

**NATIONAL ORGANIC STANDARDS BOARD
MATERIALS COMMITTEE
Red Lion Inn, Sacramento, California
September 18, 1992
MEETING SUMMARY**

Prepared By: Nancy Taylor/Julie Anton

Attendees: Nancy Taylor (Chair), Michael Sligh, E.K. Chandler, Dean Eppley, Tom Stoneback, NOSB Materials Committee; Craig Weakley, NOSB; Ted Rogers, Julie Anton, USDA Staff.

Chair Nancy Taylor reported that due to the accelerated timeline proposed at the July meeting for Phase II of the materials review process, the Materials Committee, in conjunction with the NOSB Crops, Livestock and Processing Committees, focused their efforts on developing lists for "allowed synthetic" and "prohibited natural" materials that represented Committee consensus, the Committee had admitted that these would be partial lists. The Materials Committee (MC) had intended to circulate these lists as working drafts and submit a position paper on materials to the full Board meeting in Maine, late September 1992. However, in light of the time constraints, it was reported that the Committees were unable to arrive at consensus on materials and to allow for time to circulate lists and get adequate public input.

Mr. E. K. Chandler reported on his meeting with the American Association of Control Officials (AACO) conference in Indiana, in August 1992. He was sent by the Board at the request of the Materials Committee, to initiate contact and communications regarding MC concerns for the labeling and marketing of certified organic plant and soil amendments and fertilizers. Mr. Chandler was able to meet with the AACO board, who expressed interest in working with the NOSB to define "organic". The Materials Committee decided to continue to work with the AACO. It was decided that Mr. Chandler will chair an AACO task force that is to include Mr. Dean Eppley of MC, Ms. Yvonne Frost of Oregon Tilth, and Brian Baker of California Certified Organic Farmers (CCOF). As the first order of business, this task force will develop a report on the structure of the AACO.

Mr. Ted Rogers and Ms. Julie Anton of the USDA discussed the work they have been doing on National List materials petitions and classifications. A draft of the petition was submitted by Mr. Rogers and amended to include a short form for farmers requiring less information and a long form for manufacturers with more specific information. A second draft will be submitted at the Maine meeting. Ms. Anton described the structure of the database on materials for use in organic production being developed at the National Organic Productions Program office. This database will serve extension agents and interested organic community members, as well as the Board as it analyzes materials for the National List.

Mr. Tom Stoneback gave a review of the initial materials

comparison of the European Economic Community and MOA in organic materials lists, submitted to the NOSB by the Rodale Institute. It was decided that the MC, in conjunction with the NOSB International committee, needs to identify other international certifying agencies that may exist and find out what is on their materials list. Ms. Anton reported that she has already initiated this project and will provide a report to the Committee when it is complete. Mr. Stoneback volunteered to develop a draft proposal (for submission to the full Board in Maine) to accept materials lists of foreign certifying organizations as equivalent to that of the Materials Committee in an effort to facilitate trade.

The crop production materials drafts were not discussed as there had been adequate time given at the Crops Committee Meeting the previous day. Ms. Zea Sonnabend of CCOF did submit her final draft on allowed consensus crops production materials developed from the survey list of the Organic Foods Production Association of North America. The MC made the recommendation to submit this list as a position paper to the Board at the Maine meeting and to then be circulated for public comment.

Mr. Craig Weakley gave a review of the materials draft developed by the Processing Committee. The Processing Committee had not reached consensus on their working draft on processing materials.

In place of Mr. Gary Osweiler, absent Materials/Livestock Committee member, Ms. Julie Anton gave a review of the Livestock Committee's materials draft. The MC identified sections of the draft which need work.

The Committee agreed that a joint meeting with all NOSB Committees in Maine was necessary to discuss the difference in criteria applied to materials decisions that seems to be emerging. The use of the materials format developed at the July meeting could also be reviewed and agreed upon.

The Committee discussed options for developing the Technical Advisory Panel (TAP) in light of the fact that no appropriations exist to pay TAP members. It was decided that a call for volunteers to serve on the TAP would be made, requesting TAP member participation as the need arises for technical expertise. Ms. Taylor will submit a draft TAP participatory request to the Materials Committee in Maine.

Guests at the meeting requested that the committee develop a statement disclosing the intent of the Committee to: (1) conduct work on "generic" materials and allow organic certifying agencies to review brand name materials; (2) request full disclosure of inert ingredients; and (3) propose a phase-out time period for prohibited materials that currently remain on some certifiers materials list. Nancy will work on this statement and submit it to the Committee in Maine.

