - recommend
18 changes to the national list, communicate with
19 the organic community including conducting
20 public meetings, soliciting and taking public
21 comments, provide timely information and
22 education on the NOP, making reasonable use of

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1 a variety of communication channels;
2 communicate, support and coordinate with the
3 NOP staff. Thank you, everyone.

4 All right, we'll go ahead and get
5 started with our next round of public
6 comments. And first up is Troy Aykan. Thank
7 you, Mr. Aykan, come on up.

8 MR. AYKAN: Good afternoon. I'm
9 Troy Aykan. I'm a food scientist and an
10 attorney. I work for Hain Celestial Group.
11 I also teach food laws and regulations at Cal
12 Poly Pomona since 2002. Next slide, please.
13 I'll be making some comments about the
14 accessory nutrients. Currently they are
15 allowed under 605(b) so long as they are in
16 accordance with 21 CFR 104.20. And I made
17 another presentation on the last meeting and
18 we don't need to go over all that stuff again,
19 but I will address the developments and what
20 we think should be done. Next slide, please.
21 One of the biggest concerns is organic infant
22 formula. Obviously many consumers wouldn't

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1 want - the moms have their organic infant
2 formula have less beneficial nutrients than
3 the counterpart, conventional counterparts.
4 So should it be - the question is whether the
5 nutrient addition to organic infant formulas
6 be limited to those expressly codified in 21
7 CFR. Then we would have to obviously worry
8 about nutritional impurity of organic infant
9 formula to conventional one. Next slide,
10 please.

11 We support re-listing of nutrient
12 vitamins and minerals to the national list,
13 support revising the annotation to allow
14 nutrients listed in 21 parts 101.9 and
15 107.100. For those of you who don't know what
16 they are, 101.9 establishes essential
17 nutrients and 107.100 is for the nutrient
18 specifications of infant foods by FDA. Next
19 slide, please. And since they all have to
20 conform to 104.20 under the current annotation
21 this subsection F states that any nutrient may
22 be added to food if they are permitted or

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1 required by applicable rules and regulations.
2 This section also shows that it's not just the
3 vitamins and minerals, but any nutrients.
4 Next slide, please.

5 So in summary, regulations allow a
6 wide range of nutrients to be added to food.
7 The Hain Celestial Group supports organic
8 regulations that allow organic foods to be
9 nutritionally equivalent to conventional
10 foods. And we also ask the board that
11 sufficient time should be allowed for petition
12 process while allowing the continued use of
13 nutrients. Thank you very much. Any
14 questions?

15 CHAIR MIEDEMA: Thank you very
16 much.

17 MR. AYKAN: Thanks.

18 CHAIR MIEDEMA: Next up is Harold
19 Austin, Joan Moyer standing by.

20 MR. AUSTIN: Good afternoon. My
21 name's Harold Austin. I'm the director of
22 orchard administration for Zirkle Fruit

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1 Company in Selah, Washington. I also serve on
2 the Science Advisory Committee for the
3 Northwest Hort Council and I'm on the WSDA
4 Organic Board of Directors. Zirkle Fruit is
5 a family-owned business. We grow, pack and
6 sell our own fruit plus that of numerous other
7 growers and several other packers. We
8 currently farm both conventional and organic
9 apples, cherries, pears and blueberries in
10 Washington State representing over 2,000 acres
11 of organic pear production within the state.
12 Oxytetracycline is an extremely important part
13 of our fire blight control program both for
14 apples and pears. During the last 15 years we
15 have seen a dramatic change in the types of
16 apples now being farmed within the Pacific
17 Northwest. We have gone from varieties such
18 as Red, Golden Delicious, Romes and Granny's
19 that were not very susceptible to fire blight
20 to the newer varieties, Gala, Fuji's, Pink
21 Lady, Junami's, Honeycrisp, Lady Alice that
22 are extremely susceptible to fire blight

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1 infestation.

2 Pear production, organic or
3 conventional, in Washington State would not
4 exist without the use of oxytetracycline as
5 part of a spray program within that commodity.
6 Other products are also used as part of a fire
7 blight program. These are copper which is
8 used post harvest and also in the delayed
9 dormant to control over-wintering canker.
10 BlightBan A506, one of the biologicals, is
11 applied at bloom time. Serenade post bloom
12 and then oxytet is applied during the bloom or
13 early post bloom timing. As David Granatstein
14 mentioned earlier this morning we do have some
15 products in the pipeline but it's going to
16 take time for those to get registered and then
17 once they are registered it's going to take
18 time for the growers to effectively be able to
19 figure out how to use those in their spray
20 programs.

21 One of your published comments
22 made - mentioned that organic farmers that

1 export seem to make it work without the use of
2 oxytet. That is not a true statement. We
3 have on three different occasions been forced
4 to remove blocks of fruit, Pink Lady's, Gala
5 and Honeycrisp from IOP production
6 certification because of the severity of fire
7 blight infestation that we experienced. One
8 of these three situations we had to replace
9 almost three-quarters of our trees because
10 they got infected and died before we could
11 properly get them treated. For our export
12 organic production we must be very careful on
13 what we farm, where we farm and what we farm
14 around those blocks. We must also farm with
15 fire blight reduction in mind. When we farm
16 fire blight susceptible varieties we must take
17 into full consideration everything that we do
18 on our farms and what effect it may have on
19 our ability to control or not control fire
20 blight infestation.

21 Zirkle Fruit could very easily
22 look to remove as much as 500 acres from our

1 organic program if we should get into a severe
2 fire blight infestation period without the use
3 of tetracycline. We have come too far now to
4 allow ourselves to take and risk such a huge
5 step backward. We would like to request that
6 the NOSB remove the expiration date from
7 tetracycline and reinstate it on the national
8 list until a suitable replacement can be
9 found. Also I would like to add that we are
10 in support of your recommendations to re-list
11 chlorine compounds with the proposed change to
12 the annotation as suggested and to re-list
13 coppers, both fixed and sulfate, with the
14 additional language regarding periodic
15 testing. I'd like to thank you for the
16 opportunity to share our views and for your
17 time and consideration as they were presented.

18 CHAIR MIEDEMA: Thank you. Any
19 questions? Mac.

20 MR. STONE: Are you all using any
21 predictive modeling on potential for fire
22 blight on a given year?

1 MR. AUSTIN: It's in part of the
2 non-condensed version, the 5-unit version
3 rather than the 3, but yes, we are. WSU has
4 put together a Cougar Blight model which we
5 can get on versus our phones or our computers
6 and most of the consultants in the state use
7 that. It predicts monitoring the weather,
8 moisture, bloom conditions, temperatures and
9 allows the growers and the consultants to know
10 when is the most appropriate time to make that
11 oxytet application or any other product that
12 they're using at that given time. So we've
13 taken it into the new era of using the tools
14 that are now at our disposal in order to take
15 and make the most effective use out of oxytet
16 application. So that we're not just randomly
17 applying it, but we're applying it when the
18 science says it's the best time to apply it.

19 CHAIR MIEDEMA: Thank you. Barry.

20 MR. FLAMM: Why did you move from
21 - excuse me - less susceptible varieties to
22 more susceptible varieties?

1 MR. AUSTIN: Market demand. We've
2 seen steadily the decline in sales across -
3 global for Reds, Goldens, Romes and Granny's.
4 Gala's probably the most preferred variety
5 right now, Honeycrisp is becoming a very
6 popular variety, Fuji's, Pink Lady's, the
7 Junami's. It's consumer-driven and there's no
8 sense farming a variety that you can't market.

9 CHAIR MIEDEMA: Barry?

10 MR. FLAMM: Was that really
11 consumer-driven or was it the marketing
12 approach that was used?

13 MR. AUSTIN: Kind of a combination
14 of both, but I mean it truly was consumer-
15 driven, especially if you take the variety
16 like Honeycrisp which I think that's probably
17 the one variety that we collectively farm that
18 has really truly been pushed by the consumer
19 for us to expand the production of that apple.
20 It truly has.

21 CHAIR MIEDEMA: Any further
22 questions? Thank you very much.

1 MR. AUSTIN: Thank you.

2 CHAIR MIEDEMA: Next up, Joan
3 Moyer, Chris Pierce standing by.

4 MS. MOYER: Hello. My name is
5 Joan Moyer and I work for Island Spring
6 Organics. Island Spring is a tofu
7 manufacturer here in the Puget Sound. We've
8 been here for about 35 years and have been
9 organic the whole time. We would like to see
10 the organics program require spot testing for
11 - at the farmer level to ensure that crops are
12 actually non-GMO as well as organic. One of
13 the things that we're running into is a lot of
14 our customers don't understand that NPO
15 guidelines actually state that organic - that
16 NOP regulation already prohibits the use of
17 GMOs and there is confusion in our customer
18 base about that. We believe this confusion
19 has resulted in two things. One, that the
20 customer doesn't really have faith that
21 organic actually means pure and unadulterated,
22 and secondly, it's creating another tier of

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1 certification of non-GMO certifying bodies.
2 And from our perspective this adds additional
3 cost and effort to our product that we're
4 trying to market. We believe that in order to
5 protect the integrity of the organic label the
6 NOP needs to ensure that organic products do
7 not contain GMOs and that there's spot testing
8 done to encourage this. Thank you.

9 CHAIR MIEDEMA: Any questions for
10 Joan?

11 MS. MOYER: Thank you.

12 CHAIR MIEDEMA: Chris Pierce is up
13 next and Gerry Davis standing by.

14 MR. PIERCE: Ready? Okay. Good
15 afternoon NOSB and NOP and distinguished
16 guests and visitors. My name is Chris Pierce.
17 I serve as president of Heritage Poultry
18 Management Services. We're located in
19 Annville, Pennsylvania. I also serve as
20 chairman of the Pennsylvania Egg Quality
21 Assurance Program which is an SC risk
22 reduction program involved with egg

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1 production. We started as a pilot program
2 with FDA in 1992 and have been continuing
3 since. Last week I had a chance to visit with
4 a number of our senior NOP leadership, NOSB
5 representation, Tina Ellor, as well as FDA had
6 a representative, Jerry Ramirez, and
7 leadership from my accredited certifier. We
8 got to spend a day visiting three different
9 egg production facilities, organic egg
10 production facilities, that varied in much
11 scale. So I appreciate that we had that
12 opportunity. And a lot of the discussion was
13 - as my role as the chairman of the
14 Pennsylvania Egg Quality Assurance Program,
15 we've implemented organic eggs, organic flocks
16 have been part of that PEQAP program, our
17 first flock since 1997. So we're 12 years
18 into it and we've been following the PEQAP
19 program which served as the model for the FDA
20 federal egg rule. And we have been able to
21 meet and exceed the requirements of the PEQAP
22 program so we personally believe that there

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1 should be opportunity for USDA's organic
2 standards to meet FDA's compliance. We also
3 support that part of that compliance is going
4 to be rigorous standards that strong
5 management, detailed accountability at farm
6 level need to be in place so that farmers can
7 control and reduce salmonella risk, meanwhile
8 complying with the welfare standards that this
9 board and thus the administration will put
10 forward.

11 In addition, I also support that
12 we are looking at putting meaningful poultry
13 welfare science-based standards in place such
14 as density and scratch area and perching and
15 roosting, but I recommend that we use and try
16 to follow similar programs that are science-
17 based that are already in the marketplace,
18 such as humane farm animal care to certify
19 humane program. We've had flocks in
20 compliance with that program since 2003. I
21 would rather see that the 205.239 Livestock
22 Living Conditions for Avians would replicate

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1 existing science-based programs. I'm not in
2 favor of having pullets, organic pullets be
3 mandatorily required at 12 weeks of age for
4 outdoor access. Our salmonella monitoring -
5 our salmonella vaccination program as well as
6 our other vaccination programs would go into
7 contrast to that.

8 In closing, I strongly support
9 that the NOP and the NOSB are on the proper
10 course of strengthening organic consumers'
11 confidence by clarifying the standards of how
12 organic eggs are produced and now including
13 hen welfare as an important component in the
14 definition of what organic eggs mean. In the
15 past, organic did not mean welfare, it meant
16 feed and no prohibited substances. It must
17 mean welfare and we support that. Wow, three
18 minutes, I did it.

19 CHAIR MIEDEMA: Thank you. Any
20 questions? All right, thanks very much.

21 MR. PIERCE: Thank you.

22 CHAIR MIEDEMA: Gerry Davis is up

1 next and Jo Ann Baumgartner standing by.

2 MR. DAVIS: Gerald Davis, former
3 NOSB member and expert on the use of sodium
4 nitrate in organic farming. I have 18 years
5 experience working for Grimmway Cal Organic
6 Farms on more than 30 different vegetable and
7 grain crops that benefit from the material as
8 well as experience with many fruit, vegetable
9 and forage crops in which we choose not to use
10 it when it is not suitable or necessary. We
11 believe that the 20 percent of in-use
12 restriction for sodium nitrate has proven to
13 be a sustainable approach for our farm soil
14 health. In order to work within the 20
15 percent guideline we balanced that use rate
16 with 80 percent organic amendments. To do
17 this, we grow many thousands of acres of
18 waist-high legume green manure crops each year
19 and apply generous amounts of compost to every
20 field as well. These nitrogen fertilization
21 practices are much more economical than sodium
22 nitrate, but are entirely dependent on warm

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1 soils to convert the materials to nitrate in
2 sufficient quantities for the crop. This fact
3 alone limits our use of sodium nitrate to
4 specific crops that must have it to attain
5 marketable yield and quality, such as
6 vegetables grown in cool soil, fresh market
7 russet potatoes or wheat grown for bread
8 flour.

9 We are not asking for permission
10 to continue using a synthetic material. This
11 is a natural that the rule has limited in its
12 use pattern to protect against improper usage
13 that could be harmful. The OFPA framework
14 gives the ability to place restrictions on
15 sodium nitrate use by placing it on the
16 prohibited naturals list, 205.602, with
17 annotation describing the use limitation. A
18 huge reason why the European and Canadian
19 rules do not allow the material is that their
20 system of rules is not conducive to this kind
21 of flexibility. In their rules a material is
22 allowed or it is not with no mechanism to

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1 limit usage.

2 Some bullet points. One, the 20
3 percent of crop-in-use restriction of sodium
4 nitrate successfully minimizes harm to human
5 health or the environment. Just the paperwork
6 load involved to document a grower's usage
7 keeps most growers from using it. Number two,
8 the stereotypical objections most commonly put
9 forth against sodium nitrate are unmerited
10 when considered in light of this annotated use
11 restriction. These objections set up a straw
12 man of unlimited usage and then proceed to
13 knock it down with all the potential negative
14 effects of the material. Three, complete
15 prohibition of sodium nitrate will lead to a
16 constriction of supply of domestically grown
17 fresh vegetables during the winter months.
18 Vegetable marketers will respond by increasing
19 imports from Mexico. By the way, referring to
20 the written comments from Beyond Pesticides,
21 Sweden and Norway get by without using sodium
22 nitrate because they import fresh produce from

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1 Israel and North Africa during the winter.

2 Please don't be pressured to
3 capitulate to the equivalency argument put
4 forth by the NOP staff. The equivalency
5 problem with Canada is the only new
6 development since the last sunset review of
7 sodium nitrate. International equivalency is
8 irrelevant to your deliberations. Only the
9 nature of the material in relation to the OFPA
10 guidelines that you follow during your review.
11 In my opinion you have no new information to
12 justify rescinding the previous NOSB decision.
13 For the sake of the growers who market locally
14 or have adequate U.S. domestic markets for
15 their crops as well as for the sake of
16 wintertime consumers - last sentence - of
17 organic fresh leafy greens these people do not
18 trust the veracity of the organic claim
19 attached to produce coming from Mexico.
20 Please vote to keep the current listing.

21 CHAIR MIEDEMA: Any questions?

22 Katrina.

1 MS. HEINZE: Did I hear you
2 correctly that the materials used for the 80
3 percent are more economical?

4 MR. DAVIS: Yes. By far.

5 MS. HEINZE: Thank you.

6 CHAIR MIEDEMA: Any more questions
7 for Gerry Davis? Thank you. Jo Ann
8 Baumgartner up next, Doriandra Smith standing
9 by.

10 MS. BAUMGARTNER: Hi, I'm Jo Ann
11 Baumgartner with the Wild Farm Alliance.
12 We've been assisting the organic community in
13 addressing biodiversity conservation for the
14 last seven years. In 2005 the NOSB
15 recommended adopting a set of biodiversity
16 inspection questions in the model organic
17 system plan and in 2009 many of you probably
18 remember that the board recommended
19 biodiversity conservation be comprehensively
20 addressed, including when reviewing materials,
21 when - and in lots of different ways for the
22 organic system plan, for producers outlining

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1 their strategy, for inspectors being trained,
2 certifiers adopting the OSP that addresses
3 biodiversity natural resource requirements so
4 that the producer is actually doing that. And
5 the NOP conducting trainings and revising its
6 audit review compliance checklist so that
7 questions about natural resource standards are
8 in every audit. And Wild Farm Alliance has
9 developed materials to help support some of
10 these efforts. Since that time the NOP has
11 slowly begun to integrate provisions for
12 biodiversity conservation. For example,
13 access to pasture regulations explicitly
14 require protection of natural wetlands and
15 riparian areas. With regard to the OSP the
16 program is currently updating it and now there
17 will be two pages on natural resource
18 management. And the NOSB is addressing
19 materials with regard to biodiversity. So all
20 that's good but there's still a lot left to
21 do. So we are in the process now of
22 developing draft guidelines for consideration

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1 in the NOP's handbook and we welcome review of
2 our materials by members in the organic
3 community. Such guidance is needed so that
4 all certifiers and farmers clearly understand
5 what is required to implement biodiversity
6 standards.

7 We are concerned about another
8 aspect of your recommendation, the decision
9 for the ARC, the audit review compliance, to
10 assess only the process of certification, not
11 the standards themselves when performing
12 audits on organic certification agencies.
13 Since there is already a lack of all
14 certifiers properly implementing biodiversity
15 standards this deficiency in the ARC audit
16 methodology further undermines the NOP's
17 ability to ensure growers' compliance with
18 biodiversity standards as well as
19 certification agency implementation of them.
20 The ARC staff now relies solely on file checks
21 and witness audits to assess certification
22 agency's implementation of the NOP standards.

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1 In other words, ARC does not do a document
2 review to compare certifier standards against
3 standards in the NOP regulation. And not just
4 for 205.200, the natural resource standard,
5 but for all 200 and 300 standards. Is it
6 possible to get clarification of this from the
7 program? NOSB spends a huge amount of time -

8 CHAIR MIEDEMA: Jo Ann.

9 MS. BAUMGARTNER: Last sentence -
10 on the standards. And as I understand it, the
11 accreditation process does not back you up.
12 Thank you.

13 CHAIR MIEDEMA: Thank you. Any
14 questions for Jo Ann? Thank you very much.
15 Oh, I'm sorry. Barry.

16 MR. FLAMM: Not a question I can
17 answer, but I think Jo Ann posed a question to
18 the program. I don't know if Miles is
19 prepared to answer that or if he'd like to.

20 CHAIR MIEDEMA: Would the program
21 like to respond to any of the questions asked
22 by Wild Farm Alliance?

1 MR. MCEVOY: So the question was
2 what - about the accreditation process and
3 what the ARC auditors review as part of the
4 accreditation process. We have - is that
5 right?

