

NATIONAL ORGANIC STANDARDS BOARD MEETING
SEPTEMBER 27-29, 1993
FARGO, ARKANSAS

NOSB members present: Jay Friedman, Bob Quinn, Dean Eppley, Gene Kahn, Craig Weakley, Michael Sligh, Margaret Clark, Richard Theuer, K. Chandler, Don Kinsman, and Nancy Taylor

USDA staff present: Hal Ricker, Julie Anton, Ted Rogers, and Michael Hankin

The meeting of the National Organic Standards Board (NOSB), an Advisory Committee to the Secretary of Agriculture for the implementation of the National Organic Program, was called to order September 27, 1993, at 8:40 am by Chairperson Michael Sligh.

A welcoming address was presented to the NOSB, USDA staff and public in attendance (approximately 50 persons) by Mr. Marvin Schwartz, director of the Arkansas Land and Farm Development Center.

Chairperson Sligh presented his opening remarks, commenting on the need for openness and communication during the co-operative development of the organic program and observing that the NOSB serves as the formal voice for the public to the USDA on organic standards matters.

The USDA report was presented by Staff director, Dr. Harold Ricker.

USDA REPORT

The newly appointed administrator of AMS has been named - Mr. Lon Hatamiya from California. Mr. Hatamiya is familiar with organic production methods and will be involved with program development.

Ricker recently met with Deputy Secretary of Agriculture Rominger, Deputy Assistant Secretary Jensen, Administrator Hatamiya, and Deputy Administrator Clayton to discuss the organic program. During this meeting, the issue of using lower pesticide residue foods in the School Lunch Program was brought forth. The administration is already aware that the organic community supports the use of organically grown products rather than products which test below a minimal residue level, but which may not be grown organically.

The FY1994 Appropriations Bill has not yet been signed. Once it is, the Organic Program can establish a presence within USDA and operate under the appropriations. The administration supports continued funding for the program, although it is anticipated that the program eventually will have to be self-supporting through user fees. The staff numbers will remain small. The actual operating budget will be less than the \$500,000 appropriated due

to overhead costs and other agency expenses.

Ricker next reported on a meeting with the Office of General Counsel regarding the anticipated livestock hearings. Ricker suggested using the Jefferson Auditorium site in the USDA Building in Washington, DC, in order to minimize costs. The DC hearing might occupy two days to accommodate the testimony. Any additional hearings would be held after the DC hearing, and could possibly be held within the subsequent three week period. USDA will publish a detailed notice of hearing in the Federal Register well ahead of the hearing date to allow for the preparation of testimony. Comments will also be accepted from the general public for a period of time following the hearing date(s). The hearings will be conducted by USDA; the preliminary opinion from OGC that NOSB members may help design the hearings and submit questions to USDA staff, but may not participate directly as examiners, will be reexamined. It is expected that the cost of the hearings will be \$1,000 per day plus staff travel and per diem costs.

After extended discussion concerning NOSB involvement, locations, and procedures for establishing the hearings, Jay Friedman moved that: The NOSB recommends to the Secretary of Agriculture that the NOSB be represented to the maximum extent possible on the panel of examiners appointed for the Organic Livestock hearings. In addition, NOSB requests that USDA provide a written submission to the NOSB regarding the structure, substance, and procedure of the Organic Livestock hearings prior to formal adoption by USDA for the purpose of receiving NOSB comments. Motion seconded by Don Kinsman. The vote on the motion was : Passed unanimously. The NOSB expressed its desire to maximize the value of the hearings by allowing at least one NOSB member to serve as an official examiner at the hearing.

Ricker presented a brief report on the status of the EEC negotiations. A letter to the EC has been prepared and is expected to be delivered there on September 29. The letter addresses the following three areas of concern to the EC: (1) the format of and authority behind the certifier's affidavit; (2) the oversight activities for the certifying agents which will be provided by USDA; and (3) import requirements for foreign products entering the United States. A meeting with EC representatives is tentatively scheduled for November.

The status of the NOSB budget was discussed. The FY 93 budget should conclude with a balance of approximately \$1,300. (For details of the FY 93 budget, see Appendix #1.) The FY 94 funds available for NOSB operations are anticipated to be \$45,071 which would be sufficient for two or three meetings.

During the next few months, it was reported, USDA National Organic Program Staff has a wide assortment of tasks to undertake toward the development of the organic standards and accreditation program. These anticipated assignments include:

- *livestock hearings preparation
- *accreditation program details
- *writing a work plan for Departmental approval
- *economic impact analysis statement
- *database for determining user fee charges
- *position descriptions for current staff
- *vacancy announcements for staff to be hired
- *continuing negotiations with the EEC on imports
- *prepare for 1995 expiration of 4 NOSB terms
- *improve mailing list efficiency
- *convene the TAPs and conduct substance reviews
- *prepare recommendations to CODEX standards
- *support full NOSB and NOSB committee meetings

It was announced that Julie Anton will be concentrating more work time on economic aspects, database creation and international considerations. Michael Hankin will assume the key staff person role with the NOSB Livestock Committee formerly held by Anton.

Ricker then explained that the FY94 budget of \$500,000 had not yet been officially appropriated, but that no problems were anticipated with actually receiving the funds. Once the funding is received, the Organic Program Staff will become officially recognized within USDA. Three options were being considered for the organizational structure. These options are: (1) remain as part of the Marketing and Transportation Research Branch (MTRB); (2) become a Section within MTRB; and (3) become a Staff assigned to the Transportation and Marketing Division Director's office. Hal recommended the third option for visibility and efficiency, even though it would require assuming additional administrative and secretarial responsibilities. Individual NOSB members expressed support for whichever option provides visibility, longevity, access to appropriations, and flexibility to utilize private industry expertise. The ceiling for the number of staff working on the Organic Program has been set at six persons. Refer to Appendix 2 for staff estimated expense figures.

Ricker confirmed that the National Organic Program will not be implemented as of the October 1, 1993 deadline presented in the "Organic Foods Production Act of 1990 (OFPA)." Ricker again requested the NOSB to develop a definition of "organic" and principles of organic production as guidance in writing recommendations and program language. He reiterated that the Secretary of Agriculture will be developing a program that will leave the program to be effectuated through the certifying agents as long as safeguards are in place.

Michael Hankin presented a proposal developed by Bob Quinn and himself for establishing a procedure by which the USDA would utilize final Board Recommendations and communicate with the Board during the writing of the proposed rules for the Organic

Program. The proposal suggested that USDA would write a draft of the proposed rules based on the Board recommendations. While preparing this draft, USDA would request input from affected government agencies and seek advice from Office of General Counsel. After completion of the draft, copies would be distributed to the NOSB and selected organizations for review and comment. Any changes from the Board recommendations would be noted and supported with commentary. The NOSB could then choose to accept the changes, or prepare an addendum to the recommendations in support of its original position. USDA would consider the addendum and the Board recommendations in developing the actual proposed rule. Both the addendum and the final Board recommendations would accompany the proposed rule document through the Departmental review process.

