

**NATIONAL ORGANIC STANDARDS BOARD
CROPS COMMITTEE
Best Western Senator Inn, Augusta, Maine
September 29, 1992
MEETING SUMMARY**

Prepared by: Craig Weakley/Julie Anton

Attendees: Craig Weakley (Acting Chair), Robert Quinn, Dean Eppley, E.K. Chandler, NOSB Crops Committee; Julie Anton, Hal Ricker, Ted Rogers, USDA.

Acting Chair Craig Weakley began the discussion by explaining that the Crops Committee (CC) was currently working on wight draft documents related to plating stock policies, emergency spray exemptions, pesticide drift, irrigation water quality, materials, organic farm plan, residue testing, and requirements for mixed conventional/organic operations. Six of the documents have been circulated for widespread public input, and the CC has received numerous written and verbal comments on the content of the documents.

The CC's pesticide drift policy document was discussed first. It was reported that written public input shows about 75 percent disagreement and about 25 percent agreement with the document. Those in disagreement do not want an organic crop that has been drifted upon to be sold as organic and want drifted-upon fields to be decertified for 36 months. It was pointed out that the CC does not think the organic grower should be so severely penalized for a drift incident that is out of the grower's control. In most States, it is difficult and expensive for an organic farmer to gain compensation if his/her organic crop is drifted upon.

Attendee Eric Sideman of the Maine Organic Farmers and Gardeners Association (MOFGA) described the State of Maine's provisions for dealing with fault claims. If the incidence of drift affects less than 10% of the crop land, it is not considered a drift incident. It was suggested that the CC consider defining a "drift incident." The primary difference between the CC position paper on spray drift and the MOFGA standards is that the MOFGA standards focus on residue on the land for production and the CC paper focuses on residue on the product harvested from the land.

With reference to the CC position paper on irrigation water quality, it was reported that 50% of the public respondents were in favor of the CC position. A prominent issue of the discussion related to the consensus view that a "polluter pays" policy should apply in all instances where an organic farmer is subjected to chemical trespass. Concern was expressed that it is unlikely that the NOSB can create a "polluter pays" policy that would be enforced in all 50 States.

It was agreed that one major difficulty with this irrigation water quality issue is that there is very little scientific

information related to the fate of trace amounts of pesticides in water used for irrigation. There is some information about herbicide residues.

It was reported that the CC planting stock position paper received fairly widespread support from public respondents; one third, however, stated that treated seed should be prohibited. The CC will address the issue of allowing treated seed for specific varieties of crops that are chosen for their high yields or other economic qualities and which have no untreated seed sources. It was pointed out that the CC has taken a stricter position than the Organic Foods Production Act of 1990.

90% of the public respondents had indicated their support for a requirement that annual transplants be from organic sources. About 80 percent of the public respondents indicated their support for the potato and garlic sections of the CC planting stock document. It was agreed that rhubarb, asparagus, onion sets, sprouts, and tissue cultured plants should be added to this document.

It was reported that most of the public respondents thought that the organic farm plan document was not realistic, too long, and would be burdensome for farmers.

Acting Chair Weakley summarized the content of the CC residue testing working draft and the CC document on requirements for a "mixed operation" conversion to 100% organic, and indicated that the residue testing document would be reworked.

**NATIONAL ORGANIC STANDARDS BOARD
FULL-BOARD OPENING SESSION
Best Western Senator Inn, Augusta, Maine
September 29, 1992
MEETING SUMMARY**

Prepared By: William J. Friedman

Attendees: All NOSB members, with the exception of Gary Osweiler, Eugene Kahn, and Thomas Stoneback; Harold Ricker, Julie Anton, Ted Rogers, USDA.

The morning session lasted four hours and encompassed the topics included on the distributed agenda. The morning session was entirely consumed with housekeeping measures.

Motions were passed relating to previous meeting minutes, the creation of an NOSB by-law working group, and the adoption of a NOSB document heading scheme to clarify the stages of our various working papers for the public.

A report from the AMS Administrator's Office by Ms. Chris Patchin was heard regarding the appropriation process for the National Organic Production Program and the NOSB. The requested appropriation was rejected by Congress and other available funds were cut as well. Funding reduction means a delay in the implementation of the National Program is expected. Dr. Harold Ricker discussed staffing issues and the expected decrease in work time available from staff as funding costs become effective. Also, discussed were phone costs for individual Board members and conference call costs.

All six Committees gave reports. All reports were received officially by the Board and those without written Committee reports were directed to submit them within 14 days.