NATIONAL ORGANIC STANDARDS BOARD
CROPS COMMITTEE
Red Lion Inn, Sacramento, California
September 19, 1992
MEETING SUMMARY

Prepared by: Julie K. Anton

Attendees: Gene Kahn, (Chair), Craig Weakley, Robert Quinn, Dean Eppley, E.K. Chandler, NOSB Crops Committee; Nancy Taylor, Michael Sligh, Thomas Stoneback, NOSB; Julie Anton, Ted Rogers, USDA; Peter Weiss; Bob Pettit; Eric Ardapple Kindberg, Joe Blackburn, Bryce Lundberg, Mark Weiss, Kate Burroughs, Yvonne Frost, Brian Baker.

Chair Gene Kahn distributed packages of the responses to Crops Committee (CC) documents mailed to the public on August 19, 1992. The ensuing discussion was ordered by the topical CC documents.

PLANTING STOCK

Treated Seed: The CC's view that it is difficult to document whether or not an adequate effort was made to locate untreated seeds before sourcing treated seeds for organic crops. The CC will need to be specific about the phase-out period for treated seeds, if one is allowed. Sources of untreated seed were suggested.

Annual Transplants: Allowance of a one-year grace period was suggested to offer transplant growers with no experience in growing transplants organically a chance to learn. The grace period would only be extended in cases where growers can document that non-organic transplants are unavailable. The attendees were reminded that the Organic Foods Production Act of 1990 (OFPA) is being implemented at a time when growers are at different levels of development in terms of purely organic production.

Potatoes: The issue before the CC was whether or not post-harvest fungicide use is acceptable as opposed to seed treatment at the time of planting or when brought out of storage. Seed potatoes are treated as they are brought out of storage and loaded into vans; but they are also treated at the time of harvest and when loaded into storage bins. It was suggested that the wording of the standard be that no secondary seed treatment should be applied. The secondary treatment is usually performed to control bacterial soft rot. In Washington State it is illegal to plant untreated seed on any commercial farm over five acres. There are no "organic" and "State-certified" seed potato sources; hence, a restriction on organic sources may create undue hardship for potato farmers. It was agreed that a publicity campaign regarding the need for organic seed sources was necessary, including a public letter to seed companies encouraging them to source untreated seed.

Garlic: Commenters indicated that there are significant sources of organic garlic. White rot disease endemic to garlic in Oregon,

whereby once a field is infected the disease is impossible to eradicate without fungicide use, was described. However, in the case of garlic, unlike potatoes, the consumer is eating the matured set of the seed. Onions, asparagus crowns, rhubarb and horseradish are cases similar to garlic and are to be considered by the CC.

Sweet Potatoes: The primary concern is the parent tubers of sweet potato plants rather than the slips from the tubers. Because presently an industry for the raising of organic tubers does not exist, and because there is no priority to develop one, the CC agreed that treated tubers should be allowed, particularly given that the requirement that slips propagated is already difficult to meet. It was suggested that an allowance be made for Irish potatoes as well as sweet potatoes.

Strawberries: The question before the Committee was how to define commercially available at what cost and what level of availability. 95% of strawberry transplants are grown in the Northwest; all growers use methyl bromide.

Perennial Transplants: The issue was that mature blueberry stock can be transplanted, as can mature peach tree stock.

Other comments: Standards for specialty crops, such as those grown in greenhouses or nurseries, had not yet been addressed by the CC. The CC cited ornamentals, turf grass, cotton and other fibers as crops that may not be considered food but that the CC may be called upon to address.

EMERGENCY SPRAY EXEMPTIONS

It was reported that the majority of the Baltimore Livestock and Processing Committee meeting attendees were in disagreement with the CC's position on emergency spray, as opposed to the majority in attendance at the present meeting.

A discussion of the CC idea to set a percentage of EPA tolerance as the maximum level of residue allowed on a crop sold as organic ensued, with the CC finding its purview to set a percentage between 1-10% of EPA tolerance in the Senate Committee Report. It was pointed out that not setting a percentage would be de facto endorsement of 100% of EPA tolerance.

One commenter described the situation in California, where farmers have no recourse once the State or Federal government has mandated spraying, and where a California state of emergency would make the grower 100% responsible for the results of State-mandated spraying, and there would be no grower recourse. Whether or not a grower could negotiate with the State regarding the method of emergency treatment was discussed.