6 MS. BAUMGARTNER: Yes.

7 MR. MCEVOY: Okay. So we have
8 been revising the focus of the criteria that
9 the auditors are looking at during that
10 accreditation process and in order to - I'm
11 not prepared to go into all the details of
12 what that's about, but the focus of the audit
13 is to see that the certifier is complying with
14 their responsibilities, the accreditation
15 components within the National Organic Program
16 regulations. And as well as the certification
17 components. So that is the focus of the
18 accreditation process. The certifiers need to
19 be reviewing applications, conducting
20 inspections, issuing certificates as per the
21 certification sections of the regulations and
22 they need to be following the requirements as

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1 an accredited certifier under the
2 accreditation sections having to do with
3 conflict of interest, having to do with
4 qualifications of their staff that conduct the
5 work. And in the process of doing those
6 accreditation audits the auditors are looking
7 at case files as well as accompanying the
8 certifiers during inspections, what we call
9 witness inspection, to verify that certifier
10 is doing what is required under the
11 regulations. So that's the process that - a
12 very brief overview of the process of what
13 they're doing when they're doing the onsite
14 audits. So it's - the audit is not to look at
15 so much the implementation of the standards,
16 it's the - to look at how the certifier is
17 doing their job as - to meet the accreditation
18 criteria and the certification criteria. Part
19 of that is that if they're doing - when
20 they're doing that review they have to be
21 interpreting and following the criteria -
22 excuse me - that are in the regulations, in

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1 the crop and livestock and handling and
2 labeling sections of the regulations. So it's
3 kind of a long-winded answer, but the focus is
4 really on the certification, the accreditation
5 part during the accreditation process and the
6 audit process.

7 CHAIR MIEDEMA: Thank you, Miles.
8 Any further questions? Thank you, Jo Ann. Is
9 Doriandra available? We'll move on to Dan
10 Giacomini, Bruce Scholten standing by.

11 MR. GIACOMINI: Thank you, NOSB.
12 My name is Dan Giacomini. I'm an animal
13 nutritionist. I'm a former member of the
14 board and last year the chairman of this
15 group. As Tracy said she will miss the work
16 done by the board. I agree with her. I try
17 to miss it as often as possible. I'd like to
18 thank for the opportunity to make public
19 comment, but today I am - my public personal
20 comments have been posted on the website.
21 They are number 1702 if you at any point in
22 time would like to look that up because it's

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1 awful hard to search. Today I'm here
2 representing a number of organic dairy farmers
3 in northern California and the Southwest who
4 have their milk bottled, processed or brokered
5 by as many as nine different processors.

6 The first subject that I'd like to
7 discuss is the stocking rate chart in the
8 livestock animal welfare document. The way it
9 is written and posted these rates in the
10 charts could be used to apply to all loose
11 housing - are meant to apply to all loose
12 housing which is the way I believe they're
13 intended, but facilities utilizing free stalls
14 and tie stalls would also be included. The -
15 in the 2009 Livestock Committee animal welfare
16 recommendation in 239(c)(5) it called for a
17 one stall per animal requirement or limit.
18 That was put into the NOSB's version of that
19 document in section 4 but it would bring back
20 - and the charts were deleted. In bringing
21 the charts back it's important that you be
22 clear that this is two versions of density and

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1 not an "in addition to" format where they
2 would both be required and both be enforced,
3 one animal to a stall but you're requiring two
4 stalls per animal at the same time.

5 Overall I support the animal
6 welfare document. I encourage the board to
7 move ahead with it except for some of the
8 things that I mentioned in comments regarding
9 soil, 2010 amendments in particular, soil
10 definition. The transport document, the terms
11 disallowing transport at certain times is
12 exactly at some times when the animals need to
13 be moved and that needs to be readdressed.

14 As far as the CACC recommendation
15 regarding material review, I understand many
16 of the problems involved in this process but
17 please don't limit the dynamics of the
18 process. There's a lot of cases where once
19 things have been reviewed by OMRI they are
20 repackaged and reformulated particularly in my
21 case with animals and supplements, animal
22 nutrient supplements. If we would then need

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1 to go back through an OMRI type review for
2 every one of those it would be extremely
3 cumbersome and very expensive.

4 Third, outside of the amendments -
5 outside of your intent to tweak annotation
6 changes. It's very important that you
7 reassert the current listings, animal nutrient
8 vitamins and minerals and a number of other
9 things. If there's any questions, reassert
10 and deal with them later.

11 CHAIR MIEDEMA: Okay. Thank you,
12 Dan. Any questions for Dan Giacomini?
13 Katrina.

14 MS. HEINZE: On your last point,
15 as a former Materials chairs could you explain
16 what you think the consequences are if we
17 don't do that?

18 MR. GIACOMINI: I will try but I
19 obviously can't because I tried doing that for
20 two years and I couldn't get the board to see
21 my point. Right now sunset - when sunset
22 rulemaking goes through its process it's

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1 considered essentially non-significant
2 rulemaking. It's just re-listing of
3 everything that's there, maybe dropping a
4 thing or two. Once you go to annotation
5 changes and amending what's there it's going
6 to create a lot more oversight and review.
7 That's already been established. And anytime
8 that happens you're risking an extremely drawn
9 out timeline for when those documents will go
10 through final approval. If the only thing
11 that this board has done is to vote for an
12 annotation change that is the only authority
13 that the Secretary and the NOP have to proceed
14 with. If they have not re-voted to reassert
15 a sunset listing and that process from
16 rulemaking gets dragged out they do not have
17 the authority in any form to do anything
18 except drop it off the list. Because this
19 board did not reassert that listing. That's
20 the authority of this board, that's the
21 responsibility - one of the responsibilities
22 of this board and you didn't take it. The -

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1 I don't know where it's written in that they
2 can assume certain things. You didn't
3 reassert the existing listing.

4 CHAIR MIEDEMA: I'm glad you're
5 here, Dan. Any other questions?

6 MR. GIACOMINI: Thank you.

7 CHAIR MIEDEMA: Thank you very
8 much. Bruce Scholten is next and Bridget
9 O'Brien is standing by.

10 MR. SCHOLTEN: Hello. My name is
11 Bruce Scholten and I was raised on a family
12 diary farm that grew from 20 to 100 cows, more
13 than 100 cows in my lifetime near Lynden,
14 Washington. Now I'm a geographer at Durham,
15 England and my PhD study called Food and Risk
16 in the U.S. and UK on organic food comparing
17 it to - between Seattle and Newcastle is on
18 Amazon.com. It records what I call the USDA
19 organic grazing war or pasture war in which
20 pasture rules of minimums of 120 days and 30
21 percent dry matter intake were finally
22 formalized by the NOP and I thought that that

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1 was a great occasion.

2 Now one of the main topics before
3 us all is synthetics and some companies
4 apparently are adding synthetic omega-3 fatty
5 acids to infant formula without prior NOP
6 approval. To me this seems a very dangerous
7 precedent and I think it endangers consumer
8 confidence. In England, I live near Newcastle
9 University's Nafferton Farm which has got a
10 lot of press in the last year or two for
11 showing that milk has increased omega-3 if it
12 comes from cows on grass. But no science that
13 I know shows that synthetic omega-3 offers the
14 same health benefits as more naturally
15 occurring. So please enforce the law. If
16 non-organically produced synthetics have a
17 place I think it's what Professors Tim Lang
18 and Mike Heasman call the food sciences
19 paradigm which belongs in the conventional
20 market.

21 Now shifting the subject to
22 stalls, I've been asked by Mark Kastel and

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1 Cornucopia to comment on this to give them
2 space in their slots to talk about something
3 else. But it happens that my views coincide
4 I believe exactly with theirs. So I think
5 that the mooted rules requiring 8 foot by 8
6 foot stalls are worrying. My family did much
7 consultation in designing the stalls in our
8 loafing shed of around 1963 and I've cleaned
9 thousands of stalls and I can tell you that
10 most organic cows I know fit just fine in 4x8
11 or 4 foot by 7 I think are even safer stalls.
12 Larger ones are less sanitary and larger ones
13 risk the cows panicking, trying to turn
14 around, breaking legs and other ugly, ugly
15 wounds. So small can be beautiful and
16 healthier too. I've become a little bit of an
17 advocate for family-scale dairy farms and I
18 hope you continue to support regulations that
19 honor the letter and the spirit of the 1990
20 OFPA Act. Thank you.

21 CHAIR MIEDEMA: Thank you. Any
22 questions for Bruce Scholten? No questions.

1 Okay, thank you. Bridget O'Brien, are you in
2 the room? Okay. Liana Hoodes is up next and
3 Gary Middleton is standing by.

4 MS. HOODES: Good afternoon all.
5 I'm Liana Hoodes with the National Organic
6 Coalition. As always I have a lot to talk
7 about related specifically to the docket and
8 some overarching pieces. The workload and the
9 pace has been increasing at an alarming rate,
10 I don't need to tell you that. We fear it's
11 becoming unsustainable. And this is not
12 because either you or NOP are poor at time
13 management or priority-setting whatsoever. I
14 propose that this is a systematic failure of
15 the agriculture and food policy community to
16 step up to the plate and make organic food and
17 agriculture successful and to make this
18 process, transparent process a reality.

19 Okay, on the docket. Could you -
20 we really appreciate having the committee
21 recommendation chart and evaluation criteria
22 checklist in all proposed recommendations

1 including sunset at the time of posting. That
2 helps us to see your work and our comments can
3 specifically address that. Corn steep liquor,
4 get on with it. Declare it a synthetic and
5 petition it as such. It's neither reasonable
6 nor correct to declare CSL a non-synthetic
7 just because it may cause the reevaluation of
8 other materials. That would doom the future
9 of materials review to just such a chaotic
10 decision-making process as we've seen on CSL
11 during the past year. If other materials must
12 be reevaluated to comply with the law and with
13 science then so be it. Conflict of interest
14 you'll see, we propose a more deliberate
15 approach to the declaration and transparency
16 to the conflict of interest policy.

17 We support the re-listing of
18 nutrient vitamins and minerals with an
19 additional annotation originally proposed by
20 NOP, refined by Cornucopia and OTA as well.
21 We do think that where synthetic vitamins,
22 minerals and nutrients are allowed we need to

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1 find a way to incentivize the development of
2 non-synthetic forms. Not sure how to get
3 there, but we need to try. Refer to our
4 detailed comments on both streptomycin and
5 tetracycline in fruit production. Lynn Coody
6 will be speaking to that. It's very serious
7 and we hope we've come to a partway on it.

8 Okay, the big picture. The
9 challenge is to get all pieces of the organic
10 pie to take responsibility for the success of
11 the system. When we do not look at it
12 comprehensively then it's all too easy to
13 blame any one part and significantly it's
14 often the farmer that takes the brunt of this.
15 It's fundamentally disrespectful to farmers to
16 require them to comply with an extensive
17 system with constant oversight and not give
18 them the support in U.S. federal ag policy or
19 in the marketing system that is making huge
20 profits on their work. So what are the pieces
21 of that pie? Government, specifically USDA
22 above NOP needs to acknowledge the multiple

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1 benefits and support organic in all farm
2 programs. Steve Etko will go into that more
3 later. The industry must also support the
4 high standards and acknowledge the multiple
5 benefits of organic rather than just as a
6 profit-making label. Industry needs to look
7 for alternatives, not just input substitutions
8 but system solutions as in root stock
9 varieties on fruit trees to fulfill the taste
10 profiles that are the marketing - what they
11 need to market. It is their responsibility to
12 step up to that plate. And - okay. There I
13 am.

14 CHAIR MIEDEMA: Thank you, Liana.
15 Any questions? Jay.

16 MR. FELDMAN: Thanks, Liana.
17 You've referred to corn steep liquor as a
18 foundational issue.

19 MS. HOODES: Yes.

20 MR. FELDMAN: What do you mean by
21 that and how do you frame that in the context
22 of integrity?

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1 MS. HOODES: Well, basically the
2 definition of synthetic. I think that it's
3 clear that with the sulfur dioxide it is a
4 synthetic and that definition and the process
5 you use to get to the decision-making needs to
6 be clear enough so that you don't get
7 bollocksed up in strange - I'll call them
8 strange definitions that really aren't
9 scientific. Once you get to that place of
10 having a consistent definition and a way to
11 get there then the other materials will fall
12 in place more. I do believe that there were
13 some mistakes made by earlier administrations
14 in sort of not being clear there.
15 Unfortunately I think that means that you're
16 going to have to fix that. I think you have
17 some discretion in the speed that you're going
18 to do it, but I do think it's foundational to
19 look at the definition of synthetic and CSL is
20 one of those. I hope that answers it.

21 CHAIR MIEDEMA: Any other
22 questions? All right, thank you.

1 MS. HOODES: Thanks.

2 CHAIR MIEDEMA: Next up is Gary
3 Middleton. Scott Doughty is standing by.

4 MR. MIDDLETON: Good afternoon.
5 My name is Gary Middleton and I am both an
6 owner and grower of Middleton Organic
7 Orchards. I also represent Small Organic Tree
8 Fruit Growers of the Northwest. We have a
9 100-acre family orchard in which we grow
10 organic apples, cherries and blueberries. At
11 issue is our 16-acre block of Gala. Over the
12 past five to seven years fire blight has
13 decimated between five and six acres
14 throughout this block. This represents an
15 annual revenue loss of \$75,000 to \$90,000.
16 Without oxytetracycline available there is no
17 doubt whatsoever those numbers would have been
18 substantially higher. This year we replanted
19 the missing trees in order to fill the blocks
20 since the growing costs were the same per acre
21 irregardless. We were not expecting our only
22 viable product to sunset. This is

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1 detrimental. We have replanted a somewhat
2 resistant root stock Bud 9 trees with marginal
3 success. The one root stock that is resistant
4 to fire blight is the Geneva type root stock.
5 However, after much research and speaking to
6 several prominent nurseries I was informed
7 that these trees would not be available for
8 several years. It's important to note that
9 not all varieties of apples are susceptible to
10 fire blight. Pink Lady, Gala, Jazz,
11 Honeycrisp and Fuji are susceptible,
12 especially along the dwarfing root stocks.
13 There would not be widespread usage of
14 oxytetracycline as these represent only a few
15 of the many varieties grown. We have utilized
16 bacteria control such as BlightBan and
17 BloomTime, but once again the results were
18 unsuccessful. Two other products have been
19 suggested are paretic acid with an FSC of 32
20 to 40 percent and pseudomonas with about 50
21 percent FSC. Neither one is acceptable. I
22 would be hard pressed to find any one person

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1 in this room would be willing to accept these
2 percentages in their annual income. The
3 orchard is consistently being monitored on
4 fire blight as necessary. Meantime this
5 entire tree becomes infected. It's not
6 uncommon for the adjoining trees to be
7 infected as well. We utilize the WSU Cougar
8 Blight model to ensure that antibiotics are
9 applied only when the infection is high to
10 extreme. The infection period primarily
11 occurs during bloom time. However, fire
12 blight carries throughout the entire season.
13 Without products such as Mycoshield it's
14 highly probable that our entire Gala block
15 would need to be destroyed or grown
16 conventionally and that is not acceptable.
17 Like other orchards, we are looking forward to
18 having more products available for combating
19 fire blight. However, until that time comes
20 our primary tool is oxytetracycline. The
21 aforementioned susceptible varieties are
22 consumer-driven and will be grown somewhere

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1 else. Who is willing to give us market share
2 to foreign nations? I am not. And if so, who
3 will be enforcing the products that they use
4 or might be using? Statements such as "Go
5 back to fire blight-resistant varieties" is
6 simply absurd. We have a block of Golden
7 Delicious apples and it's a financial
8 challenge for profitability. It is our
9 request that the NOSB remove the expiration
10 date for tetracycline and reinstate this
11 product until a transitional equivalent
12 product has been identified for usage as the
13 removal of this product will result in
14 ramifications that will result in greater
15 hardships for a small family farm. Thank you.

16 CHAIR MIEDEMA: Thank you very
17 much. I see a couple of questions. Let's
18 start here with Nick.

19 MR. MARAVELL: I have two
20 questions. First, do you have sufficient
21 information that would make you feel
22 comfortable using the alternative root stock

1 Geneva in your operation? In other words, do
2 you have enough information that, you know,
3 you would willingly adopt that? If it were
4 available. All right. And then the second
5 part of that is how would you integrate that
6 into your operation. In other words, how
7 would you integrate that root stock.

8 MR. MIDDLETON: Well, let me just
9 say briefly that the reason we waited to
10 replant all these blank spots at our orchards,
11 we were waiting for the Geneva root stock and
12 my feelings as far as my research and other
13 researchers can speak more to this, but it
14 certainly has fire blight and replant
15 resistant qualities that I am seeking. I have
16 not found anything that's even closely
17 resembles that. The problem is is again it's
18 hard to propagate the nurseries and so I've
19 been waiting for like five years and it's
20 still not available. They said it's still
21 five years out. And your second part?

22 MR. MARAVELL: The second part is

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1 what would you actually do? In other words,
2 if that root stock were available today how
3 would you integrate that into your operation?

4 MR. MIDDLETON: Probably as I had
5 additional mortality and I certainly would
6 have replanted the ones - 1,800 trees I just
7 replanted. But as the mortality continues
8 because it probably is in some of those that
9 are infected because it actually truly infects
10 the entire tree and it takes time for it to
11 die, I would implement that root stock into
12 the plantings that I have now.

13 CHAIR MIEDEMA: Okay. Barry and
14 then Jay and then Katrina.

15 MR. FLAMM: Thank you. I have a
16 double-barreled question. First of all, you
17 mentioned that you would see an individual
18 tree infected and then it would spread
19 throughout the orchard. My first question is
20 what actions do you take with an individual
21 tree? Like do you do any culture. And the
22 second question is did you place an order at

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1 a nursery for your variety to be grown on
2 Geneva root stock.

3 MR. MIDDLETON: Yes, I have placed
4 an order with some of the premier nurseries
5 here in the Northwest. I won't utilize the
6 names, I don't think it's appropriate, but one
7 of the things what we do is we - each day we
8 go out and scout the block for strikes,
9 especially after bloom period because that's
10 when it's most susceptible. What we will do
11 is we will go out there and physically cut
12 that strike out, sterilize not only the
13 pruners but also the strike itself and then
14 gingerly move that out of that canopy of that
15 tree so it doesn't touch other parts and
16 become infected. Then it's taken to the edge
17 of the field or to another location and it's
18 physically burned. One of the things we've
19 found over time now is that as those become
20 more predominant, if we get more, say a
21 multitude of strikes in there that somehow
22 we've missed them, then we just simply pull

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1 the tree out because it's going to die anyway.

2 CHAIR MIEDEMA: Jay.

3 MR. FELDMAN: I forget how long
4 you said you were - you've been farming.

5 MR. MIDDLETON: I've been farming
6 36 years.

7 MR. FELDMAN: Thirty-six years.
8 So you've gone through the transition of
9 variety. You went from - what varieties did
10 you transition from and could you give us some
11 insight into the decision-making process when
12 you did that?

13 MR. MIDDLETON: When I - I've been
14 farming for 36 years. I've been an orchardist
15 for 15. When I first started growing orchard
16 I planted Golden Delicious, Granny Smith and
17 Gala. And as time has progressed obviously
18 the demand for the Golds and the Granny's has
19 been diminished substantially. And as - it's
20 consumer-driven which means that basically you
21 know nobody drives a horse and buggy anymore,
22 we all drive cars because that's what people

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1 want. And so as the industry has changed I
2 haven't had the ability to change all my
3 varieties out. I would like to take the
4 Golden Delicious out but it's not economically
5 feasible for me at this time. But I'm looking
6 at something that will potentially return some
7 profitability to this family farm.

8 CHAIR MIEDEMA: Katrina.

9 MS. HEINZE: My question is about
10 streptomycin. We've heard a considerable
11 amount of public comment on tetracycline, but
12 we also have a sunset renewal for streptomycin
13 and I was wondering if you could comment on
14 the need for that material.

