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UNITED STATES DEPARTMENT OF AGRICULTURE  
WASHINGTON, D.C.

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NATIONAL ORGANIC STANDARDS :  
BOARD MEETING :  
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A meeting in the above-entitled matter was held on  
Thursday, March 29, 2007, commencing at 8:00 a.m., at The  
Washington Plaza Hotel, Ten Thomas Circle, Washington, D.C.  
before:

Andrea Caroe, Chairperson

A P P E A R A N C E S

USDA STAFF:

Mark Bradley  
Bob Pooler  
Valerie Frances

BOARD MEMBERS:

Steve DeMuri  
Jennifer Hall  
Katerina Heinze  
Gerald Davis  
Rigoberto Delgado  
Bea James  
Julie Weisman  
Joseph Smillie  
Jeffrey Moyer  
Kevin Engelbert  
Tracy Miederma  
Daniel Giacomini

PRESENTERS:

	<u>PAGE</u>
Tim Redmond	4
Sean Taylor	7
John Cadoux	16
Kelly Shea	18
Emily Brown-Rosen	19
Pat Kane	24
Ram	26
Dave Carter	33
Alexis Baden-Mayer	36
Steffan Scheide	37
Nicole Dehne	47
Kim Dietz	52
Harriet Behar	56
Dave Engel	59
Amelie Hayte	64
Adrianna Natsoulas	71
George Lockwood	74
Rob Mayo	77
Sebastian Bell	79
Stephen Walker	89
Luke Zuzmierski	93
Zea Sonnebrand	93
Marty Mesh	98
Rich Theuer	109



1 are you ready?

2 MR. REDMOND: Good morning. First off, I want to  
3 thank all of you. I know you've been working hard to uphold  
4 the USDA organic standard, the symbol that goes on organic  
5 food packaging and I know you've all been working hard at  
6 that and staying up late and I appreciate that. You know, as  
7 somebody who has been in this industry for a long time I  
8 really do appreciate that. You all know Joe Smillie here.  
9 I've been dealing with organic foods just about as long as he  
10 has. I was one of the founders of a company called Eaton  
11 Foods back in the late 60's, early 70's.

12 My name is Tim Redmond and I'm the president of  
13 Blue Horizon Organic Seafood Company. We just introduced a  
14 couple of new items into the market at the Expo West Show out  
15 in California and the International Seafood Show. One is  
16 skillet meals made with organic shrimp and organic pasta and  
17 so on and so forth and the other is breaded shrimp made with  
18 certified organic shrimp and organic breading and organic  
19 oil.

20 On the packaging we don't call them organic items.  
21 I mean, we don't say organic skillet meals. We don't say  
22 organic breaded shrimp because there's no USDA standard for  
23 it for aquaculture yet. So, my main purpose in standing here  
24 and saying what I have to say is to encourage you to move  
25 through, you know, the issues that you have to deal with and

1 do the recommendation that you're set to do and I know that  
2 there are unresolved issues that you're going to defer to  
3 work on later regarding net pens and fish oil and fish meal  
4 and so on, but, I think it's important also to get through  
5 those issues and I think it is possible and I hope that you  
6 do that, you know, in as quick order as you can.

7           But, I hope that you hope that you move forward  
8 with the recommendation that I think that you're set to do.  
9 I think it's very important for the public to not be confused  
10 about what is organic in the seafood area. I was part of the  
11 early -- I was part of the group that formed the soy milk  
12 standards for the USA and the issues for that were removing  
13 public confusion which is typical for standards and that's  
14 what we need in the marketplace in the USA.

15           Also, there's an international issue that I'm sure  
16 you're aware of, but, you know, American companies need to be  
17 able to compete in the world at large and the U.S. seafood  
18 standards are important for that.

19           So, with that said, I think that's all I need to  
20 say right now. If anybody would like to ask me a question.

21           MS. CAROE: Thank you. Joe.

22           MR. SMILLIE: You're currently involved with  
23 organic shrimp production?

24           MR. REDMOND: Yes.

25           MR. SMILLIE: Do you think that your current

1 production meets the recommendation that the NOSB is coming  
2 out with now because I've been told that it covers  
3 herbivorous fish and there's always mention made in shrimp  
4 also, but, I've never heard conclusively that shrimp could  
5 comply with the recommendation that we're currently putting  
6 on the table.

7 MR. REDMOND: Yeah, these are certified according  
8 to Natureland Standards. If you've been to Germany, I'm sure  
9 you're all aware of who they are. I think they are a good  
10 set of respective standards. They do probably the standards  
11 probably come in fourth that I hope we'll see will require  
12 some changes in those Natureland, perhaps layer on top, and  
13 you know, I think that's very valid. So, I think we'll have  
14 to do a little work with, you know, the European certifiers  
15 standards to, you know, comply with what we're going to come  
16 up with.

17 Did I answer you, Joe?

18 MR. SMILLIE: Not -- not precisely, but, in other  
19 words, what I would urge your company to do is look at what  
20 we've created as far as a set of recommendations and see what  
21 the gap with the current certification program for your  
22 shrimp and see if your shrimp --

23 MR. REDMOND: Mostly centering around feed issues.

24 MR. SMILLIE: Yeah, and, again, we've pulled out  
25 the fish meal so I'm not sure what the fish meal component

1 for your operation as far as the shrimp feed is or not and  
2 whether -- if this recommendation became a regulation would  
3 your current production comply, I guess is the question.

4 MR. REDMOND: Well, we deal with more one farm and,  
5 you know, we will be dealing with the farmers directly and  
6 we're in on that.

7 MS. CAROE: Any other questions from the board?  
8 Thank you.

9 MR. REDMOND: Thank you.

10 MS. CAROE: So, John Martin is up or the proxy for  
11 John Martin and on deck is John Cadoux. John, are you here?  
12 Okay. If you could check in with Valerie, please.

13 MR. TAYLOR: Well, good morning. My name is Sean  
14 Taylor. I'm the scientific director of the International  
15 Association of Color Manufacturers. I spoke yesterday. This  
16 morning I'm speaking as a proxy for John Martin who is the  
17 regulatory affairs manager for Wild Flavors, which despite  
18 the name, is also a color company based in Kentucky.

19 First of all, again, I'd like to thank you for your  
20 hard work on this entire petition process. There's been a  
21 lot of work on our side. It's probably been even more work  
22 on your side because of the number of petitions.

23 This morning what I'd like to do is describe what I  
24 think are sort of the challenges with colors that we continue  
25 to face in continuing to develop and certify organic colors;

1 some of the plans that we have and some of the specific  
2 issues related to variety of color, raw materials and  
3 technical challenges.

4 Our association has filed a number of petitions, as  
5 you're probably aware. These include petitions for grape  
6 juice, grape extract, red radish extract with cabbage  
7 extract, purple and black carrot juice, beet juice,  
8 blackberry and fruit juice, chokeberry juice, appleberry  
9 juice, and paprika and paprika oil extractant. We've already  
10 provided some written comments, but, like I said, I just want  
11 to underscore some specific issues here.

12 First of all, in drafting our petitions our member  
13 companies attempted to source certified organic materials. In  
14 some cases we found evidence that certified organic oil  
15 material might be available but we encountered great  
16 difficulty in finding sufficient quantities or in some cases  
17 the right variety.

18 Now, this is the same challenge that one of our  
19 companies has faced after completing the certification on it.

20 I should point out that two of our companies have  
21 certification as organic certified handlers, processors, and  
22 manufacturers. One of these just received certification in  
23 the last quarter of 2006. That company sent me a  
24 communication and I quote. " Once we completed the organic  
25 certification audit our next task was to establish a



1 dependable organic certified raw material supply chain to  
2 meet our volume requirements and our customer needs to  
3 produce both 100 percent and 95 percent organic certified  
4 products.

5           Our recent experience has proven this to be more  
6 difficult than expected. We found far fewer organic certified  
7 food additive ingredients than expected that can meet our  
8 requirements for lead time deliveries, volumes, and  
9 microbiological specifications. Our supply chain in R&D  
10 spent hundreds of man hours searching the internet, industry  
11 publications, and other data bases to identify dependable  
12 quality suppliers of organic certified ingredients".

13           As this quote indicates, we still face significant  
14 hurdles we feel that prohibit the easy development of  
15 processes to make certified organic colors. As another one of  
16 our companies and, again, one that is already through the  
17 organic certification process for a specific product they say  
18 that specifically that we found that anthocyanin crops such  
19 as purple carrot, red cabbage, and red radish are often grown  
20 strictly for color, primarily for color.

21           These crops are grown internationally and on small  
22 farms where it can be challenging to obtain conventional  
23 material and adequate supply, not to mention coordination of  
24 NOP compliant organic certification at the multiple  
25 international farm locations that would be necessary to

1 achieve adequate supply. Similarly, although other  
2 anthocyanin crops such as aronia, black current and  
3 elderberry may have limited alternative applications other  
4 than color, they, too, present the challenges of being grown  
5 internationally in small farms and requiring the significant  
6 coordination efforts to ensure that they start certified  
7 organic and end certified organic.

8           There's also some technical challenges. Could you  
9 back to the second slide; one more back. Yeah. Just  
10 pointing out a few of these issues we have originally or I  
11 had originally felt with what if certified organic fruit  
12 juice was available, could that be used as a color. The  
13 issue with that is that many of the heating and processing  
14 that are used to create color juices, what actually destroy  
15 the color content in more traditional fruit juices are  
16 certified organic.

17           For anthocyanin containing colors, grape colors,  
18 red cabbage extract, black current, and others, the  
19 anthocyanin containing colors must really go through a very  
20 specific and rapid isolation process. You have to isolate  
21 the anthocyanin complexes. You have to remove the sugar,  
22 other water-soluble components. Once you have it, then you  
23 have a form that's suitable for uses of food color. But, as  
24 I said, this has to be very quickly after harvesting.

25           And, finally, increased concentrations of color

1 pigments due to the use of a specific variety can also reduce  
2 heat processing based losses and changes. And I'll just give  
3 a couple of quick examples on the next slide.

4           For instance, unique grape colors. One specific  
5 variety is mega natural red and purple grape concentrates  
6 that are unique grape concentrate that are used to color a  
7 variety of different fruit preparations. They're very high  
8 in color strength. They're very high anthocyanin  
9 concentrations relative to more traditional grape varieties.  
10 They're in some ways similar to the grape extract in ochinina  
11 type products that are used to make very high concentrated  
12 colors.

13           Next slide, please. They're too astringent to  
14 drink by themselves. Their concentrations are very low  
15 concentrations, but, so far there isn't a certified organic  
16 process available for these. That's not say it won't be  
17 under development at some point, but, it's not there yet.

