

U.S. DEPARTMENT OF AGRICULTURE  
TRANSPORTATION AND MARKETING PROGRAMS

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NATIONAL ORGANIC PROGRAM

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NATIONAL ORGANIC STANDARDS BOARD MEETING

+ + + + +

THURSDAY

MAY 22, 2008

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The Meeting of the National Organic Standards Board convened in the Chesapeake Room, Holiday Inn Inner Harbor, 301 W. Lombard St., Baltimore, MD, pursuant to notice at 8:00 a.m., Rigoberto Delgado, Chairman, presiding.

BOARD MEMBERS PRESENT:

RIGOBERTO I. DELGADO, CHAIRMAN  
JEFFREY W. MOYER, VICE-CHAIR  
KATRINA HEINZE, SECRETARY  
HUBERT J. KARREMAN  
KEVIN ENGELBERT  
JENNIFER M. HALL  
JULIE S. WEISMAN  
DANIEL G. GIACOMINI  
GERALD A. DAVIS  
KRISTINE ELLOR  
TRACY MIEDEMA  
JOSEPH SMILLIE  
BARRY FLANN

C-O-N-T-E-N-T-S

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P R O C E E D I N G S

(8:01 a.m.)

CHAIRMAN DELGADO: The meeting will come to order. Good morning, ladies and gentlemen, members of the board.

This is day three of our meeting, and the first item on the agenda for today is to continue with public comment. We have 10 presenters today.

And I would like to call at this moment Ms. Lynn Coody followed by Emily Brown-Rosen.

Okay, Emily, if you would be kind enough to state your name and your affiliation.

PUBLIC COMMENT (CONTINUED)

MS. COODY: Okay, thank you.

My name is Lynn Coody, and for the record Coody is spelled C-o-o-d-y. And today I'm speaking for the Wild Farm Alliance, which is a nonprofit organization located in California.

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1           And it is on a topic that you have  
2 not heard about yet in this meeting which is  
3 biodiversity. So remember, this is from Wild  
4 Farm Alliance.

5           We are coming back to the National  
6 Organic Standards Board on the issue of  
7 biodiversity conservation, which is part of  
8 the national organic program rule, a topic  
9 that the board had full agreement on in 2005.

10           At that time NOSB unanimously  
11 approved additions of field-tested  
12 biodiversity questions into its model organic  
13 farm plan. This plan now available through  
14 ATRA is a voluntary guidance document used by  
15 many certifiers during the inspection  
16 processes.

17           The endorsement of these questions  
18 by the NOSB was in a bigger sense the  
19 agreement by the board that biodiversity and  
20 natural resources are an integral part of the  
21 NOP.

22           The NOP's audit review and

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1 compliance check list, which is entitled ARC  
2 1025A is a document that guides audits of NOP  
3 accredited certification agents.

4 This document does not currently  
5 contain a requirement for verification that  
6 certification agents are implementing the  
7 natural resources standard in the rule which  
8 is Section 205-200. This standard states,  
9 production practices implemented in accordance  
10 with this subpart must maintain or improve the  
11 natural resources of the operation including  
12 soil and water quality.

13 Additional sections of the rule  
14 further define natural resources to include  
15 wetlands, woodlands and wildlife - in other  
16 words, not just farmland.

17 Other sections explain that  
18 producers must initiate practices to support  
19 biodiversity; in other words, be active about  
20 it.

21 And another provision requires a  
22 producer to incorporate biodiversity

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1 conservation practices in his or her organic  
2 farm plan.

3 When considered together the  
4 various provisions point to the need for  
5 assessment systems that include review of the  
6 impacts of an organic farm's practices on  
7 natural environments in the vicinity of the  
8 farm.

9 In order the remedy the omission of  
10 this, of the NOP - NOP's omission on their  
11 check list, we have requested twice that the  
12 NOP amend the check list to include natural  
13 resources and biodiversity in three specific  
14 sections. And that's all that information was  
15 given in my written testimony, so you don't  
16 have to hear all that stuff right now.

17 With the funding from Organic  
18 Farming Research Foundation and assistance  
19 from a broad-based technical advisory  
20 committee, the Wild Farm Alliance published  
21 two guides for farmers and certification  
22 agencies describing practices and actions

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1 farmers can take to conserve biodiversity.

2 In 2006 these guides were mailed to  
3 all organic farmers and certifier in the  
4 nation. Since the NOSB made this  
5 recommendation and the biodiversity guides  
6 were produced, the Rodale Institute now  
7 provides electronic versions of ATRA's farm  
8 plans for its transition to organics course  
9 and the Independent Organic Inspectors  
10 Association uses the updated farm plan along  
11 with WFA's biodiversity conservation certifier  
12 guide in their advanced inspector training  
13 sessions.

14 And recently Wild Farm Alliance has  
15 published another guidance document that is  
16 design - you should have copies of this now -  
17 that is designed to assist farmers and  
18 certifiers in identify noncompliances related  
19 to biodiversity, and to suggest positive  
20 approaches for complying with the standards  
21 related to this topic.

22 Currently certifier who inspect

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1 about half of the organic farmers in the  
2 country are either now addressing biodiversity  
3 or say they would like to look into it more  
4 once they get some staff time.

5           However, some of the certifiers who  
6 are already implementing NOP's standards for  
7 biodiversity conservation have expressed  
8 concerns to WFA related to the fact that NOP's  
9 accreditation system is not currently holding  
10 all NOP-accredited certification agencies  
11 accountable for enforcing the biodiversity  
12 standards.

13           With the NOP's revision of the  
14 ARC's check list used to audit certification  
15 agencies as described above, both the letter  
16 and the intent of the NOP regulations will be  
17 implemented and organic certifiers will  
18 compete on an equitable basis.

19           Wild Farm Alliance encourages the  
20 NOSB to make a recommendation to the NOP that  
21 they incorporate the natural resources and  
22 biodiversity sections into the ARC check list

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1 1025A. By making this amendment NOP will  
2 ensure the consumers are getting what they pay  
3 for - I'm on my last sentence - pay for,  
4 organic products that only - that not only say  
5 they are environmentally friendly but also  
6 have the accreditation system to back it up.

7 CHAIRMAN DELGADO: Okay, thank you. Questions  
8 from the board?

9 MEMBER ENGELBERT: I agree with  
10 everything you said, but I just want to make  
11 sure you and your organization is aware, there  
12 is a cost for the farmer for that, to do all  
13 those things, and it's very difficult to  
14 extract that cost and put a figure on it and  
15 have it covered by the marketplace. But I  
16 agree with what you are saying.

17 MS. COODY: Well, hopefully, if you  
18 take a look at this booklet that we wrote,  
19 you'll see that the first page, the first  
20 chart gives a summary of what we consider to  
21 be the major nonconformances. However, the  
22 rest of the entire book is positive things

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1 that farmers can do. And in many cases when  
2 we - really in most cases we see that farmers  
3 are already doing a lot of this compliance.  
4 It's only in a few cases that difficulties are  
5 occurring. In most organic farms, it's  
6 amazing.

7 CHAIRMAN DELGADO: Follow up?

8 MEMBER ENGELBERT: Yes, I agree, and  
9 we are doing that. We provide a very good  
10 diet for all the wild animals that are on our  
11 farm. I'm serious; they eat very well. We  
12 have hunters coming to us all the time because  
13 we have such a huge population of wildlife on  
14 our farm.

15 MS. COODY: I hope you have orange  
16 vests for your cows.

17 CHAIRMAN DELGADO: We have a  
18 question from Joe, and then one from Berry.

19 MEMBER SMILLIE: You want us to make  
20 a recommendation on this?

21 MS. COODY: See, this is a topic  
22 that hasn't come up very much. So it's hard

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1 to know how to actually approach this.

2 But since we have already written  
3 three letters to ARC and they had promised to  
4 talk to NOP about it, and NOP did talk to them  
5 about it, it's just been going back and forth  
6 about what should happen.

7 MEMBER SMILLIE: Well, wouldn't the  
8 crops committee put it on their work plan?  
9 Would that be the correct direction?

10 CHAIRMAN DELGADO: I was just  
11 thinking of that.

12 Jeff, you had a comment, and I  
13 would also like to ask Jerry to comment as  
14 well.

15 VICE CHAIR MOYER: I would suggest  
16 that it would probably be a joint crop CAC  
17 document.

18 MS. COODY: It isn't an  
19 accreditation issue.

20 VICE CHAIR MOYER: Since it has to  
21 do with accreditation and inspection.

22 MEMBER SMILLIE: I don't know, too

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1 many joints.

2 CHAIRMAN DELGADO: Gerry agrees with  
3 that comment, Joe, I think.

4 VICE CHAIR MOYER: I think it's  
5 something we could discuss putting on our work  
6 plan.

7 MEMBER SMILLIE: That's today  
8 though, right?

9 CHAIRMAN DELGADO: Yes. Today we'll  
10 be discussing it.

11 MEMBER SMILLIE: Okay, I'll talk to  
12 you guys later.

13 CHAIRMAN DELGADO: And we'll have  
14 some time during lunch for that.

15 Are you satisfied with that  
16 response, Joe?

17 Okay, we have Barry followed by  
18 Hugh. You had a question?

19 MEMBER FLANN: Thank you, Joe. What  
20 would I do without Joe sitting next to me?

21 I just want to comment that I think  
22 this is an excellent piece of work, and I'm

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1 delighted to see it.

2 Being a newcomer I don't have the  
3 slightest idea how we can implement it, but  
4 I'm certainly behind it, and I thank you for  
5 your work.

6 MS. COODY: Well, thank you.

7 CHAIRMAN DELGADO: Hugh?

8 MEMBER KARREMAN: It's interesting,  
9 Barry, you say that, because I remember back  
10 in 2005 I said about the exact same thing,  
11 this is a great idea. And it's kind of a  
12 fuzzy memory to me at this point. I'm glad  
13 you bring it up again.

14 And all I can say is that I think  
15 it would be helpful to also have like ag  
16 support people like extension and whatnot be  
17 aware of this maybe through the e-Extension  
18 website that is happening now.

19 Because I know whenever AI give  
20 talks to either farmer groups or veterinary  
21 groups, but I always talk about like stream  
22 bank fencing, that brings a lot of wild life

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1 right back. It really does. And that's a  
2 good erosion control and whatnot.

3 So I don't think the onus has to  
4 just be on the certifier inspector farmer.  
5 You've got to bring in more people and be more  
6 biodiverse with your inputs of people.

7 MS. COODY: You are absolutely  
8 right, and we are on that track already. We  
9 have been working with the e-organic folks.  
10 In fact Jim Riddle was one of the people on  
11 the advisory committee.

12 So we have suggested that this be  
13 on their website or a link to it already, and  
14 this is available on Wild Farm Alliance's  
15 website, so any farmer can access it - any  
16 farmer with a computer can access it at any  
17 time.

18 So they do a terrific job of trying  
19 to get it out to as many people as possible.  
20 But I totally agree with you, and I think it's  
21 great if - you know, they have done trainings,  
22 and a lot of the certifiers their inspector

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1 training on this already. But there's lots of  
2 folks out there, increasingly all the time,  
3 that are knowing about it.

4 So I appreciated your support then  
5 and I appreciate it again now. Thanks.

6 CHAIRMAN DELGADO: Any other  
7 questions from the board?

8 Thank you very much.

9 Next is Emily Brown-Rosen followed  
10 by Leslie Zuck

11 MS. BROWN-ROSEN: Thank you. My  
12 name is Emily Brown-Rosen, and I work for  
13 Pennsylvania Certified Organic.

14 I'd like to thank you again for the  
15 opportunity today. In opening I just want to  
16 say one thing, it may seem like a lot of us  
17 are up here complaining or having problems or  
18 pointing out all this work you have to do, and  
19 we were having this discussion on our  
20 certifier listserv, and one of our European  
21 colleagues pointed out to us that what are you  
22 guys complaining about? We don't have anybody

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1 we can ask any questions of in Europe? There  
2 is nobody to go to.

3 So we are really blessed with this  
4 whole setup, and it's really a great setup.  
5 So forgive us for sounding kind of demanding,  
6 but we really got to keep that in mind.

7 Okay, a few points about the TAP  
8 reviews. It's been said that the board can  
9 serve as its own technical advisory panel, and  
10 I would like to point out the OFPA language,  
11 6518-K3 which says, the board shall convene  
12 technical advisory panels to provide  
13 scientific evaluation of the materials  
14 considered for inclusion on the national list.

15 Such panels may include experts in  
16 agronomy, entomology, health sciences, and  
17 other relevant disciplines. Okay, that's one.

18 And then at 6518-L3 it says, quote,  
19 the board shall submit to the secretary along  
20 with the proposed national list or any  
21 proposed amendments to such list the results  
22 of the board's evaluation and the evaluation

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1 of the technical advisory panel, all  
2 substances considered for inclusion on the  
3 national list.

4 Now maybe it is possible for the  
5 NOSB to serve as its own TAP and take both  
6 roles. It's written up in in the OFPA, but to  
7 me it sounds like there is a requirement to  
8 have TAPS, and a requirement that these are a  
9 different body with a different  
10 recommendation.

11 And I do not believe the intent of  
12 Congress, and it certainly does not meet the  
13 expectation of the organic community that we  
14 do not have to have reviews.

15 Many of us in the organic community  
16 have worked very diligently the last few years  
17 to obtain funding in appropriations for 2008,  
18 and in the farm bill, we're looking forward to  
19 that. And a product of that funding should be  
20 good, sound, scientific support for this  
21 group. You do a lot of hard work, and you  
22 deserve support, technical support, to

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1 evaluate these complex issues on hundreds of  
2 different topics that you can't possibly have  
3 expertise in all of them.

4 So I think you have the authority  
5 to refuse to evaluate materials, when you do  
6 not have technical support or a TAP when it's  
7 needed, and you should preserve that  
8 authority.

9 Secondly, synthetic and  
10 nonsynthetic clarification. A lot of people  
11 have brought up the need to go back to this  
12 document, revisit it. And we do have a  
13 problem - one of the reasons we feel this is  
14 needed is, we have a problem with a certain  
15 number of materials that are not on the  
16 national list that are currently being allowed  
17 in organic food.

18 And this is due to certain  
19 interpretations made in older decisions by the  
20 program. For example sodium and potassium  
21 lactate are antimicrobials used in processed  
22 meat products, and they are ingredients that

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1 are required to appear on the label of organic  
2 say deli sliced meat. We see it out there all  
3 the time. We've been requested to allow our  
4 processors to use this. It's not on the  
5 national list.

6 Neither potassium nor sodium  
7 lactate is on the national list. These are  
8 two discrete chemical compounds with separate  
9 CAS numbers.

10 The physicians substance database  
11 says these are not prohibited, but it doesn't  
12 give any reason.

13 Now the reason is that in an  
14 earlier round there was an opinion in a letter  
15 from NOP that this substance is allowed  
16 because it was formed from two substances  
17 where one is on the national list and one is  
18 considered consistent with the national list.

19 But under this reasoning dozens of  
20 food additives can be justified based on  
21 substances on the national list that are  
22 combined together. Forming a chemical

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1 reaction and a new compound.

2 We don't think this is consistent  
3 with OFPA or with the board's authority that  
4 they are the ones who can recommend all  
5 synthetic substances allowed in food handling.

6 So - but if we move forward on this  
7 it's kind of hard to know how to petition to  
8 take a substance off the list when it's not on  
9 the list. So we can file complaints; there  
10 can be lawsuits. But we'd rather not do that.

11 I mean that would be harmful for everybody,  
12 and I think we can resolve this much more  
13 simply.

14 So if we move forward on your  
15 synthetic framework, which was actually  
16 repropose back to you from the program in  
17 2006, it clearly defines what's chemical  
18 reaction and the need for individual CAS  
19 numbers. And I think that would just really  
20 clean things up, and we could move forward.

21 So that's my compelling reasons.

22 Very quickly, the other loophole

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1 area is accessory nutrients. You've heard  
2 testimony, people don't like the fact that  
3 these have been allowed. It's been a  
4 compliance decision, and you felt like you  
5 couldn't do anything.

6 Again, we can't petition to take  
7 something off that's not on, but you should go  
8 back and revisit that 1995 document on  
9 accessory nutrients, written before the rule,  
10 not consistent with the rule, and it should be  
11 rescinded.

12 Any questions? I had a few more  
13 points, but.

14 CHAIRMAN DELGADO: Questions from  
15 the board? Can?

16 MEMBER GIACOMINI: Thank you, Emily.

17 Just two things, on the synthetic  
18 and non-synthetic I believe that is part of  
19 the next step or maybe a subsequent step of  
20 the materials working group is to be looking  
21 at synthetic as we look at that whole entire  
22 thing.

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1           And regarding your other issue of  
2 those items, one of the things I'm going to  
3 undertake as my job is that included in the  
4 request for any technical reviews will be an  
5 evaluation of what can be made with that  
6 substance when combined with other things that  
7 are on the national list.

8           I don't know how much more we can  
9 do with that right now, but that is part of an  
10 evaluation that I don't think was made, but we  
11 can at least evaluate it in new things that  
12 are coming before us.

13           MS. BROWN-ROSEN: Then you are going  
14 to need a lot of technical support to look at  
15 all the combinations of things that are on the  
16 list. Good.

17           One little response is that the  
18 materials working group, we need to go ahead.

19           I think it would be very useful to have a way  
20 to post comments on ongoing issues like  
21 synthetic-nonsynthetic, like hydroponics that  
22 are asking for questions, in intervals between

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1 meetings.

2 Like right now we can't post any  
3 comments until 30 days before when you have  
4 the thing open on regulations dot gov. So if  
5 there is a way to set up something on NOSB's  
6 website, it really helps to dialogue, to see  
7 other people's comments, and weigh them, and  
8 have more time to think about some of these  
9 long-term issues.

10 CHAIRMAN DELGADO: We had a question  
11 from Jerry followed by Kevin.

12 MEMBER DAVIS: Emily, could you send  
13 us more details on those materials that you  
14 see as - you made an example of the potassium  
15 lactate and so on, if there are some more  
16 items.

17 MS. BROWN-ROSEN: Actually, the  
18 board had a lot of correspondence on that  
19 subject. We can dig it all up and send it  
20 back to you.

21 MEMBER DAVIS: If everyone has  
22 that, that's great.

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1 MS. BROWN-ROSEN: Okay.

2 CHAIRMAN DELGADO: Kevin.

3 MEMBER ENGELBERT: Yes, Emily, you  
4 said you had two more short points?

5 MS. BROWN-ROSEN: Yes, well, I just  
6 mentioned the one about between meetings.  
7 Then the last one was the petition substance  
8 database. We appreciate the new website, but  
9 it is not manageable right now. You have to  
10 click on the 26 different letters. You can't  
11 search. And there are some errors in there.  
12 It just needs updating where it says things  
13 are prohibited that are actually not  
14 prohibited, and then we have those points  
15 where it says prohibited, but it doesn't say  
16 why. So it's really difficult to use, and we  
17 hope it can be remediated.

18 CHAIRMAN DELGADO: Hugh?

19 MEMBER KARREMAN: Hi, Emily. Since  
20 you're a materials girl, I thought I'd ask  
21 you, I was wondering, I know that with the  
22 official release of the new Federal Register

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1 release on December 12 of last year, that  
2 allows medicines in the livestock realm that  
3 previously weren't delineated.

4           What have you been doing, or what  
5 would you suggest, regarding 205.603(f) in  
6 respect to excipients that are now fortunately  
7 allowed in the regulations but they are more  
8 narrowly defined toward FDA regulations. And  
9 what are you doing about the excipients in  
10 USDA licensed biologics and vaccines? How are  
11 you looking at that as a certifier?

12           Because they are encouraged by  
13 205(a)(6).

14           MS. BROWN-ROSEN: Right. My  
15 understanding is, we got clarification at the  
16 January certifier training in Kentucky that if  
17 it's a biologic or a vaccine that's USDA APHIS  
18 approved, then automatically all the  
19 excipients in there are considered approved.  
20 It's just a different regulatory scheme. It's  
21 not FDA ruling over those; it's USDA. So that  
22 was the intention, to cover those two.

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1           So if it's a registered biologic,  
2 we do not question the excipients, because  
3 they have already been looked at.

4           MEMBER KARREMAN: Has that been  
5 written down yet, that you can refer to that?

6           MS. BROWN-ROSEN: No, actually we're  
7 waiting for the notes from the training. I  
8 believe NOP promised us after all of them were  
9 completed.

10          MEMBER KARREMAN: And that will be  
11 addressed at that point in black and white?  
12 Okay.

13          MS. BROWN-ROSEN: Well, they are  
14 also putting things on the AQSS, but I haven't  
15 seen that one yet.

16          MEMBER KARREMAN: Good. Also  
17 another question, regarding 205.603(d)(2) and  
18 (d)(3) under trace minerals and vitamins.  
19 There has been some problems with using trace  
20 minerals and vitamins, medically, injection  
21 for sick organic livestock because technically  
22 that's as a feed supplement or additive or

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1 something like that; it's not technically  
2 allowed for injection. It's not referred to  
3 that way.

4 So what would you suggest should be  
5 done on that?

6 MS. BROWN-ROSEN: Well, we - and I  
7 think most certifiers do allow injectable  
8 vitamins as a valid health care material.  
9 It's really not specifically spelled out in  
10 the National List, and that would be helpful  
11 to that have additional use specified. I  
12 think there is discussion under health care  
13 238 about appropriate vitamins and minerals  
14 being required for health, so that is sort of  
15 our reasoning.

16 But it would be better to have a  
17 petition on injectable or medical use of  
18 vitamins and minerals, and maybe there needs  
19 to be some annotation, but we've all been too  
20 busy to do that I guess.

21 We have been applying the  
22 excipients' policy to those vitamins that are

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1 used medically. And some vitamins do not meet  
2 that. So we have certain forms that are  
3 allowed and certain that aren't. So we are  
4 just investigating those and evaluating them  
5 on a case-by-case basis.

6 MEMBER KARREMAN: One last question  
7 if I may?

8 CHAIRMAN DELGADO: Yes. Any other  
9 from the board? Proceed.

10 MEMBER KARREMAN: Same realm. On  
11 205.603(a)(23)(i)(I) regarding Xylozine being  
12 only used at an emergency situations,  
13 sometimes - well, these are real life - you  
14 know, we've had these discussions. Sometimes  
15 a farmer will buy in some cows or whatever  
16 that have horns and they need to have them  
17 taken off. And that is certainly not an  
18 emergency, but Xylozine is absolutely used to  
19 sedate the animal and for analgesia and  
20 whatnot along with lidocaine.

21 But it says under 23(I)(I) that it  
22 can only be used in an emergency, and that's

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1 not really an emergency.

2 Do you have any suggestions for  
3 that so that people aren't caught up with  
4 minor noncompliances or written up?

5 MS. BROWN-ROSEN: So far as I know  
6 it hasn't come up yet specifically, or that  
7 I've come across my desk in our operations.  
8 I'm sure it will. That is a good question.

9 I would tend to look at it that  
10 horns in a large animal is a dangerous  
11 situation. It could be an emergency for the  
12 farmer. I might think of it that way. But I  
13 don't know if we need to re-address that  
14 annotation.

15 MEMBER KARREMAN: Well, that's a  
16 specific thing, the horns. But it might be  
17 castration or whatever.

18 MS. BROWN-ROSEN: That is a more  
19 routine thing, yes, right. So that is the  
20 only anaesthetic that would be suitable for  
21 that, you think?

22 MEMBER KARREMAN: Well, to sedate

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1       them and get near them and work them.

2                   MS. BROWN-ROSEN: Well, too bad you  
3       didn't change that when you recommended it.

4                   MEMBER KARREMAN: It slipped by.

5                   MS. BROWN-ROSEN: Well, maybe it has  
6       to get brought back up then.

7                   MEMBER KARREMAN: Okay, thanks.

8                   CHAIRMAN     DELGADO:     Any     other  
9       question from the board?

10                   Thank you, Emily.

11                   MS. BROWN-ROSEN: You are welcome.

12                   CHAIRMAN     DELGADO:     Next is Leslie  
13       Zuck followed by Kelly Shea.

14                   MS. ZUCK: I'm glad Emily got all  
15       the hard questions.

16                   I'm Leslie Zuck, z-u-c-k. And I'll  
17       first comment as chair of the Accredited  
18       Certifiers Association, the ACA met last  
19       night, and we had a good discussion on how our  
20       organization can most effectively assist the  
21       NOSB and NOP in your decision-making process.

22                   And we are really impressed with

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1 the work of the materials working group and  
2 their presentation to the board, and ACA  
3 decided that we could form some working groups  
4 within our organization. And we made a pretty  
5 long laundry list of topics which I will share  
6 with you since you share your work plan with  
7 us.

8 And that list is: grower groups;  
9 origin of livestock; poultry living  
10 conditions; animal welfare issues; materials  
11 issues; private labeling; and some of the  
12 missing standards - we call them missing  
13 standards - and those would be honey or  
14 apuaculture, mushrooms, and greenhouse  
15 products.

16 And we will be responding to the  
17 crops committee's questionnaire on  
18 hydroponics, so we'll get back you on those.  
19 We didn't really have enough time, because I  
20 think we just kind of saw it a few days ago,  
21 so we will respond to that.

22 And we do encourage the board

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1 members and the national organic program staff  
2 to contact Pat Kane with the ACA if you want  
3 information or research assistance on topics  
4 you're working on. And Pat will be sure to  
5 get it out to our member certifiers to help  
6 you out if you need our help.

7           There was one comment we'd like to  
8 make on the commercial availability of seed,  
9 and that is that we wholeheartedly agree with  
10 the committee that it is important to support  
11 the use of traditionally bred seed, but we  
12 suggest that the data collection needed to  
13 support your recommendation would best be done  
14 by experts, which is not us. Such as the  
15 Economic Research Service and other agencies  
16 that have the means, expertise, and authority  
17 to collect and collate that data for that  
18 purpose.

19           I'm also commenting as executive  
20 director of Pennsylvania Certified Organic,  
21 PCO's concern that some certified organic  
22 poultry operations are being permitted to

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1 continuously confine poultry based on a  
2 veterinarian's recommendation that the bird's  
3 health, safety or well-being could be  
4 jeopardized if they are given outdoor access.

5 PCO certifies more than 100 poultry  
6 operations, and those include layers, broilers  
7 and turkey producers. You heard from quite a  
8 few of them yesterday I believe. And those  
9 producers produce more than 600,000 broilers;  
10 800,000 layers; and 10,000 organic - all those  
11 - turkeys annually. And every one of those  
12 birds is required to have outdoor access  
13 during the season. They cannot be  
14 continuously confined.

15 And actually those numbers would be  
16 a lot higher in Pennsylvania if we as a  
17 certifier were not being so strict about  
18 outdoor access, because we actually have had  
19 large producers leave our program in favor of  
20 certification programs that allow continuous  
21 confinement.

22 So we have had those letters

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1 presented to us as a justification for  
2 continuously confining poultry due to the risk  
3 of avian influenza being transmitted to  
4 domestic poultry from wild bird populations.

5 We got those letters. We did  
6 additional research to assess the risk, and we  
7 have shared that research with other  
8 certifiers; we are happy to share it with  
9 anyone. And we developed a process on  
10 temporary confinement due to the risk of high-  
11 path avian influenza - that's the H5N1  
12 strain, I think. And that was back in 2006.

13 We have seen no elevated risk since  
14 then, and we strongly disagree that there is  
15 justification for permitting continuous  
16 confinement.

17 In their 2005 letter to certifiers,  
18 the National Organic Program refers us to the  
19 APHIS guidance on protecting poultry from  
20 disease outbreaks. And even the APHIS  
21 guidance doesn't require confinement. It  
22 does give it as one option, but it

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1 additionally allows restricting outside access  
2 by maintaining outdoor enclosures covered with  
3 solid roofs, wire mesh, netted sides, keeping  
4 your outdoor enclosures covered with wire mesh  
5 or netting in lower risk areas where solid  
6 roofing would not be required.

7 So there are alternatives to  
8 completely confining the birds, and that's on  
9 the USDA website, so that is there for anyone  
10 to look at.

11 So I'll conclude by saying that all  
12 certifiers in order to do our job effectively  
13 could benefit from more guidance on poultry  
14 living conditions, including indoor and  
15 outdoor space requirements, type of outdoor  
16 access, type of enclosures for outdoor access.

17 And we'd ask that the NOSB put this  
18 on your work plan. You have a recommendation  
19 out there from a number of years ago; you  
20 might want to get that out and dust it off and  
21 review it, and help us with this urgent  
22 problem that we have.

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1 CHAIRMAN DELGADO: Hugh followed by  
2 Joe.

3 MEMBER KARREMAN: Thanks, Leslie.

4 We had, when Mike Lacey was on the  
5 board we were discussing the AI, high path AI  
6 issue. And it kind of came and went because  
7 that threat at that time came and went. But I  
8 think maybe informally we were discussing, but  
9 I could ask you, would you think it would be  
10 good is the NOSB were to have a policy or  
11 guidance that only during an AI outbreak and  
12 only when a Department of Agriculture, or  
13 state Department of Agriculture, Delaware,  
14 Maryland, Pennsylvania, whatever, declares an  
15 emergency, that animals can be kept inside  
16 until the emergency is done.

17 Would that be a good thing to have  
18 stated?

19 MS. ZUCK: Some type of policy would  
20 be excellent. PCO does have a policy that  
21 sort of reflects what you did state there, and  
22 it says, conditions warranting temporary

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1 confinement. Our policy says that we will not  
2 wait until a local infection occurs. But we  
3 consider allowing the request if there is a  
4 documented occurrence in migratory birds in  
5 North America, or if state or federal  
6 authorities require birds to be kept inside.

7 During this time Pennsylvania  
8 Department of Agriculture had a workshop on  
9 it, invited everyone to come down there. And  
10 they were not requiring poultry, any poultry,  
11 conventional or otherwise, to be kept inside.

12 So we thought it was really not responsible  
13 for us as an organic certifier to require or  
14 allow poultry to be kept inside.

15 And that basically there is a list  
16 of things that you would consider, so there  
17 are - there already are in place the Centers  
18 for Disease Control maintains a current alert  
19 posting website. FAO has one that every two  
20 weeks they put a map up on their website that  
21 shows where all the outbreaks are. And now  
22 they are all in Asia and other places, but

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1 there have not been any here. At that time  
2 there hadn't been any in the Western  
3 hemisphere. And there are organizations  
4 monitoring that that we would defer to rather  
5 that us as a certifier to assess the risk. We  
6 don't need to do that; we could go to these  
7 agencies to do that.

8 MEMBER KARREMAN: Just to follow  
9 that, I think that if you are a certification  
10 agency and you are getting kind of dinged by  
11 people going away from you since you are  
12 actually reflecting the will and intent of the  
13 regulations for public health are, that's not  
14 right. You guys are obviously thinking about  
15 this. Pennsylvania is a big egg producing  
16 state and whatnot, and you have obviously done  
17 your homework, and you have people going away  
18 from your certification agency. That is not  
19 right.

20 MS. ZUCK: I think the regulation  
21 could use a little more teeth. It does say  
22 that the rules permit temporary confinement

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1 under 205.239(b) based on conditions under  
2 which the animals' health, safety or well-  
3 being could be jeopardized. I mean that is  
4 pretty general. Leave them outside, they  
5 could be jeopardized. They could be eaten by  
6 a coyote. Lots of things could happen to them  
7 if you leave them outside, so it's not really  
8 that difficult to find somebody to write a  
9 letter to justify confinement. So I think we  
10 need additional guidelines under poultry.

11 MEMBER KARREMAN: But under 239(b)  
12 it doesn't say that if a veterinarian writes a  
13 letter that that then excuses that, does it?

14 MS. ZUCK: It would be justification  
15 that a certifier could responsibly use for  
16 justification. I'm not faulting the  
17 certifiers who are permitting this. I just  
18 feel they don't have enough tools with which  
19 to make their decision. And they need the  
20 support of the board and the program when they  
21 make strict decisions like we're making to do  
22 that. Because the producers are pretty

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1 adamant about - we had them saying, do you  
2 want to be responsible for the first case of  
3 avian influenza being in an organic flock in  
4 Pennsylvania? You wouldn't want that, would  
5 you?

6 So as a certifier you're like,  
7 okay, well, maybe this sounds reasonable, yes.

8 So that's kind of the things that we are up  
9 against. And they are your client, and you  
10 want to help them, and you don't want them to  
11 have problems with their production; it's a  
12 big issue. And we are completely sympathetic  
13 to their concerns. They've got a lot of birds  
14 to take care of.

15 MEMBER SMILLIE: Joe followed by  
16 Kevin. My line of questioning was exactly  
17 where Hugh went, and Leslie, I think you have  
18 answered it perfectly.

19 It's the problem Leslie has pointed  
20 out. Your very last point is the key point.  
21 Basically the regulation like we've seen in  
22 other parts of the regulation, the regulation

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1 is not clear. And what she's cited is exactly  
2 what your clients and their lawyers will cite  
3 to you.

4 We have a responsible state  
5 veterinary who says they are in danger if they  
6 are going out in X situation. AI is just one  
7 of them. AI was like a good training course  
8 for permanent temporary confinement rule.

9 And that's what's happening.  
10 That's the reality we have to face. And  
11 Leslie's answer is a good answer, and that's  
12 the way certification agents should be  
13 pursuing it, but when faced with companies and  
14 their lawyers, saying, here is what the  
15 regulation says, and this is what we are going  
16 to hold you as a certification agent to, it's  
17 tough. So basically we would need support in  
18 further definition of the regulation as it now  
19 sits, not the spirit of the law, because the  
20 spirit of the law has no weight in court.  
21 It's the regulation that has the weight, and  
22 Leslie perfectly described the situation that

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1 we face with that.

2 CHAIRMAN DELGADO: Kevin.

3 MEMBER ENGELBERT: It's obviously  
4 troubling to hear that you lose farms to  
5 another certifier. It's very similar to  
6 what's going on in some instances with the  
7 seed situation.

8 Other than coming before the board  
9 and stating that problem, are there any other  
10 actions that you do or that you take or that  
11 we could take?

12 MS. ZUCK: Like I said in this case  
13 I don't really fault the certifier. I feel  
14 like if we had additional guidance that would  
15 help us be a little more comfortable in our  
16 decision to require that. I'm not sure what  
17 the answer is, but I'd just like to work  
18 together with the board and with the program  
19 to try to solve this problem and I think if we  
20 - I don't know what the solution is.

21 CHAIRMAN DELGADO: Follow up?

22 MEMBER ENGELBERT: I guess what I

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1 meant we'd want is, do you call the other  
2 certifier and say, what are you doing?

3 MS. ZUCK: Well, they've called us,  
4 and they know that we've made that decision,  
5 and we've shared this information with them,  
6 but they still were really uncomfortable with  
7 not having necessarily the support in the rule  
8 as Joe states that is going to allow them to  
9 really stand up to that.

10 CHAIRMAN DELGADO: Comment from the  
11 program?

12 MR. MATTHEWS: Richard Matthews.

13 I couldn't disagree more,  
14 especially with the comments from Joe.

15 All right, here is the issue.  
16 205.238(a), producer must establish and  
17 maintain preventive livestock health care  
18 practices including, one, selection of species  
19 and types of livestock with regard to  
20 suitability for site specific conditions and  
21 resistance to prevalent disease and parasites.

22 Paragraph three: establishment of

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1 appropriate housing, pasture conditions and  
2 sanitation practices to minimize the  
3 occurrence and spread of diseases and  
4 parasites.

5 Section 205.239, livestock living  
6 conditions: (a) the producer of an organic  
7 livestock operation must establish and  
8 maintain livestock living conditions which  
9 accommodate the health and natural behavior of  
10 animals including access to the outdoors.

11 I don't care what some lawyer is  
12 saying, the rules are clear. The birds are  
13 supposed to be outside, and I would also hold  
14 that if 95 certifying agents said, no, we are  
15 going to enforce the regulations, the birds  
16 would be outdoors.

17 The problem is that some certifying  
18 agents are not enforcing the regs, and  
19 therefore you have shopping.

20 Now the issue is, can we go on a  
21 porch? Well years ago, when I was the program  
22 manager, the board came up with a

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1 recommendation that we turned into a policy  
2 statement. We were sued over that policy  
3 statement; we won. I emphasize, we won.  
4 Okay?

5 Now, you have chicken producers who  
6 have porches; not many, but you do have some.

7 Now, that same provision is in the APHIS  
8 guidelines. You can put them out on a porch.

9 So bottom line is, the regs are  
10 sufficient. The board has already had a  
11 recommendation. We developed a policy. It's  
12 time for certifying agents to enforce.

13 MS. ZUCK: I wasn't at the national  
14 - or the NOP training in Chicago, but I  
15 understand there was some discussion on  
16 temporary confinement, I don't know what it  
17 was called, continuous temporary confinement,  
18 or extended long-term temporary confinement.  
19 I wasn't there for that discussion but from  
20 what I understood that was supported by the  
21 rule and the program. And I'm a little  
22 unclear about how that would not conflict with

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1 what Richard just said.

2 CHAIRMAN DELGADO: Question from  
3 Hugh.

4 MEMBER KARREMAN: Just a kind of a  
5 question of Richard I guess. Under 239(a)(1)  
6 with access to the outdoors, that's one of  
7 those nebulous terms. Are the chickens, if  
8 you have 16,000 in a house and you have got  
9 these doors that are one foot high and one  
10 foot wide and you've got three of them along  
11 one side and three along the other side, and  
12 maybe there are 100 birds out on a porch, and  
13 you've got 16,000 birds in the house, how  
14 often access? Like, you're saying the birds  
15 should be outside; I agree. I think a lot of  
16 us here in the organic community would agree  
17 with that. But it's still kind of like one of  
18 those nebulous terms like access to pasture -  
19 I hate to bring that up.

20 MR. MATTHEWS: Well, you know, we  
21 can debate back and forth on the issues, but  
22 the bottom line is, the reg says, the birds

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1 have to go outside, and if you've got an area  
2 that is too small to allow the birds out, then  
3 you haven't met the requirements.

4 And this issue of what constitutes  
5 temporary, well, if the farmer has never  
6 created the space in which the bird would go  
7 out into, then they are clearly not meeting  
8 the requirement of providing access. It's a  
9 demonstration of a total unwillingness to  
10 provide the access in the event there isn't a  
11 threat.

12 So okay, so you want to keep them  
13 in when the geese are migrating over, because  
14 you think you have a real serious problem and  
15 the vet says there is a real serious problem.

16 But my question is: is the access there at  
17 other times? And I think if you go out there  
18 you are going to find out the access it not  
19 there. They haven't prepared for the day that  
20 they can meet the requirement of putting the  
21 birds outside as they are required.

22 MEMBER KARREMAN: Just a quick

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1 follow up. I guess then what I'd like to  
2 interpret that as is access for all the birds  
3 at one time, not just a fraction of them.  
4 That's I think what I'm - access to the  
5 outdoors for like cattle it would be like the  
6 whole herd goes out and grazes. Well, with  
7 poultry that might not be the case, not that I  
8 want them grazing necessarily, but just that a  
9 fraction are going out those very small doors  
10 out to the porches, and yet the massive amount  
11 of them are still in the house, and they can't  
12 all go out at once.

13 So are you saying that perhaps we  
14 need to clarify that a little bit? It's  
15 access to the outdoors for all of them at any  
16 time?

17 MR. MATTHEWS: Further clarification  
18 by the board would not be a bad thing. But all  
19 I'm saying is that we've got regulations that  
20 are already out there, and the problem is  
21 certifying agents, some of them, are not  
22 enforcing those requirements. And a

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1 certifying agent who certifies somebody who  
2 has no space for outside access, which a lot  
3 of them have gone ahead and certified  
4 operations without that space, they are in  
5 violation of the regulations.

6 Temporary is just that - temporary.

7 And if a certifying agent certifies somebody  
8 for production of poultry products and that  
9 operation has no facilities for outside  
10 access, that is a willful violation and  
11 certifying agents should not be certifying  
12 that.

13 Get the birds outdoors; that's what  
14 the regs require.

15 CHAIRMAN DELGADO: Thank you for  
16 that comment.

17 I just want to remind the members  
18 of the board, we do have a schedule and I do  
19 want to stick to it.

20 MEMBER SMILLIE: Just a  
21 clarification, Richard, we are absolutely  
22 totally in agreement, that's clear. Access to

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1 the outdoors has to be there.

2 Temporary confinement is another  
3 complicated, more complicated issue. But we  
4 are absolutely clear that access to the  
5 outdoors has to be part of the whole OSP in  
6 plan that, has to be in place, the birds have  
7 to be able to get outdoors.

8 What the tricky part is is defining  
9 what can be allowed for temporary confinement.

10 And just going back to the porches deal, that  
11 was the signal about what outdoors means that  
12 was not the interpretation of the organic  
13 world at that time that porches were outdoors,  
14 but that was the program's interpretation.  
15 And as you say you won in court on that issue.

16 So porches were outdoors; that's clear too.

17 CHAIRMAN DELGADO: Any more  
18 questions, comments, the program? No? Thank  
19 you very much, Leslie.

20 We move on now to Kelly Shea  
21 followed by Susan Bassi.

22 I must clarify that Kelly does have

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1 a proxy for Nancy Chapman, is that the case?

2 MS. SHEA: Yes. Just five, and  
3 probably less.

4 Good morning and congratulations to  
5 all of your West Coasters for holding on.

6 I'm Kelly Shea with Whiteway Foods,  
7 and I'm here today on behalf of the Soy Foods  
8 Association of North America, known as SANA.  
9 I have remarks from the Soy Foods Association  
10 on the reaffirmation of calcium sulfate and  
11 gluconodeltalactone as approved ingredients in  
12 organic.

13 SANA represents the interests of  
14 small and large soy food manufacturers, soy  
15 processes, ingredient suppliers, soybean  
16 farmers and other industry stakeholders.

17 SANA would like to thank the United  
18 States Department of Agriculture, Agricultural  
19 Marketing Service and the National Organic  
20 Standards Board for the relisting of calcium  
21 sulfate and gluconodeltalactone, GDL, as non-  
22 agricultural, non-organic substance

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1 ingredients allowed in process products  
2 labeled organic.

3           These two substances are very  
4 important ingredients in the manufacturing  
5 process for organic tofu. Calcium sulfate  
6 used in tofu manufacturing for centuries is a  
7 coagulant that yields specific textural  
8 qualities of tofu that cannot be duplicated by  
9 any other coagulant.

10           This domestically produced  
11 naturally mined earth mineral also provides a  
12 natural source of calcium for consumers who  
13 eat tofu.

14           Gluconodeltalactone, GDL, is also a  
15 tofu coagulant prepared by direct  
16 crystallization from the aqueous solution of  
17 gluconic acid, which is produced by the  
18 oxidation of D-glucose.

19           When GDL is used along with other  
20 coagulants such as calcium chloride, calcium  
21 sulfate or magnesium chloride, these salts act  
22 together to coagulate soy milk and give it the

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1 real silken smooth type of tofu.

2 SANA appreciates the opportunity  
3 for its member companies and other  
4 stakeholders to comment on the classification  
5 of these important ingredients, and SANA  
6 wishes to thank the NOSB handling committee  
7 for its thoughtful consideration and  
8 reaffirmation of the November 2007  
9 recommendation for relisting calcium sulfate  
10 and GDL on the approved list of ingredients  
11 for organic products, as no risks to the  
12 environment, human or animal health as a  
13 result of the use or manufacture fo these  
14 ingredients were found.

15 Again on behalf of SANA I thank the  
16 NOSB for its continued support of the organic  
17 industry, and careful consideration of the  
18 needs of soy food manufacturers.

19 Thank you.

20 CHAIRMAN DELGADO: Questions from  
21 the board.

22 Dan.

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1                   MEMBER GIACOMINI: Thank you, Kelly.  
2           Not a question, but maybe this is more  
3           directed toward Valerie.

4                   Maybe in the future we could at  
5           least wait until after the first break to  
6           talking about coagulants. It's just a little  
7           too early right now.

8                   CHAIRMAN DELGADO: Any other  
9           questions?

10                   MS. SHEA: May I go on the record as  
11           saying that you are a goofball, Mr. Giacomini?  
12           Thank you.

13                   MEMBER GIACOMINI: Thank you,  
14           Kelly.

15                   CHAIRMAN DELGADO: Thank you.

16                   Up next is Susan Bassi followed by  
17           Jim Pierce.

18                   MS. BASSI: Good morning. My name  
19           is Susan Bassi, and I'm representing Agricoat  
20           out of Soledad, California. And we are a seed  
21           coating and enhancement company.

22                   I'm here today to speak to you on a

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1 number of seed-related issues that you have  
2 facing the board at this meeting.

3 Our company was established in  
4 2002, and was created to offer seed products  
5 and services for organic production.

6 The majority of our products are  
7 NOP-compliant, and our California facility is  
8 duly certified as a processor-handler.

9 Agricoat also offers WSDA  
10 certificates for seed coating products applied  
11 to conventional seed and used in organic  
12 operations.

13 I'm here today to address a number  
14 of issues, but I want to begin with the issue  
15 before you on the justification for a new  
16 organic binder to support lettuce coating.

17 First I'd like to clarify a few  
18 terms that are routinely used in the seed  
19 industry, but may be less familiar to members  
20 of the organic community and the board.

21 Seed pelleting is also called  
22 coating. It is a process whereby mechanical

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1 buildup of dry materials is used to increase  
2 the size and shape of a seed. Not all seed  
3 species are pelleted. Mainly high value  
4 vegetable seeds such as onion, lettuce, carrot  
5 and radicchio are pelleted or coated.

6 The decision to pallet is usually  
7 dependent on the seed size, shape and cost to  
8 the seed to be pelleted.

9 The binder: the binder is a  
10 material used to hold the ingredients together  
11 or intact, while allowing water and nutrient  
12 uptake such that seed germination is not  
13 negatively impacted.

14 Priming is a specialized process  
15 used to break photo or thermal dormancy of  
16 seed, and it is typically used on lettuce,  
17 onion and endive species. The process is  
18 cost-prohibitive for many other species.

19 When seed is primed it may be  
20 pelleted, but it is not necessary. In fact  
21 many growers have moved to raw planters, such  
22 that prime seed is often planted without a

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1 coating.

2 Speaking specifically to the  
3 petition for adding Dextrin to the national  
4 list as a seed binder, it should be noted that  
5 our company along with a number of other  
6 companies are producing seed coating for  
7 organic production without the need for such  
8 an addition.

9 As to the issue of viability, it  
10 would be fair to state that initially pelleted  
11 products for organic production do not equate  
12 the performance of their conventional  
13 counterparts. It's a little fat in the  
14 beginning.

15 However, our company and others  
16 continue to work with NOP-compliant materials  
17 and processes such that today our products  
18 perform as well as other conventional  
19 counterparts.

20 In fact some of our growers hold a  
21 single inventory of products that can be used  
22 in either organic or conventional product, and

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1 reduce costs associated with carrying dual  
2 inventories.

3 As to the data reported in the  
4 petition before you, the report demonstrates  
5 only that the binding product tested  
6 internally by one company vary in performance  
7 with their own priming process.

8 The data does not report any  
9 information on similar products currently  
10 available for organic production.

11 We set a dangerous precedent when  
12 we consider adding materials or making changes  
13 to NOP rules to benefit a single company  
14 rather than an entire industry.