Considerable discussion on this proposal ensued. The Board expressed its concern that substantial changes may be made to its recommendations during the rule making process and it would be beneficial if the Board could have as much opportunity as possible to consider any modifications. The comments from individual members indicated a preference that USDA become more involved with the Committees during the preparation of final Board recommendations; that the comments from affected government agencies be obtained during this preparation time; and that USDA and the NOSB resolve differences in program language before the NOSB final recommendations are submitted to USDA. A decision on the procedure to be adopted by the Board was tabled until the Wednesday, September 29 session.

Hankin next presented a proposal to divide minute taking responsibilities between the NOSB and USDA. He proposed that the NOSB assume minute taking duties for Committee meetings and USDA assume minute taking duties for full Board sessions. Opinions ranged from acceptance of the proposal to requests that the proceedings of all meetings be recorded and transcribed. Because of the desire to finally resolve this problem and the need to prepare accurate minutes for those persons following Board activities, the proposal will be given further consideration and discussed again on Wednesday.

This concludes the USDA report.

AGENDA REVIEW FOR THE ARKANSAS MEETING

International Committee: The presentation to the Board is expected to consume less time than allocated. The Committee will request the Board to move a Committee Recommendation to the status of a draft Board Recommendation.

Livestock Committee: The presentation to the Board will include the feed, antibiotic and parasiticide issues. The Committee will caucus before its presentation to finalize the documents and

discuss status requests.

Crops Committee: The Crops Committee will present a revised Organic Farm Plan for adoption as a draft Board Recommendation and will discuss the formation of the National List.

Accreditation Committee: The Accreditation Committee will request that the Committee Recommendation on the Accreditation Program be accepted as a draft Board Recommendation. In addition, the Committee would like to discuss the ISO program, the IFOAM proposal, and the USDA request that the rule making process for the Accreditation Section of the National Organic Program be initiated before other sections of the Program.

Processing Committee: The discussion with the Board later in the week will include non-organic ingredients used in processing of organic products and handling standards for fresh produce. The Committee will request that the Organic Handling Plan be accepted as a draft Board Recommendation.

Materials Committee: The Committee will discuss the formation of the Technical Advisory Panels and the subsequent review of substances process.

This concludes the agenda review. The meeting was adjourned for lunch at 12:10 pm.

FULL BOARD PUBLIC INPUT SESSION
September 27, 1993

LORNA MCMAHON, an organic farmer from Kentucky, argued strenuously for the right to label agricultural products harvested during the three years prior to organic certification "transitional." The "transitional" label would provide recognition and due returns in the marketplace. She also asked the Board to consider allowing synthetic pheromone bait sticks that are used in the perimeter, or buffer zone, of cotton fields to track and kill the bollweevil. Ms. McMahon then presented a letter from the Louisiana Injured Workers Union. She requested that the Board respond to Bob Odom, Commissioner of Agriculture & Forestry, State of Louisiana, in order to provide him with a greater understanding of the term, "organic." Bob Quinn suggested that a list of issues to be addressed by the Board and the organic community in the future be established.

JACK MINTER, an organic cotton producer from Texas, expressed his concern about a possible crop rotation requirement that he could not meet given the "two inches of land" he has to grow on. He informed the Board that ordinarily in the high plains, it is not necessary to spray for the bollweevil, because freezing temperatures kill off the insect. Furthermore, the bollweevil can be handled with bait sticks to keep them out of the cotton fields. He noted that bollweevil control has been particularly difficult during the last three years.

JIMMY WEDEL, an organic cotton producer from Texas, remarked that the imposition of a three-year transition period prevents him from meeting market demand. Margaret Clark suggested that Mr. Wedel develop an argument for a transitional label for cotton separate from other transitional label requirements. William J. Friedman commented that the Board could recommend that States are not precluded from developing transitional programs. Taylor added that Idaho has a transitional labeling program. She noted that she and Michael Sligh, among others in the sustainable agriculture community, have been working on policy option papers for the 1995 Farm Bill.

VAN AYERS, an agricultural engineering specialist at the University of Missouri, also spoke on the need for a transitional label.

He stated that there are currently 65,000 acres of cotton in transition to organic, and that he expects that acreage to increase to 100,000 next year. He noted that the Texas State standards provide for the use of bait sticks that contain prohibited materials so long as they do not contaminate the soil or water.

He proceeded to describe flame cultivation as a weed control method that is effected by installing a flame of burning propane

(natural) gas at the base of weed plants; the flame cultivator can flame plants up to 4 inches tall. This method saves 20 man hours per acre (26 v. 6). Weed control is absolutely necessary for cotton production. Electrocution was another method described: weed plants receive high voltages, which burst plant cells. There are also mechanical ways to sterilize the soil, such as the use of microwaves and hot water.

JOHN ARDREY, Manager, Purchasing Department, Eden Foods, for 15 years, commented that Eden's standards of processing organic food have been built upon by the Organic Crop Improvement Association. Eden has long-term personal relationships with organic farmers and consumers. Eden has been concerned about processing techniques and aides that are detrimental to health and environment; Mr. Ardrey noted that many of those now accepted by the NOSB Processing Committee would not be acceptable for use in producing Eden foods. Eden has always required a three-year transition period for fields when one year was legitimized legislatively, and many growers were rotating fields in and out of organic production. With or because of a definition of processing ingredients and aides legitimized by governmental agencies, an unlevel playing field for exists for competing companies without the commitment to true organic production. Eden considers "organic" processed food not made from whole food ingredients to be adulterated. The organic food industry is one built by small companies and small producers. It is essential to maintain high standards. Eden is concerned that standards for producers will be stricter than those for processors. Rich Theuer asked Mr. Ardrey for a list of those ingredients and aides that Eden would consider appropriate. He also asked where Eden acquires its minerals. Mr. Ardrey agreed that certified organic processing aides "cost a fortune"; yet, if there is a higher volume of supply due to increased demand by processors, the cost will eventually be less.

BARBARA ALTMER, a woman with multiple chemical sensitivities, called in by telephone to the Board during the public input session. She expressed concern about the emergency spray exemptions for crops. She asked where organochlorines are typically stored, and Gene Kahn responded that all such materials are banned at this time. Ms. Altmeir expressed concern about Demoline, which is used to spray for the gypsy moth. She said this chemical is stored in fat of animal or human that ingests cottonseed. She explained that organophosphates are neurotoxins; once exposed, certain people become sensitive. Parathion, microencapsulated, is commonly sprayed on cotton plants; is the crop then plowed under? Kahn explained that the current Board position is that the certifying agent is allowed the discretion to recommend residue testing; the soil would continue to be decertified if found to be contaminated. Kahn asked Ms. Altmeir to put her concerns in writing, given the difficulty conversing without the proper equipment; Friedman suggested that a

conference call be arranged with the Crop Standards Committee given Theuer's remark about complying with the Americans with Disabilities Act.