15 MR. MIDDLETON: I won't comment
16 extensively because I'm not a researcher, but
17 I do know that it has developed resistance
18 here in the Northwest. And oxytetracycline or
19 tetracycline is a softer product. But I'd
20 hate to take a researcher's position on that,
21 so that's how I'll answer that.

22 CHAIR MIEDEMA: Any other

1 questions? Thank you.

2 MR. MIDDLETON: Thank you.

3 CHAIR MIEDEMA: Next up is Scott
4 Doughty and then standing by, Paolo Bonetti.
5 Scott - doesn't look like Scott is here.
6 Okay. Paolo. And then standing by is Steve
7 Pierce.

8 MR. BONETTI: Hello, my name is
9 Paolo Bonetti from Organic Vintners. Thank
10 you for allowing me to present our petition to
11 amend the annotation in organic wine-labeling.
12 This label you see here was issued by the TTB
13 and NOP in June 2009 in an effort to clarify
14 confusion over wine-labeling. Has anyone seen
15 this new organic category? Under NOP regs
16 205.301(f)(7) there's a basic, fundamental
17 longstanding principle that one cannot mix
18 organic and non-organic forms of the same
19 ingredients. Next slide. Simultaneously,
20 Canada passed its own organic regulations
21 adopting most NOP regulations except those in
22 wine. In Canada, Australia and New Zealand,

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1 organic wines with added sulfites are called
2 organic wines as they should be.

3 How has this impacted the U.S.
4 market? The negative results were quite vast.
5 I have a few examples. How is a consumer
6 supposed to know that a wine made with organic
7 grapes is 100 percent organic because it does
8 not have the USDA seal and because it does not
9 say organic wine? Slide 3, please. Organic
10 milk I was told commands 40 percent premium at
11 the farm. And even though wines made with
12 organic grapes consistently rate higher than
13 their conventional counterparts, bulk organic
14 wine grapes actually have a negative premium
15 of 7 percent. Slide 4, please. As a result,
16 rampant greenwashing has emerged. Winemakers
17 tend to use anything but the USDA seal. Look
18 at the list of logos consumers are faced with.
19 Okay? The California Sustainable Wine-Growing
20 Alliance actually allows for the use of Round-
21 up and sophisticated retailers are even
22 confused and they're calling their organic

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1 wine sections "sustainable" or "eco-friendly."
2 They don't call it eco-friendly milk, do they?
3 And the next slide, please.

4 The growth of our industry - this
5 is the most important part - has been
6 completely stunned. Although organic products
7 on average enjoy a healthy 3.5 percent market
8 share in the food segment while organic wine
9 according to Ms. LaRocca's testimony this
10 morning is up to 0.1 percent of U.S. wine
11 sales, lagging behind by a whopping 35 times
12 the average. Next slide, please. It took an
13 act of Congress, the Boxer-McConnell Amendment
14 to the OFPA in 2000 to allow sulfites in
15 organic wine. I believe that the intention
16 and the spirit of this amendment was to make
17 organic wine a competitive and healthy
18 category in the organic industry, rather than
19 putting us in a "made with" box. The "made
20 with" experiment protecting a single handful
21 of domestic wine producers has clearly been a
22 failure and it's time to make change for the

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1 benefit of the entire industry and for
2 consumers who simply want organic wine without
3 harmful pesticides and herbicides. Next
4 slide, please.

5 The legal solution is a petition
6 which was accepted by your board last July.
7 Please consider deleting the annotation for
8 sulfur dioxide on the national list. Next
9 slide. I quote, thanks to sulfites, the
10 organic industry - excuse me, the wine
11 industry is being excluded from the organic
12 market niche and penalized for something
13 without which it cannot make a long-lasting
14 product. Dr. Waterhouse will be speaking on
15 this issue at 5:05 p.m. Any questions?

16 CHAIR MIEDEMA: Thank you.

17 MR. BONETTI: Thank you.

18 CHAIR MIEDEMA: Steve Pierce. And

19 -

20 MR. PIERCE: Good afternoon. I -

21 CHAIR MIEDEMA: Just a moment,
22 sir. Thank you. Scott Rode standing by.

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1 Please proceed.

2 MR. PIERCE: I passed out handouts
3 earlier that I do not think - they're coming
4 to you right now. If you'll turn to page 2 of
5 those it has the slides that I'm getting ready
6 to show. Three minutes is not a lot of time
7 so let's start moving. Number one, the act is
8 the law. Let's go with reality here. It says
9 that the national list may be provided the use
10 of certain substances for organic farming or
11 handling that would otherwise be prohibited
12 according to the chapter if the Secretary
13 determines that the use is necessary, blah,
14 blah, blah, because of the unavailability of
15 wholly natural substitute products. In 2007
16 I spoke before this board and I let you guys
17 know that there was a wholly natural
18 substitute commercially available in the
19 marketplace. And oh by the way it is
20 certified organic and it is certified 100
21 percent organic. In that same year as you can
22 see kind of along the bottom it says that the

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1 Missouri delegation, senators and
2 representatives, sent a letter to the
3 Secretary of Agriculture checking and kind of
4 indicating that he seemed to be out of
5 compliance with the act on the 2007 re-listing
6 of silicone dioxide. Next slide, please. Six
7 weeks ago the committee - or the Handling
8 Committee requested information from
9 processors on this exact subject. Here's the
10 chart that I submitted then. I submit it
11 again to you today talking about the six
12 categories. I don't know why my pointer's not
13 pointing. The six categories that are
14 relevant to the recent TAP review on silicone
15 dioxide. Please note in there that the wholly
16 natural substitute does work in the first four
17 areas, one is being tested. Number five is
18 one we said that the de-foamer. We are not
19 claiming to work in that area. Notice that
20 there are other items on the national list,
21 both anti-caking and filtration aid. Next
22 slide.

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1 Looking at the public comments and
2 I was amazed to hear the committee mention
3 this morning that we now need more public
4 comments. We've had three to five public
5 comments over the last two years. Here's how
6 they break down. The last 28 comments came
7 from processors. Next slide, please. If you
8 look at those you can see where you've got a
9 column on the left saying remove it, a column
10 on the right that says keep it.

11 What ingredients go into an item
12 is personally confidential. The only people
13 that know exactly what's going into the items
14 are the certifiers and the manufacturers. In
15 order to give some insight to the committee
16 and the board I gave two pages of information
17 that's publicly on the website that talks
18 about the listing of the wholly natural
19 alternative that is being used commercially as
20 a replacer to silicone dioxide. We export
21 this product to probably 18 or 20 countries
22 around the world and we are selling across the

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1 United States both natural and organic.
2 Originally this product came out as only
3 organic. Next slide, please. We had some
4 natural food companies that were buying the
5 organic version just because they did not want
6 silicone dioxide in their food items.
7 Solution to this to try to bring justice back
8 into balance. One, I told you what the act
9 said. I didn't write it, I'm just trying to
10 comply with it and would request that you do
11 the same. When a wholly natural substitute is
12 available the synthetics aren't supposed to be
13 there. Bottom line, please comply with the
14 act.

15 Next slide if I may where I ask
16 two questions of the board. Disappointed in
17 the agenda change. We're not voting on this,
18 we're simply discussing. What information are
19 you seeking that you haven't received? I'm
20 here ready, willing and able to communicate.
21 Allegedly we're supposed to communicate
22 through the NOP. Nobody's asked me a single

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1 question about this issue over the last year
2 and a half since we petitioned.

3 CHAIR MIEDEMA: Katrina.

4 MS. HEINZE: You are proposing
5 that we change the annotation to silicone
6 dioxide only as a de-foamer. Could you speak
7 to filtering aid? I see in the data that you
8 provided that the wholly natural substitute is
9 being tested as a filter aid and we did - I
10 like your summaries by the way - and we did
11 receive public comment that we needed to re-
12 list silicone dioxide as a filtering aid. So
13 I'm wondering why you didn't include that in
14 your recommended annotation.

15 MR. PIERCE: It's one of the items
16 that is being tested right now, mainly looking
17 at the beer industry. I spoke with someone
18 this morning that's using it in another
19 product and process. They are using
20 diatomaceous earth which is approved. They
21 said they don't use silicone dioxide
22 specifically. Not necessary there. Work has

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1 been done in the reduction of the cloudiness
2 in beer, the filtration aid that silicone
3 dioxide is typically used for. They had used
4 whole rice, the hulls, the bran and the white
5 portion of the rice. What the wholly natural
6 alternative is is the rice hull. Where the
7 whole grain rice worked and worked properly
8 and effectively in that capacity scientists
9 told me, or some scientists have told me that
10 it would have been the hull that was acting as
11 that filtration aid to cause the proteins to
12 precipitate out. We are now in contact with
13 some beer manufacturers providing samples to
14 them, asking them to do some testing so that
15 we can come back and say we're not just
16 testing, we would like to find out what does
17 industry need and how do we make that happen
18 with compliance with the act.

19 CHAIR MIEDEMA: Katrina.

20 MS. HEINZE: So today it's not an
21 alternative for a filtering aid, did I
22 understand that correctly? It's in the

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1 process, but today it's not.

2 MR. PIERCE: If we were voting
3 today I would say no.

4 MS. HEINZE: Okay, thank you.

5 CHAIR MIEDEMA: Jay.

6 MR. FELDMAN: I have several
7 questions. I'm going to have to ask them all
8 up front unfortunately. But I'm interested
9 for you to reiterate, please, what uses you
10 feel you have a commercially viable
11 alternative for in the non-synthetic form.
12 I'm interested in knowing whether you feel you
13 had an adequate hearing before the decision-
14 making process at the committee level and what
15 could have contributed to better information
16 getting to the committee quicker. Did you not
17 know what was going on? Did you feel excluded
18 from some conversation? What could have
19 facilitated a more - a quicker access to the
20 decision-making process. Three, what impact
21 has this lack of a decision had on your
22 business and the opportunity to improve

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1 commercialization of your product and I'll
2 leave it at that. Thank you.

3 MR. PIERCE: Three good questions
4 and I'll hit them quickly. Slide number two
5 that I showed showed the six areas where the
6 product is viable. One we're in testing on
7 the filtration aid. Again, I would vote no on
8 that today if we were voting. The anti-
9 foaming I'd say no, it doesn't work. The
10 other areas, I'm not claiming that it works.
11 I will say we've got commercial product on the
12 shelves using it today in the other four
13 areas, the anti-caking, the flavor carrier,
14 the tableting aid, the four items that are
15 listed there.

16 Your second question was did we
17 receive an adequate hearing? I think there's
18 been good dialogue. I want to say maybe the
19 system's a little bit broken or we've only got
20 three wheels on the cart. Never has there
21 been any dialogue and one of my questions that
22 I asked at the end is what would the committee

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1 like to hear that they haven't heard. The
2 definition of insanity is doing the same thing
3 over and over and expecting different results.
4 If there's something that they're seeking let
5 us know what it is. Every letter I've sent,
6 and I've sent letters to the NOP as well as
7 public comments every time it's come open. If
8 you need additional information let us know.
9 If we're supposed to facilitate through the
10 NOP, happy to do it. Let's do a conference
11 call with the stakeholders or the lead person
12 - that's a new word I learned today - the lead
13 person on the Handling Committee that's
14 dealing with this. Let's get the facts on the
15 table because I've got nothing to hide. But
16 all I have done is responded to public comment
17 and I'm shooting in the dark which I think is
18 a time-killer.

19 Third one, impact from no
20 decision. I think it's American jobs. I
21 think it's the lack of rewarding American
22 ingenuity, farming creativity. You've got a

1 synthetic on the list, some small company out
2 in the middle of St. Louis comes up with a way
3 to use a byproduct from the rice industry,
4 finds it, identifies it, makes it commercially
5 available. We didn't wait on anybody. In
6 2007 we started selling. We're competing with
7 silicone dioxide. Hey, guess what? We've got
8 a list of probably well over a hundred plus
9 customers in probably 20 different countries
10 that are using this product. It's cost us
11 American agricultural exports which I know is
12 one of the President's highlights. Forty
13 percent of our product is exported. Europe,
14 Australia, New Zealand, all across North
15 America, Korea, we're shipping these products
16 everywhere. If it were - if the committee did
17 take action as we've proposed all of the
18 countries that are producing products to
19 export back to the U.S. with the organic logo
20 on it, if silicone dioxide were outlawed the
21 rice concentrate would be a part of it and
22 that would be more food that we're shipping

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1 overseas to ultimately come back raising more
2 jobs, more demand, more good for the economy.
3 Thank you and I'm sure I've gone over the two
4 minutes.

5 CHAIR MIEDEMA: Any further
6 questions? Thank you.

7 MR. PIERCE: Thank you.

8 CHAIR MIEDEMA: Next up is Scott
9 Rode. A few more cancellations it looks like.
10 Okay. Edward Maltbe, you are up at the podium
11 and Ashley Swaffar is standing by. Ashley,
12 are you in the room? Okay, thank you.

13 MR. MALTBE: Good afternoon.
14 Sorry about my voice. Ed Maltbe, executive
15 director of Northeast Organic Dairy Producers
16 Alliance and coordinator for the Federation of
17 Organic Dairy Farmers which is a national
18 association of dairy producers. It's always
19 good when there's another industry marveling
20 at the benefits of dairy. I drink a lot of
21 wine as well so, but at least the wine
22 industry doesn't have animal welfare. Except

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1 if - who you get to stomp your grapes. We do
2 get serious sometimes.

3 From the point of view of the
4 recommendation to the Livestock Committee we
5 would ask that you don't bring them to a vote
6 right now but combine them with the
7 recommendations for your fall meeting. We
8 support the need for transparency,
9 accountability when considering the welfare of
10 livestock that are entrusted to our care. We
11 strongly believe that the organic welfare
12 guidance and standards must be sensible, based
13 on reasonable regulations and are determined
14 by the realities of good farming, good
15 husbandry, grazing, natural animal behavior
16 and natural healing. We also are facing a
17 crisis within farming, organic dairy farming
18 especially, of excessive regulation. The
19 number of dairy - organic dairies who are no
20 longer organic because of excessive regulation
21 is increasing. We are seeing a loss of
22 organic farmers partly through the

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1 profitability side but also the increasing
2 regulation. My extensive comments, 20 pages,
3 are all posted.

4 From the point of view of the
5 stocking rate chart we've come up with three
6 different criteria that we would like to use
7 going back to the 2009 recommendations to the
8 committee. During non-grazing season or
9 during times of temporary confinement the
10 following space should be provided for dairy
11 livestock in confined housing free stalls, tie
12 stalls. At least one stall must be provided
13 for each animal in the facility at any given
14 time. The size of the stall must be enough to
15 meet the requirement of herd health or the
16 herd health plan, recognizing the different
17 requirements of different breeds, stage of
18 lactation and the age of livestock.
19 Operations - secondly, operations can make a
20 choice to have some or all of their livestock
21 out wintered or not housed or not in an
22 outside run or pen during non-grazing season

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1 so long as livestock has adequate shelter,
2 clean water for drinking and direct sunlight
3 suitable to the species' stage of life, the
4 climate and the environment. Thirdly, in
5 loose housing bedding packs, dry lots,
6 coveralls, the following table which was
7 within the recommendation can be used.

8 Quickly moving on to the -
9 straight on to the - oh the requirement to
10 have certification of transporters. We feel
11 that that would unfairly be an unfair burden
12 on small- to mid-size operations that
13 transport a small number of animals at a time.
14 Simply having the animal separated within the
15 livestock trailer and then the trailer cleaned
16 out at the end should be sufficient.

17 CHAIR MIEDEMA: Ed, that's your
18 three minutes. Any questions for Ed Maltbe?
19 Nick.

20 MR. MARAVELL: Ed, I don't know -
21 I haven't reached your 20-page statement yet
22 so it might -

1 MR. MALTBE: I'm not sure if I can
2 answer your question then. Go ahead, sorry.

3 MR. MARAVELL: You mentioned some
4 reservation about excessive regulation on
5 dairy farmers. Could you just give us - and
6 you were indicating that perhaps some dairy
7 farmers were leaving organic production. Did
8 I understand that correctly?

9 MR. MALTBE: Yes, that's correct.

10 MR. MARAVELL: And I don't know if
11 also you feel that it's getting harder to
12 attract dairy farmers into organic production.
13 But I was wondering if you could just give us
14 one or two anecdotal or concrete examples of
15 the excessive regulation and how that impacts
16 the dairy farmer. Just so we have something
17 that we can keep in our mind.

18 MR. MALTBE: I can give you two
19 specific areas. Recently we did a survey of
20 all our members and one of the - about 90
21 percent of the comments that came back in
22 answer to "What is your significant time

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1 burden?" is regulations, filling out the forms
2 and the fact there isn't one standard form
3 from every certifier. Every certifier has a
4 different form, different requirements and
5 depending on the qualification of the
6 inspector then the interpretation of the
7 different requirements will be varied and some
8 require more paperwork, some require less. It
9 takes up a significant amount of time after a
10 very busy 10- or 12-hour day. Anecdotally
11 it's - from the amount of questions I've had
12 in the last three months, you know, what is
13 our return for this amount of work, for this
14 amount of regulation. Why don't we get more
15 back in the marketplace? How much more
16 regulation is going to be forced upon us in
17 order to continue doing our farming?

18 CHAIR MIEDEMA: Any other
19 questions? Thank you. Next up is Ashley
20 Swaffar. Erin Moore is standing by. Erin,
21 are you here? All right. Bob Anderson,
22 standing by.

1 MS. SWAFFAR: Good afternoon. My
2 name is Ashley Swaffar and I'm the quality
3 assurance manager for Arkansas Egg Company and
4 we manage around 200,000 organic laying hens.
5 The Livestock Committee has proposed
6 recommendations for animal handling, transport
7 and slaughter, and I would like to point out
8 a few topics in which I feel they have grouped
9 all species of livestock and it should not
10 apply to poultry.

11 Transport conditions. Bedding
12 provided as needed should not apply to poultry
13 due to the fact they are moved in coops or
14 racked and it would be very impractical for
15 poultry producers. Transport time exceeding
16 12 hours requiring feed, water and time for
17 rest. Many hatcheries are more than 12 hours
18 away from any producers. On longer trips from
19 the hatchery the chicks are provided
20 nutritional gel supplements and arrive with
21 very low DOA counts. We are only nine hours
22 away from our hatchery. But if we were to buy

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1 pullets from a producer in Wisconsin like
2 we've done in the past the driver would have
3 to stop 30 minutes away from our farm and feed
4 and water the pullets. And it would be very
5 impossible to feed and water the pullets due
6 to the size of the coops and racks. And when
7 dealing with spent hens, processing plants
8 require a feed withdrawal time of 8 to 12
9 hours. If you stopped one hour away from the
10 plant to feed and water your chickens you
11 would have to let the chickens set on the
12 truck another 8 to 12 hours to let the feed
13 pass through the bird before being unloaded
14 for processing.

15 Certification of transporters. It
16 is the NOSB's intention that the transport
17 operators would need to be certified in order
18 to transport organic livestock. The
19 transportation company we use had this to say.
20 This would put a hurt on all trucking
21 companies with a significant rise in cost to
22 the producer. So I ask why would a trucking

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1 company need to be certified organic if all
2 they did was truck the bird. This would be
3 like certifying a tractor to cut hay. Fitness
4 for transport. This section should be clearly
5 defined as a slaughter only section. It could
6 be easily misinterpreted on this section less
7 than 48 hours old to possibly include any
8 animal no matter where the destination cannot
9 be transported less than 48 hours of age.