The CC will need to explore legal implications; there is a possibility of creating situations of recourse. Notification would

have to be in written form; organic farmers would have to file with the officials who issue permits for pesticide applications, indicate the boundaries of their farms, provide a statement that the fields are certified organic or in transition to organic, and provide a statement that drift could result in a loss of certification and financial losses greater than to a conventional farmer affected by drift. The orientation of the CC is that if recourse were likelier, the standard regarding emergency spray exemptions would be stricter.

As an industry in California, organic producers have not had the leverage to get "certification" to be legal property, whereby damage to property could be decided in the courts. One attendee suggested that farmers be indemnified for organic crop losses, so that the government would have the incentive to look for alternatives to spraying.

Ms. Nancy Taylor offered her idea of universal flagging to identify fields as under organic production.

PESTICIDE DRIFT POLICY

The CC position is to develop standards that are reasonable and not punitive. The consensus of public respondents was that growers affected by spray drift should lose certification for 36 months; yet the views expressed by the meeting attendees appeared to strongly endorse the CC majority position.

The question of how a grower would know when the farm has been drifted upon was raised. The criteria could be if a grower could identify the visible effects, such as curled leaves and dead bugs.

The CC agreed that there is a lot of work to be done in defining drift and at what point notification would be required. The certifying agent should work with local county agents to ensure proper notification. That a grower failing to provide notification should be decertified was deemed an impractical standard to apply as proof of failure to notify would be difficult. It was evident that the CC will need to use strong wording in the standards to allow growers to seek legal recourse.

Mr. Weakley remarked that although Mr. Miles McEvoy's argument that 20 States do allow compensation for drift, 16 States do not, and asked about the other 14 States. The CC decided that the entire CC position on spray drift needs to be reevaluated.

IRRIGATION WATER QUALITY

A question was raised as to who sets the standards for water quality, and whether or not this should be up to the certifying agent. The CC received one comment that it was vague about the testing requirement in terms of if, when, and how often. Furthermore, growers may have no options to upgrade their irrigation sources. It was argued that until there is an issue

with the crop grown utilizing the irrigation water, the water should not be considered a problem and should not be tested periodically, as the CC position paper on irrigation water quality currently requires.

The Committee was encouraged to address sewage water and chlorinated water (city water) as irrigation sources.

There was a comment that a certifier could not be expected to have the expertise to properly conduct water testing; how much saline or nitrate is too much could be considered a matter for those with practical knowledge in the field.

The CC decided it would reevaluate its position on water quality, with the acknowledgment that water quality issues are very regional. Mr. Bob Quinn pointed out that the Committee is trying to defend its principle of precluding the over-mining or degradation of the soil.

MATERIALS ALLOWED FOR AND PROHIBITED FROM USE IN ORGANIC CROP PRODUCTION

Ms. Zea Sonnebend, technical advisor to the Committee, gave an overview of the process of materials designation. She described the OFPANA survey of certifiers to identify areas of agreement with regard to materials for use in organic production. Some materials tended to be controversial, because the health effects are unknown or because of other concerns. About other materials much is known but there is flat out disagreement, she reported.

The following materials were reviewed by the CC at the meeting:

- (1) Ammonium Soaps: No substantive comments.
- (2) Antibiotics: Examples of use were given, such as by pear growers to control fire blight and ivermectin control for mites.
- (3) Basic Slag: Basic slag is an industrial by-product, of which the impurities in it are unknown. This material is not produced in the United States any longer, though there are large amounts of waste product in the Southeast and in Mexico as well. Basic slag is a fairly soluble source of phosphorus.
- (4) Bleach/Chlorine: The CC will need to define "disinfectant." The CC had decided that chlorine should not be allowed for post harvest use, including hydro-coolers. Chlorine can form toxic compounds. However, chlorinated municipal drinking water is allowed for irrigation.
- (5) Ethylene Gas: Tropical fruits other than bananas may be considered for exemption to the prohibition on post-harvest use of ethylene. Natural sources of ethylene, such as other pome fruits, were discussed.
- (6) Gypsum By-Product: The reason the CC has prohibited this material is because mined gypsum is an adequate replacement.
- (7) Leather By-Product: This prohibited material received no comments.

(8) Petroleum Distillates: Because the term for these materials is very broad, they may be subject to a special review like botanicals.