TIM SULLIVAN, a lawyer with the Farmers Legal Action Group, said that he has been practicing administrative law for 10 years and has litigated over issues of conflict with the USDA. He stated that, in his view, the NOSB and USDA have different interests and different roles. He said that there will be times when it is appropriate for the NOSB to make recommendations that the USDA will not implement. He noted that, in past cases, the private sector was able to make changes in an USDA Office of General Counsel determination, overturning half of the rules proposed. He suggested that the NOSB pull in all of the information needed to make its own judgements, and stated that the NOSB should not feel influenced to make decisions that it does not feel are right.

The OFPA implementation date should be that which the NOSB determines is best for the organic industry. He remarked in closing that he was representing Southern SAWG.

ROBERT BEAUCHEMIN, President, OCIA International, discussed the partnership between the public and private sector called for in the Senate Committee Report. OCIA's remarks on the concepts presented in Accreditation Committee Draft 8.0 will be submitted, line by line, in writing. Mr. Beauchemin then turned to the IFOAM proposal to the NOSB, which would, in his opinion, avoid redundancy in the accreditation process and save costs for the certifying agencies that certify exports wishing to receive IFOAM accreditation. The producers will ultimately benefit when governments recognize IFOAM. OCIA fully supports the IFOAM proposal, and requests that the NOSB include it in its recommendations to the Secretary. Regarding the Peer Review Panel and Evaluation Process, Mr. Beauchemin commented that the organic industry is much less divided on certification issues than it was before; certifying agencies will benefit from being involved in the review process. The Panel, to be functional, should consist of five members. The on-site evaluators should be chosen from the private sector, rather than the USDA, to separate the "inspection" function from the assessment function of the USDA. These evaluators should be independent and trained. On another topic, the NOSB should make an official statement regarding the registration fees several States have in mind to impose on private certifying agencies, as this creates a situation of unfair competition. Rich Theuer asked a question about how to prevent conflict of interest during the evaluation and Peer Review processes.

BILL WELSH, of Welsh Family Farms in Iowa, expressed his interest in establishing certification procedures for meat processing plants. He noted that if USDA/FSIS inspectors at meat plants were trained organic inspectors, there could be a savings in

paperwork. Certifying agencies could approve the inspectors' qualifications to inspect regarding organic standards. Mr. Welsh then argued: if vertically integrated operations are allowed to use antibiotics, small poultry operations will be put out of business. He analogized antibiotics to the herbicide, Roundup, which will be prohibited under the Act. He asked why the Board could not accept same philosophy for livestock. Theuer remarked that many processing plants have been closed down by FSIS over last several months.

ANNIE KIRSCHENMANN, of Farm Verified Organic in North Dakota, commented that FVO has always had a strong commitment to the oversight function; since 1984, FVO has been reviewed annually by an independent evaluation panel review. Also, FVO has been evaluated twice by IFOAM (in 1988 and 1990). FVO views the evaluator and peer review functions to be one and the same. Evaluators should have a comprehensive knowledge of the certification process, and on-site experience. A good accreditation system serves not only to police but also to educate. The Peer Review Panel should be comprised of certifying agencies, who are the most knowledgeable. Ms. Kirshenmann described FVO as an international certifying agency, one of many turning to IFOAM to meet its accreditation needs to serve the international needs of FVO's clients. FVO supports the IFOAM proposal; USDA should use the IFOAM evaluation as "raw material." USDA experience can be burgeoned by IFOAM experience. Otherwise, FVO expects to be forced out of business due to unwieldy costs. Certifying agencies can only expect to volunteer to evaluate. Decision-making and evaluation should be separate functions, with one carried out by the USDA and one carried out by members of the industry. The Peer Review Panel should rotate; a Panel should be assembled for each evaluation; USDA would provide consistency.

GEORGE SIEMON, an organic dairy Farmer from Wisconsin and member of the CROPP cooperative, commented that the groundwork to create organic livestock production standards has been laid, and that the NOSB should be allowed to be the vehicle to represent organic community; this would be better than there being conflicting positions throughout the industry. Mr. Siemon stressed the importance of private-public partnership, especially as organic regulations will cover a wide variety of commodities. NOSB has already satisfied the requirement for hearings for livestock. There has been public input in all regions of the country, and a large amount of photocopying. The hearings would only add costs and delays to the process of developing standards. Still a legal requirement, necessary. Mr. Siemon asked how organic products fit under marketing orders. Finally, he stated that the Board has already taken brave step toward the humane treatment of livestock (i.e. decertification if withhold treatment); therefore, the antibiotic provision does not need to be adjusted for humane reasons. What income argument is really relevant?

Natural beef marketers are not allowing antibiotics. The use of antibiotics in conventional dairy is shrinking. Tyson is now labeling chickens as no antibiotic use. In CROPP, 25 dairy farmers have stopped using antibiotics. At a time when the industry is moving away from antibiotic use, the organic standards should not allow it.

ROD CROSSLEY of Health Valley Inc. in California, remarked that it will likely take the FDA 18-36 months before it comes forward with rules/regulations. NOSB should go forward with labeling and GMP documents. Theuer responded by stating that the FDA is receptive to getting recommendations in before rulewriting process, so can work out any difficulties. Processing materials are already approved by FDA. The NOSB would be asking for special GMP under 110.

ERIC ARDAPPLE KINDBERG of the Ozark Organic Growers Association presented his view that the NOSB work remaining is minimal. Crops issues can be resolved at this meeting, including the farm plan. There is only one further issue for the Processing Committee: synthetics can be resolved by the National List procedure. The National Institute of Environmental Sciences should be consulted. According to the Senate Committee Report, antibiotics and parasiticides must be examined and placed on the National List, not excluded a priori. Mr. Kindberg advised the Board to get the Technical Advisory Panel in place. ISO 9000 standards, set up in 1968 by the United Nations, will be necessary for international trade and should be incorporated into the accreditation documents. The first round of accreditation should be paid for out of \$500K. The maximum cost to farmers should not exceed \$25 annually. USDA staff should not be evaluators. The Peer Review Panel should be a composite of farmers, handlers and certifying agencies. Commenting on the role of biotechnology in organic farming, Mr. Kindberg commented that in nature, hickory does not grow on a pear, whereas pears and apples may cross. The differences in processes are those that are artificial, conducted through a mechanical process, and those which are natural processes. Finally, Mr. Kindberg agreed that the FSIS livestock hearings would not be necessary. He also argued that a portion of the funds received by USDA for the Organic Program be utilized to hire consultants to work on aspects of implementation.