18           MS. CAROE: Thank you. Any questions from the  
19 board?

20           MR. SMILLIE: Could you give another example?

21           MR. TAYLOR: Sure. Next slide, please. I should  
22 point out, this was not coordinated. Another example of beet  
23 colors. Just think about the sort of three standard type of  
24 beets. Sugar beets have no color at all. They're sort of a  
25 gray or brown color. The more traditional eating beets that

1 everybody thinks about are sort of pickled beet that a lot of  
2 people really enjoy, myself included. The color  
3 concentration, the main color component concentration is  
4 about three fold less than that variety of beets that are  
5 primarily used for color and this is a betanin pigment that's  
6 really providing the color.

7           Now, as I pointed out previously, these differences  
8 in betanin concentration are really critical once you  
9 consider processing, formulation, incorporation into  
10 different sorts of products. And, so, if you're losing color  
11 along the way you want to start with the highest possible  
12 pigment concentration that you can. And at the same time,  
13 the higher your pigment concentration in many cases the lower  
14 the value of these things as an eating product, the less  
15 incentive there initially is for these products to be grown  
16 in fields.

17           And, so, by putting these things onto the national  
18 list initially we think that there's going to be a market  
19 that's going to develop for these colors that will eventually  
20 allow the transition over to a certified organic product.  
21 And I could give similar examples for many of the colors that  
22 we're talking about and actually probably even for many of  
23 the colors that we didn't file petitions for, tomato juice or  
24 lycopene. I think we could talk about saffron and turmeric  
25 similarly.

1           The other thing -- I'm sorry, go ahead.

2           MS. CAROE:   Gerry?

3           MR. DAVIS:   I work for a farm in California that  
4 grows organic carrots, purple carrots, red cabbage, red  
5 beets.  And we also grow on contract a lot of vegetable items  
6 for processors.  What would be the hurdles of a color  
7 manufacturer contracting ahead of time with a company such as  
8 the one I work for to produce the specific varieties of  
9 purple carrots, orange carrots, red cabbage, so forth that  
10 would meet the needs for color?

11           MR. TAYLOR:  In terms of, you know, hurdles right  
12 now, I think primarily right now it's just an issue of time  
13 in that we don't have sufficient time between now and October  
14 when color and non-synthetic sources only comes off on the  
15 national list for us to develop a certified organic color  
16 product alternative.  And, so, our manufacturers are really  
17 headed in that direction and, you know, some of them in  
18 particular make contacts with companies that -- I should say  
19 farms that do grow these products, but, it's going to take  
20 some time.

21           MR. DAVIS:  Is there, for example, using the  
22 California example, is there -- when you mention there are a  
23 lot of times the anthocyanin component has to be removed from  
24 the sugars and so forth, is that done prior to it being made  
25 into juice or after like carrots are pressed into juice?

1           MR. TAYLOR: To some extent it really depends upon  
2 the specific product that we're talking about, but, generally  
3 the time between harvesting and conversion into a juice for  
4 color is very, very fast. And, so, in many cases I think  
5 somebody pointed out yesterday many times the sort of source,  
6 harvest, and production facilities are very closely spaced in  
7 terms of physical location to ensure that very little color  
8 is lost between the time that something comes off the field  
9 and the time that it goes into a vial for color processing.  
10 So, that is to some extent another hurdle. I don't think  
11 it's by any means something that can't be overcome with  
12 sufficient planning.

13           MR. DAVIS: So, a company such as Grimmway Farms  
14 that has their own juicing facility, they have their own  
15 freezing facility, they can do a variety of things for a  
16 customer. Are these color manufacturers somewhere other than  
17 U.S. located that distance is a problem with, you know,  
18 contracting for a specific type juice pressed a certain way  
19 of these materials?

20           MR. TAYLOR: Yes and no. Many of our manufacturers  
21 are located in the United States. We also have manufacturers  
22 in Japan. We've got some European manufacturers as well. In  
23 most cases though I think that the majority of the people or  
24 the companies that are interested in making a certified  
25 organic product right now are U.S. based.

1           The primary obstacle that we found, and I think  
2 grapes are a great example because when somebody first said,  
3 well, we really need to petition for grape juice and grape  
4 extract I almost laughed because I know that there are  
5 certified organic grapes out there. I'm sure I've drunk a  
6 bottle of certified organic wine at some point. The fact I  
7 can't remember means I may have drunk many of them at some  
8 point.

9           But, the challenge is that the color application is  
10 not the primary reason that these things are being grown as a  
11 certified organic crop, okay. Grapes are a really nice  
12 example because the majority of certified organic grapes are  
13 going to be used for table grapes or they're going to be used  
14 to make wine. We can't get our hands on those grapes at this  
15 point. It doesn't mean it won't happen, it just means at  
16 this point there's not quite enough supply for there to sort  
17 of be the types of, for lack of a better word, maybe  
18 leftovers I would say for us to buy those products, convert  
19 them into color applications.

20           It's much more lucrative for a farmer, and we  
21 completely understand, it's much more lucrative for a farmer  
22 to sell these products directly in the food supply as either  
23 a raw vegetable crop, something that's relatively minimally  
24 processed, than it would be for them to sell it to us to  
25 convert it through several steps into a color material.

1 MS. CAROE: More questions? Thank you very much.

2 MR. TAYLOR: Thank you.

3 MS. CAROE: John Cadoux and on deck Kelly Shay but  
4 I think Kelly switched with somebody from yesterday. So, are  
5 you going to give comment? Okay.

6 MR. CADOUX: Hi, I'm John Cadoux. I'm the president  
7 of Peak Organic Growing Company. Thanks for having me here  
8 today. I really appreciate it. Joe really laid out the  
9 argument in a very articulate way yesterday. I appreciate  
10 that. And, really, I didn't want to come up and repeat what  
11 Joe said, but, when it comes to hops all I wanted to come and  
12 tell you guy is in terms of two row malted barley which is  
13 pretty much 99 percent of our batch ingredients as the  
14 organic beer category I started to grow and grow we've seen  
15 wonderful advancements there.

16 Hops have been a little bit more difficult. It's a  
17 much smaller percentage of our batch ingredients but I think  
18 as this category continues to grow, organic beer that is,  
19 we're going to see more and more people from the farmer  
20 standpoint, the co-op standpoint, the distributor standpoint  
21 become more and more interested in supplying these things for  
22 organic beer companies, both ours which are growing and new  
23 ones that are going to come in.

24 And we've already heard this so far, so, I just  
25 wanted to say that and that's something that, you know, on



1 our side, the industry side, we're going to be very committed  
2 to.

3 MS. CAROE: Thank you. Questions for John?

4 MR. SMILLIE: Yeah.

5 MS. CAROE: Joe, Dan, and then Gerry.

6 MR. SMILLIE: Yeah. I can't remember if it was in  
7 the petition or not, but, how many different types of hops do  
8 you currently buy?

9 MR. CADOUX: We currently buy about nine. We are  
10 abnormal for a brewing company because we in all of our beers  
11 we use one hop type. It's called a New Zealand Hallterttau Hop  
12 which is the one that we can find grown organically in  
13 abundance. Most beer companies would rarely use one hop type  
14 in all three or all four, however many beers that they have,  
15 but since we are committed to that, we do use that one hop  
16 type in all of our beers.

17 We're also a new company and as we expand -- if you  
18 look at a bigger brewing company like a Sam Adams that number  
19 might even get up into 15-20 different hop varieties.

20 MS. CAROE: Dan.

21 MR. GIACOMINI: You were here for yesterday's  
22 testimony? I mean, you heard yesterday's speakers?

23 MR. CADOUX: Some of them.

24 MR. GIACOMINI: Okay. Yesterday one of the  
25 speakers brought some samples. I was just wondering maybe --

1 MS. CAROE: Thank you. Gerry? Any other questions  
2 for the board? Any other questions? Thank you, John.

3 MR. CADOUX: Thank you.

4 MS. CAROE: Kelly Shea and then on deck Emily  
5 Brown-Rosen. Emily, are you in the room? Is there Emily  
6 there? Great.

7 MS. SHEA: Kelly Shea with Silk Soy Milk, Tofu  
8 Town, and Horizon Organic. Good morning to you guys. On the  
9 issue of cloning, it's really crucial. I know yesterday it  
10 was deferred and the board had a quite comprehensive paper on  
11 it, but, you deferred it and you can pick it back up again  
12 and you really should not get on the plane to go home without  
13 the board at least passing a sentence as simple as clones and  
14 their progeny are prohibited in organic and then you can  
15 really figure out all of the details of your recommendation  
16 later, but, please don't leave without the board passing that  
17 once sentence, okay?

18 The issue of materials, I spoke to you yesterday  
19 about four colors that are very important to us. Turmeric,  
20 annatto, black, purple carrot, and red cabbage, and we had  
21 some great conversations with different people here  
22 yesterday. They are starting to be available. They are not  
23 yet available in sufficient quantities. As I noted, we can  
24 do some of our seasonal products with them, but, not a full  
25 line. We are absolutely committed to getting there, but

1     meanwhile they're not there, okay. That's very important.

2             And then when it comes to the other product with  
3     the long name, the short chain FOS, that is a product that we  
4     have used in our yogurts and smoothies for almost four years.

5     It is an agricultural product. It can be made organically.  
6     It is safe. It is GRAS. And there have been two companies  
7     here at the board meeting talking about these type of  
8     products but there are more companies out there with these  
9     type of products in their certified organic products and I  
10    just want you to keep that in mind.

11            And we will be in the room. I'm not going to take  
12    my whole five minutes, but, when it comes time to vote if you  
13    have any questions, if you're not settled on any of those  
14    issues because you have questions please let us know so that  
15    we can help you work through this because I would hate if you  
16    voted without all the information that you need to vote,  
17    okay. That's all.

18            MS. CAROE: Thank you. Any questions for Kelly?  
19    Thank you, Kelly. Emily, you're up now and Pat Kane. Is Pat  
20    in the room? Pat, you're up next.

21            MS. BROWN-ROSEN: Hi, I'm Emily Brown Rosen,  
22    Pennsylvania Certified Organic.

23            MS. CAROE: Excuse me, the camera is blocking our  
24    members' view. Thank you.

25            MS. BROWN-ROSEN: Hi. Okay. Thanks for -- there

1 are just a couple of things I wanted to touch on to follow up  
2 from yesterday. First of all, on cloning. The second one  
3 Kelly just said. It's important to get something done here.  
4 I refer you to the FDA draft risk assessment which is their  
5 PFI which I can hand you on a disk if you don't have it, page  
6 37, 38, and 42. They talk about clearly just, you know, the  
7 different types of assisted reproductive techniques which  
8 they call ART and they clearly distinguish to change some of  
9 the historical things people have done like artificial  
10 insemination up through a number of processes, including  
11 embryo transfer, and then they talk about cloning which is  
12 somatic embryo transfer. So, there are two different things  
13 and somatic embryo transfer is not cloning in FDA's speech  
14 and they do consider, however, the embryo transfer of an  
15 asexual reproduction technique. So, that's all you have to  
16 do is cross out that other asexual reproductive techniques in  
17 your language and it's fine what you have written. It's  
18 fine.