10 On the animal welfare proposed
11 recommendation, pullet outdoor access should
12 not be granted until pullets receive all their
13 necessary - or all their recommended
14 vaccinations. We do not finish giving our
15 vaccinations until arrival at the lay house.
16 The reason for such late vaccination is to
17 ensure immunity through the entire life of a
18 hen against diseases such as fowl cholera,
19 salmonella enteritidis and E. coli which can
20 be detrimental to the hen resulting in loss of
21 production and ultimately loss of the hen.
22 Thank you for your time. Any questions?

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1 CHAIR MIEDEMA: Thank you very
2 much. Laura, I see you coming up to the
3 podium.

4 MS. BATCHA: I'm not Bob Anderson,
5 but my colleague Bob Anderson and I have
6 swapped spots and Lisa's made the change.
7 You'll be hearing from Bob on Thursday, so.

8 CHAIR MIEDEMA: Thank you.

9 MS. BATCHA: Thanks for your
10 flexibility. So good afternoon. I'm Laura
11 Batcha with the Organic Trade Association and
12 I first wanted to introduce OTA to some of the
13 new board members. We're a membership-based
14 business association for organic agriculture
15 and products in North America and our
16 membership is as diverse as the sector itself.
17 We have over 1,200 members representing over
18 6,500 certified operations in 49 states across
19 the country. Our board of directors is
20 democratically elected by the membership, one
21 vote per member.

22 The first thing I want to do is

1 make the board aware of our comments regarding
2 a suggested annotation change for lignin
3 sulfonate. We're passing that around and it's
4 a topic that Bob Anderson is going to speak to
5 you all on Thursday about. It has to do with
6 international trade barriers. But given that
7 the committee will have their discussions
8 tomorrow we just wanted to make sure it was
9 available to you before your deliberations and
10 he'll elaborate more on that on Thursday.

11 The second area that I want to
12 focus on right now is nutrient vitamins and
13 minerals in the 2012 sunset recommendation.
14 OTA fully supports the continued allowance for
15 vitamins and minerals in NOP-certified organic
16 foods. We support the 1995 NOSB endorsement
17 of accessory nutrients and we support the
18 national list process and the statutory
19 authority of the board to review materials for
20 inclusion on the national list. Our written
21 comments that we submitted to you all include
22 data supporting the consumers' acceptance of

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1 and desire for fortified organic foods and I
2 encourage you to take a look at that data in
3 the written comments we've already submitted.
4 So the heart of this is that in addition to
5 voting on the re-listing of the nutrient
6 vitamins and minerals per the status quo
7 annotation which we urge you to do at this
8 meeting, OTA requests that the board consider
9 voting at this meeting as well on a clarified
10 annotation that creates a clear and
11 transparent list of materials allowed for use
12 in the fortification of organic foods. As we
13 stated in our written comments, we support the
14 following annotation. Vitamins and minerals
15 identified as essential in 21 CFR 101.9 or as
16 required for infant formula by 21 CFR 107.100
17 or 107.10. Unlike the current reference to 21
18 CFR 104.2, this proposed annotation change
19 represents all of the essential nutrients that
20 were included in the 1995 TAP reviews. In
21 addition, it includes several minerals the FDA
22 has codified as essential since that time. We

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1 believe it's certifiable and enforceable and
2 as demonstrated by the public comment today it
3 has broad support across the organic community
4 as well as the support of the program and
5 apparently the FDA based on this morning's
6 presentation. So we respectfully ask that the
7 board consider getting this vote done at this
8 meeting.

9 Beyond the sunset 2012 decision,
10 OTA is fully in support of the use of an
11 allowance for accessory nutrients in NOP-
12 certified organic products.

13 CHAIR MIEDEMA: Laura, that's your
14 three minutes.

15 MS. BATCHA: Is that three
16 minutes? Okay.

17 CHAIR MIEDEMA: It went fast. Any
18 questions for Laura Batcha?

19 MS. BATCHA: No questions.

20 CHAIR MIEDEMA: Thank you very
21 much.

22 MS. BATCHA: Okay.

1 CHAIR MIEDEMA: Is Erin Moore in
2 the audience? Okay. Jennifer Hillman is up
3 next and Kyla Smith is standing by. Jennifer
4 or Kyla.

5 MS. SMITH: I'm not Jennifer, I'm
6 Kyla. Okay, so - and I'm also not going to be
7 speaking about GMOs. That's an error. Okay,
8 so good afternoon. My name is Kyla Smith and
9 I am the policy director at Pennsylvania
10 Certified Organic. I am here to give voice to
11 our tree fruit producers regarding the Crops
12 Committee's recommendation to not re-list
13 streptomycin for the use of fire blight
14 control in apples and pears. I will also only
15 be speaking about streptomycin because more of
16 our producers grow apples and tetracycline is
17 not labeled for use on apples in Pennsylvania.
18 And just to be clear, Pennsylvania Certified
19 Organic is not taking a position one way or
20 another on this material. I am simply
21 conveying the opinions of our producers.

22 Most of our producers have

1 indicated that they do use other means to
2 fight fire blight such as planting resistant
3 varieties in order to not have to rely only on
4 the use of antibiotics in their organic system
5 plans. It should also be noted that most of
6 our farmers do not apply streptomycin willy-
7 nilly in their orchards. However, due to the
8 somewhat mysterious disease they do use this
9 material when models indicate a severe
10 infection is probable in an effort to save
11 their orchards. It was stated in many written
12 comments that more research should be done by
13 the USDA through its research programs and the
14 NOP to help producers find alternatives to
15 antibiotics in treating this disease in
16 plants. Our producers agree with these
17 sentiments. As other commenters have
18 indicated this research is under way but has
19 yet to result in a viable commercially
20 available alternative. Many of our producers
21 have indicated that if this backup tool is not
22 available to them they will likely have to

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1 begrudgingly give up organic production as to
2 not face the alternative of losing their
3 livelihood in order to preserve their organic
4 certification. And I'll just end by thanking
5 you all for all of your time to address not
6 only this difficult issue but all of the
7 important issues on the docket. Thank you.

8 CHAIR MIEDEMA: Thank you, Kyla.
9 Questions? All right. Thanks very much.
10 Okay, Jennifer Hillman? All right, next up
11 then is John Hyer. Next up after John, it
12 looks like he's not here, Katharine Rode.
13 Lots of cancellations today. Next up will be
14 Lynn Coody and Marty Mesh standing by.

15 MS. COODY: Hello all. My name is
16 Lynn Coody and today I'm presenting testimony
17 on behalf of National Organic Coalition. And
18 my testimony is on limited use of antibiotics
19 for fire blight. In principle NOC is opposed
20 to the ongoing use of antibiotics in organic
21 agriculture. However, while NOC applauds the
22 Crop Committee's recommendation of a complete

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1 prohibition, after consultation with multiple
2 stakeholders NOC proposes a plan for limited
3 continued use of antibiotics for controlling
4 fire blight. Specifically, NOC proposes a
5 time-limited extension for the use of
6 antibiotics coupled with an immediate
7 restriction of the materials' use. In
8 addition, NOC proposes a series of policies
9 designed to mitigate difficulties related to
10 the eventual prohibition of antibiotics.
11 NOC's plan has four main points. I'll be
12 discussing three of them and my colleague
13 Steve Etko will take the fourth.

14 So the first point I'd like to
15 bring up is we urge the NOSB to include an
16 annotation on the national list for both
17 antibiotic materials that includes two topics.
18 The first is extending the period of use for
19 both antibiotic materials for three years
20 until January 2014 so that tree fruit growers
21 have a chance to gain experience with using
22 the new protectant products that are being

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1 developed and to begin planting root stocks
2 and varieties that are resistant to fire
3 blight. Secondly, we urge the annotation to
4 restrict antibiotics - the use of antibiotics
5 to cases in which the grower has implemented
6 both monitoring and management practices
7 consistent with NOP's pest control hierarchy
8 in section 205.206 that includes choices of
9 appropriate varieties for, quote, "resistance
10 to prevalent diseases" unquote.

11 Point two of NOC's plan is for the
12 NOP to provide guidance to be implemented at
13 every level of NOP's oversight system which
14 would include providing detailed requirements
15 for phasing out antibiotics. For operators,
16 NOP would specify specific information that
17 must be included in operators' OSPs to
18 demonstrate good faith, comprehensive efforts
19 to comply with the pest control hierarchy
20 designed to prevent or limit use of
21 antibiotics. For certifiers, the guidance
22 would include requirements to increase

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1 verification of efforts by growers to prevent
2 or limit use of antibiotics for controlling
3 fire blight and within its accreditation
4 system NOP would provide instructions to
5 auditors for increased assessment of
6 certifiers' efforts to oversee implementation
7 of section 206 by growers. For example,
8 through auditors choosing tree fruit
9 operations for file checks and witness audits
10 during their visits to certification bodies.

11 The third point I'd like to
12 address is a fire blight task force. NOSC
13 proposes that during this additional period in
14 which antibiotics would be allowed that the
15 NOSB convene a fire blight task force that
16 would include participants from the industry
17 as well as agricultural resources and that the
18 task force would report annually in person to
19 the NOSB. And we gave a bunch of information
20 about the topics, et cetera, in our written
21 comments. That's it, thank you.

22 CHAIR MIEDEMA: Thank you, Lynn.

1 Any questions for Lynn Coody? We'll start
2 with John Foster, then Jay Feldman, then Nick
3 Maravell.

4 MR. FOSTER: Thanks, Lynn. Do you
5 - when you were proposing kind of the
6 annotation that included mandatory
7 preventative and monitoring functions.

8 MS. COODY: Yes.

9 MR. FOSTER: Do you have personal
10 knowledge of anyone not doing that right now?

11 MS. COODY: I think that most
12 growers are doing that now as far as the
13 growers that I know about. Of course, I'm
14 from the Pacific Northwest where we already
15 have a very difficult problem with the
16 resistance of fire blight bacteria to
17 streptomycin. That's already been reduced,
18 you know, it's been taken out of our toolbox
19 so now it's very - we have to use Terramycin
20 very carefully. So I think most growers that
21 I'm aware of personally are using those
22 things. What's not happening though is the

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1 use specifically of the varieties that are
2 resistant to fire blight. The industry has
3 generally moved away from that and I feel that
4 it's not - that is an area where the
5 certification bodies as well as operators and
6 the accreditation body could be implementing
7 the pest control hierarchy more successfully.

8 CHAIR MIEDEMA: John with a
9 follow-up question.

10 MR. FOSTER: How did you arrive at
11 the date you propose? What is - is there
12 science there and if so, what is it?

13 MS. COODY: No, not really
14 science. What it is is before it would be
15 sunseting again. We went through a bunch of
16 different scenarios. It's - there have been -
17 we didn't want it to go out five years because
18 that's basically sunseting again. We wanted
19 it to be a restriction, a further restriction
20 as we stated on the process. So basically
21 it's a policy decision as opposed to a
22 scientific one.

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1 MR. FOSTER: Thank you.

2 MS. COODY: You're welcome, John.

3 CHAIR MIEDEMA: Next up, Jay.

4 MR. FELDMAN: Thanks, Lynn. As
5 you know - well, tell us what you know.

6 MS. COODY: Everything that I
7 know?

8 MR. FELDMAN: Tell us everything.
9 You have three minutes or two minutes. I'm
10 trying to present this as a question.

11 MS. COODY: Okay, go for it. It's
12 like Jeopardy.

13 MR. FELDMAN: Yes. The issue of
14 consumer expectation is - how deep is that in
15 the statute? The report language and the
16 statutory history on OFPA. How deep is the
17 consumer expectation which we haven't heard
18 much about, but I know NOC has consumer groups
19 in its membership. How deep is that consumer
20 expectation issue in terms of our decision-
21 making process here and how do you reconcile
22 public expectation, what some people have

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1 discussed as public expectation on the use of
2 this, including Maria Rodale's book Organic
3 Manifesto which identifies no antibiotics used
4 in organic production. How do we - those of
5 us that are trying to bridge consumer-farmer
6 interests, how do we reconcile the expectation
7 issue here on no use of antibiotics in organic
8 food production?

9 MS. COODY: Well, the issue of
10 antibiotics in organic systems has certainly
11 been controversial since we were writing the
12 OFPA, you know, many years ago. I think that
13 it's - there is provision for - obviously for
14 use of these materials for many years because
15 there hasn't been an alternative. What NOC is
16 trying to do is to push the NOSB to move
17 forward on a restriction so that it's not just
18 the same thing over and over again, the same
19 repeat of the sunset period similar to
20 methionine. We're trying to propose kind of
21 a compromise solution to move forward and to
22 give, as Steve will speak about in a few

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1 minutes, policy tools to help this be
2 implemented. So we're trying to come to a
3 compromise between concerns of consumers and
4 the needs of farmers. And NOC did so after
5 carefully listening to a number of different
6 stakeholders over multiple meetings and trying
7 to listen to everybody. So this is our best
8 shot at a middle ground that could be workable
9 and also move the industry forward.

10 CHAIR MIEDEMA: Thank you. And
11 one more question.

12 MS. COODY: Oh, one more. Sorry.

13 CHAIR MIEDEMA: Nick Maravell.

14 MS. COODY: Nick, okay.

15 MR. MARAVELL: I'd like to find
16 out a little bit more about the task force
17 that you're talking about and maybe I could
18 break it down into a few little questions so
19 you get an idea of what my curiosity is about.

20 MS. COODY: Okay.

21 MR. MARAVELL: One is does - is
22 this something that necessarily needs to be

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1 convened by the NOSB because you're suggesting
2 that we convene such a task force. And I'm
3 going to say that have you considered that
4 that task force could be convened by the
5 industry as opposed to the NOSB. The second
6 question - well, maybe you can answer that.
7 Would that be?

8 MS. COODY: I think that there
9 already is kind of a de facto task force both
10 on the east side of the country, the west side
11 of the country and in the middle of
12 researchers and growers working together on
13 this problem for a long time. What's been
14 missing I feel, or one piece that's been
15 missing is the will of the USDA and the NOP to
16 really enforce or to support that with money
17 and with political will to really make this
18 happen. And again, this is Steve's thing to
19 talk about, not mine, so you can even ask him
20 more about that.

21 MR. MARAVELL: Well, then tell me
22 if my next question is more for Steve. You're

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1 suggesting status reports to the NOSB.

2 MS. COODY: Yes, that's true.

3 MR. MARAVELL: And that might be
4 helpful, but I would think that
5 recommendations more broadly directed to USDA
6 seems more of what you're talking about. And
7 I was just wondering if that could be recast,
8 that this task force might perhaps be recast
9 to be oriented in that direction to influence
10 a broader USDA policy. And then my final
11 question is probably for Steve then is what
12 are we talking about here in terms of
13 necessary resources. Is there any handle on
14 that?

15 MS. COODY: Well, if I can
16 remember these questions. The first - one of
17 the reasons we suggested this task force is
18 that there is kind of a previous precedent for
19 it with the methionine task force where they
20 came and reported their progress. It was not
21 only a good exercise for the producers and the
22 researchers, it was also great for the NOSB to

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1 be continually prodded to think about the
2 policy implications and gosh, now it's three
3 years, now it's two years, now it's one year,
4 uh oh, you know, you have to make a decision.
5 So for that reason we felt like it was
6 important for annual quick updates similar to
7 what Emily gave this morning about the inerts
8 process to come directly to the board.

9 You're really going to like what
10 Steve has to say because I think you're really
11 talking a lot about these policies that we're
12 proposing that are very specific and clear.
13 We've actually seen some places where funding
14 was actually considered but not given to a
15 project that was designed to help finding
16 alternatives for fire blight. So Steve will
17 be welcomed by you I'm sure. Okay, thanks so
18 much.

19 CHAIR MIEDEMA: Thank you, Lynn.
20 Any further questions? Okay. Marty Mesh.
21 And after Marty we are going to take a short
22 recess.

1 MR. MESH: You could do that now
2 if you want. Because I hadn't written the
3 final draft. Don't start the clock yet.
4 Okay. So, Marty Mesh. No time to say thanks
5 to the program, welcome to the new board
6 members and absolutely no time for humor. I
7 started farming organically in '72, Bellevue
8 Organic Gardens formed in '76, FOG we formed
9 in 1987 as a non-profit and we operate QCS, a
10 certification program that certifies
11 nationally and internationally.

12 I'm increasingly concerned that
13 the program in its strict yet sensible
14 approach has lost the balance and needs to
15 focus some more attention on the sensible
16 side. We have revoked certification and
17 pulled land out of organic production because
18 of an innocent mistake that did not affect
19 organic integrity, something certifiers would
20 have never done before the National Organic
21 Program and accreditation audits that don't
22 think past regulatory words to the intent and

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1 common sense, part of the NOP's instructions
2 according to the auditors. A farmer whose kid
3 gets sick and sends a worker to pick up and
4 apply Bt could find their whole farm receiving
5 a death sentence of the Bt is the wrong kind.
6 Almost no farm can survive going back through
7 transition, growing organically and selling
8 conventionally again. Every responsible
9 certifier has stories, inputs that have had a
10 material used as an inert in an ingredient in
11 another ingredient that ultimately could
12 result in the whole herd of cows or the whole
13 vegetable farm or the whole orchard losing its
14 organic status. A sticker, an inert, there's
15 plenty of examples. Let's look at willful
16 violations, the severity, the intent and not
17 issue farms death sentences because of an
18 unintentional application.

19 The program needs a board
20 recommendation I believe because they're
21 running scared from what will happen if
22 consumer and environmental organizations react

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1 to it. But all the consumer and environmental
2 organizations that I've talked to understand
3 the issue and support some type of common
4 sense approach. The use of requirements ISO
5 65 as a basis for certifiers to determine
6 major and minor violations, maybe asking three
7 or four questions. Does it affect the product
8 integrity? Was it willful? Can it be fixed?
9 And is it a repeat violation? There could be
10 verification through the accreditation system.

11 The - so the non-organic okra
12 status update is available upon questioning.
13 I'd be happy to give it but I don't want to
14 waste my time now. Oh, that's hard. The -
15 I'm concerned how the program will interact
16 with FDA's leafy green marketing association
17 proposed rule that'll be put out this week.
18 And NOP will have a seat at the table and
19 whether or not they truly represent all
20 organic leafy greens growers and the work
21 being done by FDA relating to compost is on
22 the table and will be heard soon I believe.

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1 Business decisions based upon the NOP saying
2 that you could certify organic shrimp and you
3 know people implemented those business
4 decisions are still being felt like the
5 program itself was supposed to engage in
6 expedited rulemaking. That was many years
7 ago. All those farms are bankrupt now.

8 CHAIR MIEDEMA: Marty, we're at
9 the 3-minute mark.

10 MR. MESH: I didn't even see the
11 one minute. Sorry. Man. Well. So maybe
12 we'd have the proxies now that we're ahead of
13 schedule?

14 CHAIR MIEDEMA: Let's have that
15 talk at the break. Anyone have a question for
16 Marty Mesh?

17 MR. MESH: Like the organic okra
18 thing, Katrina? I'm telling you.

19 CHAIR MIEDEMA: It's 3 o'clock on
20 the button right now and we will take a 15-
21 minute break and I see Lisa flagging me down
22 here.

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1 MS. AHRAMJIAN: If we skipped over
2 anyone because you weren't in the room please
3 come up and see me at the break and we'll
4 insert you back into the list of speakers.

5 CHAIR MIEDEMA: Thanks, Lisa.
6 Okay, let's make it about 17 minutes after.

7 (Whereupon, the foregoing matter
8 went off the record at 3:02 p.m. and resumed
9 at 3:20 p.m.)