15 Now I'd like to address some issues  
16 on organic seed which we are not producers of  
17 organic seed but we do process and handle a  
18 lot of materials that go into organic  
19 production, and so we work with a number of  
20 clients from producers to growers, so I just  
21 have a little input to give you on that issue,  
22 since I know it's important to the board.

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1 I've listened to several thoughtful  
2 questions from board members on Tuesday  
3 related to paperwork, supply and demand, and  
4 the other issues that may create barriers to  
5 advancing the production and use of organic  
6 seed. And I thought a simple story from an  
7 organic seed producer might provide some  
8 valuable insight.

9 The producer recently shipped a  
10 dealer, supplied a dealer with organic corn  
11 seed in advance of spring planting orders and  
12 based on early estimates.

13 A grower who had previously and  
14 successfully used the organic seed found out  
15 just prior to planting that he would be  
16 allowed to use conventional seed in his  
17 production based on the seed exception  
18 allowance, and was granted such exception by  
19 his certifier.

20 Over \$62,000 of seed then missed an  
21 important planting window, and it was too late  
22 to sell the seed to another grower, so the

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1 seed was returned and did not make it into  
2 organic production.

3 As long as there is an exception it  
4 will be used, and there will be no impetus for  
5 change.

6 In conclusion we are at a good  
7 starting point for further discussion on seed  
8 technology and availability for organic  
9 production. As you move forward in your  
10 policies that impact seeds and use in organic  
11 production, I encourage you to set policies  
12 that are realistic and knowledge-based, that  
13 are clearly defined and communicated  
14 throughout the industry, and that are enforced  
15 through a clear and consistent message from  
16 certifiers to their clients.

17 Thank you.

18 CHAIRMAN DELGADO: Questions from  
19 the board.

20 None? Thank you very much.

21 Next is Jim Pierce, following by  
22 Karen Wilcox.

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1 MR. PIERCE: Good morning. Nice to  
2 see you guys so engaged with public comment,  
3 it really is.

4 I've got my fish farmer hat on now,  
5 not Oregon Tilth, not Organic Valley. I'm a  
6 trout farmer. And I've been asked to read a  
7 comment by Dick Martin of Martin International  
8 Corporation, a Massachusetts corporation  
9 exporting and importing fresh and frozen  
10 seafood. And if there is a few minutes, I'm  
11 going to try to get some aquaculture comments  
12 from my own observations at this meeting. And  
13 if there is really a chance, I'll tell you  
14 about Grandma's chickens.

15 Okay, so from Martin International,  
16 I strongly -- Martin International supports  
17 the Livestock Committee minority position as  
18 follows.

19 I strongly support the original  
20 aquaculture working group's interim final  
21 report approved on March 7, specifically 205.  
22 252 aquaculture feed. These considerations

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1 and proposals offer practical solutions for  
2 the complex issue regarding the aquaculture,  
3 the organic culture of carnivorous aquatic  
4 organisms.

5           The modifications, the limitations  
6 proposed in the committee's report, which  
7 proscribe the use of fish meal and fish oil  
8 derived from foreign certified farmed aquatic  
9 animals is not a viable alternative from both  
10 the supply base and economic perspective. Jim  
11 agrees.

12           Simply put, there is not enough  
13 cultured aquatic species leave alone organic  
14 species that would qualify under the proposal  
15 by the livestock committee to generate  
16 sufficient fish meal and oil on a commercial  
17 scale.

18           Secondly, the production of organic  
19 species to create a basis for fish meal and  
20 organic -- and fish oil utilized by feed for  
21 another organic carnivorous species would  
22 create unbearable cost that would be

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1 prohibitive on a commercial scale and  
2 unaffordable by a consumer.

3 Please be careful that what looks  
4 like a standard is not an insurmountable  
5 barrier. That is what this gentleman is  
6 saying.

7 As organic is a process claim, the  
8 current practice of the OU model utilizes a  
9 resource that is already produced. The fish  
10 are already being caught and utilized in human  
11 food production. The resource exists, and the  
12 required infrastructure is in place.

13 As organic is a process claim, so  
14 too should the process by which aquatic feed  
15 is produced and processed for use in cultured  
16 organic aquatic organisms.

17 To date all rules created have been  
18 restricted to terrestrial models which should  
19 not be bent to fit the aquatic model. A new  
20 approach is needed to allow for the unique  
21 issues that confront the NOSB in defining  
22 rules for aquatic species.

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1           The diligence and perseverance of  
2 the NOSB in this effort should be recognized  
3 and commended as extraordinary. Yet a  
4 workable model on a practical and economic  
5 scale must be the outcome. Otherwise a non-  
6 workable model is yet another waste of energy  
7 on a human scale that does not benefit the  
8 consumer, the environment, or the industry.

9           End of Dick's comments.

10           It appears from the discussion  
11 yesterday that a door is open on the re-  
12 allowance of the use of wild-caught fish in  
13 aquaculture feeds. I think that is a good  
14 thing. I think you need to dredge up those  
15 five paragraphs that the aquaculture working  
16 group outlined. I believe that's that section  
17 252 that they referred to, either as an  
18 expiration date which they recommended, or a  
19 step down which has also been tossed around.

20           Either one, I think, is going to be  
21 breaking new ground, but I think is compatible  
22 with a system of organic production; is a

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1 system of continuous improvement.

2 The other thing I'd like to see is  
3 you to return to utilizing this aquaculture  
4 working group. Their efforts have been  
5 tremendous. They are willing to keep working  
6 with you. I believe that door has also been  
7 reopened. But plug them back in. I think  
8 they've seen with this materials group a model  
9 of presenting options rather than language,  
10 that they are ready to follow and give you  
11 some tools in order to turn the corner on this  
12 very difficult issue.

13 The other thing for both you and  
14 the program is, please, please move forward  
15 with the approval of standards that are  
16 already in the docket that appear to be  
17 workable and turn into rules. That would be  
18 the vegetarian fish and the gentle organic  
19 shrimp.

20 It will not only supply some feed  
21 resources, which, again, I don't agree that  
22 using food for fish food is going to be

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1 economically viable, but it's a start. But  
2 more importantly, it will establish a presence  
3 with the USDA certified aquaculture products.

4 That is important; that's very important.

5           Regarding Grandma's chickens, I sat  
6 here yesterday wishing you would ask me that  
7 question. Fifty years ago 50 to 60 percent of  
8 the U.S. population was farmers, and they  
9 raised 100 or 200 or so chickens at a time.  
10 But remember, Herbert Hoover promised a  
11 chicken in every pot because chicken was  
12 expensive. You know what people ate 50 or 60  
13 years ago, poor people? They ate lobster and  
14 oyster stew; it's true, look it up. Chicken  
15 was a luxury. If you could get a chicken on a  
16 Sunday that was a big deal.

17           The other thing that Grandma did  
18 was she fed her chickens meat, beef, pork,  
19 whatever; table scraps, that's what they were  
20 eating. And they were also eating a lot of  
21 fish --

22           So this is a new paradigm. I think

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1 I agree with Dan Giacomini that two years may  
2 be prolonging the agony, but I'm not sure it's  
3 enough. And I bring those comments to you  
4 because from the very beginning of the  
5 methionine discussion I've been involved with  
6 it.

7 So closing on behalf of the  
8 Milwaukee Organic Okra Growers and Bratwurst  
9 Gumbo Association, I thank you for your time.

10 (Laughter.)

11 CHAIRMAN DELGADO: Questions from  
12 the board?

13 Thank you.

14 Caren Wilcox followed by Alexis  
15 Baden-Mayer.

16 MS. WILCOX: Good morning,  
17 everybody.

18 This will be very brief. I am  
19 Caren Wilcox, and I am the outgoing executive  
20 director of the Organic Trade Association, and  
21 that's why I decided to speak to you today.

22 I wanted to thank you all for your

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1 service and also for your interaction with  
2 OTA, which I think has been very productive  
3 over the last couple of years and, I should  
4 add, very transparent.

5 And I hoped to come today to say  
6 that the Farm Bill had passed. As you  
7 probably all know, we had a technological  
8 glitch yesterday in the Congress. And I'm not  
9 going to make a prediction about when it will  
10 pass, but hopefully it will.

11 And I would like to say that we at  
12 OTA and with many other people here in this  
13 room pressed very hard in the Farm Bill to  
14 have an increase of domestic production of  
15 organic in the United States. It's very, very  
16 important to us, we believe, in this market to  
17 increase our domestic supply.

18 We acknowledge of course that a  
19 great deal of product is coming in from  
20 overseas. We don't know how much, but we do  
21 know it is coming in. But we think it's very  
22 important for our consumers to understand that

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1 we are trying to increase domestic production.

2 And we acknowledge that that is  
3 going to put some pressure potentially on NOP  
4 because there will be a lot more people  
5 probably in this audience and pressing for new  
6 interesting developments in organic and  
7 potentially put some more pressure on all of  
8 you.

9 But we did press very hard also in  
10 the bill to get new resources for NOP, so that  
11 they will be able to maintain really strong  
12 programs for the -- to maintain the standards  
13 which are also incredibly important to the  
14 whole consumer community and therefore to all  
15 of us.

16 So thank you very much. It's been  
17 a pleasure to work with all of you.

18 CHAIRMAN DELGADO: And thank you,  
19 Caren, for your wonderful historic  
20 achievements.

21 Questions from the board?

22 Thank you, Caren. Please, Joe.

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1                   MEMBER SMILLIE: I just want to  
2 thank OTA for making your services available  
3 for the working groups that have really  
4 assisted our process. We really think that  
5 that's the role of the trade association and  
6 that you have just done a fabulous job with  
7 supporting both -- the two that I can think  
8 of, the materials working group and the group  
9 certification, just as two examples of two  
10 groups that have had a profound influence on  
11 our thinking here.

12                   MS. WILCOX: Well, we are very glad  
13 to be able to do that, and we have a great  
14 staff to do that backup.

15                   CHAIRMAN DELGADO: Well said, Joe.  
16 Thank you.

17                   Any other questions?

18                   We'll proceed then to Alexis Baden-  
19 Mayer.

20                   Bonnie Wideman.

21                   Bonnie. She's coming. After her  
22 we have Foster, John Foster.

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1 MS. WIDEMAN: Salutations, board and  
2 program. I'm Bonnie Wideman, and I'm director  
3 of Midwest Organic Services Association, MOSA.

4 We serve around 1,100 clients, more than 900  
5 farms, fewer than 200 handlers. Thank you for  
6 your work and the opportunity to comment.

7 In the organic handling arena, MOSA  
8 would like to have further clarification in  
9 two areas talked about at the NOP trainings:  
10 private labeling and flavors. We certify a  
11 number of food co-ops in the Midwest as  
12 retailers. These co-ops and their members  
13 were as incredulous as we at MOSA were to hear  
14 that their competitors, the big retail chains,  
15 were being certified as grower groups. Please  
16 stop this erosion of consumer confidence in  
17 organic and proceed with work with grower  
18 groups as originally intended.

19 It is, on the other hand, very  
20 gratifying to see before the NOSB the petition  
21 for the allowance of cheese wax for sealing  
22 the plugs in shitake logs. For it is an

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1       indication of the program's willingness to  
2       listen to the needs of the little guy.

3               Most shitake production takes place  
4       in plastic bags, not in logs, which is a whole  
5       environment enveloped by synthetic  
6       hydrocarbons, not just a plug. Please grant  
7       this petition as it is needed by the small  
8       but vibrant sector.

9               We also support Fenbenzadole as an  
10       alternative to Ivermectin and the extension of  
11       methionine both in time and by amount. Also,  
12       speaking of birds, we would like clarification  
13       if porches are outdoor access or if they are  
14       temporary outdoor access, as was the  
15       impression at the NOP training.

16              In regard to commercial  
17       availability guidance regarding the sourcing  
18       of organic seed, the measures proposed would  
19       put an undue strain on both us and our  
20       farmers. Our situation is very different from  
21       what we hear described in different parts of  
22       the country. Our vegetable operations are

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1 much smaller in size, yet they grow a wider  
2 variety of crops, and they do provide us with  
3 full variety information and organic seed  
4 search documentation.

5 My staff estimates as high as 80  
6 percent organic seed use in our vegetable  
7 operations. On the other hand we can say that  
8 only about 50 percent of the corn and beans  
9 used by our farmers is organic. And grasses  
10 and alfalfa are in short supply, and we would  
11 like to see better quality alfalfa in  
12 particular.

13 But we do see that the organic  
14 seeds use does keep increasing, and we feel  
15 this is due to our efforts to have our farmers  
16 search more for organic seed. We feel though  
17 that what they need is more awareness of where  
18 to buy organic seed, and we also need to  
19 encourage them to place their orders earlier.

20 A national database of organic seed  
21 would help us more than our farmers. We have  
22 confidence in what we are doing in requiring

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1 organic seed search, and we would appreciate  
2 it if our systems weren't strained by new  
3 requirements. But, rather, if there is a way  
4 to support certifiers who are having  
5 challenges in this area we think it would be a  
6 better way to proceed.

7 My final comments have to do with  
8 dairy replacements. We have been assured that  
9 we will be getting what we need in  
10 relationship to pasture. When I use the word  
11 "we," in this case I'm referring to the over  
12 450 dairy farms that we certify.

13 Our average herd size is 40 to 50.

14 Our farmers raise their own replacements, and  
15 they raise most of their own feed. We would  
16 call them sustainable, yet sustaining them  
17 will be the responsibility of the NOP with the  
18 clarification of the replacements issue.

19 What do we need? We need a dairy  
20 replacements rule that is simply last third.  
21 At MOSA we see fewer dairies coming into  
22 organic, and we are seeing frustration grow

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1 with our existing farmers as they face climate  
2 changes, rising expenses, and a challenge to  
3 the milk pay price. Please recognize this and  
4 take measures to bring change by stopping  
5 continual transition of dairy replacements.

6 CHAIRMAN DELGADO: Questions from  
7 the board? Julie?

8 MEMBER WEISMAN: Yes, Bonnie, it  
9 wasn't the most focused on part of your talk,  
10 but I was wondering if you could clarify a  
11 little bit -- if you could explain a little  
12 bit more about what in the area of flavors you  
13 want -- you would -- MOSA would find helpful  
14 and certifiers in general would find more  
15 helpful.

16 MS. WIDEMAN: We would find it  
17 helpful if we had a means of verifying the  
18 composition of flavors, which is so  
19 complicated, by using affidavits.

20 MEMBER WEISMAN: Thank you.

21 I wish that the -- I don't know if  
22 anyone from FEMA is still in the room, from

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1 the Flavor and Extract Manufacturers  
2 Association is still in the room, but I thank  
3 you for putting it in the record.

4 MS. WIDEMAN: You're welcome.

5 CHAIRMAN DELGADO: Any other  
6 questions from the board?

7 Julie, would you like to call  
8 someone from FEMA?

9 MEMBER WEISMAN: Is M.J. Marshall in  
10 the room? No? Anyone else? No?

11 CHAIRMAN DELGADO: Okay, thank you  
12 very much.

13 Moving on to John Foster, and after  
14 that we have Susie Bowman.

15 MR. FOSTER: Hi, I'm John Foster.  
16 I'm the senior manager of organic integrity  
17 for Earthbound Farms. I apologize for  
18 reading. There is no other way for me to stay  
19 on time or on track for that matter.

20 Thank you each for your hard work  
21 and dedication to the organic community and  
22 industry. It's no small feat. And also the

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1 staff of NOP; also no small feat.

2 The discussion around commercial  
3 availability is a real conundrum for me as it  
4 pertains to seed in this case. We, Earthbound  
5 Farms, grows our own crops on around 200 acres  
6 in Carmel Valley, California. We are also a  
7 pretty large packer and shipper of a lot of  
8 organic produce, spring mix, leaf lettuce, et  
9 cetera. We contract with around 150 farms and  
10 ranches. Those range from five to 680 acres  
11 each throughout Western U.S., Canada, and  
12 Mexico.

13 My comments are also pretty heavily  
14 informed, having been an organic inspector for  
15 a number of years and a certifier in many  
16 capacities for about 15 years. I've seen  
17 either in person or reviewed organic system  
18 plans of a couple of thousand operations, the  
19 smallest quarter-acre backyard gardens to the  
20 largest manufacturers in the country. That's  
21 my perspective.

22 Our growers use a tremendous amount

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1 of seed, many, many thousands of pounds every  
2 year. And in general they do a good job of  
3 trying to find organic seed before using non-  
4 organic seed. My conundrum is that it's also  
5 my job to really facilitate organic integrity  
6 and advance it for all of our growers small  
7 and large, and elevating whenever possible the  
8 practices our growers use in their work.

9 It's also my job to look out for  
10 smaller growers who aren't growing on a scale  
11 to allow them to do what I'm doing here. They  
12 are really pretty busy growing the food that  
13 allows most of us in the room to make a  
14 living. I really appreciate that. It's my job  
15 to help them be sustainable as a business so  
16 that they continue to be organic farmers.

17 To be very clear, the larger  
18 growers we work with will not have a problem  
19 complying with any of the recommendations. It  
20 will be very easy for them because they have  
21 the staff, they have infrastructure to do  
22 that.

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1           It's the growers growing 20, 60,  
2   120 different varieties of vegetables,  
3   flowers, herbs, often through most of the  
4   months of the year, that will need to  
5   characterize, search for, assess, trial,  
6   compare, contrast, and document them all.  
7   That's in the recommendation, all those  
8   mandates are in the recommendation.

9           The irony to me is that the work  
10   associated with the application of this  
11   recommendation will fall most heavily on the  
12   most diversified farms, generally speaking  
13   those are smaller farms. And the irony is  
14   that those are the farms closest to the ideal  
15   that many of us in the room, and certainly  
16   many consumers picture, when they think about  
17   organic farms. Those are the farms that they  
18   are thinking about. So to put that burden on  
19   them, I think it weighs on them unequally, and  
20   that's odd to me.

21           Specifically Part D of the third  
22   recommendation will create this unequal and

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1 undue burden in my opinion. If the main  
2 problem is that growers are using claims of  
3 lack of commercial availability to veil wishes  
4 to pay less for non-organic seed, then I would  
5 suggest providing tools to certifiers to deal  
6 with that. That is a very specific issue, and  
7 I have heard that reflected in other comments.

8 205.103 specifies that records must  
9 be adapted to each particular business for a  
10 reason. And USDA through accreditation has  
11 granted certifiers the ability to assess  
12 compliance for a reason. We prefer more  
13 vigorous auditing and testing of certifiers'  
14 ability to do their job in assessing  
15 compliance with these of commercial  
16 availability provisions.

17 Generally speaking certifiers  
18 should and most often do have tools and talent  
19 to make the calls about applying clauses and  
20 guidance regarding commercial availability.  
21 They look at each farm on its own merits and  
22 weaknesses. I'm asking to let certifiers

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1 continue to use their experience and good  
2 judgment to determine what is needed for each  
3 operation, particularly taking into account  
4 uniqueness, character, conditions found on  
5 each farm.

6 Guide them when they ask for it, or  
7 when they need it -- not always the same  
8 thing. And I think 3(d) is a fine  
9 prescription, but I think it's for the wrong  
10 ailment.

11 Thank you for hearing these  
12 comments from not only Earthbound Farms, but  
13 following in Jim's footsteps, from the Pacific  
14 Northwest Growers Alliance for the promotion  
15 of organic okra and really good salmon.

16 (Laughter.)

17 CHAIRMAN DELGADO: Questions from  
18 the board?

19 Gerry.

20 MEMBER DAVIS: John, what is  
21 Earthbound's experience been on trying to  
22 stimulate more organic seed being available?

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1 I've heard some things spoken that you've  
2 tried some things and have had some failures,  
3 and I was kind of interested if you would  
4 share on that.

5 MR. FOSTER: Sure. The answer is it  
6 depends on the situation. In general our  
7 experience has been that the larger growers  
8 who have capacity -- infrastructure, land  
9 base, staff, financial resources -- to do real  
10 good experiments and get the attention of seed  
11 suppliers who have really good seed, fresh  
12 seed, good quality, have better luck,  
13 everything else being equal, have better luck  
14 finding varieties in an organic form.

15 I'm not sure that they are any  
16 better at trialing or researching than a  
17 smaller grower, but I think they have more  
18 capacity to allow access to resources to get  
19 the results they are looking for. That's true  
20 for larger growers. Moreover, the larger  
21 growers have the ability to do their own  
22 breeding onsite for site-specific conditions,

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1 again, because they have the capacity to do  
2 so. And in those cases they've been able to  
3 breed -- spinach comes to mind as one that has  
4 been most heavily worked on by our growers.  
5 They have found five or six varieties that are  
6 proprietary varieties that do exceptionally  
7 well, and they are all organic. They are  
8 contracting their own organic seed grow out to  
9 do that.

10           Smaller growers, I would say the  
11 results are more variable. Sometimes they ask  
12 the right question at the right time at the  
13 right conference, and you get exactly what you  
14 need, but other times, I've seen a lot of  
15 growers struggle, very genuinely trying their  
16 best, and you know, sitting at the kitchen  
17 table with those farmers, their kitchen table  
18 and their office and their research facility  
19 all in one, you know they're trying really  
20 hard. They are looking at seed catalogs.  
21 They just don't have the -- I don't think they  
22 have the access to as many resources. So

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1 their results are equally variable.

2 CHAIRMAN DELGADO: Joe?

3 MEMBER SMILLIE: I appreciate your  
4 comments, John, as usual, excellent. I'd like  
5 to hear your thoughts on how you would see a  
6 database and whether that would be useful and  
7 how you would advise us to proceed in our  
8 recommendation for a database.

9 MR. FOSTER: I think if I had the  
10 clearest picture I'd probably just do it  
11 because there would be a lot of people asking  
12 for it. My sense is that all of the motion  
13 that several organizations are working toward  
14 is probably -- I don't mean to be glib -- it's  
15 probably the most appropriate because it's a  
16 real organic process.

17 I don't know that a system could be  
18 imposed that would be any better. It's not  
19 quite open source, but it's approaching that  
20 here. I don't know that you could get a  
21 better system than one that takes time. I  
22 would suggest it's better to do it right than

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1 right now. I mean I understand the pressure  
2 to get it done sooner rather than later, but a  
3 bad system or a system that is ineffective or  
4 removes confidence in the system is not --  
5 should not be allowed here. I think it's too  
6 important.

7 MEMBER SMILLIE: So in other words,  
8 not trying to force one organization to just  
9 do it and give them the power to have the  
10 control of the database, more open, pollinated  
11 with a number of databases out there?

12 MR. FOSTER: I wouldn't preclude the  
13 idea of having one organization do it. But to  
14 date I haven't seen one that is able and  
15 willing. Both of those have to happen to do  
16 that.

17 I think it's coming, and it's  
18 events like this, it's having this agenda  
19 item, that does a lot. Because after this  
20 meeting everyone in this room is going to go  
21 back to their constituency, whoever that is,  
22 and say, they are really serious about this.

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1 We need to be moving along. I do that for all  
2 of my folks, and everyone else in this room  
3 gets it. It's going to happen.

4 Pushing it too hard, or pushing it  
5 in a way that disproportionately affects  
6 growers who are least able to flex to absorb  
7 it I think needs more work. Basically this is  
8 a plug for my ongoing certifier peer review  
9 thing that I always hit on whenever I get a  
10 chance. This is more of the same.

11 CHAIRMAN DELGADO: Thank you. Any  
12 other questions from the board?

13 Thank you, John. Moving on to  
14 Susie Bowman.

15 MS. BOWMAN: Hello, everybody. And  
16 thank you once again for listening to me.  
17 I've missed you all in the last year that I  
18 haven't been at meetings.

19 I'm Sissy Bowman, CEO of Indiana  
20 Certified Organic. We're located in Indiana  
21 obviously, and I'm going to keep this really  
22 short so we can stay on time. I was going to

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1 read this. I have public input from an Amish  
2 man from Hillsboro, Wisconsin, who is our  
3 internal control person for a 79-member grower  
4 group.

5 And I do have it written here so  
6 I'll turn it in. It's a little bit lengthy,  
7 but the gist of it is, put the grower back in  
8 grower group. That's what it was intended to  
9 be. Handler certification is a different type  
10 of certification. We do need to have  
11 standards and clarification on grower groups,  
12 but we're really mixing things up when we try  
13 to broaden that scope.

14 With proper internal controls  
15 grower groups can be very well run. I do  
16 advocate inspecting all of them. We do that.

17 And maintaining a very close communication  
18 with these groups to make sure that we do know  
19 what's going on.

20 He has a lot more to say about it  
21 and says it very well. And then the other  
22 thing I want to say is, just say yes to cheese

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1 wax, please.

2 CHAIRMAN DELGADO: Questions from  
3 the board.

4 Joe?

5 MEMBER SMILLIE: Yes, it's your  
6 certification agency that has the growers that  
7 are using the infamous term, cheese wax?

8 MS. BOWMAN: My client is  
9 petitioner.

10 MEMBER SMILLIE: Oh, your client is  
11 petitioner? I didn't get quite enough  
12 information on that. Maybe I missed a comment  
13 on that.

14 But my understanding of the issue  
15 is that it's used as a plug, it's used  
16 basically as a prophylactic to prevent --  
17 could you just go by it, through it again.  
18 It's not a processing aid.

19 MS. BOWMAN: No, it's not. Holes  
20 are drilled into the logs. The spawn is put  
21 in there, and it's used as a moisture barrier  
22 and to hold the spawn there. It doesn't

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1 become part of the product.

2           And I would liken it to using a  
3 plastic pot to hold soil together so you can  
4 put a plant in it. And again in other non-log  
5 based production of mushrooms there are  
6 basically wood chips that are held together in  
7 a plastic bag, and that is allowed. So the  
8 cheese wax is there for the purpose of holding  
9 it together so it can grow and maintaining the  
10 moisture there so it can get started.

11           MEMBER SMILLIE: So it's almost like  
12 mulch, a plastic mulch for growers.

13           MS. BOWMAN: Right.

14           MEMBER SMILLIE: And this doesn't  
15 become part of the log later?

16           MS. BOWMAN: No, it comes out.

17           MEMBER SMILLIE: It comes out?

18           MS. BOWMAN: It comes out. It's not  
19 taken up by the mushroom in any way, shape or  
20 form. And as far as, yes, I think plastic  
21 mulch is far worse actually than this is.

22           CHAIRMAN DELGADO: Any other

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1 questions? Dan?

2 MEMBER GIACOMINI: Just, after it  
3 comes out, it just falls out on the ground and  
4 stays there?

5 MS. BOWMAN: It's biodegradable.

6 MEMBER GIACOMINI: It is?

7 MS. BOWMAN: Yes. That's what I'm  
8 told. I've read the petition. It's quite  
9 lengthy.

10 MEMBER GIACOMINI: I know.

11 MS. BOWMAN: And it's also allowed -  
12 - organic cheese is dipped in cheese wax.  
13 It's allowed to be used for that purpose.

14 MEMBER GIACOMINI: Yes, but when we  
15 cut it off cheese we don't throw it out on the  
16 ground.

17 MS. BOWMAN: It's disposed of  
18 somewhere.

19 MEMBER GIACOMINI: But it's not just  
20 out in the woods. It goes to a landfill; it  
21 goes somewhere.

22 MS. BOWMAN: If you would want to

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1        annotate it to say how it has to be removed --

2                    MEMBER GIACOMINI: No, I'm just  
3        wanting clarification on whether -- just  
4        asking whether it was biodegradable or not.

5                    CHAIRMAN DELGADO: Tina.

6                    MEMBER ELLOR: I can address this  
7        now or later, but I might as well address it  
8        now. In the petition, which was an excellent  
9        petition full of great information, very  
10       unbiased, there is biodegradability  
11       information in the petition, and it is  
12       biodegradable. But maybe we should have  
13       spoken more about this during discussion  
14       yesterday. But this is by far the friendliest  
15       option, viable option, that these small  
16       growers have, and they have been using this  
17       for over 20 years now and producing the best  
18       mushrooms in the marketplace.

19                    We don't produce that way. And  
20        I'll full admit that. We are large growers.  
21        We put our logs in plastic bags. The other  
22        options the outdoor growers have, and I have

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1 seen this, are styrofoam plugs, which is a far  
2 less -- or they can put their whole outside  
3 log in a plastic bag. And this is by far the  
4 most environmentally friendly option.

5 CHAIRMAN DELGADO: Any other  
6 questions?

7 Thank you very much.

8 MS. BOWMAN: Thank you.

9 CHAIRMAN DELGADO: Calling Alexis  
10 Baden-Mayer, if she is here. And we have a  
11 30-second request -- I'm sorry?

12 Calling again, Alexis Baden-Mayer.  
13 Please approach.

14 MS. BADEN-MAYER: I'm Alexis Baden-  
15 Mayer; I'm with the Organic Consumers  
16 Association. I was typing out my notes on the  
17 train, my first train was cancelled, so sorry  
18 to be late.

19 So thank you to the members of the  
20 National Organic Standards Board and the  
21 representatives of the USDA National Organic  
22 Program, and to everyone in the room. It's

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1 really exciting for me to be together with all  
2 of you. We are here representing an organic  
3 movement that is so needed right now in this  
4 time of crisis we are facing, an energy  
5 crisis, a food crisis, a climate crisis. The  
6 organic movement has the potential to solve  
7 all these problems, and we're leading the way.

8 So thank you for being part of that with me.

9 Okay, so another thing that is very  
10 special about the NOSB and the USDA National  
11 Organic Program is this democratic process.  
12 You won't find any other policy setting  
13 mechanism at the federal level that works like  
14 this. So it's kind of like a townhall  
15 meeting, and I'm a citizen, and I can just  
16 come and participate, and you all are  
17 citizens. And you set policy, the USDA looks  
18 at the policy and takes all of this input and  
19 adopts really good policies. I wish that  
20 every part of the federal government worked  
21 that way.

22 So I want to congratulate you all

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1 on the budget increases and say a few words  
2 about how you might spend that money. Of  
3 course enforcement is a very good area. We  
4 support the petitions of the Cornucopia  
5 Institute in both dairy and hexane derived  
6 additives in infant formula; TAP reviews to  
7 help the NSB do their work, that is another  
8 good issue, good place to spend money; and I  
9 hope you also spend a little bit of your money  
10 on promoting yourself within USDA and to  
11 Congress. That's what federal agencies do  
12 once they get some power and some money, they  
13 use that power and money to promote themselves  
14 and get more of that.

15 And organic really is the solution  
16 to so many things, so I hope you let everybody  
17 at the USDA know what a great example this is  
18 for conservation and food safety, and  
19 encourage other programs to adopt pieces of  
20 the organic program.

21 All right, now I would just like to  
22 list the things that are the biggest threats

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1 that we see to consumer confidence in the  
2 organic industry in general. The first thing,  
3 the NOSB, you guys, it's sort of out of your  
4 control, but the rules for pasture and origin  
5 of livestock. The delay in those rules has  
6 been very damaging, and if those rules are  
7 weak and are substandard to the best examples  
8 out there, that is going to be very damaging  
9 as well.

10 The other issue is lack of  
11 enforcement of the word organic in the  
12 personal care industry. OCA is spending a lot  
13 of time working on this issue. We are taking  
14 it to court in California. Companies are  
15 using the word organic. They are not  
16 certified organic, and some of their products  
17 even have petroleum-based formulations that  
18 contain carcinogens like 1,4-dioxane. So this  
19 is real bad for the organic movement. You  
20 wouldn't want -- like if this were happening  
21 in food, you wouldn't let it happen because  
22 it's so bad. But we can't let it happen in

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1 personal care either.

2           And then back to issues that are  
3 before the NOSB, the certification of fish  
4 farming is probably one that is going to be --  
5 it's very thorny. I know you are not dealing  
6 with the whole thing right now. But I kind of  
7 wish you would just look at it the way you did  
8 hydroponics. It's like, hydroponics, not  
9 organic. Farmed fish, not organic. And  
10 compare it to what else is out there. We have  
11 Alaskan wild salmon; is organic going to be  
12 more enticing to the consumer than that? If  
13 not, it's probably not a good idea to put  
14 something out there that's labeled organic  
15 that's not the very best example of food  
16 produced in compliance with or in union with a  
17 healthy ecosystem. And I guess I'll just stop  
18 there. I'll add more written comments to  
19 provide detail.

20           CHAIRMAN DELGADO: Okay, thank you.

21           Any comments, questions from the  
22 board?

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1 Thank you very much.

2 That concludes the section -- Joe,  
3 please.

4 MEMBER SMILLIE: I'm glad you  
5 brought up the personal care issue. I just  
6 attended a meeting in New York on personal  
7 care, and it is a big issue. Certainly the  
8 USDA and NOP has got their hands full, but  
9 that word is out there in the personal care  
10 industry, and it is grossly, grossly misused.

11 I'm not talking about minor noncompliance.  
12 As she said there is some major. And I think  
13 sooner or later we are going to have to deal  
14 with it as a board, and we should start to  
15 look at that issue.

16 Of course the NOP is probably aware  
17 of it, too, and as the lawsuits start flying,  
18 it'll be part of our deal, I'm sure, sooner or  
19 later to start to take a look at how we are  
20 going to approach that because my  
21 understanding, and this is what I said at the  
22 meeting, and I would love correction if I am

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1 wrong, but USDA governs the use of the word,  
2 organic. The USDA NOP at this time is not  
3 enforcing the use of that word in the personal  
4 care industry, but I think the USDA reserves  
5 the right to enforce the use of the word  
6 organic in the personal care, health and  
7 beauty arena.

8 If I could get a comment from you  
9 if that is possible.

10 CHAIRMAN DELGADO: Comment, feedback  
11 from program?

12 MS. ROBINSON: Joe, we have issued a  
13 statement with regard to certification of non-  
14 food items in August of 2005, I believe, the  
15 sort of infamous scope statement.

16 And that is essentially about the  
17 only statement that the program has issued up  
18 to this point, and that is that if products  
19 are wholly comprised of agricultural  
20 ingredients they are eligible for  
21 certification, and if they meet the standards  
22 they may be certified, and then they may be

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1 labeled according to the NOP regulations.

2 But we do not have standards for  
3 personal care products, as you know. So  
4 that's about the best that we can do at this  
5 point in time. We've had discussions with the  
6 Office of Management and Budget, and they  
7 asked us are you going to take on Revlon.  
8 This was back when we had six people in the  
9 office, and we said no. We had one million  
10 dollars in the budget. We now have the grand  
11 whopping total of \$2.65 million in the budget.

12 Now, I ask you guys this all the  
13 time. What do you want us to work on?  
14 Aquaculture standards, fish standards, or  
15 cosmetics or pet food or pasture or what?

16 MEMBER SMILLIE: Well, of course;  
17 all of the above.

18 (Laughter.)

19 MS. ROBINSON: I understand. But  
20 that's why we issued the scope statement. At  
21 least -- but there are limits to the program's  
22 resources.

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1                   CHAIRMAN    DELGADO:    Any    other  
2                   questions from the board?

3                   Well, thank you very much. We have  
4                   one more presenter. He has promised to take  
5                   less than a minute. The Chair will allow that  
6                   Please proceed.

7                   MR. MESH: I wrote it down, so I  
8                   don't have to deal with a computer because I  
9                   feel like yesterday I was discombobulated  
10                  because of the computer.

11                  So Martin Mesh. I wanted to make  
12                  sure because I'm not even sure that I said it  
13                  yesterday, our position was to allow fish meal  
14                  and fish oil from rendered fish facilities to  
15                  be utilized as a supplement in the stair-step  
16                  production method. It has been proposed prior  
17                  by the aquaculture working group. Or utilize  
18                  the statutory authority to make wild caught  
19                  fish renderings and organic livestock feed in  
20                  an effort to help establish an organic  
21                  aquaculture industry that will have  
22                  environmental benefits in that once they

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1 understand it, consumers I believe will  
2 embrace.

3 I wanted to touch on Katrina and my  
4 response to Tracy yesterday about grower  
5 groups. My hope has been to be sensitive to  
6 the landscape and environment while seeking  
7 solution to the grower group dilemma. I have  
8 and continue to advocate for separation  
9 between grower group certification and the  
10 proposed expansion aimed at other sectors like  
11 retailers and handlers.

12 I get concerned when I think about  
13 Katrina's comments, although she showed  
14 sensitivity to the current dilemma, when she  
15 talks about how General Mills utilizes an  
16 internal control system in a multibillion  
17 dollar company's food safety program, and we  
18 start to take that language and where the bar  
19 is set, and apply the same thing to group  
20 certification, and then expect certifiers to  
21 be able to verify that some of the world's  
22 poorest farmers, some illiterate, comply with

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1 the standards.

2 And I fear that we are headed down  
3 a road of regulatory compliance burden that  
4 will drown producers and possibly certifiers.  
5 We say that there can be no scale bias, yet  
6 commercial availability is inherently just  
7 that in reverse manner as an unintended  
8 consequence.

9 I again request that we focus on  
10 solving grower group certification for those  
11 most at risk of being left out of the organic  
12 marketplace in a manner that actually works  
13 not only for consumers, consultants, and  
14 companies, but for the organic farmers  
15 themselves, those who this type of  
16 verification was originally created for.

17 I find it troubling that the  
18 Wisconsin bratwurst and okra growers, farmers  
19 and growers, ran out of time and now that I  
20 have, too. But I probably support their  
21 position on okra.

22 And then I have to close by saying,

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1 John's comments were articulate, on target,  
2 and workable, and he is much more articulate  
3 than me, but he hit the nail right on the  
4 head. And I hope you guys really heard those  
5 comments as far as putting seed burden, you  
6 know, stuff on farmers, and the farmers that  
7 are least able to comply with an increasing  
8 record-keeping burden from the grower  
9 perspective.

10 Thanks for the time.

11 CHAIRMAN DELGADO: Questions from  
12 the board?

13 Thank you, Marty.

14 That concludes the section on  
15 public comment. I do appreciate everybody's  
16 constructive and productive input. I'm sure  
17 the members of the board have taken that into  
18 account, and I hope that will be reflected  
19 during the voting session which is about to  
20 start.

21 And having said that, we'll give  
22 the opportunity for the policy and development

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1 committee to present the materials for voting.

2 Dr. Flann.

3 MEMBER FLANN: Thank you.

4 As I reported yesterday, the policy  
5 and development committee has two sets of  
6 recommendations. The first is three changes  
7 in the policy development manual. I will just  
8 summarize those changes and then make a  
9 motion, and then that will be followed by a  
10 summary of the recommendations on the new  
11 member guide.

12 There are three recommendations for  
13 changes in the policy development manual. The  
14 first was under the mission statement to add  
15 "or deletion from" which would then read,  
16 "review petition materials for inclusion  
17 and/or deletion from the national list of  
18 approved and prohibited substances."

19 The second recommendation is one of  
20 strengthening language on communications and  
21 on page six of the mission statement  
22 essentially it says "communicate with organic

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1 community including contacting public meetings  
2 and soliciting taking public comments and  
3 provide timely information." "Timely" is a  
4 new word. And then adding, "making full use  
5 of communication channels."

6 The third recommendation is  
7 instructions on withdrawal of petitions. The  
8 vote of the committee was four yes, no zero,  
9 abstention zero, and zero absent. Mr.  
10 Chairman, I'd like to make a motion that these  
11 changes be adopted.

12 CHAIRMAN DELGADO: Is there a  
13 second?

14 It is moved and seconded to  
15 introduce -- accept the changes recommended by  
16 the policy committee and incorporate those  
17 into the policies and procedures manual.

18 Discussion? Hugh followed by Dan.

19 MEMBER KARREMAN: Yesterday,  
20 actually maybe, Dan, you want to make it, I  
21 was going to refer to Dan's statement  
22 yesterday about maybe clarifying what our true

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1 intent was regarding making full use of  
2 communication channels is basically making use  
3 of all manner of transmission of information.  
4 I don't know, Dan, maybe you have something  
5 better on that.

6 CHAIRMAN DELGADO: Dan?

7 MEMBER GIACOMINI: Thank you. You  
8 sort of handled the preamble of what I was  
9 going to say, so I'll just move in. I would  
10 move to amend the second part of section two  
11 to read, "making reasonable use of all  
12 communication channels."

13 CHAIRMAN DELGADO: Barry, do you  
14 accept that?

15 MEMBER FLANN: I accept that.

16 CHAIRMAN DELGADO: So it is a  
17 friendly amendment and it is --

18 MS. HEINZE: Can you repeat it so I  
19 can get it written down?

20 MEMBER GIACOMINI: Making reasonable  
21 use of all communication channels.

22 CHAIRMAN DELGADO: It is moved and

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1 seconded, to amend the motion to -- let me  
2 make that -- to change the last sentence of  
3 the second proposal to read, making use of all  
4 reasonable use of communication channel, of  
5 all communication channels.

6 Discussion. Kevin?

7 MEMBER ENGELBERT: Yes, Dan, could  
8 you give an example of what you consider  
9 reasonable or unreasonable use, and why you  
10 think that is a necessary addition?

11 MEMBER GIACOMINI: I don't know that  
12 I can give you an example of reasonable. I  
13 can give you an example of the expectations  
14 that I can see the public could find in  
15 reading that statement two or three years to  
16 five years from now, and the burden that it  
17 would place on future members.

18 I think that the burden that that  
19 could place in their expectations, in their  
20 minds, is a huge burden on already very  
21 overworked people.

22 CHAIRMAN DELGADO: Jeff?

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1                   VICE CHAIR MOYER: Dan, I question  
2 your use of the word, "all." That's a very  
3 encompassing word, and does that put an undue  
4 burden on either the board or the program?

5                   MEMBER GIACOMINI: Well, that was to  
6 match the use of the word, "full."

7                   VICE CHAIR MOYER: I understand  
8 that. In my opinion using the word, "all,"  
9 sounds like you've got to do it all.

10                  MEMBER GIACOMINI: Full use of  
11 communication channels is all of everything.

12                  VICE CHAIR MOYER: My suggestion  
13 would be that we keep the word, "reasonable  
14 use," take the word, "all," out of  
15 communication channels.

16                  MEMBER GIACOMINI: If you want to  
17 make that motion that's fine with me.

18                  CHAIRMAN DELGADO: Is that a motion?

19                  VICE CHAIR MOYER: That is my  
20 friendly amendment.

21                  CHAIRMAN DELGADO: There is a  
22 secondary motion to amend the primary motion.

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1 The previous motion to amend, do you accept  
2 that?

3 MEMBER GIACOMINI: Yes.

4 CHAIRMAN DELGADO: That is accepted.

5 And as it stands now, I'm not going to move  
6 with the voting on that, the motion to amend  
7 states as follows: to replace the last  
8 sentence on the proposed change to read,  
9 "making reasonable use of communication  
10 channels," is that correct?

11 VICE CHAIR MOYER: That is correct.

12 CHAIRMAN DELGADO: Striking out the  
13 word, "all," and that's been accepted by the  
14 proponent of the amendment.

15 We have Hugh followed by Tina.

16 MEMBER KARREMAN: Yes, the true  
17 intent is what we were talking about if I  
18 recall that day was making reasonable use of  
19 additional and electronic communication  
20 channels, available, traditional and  
21 electronic communication. That's what our  
22 intent was; I think everyone knows that. But

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1 it was to make sure that traditional, like  
2 regular mail, that we get, and we read paper,  
3 everyone can get that, as well as electronic.

4 It doesn't say we have to tell everybody on  
5 Earth; it's just that we don't want to just go  
6 to only electronic. That is the main thing we  
7 wanted to make sure.

8 CHAIRMAN DELGADO: We have Tina  
9 followed by Dan.

10 MEMBER ELLOR: Can I maybe temper  
11 this to take into account the intent, and  
12 maybe suggest another issue.

13 Maybe because if you take "all" out  
14 then you take out the variety of  
15 communications which we are trying to get at.  
16 Making reasonable use of a variety of  
17 communication channels.

18 And I know from my perspective, our  
19 certifier sends things out by mail and  
20 computer, because we have a lot of Amish  
21 farmers who don't have access to computers, so  
22 if we add a variety of communication channels,

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1 maybe we can keep the original intent without  
2 being too absolute.

3 Can I suggest that as a friendly  
4 amendment?

5 CHAIRMAN DELGADO: It is amended,  
6 originally proposed by Dan. If that is how  
7 you want to proceed.

8 MEMBER ELLOR: If that is okay.

9 CHAIRMAN DELGADO: Well, we have to  
10 ask the proponent of the amendment. So I  
11 would like to ask do you agree with that?

12 MEMBER GIACOMINI: Could you restate  
13 that please?

14 MEMBER ELLOR: "Making reasonable  
15 use of a variety of communication channels."  
16 That way it's not -- not that we have to send  
17 out carrier pigeons, but we use a variety of  
18 communication channels.

19 MEMBER GIACOMINI: Yes.

20 CHAIRMAN DELGADO: That is approved,  
21 and so now the motion to amend reads, "making  
22 reasonable use of a variety of communication

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1 channels."

2 Hugh.

3 MEMBER KARREMAN: I'll second that.

4 CHAIRMAN DELGADO: It's been  
5 accepted, so no need to second that.

6 Very well, we'll proceed with the  
7 amended motion. And we are at the point of  
8 accepting the amendment for the motion to --  
9 amendment to the motion to accept changes one  
10 through three, and we are amending the last  
11 sentence, point two, of the motion.

12 MS. HEINZE: I had written down  
13 that we ask Barry if we accepted Dan's, so is  
14 Dan's a friendly amendment?

15 CHAIRMAN DELGADO: It was a friendly  
16 amendment. But we still have to --

17 CHAIRMAN DELGADO: We still have to  
18 go back and vote on that.

19 MEMBER ELLOR: Okay.

20 CHAIRMAN DELGADO: So we will vote  
21 on that amendment.

22 Yes.

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1                   MEMBER GIACOMINI: I would just,  
2 getting back to Kevin's question, I can just  
3 see in the original language of this, getting  
4 back to the example I used yesterday, of  
5 someone reading that and picking up the phone  
6 and calling the member and say, we want you to  
7 come to our meeting. Where is your meeting?  
8 Well, it's three hours away. I'm sorry I  
9 don't have time. Well it says in your bylaws  
10 -- it says in your procedure manual that you  
11 have to. And I'd just -- I just think the  
12 wording is pushing things a little too far.

13                   CHAIRMAN DELGADO: Thanks for the  
14 clarification.

15                   We will go on with the voting for  
16 the amendment to restate the last sentence of  
17 the second point of the motion.

18                   We will start on the far right with  
19 Hugh.

20                   MEMBER KARREMAN: Yes.

21                   CHAIRMAN DELGADO: And I'll put the  
22 question again. The question is on the motion

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1 to amend the last sentence on point two of the  
2 motion proposed by the policy and procedures  
3 manual as stated on the document dated April  
4 3<sup>rd</sup>, 2008, to read: "making reasonable use of a  
5 variety of communication channels."

6 And we'll start with the vote with  
7 Dr. Karreman.

8 MEMBER KARREMAN: Yes.

9 CHAIRMAN DELGADO: Kevin?

10 MEMBER ENGELBERT: Yes.

11 CHAIRMAN DELGADO: Jennifer?

12 MEMBER ENGELBERT: Yes.

13 CHAIRMAN DELGADO: Steve?

14 MEMBER HALL: Yes.

15 CHAIRMAN DELGADO: Julie?

16 MEMBER WEISMAN: Yes.

17 CHAIRMAN DELGADO: Dan.

18 MEMBER GIACOMINI: Yes.

19 CHAIRMAN DELGADO: Katrina.

20 MS. HEINZE: Yes.

21 CHAIRMAN DELGADO: Jeff.

22 VICE CHAIR MOYER: Yes.

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1 CHAIRMAN DELGADO: Gerry.