19           And FDA has done all that work for us and you can  
20 just refer to that, so, I mean, if you want to go that way,  
21 that would be my recommendation. I think the reason people  
22 wanted that language was because down the road we don't know  
23 what cloning technology is going to be like and people are  
24 going to calling other things cloning too, but, we can cross  
25 that bridge when we get there. Right now, this would be very

1 clear. It would be very consistent with what FDA is already  
2 saying. So, that's my recommendation.

3           On aquaculture, I'd like to thank you for taking my  
4 comments so seriously and going through them all. It was  
5 great. Couple of things I don't think you touched on so I'll  
6 just hit them once more and that was on this is on page 8 of  
7 the draft, 205.252E I think we need to add one word here  
8 where we need to add the word non-agricultural so it says  
9 agriculture feeds must be composed of feed ingredients that  
10 are certified except that non-agricultural, non-synthetic  
11 substances and synthetic substances on 603 may be used as  
12 feed additives in supplements because otherwise, the problem  
13 we're having with livestock feed, and otherwise people are  
14 going to argue that fish meal is non-synthetic and it's being  
15 used as a supplement and an additive and it's not actually  
16 feed, you know. There's lots of hairsplitting over that.

17           If we just clear it up now we won't have these  
18 continuing debates that we're currently having in livestock  
19 that NOP has very recently clarified for us on the livestock.

20       So, I mean, work with NOP on that, but, to me, that's a one  
21 word fix there that would save a lot of problems down the  
22 line.

23           And then my other issue there was -- well, it's  
24 kind of like 252J. We talked about maybe putting manure or  
25 compost doesn't belong in the feed section. However, my real

1 issue is not where it is in the room. My question is, you  
2 know, regardless we're told even despite five years of  
3 compost, task force, working groups, and compost task force  
4 working groups and, you know, 25 page recommendations that  
5 have gotten revised like three times, that you can't put  
6 compost in water and spray it on your crops unless you have  
7 90-120 days to harvest.

8           So, despite all this research and all this  
9 documentation and all this work by the board that's what the  
10 growers are stuck with right now. So, maybe it's perfectly  
11 fine to throw compost in water if you feed it to fish and  
12 harvest them within 30 days, but, where's the data? I mean,  
13 why is that allowed for fish? What's the packaging? I  
14 looked. I really didn't see packaging size or maybe there  
15 was more work done that I didn't now about but I'd just like  
16 to understand sort of from my equity point of view, is there  
17 a food safety issue, is there not, is there a justification  
18 for doing this? I mean, I think that you can just take that  
19 section out right now and then there can be more data and  
20 then it could be added in.

21           I don't really think it's essential for their -- my  
22 understanding is a lot of sugar producers -- most don't do  
23 this anyway. I think it's kind of an unusual practice. So,  
24 they could -- you know -- we could clarify the rules for  
25 everybody it would be better.

1           That's really it. I just want to make a final plug  
2 on flavors that we -- we've got stuff going now on 606, some  
3 of this is considered as a spice for one use but, you know,  
4 they could also be used as a flavor. So, we're going to need  
5 to clear up right away pronto some agreement, understanding,  
6 guidance as to when do we call it a flavor, when is it a  
7 spice, do we tell these people they have to get organic and  
8 most people can use it as a flavor.

9           So, we need some kind of meeting of the minds here.  
10          So, that's it. You're doing great work.

11           MS. CAROE: Thank you Emily. Questions for Emily?  
12 I've got a couple of comments. Again, your comments on  
13 aquaculture are very helpful. I will say one thing though.  
14 This is just a start of the process, you know, and we're  
15 going to find more little things that we missed and there is  
16 opportunities like the word non-agricultural being put in  
17 there. I don't think it substantively changes our intent.  
18 However, that may be something that would have been added  
19 later.

20           So, just a comfort language that there will be  
21 other opportunities for us to make these kind of adjustments  
22 just to make sure we plug the loopholes. As far as flavors,  
23 we agree with you completely and we're going to be working  
24 with the program and offering certain suggestions on how we  
25 can collaborate not only with them but with industry to come

1 up with that plan for taking this category of how materials  
2 are used -- I mean, we really have an issue with calling some  
3 flavors because it's about its intent for use, not what the  
4 material is.

5 MS. BROWN-ROSEN: It's a tiny percent.

6 MS. CAROE: Exactly. So, we're going to have to,  
7 you know, have those brain sessions where we just put it on  
8 the table and sort it out and, so, we will be doing that for  
9 sure. Thank you. Any other comments? Thank you, Emily.

10 Okay. So, I've got Pat Kane and then next on the  
11 list is Ram. Okay. If you could check in with Valerie.

12 MS. KANE: Good morning, I'm Pat Kane. I'm the  
13 coordinator of the Accreditors Certifiers Association. And  
14 I'm here to talk to you about the draft recommendation from  
15 the certification, accreditation, and compliance committee on  
16 standardized certificates. We have submitted detailed  
17 comments to the board and I think you have them all in your  
18 packet. We do support the inclusion of the class and  
19 products information, whatever crops and products are  
20 certified, and the inclusion of product categories for the  
21 processed products.

22 We also support the ability of certifiers to  
23 provide an addendum page to this certificate in order to  
24 provide additional information on crops and products that  
25 maybe certified. There does need to be a link between the



1 certificate and the addendum to indicate to folks that both  
2 exist.

3           We generally do not support the current Section C  
4 pertaining to the formatting of the certificate as it is too  
5 prescriptive. In our comments we did suggest some other  
6 mechanisms to deal with that and we also support the  
7 requirement that certificates be provided in English or a  
8 translation.

9           In our comments we did submit several samples of  
10 certificates, just basic information on there, so, we would  
11 encourage the committee to contact us and if we can be of any  
12 service when you get to doing any more work on that and we  
13 would thank you for all the work you do and all the late  
14 hours and that's all I have.

15           MS. CAROE: Thank you, Pat. Is there questions for  
16 Pat? Joe?

17           MR. SMILLIE: Well, not, but, I think we haven't  
18 met formally, but, we see what you've done and I think that  
19 there's pretty much general agreement that's the direction  
20 we're going to go.

21           MS. KANE: Thank you.

22           MS. CAROE: Any other comments? Thank you. Ram  
23 and then on deck, Dave Carter. Dave, are you here? Okay.  
24 Great.

25           RAM: Good morning to the board and the folks here.

1 My name is Ram. I'm the certification director for Quality  
2 Certification Services. Usually my personal policy and  
3 business policy is to resist from making public comments  
4 because you have a USDA and my job is not to be an advocacy  
5 involved in public comments. It's Marty's job to do that.  
6 But, this is a unique opportunity and I want to take an  
7 advantage because of the experience we have with aquaculture.

8 And my comments are specific to the technical part  
9 of the recommendation just explaining a little bit more  
10 science to what the recommendation has been made; just  
11 explaining a little bit more of the process so that the board  
12 can understand and make a better recommendation.

13 To start with what was the first question what Joe  
14 asked this morning to Mr. Redmond, the answer is more  
15 cooperation would not qualify if the fish meal option is shut  
16 down. They will not meet the existing standards and other  
17 product standards that has been same allowance, 12 percent  
18 agent has been allowed mostly by most certifiers around the  
19 world as acceptable fish meal level.

20 I would like to start with the animal feed section.  
21 One of the recommendation of the board is to use up the new  
22 compost. The idea of land is that it would promote all the  
23 growth. Algae, aside from the conservation, so my A's are  
24 pronounced differently from what you guys are pronouncing  
25 here, nationally do occur in the system, in the water,

1 whatever you do apply. The idea behind them is to apply a  
2 nitrogen source that will help the organ to bloom. But, the  
3 question is the fish excretion itself normally in a pond is  
4 sufficient enough to make this algae to bloom or grow.

5           There is another issue related to that. If it is  
6 they're really looking at supply of nitrogen then there is  
7 other alternative sources like molasses that could be fed  
8 into the pond and that molasses can be certified organic in  
9 the way you make the systems better. The other related issue  
10 is the eutrophication so even if the fish feeds the algae  
11 they're going to supply some feed and what's going to happen  
12 is you need to end up putting a lot of paddles to make the  
13 oxygen supplies moving around causing more energy requirement  
14 as opposed to having molasses.

15           So, I just kind of wanted the board to consider the  
16 use of manure and compost as being used and recommended for  
17 the algal growth. There are viable substitutes. The other  
18 issue is pigments. I don't think, to my knowledge, I haven't  
19 seen any catfish that stays or tilapia that stays pigmented  
20 or shouldn't stay pigmented so, across the board, the salmon  
21 or other species that may require pigments.

22           The next question is about the festivities. There  
23 was a discussion about three years versus one year  
24 requirement. Most of the closed system, avoiding most of the  
25 open systems to my knowledge to which I have inspected in

1 different countries, has a line which is usually plastic. In  
2 other words, the water do not come in contact with the soil  
3 and that's a consensus I request the board to have one year  
4 transition time and there are some systems where the land  
5 comes in contact with the water to have three other  
6 requirements.

7           The next issue I want to touch base, this is purely  
8 information, is the 5 percent market weight allowance that  
9 has been allowed. This is the least challenge so far but I  
10 want to bring it to your attention. In case of shrimp, the 5  
11 percent agent market weight, this is unknown origin, the 5  
12 percent of market weight usually comes around the 15-18 days  
13 which is 15 person of a total lifetime an animal is going to  
14 be under non-organic management.

15           I'm also bringing another issue to the board is the  
16 algae multiplication. This procedure, it's been followed in  
17 Italy and all the aquaculture facilities. It's established  
18 and published by the name Guilla -- G-U-I-L-L-A -- Adeep in  
19 1952 and subsequently in 1978 that there was a massive use of  
20 synthetic fertilizer for a mass duplication before it was  
21 being released into the farm. That is so.

22           My suggestion is the board to look carefully into  
23 the aquatic plant modifications or the aquatic plant  
24 production system. The board needs to create a separate list  
25 in my opinion for 603. For example, for farms -- several

1 farms have some Ph resistance like lime. I just at the time  
2 haven't seen it. It's not a synthetic. So, my  
3 recommendation to the board is to create a separate list and  
4 the postaros (phonetic sp.) issues, for example, in shrimp,  
5 it is harvested in ice water it immediately causes melanosis.  
6 Melanosis is kind of a pigmentation of the shrimp and that  
7 lacks the quality so people are fighting to find a viable and  
8 at least the uses of our clients to try and find there is  
9 something natural.