10 CHAIR MIEDEMA: We're back in
11 session and I just broke the gavel. All
12 right. A couple of announcements. If you
13 missed your time slot earlier please do
14 approach Lisa Ahramjian at the front table
15 here and we'll get you shifted back into a
16 spot. Right now we're about 45 minutes ahead
17 of schedule which ties out pretty closely to
18 the number of cancellations we've had today.
19 So what we will do if we have a little time
20 left over at the end of the day is we'll ask
21 NOSB members to please stick around for some
22 amount of time and allow for a first-ever

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1 informal ability to visit with one another,
2 ask questions of NOSB members directly.
3 Something like that sound agreeable to folks
4 here on the NOSB? Okay. All right. So we
5 are going to go ahead and resume our public
6 testimony and begin with - Lisa, would you
7 mind scrolling down, please? Our first
8 speaker is Matt O'Hare. And standing by,
9 Jackie Bowen. Thank you.

10 MR. O'HARE: Hi, my name's Matt
11 O'Hare with Vital Farms. We are made up of
12 eight family farms raising laying hens on
13 pasture for organic egg production. Our birds
14 live outdoors. We have the - Lisa? You got
15 my - stop the clocks. There we go. Wow,
16 that's weird. Wrong color. You can go on to
17 the next slide. Our birds live outdoors
18 during daylight hours with indoor access
19 instead of indoors with outdoor access. I'd
20 like to start by dispelling the notion that 2
21 feet, 5 feet, even 20 square feet outdoor
22 access per birds will allow for any vegetative

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1 cover at all. It's been our experience that
2 hens consuming approximately 20 square feet of
3 pasture per bird, each bird will consume about
4 20 square feet of pasture each week. If left
5 on the same 20 square feet that area will
6 resemble a moonscape after between 5 and 14
7 days and will remain barren from that time
8 forward. On this photo on the screen you'll
9 see that the birds on the left, they consume
10 20 square feet per bird in about five days.
11 There's pasture on the right is what it looked
12 like five days earlier. The pasture - birds
13 also have to be rotated frequently in order to
14 stay in a vegetative - for the pasture to stay
15 vegetative. This means that it takes at least
16 100 square feet to 400 square feet per bird
17 outdoors to provide adequate pasture.
18 Otherwise, either the birds - either they're
19 not going outdoors at all or they're living on
20 a barren moonscape. So in the terms of
21 outdoor access that the Livestock Committee
22 has proposed, we support any increase at all

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1 in the fixed housing in the outdoor access
2 standards, but we firmly believe that the
3 proposals do not go far enough.

4 While outdoors, hens often
5 interact with wild birds as nature intended.
6 It's not natural or necessary to separate the
7 two, especially if the hens are not living a
8 stressed lifestyle from overcrowded factory
9 farm conditions. Humans are more likely to
10 get sick after spending just a few hours in a
11 crowded airline than they are being outdoors
12 in the fresh air. We ask the NOSB to ask the
13 FDA to remove any wild bird separation
14 requirements on outdoor areas. And the newly
15 enacted egg law makes it pretty impossible.
16 The use of confined cages, including so-called
17 aviary devices we believe should be forbidden
18 by the NOSB if the birds are confined.
19 Calculation of the square foot space should be
20 the floor space only. And also for mobile
21 poultry units used outdoors, these provide
22 birds with a place to sleep only in a lot of

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1 cases and with options for the birds to
2 instead sleep elsewhere. There should be no
3 minimum space requirement on these types of
4 structures.

5 Lastly, the NOSB, we hope that
6 they would enact some type of egg testing
7 program that would determine if a producer is
8 in fact producing and/or selling organic eggs
9 versus a mislabeled one as we've been hearing
10 a lot of lately. Such a program could
11 eliminate fraudulently sold eggs from entering
12 the market and could lead to legal action
13 against any producer who does so. Such cases
14 have arisen in the EU. A number of cases,
15 including a recent UK case where the violator
16 received a 3-year prison term and 3 million
17 pound fine. The EU takes adherence -

18 CHAIR MIEDEMA: Sorry.

19 MR. O'HARE: - to the organic
20 standards very seriously and we would hope
21 that this committee does as well. Thank you.

22 CHAIR MIEDEMA: Thank you. Any

1 questions? Thank you very much. Next up,
2 Jackie Hodge.

3 MS. HODGE: Good afternoon. I'm
4 here to talk yet again about antibiotics and
5 fire blight. I'm here representing the
6 Midwest Organic Tree Fruit Association. It's
7 about 50 farmers that are working together to
8 look at being able to continue to grow
9 organically in the Midwest different tree
10 fruits. I'm also representing my family's
11 farm which is about 45 acres and we have about
12 50 varieties of apples along with
13 strawberries, raspberries, blackberries,
14 blueberries, plums, apricots, grapes,
15 chickens, pigs, many things. We want to work
16 with the NOSB to be sure that there's a
17 balance between the challenges of developing
18 and maintaining organic standards with the
19 reality of farming tree fruits organically.
20 One of the major challenges that you've been
21 hearing about today is the bacterial disease
22 called fire blight. There are horticultural

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1 practices that can greatly reduce the risk of
2 fire blight but if an infection occurs an
3 antibiotic is currently the only cure. The
4 Crops Committee has recommended that
5 streptomycin, an antibiotic that we have used
6 for fire blight infection, sunset and no
7 longer be available for fire blight control in
8 pears or apples.

9 The Organic Tree Fruit Association
10 agrees with the Crop Committee that the use of
11 antibiotics in tree fruit production should be
12 phased out. We feel the integrity of organic
13 fruit production requires this synthetic
14 substance be limited and eventually - and the
15 key word is eventually - be banned. The
16 industry has had time to find alternatives and
17 products to protect the trees and develop root
18 stocks that are field immune to fire blight.
19 Now we need the time to implement these new
20 products and programs and get the resistant
21 root stocks on the market. During this
22 additional time we request that - we feel that

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1 streptomycin should be used in only post
2 infection curative applications. So what that
3 means is we use the disease modeling but still
4 only spray after a proven infection, not in
5 anticipation of an infection. So the Organic
6 Tree Fruit Association requests an annotation
7 to the current streptomycin rule to limit the
8 use of the antibiotic to post infection use
9 only. We would like this limited use to be
10 allowed for five years while growers learn to
11 use the new protectant products and begin
12 planting field immune root stocks.

13 The Crops Committee cited four
14 issues in their recent decision to remove
15 streptomycin. The first issue was evidence
16 that streptomycin can contribute to antibiotic
17 resistance in human pathogens when used as
18 pesticides on a plant. Limiting the
19 application to post infection will reduce the
20 number of applications used to treat
21 infections. Additional products are available
22 and you've heard about those and that they're

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1 getting close and we'll be able to use those.
2 The choice of resistant root stocks was
3 another point you made and they are available
4 but really limited available and what we've
5 had to do is order root stock and try to graft
6 our own trees which then takes even longer to
7 get into production. And fire blight
8 resistant to streptomycin in some apple
9 productions is widely found, so you've heard
10 a lot from the West Coast producers. And in
11 my area streptomycin works. I'm able to use
12 a post infection spray rather than a
13 preventative spray so I would prefer to use
14 streptomycin. And so I guess I can end there
15 because my three minutes is just about up.

16 CHAIR MIEDEMA: Thank you. Any
17 questions? Jay Feldman.

18 MR. FELDMAN: Thank you. You
19 heard the National Organic Coalition proposal
20 for the transition, the 3-year.

21 MS. HODGE: I could live with
22 that. In fact, we participated in some of

1 their conference calls related to the issues
2 when she talked about the fact that there were
3 people from the west and the east and in the
4 middle, we were the ones in the middle.

5 MR. FELDMAN: Right. Thank you.

6 MS. HODGE: So that would be okay.

7 MR. FELDMAN: Thank you.

8 CHAIR MIEDEMA: Thank you. Next
9 up is Steve Etkka and Madelyn Rode is standing
10 by.

11 MR. ETKA: Hello. My name is
12 Steve Etkka. I'm legislative -

13 CHAIR MIEDEMA: Steve, I'm sorry
14 to interrupt. I need to make a correction.

15 MR. ETKA: You want Michael
16 instead?

17 CHAIR MIEDEMA: Let's see. I'm
18 going to go ahead and let you go. I just want
19 to make sure the person who's on deck knows
20 that they're on deck.

21 MR. ETKA: Okay.

22 CHAIR MIEDEMA: So Michael Sligh,

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1 you are on deck. You in the room?

2 MR. ETKA: He's right back there.

3 CHAIR MIEDEMA: Okay. Thank you.

4 I'm sorry, please proceed.

5 MR. ETKA: No problem. My name is
6 Steve Etkka. I'm legislative director for the
7 National Organic Coalition. I want to build
8 on the comments made earlier by my colleagues
9 Liana Hoodes and Lynn Coody also on behalf of
10 NOC. I'd like to argue that the situation in
11 which we find ourselves in terms of the
12 antibiotic use issue on tree fruit is a
13 teachable moment for the organic community and
14 that the NOSB is in a very influential
15 position to help us learn from these mistakes
16 and to prevent similar future mistakes.

17 The question is how did we get as
18 an organic community to a place where apple
19 and pear growers have no alternatives but to
20 use antibiotics in order to fight fire blight
21 in spite of the strong concerns of consumers
22 to the use of antibiotics in food production

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1 because of the relationship with antibiotic
2 resistance in humans. Organic is a demand-
3 driven label and if we're not attentive to the
4 concerns of consumers we threaten the
5 integrity of the label and the growth of the
6 industry. Fire blight is not new, consumer
7 concerns about antibiotic use in food
8 production is not new, the sunset process is
9 not net and yet we're faced with this awful
10 dilemma of either responding to consumer
11 concerns or threatening the viability of
12 organic apple and pear growers as if these
13 problems had not been anticipated. There are
14 things we can do to get ahead of these
15 situations and there are things that USDA can
16 do to help that process as well. For example,
17 USDA has research funding focused specifically
18 on organic agriculture whether it be the OREI
19 program or the Organic Transition Program.
20 USDA should be able to support research into
21 alternative ways of treating fire blight. And
22 yet we've heard that a proposal to OREI to

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1 fund research on a yeast-based alternative was
2 turned down. And we also in the organic
3 community have been pushing USDA to fund
4 classical plant and animal breeding through
5 the AFRI research program to develop new
6 locally adapted cultivars for many crops and
7 yet USDA has been resistant and reluctant to
8 do this. USDA research funding should be able
9 to help in the process of breeding new
10 cultivars and root stock that are resistant to
11 fire blight. But NOSB's main role obviously
12 under the OFPA is to focus on materials, but
13 I believe your voice can be quite influential
14 at USDA as well in making recommendations in
15 areas where USDA research can have a positive
16 impact on the materials decisions that you all
17 are having to make.

18 Therefore, NOC is recommending
19 that the board write to the Secretary and urge
20 that USDA research programs such as OREI and
21 Organic Transitions Program and the AFRI
22 program be used to help find alternative

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1 treatments for fire blight and to help develop
2 fire blight-resistant apples and pear
3 varieties. And since we'd be foolhardy to
4 think this situation will not repeat itself in
5 the future in the context of some other
6 disease or some other crop I hope that we can
7 all get ahead of the curve to see what similar
8 problems are coming down the pike and to work
9 with the industry and with USDA to give the
10 resources - to get the resources to breed and
11 release new resistant cultivars and to develop
12 natural treatments when the disease can't be
13 avoided.

14 CHAIR MIEDEMA: Thank you. Any
15 questions for Steve Etko? Jay and then Nick.

16 MR. FELDMAN: Thanks, Steve. I
17 have a question about the flip side of this is
18 the consumer side. And knowing USDA the way
19 you do what could USDA do to educate consumers
20 about their food choices and the impact they
21 have on the pressure that growers feel to grow
22 certain varieties? Is there anything that you

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1 could creatively imagine a government could do
2 to combat what many have characterized to us
3 as a consumer-driven problem?

4 MR. ETKA: Well, I think many
5 consumers would be surprised to know that
6 there are antibiotics being used on apples.
7 I think there's very much a big demand for the
8 Fuji and Gala varieties. But I think they're
9 also surprised to learn that growers don't
10 have any alternatives if they want to provide
11 those varieties in an organic way. I think
12 it's possible to use the OREI program or some
13 of these other research programs to try to
14 bring the consumer understanding and - and the
15 producer understanding together and to work
16 with consumer groups to try to get them to be
17 part of the solution in terms of pushing USDA
18 to help develop alternatives.

19 CHAIR MIEDEMA: Nick?

20 MR. MARAVELL: Steve, I'm trying
21 to get a handle on what level of resources
22 would be needed over the next five or ten

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1 years to address this. And I know this is -
2 you're not the research expert here, but have
3 you heard of anything - or let me rephrase
4 that somewhat differently. You and I have had
5 some communication about how much USDA
6 research is devoted to organic research right
7 now. Are you suggesting that the additional
8 effort would come out of those funds and what
9 size do you see those funds and what would be
10 an appropriate effort out of those funds? I'm
11 trying to get a handle on how realistic is
12 this in today's budget environment.

13 MR. ETKA: Well, I think it's very
14 realistic because the organic community as a
15 whole is making a point about fair share of
16 research dollars going to organic and that's
17 the big overall umbrella. What I'm talking
18 about is related to that but much more
19 specific in that the last farm bill within the
20 AFRI program which is the big competitive
21 grants research program at USDA, it's not
22 organic-specific, it's overall umbrella, there

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1 was a requirement that one of the priorities
2 in that program be focused on development of
3 new cultivars using classical breeding
4 techniques. And USDA has really not done
5 that. They've given some lip service to that
6 but it has not resulted in any new cultivar
7 development work. And that's exactly the type
8 of situation that apple-growers are facing now
9 is that they don't have the varieties. And we
10 used to do a lot more research on developing
11 locally adapted varieties that are continually
12 evolving to get ahead of these diseases. And
13 we're in the position now where we're behind
14 the eight ball and it's as a result of the
15 lack of funding. And what we're saying is
16 prioritize these issues within the existing
17 funding that's there and then additionally do
18 more overall.

19 CHAIR MIEDEMA: All right, thank
20 you very much. We are at our five minutes
21 here.

22 MR. ETKA: Thanks.

1 CHAIR MIEDEMA: Is Jennifer here?

2 MR. MCEVOY: Sorry for the
3 interruption. I'd like to introduce Jennifer
4 Taylor, the new - newest I guess NOSB board
5 member. So welcome, Jennifer, and thanks.

6 (Applause)

7 CHAIR MIEDEMA: Welcome, Jennifer.
8 You're catching us deep into day one. Thanks
9 for being here and weathering your travels
10 today. Earlier today we each went around the
11 room and gave a very brief biologic - or
12 biographical - whoa. Biographical
13 introduction, just a, you know, a minute or
14 so. Would you mind introducing yourself?
15 Thank you.

16 MS. TAYLOR: Hello. Thank you so
17 very much for the opportunity to become a
18 member of the National Organic Standards
19 Board. Thank you so much. And thank you for
20 the opportunity to work with you and to serve
21 you as well. My name is Jennifer Taylor. I'm
22 from Florida A&M University. I'm coordinator

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1 of Small Farm Programs at Florida A&M
2 University.

3 CHAIR MIEDEMA: Thank you. All
4 right.

5 (Applause)

6 CHAIR MIEDEMA: Let's go ahead
7 with our public testimony. Next up is Michael
8 Sligh and we have John Hyer standing by.

9 MR. SLIGH: I'm a southern boy so
10 I get a little more time, is that right? We
11 talk slower. A couple of you agree. Thank
12 you for this opportunity. I sat in your chair
13 in the last century, 1992, and I wish to both
14 thank you for answering this call to service
15 and to help the organic community. I know
16 well the sacrifices that you make in doing so.

17 We've just celebrated the
18 twentieth anniversary of the Organic Foods
19 Production Act. I thought I would use this
20 milestone as an opportunity for us to all
21 remember why this board is so unique and what
22 is this historical context that we find

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1 ourselves in. Why is this law the way it is
2 and what is our duty and where does it lie?
3 We are a citizens board with the duty of being
4 stewards and guardians of organic integrity.
5 The NOSB and the OFPA Act are indeed unique on
6 purpose because of a very lively public debate
7 we had during the legislative process in the
8 late 1980s on how to create checks and
9 balances to prevent any one segment of the
10 community from dominating, how to keep the NOP
11 from running wild, how would we have a
12 partnership that was both public and private
13 that did not reinvent the wheel but actually
14 steered off this largest organic community in
15 terms of its needs and draws on its wisdom.
16 You need to maximize your transparency and
17 sunshine, and you need to get ahead of the
18 curve. The longer the window of public access
19 to comment and longer window you have of
20 deliberations, the better the outcome. I
21 strongly urge you to make public the committee
22 deliberations, your committee recommendations,

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1 your TAP reviews, your TRs, get that out
2 there, make it public in a timely manner.

3 You also need to publicly declare
4 and formally check for any conflicts of
5 interest prior to you voting on any materials.
6 You're here to ensure the continuous quality
7 improvement of organic and to grow the market,
8 but you can't get lost in the weeds. You must
9 ground your decisions and your debates around
10 the principles of organic. We are here to
11 promote this and to create this safe haven for
12 consumers, for farmers, for handlers who want
13 a healthy, sane alternative. Your debate must
14 be grounded in this bigger context. Don't
15 vote any material if you don't have a full
16 TAP, if all your criteria haven't been fully
17 answered. This is your touchstone to look at
18 this system of sustainable agriculture.
19 That's one of the most important criteria.
20 That's really your touchstone when you get
21 lost, you know, is it compatible. We're not
22 here to generate a random list of materials or

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1 inputs, but to create a rational appropriate
2 system that is the sane alternative to
3 agribusiness as usual. To be clear, the NOSB
4 does have the sole responsibility for adding
5 materials, but the NOP can also take it away
6 if you get it wrong.

7 CHAIR MIEDEMA: Michael? Thank
8 you.

9 MR. SLIGH: Use both. So -

10 CHAIR MIEDEMA: Does anyone have a
11 question for Mr. Sligh? Jay Feldman.

12 MR. FELDMAN: Michael, just a
13 little more detail on what you're recommending
14 on the disclosure, you know, conflict of
15 interest disclosure. What's the mechanics of
16 that and how should it be -

17 MR. SLIGH: Well, you have it in
18 your policy but you need to actualize it in
19 the public domain, in the meeting itself. And
20 I would suggest that you would have an annual
21 form that each of you would fill out to
22 declare any conflict you might have over a

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1 particular material. And then when the vote
2 comes someone, maybe the chair, someone, maybe
3 USDA would say are there any conflicts and you
4 guys would be transparent about that. It's
5 very important because you have statutory
6 authority. You will be held responsible and
7 so you really want to do this in a way where
8 we are not in any position being threatened
9 because of a conflict of interest.

10 MR. FELDMAN: Is that before the
11 vote? May I ask.

12 MR. SLIGH: I think it would be.
13 I mean that's -

14 MR. FELDMAN: Before the debate or
15 where in the process?

16 MR. SLIGH: Well, I think clearly
17 before you would vote, but I think you would
18 probably do it - I don't know, to be honest,
19 Jay, exactly where you should start, but if
20 you did it on an annual basis and it was
21 transparent and you should ask each other
22 where is your comfort level. We did that in

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1 the past. Sometimes we would say well you
2 know, that's not really a conflict, you know,
3 but you should do that and be transparent.
4 That's what I'm seeing not happening and I
5 think it would be important to demonstrate
6 that formally.

7 CHAIR MIEDEMA: Katrina.

8 MS. HEINZE: Okay, so I get how
9 conflict of interest works for someone like
10 me, right, because I work for a handler, we
11 use ingredients. How has that worked in the
12 past for folks who work perhaps for
13 organizations or represent groups that
14 advocate for certain positions? I remember,
15 you know, we've had this conversation while
16 I've been on the board for five years and
17 every time it comes up there's an
18 acknowledgment that we're here because we have
19 a bias and we represent those biases. So I'm
20 just trying to figure out what this means in
21 real life for all of us.