2 MEMBER DAVIS: Yes.

3 CHAIRMAN DELGADO: Tina is not  
4 present.  
5 Tracy?

6 MEMBER MIEDEMA: Yes.

7 CHAIRMAN DELGADO: Joe.

8 MEMBER SMILLIE: Yes.

9 CHAIRMAN DELGADO: Barry?

10 MEMBER MIEDEMA: Yes.

11 CHAIRMAN DELGADO: And the chair  
12 says yes.

13 Now we can proceed then to the  
14 discussion on the original motion.

15 MEMBER GIACOMINI: Mr. Chairman,  
16 could you announce the vote for the record  
17 please?

18 CHAIRMAN DELGADO: Thanks for the --  
19 the vote is as follows.

20 Thirteen yeses, one absent -- two  
21 absent, sorry, and the motion to amend is  
22 approved.

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1           Moving on then to the original  
2 motion which is to accept the changes to the  
3 policy and procedures manual, I would like to  
4 continue with the discussion and ask the  
5 members of the board if there are any other  
6 questions.     And are you ready for the  
7 question?

8           The question is on the motion to  
9 accept the changes as listed by -- summarized  
10 and listed by the chair of the policy and  
11 procedures manual, including the last change  
12 that we discussed.

13           And we are ready go to vote. We'll  
14 start with Kevin?

15           MEMBER ENGELBERT: Yes.

16           CHAIRMAN DELGADO: Jennifer.

17           MEMBER HALL: Yes.

18           CHAIRMAN DELGADO: Steve.

19           MEMBER DeMURI: Yes.

20           CHAIRMAN DELGADO: Julie?

21           MEMBER WEISMAN: Yes.

22           CHAIRMAN DELGADO: Dan?

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1 MEMBER GIACOMINI: Yes.  
2 CHAIRMAN DELGADO: Katrina.  
3 MS. HEINZE: Yes.  
4 CHAIRMAN DELGADO: Jeff.  
5 VICE CHAIR MOYER: Yes.  
6 CHAIRMAN DELGADO: Gerry.  
7 MEMBER DAVIS: Yes.  
8 CHAIRMAN DELGADO: Tina.  
9 MEMBER ELLOR: Yes.  
10 CHAIRMAN DELGADO: Tracy.  
11 MEMBER MIEDEMA: Yes.  
12 CHAIRMAN DELGADO: Joe.  
13 MEMBER SMILLIE: Yes.  
14 CHAIRMAN DELGADO: And Barry?  
15 MEMBER FLANN: Yes.  
16 CHAIRMAN DELGADO: And the chair  
17 says yes.  
18 Hugh and the chair says yes.  
19 And the total is 14 yes, 1 absent,  
20 and the motion is approved.  
21 Back to you, Barry.  
22 MEMBER FLANN: The second set of

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1 recommendations involves changes to the new  
2 member guide. The first recommendation is an  
3 addition to chapter five, section B, and it's  
4 a descriptive paragraph on linking the final  
5 NOSB recommendation table.

6 And the second recommendation is on  
7 suggested best practices, and it gives a list  
8 of common technical sources. And the vote of  
9 the committee was four in favor, zero nos,  
10 zero absent.

11 CHAIRMAN DELGADO: Very well. Would  
12 you like to make a motion?

13 MEMBER FLANN: I move that these two  
14 recommendations of the policy development  
15 committee be accepted.

16 CHAIRMAN DELGADO: Is there a  
17 second?

18 MEMBER KARREMAN: Point of order.

19 CHAIRMAN DELGADO: Point of order.

20 MEMBER KARREMAN: The second  
21 recommendation wasn't actually read into the  
22 record.

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1                   CHAIRMAN DELGADO: Good point.  
2 Barry, would you please read the second  
3 recommendation which is the last paragraph on  
4 the statement.

5                   MEMBER FLANN: It says, include a  
6 new section of chapter five listing common  
7 technical sources used by NOSB members. The  
8 proposed section would be located immediately  
9 after Section E, and would include the  
10 following.

11                   And then there is a list of the  
12 common sources.

13                   CHAIRMAN DELGADO: Thank you for  
14 that.

15                   Is there a second to the motion?

16                   MEMBER HALL: Second.

17                   CHAIRMAN DELGADO: It is moved and  
18 seconded to accept the updates to the new  
19 member guide as summarized by the chair of the  
20 policy committee.

21                   And we are open to discussion,  
22 questions, on the part of the board.

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1 Are we ready for the question?

2 The question is on the motion to  
3 accept updates to the new member guide, as  
4 summarized by the chair of the policy  
5 committee on the April 3<sup>rd</sup> document.

6 And we will start with voting, and  
7 this time it will fall to Jennifer.

8 MEMBER HALL: Yes.

9 CHAIRMAN DELGADO: Steve.

10 MEMBER DeMURI: Yes.

11 CHAIRMAN DELGADO: Julie.

12 MEMBER WEISMAN: Yes.

13 CHAIRMAN DELGADO: Dan.

14 MEMBER GIACOMINI: Yes.

15 CHAIRMAN DELGADO: Katrina.

16 MS. HEINZE: Yes.

17 CHAIRMAN DELGADO: Jeff.

18 VICE CHAIR MOYER: Yes.

19 CHAIRMAN DELGADO: Gerry.

20 MEMBER DAVIS: Yes.

21 CHAIRMAN DELGADO: Tina.

22 MEMBER ELLOR: Yes.

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1 CHAIRMAN DELGADO: Tracy.

2 MEMBER MIEDEMA: Yes.

3 CHAIRMAN DELGADO: Joe.

4 MEMBER SMILLIE: Yes.

5 CHAIRMAN DELGADO: Barry.

6 MEMBER FLANN: Yes.

7 CHAIRMAN DELGADO: And Hugh.

8 MEMBER KARREMAN: Yes.

9 CHAIRMAN DELGADO: Kevin?

10 MEMBER ENGELBERT: Yes.

11 CHAIRMAN DELGADO: And the chair  
12 votes yes. And correct me if I'm wrong,  
13 Madame Secretary, we have yes totals, one  
14 absent, and the motion is agreed to.

15 That -- is that all, Mr. Chairman?

16 MEMBER FLANN: That's all.

17 CHAIRMAN DELGADO: Very good, thank  
18 you very much. That concludes with the  
19 section for the policy development committee.

20 We are due for a well deserved  
21 break at this time, and we are running,  
22 according to my estimates, 13 minutes late,

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1 but I think we'll be able to catch up.

2 So we'll take a 10-minute break.  
3 We will see you here at 10 minutes after the  
4 hour.

5 Thank you.

6 (Whereupon, the above-entitled  
7 matter went off the record at 9:58 a.m. and  
8 resumed at 10:21 a.m.)

9 CHAIRMAN DELGADO: We are back now,  
10 and we'll continue with the crops committee.

11 Does the secretary want to make a  
12 comment?

13 MS. HEINZE: Just a brief comment.  
14 I had a request for voting sheets for the rest  
15 of the board so those are being passed around  
16 in case you would like one.

17 You will note that there is one  
18 line that is a voting item from last November  
19 that I neglected to delete, so when you see  
20 that don't panic.

21 CHAIRMAN DELGADO: Very good.

22 Continuing on with the chair of the

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1 crops committee, Mr. Davis.

2 JOINT CROPS & COMPLIANCE, ACCREDITATION AND  
3 CERTIFICATION COMMITTEE

4 MEMBER DAVIS: Thank you, Mr. Chair.

5 The first topic that we are going  
6 to cover, again, is the joint crops and  
7 compliance accreditation and certification  
8 committee, further guidance on commercial  
9 availability of organic seed.

10 We appreciate the many many  
11 different public comment inputs from both or  
12 several points of view I guess I should say.  
13 We had hoped to present some of these new  
14 ideas that we added on to the previous  
15 guidance as a way of vetting those ideas and  
16 getting response from the community.

17 And we have decided to take those  
18 suggestions under advisement, and to defer  
19 this item until the fall meeting, and to fully  
20 give full credit and credence to the comments  
21 that we received.

22 And Joe Smillie is going to explain

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1 more of that.

2 CHAIRMAN DELGADO: Joe.

3 MEMBER SMILLIE: Right.

4 I just want to summarize the last  
5 comment we had when John Foster said that  
6 everybody in the room was taking notice of  
7 this issue. We've opened the discussion, and  
8 that achieves a lot of our purpose. I mean  
9 that's what really the main drive of this  
10 recommendation has been to bring attention to  
11 this area and on all fronts, on everybody's  
12 front.

13 So I think that part of our aim has  
14 been achieved already. We will come up with a  
15 recommendation for the next meeting in  
16 November, and what we'll do is become a kind  
17 of an approach of recalculating the  
18 distribution of the burden.

19 So what we'll do is, we'll go back  
20 and look at our calculation of the  
21 distribution of the burden and try and make  
22 sure that the burden is fairly distributed in

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1 that sense.

2 I think we will also rethink and  
3 refine our approach to the database which is  
4 the other key issue. We have a lot of good  
5 input, and we'll look for a bit more on that.

6 So basically just to anticipate  
7 just getting back on our work plan, and  
8 getting more engaged in those two areas.

9 CHAIRMAN DELGADO: Thank you both.  
10 I appreciate that you are taking into  
11 consideration public comment, and you are  
12 right, it is part of the process to do so, and  
13 if there is a need to make any changes, to  
14 proceed with that.

15 We are looking forward also to the  
16 final version, and the next meeting in the  
17 fall.

18 Any questions from the board for  
19 the two chairs?

20 None? If that's the case, let's  
21 move on to the specific topics of the crops  
22 committee, and that involves petition

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1 materials followed by sunset materials.

2 MEMBER DAVIS: For the petition  
3 materials, I'd like to start with cheesewax  
4 and go alphabetically.

5 CHAIRMAN DELGADO: Very good.

6 MEMBER DAVIS: Again, the committee  
7 originally voted six yes, zero no to approve  
8 this material and put it on the national list,  
9 which is that motion is to include micro-  
10 crystalline cheesewax with specific cast  
11 numbers which have been amended since  
12 yesterday's presentation, because it was noted  
13 that one item was incorrect. And the new one  
14 is cast the third one in the line, there, has  
15 been corrected from yesterday's presentation.

16 So including those cast numbers,  
17 and add that material on the national list,  
18 205.601, as a production aid in log-grown  
19 mushroom culture made without the cheesewax,  
20 made without either ethylene copolymer or  
21 synthetic colors.

22 And the CAS numbers again reflect

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1 what our true intent of which materials might  
2 be included in various cheesewax products.

3           These are the only ones that - any  
4 cheesewax product used for this purpose could  
5 only include these three CAS numbers in their  
6 ingredients.

7           We also received public comment on  
8 some of the responses in the documentation  
9 section on the evaluation criteria, and  
10 several of the - some things have been removed  
11 from yesterday. On category one, question  
12 one, the answer - the response to that - the  
13 answer is still the same, no. We removed a  
14 point that was talking about petroleum and  
15 whether it's naturally or chemically changed  
16 or not, and thought it was not appropriate.

17           We did not intend as the committee  
18 - it was meant as background information, the  
19 previous comments that were made, not as a  
20 statement about petroleum coming from the  
21 committee.

22           And also category two, similar

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1 statements were removed. I'd like to read  
2 that one.

3 What it reads now is - previously  
4 we had said - answered the question yes and  
5 no, so we have changed the answer to question  
6 one to now say, just yes. The substance is  
7 formulated or manufactured by a chemical  
8 process.

9 Petroleum wax is derived from crude  
10 oil. The cracking process of crude oil  
11 refining is considered synthetic. That's an  
12 addition.

13 Also the part about the ethylene  
14 propylene copolymers is still there; that was  
15 from the original.

16 The other addition is also - the  
17 last sentence, the formulation of cheesewax  
18 listed in petition do not contain this  
19 component or any colors but do contain BHT  
20 which is a synthetic antioxidant preservative.

21 The other change is category two,  
22 question three. There were some statements in

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1 the documentation section that we removed that  
2 were from the petition, again, referring to  
3 the petitioner's thoughts on petroleum and  
4 what it is, and we didn't mean to have it show  
5 that the committee agreed with their  
6 statements; it was not necessary, so we  
7 removed it on the documentation section on  
8 question three.

9 The answer now is just no, is the  
10 substance created by naturally occurring  
11 biological processes. We didn't feel like the  
12 statement was really necessary to document  
13 that answer.

14 And that's the last of the changes  
15 that we made as a committee. We revoted on  
16 this last night, and it still does not change  
17 the vote. It's still six yes, zero no.

18 And I'd like to open it up for any  
19 questions or discussion.

20 CHAIRMAN DELGADO: Would you like to  
21 propose a motion?

22 MEMBER DAVIS: The motion would be

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1 to include this material in the national list  
2 as stated in our recommendation.

3 MEMBER GIACOMINI: I'll second that  
4 motion.

5 CHAIRMAN DELGADO: It is moved and  
6 seconded to include microcrystalline cheesewax  
7 CAS number 6474242380090308 and 8002742 on the  
8 national list, section 2005 - 205.6010, as  
9 production aid in log-grown mushroom culture  
10 made without either ethylene/propylene,  
11 copolymer or synthetic colors.

12 Discussion? Joe.

13 MEMBER SMILLIE: Yes, once again I  
14 wasn't part of the committee so I don't have  
15 the full range of information that you had.  
16 That's a given.

17 This is described as a plug. Is it  
18 solid when it's put on, or is it sprayed on as  
19 a liquid?

20 CHAIRMAN DELGADO: Tina.

21 MEMBER ELLOR: I can address that.

22 It's melted down and painted on.

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1 MEMBER SMILLIE: Painted on?

2 MEMBER ELLOR: Just over the  
3 inoculation point.

4 CHAIRMAN DELGADO: Any other  
5 questions.

6 MEMBER ELLOR: It does actually work  
7 just as a barrier to moisture.

8 MEMBER SMILLIE: Does it penetrate I  
9 guess is the question?

10 MEMBER ELLOR: No. It's on the  
11 outside of the bark. It touches the spawn.  
12 But it's a temporary protection from moisture  
13 loss.

14 MEMBER SMILLIE: If I could just  
15 have another question.

16 VICE CHAIR MOYER: I was going to  
17 say, it does penetrate enough to adhere to the  
18 bark; it doesn't soak into it. But it does -  
19 it has to penetrate it a slight amount so it  
20 can adhere to it.

21 MEMBER ELLOR: Yes, when you paint  
22 wax on anything.

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1                   MEMBER SMILLIE: I guess the second  
2 question is more general. With the use of  
3 this material, is there a significant  
4 difference between organic shitake production  
5 this way, and conventional shitake production?  
6 Just in general.

7                   MEMBER ELLOR: Yes, there would be.  
8 There is a whole laundry list of things  
9 people do to prevent insects and slugs and  
10 other infestations.

11                  CHAIRMAN DELGADO: Any other  
12 questions? Dan.

13                  MEMBER GIACOMINI: With all due  
14 respect to Tina and her expertise and the fact  
15 that she was looking - she's in the industry.  
16 Her company does not do it in this way, and  
17 she is reviewing a petition essentially from a  
18 competitor.

19                   I really respect everything that  
20 you have put together on this, and I fully  
21 accept that in the new format as a viable  
22 path. I'm just a little uncomfortable that we

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1 are - don't have a little bit more of an  
2 outside third review and a technical review on  
3 this kind of substance.

4 CHAIRMAN DELGADO: Question? Follow  
5 up? Tina.

6 MEMBER ELLOR: And I fully  
7 understand that. The petition was extensive,  
8 and very technical. What I appreciate about  
9 it is that these guys didn't try to hide  
10 anything. It was - there was no obfuscation.

11 They spelled it all out. They had extensive  
12 and really good information. But I certainly  
13 can sympathize with that, because it was a  
14 very technical petition.

15 CHAIRMAN DELGADO: Hugh?

16 MEMBER KARREMAN: I mean just  
17 generally if we have expertise on the board to  
18 interpret reviews we should make full use of  
19 that, and I think it's wonderful Tina did  
20 that, and I'll try to do that when it comes to  
21 medicine and stuff. I think we all should do  
22 that in our own areas; that's why we're on the

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1 board.

2 CHAIRMAN DELGADO: Any other  
3 comments?

4 Gerry.

5 MEMBER DAVIS: Commenting on that  
6 issue, we felt that the detail in the petition  
7 was great, and combine that with having a  
8 mushroom expert on the committee, we felt that  
9 this was something that could perform the - as  
10 the program would say, we are the technical  
11 advisory panel I guess.

12 CHAIRMAN DELGADO: Kevin followed by  
13 Jeff.

14 MEMBER ENGELBERT: And we found  
15 nothing in our other research to contradict  
16 anything that was in the petitioner. Like  
17 Tina said, it was thorough and no holds  
18 barred.

19 CHAIRMAN DELGADO: Jeff.

20 VICE CHAIR MOYER: Yes, I just  
21 wanted to add to what Gerry said as well. The  
22 petition clearly spelled out all the

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1 alternative products that could be used and  
2 what the pros and cons of those were, so it  
3 gave us an opportunity to weigh that against  
4 this material. And we've heard nothing that  
5 would indicate that there is anything else out  
6 there from either public comment or written  
7 comment that would indicate that petitioner  
8 had left something out deliberately or  
9 accidentally.

10 CHAIRMAN DELGADO: Any other  
11 questions, comments? Tina?

12 MEMBER ELLOR: I don't know if this  
13 is the appropriate time to do this, but should  
14 I recuse myself from this vote?

15 CHAIRMAN DELGADO: I was about to  
16 ask that. If there are no other comments on  
17 the part of the board members? Well, then the  
18 next question for my part would be if there is  
19 any conflict of interest that any of you would  
20 like to declare at this point.

21 Tina.

22 MEMBER ELLOR: I'm a mushroom geek.

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1 I'm married to a mushroom grower, and I live  
2 in the mushroom capital of the world. We  
3 don't use this technology at all, so I don't  
4 feel like there is a conflict.

5 CHAIRMAN DELGADO: Any comments from  
6 the board members?

7 Sorry, we have Joe followed by  
8 Hugh. Yes.

9 MEMBER SMILLIE: No, I have no  
10 comment.

11 CHAIRMAN DELGADO: No comment?  
12 Hugh.

13 MEMBER KARREMAN: I think Dan  
14 pointed out that Tina is a competitor to this,  
15 and you know I just - and she is saying it's  
16 okay to go, so I don't see any reason for her  
17 to recuse herself.

18 CHAIRMAN DELGADO: Kevin.

19 MEMBER ENGELBERT: The only possible  
20 reason might be if you move to this type of  
21 production in the future, Tina.

22 MEMBER ELLOR: And there is really

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1 probably very little possibility of that. But  
2 you know what? Just for safety sake I will  
3 recuse myself.

4 CHAIRMAN DELGADO: You will recuse  
5 yourself? Thank you for that.

6 Joe?

7 MEMBER SMILLIE: Well, I'll make a  
8 specific statement and a general statement.

9 We are a certification agent. We  
10 certify hundreds, possibly thousands of  
11 people, many of whom, some of whom certainly  
12 will use many, almost all of the materials  
13 that we are going to discuss today.

14 So as a general statement I do not  
15 feel that I have a conflict of interest in  
16 voting on cheesewax. I don't even - I don't  
17 know, but I don't think we certify any of  
18 these operations.

19 However, no matter which material  
20 is brought up, we will be certifying someone  
21 who uses these materials. I don't feel we  
22 have a conflict of interest whatsoever, but in

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1 the past there has been some discussion about  
2 whether the certification agent has a conflict  
3 of interest in voting for the use of these  
4 materials.

5 So I would just put it to this  
6 board, I do not feel I have a conflict of  
7 interest, but I would ask the board.

8 CHAIRMAN DELGADO: Board members, do  
9 you feel there is a conflict of interest?

10 (Chorus of Nos.)

11 CHAIRMAN DELGADO: And the chair  
12 coincides.

13 Any other conflict to declare? Are  
14 you ready for the question?

15 The question that's on the motion  
16 to include microcrystalline cheesewax, CAS  
17 number 6474242380090308, and 8002742 as  
18 listed, to be listed on the national list  
19 Section 205.6010, as stated previously before.

20 And I'll start with the voting with  
21 Steve.

22 MEMBER DeMURI: Yes.

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1 CHAIRMAN DELGADO: Julie.  
2 MEMBER WEISMAN: Yes.  
3 CHAIRMAN DELGADO: Dan.  
4 MEMBER GIACOMINI: Abstain.  
5 CHAIRMAN DELGADO: Katrina.  
6 MS. HEINZE: Yes.  
7 CHAIRMAN DELGADO: Jeff.  
8 VICE CHAIR MOYER: Yes.  
9 CHAIRMAN DELGADO: Gerry.  
10 MEMBER DAVIS: Yes.  
11 CHAIRMAN DELGADO: Tina.  
12 MEMBER ELLOR: Recused.  
13 CHAIRMAN DELGADO: Tracy.  
14 MEMBER MIEDEMA: Yes.  
15 CHAIRMAN DELGADO: Joe.  
16 MEMBER SMILLIE: Yes.  
17 CHAIRMAN DELGADO: Barry.  
18 MEMBER FLANN: Yes.  
19 CHAIRMAN DELGADO: Hugh.  
20 MEMBER KARREMAN: Yes.  
21 CHAIRMAN DELGADO: Kevin.  
22 MEMBER ENGELBERT: Yes.

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1 CHAIRMAN DELGADO: Jennifer.

2 MEMBER HALL: Yes.

3 CHAIRMAN DELGADO: And the chair  
4 says, yes.

5 I've asked both our secretary to  
6 keep track of the numbers to make sure that I  
7 don't get things confused. And the verdict  
8 is?

9 VICE CHAIR MOYER: We have 12 yeses,  
10 we have one recusal, and we have one  
11 abstention and one absent.

12 CHAIRMAN DELGADO: The motion is  
13 agreed to.

14 Mr. Davis, back to you.

15 MS. HEINZE: That would be 11 yeses.

16 CHAIRMAN DELGADO: We have one again  
17 - let's make sure we coincide that.

18 MS. HEINZE: There's 14 of you.

19 CHAIRMAN DELGADO: There is 14 of  
20 us. We have one absent. Two abstain.

21 VICE CHAIR MOYER: So we have one  
22 recusal, one abstention, one absent, and 12

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1 yeses.

2 MS. HEINZE: I stand corrected.

3 MEMBER DAVIS: The next material  
4 will be dextrin, and the petition, it was  
5 petitioned for dextrin to be used as a binder  
6 in seed coatings with placement on the  
7 national list to apply to 601(n) as seed  
8 preparations.

9 Now I'll wait for Valerie to put up  
10 - there is one very small change to the  
11 document since yesterday, two places. Under  
12 Section B there, at the first page, Section B,  
13 where it says, substance fails criteria  
14 category, the comments, the words organic  
15 compliant binders have been put in there.  
16 Originally it said nonsynthetic starches, and  
17 we have chosen a more descriptive and a little  
18 broader term in calling them binders, because  
19 we with the secrecy around these seed coatings  
20 that the seed companies protect with their  
21 lives it was not proper to say for sure they  
22 are starches; we don't know that for sure.

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1           So we just went to the generic  
2 term, binders, instead.

3           And that is also that same sentence  
4 is reflected in category two, question seven,  
5 so we changed it there also to say organic  
6 compliant binders rather than nonsynthetic  
7 starches.

8           And that's the only change. The  
9 committee revoted on that this morning, and  
10 the vote actually changes because there were  
11 six of us present, so the committee vote now  
12 stands at zero yes, six no, zero absent.

13           CHAIRMAN DELGADO: Would you like to  
14 make a motion?

15           MEMBER DAVIS: I move that we vote  
16 on this on whether to grant this petition or  
17 not. I'm unfamiliar with the wording I should  
18 use.

19           CHAIRMAN DELGADO: Why don't you  
20 read the petition as it is in the - so you  
21 move to -

22           MEMBER DAVIS: The motion is to

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1 accept dextrin to be used as a binder in seed  
2 coatings with placement on the national list,  
3 section 205.601(n) as seed preparations.

4 CHAIRMAN DELGADO: Is there a  
5 second?

6 MEMBER ENGELBERT: I'll second.

7 CHAIRMAN DELGADO: It is moved and  
8 seconded to add dextrin to be used as a binder  
9 in seed coatings with placement on the  
10 national list, Section 205.601(n) as seed  
11 preparations.

12 Discussion? Questions from the  
13 board?

14 Hearing none, are there any  
15 conflicts of interest to declare?

16 None. Are you ready for the  
17 question?

18 Julie?

19 MEMBER WEISMAN: No.

20 CHAIRMAN DELGADO: I'm asking if you  
21 have any comments? You have no comments.

22 I'll put the question. The

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1 question is on the motion to accept dextrin to  
2 be used as a binder in seed coatings with  
3 placement on the national list, Section  
4 205.601(n) as seed preparation.

5 And we will start with the vote,  
6 and this time, Julie.

7 MEMBER WEISMAN: No.

8 CHAIRMAN DELGADO: Dan.

9 MEMBER GIACOMINI: No.

10 CHAIRMAN DELGADO: Katrina.

11 MS. HEINZE: No.

12 CHAIRMAN DELGADO: Jeff.

13 VICE CHAIR MOYER: No.

14 CHAIRMAN DELGADO: Gerry?

15 MEMBER DAVIS: No.

16 CHAIRMAN DELGADO: Tina.

17 MEMBER ELLOR: No.

18 CHAIRMAN DELGADO: Tracy.

19 MEMBER MIEDEMA: No.

20 CHAIRMAN DELGADO: Joe.

21 MEMBER SMILLIE: No.

22 CHAIRMAN DELGADO: Barry.

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1 MEMBER FLANN: No.

2 CHAIRMAN DELGADO: Hugh.

3 MEMBER KARREMAN: No.

4 CHAIRMAN DELGADO: Kevin.

5 MEMBER ENGELBERT: No.

6 CHAIRMAN DELGADO: Jennifer.

7 MEMBER HALL: No.

8 CHAIRMAN DELGADO: And the chair  
9 says no.

10 Sorry, Steve.

11 MEMBER DeMURI: No.

12 CHAIRMAN DELGADO: I have to change  
13 my symbols.

14 In the meantime, Mr. Vice Chair,  
15 can you please tell us?

16 VICE CHAIR MOYER: The vote is 14  
17 nos, one absent.

18 CHAIRMAN DELGADO: The motion to  
19 list dextrin to be used as a binder in seed  
20 coatings and listed in Section 205.601(n) is  
21 not approved, is lost.

22 Back to you, Mr. Davis.

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1                   MEMBER DAVIS: Our last petition  
2 material is tetracycline, specifically oxy-  
3 tetracycline hydrochloride. There has been  
4 written comment and verbal comment from the  
5 petition requesting to change the motion,  
6 change the request or petition. So we have  
7 changed the wording from yesterday's  
8 presentation. We have dropped the reference  
9 to, for use in peaches and nectarines, by  
10 their request, the petitioner's request, and  
11 have changed it to "petitioner is to add  
12 tetracycline, oxy-tetracycline, hydrochloride  
13 for fire blight control only on the national  
14 list 205.601(I)," I believe -- is that "I" or  
15 "j"? It's "I", okay.

16                   I wanted to read the -- can you  
17 move that up a bit so I can see it?

18                   The committee originally voted as  
19 we explained yesterday to - voted no, and -  
20 but there has been additional wording added to  
21 clarify some of the - our position and some of  
22 the - and also reflecting changing the peaches

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1 and nectarine part of it. So I'll read those.

2           The substance still fails category  
3 two and three. The material only marginally  
4 satisfies criteria number one. It fails  
5 criteria number two, since other organically  
6 compliant disease control options exist.  
7 Herein apple growers exporting to Europe,  
8 where antibiotics are not allowed, are already  
9 achieving some measure of fire blight control  
10 without the material.

11           It also fails criteria number three  
12 on compatibility with public perception that  
13 antibiotics are not used in organic  
14 production, and on consistency within the NOP  
15 regulations that do not allow antibiotic use  
16 in any other section of the rule.

17           The committee views this  
18 incompatibility and inconsistency with organic  
19 farming principles as potentially damaging to  
20 the reputation of the organic label overall.

21           It is the intention of the  
22 committee to recommend allowing tetracycline

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1 and streptomycin to sunset for the national  
2 list in October of 2012. Adding this form of  
3 tetracycline to the list at this time would be  
4 counterproductive to that goal by extending  
5 this date even later than that October - the  
6 2012 date.

7 As part of the petitioner's written  
8 comment to remove the peaches and nectarine  
9 crops from their petition, they also stated  
10 that they were willing to accept rather than  
11 adding their particular form of this material,  
12 to the list for a full five years they were  
13 willing to accept that it be coincided with  
14 the existing tetracycline calcium form that is  
15 already on the list that will sunset in 2012.

16 They stated that they are willing to let  
17 their material be added and coincided with  
18 that expiration date.

19 The original TAP that was done for  
20 the oxy-tetracycline calcium material that is  
21 already on the list does cover oxy-  
22 tetracycline hydrochlorite in it. It touches

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1 on it, explains it as a related compound,  
2 explains that the EPA considers - regulates  
3 them the same, considers them as similar  
4 compounds, and so we noted that, and that's  
5 why we felt that a new TAP was not needed for  
6 this material.

7 And I'm saying this in response to  
8 several public comments that said, you know, a  
9 TAP was necessary for this particular  
10 material, because it has a separate CAS  
11 number. We just wanted to point out that the  
12 original TAP for the calcium form of the  
13 material does include the hydrochloride in  
14 several references.

15 But the committee agreed this  
16 morning in discussing this new development  
17 from the petitioner, their written statement,  
18 because of the complexity of the issue and the  
19 situation we felt it would be improper to  
20 proceed forward with a vote on this material  
21 until we can take it back to review this new  
22 information, mainly regarding their change in

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1 what their petition is.

2 It was significant enough in what  
3 they are proposing that we want to review it  
4 as new information, and we are going to defer  
5 this material to the fall meeting.

6 CHAIRMAN DELGADO: Very good. Any  
7 questions from the board? Joe.

8 MEMBER SMILLIE: That's good. I  
9 think that that is a wise decision. I don't  
10 know, do we have the power - once we grant it,  
11 doesn't it get the full five years? Do we  
12 have the ability to say, we can add this to  
13 our current material?

14 CHAIRMAN DELGADO: Yes, we do have  
15 the authority to add a notation specifying the  
16 expiration dates and the intent like expressed  
17 before.

18 Hugh?

19 MEMBER KARREMAN: I agree, it's very  
20 good that you are going to defer this. And I  
21 would say, it really leaves us in a quandary.

22 But to avoid the extension of sunseting

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1 time, maybe the committee should consider the  
2 listing of the oxy-tetracycline calcium and  
3 remove that calcium part of that, so it's just  
4 oxy-tetracycline so this petitioner is not -  
5 so you can get to where he wants to be to just  
6 be included in the sunset time of the existing  
7 oxy-tetracycline calcium, but if you take the  
8 calcium word out of that, then you know it  
9 would still sunset in three years or whatever  
10 it was since -

11 MEMBER DAVIS: I think that probably  
12 would require a petition though to make that  
13 correction on the calcium form, if I  
14 understand the regulations correctly.

15 CHAIRMAN DELGADO: We have comments  
16 from Katrina.

17 MS. HEINZE: I agree with Hugh, and  
18 was going to build on that to encourage you to  
19 perhaps get some perspective from the program  
20 on what our options within the regulation  
21 might be -

22 MEMBER DAVIS: For what aspect of

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1 this?

2 MS. HEINZE: All the aspects. I am  
3 troubled by having a listing that is a  
4 competitive disadvantage for a company, but  
5 yet do not want to do something that ends up  
6 extending the use of the antibiotics. I think  
7 it is complicated enough that maybe getting  
8 some help on how we could accomplish those two  
9 goals, which today seems seemingly at odds,  
10 might be helpful.

11 MEMBER DAVIS: Right, and believe  
12 me, we did consult with the program staff  
13 extensively over the last 24 hours about this,  
14 in response to the new developments. But we  
15 felt it was inappropriate to vote on this  
16 until we sort this out a little better.

17 MS. HEINZE: I agree. It will take  
18 everyone some more time to think about it.

19 MEMBER DAVIS: Yes.

20 CHAIRMAN DELGADO: And I concur.  
21 It's a wise idea to defer that if the time is  
22 needed to think about it.

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1                   Back to you again, Mr. Davis, you  
2 still have items which sunset?

3                   MEMBER DAVIS: The next materials  
4 item is the reaffirmation of the sunset 2008  
5 materials. Excuse me a minute.

6                   As explained yesterday this is to  
7 reaffirm that we analyzed the public comment  
8 that came in after the vote at the November  
9 2007 NOSB meeting. And we analyzed that  
10 information, and felt that it did not change  
11 the status of the vote on any of these  
12 materials.

13                   So I move that we accept this  
14 recommendation.

15                   CHAIRMAN DELGADO: Can you just  
16 state that more clearly? You are moving to  
17 accept this document as proof of reaffirmation  
18 of the voting; is that the case?

19                   MEMBER DAVIS: That is the case.

20                   CHAIRMAN DELGADO: Okay, do we have  
21 a second?

22                   VICE CHAIR MOYER: I'll second that

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1 motion.

2 CHAIRMAN DELGADO: It is moved and  
3 seconded to accept a document presented by the  
4 chair of the crops committee as reaffirmation  
5 of the decisions taken in the fall meeting of  
6 2007 with regards to the materials listed in  
7 the document.

8 Discussion?

9 MEMBER KARREMAN: I guess I wasn't  
10 keeping up on these particular materials, I  
11 apologize. But why is there a reaffirmation  
12 of something?

13 MEMBER DAVIS: Because of an ANPR  
14 that was announced and public comment period  
15 that was put out by the program concerning  
16 these materials. I don't fully understand how  
17 it came in after the meeting, so I can't  
18 really explain that.

19 CHAIRMAN DELGADO: We have - Julie,  
20 can you clarify the point?

21 MEMBER WEISMAN: Yes, because we  
22 have handling materials that are in the same

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1 situation. There was an inconsistency in how  
2 the sunset of these materials were originally  
3 publicized, and so at the time that we came to  
4 the meeting people - there was no public  
5 comment because they had not been publicized  
6 in the way the community is used to looking  
7 for them.

8 And for good order's sake although  
9 we did get public comments at the meeting on  
10 all of these materials, but for good order's  
11 sake - an ANPR that was put out in the more  
12 consistent format was published in the Federal  
13 Register, I think in late December, and the  
14 comment period closed in January.

15 So it was important to reaffirm the  
16 votes at the fall meeting in light of public  
17 comment that was received subsequently, and  
18 certainly in your case, and we'll get to mine  
19 later, the handling later, in the case of the  
20 crops material there was no public comment  
21 that contradicted or was anything contrary to  
22 what the board had already decided.

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1 CHAIRMAN DELGADO: Right. And thank  
2 you Julie for explaining that. I didn't feel  
3 like I could articulate that; you did a much  
4 better job. Thank you.

5 Hugh, you have a follow up  
6 question?

7 Kevin?

8 MEMBER ENGELBERT: Yes, you'd be  
9 going through these items one by one, Gerry?

10 MEMBER DAVIS: To list, to state  
11 them? No, perhaps I should read them all as a  
12 group for the public record.

13 The motion is to reaffirm that the  
14 public comment received after the original  
15 November, 2007 vote on these materials, did  
16 nothing to change -

17 CHAIRMAN DELGADO: Excuse me, you  
18 are just clarifying your motion? You just  
19 made one. Please, read those materials. You  
20 already read the motion. Point of order,  
21 please.

22 MS. HEINZE: I believe my

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1 understanding is - someone more expert than I  
2 will have to clarify - that if we change -  
3 right, we can't change the wording of the  
4 motion, right?

5 So -

6 CHAIRMAN DELGADO: Let's go -

7 MS. HEINZE: And I don't actually  
8 have the wording of the original motion.

9 (Laughter.)

10 CHAIRMAN DELGADO: That's a good  
11 point.

12 MS. HEINZE: So my recommendation  
13 would be that we take a sec to think about  
14 what the wording should be. Then he could  
15 offer a friendly change if his second accepts  
16 it; then we're fine, we can proceed. But  
17 let's make sure we get the wording right, and  
18 if you could go very slowly so I can type it,  
19 thank you.

20 CHAIRMAN DELGADO: You hit the nail  
21 on the head. We do need to amend that motion,  
22 and I believe that is coming now, Mr. Davis.

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1           There is clarification from our  
2 parliamentarian, in-house parliamentarian.

3           MEMBER GIACOMINI: Yes, just a  
4 question to the program. Since this is sort  
5 of a facilitation of your paperwork, do you  
6 want each individual item in the motion, or  
7 just a reference to the items that were  
8 petitioned and voted on at meeting X, or  
9 sunsetted, voted for sunset on meeting X?

10          CHAIRMAN DELGADO: Kevin, go ahead.

11          MEMBER ENGELBERT: And the reason  
12 being is that these items were anonymously  
13 approved at the last meeting, so we need to  
14 know if that needs to be clarified with votes  
15 now, or whether we can still just blanketly do  
16 this procedure without listing each of these  
17 individually and doing a revote is basically  
18 what we are trying to figure out.

19          CHAIRMAN DELGADO: Just to clarify,  
20 this is a reaffirmation. The committee is  
21 coming back to us saying that the public  
22 comment did not warrant any substantial

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1 changes, so there shouldn't be any changes to  
2 the ultimate vote. And that is what the whole  
3 purpose of this is.

4 The program has a comment, though?

5 Do we need - the question was, do we need to  
6 itemize the list of -

7 MR. MATTHEWS: No. What you are  
8 simply doing is that you are saying, as Gerald  
9 has already said, is that in light of  
10 additional comments that came in we have  
11 determined that there is no change to the  
12 voting from last November, and the voting  
13 stands.

14 CHAIRMAN DELGADO: And just to make  
15 it clear, we'll ask the chair to restate that  
16 motion and I know we are suspending some of  
17 the traditional rules. I apologize to the  
18 parliamentarian. But we need clarification,  
19 and if you list the names then we'll have the  
20 second accept that motion.

21 MEMBER DAVIS: The motion is to  
22 reaffirm that in light of public comment

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1 received after the November, 2007 sunset  
2 voting on these five materials, that the  
3 public comment does not warrant any changes in  
4 the original vote from the November, 2007.

5 CHAIRMAN DELGADO: And can you list  
6 the materials, please?

7 MEMBER DAVIS: The materials are  
8 copper sulfate; ozone gas; peracetic acid; EPA  
9 list three inerts for us in passive pheromone  
10 dispensers; and calcium chloride.

11 CHAIRMAN DELGADO: And it was  
12 seconded by -

13 VICE CHAIR MOYER: I'll second that  
14 motion.

15 CHAIRMAN DELGADO: You second? It  
16 is moved and seconded to reaffirm the votes  
17 for copper sulfate - I'm not going to read it  
18 as stated.

19 MS. HEINZE: It is to reaffirm that  
20 in light of public comment received after  
21 November 7, November of 2007 voting on these  
22 five materials public comment does not warrant

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1 - and I lost it after that - a review of the  
2 votes.

3 CHAIRMAN DELGADO: Does not warrant  
4 a review of the votes; is that right? A  
5 change in the votes?

6 MS. HEINZE: Now we all know how  
7 fast I type, so when you do your motions bear  
8 that in mind, please.

9 CHAIRMAN DELGADO: So in summarizing  
10 once again, it's reaffirmation for these five  
11 materials as previously mentioned by the  
12 chair, and confirmed by the secretary.

13 Questions? Discussion on the part  
14 of the board?

15 Ready for the question?

16 Mr. Matthews.

17 MR. MATTHEWS: I have good news.  
18 This won't happen again next time, because the  
19 2011 ANPR is already out and the comments have  
20 already been received, so we won't have this  
21 confusion the next go round.

22 CHAIRMAN DELGADO: That is in the

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1 record.

2 I'll put the question. The  
3 question is on the motion to accept the  
4 reaffirmation as stated by the chair for the  
5 materials, and I won't read the whole motion,  
6 I'll just mentioned the materials: copper  
7 sulfate; ozone gas; peracetic acid; EPA listed  
8 inerts, calcium chloride would be listed and  
9 sections 205.601, and for the case of calcium  
10 chloride, 205.602, and the vote is not  
11 changed.

12 And I'll start by taking the vote  
13 from Dan.

14 MEMBER GIACOMINI: Yes.

15 CHAIRMAN DELGADO: Katrina.

16 MS. HEINZE: Yes.

17 CHAIRMAN DELGADO: Jeff.

18 VICE CHAIR MOYER: Yes.

19 CHAIRMAN DELGADO: Gerry.

20 MEMBER DAVIS: Yes.

21 CHAIRMAN DELGADO: Tina.

22 MEMBER ELLOR: Yes.

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1 CHAIRMAN DELGADO: Tracy.

2 MEMBER MIEDEMA: Yes.

3 CHAIRMAN DELGADO: Joe.

4 MEMBER SMILLIE: Yes.

5 CHAIRMAN DELGADO: Barry.

6 MEMBER FLANN: More than a yes or  
7 no, I was not a member at the time of the  
8 original vote, and I abstained in committee,  
9 so I planned to abstain on this vote, but the  
10 way the motion is worded it leaves me a little  
11 bit in doubt.

12 But I'll abstain.

13 CHAIRMAN DELGADO: Yes, it is the  
14 proper way. You abstain. Kevin - Hugh,  
15 sorry.

16 MEMBER KARREMAN: Yes.

17 CHAIRMAN DELGADO: Kevin.

18 MEMBER ENGELBERT: Yes.

19 CHAIRMAN DELGADO: Jennifer.

20 MEMBER HALL: Yes.

21 CHAIRMAN DELGADO: Steve.

22 MEMBER DeMURI: Yes.

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1 CHAIRMAN DELGADO: Julie.

2 MEMBER WEISMAN: Yes.

3 CHAIRMAN DELGADO: And the chair  
4 says yes.

5 Mr. Vice Chair.

6 VICE CHAIR MOYER: We have 13 yeses,  
7 one abstention, and one absent.

8 CHAIRMAN DELGADO: The motion is  
9 approved. And we are back to you, Mr. Davis.

10 JOINT CROPS & LIVESTOCK COMMITTEE

11 MEMBER DAVIS: The next item is a  
12 joint crops and livestock committee item on  
13 aquatic plants.

14 MEMBER WEISMAN: Rigo, could you  
15 address my question I brought up to you?

16 CHAIRMAN DELGADO: The question you  
17 brought up?

18 MEMBER WEISMAN: Regarding the  
19 committee deferring on tetracycline.

20 CHAIRMAN DELGADO: Clarification on  
21 deferrals, we do not need to vote on whether  
22 to defer a material. It is considered, the

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1 question still, at the committee level and it  
2 is committee, so we do not need to vote on it.

3 It has not been brought forward to the board.

4 Any other questions in that  
5 respect? Okay, you may proceed, Mr. Davis.

6 MEMBER DAVIS: With that  
7 presentation will be the crops vice chair,  
8 Jeff Moyer.

9 CHAIRMAN DELGADO: Jeff.

10 VICE CHAIR MOYER: Thank you, Mr.  
11 Davis.

12 In regards to the aquatic  
13 aquaculture - I mean aquatic plants, in  
14 organic aquaculture, our proposal is to move  
15 forward with the document as read. I'm hoping  
16 I don't have to read it in its entirety. It  
17 is quite lengthy.

18 But the title is, recommendation to  
19 provide clarity to the issue of farmed aquatic  
20 plants in organic aquaculture, April 4<sup>th</sup>, 2008,  
21 with intention to provide clarity.

22 Again in summation, we are saying

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1 that farmed aquatic plants need to follow all  
2 the rules and regulations in the rule Section  
3 205.200 up to and including 205.207, with the  
4 exceptions as listed here, and I'll make note  
5 to those.

6 In Section A, aquatic plants may be  
7 grown in closed containment, organic systems  
8 provided. We listed one, two, three and four  
9 specific areas as we talked about it  
10 yesterday.

11 Under item four we have two other  
12 classifications, mainly talking about water  
13 discharge standards.

14 Item five talks about manure made  
15 from terrestrial animals and the composting  
16 process.

17 And then Section B talks about  
18 aquatic plants grown in open water systems.  
19 One word change that we might want to consider  
20 as a board, and it would have to be made as an  
21 amendment I believe, from the floor yesterday  
22 the comment came I believe that what we should

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1 do is change the wording that says that,  
2 comma, manure from terrestrial animals, to  
3 include manure or compost. That was mentioned  
4 from the floor.

5 Other than that after further  
6 discussion the committee's recommendation  
7 stands as presented yesterday.

8 CHAIRMAN DELGADO: Are you making a  
9 motion? And if so are you actually including  
10 that change?

11 VICE CHAIR MOYER: I turn it back  
12 over to the chair to make that motion.

13 MEMBER DAVIS: I would offer a  
14 friendly amendment.

15 CHAIRMAN DELGADO: You have to state  
16 a motion first. You can motion to accept this  
17 document with the changes that he proposed.

18 MEMBER DAVIS: Okay, I move that we  
19 accept this document with the one change being  
20 that in Section 5B, and number one, that  
21 manure or compost from terrestrial - wow, I'm  
22 stuck.

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1                   MEMBER GIACOMINI: In any form, I am  
2 comfortable with the language in the document.  
3       We have it in the historical record, in the  
4 transcript of this meeting. The full intent  
5 is manure and composted manure. Does anyone  
6 in the program imagine that that would cause a  
7 problem in the future, that somebody will be  
8 putting compost in the ocean? No comment?

9                   CHAIRMAN DELGADO: No comment. So  
10 you are saying you would be comfortable if we  
11 do not mess with - so back to you, Gerry.  
12 Perhaps you want to abstain from including  
13 that change?

14                  MEMBER DAVIS: Yes, I'll abstain.

15                  CHAIRMAN DELGADO: Very good. So we  
16 have a comment from Tina?

17                  MEMBER ELLOR: I would actually like  
18 to see that change, and I am willing to motion  
19 that.

20                  CHAIRMAN DELGADO: In that case you  
21 will have a motion to amend, and we should go  
22 back to the chair to state the motion. We do

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1 not have a motion yet. That's what I'm  
2 looking for.

3 MEMBER ELLOR: Okay.

4 CHAIRMAN DELGADO: So Gerry?

5 MEMBER DAVIS: Gene has helped me  
6 clarify a good way to do it.

7 The sentence, I move that the  
8 document be voted on as it stands with one  
9 change that in that section five - no it's not  
10 section five, excuse me, it's Section B, item  
11 number one, excuse me, the sentence should  
12 read that manure or composted manure from  
13 terrestrial animals in any form may not be  
14 used to fertilize open water aquatic plants.

15 CHAIRMAN DELGADO: is there a  
16 second?

17 VICE CHAIR MOYER: I will second  
18 that motion.

19 CHAIRMAN DELGADO: It is moved and  
20 seconded to set the recommendation on farm  
21 aquatic plants in organic aquaculture as  
22 summarized by the chair. The document is a

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1 result of a Joint Crops & Livestock Committees  
2 and it is dated April 4, 2008.