KATHERINE DIMATTEO, Executive Director of OFPANA, remarked that she has been at every NOSB meeting and therefore has another record of NOSB meetings. Ms. DiMatteo supported the idea of ISO 9000 being incorporated into the Accreditation Committee Document. OFPANA's view is that the accreditation program should be moved ahead, and implemented as soon as possible next year. OFPANA is concerned about disintegration of term, "organic." It would be a positive message to the consuming public to move forward part of the Organic Program, as many new labels are

challenging the term, "organic." Regarding the NOSB's current position on split operations, OFPANA is in agreement, although would prefer the word "request" rather than "require" in the farm plan section on conversion. Regarding residue testing, OFPANA's Quality Assurance Council is of the position that Federal and State testing agencies should keep results confidential, so that only certifying agent and government agents have access, to prevent the rumor mill from doing damage to the reputations of operators. The Board should tag its 5% of EPA tolerance requirement to 1994 levels to reinforce the idea of an annual review. Regarding the emergency spray exception, OFPANA strongly supports the compensation statement. OFPANA would like to see added a statement such as the following: public agencies must have a published list of guidelines for each emergency spray program, to justify use of prohibited material in emergency spray situation, and give 30 days notice of intent to spray to USDA, certifying agencies, and State governments. She suggested adding "county" to the types of public authorities. Also, there should be notification within 48 hours of discovery. Regarding planting stock policy, OFPANA's view is that non-organic transplants should be allowed if not commercially available, but not if treated with prohibited insecticides; prohibited fertilizer treatment would be acceptable. Regarding drift and misapplication policy, producers should be required to give written, legal notification (by certified mail etc.) of financial responsibility, should any incident occur, to neighbors and county agents. Regarding the small farmer exception, does registration make certifying agency liable? A copy of farm plan and assurance of an audit trail should be provided along with the declaration.

DAVID HAENN, of the Ozark Small Farm Viability Project in Arkansas, noted his tremendous respect for the work of the NOSB Processing Committee. He had remarks regarding the proposed category of essential synthetics. He stated that there can be found no intent in the Senate report nor OFPA Section 2111 for the establishment of such a category. He asked, must processing aides be from a whole food source? He said that by establishing an essential synthetics category, the NOSB will "open pandora's box of exceptions...and sink the pioneering efforts of organic food processors," shutting doors on the incentive to develop wholly natural substitutes. He gave the example of producing natural pectin from apple peels.

Although Mr. Haenn saw no place for the transition label, he suggested that growers submit a notarized statement of intention to USDA, which it would then publish, identifying producers with the intent to produce organically. Mr. Haenn stress that there should be enough money spent to keep the public informed. Craig Weakley queried Mr. Haenn about the analogy of essential synthetics for crop production. Mr. Haenn refuted this argument by saying that production inputs are a deviation in the philosophy (necessary for production and handling) that does not

pertain to ingredients.

Ms. Margaret Clark asked about Rumford baking powder and Red Star yeast (synthetic stabilizers and ingredients): would Mr. Haenn agree that economies of scale prevent small organic bread bakers from adopting alternatives to these essential ingredients? Mr. Haenn responded by saying that there are other leavening agents available. Mr. Rod Crossley stated that dry yeast and (mined) sodium bicarbonate can replace these ingredients.

ENID WONNACOTT, Director of NOFA-Vermont, stated her view that the Board should emphasize production methods rather than pure food. The Board should figure out what systems work for producers rather than developing a system of standards based on perceived consumer perception, and then put energy into educating consumers. She determined that only Texas does not allow for exception for antibiotic use with withdrawal times of all the active certifying agencies. She stated that it is important to be representative of certifying agencies in existence now. She cited the case of Peter Flint, a small producer with a dairy herd who does not use antibiotics for his cows but who, in an emergency situation (for example, pneumonia in calves), would be served better by an allowance of judicious treatment of a documented emergency, than feel tempted to create deception or treat the calves inhumanely. Also, Ms. Wonnacott argued that medicinal substances should be reviewed by Technical Advisory Panel; she has a language proposal. The Board should also address the issue of extralabel use: important for minor breeds, and which includes the use of anesthesia for food animals. The NOSB should support an extralabel policy. Regarding certified organic feed, Vermont has always required organic feed, but allows a shorter lead-in time period. Organic grain is 25% more expensive. She stated that a six month lead-in time would be reasonable, arguing that most toxic accumulations in feed are mobilized within six months.

SUZANNE VAUPEL, of Vaupel Associates in California, noted that 15-17 States regulate organic livestock production. The majority of States allow antibiotics for specific diseases and in relation to when the stock will be slaughtered for sale as meat. Feed requirements also differ according to the weight of the animal. Marketing orders should at some point be addressed by the Board. For example, organic almonds should be exempted from the reserve requirement. Where organic food is a distinct product in a distinct market, and could not be substituted, the marketing order should not apply. She believes that where organic producers do pay into marketing order funds, 20% should go towards research into the organic market. She noted that the lemon marketing order has small exemption, whereas the orange marketing order does not.

Rich Theuer noted that the FDA should rule on the basis of the common or usual name: i.e. "organic grape" versus "grape"; the NOSB could develop a proposal to FDA. Ms. Vaupel agreed.

MG has some design to look at marketing orders.

ZEA SONNABEND, of California Certified Organic Farmers, argued that a certifying agent member should be appointed to the NOSB; such a person could be a State agent with a non-controversial background. She also argued for funding for Technical Advisory Panel members; furthermore, coordination is crucial to get the right questions to the right people. She noted her concern about the Peer Review Panel election process, seeing it as cumbersome and slow. CCOF's position is that there should be no blanket prohibition on antibiotic use in organic livestock. Specific, targeted use of antibiotics is not a danger. She solicited Board member participation in workshops at the upcoming Asilomar conference in January.

STEVE PARKS, a transitional grower, from Tennessee, noted the high labor cost to control weeds. He argued that premiums are needed by farmers to get them from transitional production to full organic production. Bob Quinn asked: if premium were to disappear, would these would farmers revert to conventional production? Organic farming is a commitment, he stated. Mr. Parks noted that economics is still a driving factor.

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A couple of statements made by persons with chemical sensitivities are inserted into the public record as follows:

- (1) LYNN LAWSON, who handles a chemically-sensitive persons support group in Chicago, lives on an island in the summer to avoid pesticide drift, and remarked that organic foods should not contain pesticides, antibiotics, nor synthetic parasiticides.
- (2) JULIE OCOLA, of Human Ecologist magazine, remarked, "Food makes or breaks our day." Simply, we must know exactly what is in foods, in her opinion.
- (3) OTHER COMMENTS FROM CHEMICALLY-SENSITIVE INDIVIDUALS: A multi-tier label should inform consumers of the treatment to the ingredients in the product. The chemically-sensitive can be affected by very low levels of pesticides.

CROPS COMMITTEE REPORT TO THE NOSB

Crop Standards Committee Chair Gene Kahn opened the Committee presentation with a discussion of the Organic Farm Plan. Kahn emphasized that intent of legislators who supported the OFPA was not to micromanage farmers, but rather to improve farms and the growing environment, and to include strict production standards. Kahn presented an excerpt from the Senate Committee Report, which cites the Organic Farm Plan as the "key element in organic production," which is to be used in combination with a strict materials list. Statutory requirements for the Organic Farm Plan can be found in Sections 2103 and 2114 of the OFPA.