10 So, these are the issues that I'd like to address  
11 to the board. Any questions, please?

12 MS. CAROE: Thank you for comments. Questions?

13 MR. SMILLIE: Well, I think I'll just echo what  
14 Andrea said. Those are all very good inputs from someone who  
15 is familiar with both the European, the current situation,  
16 and our recommendation and it's going to be just too  
17 difficult for us to deal with them today, but, have you  
18 submitted these in writing also?

19 RAM: Well, I was trying to and I lost my --

20 MR. SMILLIE: You still have time and we'll get  
21 those in writing and then, again, as Andrea said, we'll be  
22 working on this document, I'm sure, for many years to come  
23 and we thank you for your input and look forward to making  
24 the changes as we get a chance to look at them.

25 RAM: I didn't want to bring up the fish and

1 aquatic. Part of the reason is I wanted to have something  
2 more and I'm not opposed to what the board is trying to do.  
3 That's an efficiency in my feeling to start with something  
4 and just keep on adding as times passes by.

5 MR. SMILLIE: Thank you.

6 MS. CAROE: Joe, I think Jorge just passed out when  
7 you said many years to come. Anyway, Bea James.

8 MS. JAMES: I'd like to ask you what percentage of  
9 the farms that you believe have the plastic lining in the  
10 ponds?

11 RAM: It was all operations which is certified  
12 which is 100 percent of the operation. There's basically two  
13 groups you can classify or three groups. Intensive, semi-  
14 intensive, and wide -- In my opinion, most of the intensive  
15 and semi-intensive systems do have pond linings because  
16 that's an efficiency problem.

17 MS. CAROE: Any other questions. Rigo.

18 MR. DELGADO: This is directed to the other board  
19 members. Assuming that we pass this motion and the rules  
20 changes accepted, it goes into place, and then later on,  
21 three months, six months down the road, we find out that we  
22 need to do some changes, I mean quantitations, assuming we  
23 have problems with plastic and compost and so forth.

24 How soon can we implement those? And my question  
25 is based on the fact that we're not going to come up with a

1 perfect set of rulings, but, I'm sure we're going to have  
2 some changes and so forth, but, it will be nice to have at  
3 least an idea saying, yeah, we'll be reactive or able to  
4 correct this new rule.

5 MS. CAROE: Well, Kevin, do you want to address --  
6 there is a certain amount of changes that are going to happen  
7 while this is at the program level and really what I was  
8 talking about was were any changes that could happen there  
9 that, you know, things have put it in conflict with the  
10 regulations or, you know, just there will be something that  
11 goes on at the program level and we'll be able to do that.

12 Substantive changes like prohibitions on certain  
13 practices will have to be further recommendations from the  
14 committee and then the board. And we expect there to be a  
15 series of them as we go along which is why we table them as  
16 too contentious. That will be another one. We'll have the  
17 shellfish addition. That'll be, you know, another as well.  
18 So, there will be several different add-ons.

19 It's a journey. It's not a destination. So, we'll  
20 continue to build on it. If we do know of a practice that  
21 right now is in what we're putting in that is contentious our  
22 options are to take it out now, to table it, which I don't  
23 think is a good action, or, to take it out later after the  
24 further recommendation that pulls it back out. So, that's  
25 the options on the table and the procedures that we have to

1 move forward.

2 MS. JAMES: I want to ask Ram, in your opinion the  
3 recommendation as it stands now, do you feel that it's  
4 adequate? I think we're all familiar with how long it takes  
5 when changes are imposed and then they actually manifest.  
6 So, in some cases it might be advantageous to pull back and  
7 submit something that is more in line with, you know, what  
8 the public really wants to have happen with aquaculture. I'm  
9 not saying that's what needs to happen, but, I know that  
10 changing recommendations after they've been submitted takes  
11 additional time.

12 So, I wanted to ask you, in your opinion do you  
13 think the recommendation is adequate as it stands?

14 RAM: Yes, it is for several species but it is not  
15 for species like shrimp and I'm not even going into the  
16 carnivores like salmon. Shrimp is something that you can  
17 provide in the vegetarian diet called fish diet, but,  
18 commercially what some people have tried is they've tried to  
19 produce tilapia, for example, and they make it as a fish meal  
20 instead of an organic tilapia they make it as a fish meal and  
21 they have been giving it as a source for shrimp.

22 And I have seen some shrimp operations that's been  
23 fed completely with wheat and soybean -- meat diet. I'm  
24 sorry. So, this regulation, the proposed recommendation is  
25 adequate for omnivores and I would really like to move



1 forward on that. It's not adequate for shrimp but it's still  
2 manageable. Thank you.

3 MS. CAROE: Thank you very much. Okay. Next up is  
4 Dave Carter. On deck, Alexis Baden-Mayer. Alexis, would you  
5 check in with Valerie, please.

6 MR. CARTER: Good morning. Dave Carter with  
7 National Bison Association, Natural Pet Nutrition, Crystal  
8 Springs Consulting, and NOSB refugee. Three things, very  
9 quick. One number, Madam Chair, I want to compliment you on  
10 running a very tight meeting, very good meeting. I know that  
11 you're sitting in a difficult spot. You did a great job this  
12 meeting.

13 To the new members of the board, congratulations. I  
14 know after sitting through this meeting you're now sitting  
15 there this morning going let's see, I've got four years and  
16 nine months more of this.

17 Very quickly. The one issue that I want to talk  
18 about is cloning. And I was not signed up to speak until  
19 after I heard some of the discussion going on yesterday and  
20 I'm very concerned because I understand the role of the  
21 board. There are times when the board needs to sit down with  
22 the department and say, okay, let's, you know, find the thing  
23 that's absolutely the most enforceable that we can, you know,  
24 do to the letter of the law and there are times that I think  
25 the role of this board is to really push the envelope and to

1 really give the department some real leadership to say this  
2 is what the organic community is demanding and I think  
3 cloning is one of those issues.

4 We are at a particularly critical point in the food  
5 system overall. Number one, I think it's egregious that the  
6 FDA is not only saying that it's okay to use cloned animals,  
7 have meat and dairy from cloned animals in the food system,  
8 but, to say that you don't have to label it as that. The  
9 consumer doesn't get to know.

10 Consumers are going to be looking for a safe haven  
11 and organic needs to be that. This board needs to be very  
12 clear and I think Kelly put it best, one sentence coming out  
13 of this meeting saying no cloning, no progeny. Then I  
14 compliment Mark yesterday when he essentially said hit us  
15 with your best shot on this and then we'll sit down and  
16 figure out how to get it done.

17 But, the consumers are really looking to organic to  
18 put a flag in the ground and say this is where we stand on  
19 cloning. Please do that. Thank you.

20 MS. CAROE: Thanks, Dave. Any questions? Don't go  
21 anywhere.

22 MR. CARTER: No, I was being nice.

23 MS. CAROE: Now, I agree with completely with you  
24 and I just want to state my opposition to the recommendation  
25 or my concerns with the recommendation, not with its content,

1 but, it's method. As rules change we figured out how to do  
2 this. I don't think we figured out how to do this yet. I  
3 fully support the principle that cloning and progeny are  
4 clones and has no place in organic. So, I think that's where  
5 my issue has always been and I don't think anybody on this  
6 board disagrees that cloning and progeny of clones should not  
7 be considered organic in any way, shape, or, form. I think  
8 there's a subtlety though in how to present this and I  
9 appreciate the one sentence approach and actually that, to  
10 me, is a lot more palatable than trying to offer rule change,  
11 you know, which will become ineffectual and then, you know,  
12 we as a board aren't really advancing the cause.

13           So, I just wanted to explain to anybody that's here  
14 that the issue of cloning is not that we're in disagreement  
15 with it, it's just how to get there.

16           MR. CARTER: You bet. No, and I just say  
17 particularly at this stage in the process and the one  
18 statement that helps put the flag in the ground, but, you  
19 know, the history has shown whenever recommendations go up  
20 they usually don't come back saying something stronger. I  
21 mean, you start here and you kind of sand it down from there  
22 so don't sand down the edges too early.

23           MS. CAROE: Alexis and then on deck is Steffan  
24 Scheide.

25           MS. BADEN-MAYER: Hello, I'm Alexis Baden-Mayer and

1 with the Organic Consumers Association. I also want to speak  
2 about cloning and second there were remarks that had been  
3 made earlier. I think it would be great if the board could  
4 come out before the FDA process is finished. You are the  
5 leaders of the sustainable and organic agriculture movement.  
6 Your words on cloning mean a great deal. And I feel that the  
7 FDA may extend the comment period 30 days.

8           So, if it doesn't happen today you may have time to  
9 still do it before the FDA comment period is up. I also want  
10 to talk about antibiotics briefly. Like cloning, antibiotics  
11 are antithetical to the idea of organic. From the  
12 presentation yesterday, natamycin, the use on English  
13 Muffins, on spraying antibiotics on food to extend the shelf  
14 life is not organic. Please do not approve that. It will be  
15 rejected by organic consumers and it will have a damaging  
16 effect on the impression organic consumers have of the  
17 program.

18           I wanted to just say briefly that the Organic  
19 Consumers Association supports the comments of the Pure  
20 Salmon Campaign, Restaurant RM, The Humane Society, and Emily  
21 Brown-Rosen on aquaculture. We also support the comments of  
22 Jim Riddle and others on group certification. We support the  
23 use of internal control systems by Safe Trait Cooperative.  
24 That's all.

25           MS. CAROE: Thank you. Brief and to the point. I

1 love it. Comments from the board, questions? Thank you so  
2 much.

3 MS. BADEN-MAYER: Can I say that 60 percent of the  
4 consumers have already rejected the idea of cloning? Keep  
5 that in mind because that's not organic.

6 MS. CAROE: Thank you. Steffan Scheide and then  
7 Nicole -- I can't read the writing -- Nicole Dehne. I can't  
8 read the name, Nicole.

9 MS. DEHNE: Dehne.

10 MS. CAROE: Dehne. Okay. Thank you. You're on  
11 deck if you could check in with Valerie.

12 MR. SCHEIDE: Hi, good morning. I'm Steffan  
13 Scheide with Summit Hill Flavors. And I'm actually here to  
14 talk about colors but based on yesterday's session I just  
15 cannot avoid to make two comments, one on natural casings and  
16 the other one on flavors. I share the reservation on the  
17 word natural as it used with casings for three reasons.  
18 First of all, FDA does not recognize the USDA definition of  
19 natural. The only terminology of natural that the FDA  
20 recognizes are natural flavors.

21 Number two. How can certifiers apply the word --  
22 how can certifiers evaluate commercial availability toward  
23 natural when USDA and FDA disagree. I think it's impossible  
24 for certifiers to do that. And, finally, there are actually  
25 natural casings out there which are edible, digestible,

1 collagens which are processed by processes which do not meet  
2 the definition of minimal processing which is currently  
3 defined as something that the housewife can do in her own  
4 kitchen and clearly there are no housewives which have  
5 industrial extruders in their kitchen.