**NATIONAL ORGANIC STANDARDS BOARD
ACCREDITATION COMMITTEE
Best Western Senator Inn, Augusta, Maine
September 29, 1992
MEETING SUMMARY**

Prepared By: Margaret Clark/Julie Anton

Attendees: Margaret Clark (Chair), Michael Sligh, Nancy Taylor, Bob Quinn, Rich Theuer, William J. Friedman, NOSB Accreditation Committee; Ted Rogers, Hal Ricker, USDA staff; Katherine diMatteo, OFPANA; Nancy Ross, MOFGA; Robert Beauchemin, OCIA; David Haehn, OSFVP; Victoria Smith, New Hampshire Department of Agriculture; Russell Libby, Maine Department of Agriculture.

The Accreditation Committee (AC) voted to approve its Mission and Goals Statement and to accept the draft "Procedures and Standards Governing the Accreditation of Organic Certification" as a Committee working draft. The deadline for comment on the draft was changed to December 1, 1992, to allow a full 60 days for comment.

Chair Margaret Clark reported the consultant hired by the AC in August, 1992, Dr. Charles Benbrook, had not been able to attend the meeting in progress, but would continue with another draft revision on the Accreditation Program after the AC completes its review of comments and makes its next revision.

With respect to Dr. Benbrook's draft, the AC discussed the following general topics, with input from guests and USDA staff:

- (1) Criteria, performance, standards and indicators;
- (2) Categories of accreditation;
- (3) Application;
- (4) Conflict of interest, and
- (5) Qualifications of inspectors.

The Committee agreed to ask the NOSB Livestock, Processing and Crops Committees for recommendations on the qualifications of inspectors.

Committee work on Dr. Benbrook's draft was divided as follows, with each Committee member responsible for summarizing input on the topic of their own choosing and for preparing proposed draft revisions:

Application - Bob Quinn

Conflict of interest - Rich Theuer

Financial structures and fees - Nancy Taylor

Qualifications of inspectors - Margaret Clark

Criteria, indicators, and competence - Rich Theuer

Transparency - William J. Friedman

Independence - Rich Theuer

Status of accreditation/timing of implementation - Michael Sligh

Qualifications of evaluators - Margaret Clark
Glossary - Michael Sligh

Ms. Clark agreed to prepare a calendar for Committee work, based on weekly conference calls which would follow the circulation of each AC member's work on a given topic. Mr. Ted Rogers agreed to circulate public comment letters received to Committee members, as they accumulate. This procedure is intended to give Committee members the maximum time to review the public comments.

**NATIONAL ORGANIC STANDARDS BOARD
LIVESTOCK COMMITTEE
Best Western Senator Inn, Augusta Maine
September 29, 1992
MEETING SUMMARY**

Prepared By: Merrill Clark/Julie Anton

Attendees: Merrill Clark (Chair), William J. Friedman, Donald Kinsman, NOSB Livestock Committee; Julie Anton, USDA; Eric Sideman, MOFGA; Russell Libby, Maine Department of Agriculture; Steve Ellis; Steven McFadden.

The Livestock Committee (LC) working draft on husbandry was elevated to a position paper and discussed at length. Issues related to confinement, animal surgical procedures, and housing of organic livestock were of primary significance. Several language changes were made throughout the document, in preparation for a second release to the general public.

Specific confinement discussion centered around crate-raised veal and caged poultry. No final decision was made on how these situations should be treated in organic livestock standards.

Discussion on parasiticide and other medication use involved an overview of Maine Organic Farmers and Gardeners Association (MOFGA) standards and parallel observations by the LC with respect to farms visited during the tour the day before.

The LC working draft entitled, Criteria for Material Input Selection, was elevated to a position paper and readied for distribution to the public.

Discussion followed on livestock feed and supplement issues. It was reported that MOFGA standards do not require 100% organic feed. The LC draft standards currently require "certified organic feed" for all organic livestock.

The meeting concluded with an agreement by Committee members to strive toward the development of position papers on organic livestock standard topics for distribution to the public as soon as possible. The Committee will be holding conference calls at least twice a month and plans to accomplish much work through written correspondence.

**NATIONAL ORGANIC STANDARDS BOARD
INTERNATIONAL ISSUES COMMITTEE
Best Western Senator Inn, Augusta, Maine
September 29, 1992
MEETING SUMMARY**

Prepared By: William J. Friedman

Attendees: William J. Friedman (Chair), Margaret Clark, Michael Sligh, Nancy Taylor, NOSB International Issues Committee; Richard Theuer, NOSB; Julie Anton, USDA.

After several housekeeping measures were addressed, discussion ensued regarding a proposal for a de facto determination of equivalency between U.S. and European Economic Community (E.E.C.) organic materials lists. After an informal poll was taken amongst the Committee, the Chair determined that referral to the International Committee (IC) for consideration would be put off until the Materials Committee had prepared its response. In addition, Ms. Julie Anton is identifying other foreign sovereigns with existing organic certification standards, and as the standards are collected they will be analyzed.