22 MR. SLIGH: Yes, I think one of

1 the main points that I didn't get to say
2 because of the three minutes is that really
3 the way we designed the board to not have any
4 one sector predominate was because we named
5 these different sectors. And so if you're
6 here as a consumer rep then that's the voice
7 that you need to be echoing and you need to
8 reach out to the consumer community and be
9 that advocate for that community in your slot
10 on the board. And that's the challenge I
11 think we have because if you don't play the
12 role that you were given in the slot it does
13 become problematic in terms of the conflicts
14 of interest. I mean, there's all conflicts
15 but I'm really getting down to whether or not
16 - and I don't know the fact, it may not be a
17 conflict. Maybe no one on this current board
18 has a conflict. Maybe none of you do, but we
19 don't know that and you need to convey that
20 absence to the public in a way that is
21 removing even the perception of conflict.

22 CHAIR MIEDEMA: Thank you,

1 Michael.

2 MR. SLIGH: Good luck with your
3 deliberations. Thanks.

4 CHAIR MIEDEMA: Okay, next up is
5 John Hyer and Bridget O'Brien is standing by.

6 MR. HYER: Thank you. And I'll
7 disclose my conflict. I'm a farmer, I'm an
8 organic farmer, so you know my bias and where
9 I'm coming from. Fourteen years in organic
10 production, family farm, father, brother,
11 myself. Potatoes, carrots, peas, sweet corn,
12 small grains, so you have an idea of what
13 we're looking at. Specifically sodium nitrate
14 and removing the annotation. I'm in favor of
15 retaining the annotation, retaining the 20
16 percent level and the reason for that is that
17 we've used sodium nitrate in the past on
18 potatoes, carrots, sweet corn and find it to
19 be an effective source of nitrogen. We've
20 used other sources of nitrogen and have not
21 found them to be as effective when the plants
22 are in that growth stage when they need a

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1 quick shot of nitrogen to help them along. As
2 part of the recommendation you indicated that
3 there should be crop rotation, use of cover
4 crops such as mustards, clovers and vetch, and
5 application of plant and animal materials all
6 of which we do in our system plan, in our
7 organic system plan in our farming. We still
8 find the need for sodium nitrate to be used
9 from time to time. The other - we have used
10 the other products. It's mentioned there's
11 other products out there. We've used other
12 products and not found them to be as effective
13 and to get the same result from them. And so
14 with that said I would ask you to retain the
15 20 percent annotation on sodium nitrate.

16 In terms of coppers we use copper
17 materials and they have proven very effective
18 as a late blight preventative in potato
19 production. We live in an area that that's a
20 prevalent problem and a concern and I do
21 support the re-listing of coppers. In our
22 particular system a field, a given organic

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1 site is receiving coppers once every eight to
2 ten years. I view the testing requirement as
3 excessive because I just don't see how we're
4 going to build up that fast, but I do support
5 the re-listing. Thank you.

6 CHAIR MIEDEMA: Thank you. Steve.

7 MR. DEMURI: What part of the
8 country do you farm in?

9 MR. HYER: We farm in eastern
10 Washington. So 180 miles from here due east.

11 CHAIR MIEDEMA: Go ahead, Steve.

12 MR. DEMURI: And does - is sodium
13 nitrate more necessary in the west than it is
14 the rest of the country?

15 MR. HYER: Well, since I've only
16 ever farmed in the west I can only speak to
17 what we've found to be effective in our system
18 plan. I can't speak to the rest of the
19 country.

20 CHAIR MIEDEMA: Nick.

21 MR. MARAVELL: You said you use
22 the sodium nitrate for a quick shot of

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1 nitrogen. Specifically which crops are you
2 using and at what stage of development and at
3 what time of year just so we have an
4 understanding of where your need comes in?

5 MR. HYER: What we find
6 specifically, I'll use sweet corn as an
7 example. You can have plenty of nutrients in
8 the soil be it from animal products, plant
9 products, cover crops and at the three to four
10 leaf stage the corn plant at least in our
11 climate conditions has a problem synthesizing
12 the available nitrogen and that sodium nitrate
13 which is three to four leaf stage when it
14 would be applied, it tends to get that plant
15 growing and allows the roots to go deeper,
16 pick up the nitrogen that is in the soil. We
17 also use it on potatoes prior to row closure
18 which would be about two months into the
19 growth cycle of the plant.

20 CHAIR MIEDEMA: Any more
21 questions?

22 MR. HYER: Thank you.

1 CHAIR MIEDEMA: Next up is Bridget
2 O'Brien. Bridget, are you in the room?
3 Madelyn Rode is standing by. Then Michael Cox
4 is standing by. Michael, are you here?

5 MR. COX: Yes, I'm here.

6 CHAIR MIEDEMA: Thank you.

7 MS. O'BRIEN: Hi. My name's
8 Bridget O'Brien. I don't work on a farm or
9 for an organic producer, I'm just a highly
10 opinionated private citizen that buys a lot of
11 organics, mostly organics actually. So I
12 realize that the synthetics topic has been
13 delayed and isn't going to be voted on at this
14 meeting and I find that a little bit
15 concerning since as I understand doing it is
16 creating an indefinite grace period in which
17 food processors can keep unapproved
18 ingredients in their products. So therefore
19 I'd like to urge you to move forward as
20 quickly as possible and for the USDA to begin
21 enforcement action to ensure that organic
22 foods are free of unwanted ingredients and

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1 unapproved ingredients even if they're
2 nutrients. I believe the majority of organic
3 consumers don't want synthetic ingredients of
4 any kind in their food, not even if they are
5 supposedly nutrients. As an organic consumer
6 if I want Vitamin C I eat an orange. If I
7 want beta-carotene I eat a carrot. If I want
8 iron I'm going to have a cheeseburger. You
9 know, it's real food. And I strongly suspect
10 that, you know, other organic consumers feel
11 the exact same way. So - and I suspect that
12 the actual motivation for synthetics being
13 proposed for inclusion in organic standards is
14 you know not due to them wanting to be able to
15 make our food healthier with their artificial
16 nutrients, but more so that the chemical
17 companies providing them can jump in on the
18 massive organic market and get their piece.

19 On a different topic I realize
20 genetic engineering is not on this agenda
21 either, but since they will inevitably
22 petition for inclusion at some point in the

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1 future again and since I have you here as a
2 captive audience I would simply like to say
3 that as a consumer I would never and I'm sure
4 most other organic consumers will never either
5 accept GMO inclusion into organics. So
6 without going off on a tangent which I easily
7 could just please keep that little nugget of
8 information in your mind when the subject does
9 come up because I believe it inevitably will
10 with the biotech pressure that squeezes down
11 on the USDA and the FDA to promote their
12 agenda we cannot depend on them to keep
13 genetically modified, untested, unproven
14 healthy items out of our food supply. So we
15 are reliant on you to at least keep them out
16 of the organics.

17 CHAIR MIEDEMA: Thank you. Any
18 questions for Bridget? All right. Michael,
19 you're up next, Michael Cox, and Ken Johnson
20 is standing by.

21 MR. COX: Okay. I had a nice 5-
22 minute speech but since we went to three I

1 threw it away and threw some random thoughts
2 together. My name is Michael Cox. I'm the
3 president of Arkansas Egg Company. We're a
4 dedicated organic egg operation in Summers,
5 Arkansas. My family's been in the egg
6 business for three generations. I appreciate
7 all your time and effort in ensuring that the
8 organic process is one that the consumers feel
9 worthy of. My primary concern is the
10 manipulation and erosion of the organic
11 standards in shell egg production. The egg
12 business in general is a highly fragmented,
13 rapidly consolidating, cannibalistic market
14 and the organic egg market is quickly on its
15 way to that. Egg producers operate on low
16 margins and high volume. It's the adoption of
17 this principle that is the main reason that
18 several major caged egg producers have
19 utilized aviary housing for organic
20 production. Furthermore, the absence of
21 specific standards pertaining to stocking
22 densities, indoor and out, as well as a lack

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1 of definition for soil has also contributed to
2 this and fueled the fire.

3 There's a variation in organic egg
4 production today that's alarming. It ranges
5 from 85,000 birds in one house, 500,000 birds
6 on a farm, all the way down to 2,000 to 3,000
7 birds on a small family farm. The board needs
8 to follow with a proposed recommendations on
9 animal welfare. This is the only way to
10 ensure the spirit and intent of the law is
11 met. We have a unique opportunity to preserve
12 an environment where a producer with one barn
13 can compete with a producer who has a hundred
14 barns apples to apples. Anything less would
15 destroy the market for the consumer and the
16 producer alike. There's a vast majority of
17 producers who support change. They support
18 outdoors on soil and stocking densities at set
19 limits. These thoughts are echoed by probably
20 well over one hundred producers and well over
21 30 percent of the production. We need your
22 help to stand firm in the marketplace.

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1 Lax standards have created an
2 environment where in the last five years we've
3 seen 3 to 5 percent of producers exploit
4 certain aspects of the standards and grow to
5 represent about 30 percent of the total
6 marketplace. If not stopped, this trend will
7 continue. It's ultimately - ultimately we
8 will begin to produce least cost or get out of
9 the business. A vast majority of grocery
10 buyers will speak with their pocketbooks and
11 their ideals second. We've got to get a
12 standard in place that allows for uniform and
13 consistent supply.

14 And with my last few seconds I'd
15 just like to say that I think welfare does
16 matter in organic livestock production. I
17 think that's why eggs and milk have a higher
18 penetration than other items. Consumers can
19 speak with their emotions when they buy that
20 product and outdoor access is a part of that.
21 I also think that the FDA program should focus
22 on their objective inside the house and not on

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1 the pasture, and that you guys should echo
2 that opinion to them. Thank you.

3 CHAIR MIEDEMA: Thank you. Any
4 questions?

5 MR. COX: Thank you, guys.

6 CHAIR MIEDEMA: All right. Ken
7 Johnson is up next and Phil Spiegel is
8 standing by. Phil, are you in the room?

9 MR. JOHNSON: Hi, I'm Ken Johnson.
10 I'm from Oregon State. I've worked on fire
11 blight research now for 20 years and much of
12 it on alternative products. I just want to go
13 through the OMRI list for the alternatives we
14 have and why we're pessimistic about control
15 with those products that we have now. And if
16 you look at the screen there I've got stigmas
17 circled as one target of a product and the
18 floral cup circled as the other target of a
19 product. And next slide, please.

20 We have these beta bacteria Blight
21 Ban bloom time there. They're targeted early
22 bloom and we're looking to colonize the

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1 stigmas. That's where the pathogen increases
2 itself and then spreads flower to flower from
3 those populations that develop there. Then
4 that slides down into the floral cup. These
5 help to control fire blight but they're not
6 stand-alone products, they're about 30 to 50
7 percent effective generally. Next slide.

8 Late bloom is where
9 oxytetracycline fits in. In the Pacific
10 Northwest here it's our niche product. We
11 want it to sit down in the floral cup and it
12 does a good job of preventing infection.
13 Alternatives we have are Serenade Max and it
14 by itself is a very poor product. And we have
15 guys out there now slamming - in the IOP
16 program slamming trees with Serenade Max and
17 getting some results, but it just is not a
18 good product on its own. And then we have
19 this yeast that's coming along, Blossom
20 Protect, and we think it's also fitting into
21 this window. Next slide.

22 We get better control if we put

1 the two products together, a stigma product
2 and a floral cup product. The examples I've
3 got up there are Bloom Time biological and
4 oxytetracycline, or a Bloom Time biological
5 and then the yeast which is sliding off the
6 screen there. Next slide. Here's an example.
7 Water is that blue bar on the bottom, almost
8 200 fire blight strikes on a tree.
9 Streptomycin is the top, it's a standard.
10 We're using a streptomycin-sensitive strain.
11 We see one Bloom Time, one oxytet giving
12 pretty good control. Then we see two Bloom
13 Times and two Blossom Protects giving really
14 pretty good control in our research blocks.
15 So you can see there that we've doubled the
16 number of treatments but with non-antibiotic
17 approaches we're getting pretty good control.
18 Next slide.

19 All right, so this is the issue we
20 have right now. We just started working with
21 the yeast and we don't really understand why
22 it's effective. That's number one. Number

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1 two, it's yet unregistered. Number three,
2 we've got a learning curve, lots and lots of
3 individuals are going to have to learn a new
4 way to control fire blight. There's many,
5 many people out there. Number four, the cost
6 of control is probably going to go up and I
7 don't know what impact that's going to have on
8 production but that's going to happen. And
9 then finally and it may be the most important
10 is this distribution of biologicals. And when
11 antibiotics go out to growers they get almost
12 the same product that we do as researchers.
13 When it comes to biologicals we're always
14 working with the very best products and I'm
15 not always sure that growers get the best
16 products when they get it on their farm from
17 the companies. And biologicals are much
18 harder to handle and they - and we get really
19 good stuff and I'm not sure that's always what
20 happens out there in the distribution chains.
21 So reinstating oxytet on the NOP list would
22 provide time to work through these issues.

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1 Thank you.

2 CHAIR MIEDEMA: Thank you. Any
3 questions? Okay, we'll start with Nick.

4 MR. MARAVELL: I'd like to ask two
5 questions. One is you've been working on this
6 for 20 years so this is going to be a
7 continuum for you in terms of continuing to
8 work on it. Where do you see the timeline in
9 terms of the effectiveness of what you've
10 already identified in this presentation? Do
11 you need five years to bring that to a better
12 fruition? Do you need ten? And then the
13 second part of that is how many parts of the
14 country need to participate in the same type
15 of activity and what's your rough idea of
16 resources? In an order of magnitude. Are we
17 talking millions? Are we talking tens of
18 millions? What are we talking about?

19 MR. JOHNSON: I don't think we're
20 talking even millions. We've done pretty good
21 on this I think to date with pretty much a
22 shoestring budget over the years. We've been

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1 funded by grower groups in the Northwest here
2 and also by the USDA through these competitive
3 grant processes. And I think that grant
4 they're talking about is probably mine that
5 didn't get funded last year, but I don't know.
6 But I got it in again this year, right? So
7 the funding part of it isn't such a big issue
8 to me, it's more getting it to work at the
9 industry level on the big scale. I mean, we
10 are working in small plots, we're working with
11 quality materials and getting the materials to
12 work out there at the level of the, you know,
13 hundred acres or two hundred acres or whatever
14 you're talking about, that is a bigger trick
15 I think.

16 MR. MARAVELL: And the timeline
17 that you're seeing here?

18 MR. JOHNSON: Well, I think with
19 this yeast has been the most promising thing.
20 That kind of flew in the door here a couple of
21 years ago and it was really eye-opening to us.
22 It's not yet registered so the fact that we

1 can't yet go out there and do these big-scale
2 trials and see what kind of colonization in
3 the flowers we're getting, that's probably the
4 most important thing. And then what is it
5 doing to the pathogen populations out there.
6 And this proposal everybody's talking about,
7 that's what this proposal's about and it sort
8 of is relying on the fact that this company is
9 going to get this material registered next
10 year to do these kind of evaluations.

11 MR. MARAVELL: So you might see
12 like a 5-year to 10-year horizon on this? Or
13 2-year to 5-year?

14 MR. JOHNSON: I would say
15 somewhere in the three to five years would be
16 reasonable.

17 CHAIR MIEDEMA: Go ahead, Jay.

18 MR. FELDMAN: Thank you. I have a
19 couple of questions. May I ask two? What is
20 the time to resistance for tetracycline that
21 you suspect from your experience?

22 MR. JOHNSON: I would say it's

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1 practically impossible. That's - I'm not
2 going to say it's impossible, completely
3 impossible, but we tried to select resistance
4 by mutation to the fire blight pathogen to
5 tetracycline and we can't do it. So it's not
6 something where like streptomycin about every
7 billion cells or so you get a mutation to
8 streptomycin resistance and that mutation also
9 doesn't harm the organism very much so they
10 can go out there and cause disease and be out
11 there and be resistant to strep. With
12 tetracycline we practically don't - we don't
13 see that, and it's been used now since the -
14 it's actually in the '50s was when oxytet was
15 first used. And people over the years have
16 suspected that they've had resistance to it
17 but no one has ever definitively shown it.
18 And the reason I think sometimes people
19 suspect it is that it doesn't work as well as
20 streptomycin does and as one grower that was
21 up here said, it's kind of a soft product but
22 it's still the best we have. But I don't

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1 think you can practically select resistance to
2 streptomycin. Or to tetracycline, excuse me.

3 MR. FELDMAN: And this phenomenon
4 we've heard about of the younger trees being
5 more susceptible than the older trees, is that
6 -

7 MR. JOHNSON: Absolutely true.

8 MR. FELDMAN: Absolutely true.

9 Thank you.

10 CHAIR MIEDEMA: Mac?

11 MR. STONE: What's recommended for
12 disposal of the plant material that's cut out
13 or rogued out?

14 MR. JOHNSON: Generally it's taken
15 to a burn material and moved to - at the edge
16 of the orchard and allowed to dry out or
17 doused with, you know, petroleum and then
18 burned. Yes. That is the recommendation.

19 CHAIR MIEDEMA: I have a question.
20 Mr. Johnson, your expertise on this matter has
21 been referred to many times today. Will you
22 be available tomorrow during committee

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1 deliberations?

2 MR. JOHNSON: I can do this. This
3 is actually - with our late spring this is
4 actually fire blight season and my plots are
5 going right now, but I can stay one more day.
6 I can do that, yes.

7 CHAIR MIEDEMA: Thank you very
8 much. Okay. Next up is Phil Spiegel and
9 Edward Gildea is standing by.

10 MR. SPIEGEL: Hi, my name's Phil
11 Spiegel. I thank you very much for allowing
12 me to have a few minutes of fame here. I'm
13 the owner of Small Planet Organics currently
14 located on Vashon Island, Washington, and I've
15 been producing organic tofu for over 18 years
16 starting in eastern Washington and now
17 residing in western Washington, and I produce
18 along with Island Spring Organics also on
19 Vashon Island which has been doing organic
20 tofu for over 35 years. So between the two of
21 us we have over 50 years of experience and
22 we've been committed to organics from day one,

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1 and certified as soon as certifying was part
2 of our program. And we've been working with
3 the WSDA as our certifying agency, and as most
4 people know that was pretty much part of the
5 pilot for getting the national organic
6 standards put together.

7 And what I wanted to come and
8 address today was the issue of GMOs which
9 everybody's real aware of now but over 90
10 percent of the soybeans grown in this country
11 are now GMOs so we pretty much have the most
12 threatened crop that we know of. And but it
13 doesn't mean we're taking it sitting down.
14 But there seems to be some confusion now. The
15 NOP states that non-GMOs are part of the
16 excluded methods on the list and everything,
17 but what's happening is there's other agencies
18 now that are coming up and saying that they
19 have to confirm that the products are non-GMO
20 but the organic standards from the NOP says
21 we're not supposed to have GMOs. So the
22 consumer's getting confused, the producer,

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1 we're not as confused but we're a little
2 miffed that now we've established long working
3 relationships with our organic certifying
4 agency and now - and putting together a lot of
5 time and energy for our documentation and
6 working relationships, and now there's another
7 agency, the non-GMO project, that's coming up
8 and saying well, you need to work with us so
9 that we can ensure consumers. So the
10 consumers are getting confused like wait a
11 minute, organic means non-GMO, but there's
12 this non-GMO project that says you've got to
13 be certified non-GMO. So there's some
14 confusion out there and I'm really here to try
15 to point out that maybe the NOP could empower
16 more the certifying agencies to work more
17 closely with us producers so that we can
18 totally assure people that if it's organic
19 it's non-GMO. If it's non-organic, sure,
20 another agency should be able to step in and
21 help that out, but if we've made this
22 commitment to being organic and non-GMOs is

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1 part of our stand on it, then working with the
2 agencies could be real helpful. And I've
3 worked very hard to establish working
4 relationships with the farmers that grow my
5 soybeans. I've been to their farms, I know
6 them personally and break bread with them all
7 the time and they're on the front lines trying
8 to protect our food. And we're doing
9 everything to support them and we need - we
10 need to just be able to take that and carry it
11 through so that producers can assure -

12 CHAIR MIEDEMA: Thank you.

13 MR. SPIEGEL: - stores.

14 CHAIR MIEDEMA: Thank you very
15 much.

16 MR. SPIEGEL: Thank you.

17 CHAIR MIEDEMA: Any questions for
18 Mr. Spiegel? Okay.

19 MR. SPIEGEL: Thank you.

20 CHAIR MIEDEMA: Edward Gildea is
21 up next. Are you here, Mr. Gildea? Okay.
22 Perry Clutts. And Andrea Caroe is standing

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1 by.