6           So, I really would hope and we support casings to  
7 be listed under 606 based on the fall of Harvey because it  
8 clearly should be an ingredient allowed for the making of  
9 brats and those type of ingredients but I really would urge  
10 this board to reconsider the word natural.

11           That having been said, as a flavor manufacturer, I  
12 do not necessarily disagree with what was said yesterday  
13 regarding to flavors. However, we have been able to make  
14 somewhat slightly more complex organic de-certified flavors  
15 for the last seven years and only reason we did not petition  
16 agriculture flavors at this time was due to the public policy  
17 notice that came out in January. However, we have certainly  
18 petitions ready and that's why we would welcome to be part of  
19 the NOSB's effort to really discuss flavors and what  
20 necessarily would constitute an organic flavor.

21           Now, that brings me to really the reason why I'm  
22 here and I appeared before this board twice during Sunset for  
23 Colors and I had urged the board to keep colors on the list.  
24 We use organic certified caramel color and my question both  
25 to NOP and this board is, is it still allowed in organic?

1 You have allowed a prohibitive materials on the NOP. Does  
2 the removal of colors from the national list constitute a  
3 prohibition? And I think that's the reason I would like to  
4 have an answer. Colors were petitioned. They were not  
5 addressed and I would just like to know if I'm still able to  
6 use organic color after October.

7 MS. CAROE: Julie?

8 MS. WEISMAN: Yes. Steffan, I appreciate very much  
9 your comments about the casings. I also had similar concerns  
10 about the use of the word natural given the history of this  
11 industry and this board, a long history of avoiding the use  
12 of that word.

13 With regards to your question, there is never a  
14 prohibition against using an organic ingredient in an organic  
15 product. I don't know if anybody has any other thoughts  
16 about that.

17 MR. SMILLIE: Yeah. If, for example, caramel does  
18 not appear on 606 it means that you can't use conventional  
19 product. If you're currently accessing an organic re-  
20 certified color that use will continue.

21 MR. SCHEIDE: Personally, I do not disagree with  
22 that, but, color, like flavors and spices, are functional  
23 ingredients which are specific -- which undergo specific  
24 labeling requirements because they, in part, color on food.  
25 So, I cannot just call it caramel, which happens to impart

1 color. It is actually a color which is regulated by the FDA.

2 And, so, the problem, the dilemma we've had is by  
3 eliminating colors from the national list, can they still be  
4 used? I mean, I'm very happy if there is a guidance document  
5 there that's saying, yes, if it's certifiable organic it can  
6 be used, then that's fine by me. But, that's the dilemma  
7 we're facing.

8 If colors were removed, I am using a color. Does  
9 the removal of the color constitute a prohibition?

10 MS. CAROE: No, nonorganic colors. Non-organic  
11 synthetic -- I mean, non-organic, non-agricultural colors  
12 have been removed from the list. That is true. Organic  
13 colors, organic anything is always allowed in organic  
14 products, okay. We are considering several colors that are  
15 agricultural to be added that would be allowed in non-organic  
16 forms if the organic form is not available. But, organic  
17 colors are always, always allowed.

18 Now, the non-organic, non-agricultural, yes. Those  
19 have been prohibited unless they get added back into the  
20 list.

21 MR. SCHEIDE: And if this organic certified color  
22 becomes unavailable, then I'm obligated now to petition under  
23 606?

24 MS. CAROE: That is correct.

25 MR. SCHEIDE: Thank you.



1 MS. CAROE: Bea and then Joe.

2 MS. JAMES: Do you have the suggestion on the  
3 terminology to replace natural?

4 MR. SCHEIDE: Well, I think it was given yesterday  
5 and I don't have the exact verbiage but as the intestines of  
6 sheep, swine, and something else and I would say that because  
7 then you can apply organic -- then you can apply commercial  
8 availability to it. And I think that's what the petitioners  
9 had intended.

10 MS. CAROE: Joe.

11 MR. SMILLIE: Yeah. Again, I grew up in the  
12 organic industry and the natural foods industry and I've been  
13 to Codex meetings where the last gasp for declaring a  
14 regulation for natural died and I've never supported the word  
15 natural, but, in this case, I think it's being used  
16 colloquially as an industry expression for that particular  
17 material. I don't think it's -- I don't think our  
18 recommendation to allow it is enshrining a new definition for  
19 natural, but, if enough people are concerned about it I guess  
20 we should take that under advisement and if we had that other  
21 definition, the intestines of pigs, goats, that was quoted  
22 yesterday, but, at this point in time I don't want to lose  
23 that vote or that recommendation for that material while we  
24 give it a new name.

25 That's what my only worry.

1 MS. CAROE: Julie?

2 MS. WEISMAN: I guess I have a question. Is there  
3 procedurally anything wrong with there being an amendment  
4 made prior to vote to change how we refer this product?

5 MS. CAROE: Your committee can put whatever you  
6 want up for a vote. After the motion's on the table it can  
7 be amended by members of the board. So, there are options  
8 for making the change. I have asked the board to minimize  
9 last minute changes for the reason of transparency and so  
10 that the public can fully comment on anything that's on the  
11 table.

12 However, minimized does not mean prohibit them.  
13 Tracy?

14 MS. MIEDERMA: I just want to reiterate what I said  
15 yesterday and this is based on my reading of written  
16 testimony that's expert testimony. I just wanted to make sure  
17 since I'm hearing two different stories which are people at  
18 FSIS saying there is a term called natural casings and they  
19 cite some location of this word in their regulatory language  
20 and what you're basing denial of the word natural casings as  
21 having legal standing.

22 MR. SCHEIDE: It really is a very complex issue  
23 because the best way to explain it is which food products are  
24 regulated by the USDA and which food products are regulated  
25 by the FDA and normally we'd say meat, poultry, and egg

1 products are clearly USDA overseen by FSIS and everything is  
2 off the egg. However, it gets very complex and the best way  
3 to look at it at the last joint policy meeting was that open  
4 faced sandwiches where you have a sandwich where you have  
5 turkey breast on it is FDA; closed faced sandwiches are USDA.

6 MS. MIEDERMA: I'm talking very narrowly about the  
7 words natural casings. Those two words together. That's  
8 all.

9 MR. SCHEIDE: And I understand the petition but you  
10 also have to realize that casings also go into vegetarian  
11 products which by that definition really cannot be from  
12 animal-born sources.

13 MS. MIEDERMA: Right, and those would be the  
14 collagen and cellulose casings.

15 MR. SCHEIDE: That's right and, but, they would  
16 also fall under natural casings, right?

17 MS. MIEDERMA: No.

18 MR. SCHEIDE: They would not?

19 MS. MIEDERMA: They're not.

20 MS. CAROE: Just a point of information. Collagen  
21 is an animal derivative and would not be allowed for  
22 vegetarian diets.

23 MS. MIEDERMA: Okay. What about cellulose?

24 MS. CAROE: Cellulose is from plant material.

25 MS. MIEDERMA: Okay. So --

1 MS. CAROE: It's synthetic. Yeah, I mean, there  
2 are inherent inconsistencies between kosher, organic, and  
3 vegetarian and organic in certain places and this is one  
4 where it shows up. Rennet is another one that we've had  
5 issues with with kosher.

6 MS. MIEDERMA: I feel like we're just -- we are  
7 kind of taking a guess at something that is actually known  
8 and defined in a book of food terms and let's not just take a  
9 stab at it.

10 MS. CAROE: Katerina, then Julie.

11 MS. HEINZE: You bring up a very good point that I  
12 had not considered for meat containing products the term  
13 natural casings would be different by USDA. For vegetarian  
14 sausage, that definition would not apply because that would  
15 be an FDA regulated and considered that and said yesterday  
16 natural casings weren't. The definition from USDA would  
17 apply, but, it won't if it's a vegetarian sausage.

18 MS. CAROE: Julie?

19 MS. WEISMAN: Yeah. In response to Tracy's  
20 observation that, you know, that to take into account when  
21 the term has already a well-defined definition, sorry for the  
22 redundancy, in, you know, in federal regulations, we don't  
23 necessarily want to go there. And the flavors is a really  
24 excellent example. Flavors has a very complex set of federal  
25 definitions and there are different ones for oat flavors that

1 are differing and sometimes contrary to those that are for  
2 people to put on their retail packages and for the purposes  
3 of the organic program we're here for organic and a lot of  
4 things in the definition of natural flavors are absolutely  
5 inconsistent and incompatible with organic.

6           And that is why they went on 605A with the  
7 annotation that they went on because there are things that  
8 can be called natural flavors that are allowed to have  
9 certain synthetic ingredients in them such as certain  
10 carriers which we would not allow in organic.

11           So, we can't take other federal definitions as our  
12 -- we have to look at them. But, I wouldn't necessarily want  
13 to use them as our standard. We can't actually.

14           MS. CAROE: Dan.

15           MR. GIACOMINI: A question for the program. In  
16 light of the fact that we have a petition and we've had this  
17 debate if we just stayed with the natural casings terminology  
18 or if -- and there was some problem with it could the program  
19 use the petition and the debate that we've had to modify that  
20 term in putting it on the list to make it correct? Is it  
21 something that we really need to beat ourselves up about?

22           MS. CAROE: Mark.

23           MR. BRADLEY: Mark Bradley, National Organic  
24 Program. As long as the petition conveys the intent and the  
25 language is clear and we understand what you're wanting to do

1 with this material we can work it through the attorneys and  
2 check with any -- we'll have to check with FDA anyway to  
3 check conflicting regulations so, you know, we can work with  
4 what you give us on that.

5 MS. SHEA: Thank you.

6 MS. CAROE: Bea?

7 MR. BRADLEY: But, we have -- that's what this  
8 whole thing's about, I think, isn't it? Try to get it out by  
9 June. Kim said by June.

10 MS. CAROE: Bea?

11 MS. JAMES: What would be the -- what is the  
12 problem with changing it to what Tracy or what Katerina had  
13 mentioned yesterday; why would that be such an issue?

14 MS. CAROE: Any response?

15 MS. MIEDERMA: What was your wording, Katerina?

16 MS. HEINZE: Reading from the petition they said  
17 the common name is natural casings, the processed intestines  
18 of hogs, cattle, and sheep. So, we could just call it  
19 casings, the processed intestines of hogs, cattle, and sheep.

20 MS. CAROE: Response? Jeff?

21 MR. MOYER: Well, it sounds to me like that really,  
22 in fact, is what the petitioner is asking for. We're taking  
23 it right from their language and we're going to approve what  
24 the petitioner wanted, not what we want. That would make the  
25 most sense to me.