3 Questions from the board. Julie?

4 MEMBER WEISMAN: I would like to  
5 hear Tina's concerns that led her to want that  
6 compost added.

7 CHAIRMAN DELGADO: Tina.

8 MEMBER ELLOR: I spend a lot of time  
9 going around to school children talking about  
10 mushrooms and mushroom compost, and they say,  
11 don't those things grow on poop. I think that  
12 manure and compost are different, and some  
13 people do interpret it that way. So I'd  
14 rather have them both listed there.

15 CHAIRMAN DELGADO: Joe.

16 MEMBER SMILLIE: I have no  
17 disagreements with the document the way it is.

18 But I really am very uncomfortable with the B  
19 section, because it seems to imply - it  
20 implies to me that the only thing preventing  
21 you from doing aquatic plants in the open  
22 water in organic systems other than the rule

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1 as it now says is this well worded point.

2 I think there are many other  
3 points. I don't think it's an inclusive  
4 document of all the conditions that should be  
5 there and beyond the regulation that we are  
6 currently working with.

7 And I believe that there are ocean  
8 organic aquatic systems that need a lot more  
9 guidance than simply you can't put manure in.

10 And again the examples I used  
11 yesterday aren't covered in this. Nori  
12 farming is a reality. I'm sure there are  
13 others that I'm not as familiar with.

14 But it's just not inclusive enough,  
15 and thereby it could imply that all you got to  
16 do is follow the reg as it exists, which is a  
17 terrestrial reg, and follow that rule and you  
18 are good to go. And I believe that there are  
19 a lot of other factors.

20 We have addressed those factors in  
21 the wild harvest section of the rule. The  
22 mapping, contamination, the - and so for wild

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1 harvested aquatic plants I think we've got an  
2 adequate reg.

3 For organic aquaculture systems for  
4 aquatic plants I don't believe this is  
5 adequate. There is nothing wrong with it, but  
6 I don't think it's adequate, and hence it can  
7 lead to a misconception that that's all there  
8 is, and that's my - that's why I'm  
9 uncomfortable with this document.

10 CHAIRMAN DELGADO: Jeff.

11 VICE CHAIR MOYER: Yes, I think the  
12 committee understands and sympathizes with  
13 your concerns, because they were concerns that  
14 were voiced at the committee.

15 At this particular time we are  
16 considering this document a living dynamic  
17 document which can be amended and added to in  
18 the future as particular issues come to bear.

19 We were trying to address most  
20 specifically issues related to closed  
21 containment systems because those are at the  
22 forefront of what seems to be happening aside

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1 from the few cases you mentioned.

2 The committee also felt fairly  
3 strongly that the sections 200 through 207 of  
4 the terrestrial code was a good start from  
5 which to build on, and we were mainly  
6 addressing the newer issues which in a - even  
7 in the containment system which in an open  
8 water system really are not an issue.

9 I do think there are other things  
10 that we could possibly consider down the road  
11 as those issues come up, and we are prepared  
12 to do that.

13 CHAIRMAN DELGADO: Julie.

14 MEMBER WEISMAN: With regard to  
15 Joe's concern, since this is I believe the  
16 only section of the recommendation that even  
17 makes any reference to open water aquatic  
18 systems, would it address Joe's what I think  
19 are very valid concerns, which is basically  
20 there is a whole standard for open water that  
21 has not been clarified.

22 Could this recommendation be

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1 restated to apply to aquatic plants in closed  
2 containment organic aquaculture? And then  
3 leave this last B off?

4 CHAIRMAN DELGADO: You do have the  
5 option to amend, place a motion to amend by  
6 striking. But we want to hear from Jeff.

7 VICE CHAIR MOYER: As part of the  
8 committee that pulled that together, I would  
9 be reluctant to strike it completely mainly  
10 from the fact that it detracts from the  
11 position that we recognize this as a situation  
12 that either is occurring or could occur, and  
13 that we want to document here specifically at  
14 least for the manure and compost to say that  
15 that is not allowed in open water.

16 Open water could entail possibly  
17 rivers; it's not necessarily just oceans, but  
18 somewhere where water is moving continuously  
19 through the system, we want to make sure that  
20 nobody feels that they are allowed to apply  
21 manure or compost. This is really, when you  
22 read the document carefully, it's mainly about

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1 manure and compost throughout the process, and  
2 it would be handled differently in the open  
3 water. We do not want any open water  
4 applications, or perception that we are  
5 thinking it could allow that in open waters.

6 CHAIRMAN DELGADO: Is that clear?  
7 Julie?

8 MEMBER WEISMAN: Okay, so alternate  
9 to what I said could we add some language to  
10 be that acknowledges that there is not a  
11 complete standard written yet, but that such a  
12 standard has to include this language,  
13 something like that.

14 CHAIRMAN DELGADO: Would you like to  
15 make a motion for that?

16 MEMBER WEISMAN: I need help with  
17 the wording.

18 CHAIRMAN DELGADO: Dan might come in  
19 for help.

20 MEMBER GIACOMINI: Well, I just  
21 would like to go back to what Jeff just said.

22 This is a recommendation. It goes on the

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1 program's docket for work. It's unlikely that  
2 it will reach the top of that pile on  
3 someone's desk before we have a chance to deal  
4 with that next issue.

5 And is it necessary, since it's not  
6 a complete section, is it necessary to put it  
7 in? Because it doesn't become regulation  
8 until they put it into the reg.

9 CHAIRMAN DELGADO: Joe, followed by  
10 Julie.

11 MEMBER SMILLIE: I recognize that  
12 reality, and I would think that if you can buy  
13 me off by putting it on your work plan to  
14 further develop the open water portions of  
15 this.

16 CHAIRMAN DELGADO: Julie.

17 MEMBER WEISMAN: And I would be more  
18 comfortable if there was some way to make  
19 clear that this statement should not be  
20 interpreted as an allowance or an  
21 acknowledgment that - I guess I would like to  
22 hear from my fellow board members whether they

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1 feel that this statement, they feel that this  
2 statement the way it exists now could be  
3 misinterpreted as the - what - the only  
4 criteria that has to be met by ocean water  
5 aquiculture.

6 CHAIRMAN DELGADO: Okay, any  
7 comments to Julie? In that respect, Kevin?

8 MEMBER ENGELBERT: The concerns that  
9 were raised were ones that I had in committee,  
10 but was convinced that we could go forward.  
11 But as I think more, I'm not sure but what we  
12 should simply drop B, or state that there are  
13 further rules for open water aquatic plants  
14 forthcoming.

15 I'm still - becoming more and more  
16 uncomfortable with this listing now.

17 CHAIRMAN DELGADO: Tina.

18 MEMBER ELLOR: But if you read up,  
19 it's not the only stipulation. There are  
20 still all of the 205.200 - 00205.207, so you  
21 know, all of that is included as well, right?

22 CHAIRMAN DELGADO: Jeff?

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1                   VICE CHAIR MOYER: Yes, that's  
2 correct, Tina. We drug all of the terrestrial  
3 requirements, everyone of them in their  
4 entirety, into this document, but we wanted to  
5 make certain that there is a distinction  
6 between closed containment systems and open  
7 water systems in their ability to use compost  
8 and manure as a fertilizer substance, because  
9 that is allowed in the terrestrial system.

10                   And we wanted to clarify that, and  
11 distinguish those areas, mainly because these  
12 aquatic plant production systems are moving  
13 forward. We do not want them to use -  
14 dissolve mineral fertilizers. I mean compost  
15 is the best way to fertilize these ponds, and  
16 we want to give those folks as quickly as  
17 possible the opportunity to do that.

18                   Now I have no idea, we haven't  
19 discussed with the program, how fast this  
20 rulemaking, or this recommendation will  
21 surface to the top of their respective piles,  
22 but we didn't want to be holding back the

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1 ability for people to fertilize ponds using  
2 composted terrestrial manures, and at the same  
3 time we wanted to make sure that if they did  
4 use those composted terrestrial manures, that  
5 through the harvesting process it did not give  
6 them the ability, much like what happens with  
7 some of the conventional operations, it gives  
8 them the opportunity to flush their systems  
9 into the existing waterway.

10 So we are trying to head off at the  
11 pass some environmental issues that could take  
12 place rather shortly. Open water systems are  
13 different, and so manure is the big issue that  
14 we are dealing with in this particular  
15 regulation. There are no other real things  
16 that - in an effort to buy off Joe, we will go  
17 back and look at those other things.

18 CHAIRMAN DELGADO: Julie.

19 MEMBER WEISMAN: So is it the fact  
20 that I just was not aware that these concerns  
21 are addressed in other parts of the rule as  
22 Katrina mentioned, is that what I'm hearing?

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1 I mean, I'm sorry, Tina.

2 CHAIRMAN DELGADO: Jeff.

3 VICE CHAIR MOYER: I personally  
4 believe that that is correct, that those  
5 things are covered. If you look at even the  
6 containment systems there are - may be other  
7 issues that come up in the future that aren't  
8 covered in this document. But we think we  
9 have covered our bases, because they are  
10 covered in the terrestrial system.

11 CHAIRMAN DELGADO: Any other  
12 questions? Kevin?

13 MEMBER ENGELBERT: For the board's  
14 benefit, let me read 205.207, which is  
15 included in this recommendation, wild crop  
16 harvesting practice standard.

17 A, wild crop that is intended to be  
18 sold, labeled, or represented as organic must  
19 be harvested from a designated area that has  
20 had no prohibited substances set forth in  
21 205.105 applied to it for a period of three  
22 years immediately preceding the harvesting of

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1 the wild crop.

2 B, a wild crop must be harvested in  
3 a manner that ensures that such harvesting or  
4 gathering will not be destructive to the  
5 environment, and will sustain the growth and  
6 production of the wild crop.

7 So we think that covers it.

8 CHAIRMAN DELGADO: Tina.

9 MEMBER ELLOR: It's section 200  
10 through 207, not just 207.

11 CHAIRMAN DELGADO: Joe.

12 MEMBER SMILLIE: Again, I'm  
13 satisfied if we continue to work on them, I  
14 really am. And I think we can get a task  
15 force together - that's the wrong word - a  
16 working group together to help us with this  
17 with some experts and put some language in  
18 place.

19 207 is specific to wild crops;  
20 that's what it says, and that's what it means,  
21 wild crops. We are not talking about wild  
22 crops.

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1                   CHAIRMAN    DELGADO:    Any    other  
2    questions?   Jeff?

3                   VICE CHAIR MOYER:  The point we're  
4    making, if you look at the statement we made  
5    under 205.258 we said that you have to include  
6    all of those rules into a farm system as well.  
7    I mean I think that's the way we intended  
8    this to read.

9                   So even though it refers to wild  
10   crops here we are dragging that into the  
11   aquatic rule as well, and those stipulations  
12   would through that statement then apply to all  
13   of the farmed aquatic species as well, whether  
14   they are open water or closed containment,  
15   which would mean ponds, raceways, streams,  
16   rivers - we tried to cover every body of water  
17   we could.

18                  CHAIRMAN    DELGADO:    Any    other  
19    questions?   Gerry?

20                  MEMBER DAVIS:  Joe, on the problem  
21    phrase that you were struggling with, would it  
22    help in your mind if it were worded

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1 differently, such as manure or composted  
2 manure from terrestrial animals may not be  
3 used to fertilize open water aquatic plants,  
4 and leave out that part where it starts with,  
5 aquatic plants may be grown in open water  
6 organic systems provided that. Does that make  
7 it seem less like we've left out all the other  
8 parts, and all we are addressing is the manure  
9 and composted manure?

10 CHAIRMAN DELGADO: Joe.

11 MEMBER SMILLIE: It does. I think  
12 that from that particular point of view, it  
13 does help.

14 MEMBER DAVIS: It becomes less - you  
15 take away the title, then it just deals with  
16 manure and compost.

17 Again, I'm more than happy as long  
18 as we pursue this topic and add some more  
19 detail to it.

20 CHAIRMAN DELGADO: Gerry, do you  
21 want to make a motion?

22 MEMBER DAVIS: Yes, I'd like to - is

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1 that a motion or an amendment?

2 CHAIRMAN DELGADO: You would have to  
3 make a motion to amend.

4 MS. HEINZE: Wait, wait.

5 CHAIRMAN DELGADO: We have a  
6 correction here. Are you ready?

7 MS. HEINZE: Yes.

8 MEMBER DAVIS: I would like to move  
9 that we amend the wording in section B1 -  
10 actually that we would strike the line that is  
11 titled item B, aquatic plants may be grown in  
12 open water organic systems provided that, we  
13 would strike all of that, and the new line  
14 delineated as number B would read: Manure from  
15 terrestrial animals - excuse me, manure or  
16 composted manure from terrestrial animals may  
17 not be used to fertilize open water aquatic  
18 plants.

19 CHAIRMAN DELGADO: Okay, you made  
20 the original motion, and we would like to hear  
21 from the second, do you agree with that?

22 VICE CHAIR MOYER: I do not accept

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1 that motion.

2 CHAIRMAN DELGADO: Okay, we need a  
3 second to that amendment.

4 MEMBER GIACOMINI: Before a second,  
5 Gerald, would you consider on that motion  
6 renaming that double I rather than B?

7 VICE CHAIR MOYER: That won't work.  
8 That will not work.

9 CHAIRMAN DELGADO: Let's wait for a  
10 report from Gerry, and then we will proceed  
11 with clarifications.

12 The motion is stated.

13 MEMBER DAVIS: The motion is to  
14 change the wording to read for item B to be,  
15 manure or composted manure from terrestrial  
16 animals may not be used to fertilize open  
17 water aquatic plants.

18 CHAIRMAN DELGADO: That's your  
19 motion.

20 Do we have a second for that?

21 MEMBER FLANN: I'll second.

22 CHAIRMAN DELGADO: There is a

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1 second. Okay, it is moved and seconded to  
2 amend by striking point B of the  
3 recommendation on farmed aquatic plants in  
4 organic aquaculture and replace that with,  
5 manure or composted manure from terrestrial  
6 animals may not be used to fertilize open  
7 water aquatic plants.

8 That will replace point B.

9 Discussion? Jeff, followed by Dan  
10 and then Julie.

11 VICE CHAIR MOYER: Yes, the reason I  
12 wouldn't accept that motion, if you look at  
13 what Point A is, it specifically talks about  
14 plants grown in closed containment system.  
15 And if you get rid of B, then you no longer  
16 have a separate category for open water  
17 systems which is a category that I feel we  
18 need to retain.

19 We also need to retain it in the  
20 format that it is. If you want to change the  
21 sentence so that it opens the door for  
22 possibilities of more numbers to come under

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1 there, I'm all in favor of that. That door  
2 remains open as well for closed containment  
3 systems.

4 Again, this document was designed  
5 or written to discuss manure and compost  
6 applications in these systems. And if there  
7 are other pieces of information that need to  
8 be included in the exceptions as listed in  
9 either closed containment systems or open  
10 water systems I would like to see provisions  
11 left open for that to be done.

12 CHAIRMAN DELGADO: Dan.

13 MEMBER GIACOMINI: Clarification of  
14 Gerry's motion. As Rigo read it, I'm not sure  
15 how Katrina typed it, did you intend to delete  
16 "in any form"?

17 MEMBER DAVIS: Yes.

18 MEMBER GIACOMINI: You deleted "in  
19 any form?"

20 MEMBER DAVIS: Yes.

21 CHAIRMAN DELGADO: Katrina?

22 MS. HEINZE: I don't believe in your

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1 original motion you deleted "in any form."

2 CHAIRMAN DELGADO: The amendment.

3 MS. HEINZE: Yes, way back at the  
4 beginning. Didn't we just add composted  
5 manure? I don't think we deleted "in any  
6 form."

7 CHAIRMAN DELGADO: In the motion  
8 that he's making now.

9 MS. HEINZE: Right, so my question  
10 is, are we rewording it now to get rid of "in  
11 any form?" Or was that the intention?

12 CHAIRMAN DELGADO: The open  
13 question, he just did it, that is the  
14 intention. But thank you for that  
15 clarification.

16 Julie.

17 MEMBER WEISMAN: To Jeff's concerns,  
18 if instead of striking B, we added some  
19 additional wording at the beginning. What I'm  
20 thinking of is, to the extent that aquatic  
21 plants may be grown in open water organic  
22 systems, and then strike "provided that."

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1 Strike the "that" in - or, then manure, et  
2 cetera, et cetera, et cetera.

3 CHAIRMAN DELGADO: Hang on to that  
4 thought. We are discussing this motion to  
5 amend, and we might come back to your  
6 suggestion.

7 Barry.

8 MEMBER FLANN: A point of  
9 clarification, since I seconded it. I thought  
10 the motion to amend was to place that language  
11 as a new B. I didn't know we were eliminating  
12 B.

13 CHAIRMAN DELGADO: That is correct.

14 MEMBER FLANN: So I was a little  
15 confused by Jeff's comment. Because I  
16 certainly think that B ought to be retained to  
17 separate it from A.

18 CHAIRMAN DELGADO: That is correct.

19 Just to clarify the motion was to amend by  
20 striking the language that we have on point B  
21 at the moment and replace that with manure and  
22 composted manure and continue throughout that

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1 sentence.

2 That would become B, and one would  
3 disappear. That will be the clarification.

4 Jeff.

5 VICE CHAIR MOYER: But essentially  
6 through that language change you have  
7 eliminated the whole concept of open water  
8 systems. And if you look at A, we  
9 specifically discuss closed containment  
10 systems. And then when you jump to B, you  
11 change the language to an entirely - you  
12 talking about manure, it makes absolutely no  
13 sense that way, and you lose the whole train  
14 of thought, in my opinion, regarding open  
15 water systems versus closed systems which are  
16 the two predominant systems that at least this  
17 committee was aware of and that we were  
18 discussing in terms of bodies of water.

19 They were either closed so that  
20 they were managed specifically by humans for  
21 the production of food. You have complete  
22 control over what comes in and what goes out,

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1 and that's why we said you have to have berms  
2 around them and other things. We specifically  
3 put that in on the closed containment system.

4 On an open water system, you have  
5 very little control about stream bank, river  
6 frontage if you had some kind of plants  
7 growing in a river, we wanted to make sure  
8 that you included that as well.

9 And by making the change that is  
10 now being suggested or being discussed you  
11 lose all of that language, and I don't support  
12 that.

13 CHAIRMAN DELGADO: Comments? Dan.

14 MEMBER GIACOMINI: We're talking  
15 about Gerald's amendment, and on that issue I  
16 agree with Jeff's point. But I agree with the  
17 direction that Julie is trying to make with  
18 her amendment. So I oppose Gerald's and I  
19 will support the presentation of Julie's  
20 amendment at the completion of that.

21 CHAIRMAN DELGADO: Very good. And  
22 my understanding is that it is a completely

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1 different motion from what we are considering  
2 at the moment, so we will study that after we  
3 call the question.

4 Are we ready for the previous  
5 question?

6 VICE CHAIR MOYER: Can you - you can  
7 have an unfriendly amendment to an amendment,  
8 can you not? Or a friendly amendment to an  
9 amendment?

10 MEMBER GIACOMINI: It's too radical.

11 VICE CHAIR MOYER: It's too radical?

12 CHAIRMAN DELGADO: Yes, completely  
13 different.

14 Any other questions?

15 Let's proceed with voting. The  
16 question is on the motion to amend by striking  
17 the language in point B, and replace that with  
18 manure or composted manure from terrestrial  
19 animals may not be used to fertilize open  
20 water aquatic plants.

21 And we'll take the vote starting  
22 with Katrina.

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1 MS. HEINZE: No.  
2 CHAIRMAN DELGADO: Jeff.  
3 VICE CHAIR MOYER: No.  
4 CHAIRMAN DELGADO: Gerry.  
5 MEMBER DAVIS: No.  
6 CHAIRMAN DELGADO: Tina.  
7 MEMBER ELLOR: No.  
8 CHAIRMAN DELGADO: Tracy.  
9 MEMBER MIEDEMA: Yes.  
10 CHAIRMAN DELGADO: Joe.  
11 MEMBER SMILLIE: No.  
12 CHAIRMAN DELGADO: Barry.  
13 MEMBER FLANN: No.  
14 CHAIRMAN DELGADO: Hugh.  
15 MEMBER KARREMAN: Yes.  
16 CHAIRMAN DELGADO: Kevin.  
17 MEMBER ENGELBERT: Abstain.  
18 CHAIRMAN DELGADO: Jennifer.  
19 MEMBER HALL: No.  
20 CHAIRMAN DELGADO: Steve.  
21 MEMBER DeMURI: No.  
22 CHAIRMAN DELGADO: Julie.

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1 MEMBER WEISMAN: No.

2 CHAIRMAN DELGADO: Dan.

3 MEMBER GIACOMINI: No.

4 CHAIRMAN DELGADO: And the chair  
5 votes no.

6 VICE CHAIR MOYER: Eleven nos, two  
7 yeses, and one abstention and one absent.

8 CHAIRMAN DELGADO: The motion to  
9 amend by striking is lost.

10 We go back to appending motion,  
11 Julie.

12 MEMBER WEISMAN: I move that we  
13 amend the recommendation on farmed aquatic  
14 plants and organic agriculture, dated April  
15 4<sup>th</sup>, 2008, by adding after letter B the words,  
16 to the extent that, striking the word that  
17 from the end of that phrase.

18 And striking the "that" that  
19 appears before the number one.

20 So I will read how the two  
21 sentences would appear.

22 B, to the extent that aquatic

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1 plants may be grown in open water organic  
2 systems, and manure and composted manure from  
3 terrestrial animals in any form may not be  
4 used to fertilize open water aquatic plants.

5 MEMBER FLANN: Second.

6 CHAIRMAN DELGADO: Right. It is  
7 moved and seconded to amend by including the  
8 words "to the extent that" on point B, first  
9 part of the sentence; strike "that" after the  
10 word provided for the same point B. Strike  
11 "provided that", stand corrected.

12 So that - and there it is - that  
13 sentence will read: To the extent that aquatic  
14 plants may be grown in open water organic  
15 systems provided - strike - and it will - and  
16 on point B1 the word "that" is struck.

17 Discussion? Jeff.

18 VICE CHAIR MOYER: I like it.

19 (Laughter.)

20 CHAIRMAN DELGADO: Other questions?

21 Joe? No.

22 MEMBER SMILLIE: I was just going to

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1 call the question.

2 CHAIRMAN DELGADO: Joe, second,  
3 Julie. Are we ready for the question?

4 The question is on the motion to  
5 amend by adding the words "to the extent that"  
6 to sentence point B.

7 MEMBER ELLOR: Point of order.

8 CHAIRMAN DELGADO: Point of order.

9 MEMBER ELLOR: Isn't this a friendly  
10 amendment?

11 CHAIRMAN DELGADO: I forgot. No,  
12 it's not a friendly amendment, because - it  
13 was -

14 (Off-mike comments.)

15 CHAIRMAN DELGADO: Right, it was a  
16 friendly amendment; we did not need a second.  
17 I stand corrected. We have one. We can  
18 proceed.

19 I'll put the question once again.  
20 The question is on the motion to insert the  
21 words, "to the extent that" before the start  
22 of sentence on point B, and striking out the

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1 words, "provided that," point B will lead to  
2 the extent that aquatic plants may be grown in  
3 open water organic systems and strike the  
4 word, that, from point B1.

5 Ready to vote, and we'll start with  
6 Jeff.

7 VICE CHAIR MOYER: Yes.

8 CHAIRMAN DELGADO: Gerry.

9 MEMBER DAVIS: Yes.

10 CHAIRMAN DELGADO: Tina.

11 MEMBER ELLOR: Yes.

12 CHAIRMAN DELGADO: Tracy.

13 MEMBER MIEDEMA: Yes.

14 CHAIRMAN DELGADO: Joe.

15 MEMBER SMILLIE: Yes.

16 CHAIRMAN DELGADO: Barry.

17 MEMBER FLANN: Yes.

18 CHAIRMAN DELGADO: Hugh.

19 MEMBER KARREMAN: Yes.

20 CHAIRMAN DELGADO: Kevin.

21 MEMBER ENGELBERT: Yes.

22 CHAIRMAN DELGADO: Jennifer.

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1 MEMBER HALL: Yes.

2 CHAIRMAN DELGADO: Steve.

3 MEMBER DeMURI: Yes.

4 CHAIRMAN DELGADO: Julie.

5 MEMBER WEISMAN: Yes.

6 CHAIRMAN DELGADO: Dan.

7 MEMBER GIACOMINI: Yes.

8 CHAIRMAN DELGADO: Katrina.

9 MS. HEINZE: Yes.

10 CHAIRMAN DELGADO: And the chair  
11 says yes.

12 MEMBER ELLOR: I just have - I'm  
13 confused. I am not a parliamentarian. Do we  
14 have to vote on friendly amendments?

15 CHAIRMAN DELGADO: Yes, we do.

16 MEMBER ELLOR: We do? Okay.

17 VICE CHAIR MOYER: The vote was 14  
18 yes, one abstention - I'm sorry, one absent.

19 CHAIRMAN DELGADO: The motion is  
20 approved. And we move now to the - back to  
21 the discussion on the actual recommendation on  
22 farmed aquatic plants in organic agriculture.

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1 Are there any questions prior to the vote?

2 Ready for the question. The  
3 question is on the motion to accept the  
4 recommendation of farmed aquatic plants in  
5 organic agriculture as stated with the  
6 changes, and with the date, April 4<sup>th</sup>, 2008,  
7 and with today's - and including today's  
8 amendments.

9 We will start our vote with Gerry.

10 MEMBER DAVIS: Yes.

11 CHAIRMAN DELGADO: Tina.

12 MEMBER ELLOR: Yes.

13 CHAIRMAN DELGADO: Tracy.

14 MEMBER MIEDEMA: Yes.

15 CHAIRMAN DELGADO: Joe.

16 MEMBER SMILLIE: Yes.

17 CHAIRMAN DELGADO: Barry.

18 MEMBER FLANN: Yes.

19 CHAIRMAN DELGADO: Hugh.

20 MEMBER KARREMAN: Yes.

21 CHAIRMAN DELGADO: Kevin.

22 MEMBER ENGELBERT: Yes.

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1 CHAIRMAN DELGADO: Jennifer.

2 MEMBER HALL: Yes.

3 CHAIRMAN DELGADO: Steve.

4 MEMBER DeMURI: Yes.

5 CHAIRMAN DELGADO: Julie.

6 MEMBER WEISMAN: Yes.

7 CHAIRMAN DELGADO: Dan.

8 MEMBER GIACOMINI: Yes.

9 CHAIRMAN DELGADO: Katrina.

10 MS. HEINZE: Yes.

11 CHAIRMAN DELGADO: Jeff.

12 VICE CHAIR MOYER: Yes.

13 CHAIRMAN DELGADO: And the chair  
14 votes yes.

15 VICE CHAIR MOYER: The vote is 14  
16 yes, one absent.

17 CHAIRMAN DELGADO: The motion is  
18 agreed to.

19 Does that conclude your  
20 presentation for both crops and livestock  
21 committee?

22 Good, we can move on then to the

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1 livestock committee, and Dr. Karreman.

2 LIVESTOCK COMMITTEE

3 MEMBER KARREMAN: Okay, thanks,  
4 Rigo.

5 The livestock committee was -  
6 considered a petition for the inclusion of  
7 Fenbendazole on the national list at  
8 205.603A18, parasiticides. And the - we  
9 didn't receive any unfavorable comments. And  
10 we are recommending that the inclusion of  
11 Fenbendazole on the national list at 205.603  
12 parasiticides with the annotation as shown in  
13 C and the proposed annotation will help meet  
14 the criteria in A.

15 It is, I'll read the annotation:  
16 only to be used on written diagnosis of  
17 clinical infestation by a veterinarian.  
18 Prohibited in slaughter stock, allowed in  
19 emergency treatment for dairy and breeder  
20 stock when organic system plan approved  
21 preventive management does not prevent  
22 infestation.

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1           Milk or milk products from a  
2 treated animal cannot be labeled as provided  
3 for in subpart D of this part for 90 days  
4 following treatment.

5           In breeder stock, treatment cannot  
6 occur during the last third of gestation if  
7 the progeny will be sold as organic, and must  
8 not be used during the lactation period of  
9 breeding stock.

10           So we - oh, we had a committee  
11 meeting last night, a short one, to discuss  
12 some things. And one of the things was that  
13 at the program Richard Matthews wanted the  
14 proposed annotation to precede - or no, he  
15 thought it was redundant I believe to a  
16 degree, and place it higher up on the list of  
17 205.603.

18           We decided to not change our  
19 annotation at all, and recommend it as  
20 petitioned, as shown, as posted, as publicly  
21 commented on, and allow the program to do what  
22 it feels is needed for the annotation for the

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1 intent of the annotation and deal with it as  
2 they get it.

3 CHAIRMAN DELGADO: Would you like to  
4 make a motion?

5 MEMBER KARREMAN: Yes, I would make  
6 a motion that the master organic standards  
7 board include Fenbendazole on the national  
8 list at 205.603 item A18 parasiticides.

9 MEMBER ENGELBERT: I'll second.

10 CHAIRMAN DELGADO: It is moved and  
11 seconded to include Fenbendazole in the  
12 national list section 205.603 parasiticides,  
13 with - I should clarify, with the amendment  
14 that has been read by the chair, is that  
15 correct? With the annotation, I'm sorry.

16 Okay, discussion. Kevin.

17 MEMBER ENGELBERT: Just for the  
18 board members' knowledge, we saw no harm in  
19 having that annotation remain with - in its  
20 position that we are recommending. It's a  
21 very critical issue, and a lot of times  
22 farmers in their haste will simply go and look

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1 up a material. And we didn't see any harm in  
2 keeping that annotation right with it. But  
3 the program can adjust as they deem necessary.

4 CHAIRMAN DELGADO: Any other  
5 questions? Julie?

6 MEMBER WEISMAN: Just because I'm  
7 not sure if - if we pass - if we pass a  
8 material with an annotation can the program -  
9 and actually I'm looking across the room, I  
10 don't know who can answer the question right  
11 now, but I'm curious, is there a precedent for  
12 that?

13 CHAIRMAN DELGADO: That the program  
14 what?

15 MEMBER WEISMAN: Will - well, I know  
16 that they can remove or alter annotations, but  
17 they can't add anything to the heading of the  
18 section in the rule without - they can?

19 CHAIRMAN DELGADO: No, they can't.  
20 They are supposed to interpret, and nobody is  
21 there - they are supposed to interpret our  
22 intent with the proposals.

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1                   Sorry, Hugh, you had a comment?

2                   MEMBER KARREMAN: Yes, if they want  
3                   to alter an annotation they certainly can do  
4                   that with the medicines that were released on  
5                   December 12<sup>th</sup>, 2007. That certainly occurred.

6                   I don't think it hindered what the  
7                   board's intent was for those medicines. I  
8                   don't think they would do that with this,  
9                   because there is precedent already with  
10                  Ivermectin. So anyway.

11                  CHAIRMAN DELGADO: Dan.

12                  MEMBER GIACOMINI: I think there's a  
13                  number of ways they could handle this, Julie.

14                  There's - this is the identical, except for  
15                  the slight addition of veterinarian script, is  
16                  the identical annotation with Ivermectin.  
17                  They - it may be that they may put the  
18                  annotation on the parasiticides, and put this  
19                  as A and B. Or they may in working with us we  
20                  may find on our work plan an input from the  
21                  program to deal with this reorganization item.

22                  CHAIRMAN     DELGADO:     Any     other

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1 questions? Gerry.

2 MEMBER DAVIS: Hugh, what is from  
3 your point of view the intended way of  
4 dropping Ivermectin from the list after this  
5 one is officially on?

6 MEMBER KARREMAN: Well, the official  
7 way would be to have a petition from the  
8 public. It could be anyone. And I would ask  
9 that that petition wait until actually  
10 Fenbendazole is in the Federal Register,  
11 because we don't know how long that may take.

12 But the full intent - and I will be  
13 off the board by the time probably  
14 Fenbendazole comes in, and I would personally  
15 petition Ivermectin to come off at that point.

16 But anyone can do that.

17 MEMBER DAVIS: That was my - would  
18 you expect that someone will do that?

19 MEMBER KARREMAN: Oh yes.

20 MEMBER DAVIS: They're motivated to  
21 do it?

22 MEMBER KARREMAN: Absolutely.

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1 CHAIRMAN DELGADO: Dan?

2 MEMBER GIACOMINI: And that's the  
3 same depending on how the program proceeds  
4 with Moxidectin.

5 The intent of the committee I  
6 believe is to have only one on there. We just  
7 want the right one.

8 CHAIRMAN DELGADO: Any other  
9 questions? Are you ready for the question?

10 The question is on the motion to  
11 include Fenbendazole on the national list  
12 Section 205.603, with the annotation that has  
13 been read.

14 We'll start the voting with Tina.

15 MEMBER ELLOR: Yes.

16 CHAIRMAN DELGADO: Tracy.

17 MEMBER MIEDEMA: Yes.

18 CHAIRMAN DELGADO: Joe.

19 MEMBER SMILLIE: Yes.

20 CHAIRMAN DELGADO: Barry.

21 MEMBER FLANN: Yes.

22 MEMBER KARREMAN: Hugh.

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1 CHAIRMAN DELGADO: Kevin.  
2 MEMBER ENGELBERT: Yes.  
3 CHAIRMAN DELGADO: Jennifer.  
4 MEMBER HALL: Yes.  
5 CHAIRMAN DELGADO: Steve.  
6 MEMBER DeMURI: Yes.  
7 CHAIRMAN DELGADO: Julie.  
8 MEMBER WEISMAN: Yes.  
9 CHAIRMAN DELGADO: Dan.  
10 MEMBER GIACOMINI: Yes.  
11 CHAIRMAN DELGADO: Katrina.  
12 MS. HEINZE: Yes.  
13 CHAIRMAN DELGADO: Jeff.  
14 VICE CHAIR MOYER: Yes.  
15 MEMBER DAVIS: Yes.  
16 CHAIRMAN DELGADO: And the chair  
17 says yes.  
18 VICE CHAIR MOYER: The vote is 14  
19 yeses, one absent.  
20 CHAIRMAN DELGADO: The motion is  
21 agreed to.  
22 Let's move on then to the next

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1 material, Mr. Chairman.

2 MEMBER KARREMAN: Okay, the next  
3 material is the - you will see there are two  
4 methionine recommendations that the committee  
5 came up with.

6 The first one of course is the  
7 action the petitioner's request, which is, the  
8 petition was for removal of the annotation  
9 date of October 1<sup>st</sup>, 2008, for synthetic  
10 methionine on the national list.

11 And we felt that the substance  
12 failed criteria in category two and three, and  
13 in our comments there the committee wrote,  
14 rations that supply adequate naturally  
15 occurring methionine appear to exist,  
16 especially if poultry have true access to the  
17 outdoors.

18 Management practices are preferred  
19 to off-farm inputs in organic agriculture.  
20 Synthetic methionine is used primarily to  
21 increase growth rates in production, not only  
22 to maintain health.

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1           And so the petitioner's request to  
2 remove the annotation date of October 1<sup>st</sup>,  
3 2008, failed by a vote of five opposed to that  
4 and none in favor, and two were absent.

5           And the reason for the rejection at  
6 the committee level was exactly the same as  
7 the reason it failed category two and three.

8           So I guess we need to actually vote  
9 on that recommendation as it stands.

10           We do have a second one after we  
11 vote or have discussion.

12           CHAIRMAN DELGADO: That is correct.

13           So would you like to make a motion?

14           MEMBER KARREMAN: Oh, I'm sorry,  
15 yes.

16           The motion would be to remove the  
17 annotation date of October 1<sup>st</sup>, 2008, for  
18 synthetic methionine on the national list.

19           MEMBER ELLOR: Second.

20           CHAIRMAN DELGADO: It is moved and  
21 seconded to remove the annotation, the date of  
22 October 1<sup>st</sup>, 2008 for synthetic methionine on

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1 the national list Section 205.603.

2 Discussion.

3 MEMBER GIACOMINI: I support the  
4 motion. I think we heard enough comment that  
5 would raise in question the - some of the  
6 language we are putting in on B, and if the  
7 language in B were completely true we would  
8 have a very hard time justifying the next  
9 motion coming back up of putting it on.

10 I think the statement of rations  
11 that supply adequate natural protein,  
12 naturally occurring methionine appear to exist  
13 would greatly deviate from the testimony that  
14 we have heard.

15 There is a lot of work to go in  
16 that direction, but the reason we are putting  
17 methionine and keeping it on, or voting to  
18 keep it on the list or considering that, is  
19 because of the testimony that says it's not.

20 MEMBER KARREMAN: That's the next  
21 recommendation.

22 MEMBER GIACOMINI: But I'm saying

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1 that when you - like I say I support the  
2 motion but when we rework this document, when  
3 we go to submit this document the  
4 justification that we are putting in B I do  
5 not believe is accurate and would need to be a  
6 little reworked.

7 MEMBER KARREMAN: That can be done.  
8 Would you have a suggestion right now? Is  
9 any part of B accurate?

10 CHAIRMAN DELGADO: You don't have  
11 to do it now. Just take the comments. These  
12 are materials that you presented as backup for  
13 your motion and recommendations.

14 Kevin.

15 MEMBER ENGELBERT: You said you  
16 support the motion, Dan. The motion is to  
17 remove the annotation date so that it stays on  
18 the list.

19 MEMBER GIACOMINI: No, I support the  
20 recommendation from the committee. I just  
21 want the document to be correct.

22 MEMBER ENGELBERT: I just wanted to

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1 be clear.

2 MEMBER GIACOMINI: Thank you.

3 CHAIRMAN DELGADO: Any other  
4 questions?

5 From the director.

6 MS. FRANCIS: I just wanted to offer  
7 to Dan that you can write additional  
8 narrative. But this was your committee  
9 recommendation at the time. You're not  
10 modifying this in your narrative or your  
11 final, you can address that.

12 CHAIRMAN DELGADO: Thank you for  
13 that clarification.

14 Any other questions? Hugh.

15 MEMBER KARREMAN: Just be very clear  
16 about how voting goes on this recommendation,  
17 what a vote means.

18 CHAIRMAN DELGADO: Okay, ready for  
19 the question?

20 Before that I would like to ask if  
21 there is any conflict of interest on the part  
22 of the board members, conflicts of interest to

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1 declare?

2 (No response.)

3 CHAIRMAN DELGADO: Hearing none -  
4 yes? Tina.

5 MEMBER ELLOR: Hugh, would you mind  
6 just going over what the votes mean.

7 CHAIRMAN DELGADO: I will do that.

8 Any other questions in that  
9 respect?

10 MEMBER ENGELBERT: As a livestock  
11 producer there may be a conflict of interest.

12 I don't see one, but I guess I'll put that up  
13 for the board's discretion.

14 CHAIRMAN DELGADO: Concerns from the  
15 board?

16 MEMBER MIEDEMA: No.

17 CHAIRMAN DELGADO: None whatsoever,  
18 Good. Okay, any other questions on the  
19 conflict of interest, clarification on the  
20 voting?

21 Ready for the question. The  
22 question is on the petition to remove the

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1 annotation date of October 1<sup>st</sup>, 2008, for  
2 synthetic methionine on the national list  
3 Section 205.603. I must clarify that the  
4 committee voted no. It was rejected and the  
5 question now is for us to decide.

6 Your vote for yes will be to remove  
7 the annotation. A vote of no will be to  
8 reject the petition.

9 Is that clear?

10 We'll start with the vote, and it's  
11 Tracy's turn.

12 MEMBER MIEDEMA: No.

13 CHAIRMAN DELGADO: Joe.

14 MEMBER SMILLIE: No.

15 CHAIRMAN DELGADO: Barry.

16 MEMBER FLANN: No.

17 CHAIRMAN DELGADO: Hugh

18 MEMBER KARREMAN: No.

19 CHAIRMAN DELGADO: Kevin.

20 MEMBER ENGELBERT: No.

21 CHAIRMAN DELGADO: Jennifer.

22 MEMBER HALL: No.

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1 CHAIRMAN DELGADO: Steve.

2 MEMBER DeMURI: No.

3 CHAIRMAN DELGADO: Julie.

4 MEMBER WEISMAN: No.

5 CHAIRMAN DELGADO: Dan.

6 MEMBER GIACOMINI: No.

7 CHAIRMAN DELGADO: Katrina.

8 MS. HEINZE: No.

9 CHAIRMAN DELGADO: Jeff.

10 VICE CHAIR MOYER: No.

11 CHAIRMAN DELGADO: Gerry.

12 MEMBER DAVIS: No.

13 CHAIRMAN DELGADO: Tina.

14 MEMBER ELLOR: No.

15 CHAIRMAN DELGADO: And the chair  
16 says no.

17 VICE CHAIR MOYER: Mr. Chairman,  
18 that is 14 nos, one absent.

19 CHAIRMAN DELGADO: Okay. The motion  
20 to remove the annotation of October 1<sup>st</sup>, 2008,  
21 for synthetic methionine as stated on the  
22 national list, Section 205.603 is lost.

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1 Back to you Dr. Karreman.

2 MEMBER KARREMAN: All right, so that  
3 means right now that - right now methionine  
4 will be coming off October 1<sup>st</sup>, 2008.

5 CHAIRMAN DELGADO: That is correct.

6 MEMBER KARREMAN: That is what that  
7 means, just so the board knows that, okay.

8 However, the livestock committee  
9 right away saw that that is not a practical  
10 plan at all and we then came forth with the  
11 next recommendation we'll be voting on that  
12 the - let's see, how do I state this - sorry -  
13 well, that the committee recommends that the  
14 annotation for synthetic methionine on the  
15 national list be October 1<sup>st</sup>, 2010.

16 That's pretty much straight up the  
17 recommendation.

18 CHAIRMAN DELGADO: Can you state  
19 that once more.

20 MEMBER KARREMAN: Okay. The  
21 livestock committee - I make a motion that the  
22 - okay, the livestock committee - I want to

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1 make a motion that the expiration date for  
2 synthetic methionine be October 1<sup>st</sup>, 2010.

3 CHAIRMAN DELGADO: Second?

4 MEMBER ENGELBERT: I'll second.

5 CHAIRMAN DELGADO: It is moved and  
6 seconded to add an expiration date of October  
7 1<sup>st</sup>, 2010, for synthetic methionine as listed  
8 on Section 205.603.

9 Discussion? Joe?

10 MEMBER SMILLIE: Yes, I'm not sure  
11 if it's friendly, I don't think it's radical,  
12 but I'd like to offer a motion to amend it to  
13 a three-year or make it 2011.

14 CHAIRMAN DELGADO: Hugh.

15 MEMBER KARREMAN: What are my  
16 choices? Yes or no?

17 CHAIRMAN DELGADO: Do you agree with  
18 that amendment? Do you accept that?

19 MEMBER KARREMAN: No, I do not agree  
20 to that.

21 CHAIRMAN DELGADO: Okay, so it is  
22 not a friendly amendment. Do you want to

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1 proceed with a motion to extend.

2 MEMBER SMILLIE: I would like to  
3 move that we adopt it with - same motion but  
4 adopt it for 2011.

5 CHAIRMAN DELGADO: A second?

6 VOICE: I'll second.

7 CHAIRMAN DELGADO: There's a second.

8 It is moved and seconded to amend the motion  
9 to extend the date to 2011.

10 Discussion on that motion to amend?

11 Hugh?

12 MEMBER KARREMAN: I think the reason  
13 we - we talked about this last night in our  
14 committee meeting, two or three years. And we  
15 feel as a committee, and I think it was a  
16 unanimous vote if I remember correctly, that a  
17 two-year expiration date from October, 2010,  
18 really gives a strong signal to the poultry  
19 industry that the National Organic Standards  
20 Board is very firm in wanting to stimulate  
21 alternatives to synthetic methionine to come  
22 into practice.

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1           We felt that a three-year date -  
2 there's been a third three-year extension or  
3 whatever expiration on methionine - well, let  
4 me back up a second.

5           On the two year, they also  
6 presented a very nice 24-month plan of their  
7 testing and what not. Granted, all the  
8 results may not be tabulated at that point or  
9 anything. But with some of the public comment  
10 regarding the high methionine corn and the  
11 Neptune Industry's insects, and the  
12 fermentation based methionine, natural  
13 methionine, we felt that it would get more  
14 stimulus to have that come in line.

15           Now, the other - have the  
16 alternatives come in line - one other reason  
17 we didn't go for a three-year is because the  
18 composition of this board will have changed  
19 dramatically enough that we want a lot of the  
20 same people on this board to see how their  
21 progress is coming in two years instead of  
22 having a whole lot of more new people on the

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1 board in three years seeing it as a fresh  
2 problem.

3 I hate to say it that way, but we  
4 took that into account.

5 Now we also are - we would - we are  
6 also thinking about possibly as I mentioned  
7 yesterday a potential cap on perhaps perpetual  
8 synthetic methionine to be allowed for poultry  
9 but at a much reduced rate to help stimulate  
10 the natural alternatives that are being worked  
11 on.

12 That is not for this  
13 recommendation, but that played into our two-  
14 year expiration date versus the three.

15 Does that all help you?

16 CHAIRMAN DELGADO: Jeff.

17 VICE CHAIR MOYER: Yes, Joe, I just  
18 kind of wanted to second what Hugh was saying,  
19 make sure it was clear that the makeup of the  
20 livestock committee wants to track this over  
21 time, because there is some feeling among  
22 certain committee members that we may never

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1 get away from some allowed limit of synthetic  
2 methionine.

3 But we didn't want it to continue  
4 too far down the road before we make that  
5 decision, and so we felt by giving ourselves  
6 two years there would not be this reeducation  
7 of whatever new committee members may be  
8 seated at that time on what that was, and we  
9 don't want to keep perpetuating the system  
10 where we continually give expiration dates of  
11 three years, two years, five years, or  
12 whatever it may be, and add confusion to a  
13 system.

14 So by tracking this over the next  
15 two years this committee felt like they'd have  
16 a much better opinion given the industry of us  
17 on where that project and program was heading  
18 and how we may vote at that time or present a  
19 petition at that time.

20 CHAIRMAN DELGADO: Dan.

21 MEMBER GIACOMINI: As a member of  
22 the livestock committee I completely agree

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1 with Hugh and Jeff on this.

2 This is part of the - along with  
3 some of the materials that they presented that  
4 I'm willing to go on this as having been the  
5 writer of the minority opinion. And I think  
6 it's this kind of a statement that lets this  
7 industry know really how short of a leash they  
8 are on this in the minds of the livestock  
9 committee.

10 We - I know personally I do not  
11 expect another recommendation for methionine  
12 to come out with some pretty good caps on use,  
13 and it's not part of the motion or anything  
14 else but I really expect some timely updates  
15 at all future meetings between now and the  
16 expiration date of this recommendation to be  
17 hearing from the poultry group on how this is  
18 progressing.

19 CHAIRMAN DELGADO: Steve.

20 MEMBER DeMURI: Who that's currently  
21 on the livestock committee will be here in two  
22 years? Most of you?

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1 CHAIRMAN DELGADO: Joe, followed by  
2 Kevin.