(9) Sulfur Dioxide: The CC received a comment that it should be consistent in developing its policy concerning mineral materials. The difference between a sulfur by-product and a sulfite (which may be synthetic) was discussed. Mr. Kahn expressed his desire to rescind the CC decision to prohibit sulfur dioxide and leave it for further discussion. The importance of investigating residue levels on table grapes versus dried apples and post-harvest use versus as a fungicide or miticide was stated.

(10) Vitamin D3: Apparently, there are no health concerns with this synthetic and the natural alternatives are worse.

(11) Arsenic: The CC decided to add "or stake replacement" after "new plantings," in its current document on materials.

(12) Detergents: No comments were made.

(13) Raw Manure: As it is allowed with qualifications in the language of the OFPA, the CC had nothing further to add at this time.

(14) Muriate of Potash: Puerto Rico and Hawaii, as tropical States, may be the most concerned with its continued use.

(15) Piperonyl Butoxide: No substantive comments were made.

(16) Sodium Nitrate: The disagreement over this mined natural material was described as the oldest argument in the organic community. The CC was asked to consider a five-year phase out period. It was explained that although sodium nitrate is not the main fertilizer source for any grower, its use is important when soil temperatures are inadequate to grow certain crops at certain times of the year. The CC will not categorically prohibit water soluble fertilizers, but will likely set use restrictions.

ORGANIC FARM PLAN

The definition of organically grown food on page 292 of the Senate Committee Report was read to the attendees to reference the site-specific farm plans which set up all the procedures for producers to follow to have their products labeled organic. The provision for the farm plan is considered a key element to organic production along with the National List of materials.

It was agreed that the Farm Plan scheme set forth in the current CC working draft was not "user friendly" and in its present state is not simple enough to be applied nationally. The attendees were reminded that the standards are to be written to assure consumers and environmentalists about the conditions under which organic products are produced, and that the standards should not be merely based on the allowance and prohibition of materials.

The Farm Plan standards should serve as general principles to be interpreted through the certifying agency's questionnaire. The section of the CC current Farm Plan draft that is most objectionable pertains to growers' adherence to the Farm Plan. There were concerns expressed that a "big stick" was being placed

in the hands of the certifying agent and that the cultural practices would have to be identified for each variety grown on an organic farm.

The Farm Plan could provide a market opportunity by identifying positive aspects to the retailer, who is the gatekeeper to the consumer market.

Mr. E.K. Chandler presented his paper on soil testing, which he described as "the most valuable soil fertility management tool available when coupled with plant analysis."

RESIDUE TESTING

Mr. Weakley described the statutory requirements for residue testing of organic farms and organic products. The following topics were designated for CC work regarding residue testing: (1) maximum allowable pesticide residue; (2) guidelines for certification agents to fulfill periodic residue testing required in the OFPA; (3) how certifying agents and USDA officials work together when a residue is detected; (4) how to conduct an investigation; and (5) what does residual environmental contamination really mean.

There was time only to discuss the first topic: maximum allowable residue. Mr. Weakley suggested that the CC consider changing the percentage of EPA tolerance requirement to "undetectable" by a chosen testing method.

Ms. Julie Anton and Mr. Ted Rogers reported on a meeting of USDA staff with EPA and FDA officials, whereby FDA involvement in the residue testing of organic products was considered. It was pointed out that the OFPA specifically requires the reporting of positive residue test findings. Residue testing may also be useful for establishing baseline data for crops known to accumulate chlorinated hydrocarbons.

Questions were asked pertaining to who pays for residue testing, and what the testing procedure would be for rotated crops. The EPA has maps to show where "hot spots" (likely residue accumulations) are located. One attendee inquired as to how an inspector would know to require soil testing if the land in question had never been farmed before.

WORKPLAN

The CC wrapped up the meeting by planning the work to be completed over the course of the Fall. Ms. Sonnebend's contracted work was described, including her timeline for completion.

Mr. Quinn and Mr. Sligh suggested that the CC formally request that the International Committee review the CC position papers in light of the need to develop equivalency agreements with foreign countries.

MIXED OPERATIONS

The Committee discussed the Mixed Operation Working Draft #1. Mr. Quinn acknowledged that the intent of the standard is to provide an incentive for conventional growers to convert to organic production. This document was upgraded to a position paper by the CC.

CLOSING

The next meeting of the CC was planned for September 29, 1992, in Augusta, Maine.