1 MS. CAROE: Any more comments? We figured it out.  
2 Thank you.

3 MR. SCHEIDE: That you very much and thank you from  
4 all of us in the industry for all the hard work that you've  
5 put in all these wonderful matters. Thank you.

6 MS. CAROE: Thank you. Nicole, you're up and on  
7 deck, Kim Dietz.

8 MS. DEHNE: Okay. So, thank you for the  
9 opportunity to speak today. Welcome the new members and  
10 thank everyone for their hard work that they've been doing  
11 these past couple of days. My name is Nicole Dehne and I'm a  
12 certification administrator for Vermont Organic Farmers or  
13 VOF, which is a USDA certification agency. I'm speaking on  
14 behalf of 400 certified producers more than half of whom are  
15 dairy and livestock producers and there are just a few points  
16 I wanted to comment on today.

17 First, I wanted to address the livestock  
18 committee's recommendation on cloned animals. It's well-  
19 established and recognized by the board that a large  
20 percentage of consumers find cloning technologies to be  
21 offensive and are opposed to their use. It's clear that  
22 without organic standards that clearly and fully address  
23 these concerns to perceived integrity, sales of organic or  
24 livestock products in the marketplace will be negatively  
25 affected.

1           So, VOF endorses the committee's recommendations to  
2 the NOP that animals derived through the use of animal  
3 cloning methods be disallowed in organic production and that  
4 these methods be included in the definition of excluded  
5 methods and we commend the committee for including the  
6 progeny and the progeny of cloned animals to the prohibition  
7 in its revised recommendation.

8           And we do support comments made earlier by Jim and  
9 others that the language used to describe clones be as  
10 specific as possible to avoid confusion. So, my understanding  
11 of including the term somatic cell nuclear transfer was to  
12 accomplish what Dan was worried about yesterday which was to  
13 exclude the embryo splitting from the definition and, not  
14 being an expert on cloning, but, having read some of the FDA  
15 document that describes the somatic cell nuclear transfer,  
16 embryo splitting is not included as part of that definition.

17           It had the list of assisted technologies and it was  
18 included there but it may be described as asexual  
19 reproduction but it wasn't defined as somatic cell nuclear  
20 transfer. So, I thought to help clarify I'd recommend as  
21 others did using the language either cloning as defined by  
22 the FDA or just somatic cell nuclear transfer and leaving out  
23 the asexual reproduction part.

24           I also wanted to address one of the materials,  
25 natamycin, which I believe is being petitioned to added to



1 205.605A. One of our certified producers a few years ago  
2 looked into using natamycin. So, we just did some  
3 preliminary research on the product and it kept being  
4 described as an antibiotic in all the documents that we had  
5 looked at and so, obviously, food with antibiotics wouldn't  
6 be consistent with organic processing and I also believe that  
7 it was allowed only for cheese by the FDA.

8           So, I really encourage the board to look into this  
9 further before voting to add this material to the national  
10 list. And, finally, despite the fact that pasture and origin  
11 of livestock are not on the agenda at this meeting I still  
12 feel compelled to mention them and I appreciate that Mark  
13 mentioned that both of these issues are currently being  
14 worked on but they do remain huge concerns for our farmers  
15 and our farmers are still waiting to hear whether all organic  
16 producers will be held to the same standards for pasture and  
17 we still feel that 30 percent drive out intake is the best  
18 way to assure that all producers are on the same page and as  
19 far as origin of livestock the VOF believes that the  
20 allowance for conversion of non-organic dairy animals should  
21 be permitted only on a one-time -- as a one-time whole herd  
22 transition and that after the transition, all certified  
23 operations should be managing the animals organically  
24 starting from the last third of gestation.

25           So, without clarification on these two items,

1 organic livestock producers, big and small, across the United  
2 States are not playing on the same ball field which I know is  
3 the intent of the federal standards.

4           So, I mention these issues again just despite the  
5 fact that they're not on the agenda just so nobody thinks  
6 that we have forgotten about them. And we are still --  
7 farmers are still waiting for standards or enforcement of the  
8 standards that establish consistency and fairness amongst  
9 producers which I think would strengthen the consumer trust  
10 in the organic label and return the integrity to the  
11 standards. Thank you.

12           MS. CAROE: Thank you. Questions? Julie?

13           MS. WEISMAN: Yeah. I have one question. Can you  
14 tell me what body or federal agency it is that mentions the  
15 use of natamycin only for cheese?

16           MS. DEHNE: Yeah. I was afraid that you were going  
17 to ask that and this is some of the research which we did  
18 three years ago. And, so, all I know is in looking it up  
19 kind of on the internet and asking other experts it came  
20 coming up as an antibiotic. And as far as -- and I would  
21 also say despite searches on the internet that it was the FDA  
22 approved for cheese. So, I don't know if that has changed,  
23 but, my comments were that I think you guys should look into  
24 that before, you know, allowing it.

25           MS. WEISMAN: Okay.

1 MS. DEHNE: So, I don't have the specific document.

2 MS. WEISMAN: So, it is possible that it is  
3 approved for use -- one of the approved uses is for cheese.  
4 There's not necessarily for cheese only. We don't know.

5 MS. DEHNE: It might be for cheese only. That was  
6 my thought that I would look into it.

7 MS. CAROE: Just for information for the board, if  
8 the board were to consider natamycin a good candidate for the  
9 list and vote it thorough, that would be caught. I mean,  
10 that's not going to end up on the list so certainly if that  
11 were exclusively for the use when FDA approved this thing  
12 they'd say no, it's not happening, correct? I get a nod from  
13 the program. That's as good as it gets.

14 Any other questions, comments? All right.

15 MS. DEHNE: Thank you so much.

16 MS. CAROE: Kim Dietz and on deck, Harriet Behar.

17 MS. DIETZ: Good morning. My name is Kim Dietz,  
18 regulatory compliance manager for Smucker Quality Beverages.  
19 I've been employed by them for 23 years, just about as long  
20 as I've been in the organic industry actually. I've been  
21 involved in the industry through OTA. I chaired the MPPL  
22 Committee to the American Organic Standards. I've also  
23 served on the California Organic Advisory Board and, as you  
24 know, I was on the NOSB for five years from 2000 to 2005. I  
25 chaired the materials committee and also acted as board

1 secretary.

2           First, and most importantly, I want to thank you  
3 every one of you for your dedication. I know what it's like  
4 on those all-nighters. I feel for you. But, it's very, very  
5 important. I encourage you to take your role seriously and  
6 listen to all your sectors. All of us out here, we all have  
7 things to say. Take that in the whole, make the best  
8 judgment that you can, and we trust you on that.

9           At the same time, have fun and enjoy the  
10 relationships that you're going to find. They'll be  
11 lifelong, believe me. Smuckers doesn't really have any  
12 comments right now. On materials we don't have any issues on  
13 the table. We are looking at -- actually we just added a  
14 color to one of our new products, but, depending on what the  
15 board does with colors we're willing to leave them in, take  
16 them out, whatever it takes, so, my comments are my own today  
17 and don't reflect those of Smuckers or Smucker Quality  
18 Beverage.

19           So, why am I here? I'm here as an historian. I'm  
20 here as a mentor. My company has provided me at your service  
21 for many, many years so I'm here to help guide you if needed  
22 and as well as a lot of people here in the audience. I  
23 encourage you to use the guidance documents that the past  
24 boards have developed. As one of the first board members  
25 appointed to the USDA NOSB during the launch of the program

1 we set the foundation for what you guys are doing today. We  
2 put the meat on the bones, so to speak. Without that your  
3 job would be much tougher so you do have a very good  
4 foundation and use those documents and use those guidance  
5 papers.

6 I encourage you to take the time during your  
7 deliberations and don't rush through things, don't feel  
8 rushed. I know it's a frenzy up there to work through  
9 wording and that sort of thing but take your time and make  
10 sure you make the right decisions. I support the continued  
11 use of agone and non-agone and synthetic and non-synthetic.  
12 I think that's critical for you to move forward with  
13 materials. It's really confusing out here in the industry  
14 and on the board if you don't have those things defined.

15 I support your ability to have non-public working  
16 group meetings. I think you would never have gotten where  
17 you are at this meeting if you had not had that private  
18 session. Conference calls just wouldn't have done it. So, I  
19 do support you in that as needed. Annotations. Be really  
20 careful with annotations. And unless they're specific,  
21 achievable, and within legal guidelines, don't put them on  
22 there. If you don't know that the annotation is going to be  
23 right, don't do it, okay.

24 They are needed in some cases, you know, and if  
25 it's a matter of material getting voted on then that be it

1 but be very, very careful with annotations. And I  
2 specifically disagree with any term limits, like three years,  
3 two years, one year. That just muddies the water and we've  
4 had several instances where we've limited that from past  
5 posts and by the time it gets on the Federal Register that  
6 time limit's gone so some things take a long time so be  
7 careful with timing.

8           Follow the materials review process. Dan's done a  
9 great job and you're in good hands with him so follow those  
10 guidelines. Read the sunset material review process that's  
11 coming up again. It's a pretty detailed process. Flavors.  
12 I wasn't going to comment on flavors but I'm going to. I saw  
13 this coming three or four or five years ago and I think  
14 you're on the right track, form a task force. You have the  
15 ability to do that through your policy manual and you can ask  
16 for a task force industry representatives and yourselves  
17 involved in that.

18           Collaboration. As a key industry leader I get  
19 those phone calls and e-mails when the industry is in a  
20 frenzy and we've had a couple of those recently. So, I  
21 encourage you to collaborate with the NOP and the NOP to  
22 collaborate with you so we don't have any more frenzies. We  
23 don't have confused methods. It's really important that we  
24 try to limit that. And the sunset, I don't agree that  
25 annotations should be changed during sunset. You see the

1 frenzy that you've got with 606. Sunset's just as critical  
2 in that you have a very finite time.

3           If you start changing annotations during that time  
4 you're going to have TAP reports and it's going to delay the  
5 process. Okay. Questions?

6           MS. CAROE: Thank, you. Personally, I want to  
7 thank you for coming to this meeting and to be there as a  
8 resource and fill in those blanks which we seem to run across  
9 quite often. Joe, you have a question, comment?

10           MR. SMILLIE: Yes. You may not have been prepared  
11 for this but I'd like to hear some of your stories of how  
12 your company is anticipated having to come into compliance  
13 with the use of colors, flavors, and things like that. In  
14 other words, you say you have no issues here. You're not  
15 petitioning anything. You guys have a lot of different  
16 products. You use a lot of different colors and flavors.  
17 And I'd like to hear your company's story of how your company  
18 went about making sure that they were going to be in  
19 compliance and not get into the frenzy.