3 MEMBER SMILLIE: I respect the  
4 wisdom of the livestock committee and seek to  
5 withdraw my motion.

6 CHAIRMAN DELGADO: The second was  
7 Steve?

8 MEMBER DeMURI: I accept that.

9 CHAIRMAN DELGADO: You accept?  
10 Okay, the motion is withdraw, and we are back  
11 to the original question. He has accepted -  
12 the second has accepted the withdrawal of the  
13 motion.

14 So we are back to the original  
15 motion which is the year 2010. We have Kevin  
16 to comment.

17 MEMBER ENGELBERT: Mission  
18 accomplished. I don't need to comment.

19 CHAIRMAN DELGADO: Mission  
20 accomplished?

21 Katrina?

22 MS. HEINZE: This is actually for

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1 the methionine working group.

2           You committed yesterday to come  
3 back and give us reports at every one of our  
4 meetings. And certainly you have heard today  
5 how much we expect that.

6           After the conversation yesterday  
7 about my mother's chickens --

8           (Laughter.)

9           -- which I've got lots of nice  
10 hallway chatter about, so thank you, I know  
11 you said something yesterday that I'd like to  
12 challenge you on. You said that as processors  
13 it's up to us to know what the consumers  
14 expect, not you.

15           And I would challenge that. Your  
16 consumers are your customers. And you  
17 probably should know and do know what they  
18 expect.

19           I would like to see when you come  
20 back six months from now what you think  
21 outdoor access should look like; don't wait  
22 for us to tell you. Have that be part of your

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1 solution on methionine. Tell us what your  
2 consumers expect for that, because I think it  
3 can be part of the solution. So I'm looking  
4 forward to hearing what you have to say on  
5 that.

6 CHAIRMAN DELGADO: Okay, that was a  
7 proactive call.

8 Dan, if you can stay focused on the  
9 pending question I would appreciate it.

10 Any other questions related to the  
11 motion?

12 Hearing none, are we ready for the  
13 question?

14 Joe? Okay, you're getting ready to  
15 vote. I'll put the question.

16 The question is on the motion to  
17 add an expiration date of October 1<sup>st</sup>, 2010 for  
18 synthetic methionine as listed in Section  
19 205.603.

20 And we'll start the vote with Joe.

21 MEMBER SMILLIE: Yes.

22 CHAIRMAN DELGADO: Barry.

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1 MEMBER FLANN: Yes.  
2 CHAIRMAN DELGADO: Hugh.  
3 MEMBER KARREMAN: Yes.  
4 CHAIRMAN DELGADO: Kevin.  
5 MEMBER ENGELBERT: Yes.  
6 CHAIRMAN DELGADO: Jennifer.  
7 MEMBER HALL: Yes.  
8 CHAIRMAN DELGADO: Steve.  
9 MEMBER DeMURI: Yes.  
10 CHAIRMAN DELGADO: Julie.  
11 MEMBER WEISMAN: Yes.  
12 CHAIRMAN DELGADO: Dan.  
13 MEMBER GIACOMINI: Yes.  
14 CHAIRMAN DELGADO: Katrina.  
15 MS. HEINZE: Yes.  
16 CHAIRMAN DELGADO: Jeff.  
17 VICE CHAIR MOYER: Yes.  
18 CHAIRMAN DELGADO: Gerry.  
19 MEMBER DAVIS: Yes.  
20 CHAIRMAN DELGADO: Tina.  
21 MEMBER ELLOR: Yes.  
22 CHAIRMAN DELGADO: Tracy.

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1 MEMBER MIEDEMA: Yes.

2 CHAIRMAN DELGADO: And the chair  
3 says yes.

4 VICE CHAIR MOYER: Mr. Chairman, the  
5 vote is 14 yeses and one absent.

6 CHAIRMAN DELGADO: The motion is  
7 agreed to.

8 Back to Dr. Karreman, are you done  
9 with petition materials?

10 MEMBER KARREMAN: I think we are  
11 done for now.

12 CHAIRMAN DELGADO: Very good. At  
13 this point we are scheduled to have a lunch  
14 break, a well deserved one. I appreciate your  
15 hard work, unless there is a correction?

16 We will resume here at exactly 1:00  
17 o'clock, and I will ask the board members to  
18 be prompt.

19 (Whereupon, the above entitled  
20 matter went off the record at 12:09 p.m. and  
21 resumed at 1:11 p.m.)

22 CHAIRMAN DELGADO: All right, we are

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1 ready to resume our meeting. Thank you.

2 So continuing with our agenda, we  
3 are back to Dr. Karreman to discuss  
4 aquaculture.

5 MEMBER KARREMAN: Aquaculture, well,  
6 we have had a recommendation which is posted  
7 on the screen, and I don't have it on my  
8 laptop right here.

9 So our recommendation to be honest,  
10 we are -- because of public comment and what  
11 the program has said about wild caught being a  
12 possible item that's in play, we will be  
13 deferring any action on this item, and we will  
14 be working diligently with the aquaculture  
15 working group over the next bunch of months to  
16 come up with a new recommendation.

17 There was a lot of public comment  
18 wondering about the foreign certified type  
19 deal that we thought was our only kind of  
20 possible attempt at getting it started. But  
21 the wild caught is certainly something that we  
22 want to look into. And perhaps a phase down

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1 on that, step down over whatever, 10 year  
2 time, that's somewhat mentioned, I think, in  
3 the minority report.

4 So if it's okay with the board we  
5 will defer on that action item unfortunately  
6 until we have a better recommendation.

7 CHAIRMAN DELGADO: Just to clarify  
8 that's an item still committed to Livestock  
9 Committee, and if that is your direction it is  
10 acceptable.

11 MEMBER KARREMAN: Thank you.

12 CHAIRMAN DELGADO: Any questions  
13 from the board members?

14 Hearing none, Joe.

15 MEMBER SMILLIE: Well, just adding  
16 to that, I think that was a little unfortunate  
17 that that all happened, and that we need to  
18 always follow the line that whatever we think  
19 is the best way to do it is the way we should  
20 do it, and if the program has trouble with  
21 that I'm sure they'll tell us.

22 But getting too much information

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1 sometimes at the beginning can be a bit of a  
2 problem.

3 CHAIRMAN DELGADO: Any other  
4 questions? Hugh?

5 MEMBER KARREMAN: What do you mean  
6 by getting too much information?

7 MEMBER SMILLIE: Well, getting  
8 indications that the way we're headed won't be  
9 acceptable, you know, we should head the way -  
10 - always head the way we think is the right  
11 way to head.

12 MEMBER KARREMAN: And if I may just  
13 add in, I think we have discussed this. I had  
14 quite a lot of phone calls with the AWG, and  
15 among the Livestock Committee. And we are  
16 very aware of a lot of the issues.

17 And it's going to still take some  
18 real work, but I think we are kind of like  
19 riding the wave on it, and we'll be able to  
20 blend in some of the new information we got at  
21 this meeting.

22 CHAIRMAN DELGADO: Very good. Jeff.

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1                   VICE CHAIR MOYER: Just a comment in  
2 reference to what Joe said.

3                   I think the Livestock Committee,  
4 while it took in all accounts of information,  
5 there were many people on the committee that  
6 still feel that we were and are heading in the  
7 right direction. So I don't want to wish the  
8 committee to be portrayed as not having done  
9 what you said.

10                  There is new information coming to  
11 us. We are going to reevaluate that against  
12 what we have currently on the table as a  
13 proposal.

14                  CHAIRMAN DELGADO: Jeff, are you  
15 done?

16                  VICE CHAIR MOYER: I am.

17                  CHAIRMAN DELGADO: Point of order,  
18 please, let's concentrate on this.

19                  Jeff is done. Someone else? Hugh?  
20 Do you want to respond to that?

21                  MEMBER KARREMAN: I guess I just --  
22 well, I just want to also talk -- can I talk

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1 about net pens for a minute?

2 CHAIRMAN DELGADO: Are there any  
3 questions related to fish meal?

4 MEMBER KARREMAN: Fish meal and fish  
5 oil?

6 CHAIRMAN DELGADO: Fish feed. None.  
7 Okay. Then we can move on to the next topic.

8 MEMBER KARREMAN: Okay, and then it  
9 was only posted as a discussion item for the  
10 meeting, not an action item, on the net pens.

11 But, again, we are going to work with the  
12 aquaculture working group, George and  
13 Sebastian are sitting out there, and they are  
14 very involved with this.

15 Regarding net pens as well as  
16 bivalves and molluscs, and we hope to have  
17 their input and have some alternatives given  
18 to us to choose from so we can juggle and  
19 balance things as we sit here on the board  
20 that we need to do.

21 Well, anyway -- oh, and the net  
22 pens, the items specifically were on siting of

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1 net pens, one of the items, as well as the  
2 nutrient management, manure buildup potential  
3 was a second big item. And there might be  
4 more, but they are the two main ones that I  
5 think were stickers from when it came up  
6 before.

7 CHAIRMAN DELGADO: Jeff.

8 VICE CHAIR MOYER: Just to add to  
9 that, Hugh, there were a few other items. We  
10 had disease management. We had escapes. And  
11 those were the other two that make that up.

12 MEMBER KARREMAN: Thanks.

13 CHAIRMAN DELGADO: Questions? Dan.

14 MEMBER GIACOMINI: Not questions but  
15 just sort of one more follow up. The major  
16 features of the bivalve document are the  
17 things that we are working on in the net pens  
18 document. And it -- we are hoping that we  
19 will be able to come together with those two  
20 items in a document at the next meeting and it  
21 won't be always one more meeting.

22 CHAIRMAN DELGADO: Hugh?

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1                   MEMBER KARREMAN: And one other  
2 thing that we need to verify as a board I  
3 guess as we go ahead is -- and I'm not sure if  
4 we got that already from the program here or  
5 not, if it's on a transcript, but whether or  
6 not, or whether they will move forward with  
7 what we already have passed to get the  
8 aquaculture industry already going for the  
9 catfish and the tilapia and the shrimp that  
10 are already possible to be organically  
11 aquacultured.

12                   We hope as a committee, and perhaps  
13 as a board, that the program will start that  
14 and not wait until the whole package is done.

15                   That's our hope.

16                   CHAIRMAN DELGADO: Any questions?

17                   Okay, on that note.

18                   MEMBER KARREMAN: That's it.

19                   CHAIRMAN DELGADO: Does that  
20 conclude your presentation?

21                   Thank you very much. At that point  
22 then we can move on to the Handling Committee,

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1 and Ms. Weisman.

2 HANDLING COMMITTEE

3 MEMBER WEISMAN: I believe what we  
4 are scheduled to do is lead off with the  
5 petition materials, all of which are 606  
6 items. And although we presented them in  
7 groups yesterday having to do with the  
8 petitioner, I don't see a reason why we can't  
9 just go through them in the alphabetical order  
10 that they are on our agendas for the purposes  
11 of voting, and I think it will make it less  
12 confusing for us to keep track of, so we'll do  
13 it that way.

14 CHAIRMAN DELGADO: Very good. Just  
15 to clarify, the part of the petition  
16 materials, 205.605, two are listed in the  
17 agenda, and those have been deferred.

18 MEMBER WEISMAN: You're right, okay,  
19 so we do have to speak to those.

20 CHAIRMAN DELGADO: Sodium chlorite  
21 acidified was one of them.

22 MEMBER WEISMAN: Right, okay, there

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1 were -- yes, there were two petitioned items  
2 that were on the agenda for this meeting. I  
3 actually -- I'm not in the part of the agenda  
4 that has them listed so if I make a mistake  
5 somebody correct me.

6 But they were sodium chlorite  
7 acidified, and we could not move forward with  
8 that. It was a late entry, and the TAP could  
9 not be completed and received in time that we  
10 felt was necessary for us to evaluate this  
11 petition. So that is deferred to the fall  
12 meeting.

13 And also calcium from seaweed also  
14 had some complicated issues that we felt we  
15 needed additional time to consider and get  
16 more information about.

17 CHAIRMAN DELGADO: Very good.

18 Any questions on those materials?  
19 Dan?

20 MEMBER GIACOMINI: Not to dispute  
21 what Julie said, but I don't want it perceived  
22 that the board or the committee saw sodium

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1 chlorite as a late addition to us. It was  
2 just in the timeframe of the meeting and the  
3 availability of the technical review that it  
4 was not able to be completed before we were  
5 needing to make a recommendation for this  
6 meeting.

7 CHAIRMAN DELGADO: Very good. Any  
8 other comments?

9 Okay. Back to you, Ms. Weisman.

10 MEMBER WEISMAN: Okay. So on that  
11 note I think that we are now clear to move  
12 ahead to the petition materials for Section  
13 205.606. The first material that we are  
14 looking at is listed as alcohol, cooking  
15 wines, specifically marsala cooking wine.

16 This is an item as everyone heard  
17 yesterday, it was presented, a lot of detail  
18 was given about how it's used, about the  
19 efforts that the petitioner is going through  
20 to elicit organic forms of this material to be  
21 produced. We were satisfied that it is not  
22 commercially available as organic and that

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1 it's needed for the use that the petitioner  
2 wants it and that it's appropriate for  
3 listing. We voted at the committee level  
4 unanimately for listing. So --

5 CHAIRMAN DELGADO: Would you like to  
6 make a motion?

7 MEMBER WEISMAN: Yes, I move that --  
8 for the inclusion of fortified cooking wine,  
9 marsala, on the national list, Section  
10 205.606.

11 MEMBER MIEDEMA: Second.

12 CHAIRMAN DELGADO: It is moved and  
13 second for the inclusion of fortified cooking  
14 wine, marsala, on the national list, Section  
15 205.606.

16 Debate? Questions? Are we ready  
17 for the question?

18 The question is on the motion to  
19 include fortified cooking wine, marsala, on  
20 the national list, Section 205.606.

21 And we will start with -- in fact  
22 before we proceed with voting I would like to

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1 call the board members to see if there is any  
2 potential conflict of interest to declare?

3 Hearing none, I will -- yes.

4 MS. HEINZE: This is our Handling  
5 Committee ritual. I work for a large handling  
6 company who may or may not use some of the  
7 materials that are before us.

8 With one exception, which would be  
9 okra, I don't think that that poses a conflict  
10 of interest. Clearly on okra I will be  
11 recusing myself.

12 CHAIRMAN DELGADO: Very good.

13 Board members, any concerns,  
14 questions, regarding potential conflict of  
15 interest on the part of Katrina?

16 MEMBER GIACOMINI: On this one and  
17 the next one in my household we do do a lot of  
18 -- have wine with our cooking, and sometimes  
19 we do put it in the food.

20 CHAIRMAN DELGADO: Are you bragging  
21 or stating a conflict of interest? Going back  
22 to Katrina, there is no reason to state

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1 potential conflict of interest at this point.

2 I haven't heard any from any other member.

3 So we will proceed. I will  
4 restate, put the question forward. And it is  
5 for the inclusion of -- the motion to include  
6 fortified cooking wine, marsala, on the  
7 national list, Section 205.606, and we'll  
8 start the vote with Barry.

9 MEMBER FLANN: Yes.

10 CHAIRMAN DELGADO: Hugh?

11 MEMBER KARREMAN: Yes.

12 CHAIRMAN DELGADO: Kevin?

13 MEMBER ENGELBERT: Yes.

14 CHAIRMAN DELGADO: Jennifer?

15 MEMBER HALL: Yes.

16 CHAIRMAN DELGADO: Steve?

17 MEMBER DeMURI: Yes.

18 CHAIRMAN DELGADO: Julie?

19 MEMBER WEISMAN: Yes.

20 CHAIRMAN DELGADO: Dan?

21 MEMBER GIACOMINI: Yes.

22 CHAIRMAN DELGADO: Katrina?

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1 MS. HEINZE: Yes.

2 CHAIRMAN DELGADO: Jeff?

3 VICE CHAIR MOYER: Yes.

4 CHAIRMAN DELGADO: Gerry?

5 MEMBER DAVIS: Yes.

6 CHAIRMAN DELGADO: Tina?

7 MEMBER ELLOR: Yes.

8 CHAIRMAN DELGADO: Tracy?

9 MEMBER MIEDEMA: Yes.

10 CHAIRMAN DELGADO: Joe?

11 MEMBER SMILLIE: Yes.

12 CHAIRMAN DELGADO: And the chair  
13 votes yes.

14 VICE CHAIR MOYER: Mr. Chairman, the  
15 vote is 14 yes, 1 absent.

16 CHAIRMAN DELGADO: The motion is  
17 agreed to. We can proceed to the next  
18 material.

19 MEMBER WEISMAN: Okay, the next  
20 material is fortified cooking wine, sherry.  
21 It is the same petitioner, and the same wealth  
22 of information was provided in that petition.

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1 We felt that it met all of the applicable  
2 criteria, and it -- this material also was  
3 voted unanimously by the Handling Committee to  
4 list.

5 So I move for the inclusion of  
6 fortified cooking wine, sherry, on Section  
7 205.606 of the national list.

8 MEMBER MIEDEMA: Second.

9 CHAIRMAN DELGADO: It is moved and  
10 seconded to include fortified cooking wine,  
11 sherry, on the national list, Section 205.606.

12 Questions? Hearing none, are there  
13 any conflicts of interest to declare?

14 All right, ready for the question.

15 The question is on the motion to  
16 include fortified cooking wine, sherry, on the  
17 national list, Section 205.606, and we'll  
18 start our vote with Hugh.

19 MEMBER KARREMAN: Yes.

20 CHAIRMAN DELGADO: Kevin?

21 MEMBER ENGELBERT: Yes.

22 CHAIRMAN DELGADO: Jennifer?

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1 MEMBER HALL: Yes.  
2 CHAIRMAN DELGADO: Steve?  
3 MEMBER DeMURI: Yes.  
4 CHAIRMAN DELGADO: Julie?  
5 MEMBER WEISMAN: Yes.  
6 CHAIRMAN DELGADO: Dan?  
7 MEMBER GIACOMINI: Yes.  
8 CHAIRMAN DELGADO: Katrina?  
9 MS. HEINZE: Yes.  
10 CHAIRMAN DELGADO: Jeff?  
11 VICE CHAIR MOYER: Yes.  
12 CHAIRMAN DELGADO: Gerry?  
13 MEMBER DAVIS: Yes.  
14 CHAIRMAN DELGADO: Tina?  
15 MEMBER ELLOR: Yes.  
16 CHAIRMAN DELGADO: Tracy?  
17 MEMBER MIEDEMA: Yes.  
18 CHAIRMAN DELGADO: Joe?  
19 MEMBER SMILLIE: Yes.  
20 CHAIRMAN DELGADO: Barry?  
21 MEMBER FLANN: Yes.  
22 CHAIRMAN DELGADO: And the chair

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1 votes yes.

2 VICE CHAIR MOYER: Mr. Chairman, the  
3 vote is 14 yes, one absent.

4 CHAIRMAN DELGADO: The motion is  
5 agreed to.

6 We can move forward.

7 MEMBER WEISMAN: Okay. The next  
8 item is one of -- I'm losing track of exactly  
9 how many there were. I think there were 14  
10 materials that were all petitioned by the same  
11 petitioner.

12 So I'll kind of go through the  
13 general idea once, and then I will just  
14 present pertinent details that may apply to  
15 only certain ones as they come up and my  
16 fellow Handling Committee members can feel  
17 free to point out if I'm omitting something  
18 important.

19 This next material is Camu Camu  
20 powdered extract. And it is an extract that  
21 was made from juicing and straining berries of  
22 the Camu Camu bush, which only grows in

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1 Brazil. It's concentrated, and then spray  
2 dried onto organic kasava starch.

3 And the problem -- the criteria  
4 that this -- the important criteria that this  
5 material failed was in the area of commercial  
6 supply, and like most of the other materials  
7 that were petitioned by this petitioner, there  
8 was found to be organic forms of Camu Camu,  
9 and the petition, although they said in a  
10 boilerplate statement that they have a  
11 procurement department that is continuously  
12 searching for organic forms of the materials  
13 that they need, there was no acknowledgment of  
14 the existence of this material which was  
15 readily discoverable by those on the Handling  
16 Committee that were evaluating it.

17 So we did not feel that this  
18 petition could move forward because it doesn't  
19 even acknowledge the existence of an organic  
20 form, and so it failed 5-0 with one abstention  
21 at the Handling Committee level.

22 So in keeping a consistent form,

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1 not to confuse everyone, the motion is for  
2 inclusion of non-organically produced -- is  
3 for the inclusion of Camu Camu powdered  
4 extract on Section 205.606 of the national  
5 list.

6 CHAIRMAN DELGADO: You move, the  
7 second?

8 MEMBER DAVIS: Second.

9 CHAIRMAN DELGADO: It is moved and  
10 seconded for the inclusion of non-organically  
11 produced Camu Camu extract on the national  
12 list, Section 205.606.

13 Discussion? Dan, followed by  
14 Gerry.

15 MEMBER GIACOMINI: Well, Gerry,  
16 maybe I'll be feeding it right back to you.

17 You did additional work, fairly  
18 extensive, it sounds like, on this substance,  
19 calling the groups in Brazil. Could you sort  
20 of -- you had something where you found that  
21 it was available, but I thought you said  
22 something about not available by this group or

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1 something.

2           Could you clarify that again? We  
3 have a little bit -- we have a bunch of  
4 petitions by this group. And they're all --  
5 we would like a more complete better petition  
6 from all of them. But it seems like we may  
7 have a little more information on this one  
8 than the others.

9           MEMBER DAVIS: Right, and you're  
10 right, I was going to bring up those points.  
11 As Julie mentioned this was from -- the  
12 petition is from a petitioner that sent in a  
13 lot of petitions, and the remainder of them  
14 used kind of a boilerplate method of saying  
15 our procurement department is seeking supplies  
16 of this and can't find any dah dah dah like  
17 that.

18           On this one they did not actually  
19 say that. Yes, on this -- this is the only  
20 one that I saw that they did not. They stated  
21 that there was no, and never has been any  
22 organically available -- organically produced

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1 Camu Camu berry extract.

2 In checking on that with the  
3 Brazilian certification agency that I check  
4 with, their first response by email was, well,  
5 yes, we do have Camu Camu berry extract --  
6 well, he said Camu Camu berry certified as  
7 organic. Upon further checking and actually  
8 speaking with someone there, they checked into  
9 it further, and what they described was, we  
10 have a fruit juice drink that contains Camu  
11 Camu berry that I was led to believe it was  
12 fresh processed; it was not a dried and  
13 powdered extract like the petitioner  
14 described. It was included in their juice  
15 mix, but not derived from extract necessarily.

16 And the certifying agent went on to  
17 say that he did checking and there is -- his  
18 statement was, there is currently no Camu Camu  
19 berry powdered extract available for export  
20 that he knows of in working with his group of  
21 certification. So I don't think this one is  
22 as clearcut as some of the others, and it

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1 deserves a little closer consideration.

2 CHAIRMAN DELGADO: Questions?  
3 Katrina?

4 MS. HEINZE: It's worth noting that  
5 this is a wild harvest material. The rest are  
6 not. So that's one of the differences and  
7 what does make this one a little more  
8 complicated than the others.

9 CHAIRMAN DELGADO: Any other  
10 questions?

11 Kevin?

12 MEMBER ENGELBERT: Has this changed  
13 the committee's position then? Have you  
14 revoted, or are you sticking with your  
15 original recommendation?

16 MEMBER DAVIS: My own personal vote?  
17 Is that appropriate?

18 CHAIRMAN DELGADO: It is appropriate  
19 if you are asking directly --

20 MEMBER ENGELBERT: No, I was asking  
21 the committee in general, whether you re-  
22 address the issue as a committee.

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1                   MEMBER WEISMAN: We did not meet  
2 following yesterday's presentation to address  
3 this issue, although I'm hearing it a little  
4 differently than I have heard it up until now,  
5 me, personally. But no, in answer to Kevin's  
6 question, we did not meet to revote this  
7 material since it was presented yesterday.

8                   CHAIRMAN DELGADO: The question is,  
9 are you expecting to change the  
10 recommendation, the motion; is that correct,  
11 Kevin?

12                   MEMBER WEISMAN: The motion's the  
13 same.

14                   MEMBER ENGELBERT: The motion's the  
15 same. I just wondered whether they had re-  
16 addressed it and left their motion the same.

17                   CHAIRMAN DELGADO: Okay, thank you  
18 for that then.

19                   MEMBER WEISMAN: I have a clarifying  
20 question from a procedural point of view. Is  
21 it -- every member of the Handling Committee  
22 has the option, if they want, of voting

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1 differently now than we did, okay, so I'm  
2 wondering then therefore is Kevin asking the  
3 members of the Handling Committee  
4 individually, do they feel differently about  
5 it now than they did before?

6 MEMBER ENGELBERT: Yes, I will ask  
7 that question then. What is the opinion?

8 CHAIRMAN DELGADO: Katrina?

9 MS. HEINZE: I am not changing my  
10 vote. But the reason for my statement is, I  
11 want to make sure that this material is clear  
12 for those folks who are not on the Handling  
13 Committee because given how many materials we  
14 have I know it's very confusing. So I just  
15 wanted to make sure that folks were aware that  
16 this one was a little different in the event  
17 that that affected your vote.

18 CHAIRMAN DELGADO: Other members of  
19 the Handling Committee? Steve?

20 MEMBER DeMURI: I do realize that  
21 this ingredient is a little different than the  
22 others that they petitioned. But the evidence

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1 still wasn't compelling enough for me to  
2 change my vote. So I still vote no.

3 CHAIRMAN DELGADO: Joe?

4 MEMBER SMILLIE: Same for me. I  
5 think Gerry did more research than the  
6 committee presented in their petition. So I  
7 have not changed my vote.

8 MEMBER WEISMAN: Yes, and I'll just  
9 for the record, I will also add my voice that  
10 I think that the problem was not even  
11 acknowledging -- that the evidence that they  
12 presented in their petition wasn't compelling;  
13 it was -- the burden was on us to go out and  
14 ferret it out. And Gerry went to actually  
15 very great lengths to do that.

16 CHAIRMAN DELGADO: Okay, any other  
17 questions? Gerry?

18 MEMBER DAVIS: And this topic, this  
19 discussion we're having right now, was brought  
20 up right before we voted. And the conclusion  
21 of the committee, the general consensus seemed  
22 to be that we had to search this out. The

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1 petitioner themselves did not really do due  
2 diligence to expose these things, so that they  
3 didn't address the issue properly, and that's  
4 why they still voted. So I want to point out,  
5 that was all covered; this is not a new  
6 development.

7 CHAIRMAN DELGADO: Okay, Tracy?  
8 Jeff?

9 VICE CHAIR MOYER: I was just going  
10 to ask the committee, and I assume that I  
11 already know the answer, the petitioner was  
12 made aware of the fact that your intention, or  
13 your suggestion and recommendation was to not  
14 put this on the list, and they were not here  
15 in front of us to make any other comment and  
16 have not submitted any other written comment;  
17 is that correct?

18 MEMBER WEISMAN: That's correct, but  
19 I will -- this question was asked yesterday,  
20 and I am going to ask Valerie Francis again to  
21 clarify what the -- once we hand in our  
22 recommendation, what steps the program then

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1 takes.

2 CHAIRMAN DELGADO: Valerie?

3 MS. FRANCIS: Actually Bob, who  
4 handles this part, I let him know that you  
5 made your recommendation, that it's time to  
6 inform the petitioner.

7 CHAIRMAN DELGADO: Bob, would you  
8 please comment?

9 MR. POOLER: This is Bob Pooler of  
10 the National Organic Program. Each petitioner  
11 was notified that their petition was going to  
12 be considered at this meeting. And they were  
13 sent a notice, and the information in the  
14 notice indicated where the recommendation was,  
15 and they were invited to comment on it.

16 That was sent to every petitioner  
17 that is being considered here today, including  
18 -- the person's name was, I believe, Mr.  
19 Hartwright. And Mr. Hartwright received both  
20 an email and a letter and a fax.

21 CHAIRMAN DELGADO: And that was done  
22 with the appropriate amount of time, I

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1 suppose, as the recommendation was posted  
2 publicly, correct?

3 MR. POOLER: Actually when the  
4 recommendation was forwarded to me, the  
5 letters were sent out, and I believe this  
6 occurred prior to the Federal Register notice.

7 CHAIRMAN DELGADO: Thank you. Jeff?

8 VICE CHAIR MOYER: Thank you, Bob,  
9 thank you, Julie. I think for me that  
10 clarifies things very well.

11 CHAIRMAN DELGADO: Any other  
12 questions? Kevin?

13 MEMBER ENGELBERT: Just one. The  
14 committee, and especially Gerry, is to be  
15 commended for finding out additional  
16 information beyond what was petitioned, and I  
17 guess I understand why you kept your  
18 reasonings for not changing your vote the  
19 same, but not perfectly.

20 Would anybody like to delve a  
21 little bit more into the reasoning of that?

22 CHAIRMAN DELGADO: Would you like to

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1 respond to that, Gerry? Or Katrina, are you  
2 adding something?

3 MEMBER DAVIS: No, I'd rather not.

4 CHAIRMAN DELGADO: Katrina?

5 MS. HEINZE: I will speak for me as  
6 opposed to everyone on the Handling Committee.  
7 We did the research so we could understand  
8 the material better, and certainly we found  
9 some evidence that would support the  
10 petitioner. I guess the concern I have is, we  
11 talked to one person. We certainly didn't do  
12 an exhaustive market search. And so there may  
13 very well be some available that we did not  
14 discover in Gerry's search, and that was a  
15 concern I had.

16 CHAIRMAN DELGADO: Thank you.

17 Any other questions? Dan.

18 MEMBER GIACOMINI: Is there -- in  
19 your research -- I'm hearing wild crop in the  
20 rainforest in Brazil, of which --

21 MEMBER DAVIS: Amazon in general.

22 MEMBER GIACOMINI: In the Amazon,

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1 and absolutely no known organic crop. You  
2 found a juice, organic juice with juice in it.

3 MEMBER DAVIS: An organic juice that  
4 contains as a small fraction this material,  
5 but no reference to the powdered extract that  
6 could be something that could be exported.

7 MEMBER GIACOMINI: Right. I almost  
8 feel like this substance is being penalized  
9 for the inadequacy of the volume of the  
10 petition submitted by this submitter. I mean  
11 I don't see where we would have found -- where  
12 in the research where could we put together  
13 the possibility that there wouldn't be a  
14 potential commercial unavailability.

15 CHAIRMAN DELGADO: Gerry.

16 MEMBER DAVIS: All that I was able  
17 to find in doing an Internet search asking for  
18 Camu Camu berry extract, there were only  
19 references to nonorganic. There was no -- not  
20 even from small distributors. Usually you can  
21 find small quantities of stuff that claims  
22 organic, but for this I found none. And

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1 that's why I took Joe's suggestion to call IBD  
2 in Brazil and give that a try. I emailed them  
3 first, but that was kind of flawed in the way  
4 that worked, so I wanted to call in the number  
5 to get a better response.

6 And the problem with that was, I  
7 called the day before we had to vote on it,  
8 and there was some additional information.  
9 But the general consensus of the committee was  
10 that this really doesn't change the fact that  
11 the petitioner themselves did not explain  
12 their case themselves. They just threw out a  
13 blanket statement and didn't really delve into  
14 any of this information that they could have  
15 done themselves.

16 CHAIRMAN DELGADO: Julie.

17 MEMBER WEISMAN: I also want to  
18 respond to Dan's remark. I don't think the  
19 petitioner is not being penalized because of  
20 the small quantity of material.

21 MEMBER GIACOMINI: No, this  
22 substance --

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1                   MEMBER WEISMAN: Oh, of the  
2 petition.

3                   MEMBER GIACOMINI: -- is being  
4 penalized for the volume of the other  
5 petitions by this petitioner.

6                   MEMBER WEISMAN: Right, and what I  
7 want to say about that is that it is true that  
8 we have looked at many materials before, and I  
9 am the first one to make the case that yes  
10 this material -- yes, we all know that this is  
11 grown organically but it is not being  
12 processed into the form or there are barriers  
13 to trade, none is getting exported.

14                   I would say if the first step had  
15 been completed to the satisfaction of this  
16 committee, that's where we would be, and then  
17 I would feel very differently about it. But  
18 the first step wasn't done.

19                   CHAIRMAN DELGADO: Any other  
20 questions? Tracy?

21                   MEMBER MIEDEMA: This question  
22 applies to this substance and then all of

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1       them. Julie, can you make sure I understand -  
2       - and I know the understanding, the burden of  
3       proof of whether or not a supply is  
4       potentially fragile, commercially available  
5       and if it's fragile, that burden is on the  
6       petitioner. And the burden is not on the  
7       committee. In a simple Google search and a  
8       few phone calls we find an organic version  
9       that the petitioner failed to even point out  
10      then we can reasonably say they have not met  
11      their burden of proof or carried their burden  
12      of proof.

13                   CHAIRMAN DELGADO: Julie.

14                   MEMBER WEISMAN: I would agree with  
15      that.

16                   CHAIRMAN DELGADO: Joe?

17                   MEMBER SMILLIE: And, again, it can  
18      be re-petitioned with a better petition, and  
19      in fact that was our action to the  
20      petitioners. We said, hey, give us -- we are  
21      not against what you are saying; you just  
22      didn't prove your case at all really. And in

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1 what little time we had we got a lot more  
2 information than you presented us.

3 So re-petition. And I would have  
4 thought with that list that they would have  
5 done that. They haven't done it yet, but they  
6 still have the opportunity to do so.

7 CHAIRMAN DELGADO: Any other  
8 questions?

9 Okay, are we ready for the  
10 question?

11 The question is on the motion to  
12 include nonorganically produced Camu Camu  
13 extract on the national list Section 205.606.

14 We will start our voting with  
15 Kevin.

16 MEMBER ENGELBERT: No.

17 CHAIRMAN DELGADO: Jennifer.

18 MEMBER HALL: No.

19 CHAIRMAN DELGADO: Steve.

20 MEMBER DeMURI: No.

21 CHAIRMAN DELGADO: Julie.

22 MEMBER WEISMAN: No.

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1 CHAIRMAN DELGADO: Dan.  
2 MEMBER GIACOMINI: Yes.  
3 CHAIRMAN DELGADO: Katrina.  
4 MS. HEINZE: No.  
5 CHAIRMAN DELGADO: Jeff.  
6 VICE CHAIR MOYER: No.  
7 CHAIRMAN DELGADO: Gerry.  
8 MEMBER DAVIS: Yes.  
9 CHAIRMAN DELGADO: Tina.  
10 MEMBER ELLOR: No.  
11 CHAIRMAN DELGADO: Tracy.  
12 MEMBER MIEDEMA: No.  
13 CHAIRMAN DELGADO: Joe.  
14 MEMBER SMILLIE: No.  
15 CHAIRMAN DELGADO: Barry.  
16 MEMBER FLANN: No.  
17 CHAIRMAN DELGADO: Hugh.  
18 MEMBER KARREMAN: Yes.  
19 CHAIRMAN DELGADO: And the chair  
20 votes no.  
21 VICE CHAIR MOYER: Bear with me a  
22 second, please, Mr. Chairman.

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1 CHAIRMAN DELGADO: Yes.

2 VICE CHAIR MOYER: I have 11 nos, 3  
3 yeses, one absent, Mr. Chairman.

4 CHAIRMAN DELGADO: The motion is  
5 agreed to, and we can move on to the next  
6 material.

7 MS. HEINZE: No, the motion failed.

8 CHAIRMAN DELGADO: Sorry, the motion  
9 failed; I apologize for that. And I'll just  
10 restate that.

11 The motion to include  
12 nonorganically produced Camu Camu extract on  
13 the national list section 205.606 is lost.

14 Let's move on to the next material.

15 MEMBER WEISMAN: The next item is  
16 caramel color. This material as Joe presented  
17 yesterday, we got a pretty far way in the  
18 evaluation of this material feeling like it  
19 was very -- a lot of information about the use  
20 of caramel, about -- let's see, it was  
21 actually petitioned by a manufacturer who is  
22 also a manufacturer of conventional caramel

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1 color who basically was telling us that they  
2 can't make all forms organically that they are  
3 able to make conventionally, and that there  
4 was a call in the industry for a variety of  
5 forms. Not all caramels are created equal, or  
6 not all caramel colors are created equal.

7 And to make a long story short the  
8 committee stopped short when it arrived at the  
9 information that the problem with making the  
10 additional forms of caramel color that they  
11 already make conventionally was that it was  
12 cost prohibitive. And cost is not a criteria  
13 that is acceptable as a reason for finding  
14 something not commercially available. And so  
15 for that reason this material failed at  
16 committee level unanimously six to nothing.

17 CHAIRMAN DELGADO: Okay, would you  
18 like to make a motion?

19 MEMBER GIACOMINI: The motion is for  
20 the inclusion of caramel color on the national  
21 list Section 205.606.

22 CHAIRMAN DELGADO: Is there a

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1 second?

2 MEMBER ELLOR: Second.

3 CHAIRMAN DELGADO: Tina seconds. It  
4 is moved and seconded to include caramel color  
5 on the national list, Section 205.606.

6 Questions from the board.  
7 Jennifer?

8 Okay, we are ready for the  
9 question. The question is on the motion to  
10 include caramel color on the national list,  
11 Section 205.606, and we'll start our voting  
12 with Jennifer.

13 MEMBER HALL: No.

14 CHAIRMAN DELGADO: Steve.

15 MEMBER DeMURI: No.

16 CHAIRMAN DELGADO: Julie?

17 MEMBER WEISMAN: No.

18 CHAIRMAN DELGADO: Dan.

19 MEMBER GIACOMINI: No.

20 CHAIRMAN DELGADO: Katrina.

21 MS. HEINZE: No.

22 CHAIRMAN DELGADO: Jeff?

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1 VICE CHAIR MOYER: No.  
2 CHAIRMAN DELGADO: Gerry.  
3 MEMBER DAVIS: No.  
4 CHAIRMAN DELGADO: Tina.  
5 MEMBER ELLOR: No.  
6 CHAIRMAN DELGADO: Tracy.  
7 MEMBER MIEDEMA: No.  
8 CHAIRMAN DELGADO: Joe.  
9 MEMBER SMILLIE: No.  
10 CHAIRMAN DELGADO: Barry.  
11 MEMBER FLANN: No.  
12 CHAIRMAN DELGADO: Hugh.  
13 MEMBER KARREMAN: No.  
14 CHAIRMAN DELGADO: Kevin.  
15 MEMBER ENGELBERT: No.  
16 CHAIRMAN DELGADO: And the chair  
17 votes no.  
18 VICE CHAIR MOYER: Mr. Chairman, we  
19 have 14 nos and one absent.  
20 CHAIRMAN DELGADO: The motion to  
21 include caramel color on the national list,  
22 Section 205.606 is lost.

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1                   We can move on to the next  
2 material.

3                   MEMBER GIACOMINI: Okay, the next  
4 material is Chinese thistle root, otherwise  
5 known as Atractylodes Rhizome, powdered  
6 extract. And this is a material in which the  
7 petitioner failed -- did not -- failed to  
8 acknowledge the existence of the fact that  
9 organic Chinese thistle daisy is being  
10 cultivated.

11                   We don't know if it's being  
12 extracted and powdered, but it is certainly  
13 being grown, and this was not mentioned at all  
14 in the petition. They did not address the  
15 existence of the organic form, and so for this  
16 reason it failed unanimously at the committee  
17 level.

18                   CHAIRMAN DELGADO: Would you like to  
19 state a motion?

20                   MEMBER GIACOMINI: I move that  
21 Chinese thistle root powdered extract be  
22 included on section 205.606 of the national

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1 list.

2 CHAIRMAN DELGADO: Is there a  
3 second?

4 MEMBER DeMURI: Second.

5 CHAIRMAN DELGADO: It is moved and  
6 seconded to include Chinese thistle root  
7 extract on the national list, Section 205.606.

8 Are there any questions? Ready for  
9 the question?

10 The question is on the motion to  
11 include Chinese thistle root extract on the  
12 national list, Section 205.606, and we'll  
13 start our vote with Steve.

14 MEMBER DeMURI: No.

15 CHAIRMAN DELGADO: Julie.

16 MEMBER WEISMAN: No.

17 CHAIRMAN DELGADO: Dan.

18 MEMBER GIACOMINI: No.

19 CHAIRMAN DELGADO: Katrina.

20 MS. HEINZE: No.

21 CHAIRMAN DELGADO: Jeff.

22 VICE CHAIR MOYER: No.

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1 CHAIRMAN DELGADO: Gerry.  
2 MEMBER DAVIS: No.  
3 CHAIRMAN DELGADO: Tina.  
4 MEMBER ELLOR: No.  
5 CHAIRMAN DELGADO: Tracy.  
6 MEMBER MIEDEMA: No.  
7 CHAIRMAN DELGADO: Joe.  
8 MEMBER SMILLIE: No.  
9 CHAIRMAN DELGADO: Barry.  
10 MEMBER FLANN: No.  
11 CHAIRMAN DELGADO: Hugh.  
12 MEMBER KARREMAN: No.  
13 CHAIRMAN DELGADO: Kevin.  
14 MEMBER ENGELBERT: No.  
15 CHAIRMAN DELGADO: Jennifer.  
16 MEMBER HALL: No.  
17 CHAIRMAN DELGADO: And the chair  
18 votes no.  
19 VICE CHAIR MOYER: Mr. Chairman, the  
20 vote is 14 nos, one absent.  
21 CHAIRMAN DELGADO: The motion to  
22 include Chinese thistle root extract on the

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1 national list is lost.

2 We can proceed to the next  
3 material.

4 MEMBER WEISMAN: The next material  
5 is Codonopsis Root, powdered extract. Again,  
6 this is a petition in which organic forms of -  
7 - organic Codonopsis was found by the  
8 committee to be cultivated and grown in  
9 certified organic form, and no mention of this  
10 was made in the petition. And it failed  
11 unanimously at the committee level.

12 CHAIRMAN DELGADO: Would you like to  
13 make a motion?

14 MEMBER WEISMAN: I keep forgetting.  
15 You would think I'd figure that out by now.

16 I move that Codonopsis Root  
17 powdered extract be included on Section  
18 205.606 of the national list.

19 CHAIRMAN DELGADO: Is there a  
20 second?

21 MEMBER DeMURI: Second.

22 CHAIRMAN DELGADO: It is moved and

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1 seconded to include Codonopsis Root powdered  
2 extract on the national list, Section 205.606.

3 Debate?

4 Ready for the question? The  
5 question is on the motion to include  
6 Codonopsis Root powdered extract on the  
7 national list, Section 205.606, and we'll  
8 start our vote with Julie.

9 MEMBER WEISMAN: No.

10 CHAIRMAN DELGADO: Dan.

11 MEMBER GIACOMINI: No.

12 CHAIRMAN DELGADO: Katrina.

13 MS. HEINZE: No.

14 CHAIRMAN DELGADO: Jeff.

15 VICE CHAIR MOYER: No.

16 CHAIRMAN DELGADO: Gerry.

17 MEMBER DAVIS: No.

18 CHAIRMAN DELGADO: Tina.

19 MEMBER ELLOR: No.

20 CHAIRMAN DELGADO: Tracy.

21 MEMBER MIEDEMA: No.

22 CHAIRMAN DELGADO: Joe.

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1 MEMBER SMILLIE: No.  
2 CHAIRMAN DELGADO: Barry.  
3 MEMBER FLANN: No.  
4 CHAIRMAN DELGADO: Hugh.  
5 MEMBER KARREMAN: No.  
6 CHAIRMAN DELGADO: Kevin.  
7 MEMBER ENGELBERT: No.  
8 CHAIRMAN DELGADO: Jennifer.  
9 MEMBER HALL: No.  
10 CHAIRMAN DELGADO: Steve.  
11 MEMBER DeMURI: No.  
12 CHAIRMAN DELGADO: And the chair  
13 votes no.  
14 VICE CHAIR MOYER: Mr. Chairman, the  
15 vote is 14 nos, one absent.  
16 CHAIRMAN DELGADO: The motion to  
17 include Codonopsis Root powdered extract on  
18 the national list Section 205.606 is lost.  
19 And we can proceed with the next  
20 material.  
21 MEMBER WEISMAN: Ginger root  
22 powdered extract is the next material. Not

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1 only is ginger root being cultivated widely  
2 organically, but the Handling Committee found  
3 very easily that it is being extracted. I  
4 cannot verify that it is available -- and I  
5 believe actually that it is in powdered form  
6 as well, as organic. And the petitioner made  
7 no mention of the existence of these organic  
8 forms of ginger root. And so it failed  
9 unanimously for that reason.

10 So I would like to make a motion at  
11 this time for the inclusion of ginger root  
12 powdered extract on Section 205.606 of the  
13 national list.

14 CHAIRMAN DELGADO: Is there a  
15 second?

16 MEMBER DeMURI: Second.

17 CHAIRMAN DELGADO: It is moved and  
18 seconded to include ginger root powdered  
19 extract on the national list, Section 205.606.

20 Questions from the board?

21 Debate? Ready for the question?

22 The question is on the motion to

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1 include ginger root powdered extract on the  
2 national list, Section 205.606. And we'll  
3 start our vote with Dan.

4 MEMBER GIACOMINI: No.

5 CHAIRMAN DELGADO: Katrina.

6 MS. HEINZE: No.

7 CHAIRMAN DELGADO: Jeff.

8 VICE CHAIR MOYER: No.

9 CHAIRMAN DELGADO: Gerry.

10 MEMBER DAVIS: No.

11 CHAIRMAN DELGADO: Tina.

12 MEMBER ELLOR: No.

13 CHAIRMAN DELGADO: Tracy.

14 MEMBER MIEDEMA: No.

15 CHAIRMAN DELGADO: Joe.

16 MEMBER SMILLIE: No.

17 CHAIRMAN DELGADO: Barry.

18 MEMBER FLANN: No.

19 CHAIRMAN DELGADO: Hugh.

20 MEMBER KARREMAN: No.

21 CHAIRMAN DELGADO: Kevin.

22 MEMBER ENGELBERT: No.

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1 CHAIRMAN DELGADO: Jennifer.

2 MEMBER HALL: No.

3 CHAIRMAN DELGADO: Steve.

4 MEMBER DeMURI: No.

5 CHAIRMAN DELGADO: Julie.

6 MEMBER WEISMAN: No.

7 CHAIRMAN DELGADO: And the chair  
8 votes no.

9 VICE CHAIR MOYER: Mr. Chairman, the  
10 vote is 14 nos, one absent.

11 CHAIRMAN DELGADO: The motion to  
12 include ginger root powdered extract on the  
13 national list, Section 205.606 is lost.

14 We can proceed to the next  
15 material.

16 MEMBER WEISMAN: The next material  
17 in our book is Jujube Fruit powdered extract.

18 I would like to make a note though. I think  
19 that on our -- just a procedural note, on our  
20 vote sheets that are a few items missing.  
21 This one and the one that -- yes, there's  
22 quite a few. There's three I see so far.

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1 MS. HEINZE: Yes, I see that.

2 MEMBER WEISMAN: Yes, there are  
3 three. So we'll just -- hopefully everyone  
4 will adjust accordingly. Does the secretary  
5 need a minute?

6 CHAIRMAN DELGADO: We will give the  
7 secretary a minute to adjust our note-taking,  
8 as well as to the vice chair who is kind  
9 enough tracking voting for us.