Kahn explained that the Committee's recommendation is that the components of the Organic Farm Plan questionnaire must be included in the certifying agencies' documentation. He noted that a sentence referring to trends appears in every question, to prompt the producer to think about progress or regression of his/her farm.

Kahn pointed out the new section of the document referring to "split operations" (lines 105-108): "Comment on any progress made, if any, or obstacles encountered in..." Lines 157-163 contain new language. He also noted that the water source section (lines 168-171) addresses the irrigation water quality issue.

Language was suggested to replace line 204 with the following: "exist near the borders of the organic fields on your farm". A new section referring to the management of wild crops was added (lines 178-182). The harvester of wild crops to be sold as organic would have to have documented a three year history of the land. Language changes were also made to lines 191-194.

Kahn announced that references to livestock production had not yet been integrated into the Organic Farm Plan document, but that the plan is to integrate into the sections where applicable. In response to an inquiry by Jay Friedman, Kahn commented that certifying agencies will have to conduct hazard analyses when confronted with farms with both organically- and non-organically-raised livestock, and ensure that organic integrity is maintained.

Raw manure application is historical. The definition of compost will be established in Committee discussions to come. Sewage sludge is currently prohibited, but should undergo further review.

Friedman noted that critical elements for inspection of split operations, such as water delivery and the storage and cleaning of sprayers, are being analyzed by the New Mexico Organic

Commodity Commission. Kahn added that the important measure is to identify potential sources of contamination where comingling of organic and conventional crops could occur. Certifying agencies are responsible for dealing with the issue in much more detail.

Quinn cautioned that certifying agencies need to be very specific in carrying out assessments of potential contamination.

Kahn noted that the current Organic Farm Plan document represents significant compromise, and that the least strong approach has been adopted.

Language changes were made to lines 65-67: add "parcels and three-year field or land..." Drop parentheses surrounding: "The grower will provide..."

The question on split operations (line 207) was revised to read, "If a split operation, describe your systems for avoiding potential contamination by prohibited substances used on the conventional portion of your farm."

The Board agreed that a critical issue regarding split operations involves the determination of fraud in reported yields. Currently, certifying agencies require maps as part of a tracking system. Ms. Annie Kirschenmann remarked that split operations would have to demonstrate the differentiation of production through the audit trail. Mr. Robert Beauchemin asked if certifying agencies could be liable in cases where split operator fraud was determined. Ms. Zea Sonnabend commented that CCOF does not require full documentation for non-organic portions of a split operation; however, in California, growers do have to file a pesticide use report for every field.

The language in Section IV., Maintaining Organic Integrity, was changed to the following: "The grower shall provide adequate maps of all parcels farmed under his/her control and three year field or land histories as part of his/her certification application..."

Friedman reported that New Mexico is requiring mandatory residue testing for split operations. He pointed out the necessity of developing preambular language to identify where discretion can be exercised by the certifying agency.

Kahn remarked that non-organic farmers typically keep excellent records.

OFFICIAL ACTION

Quinn motioned to raise to the Committee Recommendation to the Board to a Draft Full Board Recommendation; this motion was seconded by Dean Eppley. A discussion ensued.

It was agreed that the accreditation document should ultimately include provisions addressing where certifying agencies have the responsibility to exercise discretion; Friedman agreed to draft this language. A comment was made that the rejected applicant will be allowed to appeal.

Call to motion was approved by unanimous consent of all Board members present.

The remaining time allocated by the agenda to the Crop Standards Committee was ceded to the Processing and Accreditation Committees.

PROCESSING COMMITTEE REPORT TO THE NOSB

The Processing, Handling, and Labeling Committee (PHLC) began its report to the Board at 9:35 am. Rich Theuer began the presentation by explaining that the PHLC is deliberating on creating a list of non-organic substances that may be used in the three different categories of processed foods containing organic ingredients. These three classes are (1) greater than 95% organic ingredients; (2) greater than 50% organic ingredients; and (3) less than 50% organic ingredients. These non-organic substances contained in the food will either be ingredients, which are present in the final product, or processing aids, which are not contained in the final product.

A brief review of the OFPA was conducted by Theuer. Section 2111 which contains language that (1) synthetic ingredients are not permitted in organic processed foods, as well as language which states that (2) non-organic ingredients are permitted if they are on the National List, was referenced first. The second section reviewed was Section 2118, which reaffirms the non-organic ingredients language present in section 2111, but in which language is provided to allow for exempted synthetics in processing in those cases where the natural product is unavailable.

Theuer then discussed the PHLC attempts at defining "synthetic." He explained that an organic food that undergoes a chemical change or process during its manufacture should not be considered as a synthetic food simply because of the chemical change or process. The PHLC has already offered the consensus that the term synthetic should not be applied to an otherwise non-synthetic food that is formulated or manufactured by processing [as defined in Section 2103 (17)]. The Board concurred with this idea by a straw vote.

Theuer further explained that it appears that the National List will contain three categories of non-organic ingredients: (1) natural, non-organic materials that may be available in organic form (herbs, spices, etc.); (2) non-synthetic materials that cannot be produced organically (gases, yeast, cultures, etc.); and (3) essential synthetic materials which will be approved through the Technical Advisory Panel.

The Board then reviewed certain common non-organic ingredients to discuss in general terms whether foods containing one or more of these ingredients should be labeled "organic", "made with organic ingredients", or contain no mention of "organic." The ingredients discussed were baking powder, calcium chloride, dry baking yeast, sulfur dioxide, vitamins A and D in milk, and ascorbic acid. The various ideas brought forth during the discussion included: (1) the label "organic" is the goal and

should not be used unless production meets the "ideal" conditions of no synthetics and all organic ingredients; (2) "organic" practically should be permitted on the label as long as established requirements, even if less than ideal, are met; and (3) manufacturers will attempt on their own to produce ideal "organic" foods in order to make such statements as a marketing tool.

The members of the Board were polled on a straw vote to determine whether the PHLC should continue in developing a list of essential synthetic substances as part of the National List, for use in organic processed foods containing at least 95% organically produced ingredients. The vote was unanimous with the understanding that the list would be as short as possible and well detailed.

Craig Weakley presented the Organic Handling Plan which previously had been circulated by the PHLC to receive public comment. One revision was made as a result of the comments received in respect to the individuals and businesses that do not need to be certified. Gene Kahn discussed his research to develop recommendations for the extent of involvement of warehousemen and trucking firms in the certification process for organic handlers. The research identified the need to revise the Organic Handling Plan to require certified organic handlers to list all individuals or businesses that sell, transport, or store the products, but who do not take title of the product. Also, these individuals or businesses would be informed in writing of proper organic handling procedures and be expected to sign bills of lading to indicate that the integrity of the organic products was not compromised during possession.

Kahn also suggested that the word "known" be added after the word "all" on page 1, line 53 of the document.