2 MR. CLUTTS: My name is Perry
3 Clutts and thank you for the opportunity to
4 comment. This is my first visit to an NOSB
5 meeting and while I'm a member of several
6 organic farmer organizations and support the
7 recommendations to the NOSB, I feel it's
8 important for the board to hear personal
9 comments from individuals. My goal for the
10 meeting is to attend, watch the process take
11 place, participate in the process and decide
12 if the open producer position is something I
13 should pursue in the future. Our family's
14 organic dairy farm is in south central Ohio,
15 just south of Columbus, where we milk about
16 150 cross-bred cows on 430 acres of grass. My
17 family has been at this farm since 1899 and we
18 began participating in the program in 2007.
19 I concur with the eloquent description of the
20 problems with materials, vitamins and
21 nutrients sunset described by Deputy Secretary
22 Merrigan and appreciate the compromise and

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1 path forward laid out by Deputy Administrator
2 McEvoy in his subsequent speech.

3 As a livestock producer I would
4 also like to express concerns I have with
5 livestock living conditions. Specifically,
6 farmers should have the ability to size free
7 stalls and tie stalls specifically for
8 individual herds and cows, one stall, one cow.
9 Incorrectly sized stalls are detrimental to
10 livestock welfare. It's appropriate that
11 loose housing and bedded pack barns should
12 conform with the chart at the end of that
13 section. Having access to feed simultaneously
14 during the grazing season is not an animal
15 welfare concern. What is of concern is that
16 all cattle maintain good body condition.
17 Organic inspectors will be checking body
18 condition scores to verify adequate diet.
19 Therefore, space and competition are not
20 issues for cattle with good body condition
21 scores. Thank you for the consideration and
22 I appreciate the valuable work that NOSB does

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1 for the program.

2 CHAIR MIEDEMA: Thank you. Any
3 questions for Mr. Clutts? Andrea Caroe is up
4 next and Titus Roth is standing by.

5 MS. CAROE: Good afternoon. I'm
6 Andrea Caroe and I'm a former chair of the
7 NOSB. And it's a pleasure to see a lot of my
8 good friends here. Congratulations to you,
9 Tracy. It's an honor to hold the gavel in
10 your hand and I am delighted to see you in
11 that position. The broken gavel. So I guess
12 I'm going to find out what it feels like to be
13 on the other side of the podium here.

14 First, a short comment. I support
15 the Handling Committee's recommendation to
16 allow fortification of organic food with what
17 I will call FDA-approved materials. I have
18 always believed that the board should approve
19 fortification materials as a category and do
20 so in a manner that conforms to FDA's
21 judgments just as we have done in the past
22 with other materials that are listed on the

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1 national list. However, the inclusion of
2 104.20 was a mistake. It was never any part
3 of the recommendation from the NOSB and should
4 not have been added. I agree that postponing
5 the decision to allow for greater input and
6 gathering the information about fortification
7 products consumers would want is helpful,
8 particularly in the areas of infant and
9 toddler products.

10 My comment is more of a question
11 and it is posed to the NOP. Because I don't
12 understand the rush to judgment on this
13 important topic, let me be brief. In 2005 the
14 1st Circuit Court of Appeals declare that
15 synthetic materials in processed organic foods
16 were not authorized by the OFPA. The USDA
17 responded, exercising enforcement discretion
18 while the industry debated and eventually
19 obtained a change in the statute to correct
20 the OFPA. That took nearly a year to do and
21 during that time USDA obviously did not remove
22 products from the shelves until - despite the

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1 court ruling. Based on this precedent it
2 seems clear that the USDA can follow - can
3 allow the debate to continue and fix this
4 deeply flawed annotation once and for all. So
5 my question is if the board votes in the fall
6 and the NOP can't get the simple rulemaking
7 done before the sunset of this material would
8 NOP remove products and exercise - or exercise
9 its enforcement discretion like it has in
10 similar situations in the past? Thank you.

11 CHAIR MIEDEMA: Nick.

12 MR. MARAVELL: With regard to the
13 last example you gave, the 2005 decision, was
14 USDA directed by that court decision to not
15 have a transition period?

16 MS. CAROE: The - from my
17 understanding the 1st Circuit Court of appeals
18 decision did not allow for that - did not
19 designate an enforcement time frame.

20 MR. MARAVELL: That was not my
21 understanding but I'm not an expert.

22 MS. CAROE: If the program wants

1 to respond.

2 MR. MARAVELL: I don't know if the
3 program wants to address that. I'm not an
4 expert in that but it was my understanding
5 that there was always the intention on the
6 part of the litigants as well as on the part
7 of USDA to have an orderly transition and -

8 CHAIR MIEDEMA: I see Miles
9 reaching for his microphone so let's recognize
10 Miles McEvoy.

11 MR. MCEVOY: I'm not familiar with
12 what happened in 2005 in terms of whether or
13 not the program used regulatory discretion.
14 If it did use regulatory discretion I'm not
15 familiar with the details of that or the court
16 decision to really have anything to add to the
17 conversation at this point. It is a good
18 question, however, of whether or not that
19 could be looked at in regards to this issue as
20 we move forward over the next couple of years.

21 MS. CAROE: If I can just respond
22 to that. My concern is moving quickly and

1 making the wrong decision instead of moving
2 with caution and making the right decision and
3 allowing for discretion that, you know,
4 obviously is there based on the decision that
5 was made in 2005.

6 CHAIR MIEDEMA: Any further
7 questions for Ms. Caroe? Thank you. Titus
8 Roth is up next. Mr. Roth, are you in the
9 room? Okay. Andrew Waterhouse. And Paul
10 Beveridge, you are standing by.

11 MR. WATERHOUSE: Good afternoon.
12 My name is Andrew Waterhouse. I'm a wine
13 chemist and professor and chair of the
14 Department of Viticulture and Enology at UC-
15 Davis. Our wine program is considered perhaps
16 to be the best in the world. Sulfites are a
17 very simple product made by taking elemental
18 yellow sulfur powder, the same stuff that's
19 sprayed on organic crops, and burning it.
20 This simple process has been used for hundreds
21 or thousands of years and the traditional
22 practice of burning sulfur candles in barrels

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1 continues up to today. It includes the makers
2 of biodynamic wine and even organic wine in
3 many countries outside the U.S.

4 At UC-Davis, we don't give our
5 students recipes on how to make wine, but we
6 do inform them about the risks of certain
7 practices. Sulfites are used to reduce or
8 eliminate the risk of unwanted yeast and
9 lactic acid bacteria, microbes normally
10 associated with cheese, kimchi, pickle or
11 yogurt fermentations, and the aromas of those
12 foods. Sulfites also reduce problems from
13 oxidation that would make a wine taste like
14 nuts, sherry or cooked vegetables. Today
15 these problems and these defects are never
16 found in commercial wines, but have easily
17 found consumer comments on organic wines that
18 could be linked directly back to the faults I
19 mentioned, including references to other
20 fermented foods in combination with oxidation.
21 Without sulfites, wine is extremely perishable
22 and should be refrigerated for its entire 1-

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1 year life cycle between harvest and then from
2 the winery to consumer. Unfortunately, this
3 is impossible in today's national wine
4 distribution system. So wine made without
5 sulfites, especially the white wines, continue
6 to show very serious flaws. I am convinced
7 that these persistent flaws are the reason the
8 organic wine market is miniscule today and
9 will continue to be so.

10 On the health front, sulfite
11 labeling has eliminated the public danger of
12 sulfite use, but some wine drinkers still have
13 allergies, allergic reactions and asthmatic
14 reaction to wine. The latest medical research
15 by scientists studying sensitive asthmatic
16 patients is now calling into question whether
17 sulfites are the cause of these reactions.
18 Some exciting new papers have suggested
19 alternative hypotheses, including the presence
20 of wasp or bee venom as published in the New
21 England Journal of Medicine or that wine
22 grapes might have allergenic components

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1 themselves. At this point it's clear that
2 more work is needed to find the actual cause
3 of allergic reactions to wine.

4 In closing I wanted to say that
5 while investigating organic wine I was
6 surprised to see that a number of websites,
7 including the world's largest website,
8 snoop.com, and my local Davis food co-op, a
9 bastion of organic food, are now using the
10 term "organic wine" to classify mostly if not
11 all wines that actually lack USDA organic wine
12 labeling. It seems to me though I'm no expert
13 in market analysis that the market is rapidly
14 abandoning the term as defined by this board,
15 perhaps because it is too restrictive to be
16 useful. Thank you.

17 CHAIR MIEDEMA: Thank you very
18 much. Any questions? Thank you. Paul
19 Beveridge. Are you in the room? Okay. Dean
20 Wesen. All right. As Dean is coming up to
21 the podium I'll - on standby is Jenneke
22 Dejong. Go ahead, Mr. Wesen.

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1 MR. WESEN: As you said my name's
2 Dean Wesen. I'm an organic dairy farmer. I
3 live an hour and a half north of here, it's
4 about a half hour from Canada and I came here
5 to talk about free stalls. And as some of you
6 already said that I think it was a big
7 misunderstanding, but I was here to talk about
8 the free stalls and I've been assured that
9 free stalls are allowed in the future. And
10 anyway, what I - since I'm not going to talk
11 about that I would like to talk about the
12 passage of the vitamin and mineral because
13 things get slow in bureaucracies as everyone
14 knows, and if you wait hoping to get it passed
15 and we aren't allowed to sell milk we're not
16 going to be very happy campers. And really
17 that's all I have to say. Is there any
18 questions?

19 CHAIR MIEDEMA: Any questions for
20 Mr. Wesen?

21 MR. WESEN: Thank you.

22 CHAIR MIEDEMA: Thank you.

1 Jenneke Dejong. And Holly Born is standing
2 by.

3 MS. DEJONG: My name is Jenneke
4 Dejong and I want to say first off that I
5 appreciate the work it took to develop all the
6 recommendations and I know you will and
7 already have listened to the public input
8 before making any final votes. My husband Ari
9 and our five children milk organic dairy cows
10 on our farm in Bonanza, Oregon. We became
11 certified in 2004. I just completed a 6-year
12 term on the OMRI board of directors on which
13 I served as board chair for two years. While
14 making the transition to organic farming we
15 took understanding the regulations very
16 seriously. We wanted to really know what we
17 were embarking on before we jumped in.
18 Organic farming is more than just a business
19 venture to us, it is a way of life.

20 Today I wanted to comment on the
21 animal welfare stocking density
22 recommendation. I believe it is important for

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1 the organic regulations to have some rules in
2 place for the welfare of our livestock. My
3 concern is not around the intent of the
4 document but in some of the particular
5 requirements. In one section of the
6 recommendation the committee suggests that
7 livestock should always be on soil during the
8 grazing season. During the grazing season
9 cattle are let out to open dirt corrals and
10 pastures for grazing. Along with fresh water,
11 cattle do need supplemental feed and
12 additional care and attention. Cattle use
13 places to congregate and clean concrete is
14 much better than wet or dirty ground. Grade
15 A dairy inspectors want to see cattle clean
16 and dry with good conditions for animals.
17 Cows must be milked on smooth and cleanable
18 surfaces. It is easier for cattle to walk or
19 stand on flat concrete than through dirt or
20 mud.

21 I also was surprised to see the
22 bedded square footage for dairy cattle being

1 a minimum of 50 square feet of bedded space.
2 Our barn is a free stall barn and earlier
3 today we had some confusion about what a free
4 stall barn was. And I highly recommend that
5 you familiarize yourself with what that is
6 before you vote. Anyway, we have a free stall
7 barn. Cattle need a soft, dry and controlled
8 place to lie down. Cows are cleaner and
9 healthier in smaller controlled areas than in
10 a larger area where they lay in their own
11 manure. Cattle need plenty of room and
12 without good animal husbandry people could not
13 survive in this business. On the other hand,
14 the beds in our free stall barn are 4x8 feet
15 which is 32 square feet and any more room, the
16 cattle can get partly turned around and they
17 can get stuck.

18 In closing, I would like to say
19 that I strongly agree with the recommendations
20 made by the Food Farmers and Ed Maltbe said
21 that it was 20 pages, but I - they're very
22 good written. Their concerns regarding the

1 current regulatory processes and regarding the
2 economic impact on organic farmers of any
3 changes in the regulations are valid and real.
4 Without the organic farmer there are no
5 organic products to sell. Thank you very much
6 for your time.

7 CHAIR MIEDEMA: Thank you. Any
8 questions? Holly Born is at the podium and
9 William Frange is standing by. William, are
10 you here? Tony Schilter, are you here?
11 William or Tony, either one of you? Go ahead,
12 Holly.

13 MS. BORN: I'm Holly Born with the
14 Midwest Organic Services Association and today
15 we'd really like to encourage you to
16 incorporate the changes to the proposed animal
17 welfare recommendations that we detailed in
18 our written comments so that a workable
19 recommendation can be produced by the end of
20 this meeting. If some aspects are considered
21 to be too species-specific or subject to
22 debate we'd like to encourage you to address

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1 these aspects in the species-specific guidance
2 documents that are going to be developed this
3 fall and I've actually given you copies of a
4 sheep guidance document which was developed by
5 our director, Bonnie Wideman, as an example of
6 how this might be done.

7 Our two main areas of concern with
8 this proposed recommendation are outdoor
9 access on soil and stocking rates. We don't
10 think that outdoor access must always provide
11 animals contact with the soil. Ruminants are
12 on pasture during grazing season but in non-
13 grazing season we see that concrete-based
14 lots, yards and so on are important in
15 preventing erosion and runoff of wastes. We
16 don't think hogs necessarily need to be on
17 soil as long as they have enough material to
18 root in. We do think that poultry should have
19 contact with soil, but that soil shouldn't be
20 expected to grow pasture. We also think that
21 stocking rates for hogs should be increased to
22 be closer to the Canadian requirements.

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1 Stocking rates for sheep and goats should be
2 consistent with the American Sheep Industry
3 recommendations. Stocking rates for laying
4 hens should be increased consistent with the
5 ACA recommendations.

6 Finally, we think the proposed
7 livestock transport, handling and slaughter
8 recommendation should be withdrawn and
9 revised. In particular, we think that welfare
10 audits of slaughter plants should be covered
11 under existing regulations and not duplicated
12 by certifiers. However, since poultry is not
13 covered under the Humane Slaughter Act we
14 would like to see humane poultry slaughter
15 audit criteria defined for use by certifiers
16 at plants that are not animal welfare
17 certified. Finally, we also don't think that
18 livestock haulers should need to be certified.
19 Any questions?

20 CHAIR MIEDEMA: Thank you. Any
21 questions? All right. Thank you very much.
22 And are you Tony Schilter? Okay. Paul

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1 Staehely, are you in the room? Okay. Please
2 proceed.

3 MR. SCHILTER: My name is Tony
4 Schilter and I want to thank you for taking
5 the time to listen to everybody's comments
6 today. My dairy farm is in Chehalis,
7 Washington, which is about 90 miles south on
8 I-5 from here and we're a family operation
9 with my wife and my son as a full-time
10 partnership milking 250 cows and we have about
11 250 heifers. Beside that we farm about 450
12 acres. We're proud to be organic since 2007.
13 I also sit on the Western Organic Dairy
14 Producers Alliance Board.

15 And two portions of the animal
16 welfare recommendations concerns me enough to
17 make the drive out here to speak to you in
18 person. During the grazing season we send our
19 cows out, weather permitting, whenever
20 possible. But we also get about 30 inches to
21 35 inches of rainfall a year. That rainfall
22 happens between November and March and

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1 sometimes carries into April, 28 to 29 inches
2 through that period of time and the other five
3 inches continues on for the rest of the
4 remainder of the year. When the ground is
5 saturated in rainwater we send our animals out
6 on our cement exercise run that is available
7 to the animals year-round. It's optional
8 whether they use it or not. But when it's
9 raining, they're locked into that exercise
10 yard. This recommendation says that the cows
11 need to be on soil during the grazing season.
12 It is simply inhuman treatment during these
13 rainy times and I suggest the board evaluate
14 all regulations of the country before making
15 a blanket recommendation.

16 My other concern is the 50 square
17 feet of bedding space in the barn which you've
18 heard numerous times today where my stalls are
19 32 square feet per cow. The exercise yard
20 gives those cows an additional 83 square feet
21 per cow for plus 100 square feet per animal
22 year-round. And when they're out in the field

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1 they've got numerous amount of square foot.
2 But I don't think it makes sense to have to
3 measure the whole barn and divide it by the
4 number of cows to get the bedding space. I
5 think the words should be changed so that free
6 stalls and the tie stall barns must be one cow
7 per stall.

8 I'd like to comment too on both
9 the crop and the handling sunset materials.
10 As for the sunseting of nutrient vitamins and
11 minerals I'd like to see those materials
12 already being used in an organic process to
13 continue to be allowed. I agree that the
14 review of these materials should be done to
15 take them through the proper federal
16 registration process and I also think that
17 these materials should continue to be allowed
18 while the petition process takes place.
19 Taking this fortified products off of the
20 store shelves could affect farmers' livelihood
21 and for one I don't want to see a reduction in
22 my paycheck.

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1 CHAIR MIEDEMA: Thank you, Mr.
2 Schilter. That was your three minutes.

3 MR. SCHILTER: I also want just to
4 put a little comment in is that we believe,
5 we're proud to be organic and happy cows make
6 happy milk, happy milk make happy customers
7 and if we're all organic and the same process
8 we're all going to be happy.

9 CHAIR MIEDEMA: Thank you.

10 MR. SCHILTER: Anybody's got any
11 questions I will answer them.

12 CHAIR MIEDEMA: Any questions?
13 Thank you very much. Paul Staehely and Jason
14 Woosen standing by.

15 MR. STAEHELY: Hello. My name is
16 Paul Staehely. I have been farming
17 organically in Oregon City, Oregon since 2002.
18 I'm also a member of WODPA. I thank you for
19 allowing me to speak today.

20 There are several areas - or
21 several sections throughout our animal welfare
22 document that need clarification, specifically

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1 stocking density and the access to outdoor
2 requirements. Some of our outdoor access is
3 cement and some of it is soil. For example,
4 in our holding pen it is cement. In reading
5 the recommendations it sounds like all outdoor
6 access needs to be soil. We get approximately
7 three feet of rain in the wintertime, making
8 outdoor areas extremely muddy. Sending cows
9 out on the mud is dangerous to both the cows
10 and people, not to mention my milk inspector
11 wouldn't be happy to see the cows out in the
12 mud and it's not a very easy cleanable
13 surface. As for stocking density, inside the
14 barn we have free stalls with 32 square feet
15 per animal. To get 50 square feet per cow I
16 would have to take out every other stall. The
17 cows would have so much space they would be
18 standing sideways in stalls, causing yet
19 another cleanliness and safety issue. I think
20 the comfort of the animals and cleanliness of
21 the space is more important than having
22 exactly 50 square feet per animal. I strongly

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1 suggest the board reconsider the wording of
2 this chart to reflect this and maybe
3 acknowledge free stall barns that have beds
4 for all cows but the beds aren't 50 square
5 feet.