10 Ms. HEINZE: You can proceed with  
11 your introduction.

12 CHAIRMAN DELGADO: Jeff?

13 VICE CHAIR MOYER: Yes.

14 CHAIRMAN DELGADO: We're ready.

15 MEMBER WEISMAN: All right. Jujube  
16 Fruit powdered extract is being petitioned for  
17 inclusion on 606, and it is a material for  
18 which the Handling Committee with little  
19 difficulty was able to locate certified  
20 organically cultivated forms which was not  
21 mentioned in the petition, and for this reason  
22 it failed 5-0 with one absent at the time the

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1 vote was taken.

2 CHAIRMAN DELGADO: Motion please.

3 MEMBER WEISMAN: I move for the  
4 inclusion of Jujube Fruit powdered extract on  
5 Section 205.606 of the national list.

6 CHAIRMAN DELGADO: Is there a  
7 second?

8 MEMBER DeMURI: Second.

9 CHAIRMAN DELGADO: It is moved and  
10 seconded to include Jujube Fruit powdered  
11 extract on the national list, Section 205.606.

12 Questions? Debate? Dan.

13 MEMBER GIACOMINI: Just a question,  
14 Mr. Chairman.

15 Should we be asking for conflicts  
16 on each one, or do we just assume it was done  
17 at the beginning of the section?

18 CHAIRMAN DELGADO: I assume it was  
19 done at the beginning of the section, and I  
20 will be asking --

21 MEMBER GIACOMINI: Anyone can speak  
22 up as they need to?

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1 CHAIRMAN DELGADO: I would ask that  
2 to be the case.

3 Any other questions?

4 Are we ready for the question? And  
5 since it was brought up, are there any  
6 conflicts of interest that you wish to declare  
7 at this point, members of the board?

8 Very well, the question is on the  
9 motion to include Jujube Fruit powdered  
10 extract on the national list, Section 205.606.

11 We will start our vote with  
12 Katrina.

13 MS. HEINZE: No.

14 CHAIRMAN DELGADO: Jeff.

15 VICE CHAIR MOYER: No.

16 CHAIRMAN DELGADO: Gerry.

17 MEMBER DAVIS: No.

18 CHAIRMAN DELGADO: Tina.

19 MEMBER ELLOR: No.

20 CHAIRMAN DELGADO: Tracy.

21 MEMBER MIEDEMA: No.

22 CHAIRMAN DELGADO: Joe.

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1 MEMBER SMILLIE: No.  
2 CHAIRMAN DELGADO: Barry.  
3 MEMBER FLANN: No.  
4 CHAIRMAN DELGADO: Hugh.  
5 MEMBER KARREMAN: No.  
6 CHAIRMAN DELGADO: Kevin.  
7 MEMBER ENGELBERT: No.  
8 CHAIRMAN DELGADO: Jennifer.  
9 MEMBER HALL: No.  
10 CHAIRMAN DELGADO: Steve.  
11 MEMBER DeMURI: No.  
12 CHAIRMAN DELGADO: Julie.  
13 MEMBER WEISMAN: No.  
14 CHAIRMAN DELGADO: Dan.  
15 MEMBER GIACOMINI: No.  
16 CHAIRMAN DELGADO: And the chair  
17 votes no.  
18 VICE CHAIR MOYER: The vice chair  
19 says you guys vote fast.  
20 (Laughter.)  
21 VICE CHAIR MOYER: Mr. Chairman, the  
22 vote is 14 nos, one absent.

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1                   CHAIRMAN DELGADO: The motion to  
2 include Jujube Fruit powdered extract on the  
3 national list, Section 205.606 is lost.

4                   We can proceed to the next  
5 material.

6                   MEMBER WEISMAN: The next item that  
7 we will discuss is the petition for Ligusticum  
8 Root powdered extract.

9                   As you can probably guess, it was a  
10 petition made by the same petitioner as the  
11 last petition, and the Handling Committee was  
12 able to ascertain that it is being cultivated  
13 organically.

14                   And so this material failed 5-0,  
15 and one absent.

16                   CHAIRMAN DELGADO: Can I have a  
17 motion?

18                   MEMBER WEISMAN: At this time I move  
19 for the inclusion of Ligusticum Root powdered  
20 extra on the national list Section 205.606.

21                   CHAIRMAN DELGADO: Is there a  
22 second?

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1 MEMBER DeMURI: Second.

2 CHAIRMAN DELGADO: It is moved and  
3 seconded to include Ligusticum Root powdered  
4 extract on the national list Section 205.606.

5 Questions? Debate?

6 We are ready for the question. The  
7 question is on the motion to include  
8 Ligusticum Root powdered extract on the  
9 national list Section 205.606. And very  
10 slowly we will start taking votes starting  
11 with Jeff.

12 VICE CHAIR MOYER: No.

13 CHAIRMAN DELGADO: Gerry.

14 MEMBER DAVIS: No.

15 CHAIRMAN DELGADO: Tina.

16 MEMBER ELLOR: No.

17 CHAIRMAN DELGADO: Tracy.

18 MEMBER MIEDEMA: No.

19 CHAIRMAN DELGADO: Joe.

20 MEMBER SMILLIE: No.

21 CHAIRMAN DELGADO: Barry.

22 MEMBER FLANN: No.

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1 CHAIRMAN DELGADO: Hugh.  
2 MEMBER KARREMAN: No.  
3 CHAIRMAN DELGADO: Kevin.  
4 MEMBER ENGELBERT: Ready, Jeff?  
5 No.  
6 (Laughter.)  
7 CHAIRMAN DELGADO: Jennifer.  
8 MEMBER HALL: No.  
9 CHAIRMAN DELGADO: Steve.  
10 MEMBER DeMURI: No.  
11 CHAIRMAN DELGADO: Julie.  
12 MEMBER WEISMAN: No.  
13 CHAIRMAN DELGADO: Dan.  
14 MEMBER GIACOMINI: No.  
15 CHAIRMAN DELGADO: Katrina?  
16 MS. HEINZE: No.  
17 CHAIRMAN DELGADO: And the chair  
18 votes no.  
19 VICE CHAIR MOYER: Mr. Chairman, the  
20 vote is four nos, one absent.  
21 MS. HEINZE: Four?  
22 VICE CHAIR MOYER: Fourteen.

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1 MS. HEINZE: We're really going too  
2 fast.

3 CHAIRMAN DELGADO: The motion to  
4 include Ligusticum Root powdered extract on  
5 the national list Section 205.606 is lost.

6 We can proceed to the next  
7 material.

8 MEMBER WEISMAN: The next material  
9 for consideration is oat bran concentrate, and  
10 we actually received a letter during public  
11 comment from the petitioner asking that the  
12 petition be withdrawn, and that the program in  
13 NOSB expend no further time and resources on  
14 the consideration of the petition.

15 I believe all that is required is  
16 for me to have read that into the record.

17 Is that true?

18 As the chairman of the handling  
19 committee I accept the petitioner's request to  
20 withdraw.

21 CHAIRMAN DELGADO: So the petition  
22 has been withdrawn for oat bran concentrate,

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1 and we can proceed to the next material.

2 MEMBER WEISMAN: The next material  
3 up for consideration is okra.

4 And there are two matters. One is  
5 the handling committee voted last night. It  
6 was an oversight on our part to submit this  
7 without listing it as okra IQF. That's how it  
8 was petitioned. And it was error on our part  
9 for us to not have handed the recommendation  
10 on that way because that is how we considered  
11 it.

12 So I think that that - I believe  
13 that - that was an amendment. We voted, the  
14 committee voted, six nothing. It was  
15 unanimous, the vote was unanimous to change  
16 the listing on the recommendation to okra IQF.

17 CHAIRMAN DELGADO: Very good. And  
18 six was that -

19 MEMBER WEISMAN: Oh, I'm sorry,  
20 you're right. Okay, it was unanimous, but it  
21 was five zero with one recusal.

22 CHAIRMAN DELGADO: So we have five

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1 yes?

2 MEMBER WEISMAN: Five yes, zero nos,  
3 one recusal.

4 MS. HEINZE: Who was the first and  
5 second?

6 MEMBER WEISMAN: Yes.

7 CHAIRMAN DELGADO: We are ready for  
8 the motion.

9 MEMBER WEISMAN: Well, before I  
10 motion there was also - the petitioner spoke  
11 yesterday during public comment and requested  
12 from me permission to make something  
13 additional or to clarify a comment that he  
14 made during the discussion yesterday.

15 And I would like to grant - if it  
16 is within my authority - or I would like to  
17 ask you as chair if this permission can be  
18 granted?

19 CHAIRMAN DELGADO: It is granted.  
20 If the speaker will please approach the board.  
21 State your name and affiliation for the  
22 record.

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1 MR. BAILEY: Sure, thank you.

2 Again, David Bailey for Small  
3 Planet Foods, General Mills.

4 And what I think I misspoke about  
5 yesterday, I was asked a question whether  
6 Small Planet Foods or General Mills worked  
7 with contracted growers or helped them, would  
8 a freezer be found in a general okra growing  
9 area? Would we help the contract growers?

10 At the time I didn't speak clearly  
11 on that.

12 I want to say, yes, we would, as  
13 the answer.

14 So that is my only clarification.  
15 We do have some experience in contract  
16 growing. We have a lot - it's not in okra,  
17 but our business. We do have that as one of  
18 our business models.

19 Thank you.

20 CHAIRMAN DELGADO: Any questions to  
21 the presenter? Please don't leave the board.

22 Julie? Tracy?

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1                   MEMBER MIEDEMA: With this flurry of  
2 organic okra growers we are hearing about and  
3 the potential to maybe, in the not too distant  
4 future, produce an IQF, would your  
5 organization petition to have it removed?

6                   MR. BAILEY: Yes, I would either  
7 assist the freezer to do it or I'd do it  
8 myself.

9                   MEMBER MIEDEMA: Thank you.

10                  CHAIRMAN DELGADO: Gerry?

11                  MEMBER DAVIS: Would it be  
12 appropriate to ask you if the product that the  
13 okra goes into actually carries the name gumbo  
14 in some fashion?

15                  MR. BAILEY: It does.

16                  CHAIRMAN DELGADO: Any other  
17 questions?

18                  Thank you.

19                  MR. BAILEY: Thank you.

20                  CHAIRMAN DELGADO: Back to you, Ms.  
21 Weisman.

22                  MEMBER WEISMAN: So this material

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1 was found to meet the applicable criteria  
2 including that it is - that there is no  
3 commercial supply of organic okra in the  
4 individually quick frozen form. And as I  
5 mentioned it did pass by committee vote, five,  
6 zero nos, and one recusal.

7 So at this time I would like to  
8 make a motion for the inclusion of okra IQF on  
9 the national list Section 205.606.

10 MEMBER DeMURI: Second.

11 CHAIRMAN DELGADO: It is moved and  
12 seconded to include okra IQF on the national  
13 list Section 205.606.

14 Questions?

15 MEMBER DeMURI: Before we vote, I  
16 need to recuse myself as well. General Mills  
17 is a formidable competitor of ours, and we  
18 would also like to use this ingredient in some  
19 of our products. So it's a double-edged sword  
20 for Campbell's.

21 CHAIRMAN DELGADO: Okay, now that we  
22 bring that up are there any conflicts of

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1 interest to declare?

2 We have Katrina followed by Barry  
3 and Joe.

4 MS. HEINZE: It does bear saying, I  
5 think everyone knows it, I work for the  
6 petitioner, so I will be recusing myself.

7 CHAIRMAN DELGADO: You will be  
8 recusing yourself? Thank you. Barry.

9 MEMBER FLANN: I was just going to  
10 ask a question.

11 CHAIRMAN DELGADO: Before we proceed  
12 with questions, Joe, you had a question?

13 MEMBER SMILLIE: I just want to  
14 repeat my statement of this morning, which  
15 was, we may or may not certify many companies  
16 that may or may not use this, and I just want  
17 to put that out there again.

18 I don't think there is a conflict  
19 of interest.

20 CHAIRMAN DELGADO: Board members, do  
21 you think there is a conflict of interest?

22 MEMBER FLANN: No.

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1 CHAIRMAN DELGADO: Very good, we'll  
2 proceed now to the questions, debate. We will  
3 start with Barry followed by Gerry.

4 MEMBER FLANN: I'm sorry, this is  
5 one that has me kind of confused, and it's  
6 probably because of my lack of understanding  
7 of the system.

8 But the availability of organically  
9 grown okra troubles me that it seems like it's  
10 just the methods now that are being made  
11 available or are being used is a reason to add  
12 okra to the list of substances.

13 And that seems to open up all kinds  
14 of doors in other situations. But, like I  
15 say, I'll have to admit I don't fully  
16 understand this issue, so I'm kind of  
17 troubled.

18 Of course I'm influenced by the  
19 committee's acceptance of it, but I'm  
20 personally troubled by it.

21 CHAIRMAN DELGADO: Julie, would you  
22 like to respond?

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1                   MEMBER WEISMAN: Well, I just first  
2 want to say that this petition as we just  
3 voted to amend it, is not a blanket acceptance  
4 of okra as an agricultural product in organic  
5 food. It's only for individually quick frozen  
6 okra to be used.

7                   In other words, because of the way  
8 food products are processed and where they are  
9 processed and what kind of facilities are  
10 used, and because of the scale that is  
11 required in the existing - and the location of  
12 the existing IQF facilities, it is not  
13 possible for okra to be -- there is no organic  
14 okra currently available in a close enough  
15 proximity to existing IQF facilities for  
16 manufacturers of organic gumbo products sold  
17 to - at retail to make use of the - I'm losing  
18 my clarity, I'm sorry about that. Somebody  
19 help me.

20                   MEMBER FLANN: But that is the very  
21 part of this whole thing that troubles me, and  
22 I don't really - I don't have a handle on it,

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1 and that sort of troubles me that that is a  
2 manufacturing thing. And I just could see  
3 other situations where that is used as a  
4 reason not to use organic.

5 CHAIRMAN DELGADO: Okay, we have a  
6 question from Gerry, followed by Jeff and  
7 Steve and Tina.

8 Gerry.

9 MEMBER DAVIS: A statement merely  
10 personally. After thinking about this more, I  
11 originally voted yes at the committee level,  
12 most of these six items, in fact all of them  
13 so far, have been items that are part of, they  
14 have to be part of the 5 percent non-organic,  
15 but most of them are not the key ingredient  
16 that identifies the product as what it is,  
17 being the one that is non-organic.

18 So because of that, that gumbo is  
19 gumbo because it has okra in it, and this  
20 product is going to have non-organic okra in  
21 it, I can't vote to list it myself.

22 CHAIRMAN DELGADO: Jeff.

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1                   VICE CHAIR MOYER: Yes, Gerry, I was  
2 going to say the same thing. I agree with  
3 that. And then in the context of that, we  
4 just failed to list Ligusticum Root because we  
5 said that there was some organic Ligusticum  
6 Root somewhere in the world but not  
7 necessarily in this form, we don't know.

8                   We certainly know that there is  
9 okra, and given the fact that okra is on the  
10 name of the product, I have a real difficulty  
11 with this material.

12                  CHAIRMAN DELGADO: Okay, we have  
13 Steve followed by Tina and Dan.

14                  MEMBER DeMURI: I just want to  
15 remind everybody, especially Barry, since you  
16 are new, that there is also a commercial  
17 availability burden on the manufacturer or  
18 user to satisfy their certifier that there is  
19 none available as well. So it's a two-step  
20 process.

21                  CHAIRMAN DELGADO: Tina.

22                  MEMBER ELLOR: My issue with it, and

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1 my question is this; once the okra is frozen,  
2 it's shelf stable for a certain amount of  
3 time, I'm assuming, and it could be  
4 accumulated. So if you can't get it all at  
5 one time, the possibility is that you could  
6 stockpile it until you have enough to do the  
7 production. And that it is okra, which is a  
8 fairly big commodity crop. I have a problem  
9 with it, and the same issue that Jeff and  
10 Gerry has, that it's in the name of the  
11 product.

12 CHAIRMAN DELGADO: Dan.

13 MEMBER GIACOMINI: I would like  
14 first of all to go back a little bit on  
15 Barry's. If you look at the list of items we  
16 have already put on 606 there is a historical  
17 precedent for what we are looking at with this  
18 item.

19 We have peppers but only those  
20 processed in the chipotle form. We have  
21 galanga, but only the frozen form.

22 There are a couple - I won't say a

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1 number, but some - where it was the uniqueness  
2 of the process and what it took to do that  
3 that is the thing that put the substance, the  
4 agricultural product, on the list.

5 In this situation I've gone back  
6 and forth a lot. I've thought no. I've  
7 thought I can go along yes, if it's IQF.

8 In rethinking it, it seems that a  
9 significant part of the IQF problem comes down  
10 to being a financial issue and the fact of  
11 small amounts each day to be frozen, and that  
12 is a short-term thing not even taking into  
13 account, like Tina said, we have rejected some  
14 items, simply because we know the existence of  
15 their organic crop. We have rejected an item  
16 that we could not even find any evidence that  
17 it could be - was ever grown in an organic  
18 form.

19 And I have a hard time going along  
20 with this one.

21 CHAIRMAN DELGADO: Do you want to  
22 respond to that one?

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1                   MEMBER WEISMAN: I want to respond  
2 to one point of that. And there was also a  
3 question that was raised by Jeff.

4                   The petition, for instance, for  
5 Ligusticum that we just voted on was not  
6 rejected because we found organic raw  
7 agricultural product being grown. It was  
8 because the petition was insufficient in that  
9 it did not acknowledge the existence and  
10 address the fact that, well, maybe the raw  
11 crop is being grown but it's not being  
12 processed into the form that is needed for our  
13 use.

14                   CHAIRMAN DELGADO: Joe, followed by  
15 Tracy.

16                   MEMBER SMILLIE: Julie made the  
17 point that I was going to make. The  
18 comparison Jeff drew is inaccurate. So we've  
19 got that one down.

20                   To Dan's point, and again, it's  
21 important, you know, everything - it's like  
22 time or money, right. So everything can be

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1 financial. But in this case it's not so much  
2 the financial cost. It's the method of  
3 harvesting of okra, and the fact that you  
4 can't do it all at once; it's got to be picked  
5 off. So you've got to have a very large,  
6 large supply of it in order to pick it off.

7 And then you have to have freezer  
8 capacity that is timed to do that. If you've  
9 been there, it's got to all arrive, they've  
10 got to run it all at once. Because as a  
11 certifier, I'm telling them they've got to do  
12 a clean-up before they run - before they run  
13 organic.

14 So all of these start to go  
15 together. And the petition, and this is why  
16 we are held by the criteria on which we judge  
17 the petition. And the criteria is, is there a  
18 fragility of supply, or is it not available at  
19 all?

20 In this case, the IQF okra is  
21 clearly not available. It's not. And the  
22 petitioner documented that.

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1           Is there a fragility? Definitely,  
2 also. Can it be overcome in the future?  
3 Absolutely possible.

4           And so those are the criteria that  
5 we as a committee have to work with. We can't  
6 just say, oh. You have to look at the  
7 criteria and make your judgment, and I think  
8 that's what we did as a committee.

9           And there are two safeguards in  
10 this system of checks and balances. And those  
11 safeguards are, just because we put it on 606,  
12 that's not the final word. The certifier has  
13 to rule on commercial availability; and as  
14 soon as IQF facility or a group of farmers say  
15 we can make this available, they can petition  
16 to have it removed, and that petition is  
17 granted preference over any other petition.

18           So I think that we have safeguards  
19 in place for it, and if you go by the  
20 criteria, that's the way you have to vote, is  
21 based on the criteria that are presented for  
22 606.

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1 CHAIRMAN DELGADO: Tracy.

2 MEMBER MIEDEMA: Two points.

3 One is that early on we brought up  
4 this question of whether the 606 list either  
5 spurs or spurns the industry stepping up and  
6 producing an organic version.

7 And it's one of those deals where  
8 we can't predict the future, but sometimes we  
9 can peer into that crystal ball a little bit.

10 And this seems to be a situation that could  
11 really spur a whole new demand for organic  
12 okra, organic IQF okra that was never there  
13 before, and provide a new market for these  
14 organic okra growers that currently don't have  
15 anyone to sell it to other than their corner  
16 market, because this company or whomever it  
17 is, is able to get in, the market starts  
18 rolling.

19 And let's not forget, the label is  
20 going to be crystal clear. It will not say  
21 organic okra in the ingredients panel. It  
22 will say okra, and any organization that opts

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1 to do that, even if it's a quintessential  
2 gumbo product, does so at their peril.

3 And maybe their consumers will  
4 reject that notion and put a lot of pressure  
5 on them externally to find that.

6 And so I think if we are going to  
7 look into our crystal ball, this might be a  
8 spur organic demand situation by the addition  
9 of it to 606.

10 CHAIRMAN DELGADO: Any other  
11 questions?

12 Are we ready for the question?  
13 Joe, question? No? Very well.

14 The question is on the motion to  
15 include okra IQF on the national list, Section  
16 205.606.

17 We did have a motion.

18 MEMBER SMILLIE: Yes, made by Julie,  
19 seconded by Joe.

20 CHAIRMAN DELGADO: Once that is  
21 clarified, we'll proceed with a vote. And  
22 we'll start with Gerry.

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1 MEMBER DAVIS: No.  
2 CHAIRMAN DELGADO: Gerry said?  
3 MEMBER DAVIS: No.  
4 CHAIRMAN DELGADO: Tina.  
5 MEMBER ELLOR: No.  
6 CHAIRMAN DELGADO: Tracy.  
7 MEMBER MIEDEMA: Yes.  
8 CHAIRMAN DELGADO: Joe.  
9 MEMBER SMILLIE: Yes.  
10 CHAIRMAN DELGADO: Barry.  
11 MEMBER FLANN: No.  
12 CHAIRMAN DELGADO: Hugh.  
13 MEMBER KARREMAN: No.  
14 CHAIRMAN DELGADO: Kevin.  
15 MEMBER ENGELBERT: No.  
16 CHAIRMAN DELGADO: Jennifer.  
17 MEMBER HALL: No.  
18 CHAIRMAN DELGADO: Julie.  
19 MEMBER WEISMAN: Yes.  
20 CHAIRMAN DELGADO: Dan.  
21 MEMBER GIACOMINI: No.  
22 CHAIRMAN DELGADO: Katrina is

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1 abstaining, recusing.

2 Jeff.

3 VICE CHAIR MOYER: No.

4 CHAIRMAN DELGADO: And the chair  
5 votes no.

6 VICE CHAIR MOYER: I have eight nos,  
7 three yeses, one absent and two recusals.

8 I stand corrected; it is nine nos, three  
9 yeses, one absent, and two recusals.

10 CHAIRMAN DELGADO: The motion to  
11 include okra IQF on the national list 205.606  
12 is lost.

13 We can proceed to the next  
14 material.

15 MEMBER WEISMAN: The next material  
16 for consideration is Pectin, low-methoxy, non-  
17 amidated, which currently is included in the  
18 listing for Pectin, low-methoxy, on  
19 205.605(b).

20 And the petitioner is asking for  
21 the non-amidated form of low-methoxy Pectin to  
22 be included on 606 of the national list where

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1 high-methoxy Pectin also currently is located.

2 It is - was clear to the handling  
3 committee in reviewing the petition that this  
4 material which is basically isolated from -  
5 through mechanical means from apple pumice,  
6 which is a waste byproduct of the apple-  
7 pressing industry, and is used - it's critical  
8 for the production of jams and jellies and  
9 other dairy - other dairy products or anything  
10 that needs to be gelled. It is used to - for  
11 texture.

12 And it was seen - there certainly -  
13 none of this is available organically at this  
14 point, and in fact, when the petitioner was  
15 contacted, part of the reason for this  
16 petition is that they believe it is possible,  
17 that there is plenty of organic pumice  
18 available and that it would be possible to  
19 make this material organically but not unless  
20 it is recognized as an agricultural product on  
21 606.

22 So this is a material that the

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1 handling committee voted five yes, and one  
2 absent for inclusion on 606.

3 CHAIRMAN DELGADO: Would you like to  
4 make a motion?

5 MEMBER WEISMAN: At this time I  
6 would like to make a motion that Pectin, low-  
7 methoxy, non-amidated, be included on Section  
8 205.606 of the national list.

9 CHAIRMAN DELGADO: Is there a  
10 second?

11 MEMBER DeMURI: Second.

12 CHAIRMAN DELGADO: It's moved and  
13 seconded to include Pectin, low-methoxy, non-  
14 amidated, on the list on section 205.606.

15 Debate. Jeff.

16 VICE CHAIR MOYER: Thank you, Mr.  
17 Chairman.

18 Julie, I have a question about a  
19 comment you just made here. You said there  
20 were plenty of organic pumice does exist, but  
21 -

22 MEMBER WEISMAN: Pumice, not pectin.

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1                   VICE CHAIR MOYER: Right, but they  
2                   can't make it into pectin?

3                   MEMBER WEISMAN: They can, but it  
4                   can't be certified organic unless it's  
5                   recognized as an agricultural product.

6                   VICE CHAIR MOYER: This is confusing  
7                   to me.

8                   CHAIRMAN DELGADO: Dan?

9                   MEMBER GIACOMINI: The listing on  
10                  605 is essentially, although it's not stated  
11                  that way, is a two-part listing. It's Pectin,  
12                  low-methoxy. There is amidated, and there is  
13                  non-amidated. The amidated makes it  
14                  synthetic. This claim is that the non-  
15                  amidation keeps it agricultural as an  
16                  agriculturally processed product. They want  
17                  it identified and listed as an agricultural  
18                  product via the 606 mechanism so they can make  
19                  it and identify it as an organic product.

20                  Does that answer your question?

21                  VICE CHAIR MOYER: It does not. It  
22                  confuses me even more. You are inferring

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1 that, by moving it, it becomes non-synthetic  
2 when it is already -

3 CHAIRMAN DELGADO: Julie, do you  
4 want to -

5 MEMBER WEISMAN: I think I'm going  
6 to make a stab at constructing some history on  
7 this. And I think this speaks to the issue of  
8 how non-organic materials, how the market  
9 creates a demand for ingredients that no one  
10 ever bothered to consider how to make  
11 organically before.

12 When the national list was created,  
13 two kinds of Pectin was requested to be  
14 included for use in organic production. And  
15 at the time, two kinds of Pectin were  
16 identified: high-methoxy and low-methoxy. And  
17 all known forms of low-methoxy Pectin at that  
18 time were amidated, were reacted with ammonia  
19 in a way that makes them synthetic. So for  
20 that reason low-methoxy Pectin is - you find  
21 that on 205.605(b) which are synthetics-  
22 allowed.

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1           It was also recognized at that time  
2           that high-methoxy Pectin had not been treated  
3           with ammonia; was not amidated; and so that  
4           that was considered to be non-synthetic.

5           Now there are details that I'm  
6           probably missing, as to why it was - right,  
7           and that's why it's on 606. That's why it's  
8           on 606.

9           What the petitioner has brought to  
10          light is that, now there is high-methoxy  
11          Pectin being made that is not being amidated.

12          CHAIRMAN DELGADO: Low-methoxy.

13          MEMBER WEISMAN: I'm sorry, it does  
14          get confusing. There's low-methoxy Pectin now  
15          available which is not being amidated. And  
16          since it is a material that comes from an  
17          agricultural process through processes that  
18          are - that do not make it synthetic, they are  
19          isolated physically, it is - continues - it's  
20          basically a portion of the apple pumice.

21          VICE CHAIR MOYER: I understand  
22          that, but I guess my question would be, if it

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1 is organic apple pumice, and it is not  
2 synthetically treated, why isn't it just  
3 allowed as it is right now, without being on  
4 this list?

5 CHAIRMAN DELGADO: Julie.

6 MEMBER WEISMAN: Because it's not  
7 the pumice itself that is being used. It is  
8 being - I have to think about that.

9 CHAIRMAN DELGADO: Gerry.

10 MEMBER DAVIS: Is there much  
11 potential of running into the problem of -  
12 there is a lot of organic apple pumice, but  
13 there is no processing space, or it's too  
14 small of an item for a processor to make into  
15 organic low-methoxy non-amidated Pectin. Or  
16 we'll have the same situation. There is  
17 organic pumice available, and yet we can make  
18 it into low-methoxy non-amidated pumice, but  
19 it's too small; no one is going to do it  
20 because it is too much of an inconvenience.  
21 No one can shut down their line long enough to  
22 make a batch.

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1                   MEMBER WEISMAN: It was not  
2 something that was included in the petition,  
3 but it came up in subsequent conversation,  
4 because I had an opportunity at a trade show  
5 to ask a question, the petitioner was  
6 exhibiting. And the reason why this petition  
7 was being made was because they, in fact, not  
8 themselves, but I guess their supplier, they  
9 have already been in conversation with their  
10 supplier of Pectin, it's a jam manufacturer,  
11 who - and they are preparing to do just that,  
12 but they don't want to proceed unless the  
13 hurdle is cleared that this can in fact be -  
14 that this will be eligible for certification.

15                   CHAIRMAN DELGADO: At this moment I  
16 would like to recognize a member of the  
17 public. Can you please approach the podium  
18 and state your name.

19                   MS. SONNABEND: Zea Sonnabend, and I  
20 was the TAP contractor at the time that the  
21 Pectins were put on the list. So I wanted to  
22 just clarify a little bit about the history.

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1           You have to realize that when the  
2 National List was first created we didn't have  
3 a rule yet. And so there weren't these neat  
4 205.605, 205.606 like that. It was just, does  
5 it belong on the list? And is it synthetic or  
6 non-synthetic. And there wasn't the big  
7 emphasis that there is now on agricultural  
8 versus non-agricultural and the fine  
9 distinction.

10           So it was considered more important  
11 to look about whether something was synthetic  
12 or non-synthetic, and the agricultural listing  
13 was only used for the things that were really  
14 raw agricultural things.

15           And then it was unclear until Mr.  
16 Harvey clarified it that the ingredients that  
17 were not available in organic form as  
18 ingredients had to be put on the list in their  
19 own section.

20           So that being said, it was  
21 determined that high-methoxy Pectin had not -  
22 was non-synthetic because it had not gone

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1 through a chemical change in the extraction,  
2 but low-methoxy pectin had been - in some  
3 cases it's been precipitated with ammonium  
4 salts and alcohol, which is what precipitated  
5 the low-methoxy-ness of it, and therefore it  
6 was put on the list.

7 I do think that this is one where  
8 you may need a little further study to make  
9 sure that this form of pectin - it may be  
10 agricultural, but it may be synthetic  
11 agricultural, in which case maybe where it is  
12 on the list is okay. And depending on how you  
13 go with agricultural in the future, then maybe  
14 commercial availability will apply to  
15 everything on the list, and it could be  
16 sourced in organic form even if it might have  
17 gone through a synthetic step.

18 Anyway, I think you should really  
19 look at this carefully in light of that past  
20 history.

21 CHAIRMAN DELGADO: Okay, thank you  
22 for that clarification.

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1 Julie followed by Joe.

2 MEMBER WEISMAN: Under category two,  
3 question one, that's the question that asks,  
4 is the substance formulated or manufactured by  
5 a chemical process. And the petition did  
6 include a description of how this material is  
7 made.

8 They say that the pectin present in  
9 the cell wall structure of the apple pumice is  
10 extracted with acidified water that is  
11 filtered or strained to remove any remaining  
12 insoluble materials.

13 So they are mentioning extraction  
14 and filtration which are both allowed  
15 processes.

16 Now I guess we may want to ask the  
17 question, are there other materials that non-  
18 amidated low-methoxy Pectin might come from  
19 that we don't want to include.

20 And if that were the case, I would  
21 say that we should limit our listing from  
22 apple pumice only.

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1 CHAIRMAN DELGADO: Okay, Joe.

2 MEMBER SMILLIE: Well, I don't know  
3 if this is helpful or not, and maybe Zea might  
4 know. But if the case is that these are  
5 allowable processes and organic apple pumice  
6 is readily available, why is no one  
7 petitioning to remove high-methoxy Pectin off  
8 606?

9 CHAIRMAN DELGADO: Julie.

10 MEMBER WEISMAN: You know I'm not  
11 the expert, and whatever I know about Pectin I  
12 learned from Kevin O'Rell who is not on the  
13 board anymore.

14 But my understanding is that there  
15 are -- different pectins are more forgiving  
16 than others, and I believe that the - I  
17 believe that the high-methoxy - the low-  
18 methoxy Pectins are more foolproof, and then  
19 the high-methoxy Pectins, you have to be -  
20 they are less forgiving. Like you could still  
21 end up with liquid in your jam if you don't do  
22 it exactly right.

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1 CHAIRMAN DELGADO: Please wait to be  
2 recognized. Proceed.

3 MS. SONNABEND: Zea Sonnabend. My  
4 perception at the time, although it probably  
5 doesn't appear in the minutes, was that the  
6 high-methoxy Pectin was really not that useful  
7 in processing but it was put on the list  
8 because we'd rather have someone use the non-  
9 synthetic form if it would work in their  
10 situation. And almost everyone used the low-  
11 methoxy form.

12 CHAIRMAN DELGADO: Thank you.  
13 Dan followed by Tina.

14 MEMBER GIACOMINI: Zea, could you  
15 please with your, the paperwork you have and  
16 whatever glasses you may need, does this  
17 process match the one that you found in your  
18 research as far as the making of the Pectin  
19 and the difference between the two?

20 CHAIRMAN DELGADO: Can you highlight  
21 it?

22 MS. SONNABEND: I forgot one point

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1 in the last thing, which is that the lower  
2 methoxy Pectin works better with lower levels  
3 of sugar than high-methoxy, and that was  
4 decided to be desirable.

5 CHAIRMAN DELGADO: Okay, can you  
6 please identify yourself for the record.

7 MS. BROWN-ROSEN: I'm Emily Brown-  
8 Rosen with PCO. I happened to have a  
9 spreadsheet in my computer where I had looked  
10 at compiled information on these synthetics on  
11 the list. So I pulled out what I had dug up  
12 and also what was in the TAP reviews. And the  
13 thing is this old TAP review was not very  
14 good. So you have never really had a very  
15 good TAP review on these pectins. And I think  
16 they are - the manufacturing process, as it  
17 was originally considered, was not really -  
18 maybe Brian Baker maybe has more thoughts off  
19 the top of his head - but what I found was  
20 that TAP kind of - I didn't see - it lumped  
21 together high-methoxy, low-methoxy, and from  
22 reading up on it, my understanding is that

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1 when you extract from rinds of citrus, apples,  
2 other fruits, with water or acid - here they  
3 are talking about extracting with acids,  
4 aqueous acid solutions, that was considered a  
5 processing agent that yielded the high-methoxy  
6 form, and that was considered by the board to  
7 be natural, not synthetic.

8 Then it was precipitated out with  
9 aluminum salts or alcohol. These were  
10 removed, and the board said high-methoxy,  
11 that's natural. Further, demethylation by  
12 acid or alkalitic to get to the low-methoxy  
13 Pectin.

14 And so that low-methoxy as a group  
15 was considered synthetic. It could be  
16 amidated or it could be not amidated.

17 And so my perception was they were  
18 lumped together.

19 But in my mind this is all - you  
20 know, there are a lot of ways to make pectin,  
21 and you don't really have a good TAP review,  
22 and I would just recommend getting a little

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1 more detail on this, especially considering  
2 all the uncertainty about ag, non-ag and  
3 synthetic, non-synthetic at this point.

4 CHAIRMAN DELGADO: Dan, do you have  
5 a follow-up question?

6 MEMBER GIACOMINI: No, I think this  
7 one would be a good one to keep in mind as  
8 examples to run through when we are looking at  
9 the material working group.

10 CHAIRMAN DELGADO: Any other  
11 questions for the speaker? Julie?

12 Katrina.

13 MS. HEINZE: I'm wondering if this  
14 might be a material - and I don't know  
15 procedurally how to do this - that the  
16 committee might want to spend a little bit  
17 more time on.

18 So do I make a motion?

19 CHAIRMAN DELGADO: Well, right now  
20 the motion is with the chair of the committee.  
21 And we'll ask her to give us a decision.

22 You can definitely rescind the

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1 motion, withdraw it, and request more time to  
2 consider, given the pending questions.

3 MEMBER WEISMAN: Although I am  
4 reluctant, because we received this petition  
5 quite some time ago, and it was deferred in  
6 the fray of considering 606 materials to  
7 replace colors that were falling off the list,  
8 and because it had a home, I'm reluctant to  
9 defer it further.

10 However, I recommend at this time  
11 that we defer consideration of this material.

12 CHAIRMAN DELGADO: Does the second  
13 concur?

14 MEMBER DeMURI: Yes, I do.

15 CHAIRMAN DELGADO: At this time we  
16 are suspending consideration of pectin, low-  
17 methoxy non-amidated.

18 And we'll continue on with the next  
19 material.

20 Back to you, Ms. Weisman.

21 MEMBER WEISMAN: The next material  
22 to be considered is Peony Root powdered

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1 extract. It is also a material that was -  
2 which the committee felt did not provide - did  
3 not acknowledge the fact that - it did not  
4 include information that we found on our own,  
5 namely, that there is organic peony root -  
6 well, there is organic peony root, and they  
7 did not make mention of this in the petition.

8 And the vote on the handling  
9 committee was five against listing, one  
10 absent.

11 CHAIRMAN DELGADO: Okay, can I have  
12 a motion, please?

13 MEMBER WEISMAN: I move for the  
14 inclusion of peony root powdered extract on  
15 Section 205.606 of the national list.

16 MEMBER DeMURI: I'll second.

17 CHAIRMAN DELGADO: It is moved and  
18 seconded to include Peony Root powdered  
19 extract on the national list, Section 205.606.

20 Questions.

21 Ready for the question? The  
22 question is on the motion to include peony

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1 root powdered extract on the national list  
2 Section 205.606.

3 We will start the vote with Tina.

4 MEMBER ELLOR: No.

5 CHAIRMAN DELGADO: Tracy.

6 MEMBER MIEDEMA: No.

7 CHAIRMAN DELGADO: Joe.

8 MEMBER SMILLIE: No.

9 CHAIRMAN DELGADO: Barry.

10 MEMBER FLANN: No.

11 CHAIRMAN DELGADO: Hugh.

12 MEMBER KARREMAN: No.

13 CHAIRMAN DELGADO: Kevin.

14 MEMBER ENGELBERT: No.

15 CHAIRMAN DELGADO: Jennifer.

16 MEMBER HALL: No.

17 CHAIRMAN DELGADO: Steve.

18 MEMBER DeMURI: No.

19 CHAIRMAN DELGADO: Julie.

20 MEMBER WEISMAN: No.

21 CHAIRMAN DELGADO: Dan.

22 MEMBER GIACOMINI: No.

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1 CHAIRMAN DELGADO: Katrina.

2 MS. HEINZE: No.

3 CHAIRMAN DELGADO: Jeff.

4 VICE CHAIR MOYER: We're slowing  
5 down. No.

6 (Laughter.)

7 CHAIRMAN DELGADO: Gerry.

8 MEMBER DAVIS: No.

9 CHAIRMAN DELGADO: And the chair  
10 votes no.

11 VICE CHAIR MOYER: Mr. Chairman, we  
12 have 14 nos, one absent.

13 CHAIRMAN DELGADO: The motion to  
14 include Peony Root powdered extract on the  
15 national list in Section 205.606 is lost.

16 We will proceed with the next  
17 material.

18 MEMBER WEISMAN: Polygala Root  
19 powdered extract, this is a material that was  
20 found by members of the handling committee to  
21 be sold in a liquid extract form, a point that  
22 was not acknowledged by the petitioner.

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1                   At this point I make a motion for  
2 the inclusion of Polygala Root powdered  
3 extract on Section 205.606 of the national  
4 list.

5                   CHAIRMAN DELGADO: Is there a  
6 second?

7                   MEMBER DeMURI: Second.

8                   CHAIRMAN DELGADO: It's moved and  
9 seconded to include Polygala Root powdered  
10 extract on the national list, Section 205.606.

11                   Debate? Any questions on the  
12 board?

13                   Ready for the question. The  
14 question is on the motion to list Polygala  
15 Root powdered extract on the national list  
16 Section 205.606, and we'll start our vote with  
17 Tracy.

18                   MEMBER MIEDEMA: No.

19                   CHAIRMAN DELGADO: Joe.

20                   MEMBER SMILLIE: No.

21                   CHAIRMAN DELGADO: Barry.

22                   MEMBER FLANN: No.

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1 CHAIRMAN DELGADO: Hugh.  
2 MEMBER KARREMAN: No.  
3 CHAIRMAN DELGADO: Kevin.  
4 MEMBER ENGELBERT: No.  
5 CHAIRMAN DELGADO: Jennifer.  
6 MEMBER HALL: No.  
7 CHAIRMAN DELGADO: Steve.  
8 MEMBER DeMURI: No.  
9 CHAIRMAN DELGADO: Julie.  
10 MEMBER WEISMAN: No.  
11 CHAIRMAN DELGADO: Dan.  
12 MEMBER GIACOMINI: No.  
13 CHAIRMAN DELGADO: Katrina.  
14 MS. HEINZE: No.  
15 CHAIRMAN DELGADO: Jeff.  
16 VICE CHAIR MOYER: No.  
17 CHAIRMAN DELGADO: Gerry.  
18 MEMBER DAVIS: No.  
19 CHAIRMAN DELGADO: Tina.  
20 MEMBER ELLOR: No.  
21 CHAIRMAN DELGADO: Tracy - oh, the  
22 chair votes no.

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1                   VICE CHAIR MOYER: Mr. Chairman, the  
2                   vote is 14 nos, one absent.

3                   CHAIRMAN DELGADO: The motion to  
4                   include Polygala Root powdered extract on the  
5                   national list Section 205.606 is lost.

6                   We can proceed with the next  
7                   material.

8                   MEMBER WEISMAN: Not to be confused  
9                   with Polygala Root powdered extract, we are  
10                  now considered Polygonum Root powdered  
11                  extract. And again, we felt that the petition  
12                  did not acknowledge the existence of  
13                  information available readily of the existence  
14                  - that this material was being at least  
15                  cultivated organically.

16                  And we had the vote - the vote for  
17                  this were four no, one yes and one absent.

18                  At this time I would like to make a  
19                  motion for the inclusion of Polygonum Root  
20                  powdered extract on Section 205.606 of the  
21                  national list.

22                  CHAIRMAN DELGADO: Do we have a

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1 second?

2 MEMBER DeMURI: Second.

3 CHAIRMAN DELGADO: It's moved and  
4 seconded to included Polygonum Root powdered  
5 extract on the national list Section 205.606.

6 Questions? Joe.

7 MEMBER SMILLIE: I'd like to hear  
8 from the member who voted yes.

9 CHAIRMAN DELGADO: Julie.

10 MEMBER WEISMAN: There was one.  
11 Okay, you know, actually, correct me if I'm  
12 wrong, it's coming back to me, there was no  
13 information available suggesting that it was  
14 being cultivated organically. And this was  
15 one of the - I think this was one of the early  
16 petitions that we looked at, so I voted yes  
17 because of that.

18 But subsequently, in the  
19 consideration of many other petitions that  
20 came after it, and it was basically I was  
21 having at that time the same question that  
22 Jeff had earlier, but the issue then became

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1 for me was that the petitioner didn't - just  
2 used a boilerplate for 16 materials and didn't  
3 even - did not - before even - the petitioner  
4 had not been demonstrating an attempt, and so  
5 therefore, that was why I voted that way.

6 But I wouldn't vote that way now if  
7 I were reconsidering.

8 CHAIRMAN DELGADO: Any other  
9 questions?

10 Are we ready for the question? The  
11 question is on the motion to include Polygonum  
12 Root powdered extract on the national list,  
13 Section 205.606, and we'll start our vote with  
14 Joe.

15 MEMBER SMILLIE: No.

16 CHAIRMAN DELGADO: Barry.

17 MEMBER FLANN: No.

18 CHAIRMAN DELGADO: Hugh.

19 MEMBER KARREMAN: No.

20 CHAIRMAN DELGADO: Kevin.

21 MEMBER ENGELBERT: No.

22 CHAIRMAN DELGADO: Jennifer.

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1 MEMBER HALL: No.  
2 CHAIRMAN DELGADO: Steve.  
3 MEMBER DeMURI: No.  
4 CHAIRMAN DELGADO: Julie.  
5 MEMBER WEISMAN: No.  
6 CHAIRMAN DELGADO: Dan.  
7 MEMBER GIACOMINI: No.  
8 CHAIRMAN DELGADO: Katrina.  
9 MS. HEINZE: No.  
10 CHAIRMAN DELGADO: Jeff.  
11 VICE CHAIR MOYER: No.  
12 CHAIRMAN DELGADO: Gerry.  
13 MEMBER DAVIS: No.  
14 CHAIRMAN DELGADO: Tina.  
15 MEMBER ELLOR: No.  
16 CHAIRMAN DELGADO: Tracy.  
17 MEMBER MIEDEMA: No.  
18 CHAIRMAN DELGADO: And the chair  
19 votes no.  
20 VICE CHAIR MOYER: Mr. Chairman, the  
21 vote is four nos, one absent - 14 nos, one  
22 absent, I apologize.

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1                   CHAIRMAN DELGADO: The motion to  
2 include Polygonum Root powdered extract on the  
3 national list Section 205.606 is lost, and it  
4 is quarter to 3:00.

5                   I think we are ready for a break at  
6 this point, and it will be for 10 minutes.  
7 And I ask the board to be prompt. We will be  
8 back here at 3:00 o'clock, and I'll ask the  
9 board to be prompt.

10                   (Whereupon, the above-entitled  
11 matter went off the record at 2:48 p.m. and  
12 resumed at 3:09 p.m.)

13                   CHAIRMAN DELGADO: We're back in  
14 session, and back to you, Ms. Weisman.

15                   MEMBER WEISMAN: Okay, the next  
16 material to be considered is Poria Fungus  
17 powdered extract.

18                   This is another petition in which  
19 the petitioner made a blanket statement that  
20 they always look for organic sources of  
21 materials that they need without specifying  
22 any of them in particular, and so we did not

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1 find this petition compelling, did not feel  
2 that they had adequately addressed the  
3 question of whether this material is in fact  
4 available as organic.

5 The committee voted four no, one  
6 was absent, and one abstained.

7 And I'm wondering if Katrina also  
8 has a record of who the abstention was, and  
9 I'm hoping it wasn't me.

10 (Laughter.)

11 CHAIRMAN DELGADO: Katrina, can you  
12 respond to that?

13 MS. HEINZE: We would have to look  
14 at the handling committee minutes. Would you  
15 like me to do that?

16 MEMBER WEISMAN: I think we can  
17 proceed if everyone is comfortable.

18 CHAIRMAN DELGADO: Let's proceed.

19 MEMBER WEISMAN: All right. So  
20 therefore I would like to move at this time  
21 for the listing of Poria Fungus powdered  
22 extract on Section 205.606 of the national

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1 list.

2 MEMBER DeMURI: Second.

3 CHAIRMAN DELGADO: It is moved and  
4 seconded to include Poria Fungus powdered  
5 extract on the national list, Section 205.606.

6 Debate? Questions from the board?

7 Ready for the question. The  
8 question is on the motion to include Poria  
9 Fungus powdered extract on the national list  
10 Section 205.606, and we'll start taking our  
11 vote with Barry.