Theuer moved that the Organic Handling Plan be approved as amended as a draft Board recommendation. Margaret Clark seconded. The vote to approve was unanimous.

This concludes the PHLC presentation to the full Board. The morning session was adjourned by Chairperson Sligh at 12:05 pm for lunch.

ACCREDITATION COMMITTEE REPORT TO THE NOSB

The meeting reconvened at 1:05 pm.

Margaret Clark presented the Accreditation Committee's Recommendation (draft 8) on "Standards and Procedures Governing the Accreditation of Organic Certification Organizations."

Clark detailed the minor revisions which were made after the public input responses were reviewed. An additional modification was proposed by Julie Anton and Bob Quinn. A brief discussion was initiated to explain the differences between the approval of State programs with organic standards and the accreditation of State agents as certifiers for the National Program. Theuer then moved and Quinn seconded that the modification be accepted. The vote by the Board to accept was unanimous. The modification will be inserted on page 4, line 41, and reads:

It is recognized that private certifying agents have established programs to address specific philosophies and/or regional considerations, and may wish to include requirements for the awarding of the certifying agent's seal that are supplemental to the standards promulgated in the OFPA. Such requirements shall not preclude the certification to OFPA standards of producers and handlers who do not seek to utilize the private agent's seal. Furthermore, such requirements shall further the purposes of the OFPA and shall not be inconsistent with the standards prescribed by the OFPA.

Clark then reviewed the Peer Review Panel (PRP) portion of the Committee Recommendation. Clark explained the previous diversity of opinions among the Committee members in designing the PRP system and said she expects that a wide range of comments will be received during the next public input period. The option presented in Draft 8 was a unanimous consensus opinion by the Committee after considering the original choices. In a straw vote, the Board voted unanimously to accept the PRP Section language and directed that the PRP section be included in the document sent out for public input, while acknowledging the need for revision of certain sections. The opinions expressed by the certifying agents present at the meeting mirrored those of the Board.

The wording on page 12 regarding the requirement that records must be available upon request to any person requesting them was questioned by Weakley. Friedman expressed the view that records should be available for review as needed for official purposes, and not available for anyone to view for any reason.

Kahn moved and Weakley seconded the motion that the words "which must be available upon request to any person requesting it" be

deleted from page 12 of the Draft 8. The motion was passed on a vote of 10 to 1 with 1 abstention.

After a brief exchange of comments about evaluating the reasonableness of fees set by certifiers, the actual preparation of a PRP report, and developing conflict of interest language in cooperation with legal counsel, the Board voted unanimously to accept Draft 8 as Draft Board Recommendation.

Three resolutions (Appendix #3) were then presented for a Board vote. The first resolution requested that USDA undertake a comprehensive review of the compatibility of the NOSB Draft Accreditation Program recommendations with ISO guidelines. Theuer recommended slight modifications in the language. Friedman moved to accept the resolution as amended. Motion seconded by Theuer. This resolution passed unanimously.

The second resolution expressed the NOSB resolve to consider the proposal from IFOAM regarding its participation in the USDA Accreditation Program. Quinn moved to accept this resolution and the motion was seconded by Friedman. Theuer offered a secondary motion to move the resolution to the Accreditation Committee. Sligh seconded Theuer's motion. The resolution passed unanimously. Friedman requested that the International Committee also be involved in the review. The Board agreed and the resolution will be discussed by the Accreditation and International Committees and then presented at a future date to the Board for consideration.

The third resolution introduced by Clark requested that USDA utilize appropriated funds to pay for the costs of accrediting certifying agents applying during the first round of applications. Ricker supported this resolution provided that funds are actually available for this purpose. He also suggested that the reference to using volunteer evaluators for accreditation would probably be unacceptable within operating guidelines established by the USDA's Office of Inspector General. Sligh offered an amended condensed resolution addressing concerns. This resolution then was passed by unanimous vote.

LIVESTOCK COMMITTEE REPORT TO THE NOSB

Jay Friedman assumed the role of acting Livestock Committee chairperson in the absence of Merrill Clark who could not attend the meeting because of illness.

Friedman read to the Board the Livestock Committee's Draft Recommendation on "Livestock Feed Standard." Friedman explained that the Committee is still developing its interpretation of the wording in the Act which excludes livestock from the requirement of being raised on land to which no prohibited substances had been applied for the previous 3 years. However, the Committee has decided that pasture land should be under the 3 year requirement and this decision is reflected in the draft. Friedman related that it is also the will of the Committee that a provision be included for use of non-organic feed in emergency situations.

The Board members were asked for their comments on the feed document. The requests were made to delete in Section B the phrase "...directly or as a supplement to feed rations.." and to delete in Section C the phrase "...in the event of a feed availability emergency." It was agreed to delete these phrases. The Committee also agreed to add the phrase "verifies that an emergency exists" in Section D to modify the wording to read "...provided that the certifying agent is immediately notified of the emergency, verifies that an emergency exists, and establishes a maximum time period during which the non-organic feed may be used."

The Board entered into a discussion concerning the utilization of Bureau of Land Management rangeland in the production of organic livestock. Margaret Clark presented her concerns that because BLM land was rented and not owned, the management of the land was beyond the control of the organic producer/renter and therefore could not be certifiable. Friedman stated that Colorado producers of organic livestock agree with Clark's statement but that the BLM does not spray the rangeland and therefore the lack of management control is not a problem. Nancy Taylor expressed the idea that more research should be done to determine whether certification is possible. Clark made a motion to exempt pasture from the mandatory certification requirement. The motion did not receive a second and was dropped.

The next topic debated was whether 100% organic feed should be required in all situations. Gary Osweiler and Don Kinsman reaffirmed their position that the Act should be interpreted as meaning 100% feed, especially for slaughter animals. Enid Wonnacott expressed the consensus opinion from the NOFA's that the 100% standard is too strict and would be a burden on the existence and growth of organic livestock production in the New

England area. Wonnacott and George Siemon, Technical Advisor to the Committee, both stated that some provision in the feed requirements should be permitted for dairy animals. Michael Hankin and Margaret Clark agreed with the suggestion of Friedman that they should develop a separate document addressing the feed standard for dairy animals, thus allowing the current draft document to proceed through the approval process. It was also requested by Friedman that the current draft document be considered without the inclusion of milk replacer in the category of feed supplement. Milk replacers may be essential in some livestock production systems and yet the replacers may not be available in organic form or may not be able to be labeled as organic if they contain more than 5% non-organic ingredients.

After some additional discussion as to the need to classify animal feed as a processed food, Friedman moved to adopt the Committee's draft livestock feed standard as amended as a draft Board recommendation. Osweiler seconded and the motion passed unanimously.

The second and last document brought to the Board by the Livestock Committee was the working paper "The Use of Synthetic Antibiotics in Organic Livestock Production." The Committee asked the Board members to comment and to conduct a straw vote on the working paper as a preliminary step in developing it as a draft Board recommendation.