In order to facilitate identification and discussion of issues and topics within the International Committee that relate to determinations of equivalency between the E.E.C. and the U.S. organic certification program standards, IC members were given standing Committee assignments that were approved by unanimous consent.

The Committee unanimously approved the preparation and distribution of a memorandum requesting information on potential areas of conflict between the work of the NOSB Committees and proposed or existing standards in other countries. Dr. Kenneth Clayton, Deputy Administrator of the A.M.S. is the designated representative to Codex for A.M.S. The Committee unanimously approved the preparation of a letter to Dr. Clayton requesting more information on the Codex process and its direct impact on the work of the International Committee.

Issues discussed but upon which no decision was reached include:

1. Verification of certification involving U.S. based certifiers operating in other countries that export certified product to the United States.
2. O.C.I.A. President Robert Beauchemin raised the issue of how the United States intends to address the situation where the country from which the product is imported has no U.S. based certifier and no "competent governmental authority" (as discussed in the E.E.C. regulations) or the governmental authority is "rubber stamping" certification entitles for operation with its borders.

3. I.F.O.A.M. is attempting to schedule a meeting with the Mexican government, the U.S. government and the Canadian government in the first quarter of 1993. No further information is available at this time.

4. The impact of E.E.C. Regulation No. 2083/92 was briefly discussed.

5. The deletion from the Accreditation Committee draft accreditation program of a section relating to imports was noted.

6. U.S. Agency for International Development personnel are interested in organic agriculture and the work of the Board. Particular interest has been shown in the relationship between organic crops and the Caribbean Basin Initiative for alternative crop production. Ms. Anton will continue to track this interest.

**NATIONAL ORGANIC STANDARDS BOARD
MATERIALS COMMITTEE
Best Western Senator Inn, Augusta, Maine
September 29, 1992
MEETING SUMMARY**

Prepared By: Nancy Taylor/Julie Anton

Attendees: Nancy Taylor (Chair), E.K. Chandler, Dean Eppley, Michael Sligh, NOSB Materials Committee; Julie Anton, USDA.

The time scheduled for this meeting was very short; consequently, the Materials Committee (MC) was unable to adequately review and discuss the documents that were presented.

The first topic of discussion was the forms, discussed in Sacramento, for public petition to get materials for use in organic production on the National List. Drafts of these forms, which were long forms (to be used to obtain information from manufacturers) and short forms (for the use of farmers) for each category of material had been prepared and submitted by USDA staff member Ted Rogers. The MC felt the short form required too much information and that both a long and short form for each category of material, crops, livestock, and processing was not necessary. The MC stated its intents to discuss the petition drafts further.

-Mr. E.K. Chandler announced that the draft of the AACO structure was not yet complete and will be submitted to the MC soon.

Chair Taylor presented submitted a draft proposal to accept the European Economic Community materials list as equivalent to that of the United States as discussed at the Sacramento meeting, which had been submitted by absent MC member Mr. Tom Stoneback. However, the MC felt that the proposal was premature and perhaps unnecessary at this time due to the fact that the U.S. list is incomplete and that international organic trade has not yet been affected. The Committee will consult with the NOSB International Committee in further materials list equivalency discussions.

Chair Taylor submitted a working draft of the MC's mission statement, which described the MC's intent to: (1) work on reviewing "generic" materials and allow certifying groups to review "brand name" materials; (2) request full disclosure of inert ingredients; and (3) propose a phase-out period for prohibited materials currently on the allowed lists of some certifying agencies. Ms. Taylor planned to work on a second draft of the mission statement and circulate it to the MC at the upcoming Maine meeting.

**NATIONAL ORGANIC STANDARDS BOARD
MATERIALS, CROPS, LIVESTOCK & PROCESSING COMMITTEE SUMMIT
Best Western Senator Inn, Augusta, Maine
September 29, 1992
MEETING SUMMARY**

Prepared By: Nancy Taylor/Julie Anton

Attendees: All members of the Board, with the exception of Gary Osweiler, Gene Kahn, and Tom Stoneback; Harold Ricker, Julie Anton, Ted Rogers, USDA Staff.

At this joint meeting both the materials list format developed at the July NOSB meeting and the Materials Committee phase review process were discussed. The materials list format allows for the identification of data gaps and is intended to prompt the NOSB Committees to list technical questions regarding the use of a particular material that could then be referred to the Technical Advisory Panel. After much discussion and debate regarding the level of detail in the document, the Committees decided the format was useful and voted to adopt the following materials list format:

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CATEGORY: [Crops/Livestock/Processing]

MATERIAL NAME:

Subcategories:

Crops: Pest Control
 Plant & Soil Inputs
 Production Aids
 Post-Harvest Aids
 Sanitation Aids
Processing: Pest Control
 Processing Aids
 Sanitation
Livestock: Pest Control
 Nutritional Feed Supplements
 Health Care
 Production Aids
 Sanitation Aids

Natural or Synthetic:

Use:

Allowed or Prohibited:

Federal Review: [EPA, FDA, USDA]

Data Gaps: [information or research needs]

Reference Documents or Bibliographies: [information the NOSB
used in making annotations or used decisions]

IFOAM or EEC Classification: [allowed or prohibited]

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The Committees also voted to accept the following phase process for completing the materials lists.