12 MEMBER FLANN: No.

13 CHAIRMAN DELGADO: Hugh.

14 MEMBER KARREMAN: No.

15 CHAIRMAN DELGADO: Kevin.

16 MEMBER ENGELBERT: No.

17 CHAIRMAN DELGADO: Jennifer.

18 MEMBER HALL: No.

19 CHAIRMAN DELGADO: Steve.

20 MEMBER DeMURI: No.

21 CHAIRMAN DELGADO: Julie.

22 MEMBER WEISMAN: No.

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1 CHAIRMAN DELGADO: Dan.  
2 MEMBER GIACOMINI: No.  
3 CHAIRMAN DELGADO: Katrina.  
4 MS. HEINZE: No.  
5 CHAIRMAN DELGADO: Jeff.  
6 VICE CHAIR MOYER: No.  
7 CHAIRMAN DELGADO: Gerry.  
8 MEMBER DAVIS: No.  
9 CHAIRMAN DELGADO: Tina.  
10 MEMBER ELLOR: No.  
11 CHAIRMAN DELGADO: Tracy.  
12 MEMBER MIEDEMA: No.  
13 CHAIRMAN DELGADO: Joe.  
14 MEMBER SMILLIE: No.  
15 CHAIRMAN DELGADO: And the chair  
16 votes no.  
17 VICE CHAIR MOYER: Mr. Chairman, the  
18 vote is 14 no, one absent.  
19 CHAIRMAN DELGADO: The motion to  
20 include Poria Fungus powdered extract on the  
21 national list, Section 205.606 is lost.  
22 And we can proceed to the next

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1 material.

2 MEMBER WEISMAN: The next material  
3 for consideration is Rehmannia Root powdered  
4 extract. You will not be surprised to know  
5 that it was petitioned by the same petitioner  
6 who petitioned many of the other root powdered  
7 extracts, and like its companions, this  
8 petition did not acknowledge the existence of  
9 organic Rehmannia root that was not difficult  
10 for members of the handling committee to  
11 locate, and for this reason it failed five no  
12 and one absent.

13 CHAIRMAN DELGADO: Do we have a  
14 motion?

15 MEMBER WEISMAN: I move that  
16 Rehmannia Root powdered extract be included on  
17 Section 205.606 of the national list.

18 MEMBER KARREMAN: Second.

19 CHAIRMAN DELGADO: Who was the  
20 second?

21 MEMBER DeMURI: Hugh.

22 CHAIRMAN DELGADO: Hugh was the

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1 second.

2 It is moved and seconded to include  
3 Rehmannia Root powdered extract on the  
4 national list, Section 205.606.

5 Debate. Questions from the board?

6 Are you ready for the question,  
7 board members? The question is on the motion  
8 to include Rehmannia Root powdered extract on  
9 the national list Section 205.606.

10 And we'll start taking our vote  
11 with Hugh.

12 MEMBER KARREMAN: No.

13 CHAIRMAN DELGADO: Kevin.

14 MEMBER ENGELBERT: No.

15 CHAIRMAN DELGADO: Jennifer.

16 MEMBER HALL: No.

17 CHAIRMAN DELGADO: Steve.

18 MEMBER DeMURI: No.

19 CHAIRMAN DELGADO: Julie.

20 MEMBER WEISMAN: No.

21 CHAIRMAN DELGADO: Dan.

22 MEMBER GIACOMINI: No.

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1 CHAIRMAN DELGADO: Katrina.

2 MS. HEINZE: No.

3 CHAIRMAN DELGADO: Jeff.

4 VICE CHAIR MOYER: No.

5 CHAIRMAN DELGADO: Gerry.

6 MEMBER DAVIS: No.

7 CHAIRMAN DELGADO: Tina.

8 MEMBER ELLOR: No.

9 CHAIRMAN DELGADO: Tracy.

10 MEMBER MIEDEMA: No.

11 CHAIRMAN DELGADO: Joe.

12 MEMBER SMILLIE: No.

13 CHAIRMAN DELGADO: Barry.

14 MEMBER FLANN: No.

15 CHAIRMAN DELGADO: And the chair  
16 votes no.

17 VICE CHAIR MOYER: Mr. Chairman the  
18 vote is 14 no, one absent.

19 CHAIRMAN DELGADO: The motion to  
20 include Rehmannia Root powdered extract on the  
21 national list, Section 205.606 is lost.

22 We can proceed with the next

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1 material.

2 MEMBER WEISMAN: The next material  
3 that we are considering is seaweed,  
4 specifically Kombu, which is also known by the  
5 names Lamanaria Japonica, Lamanaria Japonica  
6 var ochotensis, Lamanaria angustata, laminaria  
7 angustata longissima. I hope I got those  
8 right.

9 CHAIRMAN DELGADO: Joe?

10 MEMBER SMILLIE: There is a possible  
11 clarification. And that was because of a  
12 public comment we received that agreed with  
13 the petitioner, had no problem with them, but  
14 just wanted to differentiate, even though  
15 those variety names are correct, there is a  
16 general category called Pacific Kombu, which  
17 they all meet, which is in the trade  
18 differentiated from Atlantic Kombu. So they  
19 would like - I don't think they requested per  
20 se, but I think in honoring that input if we  
21 can put seaweed, Pacific Kombu, in there, it's  
22 certainly a friendly -

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1 CHAIRMAN DELGADO: It's a comment at  
2 this point. And it's taken by the chair.

3 Okay, any comment response on your  
4 part, Julie?

5 MEMBER WEISMAN: Just procedural.  
6 Should I continue with the presentation and  
7 then at the end of that time I will make a  
8 motion?

9 CHAIRMAN DELGADO: And then you can  
10 make the motion with the suggestion, or as you  
11 have it, and then it can be moved to amend;  
12 it's up to you.

13 MEMBER WEISMAN: Okay.

14 CHAIRMAN DELGADO: So complete your  
15 presentation, make the motion, and we'll  
16 proceed from there.

17 MEMBER WEISMAN: All right, this  
18 material is wild-harvested, hot-water  
19 extracted, condensed, heat sterilized and  
20 filtered. We found it to meet the criteria in  
21 terms of impact on humans in the environment,  
22 compatibility, consistency.

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1           It is also a material that is an  
2 essential ingredient in traditional Japanese  
3 cuisine for centuries, and it - although there  
4 are other organic certified sea vegetables,  
5 Kombu has characteristics that those other  
6 seaweeds and sea vegetables do not.

7           We - wild crop certification is  
8 pretty complicated, and so this was pretty  
9 clearly documented as not available currently.

10          There was - the handling committee did  
11 contact other distributors of Kombu in the  
12 U.S. who confirmed the information the  
13 petitioner gives regarding the availability.

14          And so we voted at the committee  
15 level five yes, zero nos, and one absent for  
16 the listing of this material on 606.

17          What I'm going to do right now  
18 actually is motion the material the way the  
19 recommendation was originally made and then  
20 entertain any amendments so that we can have  
21 discussion, because that discussion didn't  
22 happen in committee because the public comment

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1 came afterwards.

2 So at this time I would like to  
3 move that seaweed Kombu be included on Section  
4 205.606 of the national list.

5 MEMBER SMILLIE: Second.

6 CHAIRMAN DELGADO: It is moved and  
7 seconded, and the second came from Joe.

8 It is moved and seconded to include  
9 seaweed Kombu on the list, Section 205.606.

10 Comments, Jeff followed by Hugh.

11 VICE CHAIR MOYER: Yes, the question  
12 that I have pertains to the actual forms in  
13 which we're listing this. And my concern is  
14 that, if I came up with an organic version of  
15 Kombu that was a different variety name they  
16 would not have to use it because they would  
17 say, even if it satisfied all the culinary  
18 requirements that are solicited by the  
19 purchasing agent, they could conceivably say,  
20 oh we don't have to use that. We can  
21 circumvent because it's not the exact variety  
22 name.

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1           So in general when we listed these  
2 things like carrot extract, we didn't list  
3 specific carrot varieties. Here we are going  
4 to some really specific details, and I have  
5 some concerns over that.

6           CHAIRMAN DELGADO: The motion as it  
7 stands just to clarify is seaweed Kombu. The  
8 varieties are listed in the background papers.

9           VICE CHAIR MOYER: They are listed  
10 right on here.

11           CHAIRMAN DELGADO: But the intent of  
12 the chair was to list the varieties here, or  
13 just seaweed Kombu.

14           MEMBER WEISMAN: I actually would  
15 like to ask a question of my handling  
16 committee colleague, Joe Smillie.

17                   What would be the down side of not  
18 having these specific varieties listed?

19           MEMBER SMILLIE: Well, as I  
20 understand it, this is very specific because  
21 this is what the petitioner considers to be  
22 the precise type of Kombu. Because Kombu,

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1 like seaweed if you really want to get  
2 specific, that's a terrible word because it  
3 doesn't really reflect any kind of reality  
4 within that trade. There is seaweed even of  
5 itself isn't a really good term. It's a sea  
6 vegetable or something like that.

7 But anyhow if we listed just  
8 seaweed Pacific Kombu I think it would  
9 accomplish the task. This would be a real  
10 clarification, because what you said, Jeff,  
11 was suppose someone came up with a Kombu that  
12 wasn't one of these species, the odds are that  
13 then it wouldn't fit the culinary need; it  
14 would be Atlantic so-called Kombu.

15 CHAIRMAN DELGADO: Hugh.

16 MEMBER KARREMAN: Actually, Jeff  
17 touches on what I want to point out, and it's  
18 a technicality. But if you are going to have  
19 a genus and species, genus is capitalized,  
20 species is not; and then you're going to go to  
21 a variety, what you can do is just have the  
22 genus and put, s-p-p for the species that

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1 might fall under the laminaria. And then you  
2 are not going to only limit it to the variety  
3 ochotensis and longissima.

4 It's a technical thing, but you are  
5 getting at that, I think. So if they are all  
6 in the laminaria genus, just put laminara s-p-  
7 p dot, and that will cover other species like  
8 the Japonica and the angustata and maybe some  
9 other new one that is going to come in there,  
10 okay?

11 And actually you should do that on  
12 all the botanicals that you ever talk about,  
13 not just - you can't just call it carrot, you  
14 should actually have its Latin name.

15 CHAIRMAN DELGADO: Dan.

16 MEMBER GIACOMINI: I have a question  
17 for Joe. Do you know whether the use of the  
18 word, Pacific, here is an ocean term or is it  
19 essentially a culinary term where it is part  
20 of the characteristics that they are doing?

21 MEMBER SMILLIE: I did talk with a  
22 number of manufacturers on this one, and

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1 distributors. It's a generally recognized  
2 term. Kombu itself is a generally recognized  
3 term in the culinary trade.

4           Whereas if we said, as Hugh pointed  
5 out, laminaria, that's a bigger, that's bigger  
6 than Kombu. That includes what is commonly  
7 called Atlantic Kombu which the culinary  
8 people don't regard as real Kombu. It's a  
9 similar species but it doesn't have the same  
10 characteristics as what is called in Japanese  
11 culinary tradition Kombu.

12           MEMBER GIACOMINI: So wouldn't the  
13 use of the Pacific Kombu protect the industry  
14 -

15           MEMBER SMILLIE: Yes.

16           MEMBER GIACOMINI: - even a little  
17 more so than listing species of genus, I would  
18 think.

19           MEMBER SMILLIE: I would agree.

20           MEMBER GIACOMINI: And the argument  
21 that Jeff is looking at of whether they are  
22 coming up with something that is acceptable or

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1 not without having the specific genus, we are  
2 talking about a culinary category more than an  
3 ocean.

4 MEMBER SMILLIE: And I think that  
5 was the public comment we got, which is in  
6 your binder - maybe we should refer to it;  
7 I'll have to find it first. But that was the  
8 public comment, that they wanted to be really  
9 sure that uses of - if other laminaria would  
10 suffice, that people would have to purchase  
11 that laminaria, which was certified but didn't  
12 meet their definition of Kombu.

13 And if you want, I'd have to find  
14 that public comment if you want to go to that,  
15 but that's what my friendly motion will be is  
16 to drop the species names and simply insert  
17 Pacific Kombu, which is more of a trade term.

18 CHAIRMAN DELGADO: We are looking  
19 for that reference.

20 MEMBER SMILLIE: I have it. You  
21 want me to read the whole thing? It won't  
22 take long.

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1                   Okay, it's ready docket number blah  
2                   blah blah, seafood Kombu. Please accept this  
3                   comment regarding the addition of seaweeds  
4                   Kombu to Section 606. It should clearly  
5                   restrict it only to the species specifically  
6                   designated as listed in the public notice.  
7                   Thorvin Inc., doing business as Thorvin Kelp  
8                   is the largest US-based distributor of  
9                   certified organic kelp products with certified  
10                  organic aquatic plant products available in  
11                  commercial quantities in excess of 1,000 blah  
12                  blah blah.

13                  I am writing to inform you that  
14                  abundant supplies of certified organic  
15                  Lamanaria digitata are commercially available.

16                  Lamanaria digitata is commonly known as  
17                  Atlantic Kombu, and can be substituted for  
18                  Kombu that originates in the Pacific Ocean for  
19                  a number of functions, current inventories,  
20                  blah blah blah.

21                  I want to affirm that the  
22                  petitioner who requested the addition of Kombu

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1 to the national list accurately recognized the  
2 availability of laminaria digitata.

3 Therefore we respectfully request  
4 that the listing clearly limit the category to  
5 Pacific Kombu, which is the species listed as  
6 the petitioner requested.

7 CHAIRMAN DELGADO: Any questions?  
8 Kevin, followed by Dan.

9 MEMBER ENGELBERT: We have two  
10 questions. We have certified Thorvin Kelp.  
11 How is that possible without aquaculture  
12 aquatic standards. And if that is certified  
13 organic why can't the Kombu be certified.

14 MEMBER SMILLIE: The answer is, it's  
15 certified under the wild harvest regulation,  
16 and that particular kelpery or whatever was  
17 able to be certified. The ones in the Pacific  
18 were not.

19 CHAIRMAN DELGADO: Dan.

20 MEMBER GIACOMINI: So it sounds  
21 like, if I heard what you were reading  
22 correctly, he wants both varieties - he wants

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1 it listed as seaweed Pacific Kombu with the  
2 varieties -

3 MEMBER SMILLIE: That is correct.

4 CHAIRMAN DELGADO: Jeff.

5 VICE CHAIR MOYER: I guess I'm just  
6 curious, because if we list - I understand  
7 what he's saying now I think - and if we list  
8 them this way with these varieties, then in  
9 order to get these off the list you would have  
10 to come up with the exact varieties in organic  
11 form, as opposed to saying if, you know, I'm  
12 just wondering if they are trying to avoid  
13 using Atlantic Kombu that is certified  
14 organic. Because there is a - clearly, they  
15 state it themselves, that there is plenty of  
16 certified organic Kombu out there.

17 MEMBER SMILLIE: Right, but it  
18 doesn't fulfill the functions that Pacific  
19 Kombu fulfills. It fulfills other functions.

20 VICE CHAIR MOYER: I don't  
21 understand what those are.

22 MEMBER SMILLIE: Well, I don't know

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1 either, quite frankly, feed or other - I don't  
2 know. But to use it - and I don't want to get  
3 specific - but it's a specific use within the  
4 Japanese culinary tradition. It's actually  
5 packaged in a well known brand of organic  
6 beans that uses Kombu, and this company is  
7 diligently finding organic ingredients every  
8 place they can.

9 So I figured, hey, if they can't  
10 find it, it ain't there. So we talked to them  
11 and they said, no, we'd love to be able to get  
12 it, and we've been pushing and pushing, but it  
13 simply can't be done at this time.

14 So what this - what my take on the  
15 petition is, what they're saying is, hey,  
16 don't just throw up Kombu there and then have  
17 someone come along and say, oops, I can't use  
18 your Kombu that's certified. I'll use  
19 conventional because it's on list 606.

20 They're saying, hey, protect our  
21 business, which doesn't want to be damaged by  
22 your incorrect listing, is my interpretation

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1 of that letter.

2 CHAIRMAN DELGADO: Julie.

3 MEMBER WEISMAN: I mean I think that  
4 between the petitioner's attempt to make it  
5 clear he doesn't want this listing to  
6 interfere with the Atlantic guy's business,  
7 and also the petitioner and the commenter who  
8 is involved in Atlantic Kombu is making very  
9 clear that I have organic certified Kombu of a  
10 different variety that is available and can be  
11 used for certain functions but not all of  
12 these functions.

13 So I think they are actually both  
14 kind of backing each other up and making sure  
15 that there will be markets for their products.

16 CHAIRMAN DELGADO: Jeff.

17 VICE CHAIR MOYER: Well, then in  
18 that regard I sort of have things backwards.  
19 It is actually more important that we be as  
20 specific as possible.

21 MEMBER SMILLIE: Pacific-specific.

22 VICE CHAIR MOYER: I apologize for

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1 dragging everybody through that, but it helped  
2 me.

3 CHAIRMAN DELGADO: Any other  
4 questions in that respect?

5 So the motion stands as seaweed  
6 Kombu. Do we have another question, comment  
7 on that respect?

8 Hugh?

9 MEMBER KARREMAN: Okay, so you're  
10 going to have the Lamanaria Japonica  
11 ochotensis, right? And you don't need the  
12 Lamanaria Japonica just before that.

13 CHAIRMAN DELGADO: Just to clarify,  
14 we do have Lamanaria Japonica as well as  
15 laminaria angustata, and each of those are  
16 specific varieties.

17 MEMBER KARREMAN: If all you want  
18 are those two varieties shown, that's the only  
19 two you really need to list. You don't -  
20 because there are going to be other varieties  
21 of laminaria Japonica there before the comma,  
22 potentially.

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1 CHAIRMAN DELGADO: I'd like to list  
2 it as the petitioner presented it.

3 MEMBER KARREMAN: Which is what?  
4 What I'm looking at?

5 CHAIRMAN DELGADO: Both, both  
6 laminaria Japonica and laminaria Japonica ta  
7 da da da da.

8 MEMBER KARREMAN: Okay.

9 VICE CHAIR MOYER: Was that the  
10 Latin form?

11 MEMBER SMILLIE: That was ig-pay  
12 atin-lay.

13 (Laughter.)

14 CHAIRMAN DELGADO: Okay, going back,  
15 as I said - Dan, go ahead.

16 MEMBER GIACOMINI: I'll step out on  
17 a limb here, not being a handling person. I  
18 would move to amend the motion to add the  
19 word, Pacific, between seaweed and Kombu, and  
20 following Kombu, add the - I'm not even going  
21 to try saying it - the species listed as they  
22 are on the recommendation.

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1 CHAIRMAN DELGADO: Julie, do you  
2 agree with that?

3 MEMBER WEISMAN: I accept the  
4 amendment.

5 CHAIRMAN DELGADO: So it is a  
6 friendly amendment.

7 Do you want to say something before  
8 I state the amendment?

9 It is moved to amend the motion to  
10 include the word, Pacific, after seaweed - no,  
11 because Julie was the original proponent of  
12 the motion. She has accepted the amendment,  
13 and we don't need a second. It's a friendly  
14 amendment.

15 (Off-mike comment.)

16 CHAIRMAN DELGADO: I'm sorry, you're  
17 right, you're absolutely right.

18 MEMBER KARREMAN: Thank you, I  
19 accept.

20 CHAIRMAN DELGADO: Thank you for  
21 that friendly parliamentary check. And I'll  
22 continue stating the motion to amend.

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1                   It is moved and seconded to amend  
2 by including the word, Pacific, after seaweed,  
3 and the motion will remain as seaweed Pacific  
4 Kombu followed by lamanaria Japonica,  
5 lamanaria Japonica variety ochotensis,  
6 lamanaria angustata and lamanaria angustata  
7 variety longissima.

8                   Debate? Hugh?

9                   MEMBER KARREMAN: Well, not a  
10 debate.

11                  CHAIRMAN DELGADO: Questions.

12                  MEMBER KARREMAN: You got the word,  
13 seaweed, in there. To me that's like the  
14 whole kitchen sink. So why don't you just  
15 have the Pacific Kombu and the rest of it -  
16 just take that seaweed out of there.

17                  CHAIRMAN DELGADO: At the moment we  
18 do have a motion to accept the inclusion of  
19 the word Pacific in the original motion. So  
20 let's take care of that unless you can make an  
21 amendment to amend the amendment to drop the  
22 word, seaweed.

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1                   Clarification, we have one from the  
2 point of the director followed by our  
3 parliamentarian.

4                   MS. FRANCIS: I would just prefer  
5 that you refer to how it's listed in the roll  
6 where we have a category of seaweed. I think  
7 we should be consistent. We have a category  
8 of seaweed.

9                   MEMBER GIACOMINI: Seaweed as it's  
10 listed now is not separated off. V is wakame  
11 seaweed, it's not seaweed wakame.

12                   MS. FRANCIS: Really? Okay.

13                   CHAIRMAN DELGADO: We will have to  
14 regain control. Going back to Dan, the  
15 original, you had a comment.

16                   MEMBER GIACOMINI: The amendment was  
17 accepted in a friendly form. It is then  
18 accepted. It is now the motion on the table.

19                   CHAIRMAN DELGADO: It is the motion  
20 on the table?

21                   MEMBER GIACOMINI: It is not to  
22 amend the motion; it is the motion as amended.

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1 CHAIRMAN DELGADO: As amended. I  
2 stand corrected. So we do have a proposal  
3 from Hugh. Was that a motion on your part?  
4 Can you state it as a motion, please?

5 MEMBER KARREMAN: I will make the  
6 motion to take the word, seaweed out of there  
7 for - forget the motion. Just don't worry  
8 about it.

9 CHAIRMAN DELGADO: Okay, any other  
10 comments? Dan?

11 MEMBER GIACOMINI: I believe when we  
12 did the wakame, we did it as seaweed wakame,  
13 and it came - did we not? We did it as wakame  
14 seaweed?

15 CHAIRMAN DELGADO: Bob, can you  
16 state that for the record?

17 MR. POOLER: Bob Pooler, NOP. It's  
18 wakame seaweed that's listed in the  
19 regulations.

20 MEMBER GIACOMINI: We are trying to  
21 see what our recommendation was.

22 MR. POOLER: I think it was wakame

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1 seaweed. I'd have to check on that.

2 CHAIRMAN DELGADO: So Dan, back to  
3 you, the concern is that the position of the  
4 seaweed -

5 MEMBER GIACOMINI: My thinking was  
6 that they had slightly modified in an  
7 insignificant form, and they could certainly  
8 do that again. If they are held not to, then  
9 we would want to make sure we are consistent.

10 CHAIRMAN DELGADO: Okay. Our  
11 director is showing signs of frustration. Do  
12 you want to make a statement?

13 Hugh?

14 MEMBER KARREMAN: On 606 you have it  
15 listed under 2(v) wakame seaweed, and in  
16 parentheses, Hondaria. So I would say that on  
17 this here it should say Pacific Kombu seaweed,  
18 and then in parentheses the Latin botanical  
19 names, because you have precedence here.

20 CHAIRMAN DELGADO: Joe, and the  
21 question from the chair to the members, would  
22 we be changing significantly the intent of the

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1 petition?

2 MEMBER SMILLIE: I think it's a  
3 friendly amendment.

4 CHAIRMAN DELGADO: It's a friendly  
5 amendment. Julie?

6 MEMBER WEISMAN: I'm still looking  
7 for the wakame recommendation. I'm sorry.  
8 No, no, not for listing; how we recommended  
9 it.

10 But in the meantime, could you  
11 please repeat the friendly amendment.

12 CHAIRMAN DELGADO: The friendly  
13 amendment is as follows, to change the  
14 position of the word, seaweed, to follow after  
15 Kombu, so it would read Pacific Kombu seaweed.

16 MEMBER WEISMAN: Can I ask a  
17 question before I decide whether to accept or  
18 not?

19 CHAIRMAN DELGADO: Yes, absolutely.

20 MEMBER WEISMAN: Hugh, do you think  
21 it would be very different to call it Kombu  
22 seaweed Pacific?

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1 CHAIRMAN DELGADO: Hugh?

2 MEMBER KARREMAN: Mr. Chairman, I  
3 could live with that, if you have the Latin  
4 names after it; that's what really counts.

5 CHAIRMAN DELGADO: Dan, and followed  
6 by Mr. Matthews.

7 MEMBER GIACOMINI: Unfortunately,  
8 what I have is the recommendation out of  
9 committee, not the completed recommendation  
10 from the board. But from the committee it was  
11 wakame enduria species.

12 CHAIRMAN DELGADO: No mention of  
13 seaweed?

14 MEMBER GIACOMINI: No mention of  
15 seaweed.

16 CHAIRMAN DELGADO: Mr. Matthews, can  
17 you bring some clarity to the matter?

18 MR. MATTHEWS: Well, I don't know.

19 I don't know that I'm going to  
20 bring a whole lot of clarity. But the  
21 importance is the genus, the species, and if  
22 you go down to variety; that's what's

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1 important.

2 The reason for the scientific names  
3 is because the common names vary so greatly  
4 from one region to another. So the important  
5 thing is, do you have the right genus,  
6 species, and if necessary, variety.

7 The common name is not that  
8 important.

9 CHAIRMAN DELGADO: Very well; thank  
10 you for that.

11 Back to Julie, you had a comment?

12 MEMBER WEISMAN: No, in that case I  
13 would accept the friendly amendment.

14 CHAIRMAN DELGADO: A friendly  
15 amendment is accepted by the original  
16 proponent of the motion, and also, I  
17 understand from the second of that motion,  
18 Joe, is that correct?

19 MEMBER SMILLIE: Yes.

20 CHAIRMAN DELGADO: Okay, so the  
21 motion now stands as Pacific Kombu seaweed  
22 followed by the specific genus, species and

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1 varieties of the material.

2 Any other questions? You ready for  
3 the question?

4 The question is on the motion to  
5 list Pacific Kombu seaweed, lamanaria  
6 Japonica, lamanaria Japonica variety  
7 ochotensis, lamanaria angustata, lamanaria  
8 angustata variety longissima.

9 (Laughter.)

10 That's my pigeon Latin.

11 We'll start our vote with Kevin.

12 MEMBER ENGELBERT: Yes.

13 CHAIRMAN DELGADO: Jennifer.

14 MEMBER HALL: Yes.

15 CHAIRMAN DELGADO: Steve.

16 MEMBER DeMURI: Yes.

17 CHAIRMAN DELGADO: Julie.

18 MEMBER WEISMAN: Yes.

19 CHAIRMAN DELGADO: Dan.

20 MEMBER GIACOMINI: Yes.

21 CHAIRMAN DELGADO: Katrina.

22 MS. HEINZE: Yes.

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1 CHAIRMAN DELGADO: Jeff.

2 VICE CHAIR MOYER: Yes.

3 CHAIRMAN DELGADO: Gerry.

4 MEMBER DAVIS: Yes.

5 CHAIRMAN DELGADO: Tina.

6 MEMBER ELLOR: Yes.

7 CHAIRMAN DELGADO: Tracy.

8 MEMBER MIEDEMA: Yes.

9 CHAIRMAN DELGADO: Joe.

10 MEMBER SMILLIE: Yes.

11 CHAIRMAN DELGADO: Barry.

12 MEMBER FLANN: Yes.

13 CHAIRMAN DELGADO: Hugh.

14 MEMBER KARREMAN: Yes.

15 CHAIRMAN DELGADO: And the chair  
16 votes yes.

17 VICE CHAIR MOYER: Mr. Chairman, the  
18 vote is 14 yes, one absent.

19 CHAIRMAN DELGADO: The motion is  
20 agreed to.

21 We can move on to the next  
22 material.

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1                   MEMBER WEISMAN: The next material  
2 is tangerine peel powdered extract. It was  
3 not difficult to know, despite the fact it  
4 wasn't mentioned in the petition at all, that  
5 there is plenty of organic tangerine being  
6 grown.

7                   And because this was not mentioned  
8 in the petition, this failed unanimously at  
9 the committee level for inclusion on the  
10 national list.

11                   So with that I move for the  
12 inclusion of tangerine peel powdered extract  
13 on section 205.606 of the national list.

14                   CHAIRMAN DELGADO: Is there a  
15 second?

16                   MEMBER DeMURI: Second.

17                   CHAIRMAN DELGADO: It is moved and  
18 seconded to include tangerine peel powdered  
19 extract on the national list, Section 205.606.

20                   Discussion?

21                   MEMBER KARREMAN: If I could just  
22 make a comment.

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1 CHAIRMAN DELGADO: Hugh.

2 MEMBER KARREMAN: From what you were  
3 saying, Julie, it has nothing to do with the  
4 way the vote is going to go, but if the  
5 petitioner didn't even bother to realize that  
6 there are a lot of organic tangerines out  
7 there, isn't there a lot of time and energy  
8 that everyone has put into this to get to this  
9 point. It could have been evaluated a lot  
10 earlier and just kind of kicked back or  
11 something.

12 Maybe that is out of order. But  
13 there are a lot of organic oranges,  
14 tangerines, apples.

15 CHAIRMAN DELGADO: Julie.

16 MEMBER WEISMAN: Believe me, I am  
17 sitting here myself repeating the same thing  
18 over and over again, and it is a lot of time.

19 But I also think that the 606  
20 process is fairly new, and entertaining  
21 petitions for it are new, and I don't think  
22 that petitioners necessarily realize what kind

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1 of detail we are looking for.

2 So I think unfortunately it's an  
3 exercise that we have - it's the growing pains  
4 that we have to go through with a new category  
5 of materials that we are having to consider.

6 CHAIRMAN DELGADO: We have Joe  
7 followed by - yes, Steve.

8 MEMBER DeMURI: And I agree with  
9 that. But just because there are a lot of  
10 tangerines out there organically produced  
11 doesn't mean that they can be processed into  
12 the form that petitioner wants them. So we  
13 have to look at that aspect of it too.

14 If they had just petitioned for  
15 organic tangerines, then it probably wouldn't  
16 be a problem. Different story.

17 CHAIRMAN DELGADO: Julie.

18 MEMBER WEISMAN: And if they had  
19 acknowledged in their petitions the existence  
20 of organic tangerines, but the lack of anyone  
21 out there willing then to process them into  
22 the form that they need to use it, that would

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1 have satisfied us. It would have satisfied us  
2 more. We might have still wanted more  
3 information. But that would have been much  
4 more satisfactory.

5 CHAIRMAN DELGADO: Kevin.

6 MEMBER ENGELBERT: Just a general  
7 comment.

8 All these petitioners from the -  
9 all these petitions from the same petitioner  
10 that have none of the homework done properly,  
11 even though 606 is new, I think what you may  
12 be getting at, could it have just been sent  
13 back and said, we are not going to address  
14 these; it's a lot of time to do this. And you  
15 need to do your homework before we do ours.

16 I think that is the general -

17 CHAIRMAN DELGADO: Julie.

18 MEMBER WEISMAN: Well, actually,  
19 this - the fact that we got all these separate  
20 petitions was exactly the result of sending -  
21 originally these were petitioned all on one  
22 petition as a category, with all of these

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1 items listed on it.

2 And when we said, no, they have to  
3 be petitioned individually, as individual  
4 items, what they did was, they made 16 copies,  
5 and then they cut-and-pasted, and submitted it  
6 back to us that way.

7 So we had already sent them back,  
8 and this is what came back to us.

9 CHAIRMAN DELGADO: Dan.

10 MEMBER GIACOMINI: I think I'd like  
11 to recognize the humanity in this whole  
12 process. We are getting better and more  
13 sophisticated and more familiar with this  
14 process.

15 I think it's the same thing with  
16 the program. I know in my communication with  
17 Bob, there is a different level of evaluation  
18 of what he's considering, completeness in this  
19 round, than there was in the first group we  
20 had where we just had - fifty or whatever.  
21 I'm sure he's learning from this of what -  
22 what is going to be needed on the 606, because

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1 it's a learning process for them too, and I  
2 don't necessarily know that a package like  
3 this would necessarily get passed on to us in  
4 the same way a year from now. They're  
5 learning from it too.

6 CHAIRMAN DELGADO: Katrina.

7 MS. HEINZE: Coupled with that is -  
8 we struggled with these. Do we send them  
9 back? Do we not send them back? What do we  
10 do?

11 The process of sending back creates  
12 quite a bit of work as well, and going back  
13 and forth. And we really struggled with the  
14 precedent that we would be sending. How do  
15 you decide which petitions you hand-hold the  
16 petitioner through and which you don't.

17 And we struggled, and I'm not sure  
18 we found the right answer on that. If we  
19 choose to send them back because it's not  
20 complete - we're still learning.

21 CHAIRMAN DELGADO: I would like to  
22 remind the board that we are concentrating on

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1 a motion, and although it's a valid discussion  
2 on this point, we can always take that up  
3 after the voting.

4 Does the program wish to comment on  
5 the motion pending?

6 MS. ROBINSON: Just to say that, you  
7 know, in the past you generally concentrated  
8 obviously on synthetics, so you have good  
9 procedures for what has to be in a petition on  
10 synthetics, and now you are coming up against  
11 606, you are coming up - you are evaluating  
12 agricultural materials.

13 And we can issue guidance - maybe  
14 what we need here is a better set of what kind  
15 of criteria, what kind of information needs to  
16 be put in the petition for the petitioners for  
17 submitting 606, because these are different -  
18 just the nature of them is different.

19 So but you know obviously that's  
20 something that we need to work on  
21 collaboratively. The board doesn't need to  
22 just go off and say, okay, here's what we

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1 want. Because clearly you are dissatisfied  
2 with the information you've gotten. We would  
3 have been dissatisfied with that.

4 But you would have been  
5 dissatisfied if we had just said, out and out,  
6 petitions are no good, we're rejecting them.

7 So that's something that the board  
8 probably does need to begin thinking about and  
9 working on, otherwise everyone is wasting time  
10 as you said.

11 CHAIRMAN DELGADO: I can hear an  
12 action item from that point, and I like that  
13 for the work plan, though the chair agrees  
14 with me.

15 Kevin, do you have a question  
16 related to the motion, pending question?

17 Okay, pending question. Any other  
18 questions? Are you ready for the question?

19 The question is on the motion to  
20 include tangerine peel powdered extract on the  
21 national list Section 205.606, and we'll start  
22 taking our vote with Jennifer.

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1 MEMBER HALL: No.  
2 CHAIRMAN DELGADO: Steve.  
3 MEMBER DeMURI: No.  
4 CHAIRMAN DELGADO: Julie.  
5 MEMBER WEISMAN: No.  
6 CHAIRMAN DELGADO: Dan.  
7 MEMBER GIACOMINI: No.  
8 CHAIRMAN DELGADO: Katrina.  
9 MS. HEINZE: No.  
10 CHAIRMAN DELGADO: Jeff.  
11 VICE CHAIR MOYER: No.  
12 CHAIRMAN DELGADO: Gerry.  
13 MEMBER DAVIS: No.  
14 CHAIRMAN DELGADO: Tina.  
15 MEMBER ELLOR: No.  
16 CHAIRMAN DELGADO: Tracy.  
17 MEMBER MIEDEMA: No.  
18 CHAIRMAN DELGADO: Joe.  
19 MEMBER SMILLIE: No.  
20 CHAIRMAN DELGADO: Barry.  
21 MEMBER FLANN: No.  
22 CHAIRMAN DELGADO: Hugh.

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1 MEMBER KARREMAN: No.

2 CHAIRMAN DELGADO: Kevin.

3 MEMBER ENGELBERT: No.

4 CHAIRMAN DELGADO: And the chair  
5 votes no.

6 VICE CHAIR MOYER: Mr. Chairman, the  
7 vote is 14 no, one absent.

8 CHAIRMAN DELGADO: The motion to  
9 include tangerine peel powdered extract on the  
10 national list Section 205.606 is lost.

11 We can move on to the next  
12 material.

13 MEMBER WEISMAN: The next material  
14 being petitioned is Tragacanth gum. And it  
15 doesn't say it on the substance listing, but  
16 it does say in the annotation section it would  
17 be water-extracted only.

18 This would be in addition to an  
19 already existing section on 205.606, and that  
20 is the annotation for the entire section.

21 There is a little history here, and  
22 actually when the petition first came before

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1 the handling committee, we were asked if  
2 perhaps it already is included in the section,  
3 and there are documents showing that when gums  
4 were originally - water-extracted gums were  
5 originally being discussed for 606 that  
6 Tragacanth gum was among the gums that were  
7 being discussed at the time, and perhaps it  
8 was an oversight that it didn't make it onto  
9 the final list.

10 We decided that for good order's  
11 sake it was important to have it be a  
12 petition, and not to have it added as a  
13 technical correction.

14 But in fact, Tragacanth gum is  
15 produced in an identical manner to other gums  
16 that are already listed.

17 In addition there is a significant  
18 problem in terms of region and trade that make  
19 it not available right now organically.

20 The main growing area for this  
21 material is Iran, and we are not allowed to  
22 import products from Iran right now.

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1 Conventional forms of this material - well,  
2 conventional forms of this material were  
3 described are grown and manufactured in  
4 Turkey, and the Turkish organic sector is  
5 growing, and the petitioner is working very  
6 closely with their suppliers in Turkey to  
7 develop certified organic forms of the  
8 material.

9 The Tragacanth gum does have  
10 functions that are unique to the other gums on  
11 the list, and for that reason we found the  
12 evidence compelling.

13 And it was voted by the handling  
14 committee unanimously, six nothing, for  
15 inclusion on the list.

16 So at this time I would like to  
17 make a motion that Tragacanth gum, water-  
18 extracted, be added - included on Section  
19 205.606(b) of the national list, which are  
20 water-extracted only gums.

21 MEMBER SMILLIE: Second.

22 CHAIRMAN DELGADO: It's moved and

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1 seconded to include Tragacanth water-extracted  
2 on the national list, Section 205.606.

3 Questions from the board? Are we  
4 ready for the question?

5 The question is on the motion to  
6 include Tragacanth water-extracted on the  
7 national list, Section 205.606, and we'll  
8 start taking our vote with Steve.

9 MEMBER DeMURI: Yes.

10 CHAIRMAN DELGADO: Julie.

11 MEMBER WEISMAN: Yes.

12 CHAIRMAN DELGADO: Dan.

13 MEMBER GIACOMINI: Yes.

14 CHAIRMAN DELGADO: Katrina.

15 MS. HEINZE: Yes.

16 CHAIRMAN DELGADO: Jeff.

17 VICE CHAIR MOYER: Yes.

18 CHAIRMAN DELGADO: Gerry.

19 MEMBER DAVIS: Yes.

20 CHAIRMAN DELGADO: Tina.

21 MEMBER ELLOR: Yes.

22 CHAIRMAN DELGADO: Tracy.

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1 MEMBER MIEDEMA: Yes.

2 CHAIRMAN DELGADO: Joe.

3 MEMBER SMILLIE: Yes.

4 CHAIRMAN DELGADO: Barry.

5 MEMBER FLANN: Yes.

6 CHAIRMAN DELGADO: Hugh.

7 MEMBER KARREMAN: Yes.

8 CHAIRMAN DELGADO: Kevin.

9 MEMBER ENGELBERT: Yes.

10 CHAIRMAN DELGADO: Jennifer.

11 MEMBER HALL: Yes.

12 CHAIRMAN DELGADO: And the chair  
13 votes yes.

14 VICE CHAIR MOYER: Mr. Chairman, the  
15 vote is 14 yes, one absent.

16 CHAIRMAN DELGADO: The motion is  
17 agreed to, and we can move on to the next  
18 material.

19 MEMBER WEISMAN: This actually is  
20 the last of the petitioned materials for us to  
21 deal with.

22 With have other - we have sunset

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1 materials. But this is the last of the  
2 petitioned materials.

3 CHAIRMAN DELGADO: Let's proceed  
4 with the sunset materials then.

5 MEMBER WEISMAN: The - I have two -  
6 we made two separate recommendations to  
7 reaffirm the sunset votes that were made at  
8 the November, 2007 -- we discussed this  
9 earlier in the day with regard to crops. I  
10 don't feel necessarily like I have to repeat  
11 that background information.

12 But the summary is that in the  
13 comment period that closed after the November  
14 vote, there were no comments that were in  
15 disagreement with the vote that we had already  
16 made, and so therefore, the handling committee  
17 recommends reaffirming the board's vote in  
18 November to continue listing on Section  
19 205.605(a) agar-agar, animal enzymes, calcium  
20 sulfate, Carrageenan, and Glucono Delta  
21 Lactone.

22 MEMBER HALL: Second.

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1 CHAIRMAN DELGADO: It is moved and  
2 seconded to reaffirm the votes obtained on the  
3 meeting of 2007 of this board.

4 And they were to continue the  
5 listing of the materials agar-agar, animal  
6 enzymes, calcium sulfate, Carrageenan, Glucono  
7 Delta Lactone in Section 205.605(a).

8 Discussion. No questions?

9 The second was Jennifer.

10 Are you ready for the question?

11 The question is on the motion to reaffirm the  
12 votes. Confirming the listing of agar-agar,  
13 animal enzymes, Calcium sulfate, Carrageenan,  
14 Glucono Delta Lactone.

15 And we will start the vote with  
16 Julie.

17 MEMBER WEISMAN: And I vote yes.

18 CHAIRMAN DELGADO: Dan.

19 MEMBER GIACOMINI: Yes.

20 CHAIRMAN DELGADO: Katrina.

21 MS. HEINZE: Yes.

22 CHAIRMAN DELGADO: Jeff.

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1 VICE CHAIR MOYER: Yes.  
2 CHAIRMAN DELGADO: Gerry.  
3 MEMBER DAVIS: Yes.  
4 CHAIRMAN DELGADO: Tina.  
5 MEMBER ELLOR: Yes.  
6 CHAIRMAN DELGADO: Tracy.  
7 MEMBER MIEDEMA: Yes.  
8 CHAIRMAN DELGADO: Joe.  
9 MEMBER SMILLIE: Yes.  
10 CHAIRMAN DELGADO: Barry.  
11 MEMBER FLANN: Abstain.  
12 CHAIRMAN DELGADO: Hugh.  
13 MEMBER KARREMAN: Yes.  
14 CHAIRMAN DELGADO: Kevin.  
15 MEMBER ENGELBERT: Yes.  
16 CHAIRMAN DELGADO: Jennifer.  
17 MEMBER HALL: Yes.  
18 CHAIRMAN DELGADO: Steve.  
19 MEMBER DeMURI: Yes.  
20 CHAIRMAN DELGADO: And the chair  
21 votes yes.  
22 VICE CHAIR MOYER: Mr. Chairman, we

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1 have 13 yeases, one abstention, and one absent.

2 CHAIRMAN DELGADO: The motion is  
3 agreed to, and we can proceed with the next  
4 list of materials.

5 MEMBER WEISMAN: We also - I'm just  
6 going to move right into the motion.

7 I move that - I move for the  
8 affirmation of the board's decision at the  
9 November, 2007 meeting for the relisting on  
10 Section 205.605(b) of cellulose.

11 CHAIRMAN DELGADO: Cellulose? Is  
12 there a second.

13 MEMBER DeMURI: Second.

14 CHAIRMAN DELGADO: It's moved and  
15 seconded to reaffirm the votes from the  
16 November meeting concerning the listing of  
17 cellulose in Section 205.605(b).

18 Discussion? Questions?

19 Are you ready for the question?

20 The question is on the motion to affirm the  
21 votes related to cellulose to be listed on  
22 Section - continue to be listed on Section

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1 205.605(b).

2 We'll start taking our vote with  
3 Dan.

4 MEMBER GIACOMINI: Yes.

5 CHAIRMAN DELGADO: Katrina.

6 MS. HEINZE: Yes.

7 CHAIRMAN DELGADO: Jeff.

8 VICE CHAIR MOYER: Yes.

9 CHAIRMAN DELGADO: Gerry.

10 MEMBER DAVIS: Yes.

11 CHAIRMAN DELGADO: Tina.

12 MEMBER ELLOR: Yes.

13 CHAIRMAN DELGADO: Tracy.

14 MEMBER MIEDEMA: Yes.

15 CHAIRMAN DELGADO: Joe.

16 MEMBER SMILLIE: Yes.

17 CHAIRMAN DELGADO: Barry.

18 MEMBER FLANN: Abstain.

19 CHAIRMAN DELGADO: Hugh.

20 MEMBER KARREMAN: Yes.

21 CHAIRMAN DELGADO: Kevin.

22 MEMBER ENGELBERT: Yes.

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1 CHAIRMAN DELGADO: Jennifer.

2 MEMBER HALL: Yes.

3 CHAIRMAN DELGADO: Steve.

4 MEMBER DeMURI: Yes.

5 CHAIRMAN DELGADO: Julie.

6 MEMBER WEISMAN: Yes.

7 CHAIRMAN DELGADO: And the chair  
8 votes yes.

9 VICE CHAIR MOYER: Mr. Chairman, the  
10 vote is 13 yes, one abstention and one absent.

11 CHAIRMAN DELGADO: The motion is  
12 agreed to. We can proceed to the next  
13 material.

14 MEMBER WEISMAN: The last thing we  
15 have before us is the recommendation for the  
16 relisting of tartaric acid on Sections  
17 205.605(a) and 205.605(b).

18 We have - we spoke in detail  
19 yesterday about the rather circuitous history  
20 of this material being listed on both sections  
21 of the list.

22 I would like to just further

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1 clarify that the listing on 605(a) would be  
2 tartaric acid from grapes, and the listing on  
3 605(b) will be tartaric acid from malic acid.

4 I think that these were - I'm going  
5 to ask for some guidance. We actually at the  
6 handling committee these were voted on  
7 separately for A and B. Is that - I wrote one  
8 paper, but do we need to vote on them  
9 separately?

10 CHAIRMAN DELGADO: Yes, we do. And  
11 do you want to include in your motion the  
12 specific source of the acid, grapes and malic  
13 acid; is that the intent of the committee,  
14 Julie?

15 MEMBER WEISMAN: No. It's not.

16 CHAIRMAN DELGADO: So it's just a  
17 comment and a clarification.

18 Dan, you had a clarifying comment?

19 MEMBER GIACOMINI: Being sunset,  
20 it's the review of the current existing  
21 listing. That is ,without the specification  
22 annotation on it, in the research of doing

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1 that, the committee found, came across this  
2 additional information, of which, as I  
3 understand it, they are requesting the program  
4 to review that information for a technical  
5 correction.

6 But the sunset itself is as it is  
7 currently listed.

8 CHAIRMAN DELGADO: Any questions on  
9 that? Jeff, and then we'll have a response  
10 from Joe.

11 VICE CHAIR MOYER: My question is  
12 for you, Dan. Can you be more specific on  
13 what you mean about the information for  
14 technical review?

15 MEMBER GIACOMINI: Technical  
16 correction, not technical review.

17 VICE CHAIR MOYER: Oh, I'm sorry, I  
18 thought you said technical review.

19 CHAIRMAN DELGADO: Julie.

20 MEMBER WEISMAN: It's a question.  
21 Does that mean that we have to remove that  
22 language from this recommendation before we

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1 vote on it?

2 In other words if it came to this  
3 meeting with the language, with the technical  
4 correction and the annotation made for grape,  
5 we can't really do that, can we?