The draft was split into 3 sections. The first section precluded the use of antibiotics in slaughter stock intended to be sold and labeled as organic. The second section restricted the use of antibiotics in breeder stock to emergency situations provided that the application did not occur during the last third of gestation or while nursing offspring. The third section allowed antibiotics to be used for any reason in dairy animals with the requirement that milk and milk products not be sold or labeled as organically produced for 12 months following the application.

Gene Kahn spoke in opposition to the intent of the draft, stating that it attempted to micromanage farm practices, exceeded the language in the Act which only prohibits subtherapeutic use and use to promote growth, and would be detrimental to the growth of the emerging organic livestock component of organic agriculture. He emphasized that he was not advocating the unrestricted allowance of antibiotics, but was requesting that it be permitted in very limited circumstances because not all producers are yet able or willing to raise livestock without the knowledge that antibiotics are available when absolutely necessary. He added that consumers are not demanding a ban on the use of antibiotics; rather, they are expecting realistic production methods with the assurance that the finished product will not contain antibiotic residues.

Kinsman agreed with Kahn, but also claimed that because the leading brand of natural beef advertises that no antibiotics are allowed in its production of natural beef, that the organic standards as a whole should be stricter than this brand of natural beef. Osweiler also agreed with Kahn that the ban on antibiotics would be a burden, but reiterated his support for requiring the treated animal to be diverted to the conventional market. Osweiler conceded that diversion, though easily executed for the slaughter category, would be difficult for the dairy category and therefore special considerations may be necessary for dairy. Kay Chandler said he hoped organic producers would be granted an entry level category to the market and then have a chance to improve their production system to one that does not use any antibiotics or parasiticides.

After receiving comments from the public and the other Board members, it was decided to conduct a separate straw on each of the three categories of the antibiotic draft document. The results of the vote were:

Slaughter stock:	8 aye; 4 opposed
Breeder stock :	7 aye; 5 opposed
Dairy Stock :	7 aye; 2 opposed; 3 abstained

Based on the vote, the Committee decided to submit the document for public comment as a Committee recommendation.

The Board adjourned at 5:05 pm.

MATERIALS COMMITTEE REPORT TO THE NOSB

The meeting on September 29, 1993, was called to order by Chairperson Sligh at 8:30 am.

Gary Osweiler presented the Materials Committee report. Osweiler identified three goals of the Committee. These are: (1) the Livestock, Crops, and Processing Committees should submit lists of materials to be reviewed by mid-November; (2) the Technical Advisory Panels need to be organized as soon as possible; and (3) the process for reviewing the materials needs to be established. Osweiler also expressed the need to have a petition procedure in place for companies to submit the names of new materials for review and to provide information about materials already being considered by the various Committees. This petition procedure was differentiated from the referral process by which the various Committees would communicate the names of materials to the Materials Committee and subsequently to the Technical Advisory Panels for review.

Many members declared the necessity for urgency in this entire review process so that the National List would be prepared at the same time that the standards are published. Michael Hankin described his concern that the petition procedure needs to be a formal one that included publication of an official Notice in the Federal Register calling attention to the preparation of the National List and requesting the submission of information relevant to the process.

After identifying the different progress that the three Committees had made in developing the lists of materials for review, the importance of this Committee's work, and the advantages of employing a private sector contractor to coordinate the review, Jay Friedman moved that the Board direct the Materials Committee to formalize the petition procedure and develop the petition substantive elements. Osweiler seconded and the motion was approved by the vote of 8 aye; 3 opposed. The Materials Committee agreed following the vote to formalize a short petition format to be used by each Committee for each material intended for evaluation for the National List. Nancy Taylor and Osweiler clarified that this form would be a formatted document for internal Board and Technical Advisory Panel use and that it should not be confused with the petition process which will be utilized to formally obtain information for and notify the public about the National List. USDA staff persons will work with the Committee to revise and standardize the internal referral document. Rich Theuer noted that the Processing Committee must first determine with the full Board how to define what constitutes an essential synthetic ingredient for processed foods.

Ted Rogers presented a report from USDA about the progress in forming the Technical Advisory Panels. USDA plans to analyze the areas of expertise of persons previously indicating their willingness to serve on the Panels and then to expand the areas represented with persons from Extension Service, Science Division, research groups, and the organic community. He reported that the Panels should be functional by April 1994. Friedman moved that the USDA contract to hire a Technical Advisory Panel coordinator from the private sector. The motion was seconded by Margaret Clark and the motion was approved by a vote of 10 aye; 0 opposed; 2 abstained. Hal Ricker agreed that USDA would consider the resolution, but in the meantime would proceed with forming the Panels.

INTERNATIONAL COMMITTEE REPORT TO THE FULL BOARD

DISCUSSION

International Committee Chair Jay Friedman presented the current Committee Working Draft entitled, "Importation of Organic Agricultural Products."

Margaret Clark suggested that lines 88-89, "or approval as a State program by the Secretary," and line 112, "or a State program approved by the Secretary," be deleted. Friedman said that this language tracked the applicable sections of the OFPA. Clark noted that removing lines reflected the majority Accreditation Committee position. Weakley asked for clarification of the issues surrounding the debate. Quinn noted that the majority of the Accreditation Committee agreed to treat State and private certifying agencies alike throughout Board recommendations. Friedman stated that in the case of an international document, the approval of State programs should be referenced according to the OFPA.

OFFICIAL ACTION

A motion was called to vote on deleting the language as suggested by Clark: five members voted for the deletion; three members voted against the deletion; and four members abstained. The deletion did not carry, as there was not the two-thirds majority required by the OFPA.

Mr. Robert Beauchemin commented on lines 90-103, saying that the provisions were adequate and similar to OCIA standards.

Margaret Clark remarked that her store receives product from Latin America with seals of agencies that utilize lower standards; this situation needs to be addressed.

Gene Kahn inquired about lines 114-120, which refer to use of the USDA seal on imported products. Hal Ricker commented that he does not expect U.S. certifying agencies to be allowed to place a USDA seal on organic products for export to the United States. Kahn noted that there are bigger issues involved in this section in addition besides multi-ingredient processed products. There may be organic produce from foreign countries imported by packers to keep up a line of product during the U.S. off-season, where packaging has already been set for the year. Kahn asserted that it would be disruptive of commerce to place unnecessary restrictions on labels of imports. Ricker agreed to investigate whether or not a certifying agency will be allowed to place a USDA seal on a product destined for import into the United States. Theuer commented that country of origin labeling may become a problem for organic products in the future.

Weakley argued that if Muir Glen bought organic olive oil to use in its pasta sauce, it would be difficult to accept that Muir Glen could not use the USDA seal, if one is developed, on its final product.

K Chandler remarked that there are no precedents yet set, and that the Board should feel free to develop a unique program, and that this uniqueness should be emphasized to USDA/FDA decision-makers.

Friedman requested that Kahn, Weakley, Clark and he work together with Hal to frame issue for the Office of General Counsel.