20           MS. DIETZ: Okay. Well, you know, being that I'm  
21 on the front lines with you, we have converted probably -- we  
22 have about 400 beverages certified organic. We've converted  
23 about 99 percent of them to organic flavors and it's taken a  
24 long time. It's taken many years to do that. A lot of  
25 product development with many different flavor companies and,

1 you know, we're treating colors the same way. I think the  
2 industry would just have to push. They'd have to do product  
3 development. They'd have to take it seriously and be  
4 prepared because any material on the national list can come  
5 off at any time. I guess that's our philosophy.

6 We want 100 percent organic if it at all possible  
7 and we just happen to have the mechanisms to be able to push  
8 the industry so we've just been due diligent in it.

9 MS. CAROE: Other comments, questions?

10 MS. DIETZ: Okay. Good job, good luck.

11 MS. CAROE: Thank you, Kim. Harriet, you're up.  
12 On deck, Dave Engel.

13 MS. BEHAR: Hello, I'm Harriet Behar. How are you  
14 all doing this morning? Awake, I hope. I have just a few  
15 comments. I don't have anything written. One is on the  
16 natamycin. I think we need to be very careful with this  
17 product. It will appear on the label. It is known to be an  
18 antibiotic so we need to be careful about consumer feelings  
19 about clean labels and also even if the -- it might be caught  
20 and the FDA might not necessarily approve it afterwards. I  
21 think that you should have that information before you make  
22 the vote so I think you should defer on this product and not  
23 vote on it until you have more information and really given  
24 it more thought.

25 I also want to talk about non-fat dry milk



1 instantized because I think the problem with the petitioners  
2 is that they did not ask the right question. There's plenty  
3 of non-fat dry milk out there that is not instantized and  
4 typically the instantizing process or agglomeration that  
5 occurs happens as a separate process. So, what they need to  
6 ask is not can you make me agglomerated non-fat dry milk,  
7 but, can you agglomerate non-fat dry milk that I give to you  
8 as already as organic because that can be a much smaller one,  
9 typically 5,000 lbs. I think if you gave me an hour on the  
10 phone I'd be able to find the place that I could get maybe  
11 even just 1,000 lbs agglomerated.

12           The main issue in organic is that the agglomeration  
13 is a steam process so there would have to be a way to turn  
14 off any possible volatile chemicals with the steam, but, this  
15 is done very regularly with organic with not much problem.  
16 So, the 40,000 lb. minimum run I think is not true and they  
17 just very well could by the non-instantized non-fat dry milk  
18 and bring it to a custom processor who could agglomerate it  
19 for them at practically any level that they want.

20           So I don't think that that needs to be put on the  
21 label and I also agree that I'd like to see something today  
22 come out of here, a strong statement about cloning. I think  
23 the consumers want to see that. I think the producers want to  
24 see that. And I understand the need to want to have the  
25 perfect statement, but, I think you could come up with

1 something that would show your intent and that would be very  
2 important.

3           And lastly, I just want to put forward again that  
4 your guidance to the certifiers and to the certified entities  
5 and to the public about what certifiers will be looking at  
6 for commercial availability needs to be on the website. Be  
7 very clear that this is a directive on how commercial  
8 availability is being reviewed. I really want it up there, I  
9 want it clear, I don't want there to be another kind of  
10 inconsistency between certifiers and I think it's difficult  
11 for certification agencies to work with clients when the NOP  
12 hasn't come forward and made it very clear this is the  
13 process to say that if it's not a mandated process by the  
14 certifiers put out there by the NOP as a directive, your  
15 recommendation, then you'll have certifiers doing lots of  
16 different processes again in the commercial availability and  
17 we're facing this very soon in June.

18           So, that's my comment. And Mark is smiling.  
19 That's good.

20           MS. CAROE: Comments, questions from the board?  
21 Fair enough. Thank you. Dave, you're up and then Amelie  
22 Hayte, you're on deck. Amelie. I'm sorry. And after that  
23 we're going to take a short break.

24           MR. ENGEL: Good morning. My name is Dave Engel.  
25 I am a dairy farmer from Wisconsin since 1981 and in 1987-88

1 several of us got together and started the crop cooperative,  
2 better known today as Organic Valley. At that time, for  
3 better or worse, we decided that we were going to go organic  
4 with all of our products. So, we had to find a certification  
5 agency to work with and one thing led to another and we  
6 started a little CI chapter and I ended up being the program  
7 director for the chapter and since then I've worked with  
8 several certification agencies for the past 18 years in  
9 different capacities and, again, for better or worse, I  
10 consider myself fairly well versed on methods and materials  
11 in organic production both as a current farmer and as a  
12 current certification agency representative.

13 My concern today has to do with the process of how  
14 materials are decided upon to be acceptable for organic  
15 production. Mr. Giacomini provided an excellent review on  
16 Tuesday of the process, including Section 6517 and 18 of the  
17 OFPA and Section 205.600A of the rule. In fact, I would call  
18 these the twin rails upon which this process rides.

19 I have been attending NOSB meetings for seven years  
20 now and as a lay observer of the process I find that often  
21 times a material will make it through the different steps of  
22 the process referred to above only to find themselves faced  
23 with usually only a few board members who feel the material  
24 is non-essential or that there are alternatives available.

25 Examples at this meeting include, and some of the

1 comments just lately notwithstanding, I still would stand by  
2 these comments, pelargonic acid, natamycin, instant non-fat  
3 dry milk, various colors and flavors, short chain FOS, and  
4 perhaps others. And for better or worse then during the  
5 course of further discussion a decision is made to not allow  
6 this or that material primarily because it is deemed to be  
7 non-essential or it has alternatives.

8 I would encourage the board that when you reach  
9 this point, try to remember that for a farmer, for example,  
10 more tools are definitely better than fewer tools. Kevin and  
11 I both know what it is like to have to fix something that is  
12 broken and how quite often it is a special tool, a special  
13 piece of steel that in with sweat and cussing gets the job  
14 done and I would submit that pelargonic acid is or could be  
15 such a tool for example.

16 And we all know what it was like to have our  
17 mothers cook that special dish or recipe and how it was just  
18 one ingredient which made that food taste better. Perhaps it  
19 was instant non-fat dry milk. I appreciate Harriet's  
20 comments. Or, short chain FOS, probably not. But, you get  
21 my point. My further point is simple. The process of  
22 decision making for materials is quite involved. It requires  
23 a substantial twin rails and the rule and in toto it provides  
24 very adequate oversight.

25 So, when you reach a point in this substantive

1 process after the material has been through and ridden these  
2 rails that you think a material is non-essential or that  
3 there are alternatives available, remember, we don't want to  
4 be organic by neglect. We do want our farms to look good and  
5 food to be good.

6 Kevin and I want more tools in our toolbox; at  
7 least I do; not fewer tools. Mom and all of us want foods  
8 that taste good, look good, and provide a good eating  
9 experience and that aren't moldy, or colorless, or,  
10 flavorless or that drip when they should not drip. It is not  
11 shameful or weak or a threat to organics to have more  
12 materials approved for use than organic production. The twin  
13 rails of 6517 and 18 and 205.600A that you run on to decide  
14 the appropriateness of materials are good, strong rails which  
15 protect us all and service all.

16 But, I would you to think twice about disallowing  
17 the material. If your main concern is it's non-essentiality  
18 or that it has alternatives to whom is it non-essential and  
19 how many alternatives can't we have. Thank you.

20 MS. CAROE: Thank you, Dave. Questions? Kevin?

21 MR. ENGELBERT: I'd just like to go on record,  
22 Dave, and say that I prefer far fewer tools than you do in my  
23 toolbox.

24 MR. ENGEL: And frankly I tend to use just a hammer  
25 myself, but, I know when you have to reach down in to put on

1 a clip, for example, on a diesel line whose boot is leaking  
2 it's a really special tool that you need and I still stand by  
3 my comments that more tools are better than fewer tools in  
4 organics. I mean, just in the human experience.

5 MS. CAROE: Jeff? No? Any other comments,  
6 questions? Thank you, Dave. Oops, wait. Dave, we've got  
7 one more question.

8 MR. DELGADO: It's not a question, it's just a  
9 comment that I don't think it's the number of tools, it's the  
10 quality of the tools and the impact of the tools so you might  
11 have several products out there that are good tools. It's  
12 just the impact on the environment, on the sustainability of  
13 your operation that makes a difference and I think that's  
14 where we have to base and that's what the two rails of our  
15 decision process want us to follow.

16 MR. ENGEL: When you reach the point though after  
17 those two rails have taken you to the end and it is non-  
18 essential, deemed to be non-essential or that there are  
19 alternatives, those are two points that I personally would  
20 take a moment, step back, and see what the larger community -  
21 - this is an ecumenical process that the larger community  
22 would like and if you think that you're protecting the  
23 organic integrity by not having instant non-fat dry milk on  
24 however that process brought it to that point in this case I  
25 guess it's the 606, you know, there's different twists to

1 this when you reach that point.

2           What I'm trying to concentrate on most true  
3 criteria that are in 600, I believe, non-essentialness and  
4 alternatives. I assume it happened with this board so many  
5 times where you get a material, calcium oxide in 02 that was  
6 shot down, you know, these are tools that farmers could be  
7 using and yet they're not available because they're deemed to  
8 have an alternative. In that case there in 02 that was an  
9 alternative that people felt you could use calcium carbonate  
10 from limestone.

11           The quality is not being diminished.

12           MS. CAROE: Thank you, Dave. Any other comments?  
13 Amelie. Did I say your name very badly?

14           MS. HAYTE: That's fine. A lot of people have  
15 trouble. So, good morning everyone and I'm Amelie Hayte with  
16 GNT and we are natural color producer and we specialize in  
17 colors that are made from fruits and vegetables and we now  
18 have over 30 years experience in producing fruit and  
19 vegetable juice for color.

20           We have petitioned 12 different colors to be  
21 included under 205.606 and we'd like to thank the board for  
22 reviewing our petition and for giving us the opportunity to  
23 speak today. So, we understand that the board has some  
24 questions regarding the commercial availability of organic  
25 material and we have tried to gather more information to try

1 to address these concerns.

2           We first tried to source the organic raw material,  
3 meaning like, for example, organic fresh pumpkin or organic  
4 fresh carrots and we'd like to remind you that these fruits  
5 and vegetables have to be a specific variety that has a  
6 required properties for color and, yeah, so we contacted  
7 several farmers and none of them were able to deliver the  
8 variety of pumpkin or variety of carrots that we were looking  
9 for and another point is also that all these raw materials  
10 are specifically grown for colors and specific know how and  
11 specific way to grow them and when we asked all those farmers  
12 if they were growing any fruits or vegetables for color  
13 purposes none of them were actually able to do that.

14           We're connected to the Department of Illinois which  
15 is one of the largest state producer of pumpkin and they  
16 referred to a professor at the University of Illinois who has  
17 done extensive research on pumpkin and squash, for example,  
18 and he told us there's a question of organic pumpkin came up  
19 two years ago and that it was really difficult to locate  
20 organic pumpkin for the industry -- for the process industry.