6 CHAIRMAN DELGADO: No, we can't,  
7 because we are talking about sunset.

8 MEMBER WEISMAN: Right.

9 CHAIRMAN DELGADO: And the comment  
10 made on the part of Dan is correct.

11 MEMBER WEISMAN: Okay, I haven't  
12 made the motion yet, I don't believe.

13 CHAIRMAN DELGADO: You have not.

14 MEMBER WEISMAN: So can -- I make  
15 the motion with the amendment if I want,  
16 correct, to remove -

17 CHAIRMAN DELGADO: Katrina.

18 MS. HEINZE: You can make a motion  
19 to list tartaric acid on 605(a) and that would  
20 cover it.

21 MEMBER WEISMAN: To relist?

22 MS. HEINZE: That's what I meant. I

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1 got the second half right.

2 CHAIRMAN DELGADO: Very good. Is  
3 that clear, Julie?

4 MEMBER WEISMAN: So at this time I  
5 would like to make a motion to relist tartaric  
6 acid on Section 205.605(a) of the national  
7 list.

8 CHAIRMAN DELGADO: Is there a  
9 second?

10 MEMBER DeMURI: Second.

11 CHAIRMAN DELGADO: It is moved and  
12 seconded to relist tartaric acid Section  
13 205.605(a).

14 Discussion. No questions? Ready  
15 for the question?

16 The question is on the motion to  
17 relist tartaric acid on Section 205.605(a).

18 We'll start taking our vote with  
19 Katrina.

20 MS. HEINZE: Yes.

21 CHAIRMAN DELGADO: Jeff.

22 VICE CHAIR MOYER: Yes.

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1 CHAIRMAN DELGADO: Gerry.  
2 MEMBER DAVIS: Yes.  
3 CHAIRMAN DELGADO: Tina.  
4 MEMBER ELLOR: Yes.  
5 CHAIRMAN DELGADO: Tracy.  
6 MEMBER MIEDEMA: Yes.  
7 CHAIRMAN DELGADO: Joe.  
8 MEMBER SMILLIE: Yes.  
9 CHAIRMAN DELGADO: Barry.  
10 MEMBER FLANN: Abstain.  
11 CHAIRMAN DELGADO: Hugh.  
12 MEMBER KARREMAN: Yes.  
13 CHAIRMAN DELGADO: Kevin.  
14 MEMBER ENGELBERT: Yes.  
15 CHAIRMAN DELGADO: Jennifer.  
16 MEMBER HALL: Yes.  
17 CHAIRMAN DELGADO: Steve.  
18 MEMBER DeMURI: Yes.  
19 CHAIRMAN DELGADO: Julie.  
20 MEMBER WEISMAN: Yes.  
21 CHAIRMAN DELGADO: Dan.  
22 MEMBER GIACOMINI: Yes.

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1 CHAIRMAN DELGADO: And the chair  
2 votes yes.

3 VICE CHAIR MOYER: Mr. Chairman, we  
4 have 13 yeses, one abstention, and one absent.

5 CHAIRMAN DELGADO: The motion is  
6 agreed to. We can move on to the next  
7 material.

8 MEMBER GIACOMINI: Point of order,  
9 Mr. Chairman?

10 CHAIRMAN DELGADO: Yes, Dan.

11 MEMBER GIACOMINI: Question to  
12 Barry: this is not a reaffirmation of old  
13 votes. This is new right now that has not  
14 been done before.

15 Are you abstaining for the same  
16 reason you did before, or do you just want to  
17 abstain on this motion?

18 MEMBER FLANN: I'm just abstaining  
19 on this motion.

20 MEMBER GIACOMINI: Okay, I just  
21 wanted to make sure it wasn't because of it  
22 had been up before, which it had not.

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1 CHAIRMAN DELGADO: Any other  
2 questions?

3 We can proceed to the next  
4 material.

5 MEMBER WEISMAN: At this time I  
6 would like to move for the relisting of  
7 tartaric acid on Section 205.605(b) of the  
8 national list.

9 CHAIRMAN DELGADO: Is there a  
10 second.

11 MEMBER DeMURI: Second.

12 CHAIRMAN DELGADO: It's moved and  
13 seconded to relist tartaric acid on Section  
14 205.605(b).

15 Discussion? Dan, followed by  
16 Kevin.

17 MEMBER GIACOMINI: I -- on a couple  
18 of different levels, I find it troubling that  
19 we have this on the list under both A and B.

20 And that gives me trouble, and with  
21 the information that Brian provided in  
22 historical clarity I think there is

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1 justification that there is some new  
2 information in the fact that the thought  
3 process of what is going on in the world of  
4 organic and regulations is different now than  
5 it was then.

6           However, there is - even though I  
7 feel that way and I would love to vote no on  
8 this, we did have I believe the plethora and  
9 overwhelming one comment in support and no  
10 comments opposed.

11           So based on the preponderance of  
12 the comments, I kind of feel that I am forced  
13 to - and staying with that, to support it.

14           CHAIRMAN DELGADO: Kevin.

15           MEMBER ENGELBERT: That was along my  
16 thought process exactly, and I'd like an  
17 explanation from somebody from the handling  
18 committee or somebody familiar with tartaric  
19 acid as to what the different properties are  
20 made from grape wine versus malic acid.

21           And even though there were no  
22 comments received, I'd still like a review of

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1 why the handling committee believes it should  
2 remain on.

3 I understand the indications of the  
4 public comment, reasoning.

5 CHAIRMAN DELGADO: Katrina.

6 MS. HEINZE: You know the sunset  
7 process is a very limiting process. We are  
8 bound by having received evidence on the three  
9 points that there is a replacement available,  
10 or there is new evidence showing that it is  
11 harmful in a way that they did not know at the  
12 beginning.

13 We got no evidence, so therefore we  
14 are bound to relist is my understanding.

15 MEMBER ENGELBERT: I realize all  
16 that. I just want to entertain the  
17 possibility that maybe no one bothered to do  
18 that.

19 But I'd also still like an  
20 explanation of the differences in the  
21 properties, and why there is actually - why a  
22 synthetic version is needed.

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1 CHAIRMAN DELGADO: Any responses to  
2 - Julie?

3 MEMBER WEISMAN: I want to say that  
4 I personally - I can't say that I know enough  
5 about all the unique uses of all the different  
6 forms of tartaric acid.

7 But we did hear comment during the  
8 last three days confirming that they are  
9 different qualities, and that they are used  
10 for different purposes, and that although most  
11 uses - it appears that most use of tartaric  
12 acid is of the nonsynthetic variety, that  
13 there are certain uses for which at this point  
14 only the synthetic can be used.

15 And I apologize for not being able  
16 to be more specific than that.

17 CHAIRMAN DELGADO: Dan.

18 MEMBER GIACOMINI: I just want to I  
19 guess further clarify, and I was going to  
20 repeat, I think it was Kim that said there's a  
21 difference in the processing between two  
22 sources.

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1 I would not even have a problem  
2 with this being on the list on B along with  
3 what's on A with the consideration that there  
4 is a difference in processing.

5 But it seems that the historical  
6 memory that we have is for an insistence that  
7 it not only be the L-malic acid which as  
8 listed on 605(a) is nonsynthetic if it had  
9 been listed as L-malic, where it only could  
10 have been made synthetically from the  
11 nonsynthetic source.

12 But it seems the historical memory  
13 we have was an insistence that it be from all  
14 forms of malate, which includes synthetic  
15 malate which is not allowed on the list  
16 because it's not on 605(b) which is  
17 synthesized from butane.

18 So it's not only the fact of it  
19 being on A, but the fact of it's being on B  
20 with both L-malate and DL-malate being allowed  
21 as it source.

22 And I wish the board then had done

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1 otherwise.

2 CHAIRMAN DELGADO: Any other  
3 comments?

4 Okay. Are we ready for the  
5 question?

6 The question is on the motion to  
7 relist tartaric acid under Section 205.605(b),  
8 and we'll start taking our vote with Jeff.

9 VICE CHAIR MOYER: No.

10 CHAIRMAN DELGADO: Gerry.

11 MEMBER DAVIS: Yes.

12 CHAIRMAN DELGADO: Tina.

13 MEMBER ELLOR: Yes.

14 CHAIRMAN DELGADO: Tracy.

15 MEMBER MIEDEMA: Yes.

16 CHAIRMAN DELGADO: Joe.

17 MEMBER SMILLIE: Yes.

18 CHAIRMAN DELGADO: Barry.

19 MEMBER FLANN: Abstain.

20 CHAIRMAN DELGADO: Hugh.

21 MEMBER KARREMAN: No.

22 CHAIRMAN DELGADO: Kevin.

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1 MEMBER ENGELBERT: No.

2 CHAIRMAN DELGADO: Jennifer.

3 MEMBER HALL: No.

4 CHAIRMAN DELGADO: Steve.

5 MEMBER DeMURI: Yes.

6 CHAIRMAN DELGADO: Julie.

7 MEMBER WEISMAN: Yes.

8 CHAIRMAN DELGADO: Dan.

9 MEMBER GIACOMINI: Everything Kevin  
10 just said, but yes.

11 CHAIRMAN DELGADO: Katrina.

12 MS. HEINZE: Yes.

13 CHAIRMAN DELGADO: And the chair  
14 votes yes.

15 VICE CHAIR MOYER: Okay. Mr.  
16 Chairman, I have 3 nos, 10 yeses, 1 abstention  
17 and 1 absent.

18 CHAIRMAN DELGADO: The ayes have it,  
19 and the motion is agreed to.

20 We can proceed to the next  
21 material.

22 MEMBER WEISMAN: That's all folks.

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1                   CHAIRMAN DELGADO: That's it,  
2 fantastic.

3                   (Applause.)

4                   CHAIRMAN DELGADO: Well, thank you  
5 very much, Julie. That's a fantastic amount  
6 of work, and we do have a member of the  
7 program wishing to approach the board.

8                   Mr. Matthews.

9                   MR. MATTHEWS: The point I want to  
10 make is that there was some discussion early  
11 on about how you would like to annotate the  
12 tartaric acid.

13                   I would suggest that you might want  
14 to go ahead and consider making that  
15 recommendation to the program, and that we can  
16 go ahead and consider your recommendation. If  
17 you don't make the recommendation and it goes  
18 back exactly the way it is, I'm not saying we  
19 are going to agree with you. I'm just saying  
20 you could make a recommendation to us on that  
21 if you wanted to.

22                   MS. HEINZE: Is that something we

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1 can do here? Now? Or does it have to come  
2 out of committee?

3 MR. MATTHEWS: That's exactly why I  
4 came up. So you guys could make that  
5 recommendation. Julie has already talked  
6 about it as the way they wanted to originally  
7 make the recommendation, and then she got  
8 talked out of doing it.

9 The thing is that if you really  
10 really want to do that, go ahead and make your  
11 recommendation; we will take it under  
12 consideration.

13 CHAIRMAN DELGADO: Question, Julie.

14 MEMBER WEISMAN: I just want to ask,  
15 and the reason we are able to do that at this  
16 sunset is because we are basically asking for  
17 a - an annotation as a technical correction?

18 MR. MATTHEWS: The way I understood  
19 it was that you felt that the original  
20 recommendations on these materials took those  
21 things into consideration when they were done,  
22 and one was from the grapes, the other one was

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1 from malic acid. That's what I thought I  
2 heard.

3 MS. FRANCIS: Can I offer?

4 CHAIRMAN DELGADO: We have a  
5 clarification from the director.

6 MS. FRANCIS: Just looking at the  
7 institutional history on this, that is the  
8 original recommendation was as you had made it  
9 as a committee, more recently, wanting those  
10 annotations added. They were added as a  
11 technical correction later, but those  
12 annotations were left off, and I don't know if  
13 that was - it doesn't really seem clear from  
14 the record whether that was intended to leave  
15 those annotations off in the first place.

16 MR. MATTHEWS: That is my whole  
17 point of coming forward and saying, if you  
18 want to make that recommendation we can go  
19 back and look at the record and make that  
20 clarification if we feel that it is warranted.

21 CHAIRMAN DELGADO: We have Katrina  
22 wanting to participate.

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1 MS. HEINZE: I just wanted to make  
2 clear for the board, in 1995 when the first  
3 board voted on these materials, they voted on  
4 them with the annotations there. But tartaric  
5 acid has just been kind of a poor orphan  
6 child. It got left off for awhile, then it  
7 finally got relisted, and those annotations  
8 just got lost.

9 So this is really going back to the  
10 original intent when they were originally  
11 listed.

12 MR. MATTHEWS: Yes, poor tartaric  
13 acid. I will be the first to admit, tartaric  
14 acid has had a colorful history.

15 CHAIRMAN DELGADO: Julie, back to  
16 you.

17 MEMBER WEISMAN: I just want to say  
18 that I am inclined - I am going to need some  
19 help procedurally from everybody because I  
20 don't want to get in trouble here. But I am  
21 inclined to try and preserve the original  
22 decision, that included the annotation.

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1 I do want to make clear, though,  
2 because it gets discussed over and over and  
3 over again, sunset, I do not want to set a  
4 precedent where people think that annotations  
5 can be changed during sunset. I'm very  
6 concerned about how that is going to appear.

7 CHAIRMAN DELGADO: Excellent  
8 question. Katrina, do you want to address?

9 MS. HEINZE: A suggestion perhaps  
10 that you make a recommendation that we ask the  
11 program to review the annotation history of  
12 these and make any necessary technical  
13 corrections.

14 CHAIRMAN DELGADO: Julie.

15 MEMBER WEISMAN: If I did that do  
16 you think we would have to make any new - can  
17 you make suggestions about the procedure for  
18 asking for that?

19 CHAIRMAN DELGADO: I believe that a  
20 simple request on the part of the committee  
21 that's saying to the rest of the vote, and on  
22 to the program, would be enough, but I would

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1 like to have the input on the part of the  
2 director.

3 Is that correct?

4 MS. FRANCIS: I think that you  
5 should make a clear motion as to what you want  
6 the program to do.

7 CHAIRMAN DELGADO: Okay. So the  
8 answer is, let's treat it as a motion with a  
9 specific recommendation. That is what the  
10 director is suggesting.

11 Dan, do you have any other input?

12 MEMBER GIACOMINI: I think maybe  
13 part of the concern is the structure and the  
14 public. This was part of an - it was an  
15 underlying part of the original recommendation  
16 which in a way was phrased that we are voting  
17 to sunset and in the research we have realized  
18 that this technical correction may be  
19 justified.

20 That has been before the public.  
21 That has been open for public comment; that  
22 was in the Federal Register. I don't think we

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1 need to worry about that, merely asking the  
2 NOP to consider technical corrections, to have  
3 the annotations as appropriate for tartaric  
4 acid would be appropriate.

5 CHAIRMAN DELGADO: So just a  
6 clarification. We think that this will be a -  
7 by the second paragraph if you will, with a  
8 proposal to add those annotations outside of  
9 sunset; is that correct?

10 MEMBER GIACOMINI: This would be an  
11 entirely separate recommendation to the sunset  
12 recommendation.

13 MEMBER WEISMAN: I'd like to make -  
14 if the board is ready I would like to make a  
15 stab at that recommendation.

16 CHAIRMAN DELGADO: I would like to  
17 also comment on the part of the board members  
18 to see if there is any objection to that  
19 procedure? We have not stated that in the  
20 agenda, and I don't want to run into any  
21 problems.

22 So is there any objection on the

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1 part of the board members to proceed with this  
2 potential motion?

3 Okay, if that's the case, Julie,  
4 let's go on.

5 MEMBER WEISMAN: I move that the  
6 annotations that were included in the original  
7 board recommendations for the listing of  
8 tartaric acid on 605(a) and (b) be restored to  
9 their listing, to their current listing.

10 CHAIRMAN DELGADO: Can you just list  
11 those annotations please.

12 MEMBER WEISMAN: Yes, I'm sorry.

13 Okay, I move for restoring the  
14 annotation made from grape wine to the  
15 annotation - to the listing of tartaric acid  
16 on 605(a).

17 CHAIRMAN DELGADO: Can you move up  
18 that? And just for clarity, Julie, we will  
19 take it like we did before, Section A first  
20 and then Section B later.

21 MEMBER WEISMAN: Okay. I would like  
22 to make a motion for the restoration of the

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1 annotation that was included by the original  
2 board recommendation for the listing of  
3 tartaric acid on 605(a) to include made from  
4 grape wine.

5 CHAIRMAN DELGADO: Is there a  
6 second?

7 MEMBER DeMURI: I'll second it.

8 CHAIRMAN DELGADO: It is moved and  
9 seconded to add the annotation, made from  
10 grape wine, to the listing on the - to  
11 tartaric acid as listed in Section 205.605(a),  
12 and this will be the original annotation.

13 Discussion? Gerry?

14 MEMBER DAVIS: Can you pull the  
15 screen down just a couple of lines?

16 Okay, it's made from grape wine,  
17 not from grapes, right?

18 CHAIRMAN DELGADO: The motion is  
19 made from grape wine.

20 MEMBER DAVIS: That's how it was?

21 MEMBER WEISMAN: That's how it was.

22 CHAIRMAN DELGADO: Dan.

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1                   MEMBER     GIACOMINI:     Just     for  
2     clarification, Katrina has a copy of the  
3     original document. Could we just verify that  
4     it was specifically grape wine.

5                   MS. FRANCIS: It's in the original  
6     transcripts for 1995 that way.

7                   CHAIRMAN DELGADO: Katrina.

8                   MS. HEINZE: Valerie, do you have  
9     that transcript on your computer?

10                  MS. FRANCIS: This is not my  
11     computer. It's on the Internet, and it can be  
12     looked up if somebody has access.

13                  MS. HEINZE: Well, I was just  
14     thinking, it might make the board more  
15     comfortable if they could actually see it.  
16     That whole picture is worth a 1,000 words.

17                  MS. FRANCIS: They could actually  
18     see it.

19                  MS. HEINZE: I will bring it up on  
20     my computer as well.

21                  CHAIRMAN     DELGADO:     The     chair  
22     recognizes the member of the public. Please

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1 introduce yourself.

2 MR. SIEGEL: Yes, I'm Richard  
3 Siegel, a lawyer from Washington, D.C., and  
4 I'm counsel to Marroquin Organic  
5 International.

6 When Ms. Grace Marroquin gave her  
7 comment on Monday, she referred to organic  
8 tartaric acid, and she said that it's organic  
9 grape juice extract, where the organic  
10 tartaric acid is coming from.

11 So if you used the word, wine,  
12 maybe you would be restricting the category  
13 unduly. Maybe you ought to just stick to  
14 grapes.

15 CHAIRMAN DELGADO: Julie, can you  
16 respond to that.

17 MR. SIEGEL: That's all I have to  
18 say.

19 MEMBER WEISMAN: Yes, if it is in  
20 fact - right now we are asking for a technical  
21 correction restoring an annotation as it  
22 previously existed, and I believe that is the

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1 only choice we have right now, because we are  
2 not starting with new annotations; we are just  
3 asking to restore an old one.

4 CHAIRMAN DELGADO: Thank you.

5 Valerie, you had a point to make?

6 MS. FRANCIS: She made the point.

7 CHAIRMAN DELGADO: Okay. Have we  
8 found that?

9 MEMBER GIACOMINI: Yes, it does say  
10 grape wine.

11 CHAIRMAN DELGADO: It's been  
12 confirmed. So it's grape wine.

13 Any other questions on the board?

14 Any other questions?

15 Are we ready for the question?

16 MEMBER WEISMAN: I just want to see  
17 what Valerie typed from what I said. Because  
18 I think the motion should mention that this is  
19 being done as a technical correction.

20 CHAIRMAN DELGADO: Can you show us  
21 the way the motion will be printed?

22 MEMBER WEISMAN: Okay, I want to add

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1 the words, after J.W. motions, that as a  
2 technical - okay.

3 I move - okay, here we go. I move  
4 that the NOP consider technical corrections to  
5 add the annotation to tartaric acid - sorry.

6 CHAIRMAN DELGADO: Well, wait a  
7 minute.

8 MEMBER WEISMAN: I move that as a  
9 technical correction the NOP restores the  
10 annotation included in the original listing of  
11 tartaric acid.

12 CHAIRMAN DELGADO: We have a motion  
13 pending already, Julie. Do you want to  
14 withdraw that motion and state a new one?

15 MEMBER WEISMAN: I'm sorry; it's  
16 getting late.

17 CHAIRMAN DELGADO: That's all right.  
18 Do you wish to make a clarification on the  
19 motion that you have already stated?

20 MEMBER WEISMAN: Yes, I wish to make  
21 a clarification.

22 CHAIRMAN DELGADO: What is your

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1 concern?

2 MEMBER WEISMAN: I wish to clarify  
3 that we are asking for this as a technical  
4 correction.

5 CHAIRMAN DELGADO: Okay.

6 Any other questions? Discussion?

7 Are we ready for the question?

8 The question is on the motion to  
9 add the annotation made from grape wines to  
10 the listing for tartaric acid as found under  
11 Section 205.605(a).

12 We'll start taking our vote with  
13 Gerry.

14 MEMBER DAVIS: Yes.

15 CHAIRMAN DELGADO: Tina.

16 MEMBER ELLOR: Yes.

17 CHAIRMAN DELGADO: Tracy.

18 MEMBER MIEDEMA: Yes.

19 CHAIRMAN DELGADO: Joe.

20 MEMBER SMILLIE: Yes.

21 CHAIRMAN DELGADO: Barry.

22 MEMBER FLANN: Yes.

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1 CHAIRMAN DELGADO: Hugh.  
2 MEMBER KARREMAN: Yes.  
3 CHAIRMAN DELGADO: Kevin.  
4 MEMBER ENGELBERT: Yes.  
5 CHAIRMAN DELGADO: Jennifer.  
6 MEMBER HALL: Yes.  
7 CHAIRMAN DELGADO: Steve.  
8 MEMBER DeMURI: Yes.  
9 CHAIRMAN DELGADO: Julie.  
10 MEMBER WEISMAN: Yes.  
11 CHAIRMAN DELGADO: Dan.  
12 MEMBER GIACOMINI: Yes.  
13 CHAIRMAN DELGADO: Katrina.  
14 MS. HEINZE: Yes.  
15 CHAIRMAN DELGADO: Jeff.  
16 VICE CHAIR MOYER: Yes.  
17 CHAIRMAN DELGADO: And the chair  
18 votes yes.  
19 VICE CHAIR MOYER: Mr. Chairman, the  
20 vote is 14 yes, one absent.  
21 CHAIRMAN DELGADO: The ayes have it,  
22 and the motion is agreed to.

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1                   We can proceed to the next motion,  
2                   Julie.

3                   MEMBER WEISMAN: I move that as a  
4                   technical correction the NOP restore the  
5                   annotation included in the original listing of  
6                   tartaric acid made from malic acid to its  
7                   listing on 605(b).

8                   CHAIRMAN DELGADO: Is there a  
9                   second?

10                  MEMBER DeMURI: Second.

11                  CHAIRMAN DELGADO: It is moved and  
12                  seconded to ask the program to make the  
13                  technical correction to add the annotation  
14                  made from malic acid to tartaric acid as found  
15                  in Section 205.605(b).

16                  Discussion? Any questions from the  
17                  board?

18                  Are you ready for the question?

19                  The question is on the motion to  
20                  request the program to make the technical  
21                  correction to the annotation made from malic  
22                  acid to tartaric acid as listed under Section

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1 205.605(b).

2 We'll start taking our vote with  
3 Tina.

4 MEMBER ELLOR: Yes.

5 CHAIRMAN DELGADO: Tracy.

6 MEMBER MIEDEMA: Yes.

7 CHAIRMAN DELGADO: Joe.

8 MEMBER SMILLIE: Yes.

9 CHAIRMAN DELGADO: Barry.

10 MEMBER FLANN: Yes.

11 CHAIRMAN DELGADO: Hugh.

12 MEMBER KARREMAN: Yes.

13 CHAIRMAN DELGADO: Kevin.

14 MEMBER ENGELBERT: Abstain.

15 CHAIRMAN DELGADO: Jennifer.

16 MEMBER HALL: Yes.

17 CHAIRMAN DELGADO: Steve.

18 MEMBER DeMURI: Yes.

19 CHAIRMAN DELGADO: Julie.

20 MEMBER WEISMAN: Yes.

21 CHAIRMAN DELGADO: Dan.

22 MEMBER GIACOMINI: Yes.

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1 CHAIRMAN DELGADO: Katrina.

2 MS. HEINZE: Yes.

3 CHAIRMAN DELGADO: Jeff.

4 VICE CHAIR MOYER: Yes.

5 CHAIRMAN DELGADO: Gerry.

6 MEMBER DAVIS: Yes.

7 CHAIRMAN DELGADO: And the chair  
8 votes yes.

9 VICE CHAIR MOYER: Mr. Chairman, we  
10 have 13 yeses, one abstention, and one absent.

11 CHAIRMAN DELGADO: The ayes have it,  
12 and the motion is agreed to.

13 We can proceed with the next  
14 motion, Julie.

15 Are we done?

16 MEMBER WEISMAN: I don't think there  
17 is one.

18 CHAIRMAN DELGADO: I think we are  
19 done. Thank you very much for that excellent  
20 show of endurance.

21 Is there a question from the  
22 executive director? No? Very good.

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1           Let's move on next to the next item  
2 on the agenda, and it is the committee work  
3 plans. We'll start doing those fairly  
4 quickly. WE are running a little bit late  
5 behind schedule. So we will start with the  
6 lifestyle committee, Dr. Karreman.

7           COMMITTEE WORK PLANS

8           MEMBER KARREMAN: All right.

9           Of course we will be working on  
10 aquaculture, specifically the fish meal and  
11 fish oil recommendation that we deferred up on  
12 today, and the net pens with the questions we  
13 had, we still have on the table, and the  
14 bivalve molluscs, and is it appropriate to ask  
15 the program for any questions right now or  
16 not?

17           CHAIRMAN DELGADO: No, not at the  
18 moment.

19           MEMBER KARREMAN: Not at the moment,  
20 okay.

21           CHAIRMAN DELGADO: You can state  
22 them as work items in your work plan.

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1 MEMBER KARREMAN: Will do.

2 Okay, and then previously on the  
3 work plan we have called a topic animal  
4 welfare, various issues that were species that  
5 were already being produced organically, and I  
6 think I would like to, in consultation with  
7 the chair of the board, change that term to  
8 animal husbandry. It seems to be a little  
9 more I don't know acceptable, politically  
10 correct - I hate being politically correct.

11 Anyway, and also I've been in touch  
12 with Temple Grandin who is a worldwide famous  
13 animal behaviorist and she and I talked at  
14 length about certain things in organics that  
15 might be able to be worked on as animal  
16 husbandry, so that is on the work plan.

17 And that's the two main things, and  
18 any materials that come up.

19 Well, under the animal husbandry,  
20 in poultry we want to look more specifically  
21 at the - to follow off of the natural behavior  
22 of the species and outdoor access, and that,

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1 within poultry, and that might help with the  
2 methionine questions as well.

3 CHAIRMAN DELGADO: Okay. Any  
4 questions for the lifestyle committee?

5 Okay, we can move on then to the  
6 handling committee.

7 Julie?

8 MEMBER WEISMAN: Yes. On our work  
9 plan we will continue to work jointly with the  
10 materials committee on work towards what is  
11 now being called clarification of definitions  
12 on the national list, is that how we've been  
13 referring to it, which will of course include  
14 liaising with the materials working group.  
15 And I will continue to be on those calls.

16 Number - we also will - much higher  
17 on our list now is finalizing the pet food  
18 standards that were proposed by the Pet Foods  
19 Task Force. We have already been meeting as I  
20 had described earlier during public comment  
21 yesterday, and we will resume meeting now that  
22 this meeting is over and we will consult with

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1 the Pet Food Task Force, and with the  
2 Livestock Committee as we move towards a  
3 conclusion.

4 Third, is to continue to review  
5 petition materials. I believe what remains on  
6 our work plan now for 605 is calcium from  
7 seaweed, proprionic acid, which I imagine now  
8 that there is some funding will see the TAP;  
9 sodium chlorite which we are also wanting to  
10 see a TAP on; yeast is still on the work plan,  
11 and we are - that is going to be contingent on  
12 clarifying the definition of non-ag, and then  
13 the status of the petition.

14 On 606 we have some deferred  
15 materials: Chlorella, an algae; Dumonticae, an  
16 algae; black pepper extract; buck hull powder.

17 We have a new petitioned material, orange  
18 pulp, which we'll be considering. And from  
19 this meeting pectin low-methoxy nonamidated  
20 has been deferred.

21 In addition I think that we will  
22 need to work and - with the program to clarify

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1 - to refine our 606 procedures.

2 I also have as a placeholder anyway  
3 materials for sunset review. But if I am  
4 correct, we do not have any materials coming  
5 up for sunset review again until the fall of  
6 2011. But I do believe we have to get started  
7 on those, maybe not immediately, but within -  
8 I'll confer with Dan about the timeline, and I  
9 think it's a lot of materials. CHAIRMAN

10 DELGADO: Questions for the chair?

11 MEMBER WEISMAN: I'm not finished.

12 CHAIRMAN DELGADO: Oh, I'm sorry.

13 MEMBER WEISMAN: What is also still  
14 in my work plan lingering that was - is the  
15 issue of flavor guidance. I would like to  
16 confer with the program on that work plan  
17 item, and also the issue of food contact  
18 substances and fortification of food have been  
19 on our work plan for quite some time.

20 Now I'm done.

21 CHAIRMAN DELGADO: Okay. Questions?

22 Questions for Julie?

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1                   Okay, thank you, Julie.

2                   Next to Dan, materials committee.

3                   MEMBER GIACOMINI: Thank you, Mr.  
4                   Chairman.

5                   The materials committee on the work  
6                   plan is the ongoing management of petitioned  
7                   items. Included in that will be working with  
8                   the program on seeing if there are any old  
9                   board-deferred petitions that may have gone by  
10                  the wayside that we need to pick up and  
11                  finish.

12                  The next one is continuing making  
13                  sure that we stay on track, whether it's the  
14                  time in the next six months or not, but  
15                  staying on track with sunset items.

16                  The clarifying issue that we need  
17                  to resolve with that is working with the  
18                  program on a change that was done in some of  
19                  the formatting of the materials and exactly  
20                  what materials are that we are going to be  
21                  needing to look at to sunset at the  
22                  appropriate time.

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1           Number three is continuing work  
2 with the issue of the - I'll take Julie's new  
3 name for it - the clarification of definition  
4 of materials in cooperation with handling.  
5 And materials working group, and including in  
6 that with handling is a clarification on 606.

7           And also working with the policy  
8 committee in cooperation with the policy  
9 committee on material issues being considered  
10 for clarification and guidelines in the policy  
11 procedure manual.

12           CHAIRMAN DELGADO: Any questions for  
13 Dan?

14           Okay, just want to thank you both  
15 for the amount of work you've done, especially  
16 regarding the topic of materials. I know it's  
17 quite a difficult challenge for all of us, and  
18 I really admire the way you've been working  
19 with OTA.

20           Moving on to crops, Mr. Davis, what  
21 is the plan.

22           MEMBER DAVIS: Crops committee has

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1 new and old materials to continue working on,  
2 deferred material from this meeting,  
3 tetracycline, sort out the last details of  
4 that that came piling in at the last minute;  
5 sorbitol octanoate, I believe the TAP has been  
6 completed, and we are able to start on that,  
7 pretty close.

8 Pelargonic acid has been in our  
9 work plan, and I believe I'm hearing reports  
10 from the petitioner that they want to revise  
11 that.

12 Same situation with ammonium salts  
13 of fatty acid, which both of them are  
14 herbicides.

15 Several new materials for us to do  
16 sufficiency review and then start on would be  
17 isoparaffinic hydrocarbon, polycarpolactone -

18 MEMBER GIACOMINI: Hold on,  
19 isoparaffinic what?

20 MEMBER DAVIS: Hydrocarbon.

21 MEMBER GIACOMINI: Thank you.

22 Polycarpolactone, all one word. Ethylene

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1 glycol, and tetramethyl - I don't know how to  
2 pronounce this word - d-e-c-y-n-e - dio ,  
3 inerts and pesticide formulations.

4 For other items, ongoing work with  
5 crops and CAC commercial availability of  
6 organic seed work; continue working on the  
7 soiless growing system subject; gathering  
8 information and working towards an eventual  
9 recommendation.

10 We are going to begin working on  
11 the mushroom standard, and also the commitment  
12 to at least study the biodiversity compliance  
13 assessment information that was provided by  
14 the Wild Farm Alliance; we will look at that  
15 and decide what and where to go with that.

16 CHAIRMAN DELGADO: Any questions?  
17 Steve?

18 MEMBER DeMURI: There was a lot of  
19 discussion about organic seed at this meeting.

20 What do you guy see as your next steps in  
21 that process?

22 MEMBER DAVIS: Joe, do you want to

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1 comment on that?

2 MEMBER SMILLIE: We're going to take  
3 a look at our - we're not going back to the  
4 drawing board. We think that we have the core  
5 of a good recommendation, and we are going to  
6 go back and look at it. And the two factors  
7 we've identified so far, there may be more.

8 And again we are going to have more  
9 fo a joint meeting with both committees. It  
10 didn't quite work that way last time. We did  
11 our part and then passed it on. This time we  
12 are going to have joint meetings, and just  
13 hone right in on redistributing the burden,  
14 and making it valid and useful for everyone,  
15 and then looking at how we want to approach  
16 databases, how we want to let a thousand  
17 flowers bloom and guide the process and all  
18 that sort of thing.

19 So those are the two clear action  
20 items; there might be more. But we definitely  
21 will have a recommendation for the November  
22 meeting, and we'll try and get it out as early

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1 as possible with lots of time for feedback.

2 CHAIRMAN DELGADO: Any other  
3 questions for crops?

4 Thank you, Gerry.

5 We'll move on then to Joe.

6 MEMBER SMILLIE: Well, number one on  
7 the list is continuing our work on the  
8 multisite certification; that's the primary  
9 job. We are hoping that we can get together  
10 as a committee and work something out so that  
11 we can get a recommendation ready for the  
12 November meeting.

13 That is certainly the target. We  
14 hope to meet that target. We've got some real  
15 challenges with that, and we are just hoping  
16 we can find the middle way on our committee.  
17 Because as you know the committee is pretty  
18 well split on it, and we're just going to  
19 explore ways that we can find to move it  
20 forward. That's about all I can say at this  
21 time. We've got a lot more feedback, but once  
22 again it's divided feedback also. That's

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1 number one.

2           Number two is, working directly  
3 with the crops committee on the commercial  
4 availability document. Certainly as  
5 representatives of the certifier community I  
6 would say the preponderance of comment on that  
7 document was from the certifier community. We  
8 work very closely with ACA and NASOP, to  
9 accomplish that task. And that will be my  
10 job, to liaison with those two already  
11 existing groups.

12           Then we are going to open up some  
13 new areas. We want to move forward with the  
14 biodiversity issue, as far as we see it, as  
15 far as enforcement certification issues of  
16 this very important part of the regulation is  
17 being enforced properly by certifiers, and we  
18 will work with the crops committee on that,  
19 hopefully jointly, again, so we've got two  
20 items for joint meetings so that we can  
21 schedule those and those will be useful.

22           And then I'm not sure, because I

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1 haven't had a chance to talk to my committee,  
2 and sometimes it's a little premature to say  
3 what your work plan is when the group hasn't  
4 gotten together, because there may be input  
5 from other people.

6 But I'd like to take up, just pick  
7 one issue that seems to affect the certifier  
8 community. And we got also a response from  
9 the NOP, that we are open to discussing it.  
10 And that is the whole 100 percent claim that's  
11 in the regulation that seems to be an issue  
12 that is not fully vetted. So we are going to  
13 jump into that and put that on our work plan.

14 So what used to be the sleepy CAC  
15 committee is fully caffeinated and ready to  
16 go.

17 (Laughter.)

18 CHAIRMAN DELGADO: Any questions for  
19 Joe? Dan?

20 MEMBER GIACOMINI: I noticed your  
21 first listing was multisite in the broad  
22 sense, the global name. I don't think there

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1 is much chance that there would ever be  
2 multisite if we didn't have multi-grower, and  
3 if we weren't multi-grower I would hate to  
4 lose it because of a resistance to the rest of  
5 multisite.

6 I would encourage you to consider  
7 the possibility of saving the baby before the  
8 house burns down.

9 MEMBER SMILLIE: You mean polishing  
10 the door knobs while the boat is sinking.

11 MEMBER GIACOMINI: Whichever, but if  
12 there is part of it that couldn't - that can  
13 move forward, I would encourage you to  
14 consider - just consider that.

15 CHAIRMAN DELGADO: Tracy.

16 MEMBER MIEDEMA: I would like to go  
17 ahead and respond. It would be great if you  
18 would join in some of our calls. It sounds  
19 like you have some very strong opinions. And  
20 it's easy to cave to loud voices, but right  
21 now we're still working on having a very firm  
22 legal underpinning for something that was on

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1 extremely shaky ground. It's so shaky that  
2 the whole concept of a sampling protocol for  
3 certification was taken from grower groups,  
4 and it was taken from others who are also  
5 using that same method of certification.

6 So we're approaching this from a  
7 pragmatic standpoint and not an emotional  
8 standpoint.

9 CHAIRMAN DELGADO: Any other  
10 questions?

11 Joe? Something else?

12 MEMBER SMILLIE: We go as you know,  
13 you're chair, and some of the responsibilities  
14 and accountabilities of the chair. So what  
15 I'd like to do is to continue the process that  
16 we sort of started on halfway, and I would  
17 cordially invite you to attend the CAC  
18 meetings on a regular basis, because I believe  
19 that as chair you have shown good leadership,  
20 great impartiality, and I'd like to have you  
21 join our committee on a regular basis as we  
22 thrash through this incredibly difficult

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1 issue.

2 CHAIRMAN DELGADO: That is an action  
3 item on my part, and I will definitely  
4 participate in your calls, looking forward. I  
5 know it's an incredibly difficult issue. It's  
6 an emotional issue too. We have to recognize  
7 that.

8 And as Dan said, there are  
9 opportunities. We can discuss those, to move  
10 forward. If not one item, all of the items  
11 they are considering. But definitely we will  
12 be participating in your conference calls.

13 Any other questions for Joe? No?

14 Let's move on then to the last of  
15 our committees, policy and development, with  
16 our newest member, Barry.

17 MEMBER FLANN: Sorry, Mr. Chairman,  
18 I had some important business.

19 The policy development committee  
20 has met by conference call and developed and  
21 proposed a work plan. Many of the items I'll  
22 go through here in a minute have been sort of

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1 farmed out to us, so not all of them just came  
2 out of the committee's ideas. But let me just  
3 go through these. Maybe I can go down the  
4 list first, and then any questions that you  
5 have.

6 CHAIRMAN DELGADO: Yes.

7 MEMBER FLANN: Number one,  
8 procedures for handling public comments at  
9 NOSB meetings. To polish those. We have them  
10 now, but to improve on what we have if  
11 necessary.

12 Review the TAP procedures, and I'll  
13 say more about that.

14 Clarify the sunset procedures in  
15 the policy manual, and I myself found what was  
16 written in the policy manual very confusing as  
17 a new member. So I guess I kind of originated  
18 looking at that.

19 Preamble use in contact  
20 instructions for the manual, and that - I  
21 think we started thinking about that when we  
22 were thinking about a preamble to the

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1 multisite paper and decided we didn't know  
2 when it really might be needed, or what a  
3 preamble consisted of.

4 CHAIRMAN DELGADO: Just to clarify,  
5 would it be a preamble for a motion, is that  
6 the intent?

7 MEMBER FLANN: A preamble for a  
8 policy paper or recommendation paper like the  
9 multisite paper that was written.

10 CHAIRMAN DELGADO: Okay.

11 MEMBER FLANN: Which it started out,  
12 we were calling I think - isn't that right,  
13 Jennifer - originally what we were preparing  
14 was called a preamble.

15 CHAIRMAN DELGADO: Excuse me,  
16 Valerie are you wanting to comment?

17 MS. FRANCIS: We didn't really get  
18 much further in our training along this  
19 thinking. We wanted to on Tuesday morning,  
20 but I think we have moved past just focusing  
21 on the preamble of a recommendation but the  
22 structure of a recommendation, including the

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1 process for really approaching  
2 recommendations. Outside of materials  
3 recommendations, all the other  
4 recommendations.

5 CHAIRMAN DELGADO: We can refine  
6 that later with more clarification.

7 Please continue.

8 MEMBER FLANN: Number five is  
9 clarification and guidance on committee work  
10 plans.

11 Number six was new member guide  
12 update of website addresses and navigating the  
13 new NOP assisted, this to be in the new member  
14 guide.

15 Seven was NOSB member training  
16 needs to be included in new member guide; what  
17 is needed and what's expected and so forth.

18 Eight is election procedures for  
19 NOSB officers. And there were some questions  
20 raised that maybe the procedures - I don't  
21 know, help me out.

22 MEMBER KARREMAN: That's not fair

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1 for you, because you haven't been through an  
2 election within the board yet.

3 But basically one of the policy  
4 members was saying that perhaps the way we  
5 conduct our elections for our own officers  
6 here should be somewhat less maybe haphazard,  
7 you know, just little pieces of paper going in  
8 a cup. Just a little bit more respectful of  
9 the people that are up for election.

10 CHAIRMAN DELGADO: More formal?

11 MEMBER FLANN: Okay, and then the  
12 last one that we have on our work plan was a  
13 technical corrections procedures and  
14 priorities; how to deal with the need for  
15 technical corrections.

16 And I think obviously in the course  
17 of this meeting there have been things that  
18 have come up, probably assignments for the  
19 policy committee. But they are not on the  
20 list, and I want to talk to the whole  
21 committee about it before doing anything.

22 MEMBER KARREMAN: Well, I think that

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1 part of that last one is when the NOSB sends  
2 up a recommendation, and then it eventually  
3 gets into the Federal Register that if there  
4 is some intent that wasn't translated as our  
5 intent or maybe something was because of the  
6 need for writing in the Federal Register a  
7 certain way it didn't catch what we meant or  
8 it omitted what we intended. There was some  
9 policy to correct that, if possible sooner  
10 rather than later, so that the certifiers  
11 don't start wondering like what's up.

12 I don't know how else to put it,  
13 but I'm just thinking like a few specific  
14 things from the December 12<sup>th</sup> entry in the  
15 Federal Register, and there are other times  
16 too.

17 MEMBER FLANN: Anyway, to make sure  
18 - I don't know - if there are any technical  
19 corrections needed that we look at that and  
20 deal with that as soon as possible in  
21 something that has been published.

22 CHAIRMAN DELGADO: In something that

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1 has been published already in the rule?

2 MEMBER FLANN: Yes.

3 CHAIRMAN DELGADO: And comparing the  
4 intent of what the board wanted with what's  
5 actually the result?

6 MEMBER FLANN: Yes.

7 CHAIRMAN DELGADO: Any questions?  
8 First of all, does that conclude your  
9 presentation?

10 MEMBER FLANN: Yes.

11 CHAIRMAN DELGADO: Any questions for  
12 policy?

13 Okay, well, that concludes our  
14 presentation of work plans. So Mr. Vice  
15 Chair, do you want to -

16 VICE CHAIR MOYER: Are you going to  
17 adjourn the meeting?

18 CHAIRMAN DELGADO: Not quite. I  
19 still have some - we still have one more item,  
20 other business and closing remarks.

21 OTHER BUSINESS & CLOSING REMARKS

22 CHAIRMAN DELGADO: Just to remind

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1 the chairs of the committees, we will be  
2 sending out the famous Excel spreadsheet that  
3 we use to keep track of our work plans. I'll  
4 be asking you to set priorities for all the  
5 items that you proposed so far, and we'll be  
6 addressing those as usual in our executive  
7 conference calls.

8 And emphasis on priorities. I know  
9 we have families and works to attend to, so  
10 please pay close attention to those, and we'll  
11 be able to define our target dates and our  
12 performance throughout the process.

13 And the other thing that I would  
14 also like to mention to the rest of the board  
15 members is, we have a calendar floating around  
16 to find availability for the full meeting. We  
17 are planning that, and as soon as we have  
18 everyone's dates, I know I'm the first one to  
19 not have answered Valerie's call, but once we  
20 have the final dates we will be able to define  
21 the target dates that we need for those  
22 motions, recommendations and discussion

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1 material. So that's key.

2 And that's on my part, I'd like to  
3 ask both of you, the secretary and the vice  
4 chair, to see if you have any other issues to  
5 consider as part of the other business items?

6 Jeff?

7 VICE CHAIR MOYER: Not really, Mr.  
8 Chairman. I just wanted to say before we  
9 adjourn this meeting that for reasons that you  
10 are probably all well aware of, I am very  
11 hesitant to speak on behalf of the entire  
12 board.

13 But in this case I will step out on  
14 a limb and say on behalf of the entire board,  
15 Rigo, I want to thank you, and I think the  
16 board wants to thank you, for running a very  
17 efficient, inclusive, and professional  
18 meeting. Thank you very much.

19 CHAIRMAN DELGADO: You are very  
20 welcome. Thank you.

21 (Applause.)

22 CHAIRMAN DELGADO: And I want to

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1 take the opportunity to thank you, Jeff, and  
2 Katrina, for wonderful team that you have  
3 become, meeting practically every Monday, half  
4 an hour, with Valerie, to make sure that we  
5 are not dealing with any pop quizzes at the  
6 last minute. So I appreciate your time,  
7 devotion and dedication.

8 Also on the part of the board I am  
9 really happy with the level of commitment,  
10 professionalism and dedication that all of you  
11 have shown. Regardless of the issues, you are  
12 always willing to work and participate.

13 Yes, Joe.

14 MEMBER SMILLIE: I'm sorry if I  
15 missed something, but when that request for  
16 meeting dates which I haven't answered yet,  
17 and I really intend to, Val, did that talk  
18 about location at all?

19 CHAIRMAN DELGADO: No, it did.

20 MEMBER SMILLIE: You know, it's time  
21 we moved it out from Washington, D.C. I heard  
22 it loud and clear in all conversations. And I

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1 think if the finances are there, which I am  
2 led to believe they are, that we should  
3 seriously considering moving the November  
4 meeting to the West Coast. I think it was  
5 promised to Seattle was it a year ago? Time  
6 flies when you're having fun, but I would like  
7 the NOSB to at least make that wish clear to  
8 the NOP, and if finance is willing, let's move  
9 her out of Washington for the next meeting.

10 CHAIRMAN DELGADO: That's an  
11 excellent suggestion. We will come up with a  
12 date first, and then as you suggested, we'll  
13 propose possibly several locations and see if  
14 the program has the budget to respond to our  
15 suggestions.

16 Any other comments?

17 As a last remark I want to say that  
18 this has been an extremely productive meeting.

19 I'm really happy and impressed with the level  
20 of constructive participation that we had on  
21 the part of the public commenters, from the  
22 public in general.

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1           So I hope you share with me the  
2 happiness and emotion that I have for having  
3 seen such a productive meeting today.

4           I want to wish you a happy return  
5 to your homes, and the best for the rest of  
6 the year. We will see you here in about six  
7 months.

8           And I would like to call for a  
9 motion to adjourn.

10           VICE CHAIR MOYER: I'll make that  
11 motion.

12           MEMBER KARREMAN: And I'll second  
13 it.

14           CHAIRMAN DELGADO: The meeting is  
15 adjourned.

16           (Whereupon, at 5:01 p.m., the  
17 proceeding in the above-entitled matter was  
18 adjourned.)

19

20

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