Julie Anton stressed that Board members should provide written comments to the Committee's Working Draft and the other document to be developed by the Committee. This allows the Committee to be better prepared for questions and concerns presented at Board meetings.

OFFICIAL ACTION

A straw vote was called by Committee Chair Friedman: seven members voted in favor of the document; three were opposed; the remaining members abstained from the vote.

FULL BOARD ADMINISTRATIVE MATTERS

After the conclusion of the International Committee discussion, the Board began a session at 10:40 am to address general administrative Board matters. Chairperson Sligh repeated the Board's intention to complete the submission of final recommendations to USDA during Fiscal Year 1994. Sligh requested the Committee chairpersons to submit to himself and to USDA a time frame and a list of topics that the Committees are still developing into recommendations

The dates of the next Board meeting were selected as being during the week of January 30 - February 4, 1994. Washington, DC was selected as the primary site for the meeting with the anticipation that the Livestock Hearings could be scheduled to coincide with the Board meeting date. The subsequent Board meeting dates were tentatively scheduled for the week of May 23, 1994, with the site to be selected at a future date. Executive Committee conference calls were approved for the first Monday of every month starting November 1, 1993.

Secretary Weakley reported that the minutes from the Board meeting in May 1993 at Kutztown, Pennsylvania which were tentatively approved at the July meeting were not yet completed. Additionally, he stated that the minutes from the July 1993 meeting in Cottage Grove, Oregon required editing and improvement before they were able to be voted on by the Board. Hankin agreed to submit the revised minutes from the May and July meetings to Weakley by October 29, 1993 along with the minutes from this meeting.

Weakley then introduced the following motion:

1. Full Board meetings, including public input sessions, will be recorded on cassette. USDA staff will be responsible for having the meetings recorded. The Board chairperson will be responsible for assuring that all recognized speakers are identified by name on tape. A private sector secretary will transcribe the tapes into a detailed record of the meetings at USDA expense. The Board Secretary will be responsible for assuring that the tapes are transcribed within two weeks after each Board meeting and that the tapes and a copy of the transcription are promptly delivered to USDA. The Board Secretary shall retain a copy of the transcription.
2. At all full Board meetings, including public input sessions, one USDA staff member and the Board Secretary will take back-up notes to document general discussion topics and all formal actions taken by the Board. The Board Secretary shall submit a copy of the back-up notes to USDA within two weeks after each full Board meeting.
3. USDA staff will complete and submit to the Board

Secretary for editing the first draft of full Board meeting minutes and public input sessions notes, prepared from the transcription, within four weeks after each full Board meeting.

4. The Board Secretary shall edit the draft minutes and public input session notes and return them to USDA within six weeks after each full Board meeting. USDA will mail the revised proceedings to all Board members for review at least two weeks prior to the next scheduled Board meeting.

The motion was seconded by Theuer and approved by unanimous vote.

Bob Quinn introduced a resolution to direct USDA to hire a new staff member with certification experience for the accreditation program. Friedman offered a friendly amendment. Quinn accepted and revised his motion to read:

Be it resolved that the Board recommends to the Director of the Transportation and Marketing Division that the new position to be created in AMS assigned to oversee the accreditation program be filled by or contracted out to a member of the organic community who has experience in certification activities.

The resolution was accepted unanimously.

Quinn then introduced a second resolution directing the Board to appoint a Board advisor on accreditation until the certifying agent position on the Board is officially filled. Kahn suggested that USDA should attempt once again to obtain a legal interpretation from Office of General Counsel (OGC) that would allow for the certifying agent position on the Board to be formally selected by the Secretary of Agriculture. Ricker and Hankin agreed to approach OGC again with the Board's request. Sligh and Friedman offered an amendment which reissued the resolution on the Board certifier position that was issued at the 1992 Ft. Collins meeting; additionally, the amendment requested USDA to act on the Ft. Collins resolution within 60 days. It was asked that if USDA could not resolve the Ft. Collins' resolution that the following resolution become effective:

Be it resolved that until an official member of the Board is appointed by the Secretary of Agriculture to represent the certifying agent, that an advisor be selected by the Board to fill that position.

1. That advisor shall be nominated by the Organic Certifiers Caucus (OCC). OCC's membership is open to all certifying agents and is currently comprised of both state and private certifying agents.
2. That advisor shall be seated at the table of all Board meetings, with all rights of participation except voting.
3. That advisor shall be selected through written

confirmation in time for attendance at the first meeting of FY 1994.

4. That advisor shall become a member of the Accreditation Committee and fulfill any other Committee assignment given by the Chair of the Board.

5. That advisor shall be reimbursed for expenses to the same extent and in the same manner as Board members.

The resolution was accepted by a vote of 10 aye; 1 opposed. Ricker noted that the allowances for technical advisors to the Board would allow only for certain aspects of the resolution to be fulfilled, if necessary.

Quinn then offered a third resolution requesting the Secretary of Agriculture not to hold public livestock hearings since public comments on the production of organic livestock and livestock products have already been received by the Board at meetings over the last 18 months. Hankin stated that the Act requires formal Notice of the livestock hearings and if the content of this resolution were to be accepted by the Secretary, then the Federal Register Notices for the next Board meetings would have to include language which notified the public that a portion of the Board meetings were being established as livestock hearing sessions. It was decided that the resolution would be amended to incorporate the comments presented during the discussion. The Board conducted a straw vote on the following resolution and directed the Executive Committee to formalize the vote during a subsequent conference call after discussion with Livestock Committee Chairperson Clark:

The Board resolves to inform the Secretary that the statutory regulation that the Secretary hold livestock hearings has been met for the following reasons,

1. The Board has established a Livestock Committee;
2. The Committee has met in 7 states and in every region of the country and held 8 public meetings and has received informal public input at each meeting;
3. The Board has also met and has taken formal public comments during each of its full Board meetings in 6 states;
4. The producing and consuming public have had significant opportunity to comment on the proposed standards;
5. The oral and written submissions of the producing and consuming public have been reviewed, analyzed and incorporated in the current Committee proposals;
6. The Board will distribute its draft recommendations to the same groups and persons that would be notified of the proposed hearings thereby ensuring adequate response (input written as well as oral presentations);
7. The Board will hold at least two additional public meetings with opportunity for the above mentioned public input prior to submitting formal recommendations to the

Secretary;

8. The Federal Register Notice announcing the remaining two Board meetings will contain notice that public input time will be dedicated to receiving comment on organic livestock and livestock product production.

Wherefore,

The expense and time consumed by additional public hearing held by the Secretary are unnecessary and should not be held.

The resolution was approved by a vote of 10 aye; and 1 opposed.

Sligh introduced a resolution delineating the future role of the Board after completion of the final recommendations to USDA for the creation of the National Organic Program. Friedman suggested the Board's role should be to address problems that arise rather than a complete review every two years of the entire program. The resolution was tabled for further consideration.

The meeting was adjourned at 11:30 am.