6 As for crop materials, I would
7 like to see the continued listing of chlorine,
8 alcohol and pheromones. And on a final note,
9 I would like to see fortified foods continue
10 to be allowed in organic products, providing
11 those nutrients go through the Federal
12 Register process just like everything else on
13 the national list. To keep business flowing
14 smoothly and to allow organic farmers to keep
15 selling their milk please do pull fortified
16 foods from the - fortified foods on the
17 marketplace. Give companies time to petition
18 and go through the proper process because
19 taking products away doesn't just hurt big
20 business, it hurts me and my farm too. Any
21 questions?

22 CHAIR MIEDEMA: Any questions for

1 Mr. Staehely? Thank you. Next up is Emanuel
2 De Merez and Jackie Bowen is standing by.

3 MR. DE MEREZ: Dear members of the
4 board, ladies and gentlemen, my name is
5 Emanuel De Merez and I'm speaking on behalf of
6 SQM which is the producer of natural Chilean
7 nitrate. As you all know, natural Chilean
8 nitrate has been a topic for discussion for
9 many years, but always reason and common
10 sense, contrary to what happened in other
11 regions in the world, referring to for example
12 Europe, have inspired the board, leading to
13 the current regulation. And I believe that is
14 a good regulation. It meets both farmer
15 requirements, allowing them to produce locally
16 even in adverse conditions and at the same
17 time fully respecting the organic philosophy.
18 Don't forget that natural Chilean nitrate has
19 been around for over a hundred years in times
20 when everything was still organic. And
21 nowadays it's mainly a byproduct of iodine
22 production and also in itself it has a

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1 significant rations of iodine.

2 We agree with the committee that
3 trade equivalency should not be a valid
4 criterion to evaluate an input. A product
5 should be evaluated on its merits, not on
6 political considerations or international
7 trade arguments. As in the end is it not at
8 the heart of organic farming to produce
9 locally? We have posted an extensive reply to
10 the recommendations so there is no time to go
11 in details now. But I would like to point out
12 that we did not really find new arguments in
13 there.

14 One concern that was raised is
15 that farmers may become dependent on natural
16 Chilean nitrate. Now, we don't agree with
17 this because at the end the product is self-
18 regulating. First of all, there is a current
19 regulation which has the annotation of a
20 maximum 20 percent use for the crops'
21 requirements so farmers cannot fully rely on
22 it. And secondly, talking to farmers and I

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1 think it was said earlier also at the end of
2 the day it's not the cheap product per unit of
3 n. So farmers will not use it unless they
4 really need it and it's critical to the
5 viability. Also, we don't see any good
6 alternatives to give a complimentary spike of
7 available nitrogen when it's really needed.
8 A lot of products have been tried, but again,
9 talking to farmers none of them perform really
10 well and all of them need nitrogen conversion
11 in the soil, so.

12 Finally, we want to clarify that
13 the product is not limited to the western U.S.
14 Just to share the sales figures, we sell in 29
15 different states. We also collected over 300
16 farmers' testimonials in 40 states talking in
17 favor of the product. And finally, we also
18 did a petition and over 540 farmers in 21
19 states signed that petition to support the
20 product and to support the status quo. So I
21 would like to urge the Crops Committee and the
22 board not to ignore the position of its most

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1 important stakeholders and to vote in favor of
2 the status quo. Thank you. Any questions?

3 CHAIR MIEDEMA: Barry.

4 MR. FLAMM: One clarification. On
5 the sales that you show on the map
6 distribution.

7 MR. DE MEREZ: Yes.

8 MR. FLAMM: Is that to organic use
9 or total use?

10 MR. DE MEREZ: This product is
11 only sold for organic use, so yes, it's
12 organic use.

13 MR. FLAMM: It's just organic use?

14 MR. DE MEREZ: Yes. Natural
15 Chilean nitrate is not used in conventional
16 agriculture because, again, cost-wise compared
17 to the alternatives, urea ammonium nitrate,
18 it's not as efficient.

19 MR. FLAMM: Okay, thank you.

20 CHAIR MIEDEMA: Steve.

21 MR. DEMURI: Similar question on
22 the petition. Were those organic growers or

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1 conventional and organic or?

2 MR. DE MEREZ: Those were organic
3 growers. That was a specific requirement for
4 them to sign.

5 CHAIR MIEDEMA: Any more questions
6 for Mr. De Merez? I see Lisa Ahramjian
7 flagging me here.

8 MS. AHRAMJIAN: There were several
9 people that we skipped over because they
10 weren't in the room at their scheduled time.
11 If anyone else still wants to give a public
12 comment today please come see me as soon as
13 possible.

14 CHAIR MIEDEMA: I'll also say if
15 anyone was giving their comment early Thursday
16 morning and prefers to sleep a couple extra
17 minutes and go ahead with their comment this
18 afternoon we would entertain that. So also
19 see Lisa. Lisa, do we have anyone standing by
20 after Jackie Bowen? Okay. Jackie, come on
21 up.

22 MS. BOWEN: Thank you. My name is

1 Jaclyn Bowen. I'm the general manager of
2 Quality Assurance International. We're a USDA
3 certifier. Today my comments are going to be
4 limited to the animal welfare recommendations.
5 A colleague of mine, Alexis Randolph, will
6 actually be speaking to QAI's other public
7 comments later on Thursday. Also, as a member
8 of the Accredited Certifiers Association many
9 of QAI's comments regarding the animal welfare
10 recommendations are also reflected within
11 those documents already submitted by the ACA.

12 Due to the number of areas in
13 which revisions are being suggested by the ACA
14 and other organizations, QAI requests that the
15 committee reissue a recommendation on animal
16 welfare that incorporates all sections of the
17 existing regulation as you intend to maintain
18 them. One of the most helpful documents
19 issued by the NOP regarding the access-to-
20 pasture rule changes was the side-by-side
21 comparison document. Due to the complexity of
22 the animal welfare - of animal welfare being

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1 added to an already new pasture rule, QAI
2 would appreciate the committee creating a
3 similar document that includes the current
4 regulation, including the pasture rule,
5 recommended animal welfare recommendations as
6 currently written, and then the final
7 recommendation the NOP intends to put forward
8 for rulemaking after review of all the
9 comments received to date. Thank you.

10 CHAIR MIEDEMA: Thank you very
11 much. Any questions? Joe Dickson.

12 MR. DICKSON: Just, I don't know
13 that I completely understand your request so
14 I just want to ask you to clarify. You're
15 asking the Livestock Committee to put out a
16 comparison of the existing regulation compared
17 to our recommendation as made over the past
18 few sort of iterations?

19 MS. BOWEN: Correct, just so
20 there's a comparison of past versus potential.
21 It just helps with comparing what is actually
22 changing just with all the changes that are

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1 going - with the new pasture rule as well as
2 with the pending animal welfare
3 recommendations.

4 MR. DICKSON: Thank you.

5 CHAIR MIEDEMA: Any more
6 questions? Thank you.

7 MS. BOWEN: Thank you.

8 CHAIR MIEDEMA: Next up, Bob
9 Anderson.

10 MR. ANDERSON: Thank you. It's a
11 pleasure to be here. I know many of you, I
12 know many people in the room. I'm a longtime
13 organic guy. I've sat in the chair and been
14 in your chairs here at National Organic
15 Standards Board in the early days and I want
16 to recognize that you guys have an awesome
17 responsibility here. And so as you look at
18 things and in the grand philosophy of who we
19 are and what we do and the impact that we have
20 on consumer expectations but also on the
21 realities of life on the ground that you weigh
22 them very, very carefully.

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1 And I want to say that I think
2 sunset was probably a bad term. I wish we had
3 said we're going to have a sunshine rule that
4 meant we'd shine a bright light on everything
5 every five years and say is it good, is it
6 not, is there an alternative, has it been
7 developed, is there a wholly natural
8 substitute or whatever those terms are. But
9 let's look at it in a broad and open way and
10 say is it important and does it allow us to
11 continue to convert and eliminate - convert
12 land to organic agriculture and eliminate and
13 minimize pesticides around the world. It's a
14 very big and important responsibility.

15 I have no dog in the hunt here, so
16 I'm here - I'm talking from an international
17 trade perspective. I'm a senior trade policy
18 advisor now to the Organic Trade Association,
19 the Foreign Agriculture Service and I work
20 closely with Miles. Actually, the last time
21 I was at the NOSB meeting Miles and I and
22 Margaret made the presentations on aquatic

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1 species. So it's been awhile, but it's good
2 to be back. From an international perspective
3 what the decisions that get made here impact
4 not only domestic trade but international
5 trade and it's a significant part of our
6 contribution these days. It's about 8 percent
7 of all of the organic trade. And there are
8 two things that have come up. One is that
9 lignin sulfonate as a flotation agent. Lignin
10 sulfonate is a binder and fertilizer, we've
11 already - that's sort of decided. But as a
12 flotation agent it's only used in pears.
13 We've had OMRI research this, we've worked
14 with the Northwest Horticulture Society, our
15 council and with other producers. I would ask
16 you to consider adding the annotation for
17 pears, as a flotation agent for pears. That
18 would allow everyone who is - right now we're
19 certifying all the way back to the land for
20 carrots and other things that it's not used
21 on. And pears don't float and they're very
22 fragile. That's why it's important.

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1 Second, that - and second that
2 sodium silicate was - as I read the - or
3 interpreted the recommendation was that it
4 should go off because it is an alternative.
5 There are other alternative flotation agents.
6 Well, lignin sulfonate doesn't work with
7 chlorines. So it's important to understand
8 that all things - one flotation agent doesn't
9 work for all products and that I would urge
10 you to leave on the sodium silicate as a
11 flotation agent, but also as a bleach, as a
12 holder of oxygen.

13 CHAIR MIEDEMA: Thank you. Any
14 questions for Bob Anderson? Thank you.

15 MR. ANDERSON: Three minutes goes
16 so fast, doesn't it?

17 CHAIR MIEDEMA: Thank you very
18 much. All right. Last call for anyone who
19 was signed up today and who was passed over.
20 Oh, it looks like we have another name here.
21 Katherine Withey.

22 MS. WITHEY: Hi. My name is

1 Katherine Withey and I'm here to represent the
2 Washington State Department of Agriculture
3 Organic Food Program. So I originally was
4 scheduled for Thursday morning and I thought
5 I had two days to get this down to under three
6 minutes but my grandfather was a livestock
7 auctioneer so hopefully I can get this taken
8 care of. So forgive me if I just read these.

9 In 2010 WSDA certified 719
10 producers. Of these producers, 361 were
11 certified for apples and/or pears, and of
12 these 361 producers 136 used tetracycline and
13 34 have used streptomycin. As you listen and
14 read comments pertaining to the use of
15 antibiotics in tree fruit production I wanted
16 to provide you with these numbers so that you
17 can get a context for understanding the impact
18 that your decision will have. This is a very
19 important decision for our state organic
20 industry and we encourage the NOSB to be both
21 thoughtful and deliberate as well as informed
22 when making it.

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1 For the evaluation of the material
2 review organizations WSDA has provided written
3 comments to the NOSB in regards to the CACC
4 recommendation pertaining to material review
5 organizations. We'd like to stress one item
6 in our comments. Prior to implementing a plan
7 for oversight, please conduct a thorough
8 survey of all certifiers as it relates to
9 materials review. A thorough survey of
10 material review procedures, decisions and
11 tracking will act to identify what certifiers
12 do well and what we do not do well, and it
13 will assist the NOSB and the NOP in making
14 informed data-driven decisions as you move
15 forward with this ambitious goal.

16 Okay, corn steep liquor. Yes.
17 WSDA is not going to weigh in on whether corn
18 steep liquor is synthetic or non-synthetic
19 because we don't - it's not just about corn-
20 steep liquor. It's also about the 0.2 percent
21 remaining growth media in microbial products
22 and it's also about ion exchange resins. It's

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1 about so much more than corn steep liquor.
2 What we need is for the NOSB to wrap up the
3 multiple-year conversations around materials
4 classifications and provide certifiers with a
5 clear decision, comprehensive guidance and
6 training on implementation. The corn steep
7 liquor recommendation equates to the
8 implementation of the draft guidance document
9 for classification of materials prior to its
10 finalization and implementation. The process
11 is backwards. We ask first that the NOSB
12 finalizes the proposed guidance and the NOP
13 implements it, and then the CSL decision can
14 fall under those new guidance. We request
15 adherence to a consistent and transparent
16 process, and it's essential that the NOP be
17 proactive on this issue and not continue to be
18 reactive because corn steep liquor is just a
19 symptom of a bigger problem.

20 And finally, sodium silicate and
21 magnesium sulfate. WSDA finds the removal of
22 sodium silicate and magnesium sulfate in the

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1 absence of requested technical information to
2 be a flawed process. Oh, sodium silicate can
3 be used by organic growers during the dump
4 process for delicate tree fruit and we
5 encourage the NOSB to make informed decisions
6 based on data when making determinations about
7 the allowance of materials.

8 CHAIR MIEDEMA: Thank you.
9 Colehour.

10 MR. BONDERA: Thank you,
11 Katherine, for your quick speech there. But
12 I want to go back to the beginning, the first
13 topic that you raised, because I liked how you
14 threw out some numbers really fast but they
15 raised for me some yellow flags really quickly
16 because I heard, and I may have misinterpreted
17 it because you were speaking quite quickly I
18 admit, that honestly it seemed like quite a
19 large percentage - and I didn't calculate
20 percentages - of the certified organic pear
21 and apple producers are not using the
22 antibiotics. Based on the numbers you

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1 presented and you know, I again, ask you to
2 comment on that please.

3 MS. WITHEY: Sure. And I have to
4 say that our - the way that we gather that
5 data may be somewhat of a flawed process
6 because of the way that we input materials
7 into our database in our systems. So when we
8 search, we search something like Mycoshield,
9 or we'll search a generic of tetracycline and
10 we don't capture typos or spelling errors or
11 the ways that people may have written Myco
12 space shield. So what that was was a
13 preliminary baseline number in 2010 that
14 doesn't account for spelling errors that I
15 think we can all agree farmers can be
16 sometimes famous for. So it is a baseline
17 number and I would say that if we were to
18 delve into each file we would probably come up
19 with higher numbers but what it means is that
20 one-third of our apple and pear growers are
21 using tetracycline and less - to a lesser
22 degree streptomycin.

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1 CHAIR MIEDEMA: Colehour and then
2 Jay.

3 MR. BONDERA: I guess I'm - I
4 don't want to apologize, but just to follow up
5 then. I'm still hearing, and it's just
6 intriguing to me to contemplate this subject,
7 that the result of what you're saying, even
8 like you said the numbers aren't exactly
9 accurate, is that it becomes pretty clear to
10 me pretty quickly that every single organic
11 pear and apple producer is not using these
12 antibiotics. I would say that you're not even
13 suggesting that the number is down to zero
14 because of these errors, but instead that it's
15 common but it's not what everybody's doing.
16 And I haven't heard that many comments from
17 people today on that detail and I think that
18 intrigues my brain at least.

19 MS. WITHEY: Correct. Because we
20 certify a wide variety of agricultural
21 systems. So we certify large tree growers and
22 I heard, you know, we've heard comments from

1 before, but we also certify people who have
2 apples that may only have three trees. So
3 they may not be using antibiotics. So I think
4 that that diversity would probably speak to
5 the fact why 100 percent of our growers are
6 not using antibiotics. Yes.

7 CHAIR MIEDEMA: Jay Feldman.

8 MR. FELDMAN: Just to follow up on
9 Colehour's question. Is there other data in
10 that database that might be helpful to this
11 board such as varieties, age of the orchard,
12 other practices that you might collect data on
13 that might be able to tell us why we're seeing
14 some significant percentage not using or not
15 dependent on these antibiotics?

16 CHAIR MIEDEMA: We're right at
17 about the 5-minute mark and it's a little bit
18 off topic so can you please be brief?

19 MS. WITHEY: Sure. No. I mean,
20 we don't collect the age of orchards in our
21 database. We do collect varieties and we
22 could get you the varieties of those farms, or

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1 the varieties that are - where antibiotics are
2 being used, but we don't have a way to say the
3 antibiotics are being used on their, you know,
4 not on their Granny's or their Red Delicious
5 but on their Pink Lady's. So we can't really
6 break it out that finely. I wish we could,
7 but yes. When I say "database" I'm using it
8 very loosely.

9 CHAIR MIEDEMA: All right. Thank
10 you very much.

11 MS. WITHEY: Yes, thank you.

12 CHAIR MIEDEMA: Okay. Lisa
13 Ahramjian.

14 MS. AHRAMJIAN: So there's at
15 least one person who gave me handouts today
16 who did not give their presentation. Is
17 Edward Gildea in the room? Okay. Or anyone
18 else who wants to give public comment today?

19 CHAIR MIEDEMA: Okay. We have 30
20 minutes left in the time that we published in
21 the Federal Register and there's a couple of
22 things we can do here. The first thing I

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1 wanted to announce is that tomorrow is
2 completely devoted to committee deliberations.
3 And we don't have the luxury of the same
4 protocols, but I do want to remind board
5 members of Robert's Rules for committee
6 deliberations. I think in past meetings we
7 might have strayed from that a bit which is
8 each committee member is supposed to ask no
9 more than two questions during the
10 deliberations and the second question is
11 really supposed to come after the first
12 question has been asked. So I was pointed
13 that out by our parliamentarian this morning
14 and make sure everyone is sort of ready for
15 that tomorrow.

16 And then the other thing I wanted
17 to announce was that - Lisa, it looks like you
18 have a follow-up to maybe clarify something I
19 just said.

20 MS. BRINES: I just saw some
21 inquiry, or some looks that I just wanted to
22 clarify. So yes, according to the rules of

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1 debate every board member would have the
2 opportunity to provide comment or debate on
3 any motion. In general, a person can speak
4 twice on a motion but not until everyone else
5 has had the opportunity to comment on that
6 motion. Hopefully that helps.

7 CHAIR MIEDEMA: Okay, thank you.
8 Steve.

9 MR. DEMURI: Just a clarification
10 question. We're not really making any motions
11 tomorrow, it's just kind of a presentation
12 day. Do the same rules apply?

13 MS. BRINES: Normally under
14 Robert's Rules you would make the motion first
15 and then it would be subject to debate.
16 That's not traditionally how the board has
17 operated, but normally you don't debate
18 something that's not presented in the form of
19 a motion.

20 CHAIR MIEDEMA: Where I was going
21 with this is if our committee deliberations
22 tomorrow run long we may have the opportunity

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1 to push some of those deliberations into
2 Thursday. We'll have to check and find out
3 whether that's proper for our agenda, but I
4 just wanted to make a last call for public
5 comments before we recess for the day. Okay.
6 So I'm going to ask NOSB members as a courtesy
7 to please stick around for 15 minutes or so
8 and be available to visit informally with
9 members of the public. Thanks everyone, and
10 we will reconvene at 8:00 a.m. tomorrow.

11 (Whereupon, the foregoing matter
12 went off the record at 4:59 p.m.)

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In the matter of: National Organic Standards Board

Before: US Department of Agriculture

Date: 04-26-11

Place: Seattle, Washington

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