PHASE I (Completion date Dec. 1992)

- List materials that the NOSB feels has reasonable agreement on accepted use.
- Seek public input on "reasonable agreement" draft list.

PHASE II (May 1993)

- Draft list of prohibited natural substances the NOSB feels has reasonable agreement.
- Draft list of allowed synthetics to be included on the OFPA exempted list the NOSB feels has reasonable agreement.
- Initiate Botanical review process.
- Initiate petition process.
- Seek public input and technical expertise on proposed allowed & prohibited materials list.

PHASE III (Sept. 1993)

- List of controversial materials that the NOSB is not in agreement on.
- List of materials needing further discussion and annotations.
- Request for position papers on controversial materials from Technical Advisory Panel and the Public.
- Seek public input on controversial materials and annotations.

PHASE IV (ASAP)

- Complete evaluation of all materials to be included on National List based on OFPA Section 2119(m).
- Technical Advisory Panel reports evaluated by NOSB.
- NOSB final recommendations.
- Regulatory review by EPA, FDA, and USDA.
- Final recommendations go to the Secretary of Agriculture.

**NATIONAL ORGANIC STANDARDS BOARD
PROCESSING AND HANDLING COMMITTEE
Best Western Senator Inn, Augusta, Maine
September 29, 1992
MEETING SUMMARY**

Prepared By: Ted Rogers

Attendees: Richard Theuer (Chair), Margaret Clark, Merrill Clark, Donald Kinsman, Craig Weakley, NOSB Processing & Handling Committee; Ted Rogers, USDA staff.

This was a brief meeting, carrying forward the review and revision work on drafts of position papers and other draft documents.

The Organic Handling Plan was the principal item of discussion. The two approaches addressed were: (1) to continue with a detailed handling plan as begun in draft Organic Handling Plan, dated September 1, 1992; and (2) to merge relevant elements of an "organic" plan with preexisting FDA regulations covering "CURRENT GOOD MANUFACTURING PRACTICE IN MANUFACTURING, PACKING, OR HOLDING HUMAN FOOD" (21 CFR Ch.1, PART 110). Approach number two would-essentially build upon what everybody already knows, rather than burden organic handlers and processors with an entirely new set of regulations to assimilate. It was agreed that Members would review Part 110 and the Organic Handling Plan before the next conference call in preparation for a discussion of these alternatives.

The processing materials list and criteria were discussed in preparation for the joint meeting with the Materials Committee. There was also a discussion of the wine issue and a new position on sulfites used in wine making.

The meeting closed with a discussion of Committee plans to prepare revised position papers for release for public comment.

**NATIONAL ORGANIC STANDARDS BOARD
FULL-BOARD CLOSING SESSION
Best Western Senator Inn, Augusta, Maine
September 30, 1992
MEETING SUMMARY**

Prepared By: William J. Friedman

Attendees: All NOSB members, with the exception of Gary Osweiler, Eugene Kahn, and Thomas Stoneback; Harold Ricker, Ted Rogers, Julie Anton, USDA.

The morning session lasted four hours and was entirely consumed with procedural and budgetary matters. Motions were passed setting limits on monthly phone and fax costs incurred by Board members, a 3-hour per-month limit on Committee conference calls, and setting the next full Board meeting for sometime between May 15-30, 1992.

Other procedural matters upon which motions were unanimously passed include:

1. All draft recommendations for consideration at the next meeting by the full Board must be submitted to the Board chair by a deadline to be set by chair, and the chair will also establish the criteria for waiving the deadline upon motion by the Committee chair.
2. The executive Committee will determine the manner of distribution of conference call notes and work product and will poll the Board members regarding the proposed procedure.
3. All Committee chairs must submit a written standing Committee to the Board secretary for inclusion in the minutes.
4. Committees may vote on adoption of publicly distributed position papers and drafts of final recommendations on conference calls.
5. A new Board meeting schedule will be distributed to the public.
6. The executive Committee was delegated authority to approve individual Board member requests to represent the Board at public meetings where Board representation has been requested and there is no expense to the Board.
7. All NOSB members approved for representing the Board at public meetings must provide the staff director and the chair the relevant information relating to their appearance.

The Board also approved the distribution to the full Board of all working drafts and position papers distributed to the

public.

A resolution for submission to the Secretary regarding statutory deadlines and budgetary constraints that has been tabled at the previous meeting was defeated. A resolution regarding staff appreciation was passed unanimously.