21           Now, since we're not able to find any organic raw  
22 material we also searched the OTS website for organic  
23 ingredient and we were able to find two sources of different  
24 organic. For example, carrot puree or pumpkin concentrate or  
25 blueberry juice or diced carrots or frozen carrots, but, we



1 were not able to search any organic fruits and vegetable  
2 juice that were specifically standardized for color.

3           Now, I would also like to add that all this organic  
4 matter has to be harvested at the maximum ripeness and that,  
5 therefore, the organic fruit and vegetable usually  
6 deteriorate by transportation and that most of the fields  
7 have to be located around the production plant.

8           And, for example, for pumpkin juice colorizer,  
9 there's only one that do color from pumpkin at this point,  
10 and I'm pretty sure that's located in the Netherlands so all  
11 the fields will have to be around the middle, for example,  
12 Germany or Belgium and I would just want to go over again the  
13 different challenges that we're facing. We're trying to  
14 organic raw material.

15           So, first, the demand for organic products has  
16 grown a lot and farmers now rather like to focus on growing  
17 organic material for the fresh market and, therefore, there  
18 is a needed surface available for organic product for the  
19 industry -- for the food industry. Also, if we wanted to  
20 convert our fields into organic fields that would require  
21 three years and there's no pesticides on those. Another  
22 point our country is facing is a shortage of pesticides for  
23 organic production.

24           Organic production has a more development of  
25 bacteria and therefore there were color quality needs so we

1 would have to grow more organic products, more organic raw  
2 material. We're also facing a lot of workers and good  
3 machinery and the most important point is that all these  
4 farmers need to have a special know how and we will need to  
5 train them on organic production methods.

6 GNT has been working for several years with  
7 farmers. We grow our own raw material. We don't buy on the  
8 market. And we've been working with the farmers and now want  
9 to produce organic colors. The only thing is that we need a  
10 few years to be able to guarantee that we would be able to  
11 provide the volumes that are required by the food industry so  
12 that's why we would like to see an organic -- no, pumpkin  
13 juice color, carrot juice color, blueberry, purple potato,  
14 and hibiscus juice for color to be included on the list so  
15 that it gives us more time to do our work and to be able to  
16 able to come into the right quantities for the industry.

17 MS. CAROE: Thank you. Joe.

18 MR. SMILLIE: Can you go through that list again?

19 MS. HAYTE: Pumpkin, carrot, blueberry, hibiscus,  
20 and purple potato.

21 MR. SMILLIE: Purple potato?

22 MS. HAYTE: Yes.

23 MS. CAROE: Dan?

24 MR. GIACOMINI: You didn't mention any of the  
25 details of your problems or search regarding hibiscus and

1 purple potato. Could you go give us a little bit of a little  
2 idea on those?

3 MS. HAYTE: Yeah. Well, given the short times we  
4 had to -- first, we are not used to sourcing raw material  
5 since we do everything ourselves so since importers have  
6 asked us that we started doing it and we have a short time so  
7 we focused mainly on pumpkin and carrot because we know that  
8 the two that we have the most challenges to process are  
9 organic and also we figured that it would be the easiest one  
10 to source as organic comes to market.

11 MS. CAROE: Gerry, Steve, Julie.

12 MR. DAVIS: Did I hear you correctly that you said  
13 you are working with growers in the Netherlands area by your  
14 production plant to get them to start producing organically  
15 produced pumpkin and carrot and all that?

16 MS. HAYTE: Well, actually, already producing.

17 MR. DAVIS: They already are.

18 MS. HAYTE: And we already have organic colors.  
19 The only thing is that there is not enough fields. There is  
20 not enough farmers and we don't have enough organic material  
21 right now.

22 MR. DAVIS: Would you expect in the five year  
23 period that this board is considering to allow you to use  
24 non-organic materials that within that five year time your  
25 company would have the goal of being able to access 100

1 percent organic materials after that time?

2 MS. HAYTE: In five years we should be able to  
3 provide the industry with 100 percent organic colors.

4 MR. DAVIS And are there of the colors that you  
5 make from these vegetable materials, are any of them items  
6 that do not need to be produced right next to your production  
7 facility and can be shipped from further distances?

8 MS. HAYTE: I don't know the deals about that, but,  
9 I know for carrot and pumpkin it has to be produced around  
10 the production plant and, if anything, we actually don't grow  
11 only in Europe, we grow all over the world so if it was  
12 possible we would do it.

13 MR. DAVIS: Okay. Thank you.

14 MS. CAROE: Steve?

15 MR. DEMURI: Were you here yesterday?

16 MS. HAYTE: In the afternoon, yes.

17 MR. DEMURI: Okay. Did you hear the fellow from  
18 one of the other flavor companies, color company? I think it  
19 was Moore Products. How would you respond to his contention  
20 that hibiscus, for example, is in good supply?

21 MS. HAYTE: A good supply of organic?

22 MR. DEMURI: Yes.

23 MS. HAYTE: I don't know.

24 MR. DEMURI: Do you agree with him or --

25 MS. HAYTE: Well, the thing is that we personally

1 for our -- I was not able to choose any organic hibiscus  
2 color and our plant is not able to get organic from hibiscus.  
3 That would have other properties for us to process.

4 MR. DEMURI: Is that one that has to be grown close  
5 to your plant to process?

6 MS. HAYTE: Yes.

7 MR. DEMURI: Okay.

8 MS. WEISMAN: It's very helpful to hear, you know,  
9 to hear in detail the fact that the way the production  
10 methods work requires very quick processing of the materials  
11 and so you perhaps have spoken a lot to the issue of  
12 converting the growers who are in close proximity to your  
13 facilities to those producing agricultural products  
14 organically, but, I was also wondering if you could speak a  
15 little to the production process and if there are any  
16 challenges there to having the process -- to having the  
17 processing of those materials into color down the line. Once  
18 you have the organic raw materials are they going to be any  
19 further challenges that have to be overcome on a side of  
20 actually processing those ingredients?

21 MS. HAYTE: There is some challenges and I cannot  
22 go into details about them, but, right, we have to overcome  
23 that and because we grow organic only we would need -- we  
24 need more raw material to overcome the challenges that we  
25 face during processing so it feasible but it's really a

1 shortage of raw material right now.

2 MS. WEISMAN: Thank you.

3 MS. CAROE: Any other comments from the board?

4 Questions? Thank you so much.

5 MS. HAYTE: Thank you.

6 MS. CAROE: We will take a break right now but up  
7 right after the break will be Adrianna Natsoulas and then  
8 George Lockwood after that. So, it's right now about ten  
9 minutes of seven so -- California time, sorry -- ten minutes  
10 of ten. Ten o'clock we'll be back.

11 (Whereupon, a brief recess was taken)

12 MS. CAROE: Okay. Adrianna. Adrianna, are you  
13 here?

14 MS. NATSOULAS: Yes. Good morning and thank you  
15 very much for this opportunity to further comment on the  
16 development of the organic standards for seafood. My name is  
17 Andrianna Natsoulas and I am the campaign coordinator for  
18 Food & Water Watch Oceans Campaign. And we've been following  
19 this process and have submitted comments previously and again  
20 have submitted comments just today with more updated  
21 scientific evidence to support our position around organic  
22 standards for seafood.

23 And I have abbreviated those comments and you  
24 probably will hear me repeat some of the comments you've  
25 heard already from some of the other NGO's on governmental

1 organizations commenting and interested in the organic  
2 process for farmed seafood. So, with public health and  
3 environmental sustainability in mind, as I said, we are  
4 supplementing these comments with updated scientific studies.

5 I'd like to say that I strongly support that the  
6 direction that you're going in in developing these standards.

7 We're really pleased where you're headed and we hope that  
8 you continue down that same track and we're very pleased that  
9 you have -- that you support the edit to the task force's  
10 interim final report that net pen and cage culture must not  
11 be considered for organic certification at this time and that  
12 those standards only apply to closed systems again at this  
13 time because there's not enough scientific evidence, there's  
14 not enough development of other firm species to be able to  
15 consider net pen and open cages for organic certification.

16 Furthermore, the land-based farms must adhere to  
17 strong environmental standards to ensure zero emissions of  
18 untreated ethylant and to the surrounding environment and  
19 they also support that there's a three year transition period  
20 to gain organic certification for these land-based closed  
21 systems for farm raised seafood.

22 Food & Water strongly supports the committee's  
23 edict that wild fish and their products must not be fed wild  
24 fish feed. Feeding wild fish meal and fish oil to farm fish  
25 is not a sustainable nor safe. In terms of sustainability

1 capturing and removing smaller species from the open oceans  
2 to use as feed for farm fish stresses larger wild fish  
3 populations because then they have less to eat and it turns  
4 off the balance of marine ecosystem.

5           This is not safe either for consumers. Many  
6 scientists have concluded that fish meal and fish oil  
7 produced from wild conk fish is likely the primary route of  
8 entry for cancer-causing contaminants into the farm fish and  
9 we've seen many studies with farm salmon to indicate such.  
10 Therefore, it's critical that wild fish meal and fish oil not  
11 be used as feed for organic farm raised aquatic animals.

12           Lastly, and I'm going to make this brief. We  
13 strongly support the aquaculture's working groups  
14 prescription of the use of slaughter by-products in feed for  
15 organic fish. Food & Water Watch opposes the use of by-  
16 products from the slaughter of terrestrial animals in organic  
17 aquaculture feed. Such a practice, deception by omission,  
18 could potentially lead to consumer loss of confidence in the  
19 organic standards undermining its value to them, to  
20 producers, and to the USDA.

21           So, again, we appreciate this opportunity for  
22 further comment on the development of organic standards for  
23 farm seafood and, again, you have a full comment so I just  
24 wanted to abbreviate what we have submitted and, again,  
25 you've already heard some of these very similar concerns and



1 again you're going down the right track and we really support  
2 the direction you're going in so thank you for this  
3 opportunity.

4 Thank you, Adrianna. Any other comments or  
5 questions from the board? Thank you so much for your  
6 comments. George Lockwood and then Rob Mayo, you're on deck.

7 MR. LOCKWOOD: Madam Chair, my name is George  
8 Lockwood. I'm Chairman of the Aquaculture Working Group.  
9 Every now and then you wake up in the morning and you have a  
10 feeling of satisfaction that perhaps you've done something or  
11 in the middle of a process of doing something very good and  
12 that's what's happened to me. I think that we're on the  
13 brink of doing something good for humanity and for the planet  
14 in what we're doing here today.

15 Something had struck me yesterday which was very  
16 interesting. There's a number of people who are in this  
17 business or in allied businesses who have already begun the  
18 innovation process to comply with what we're proposing. We  
19 heard this about omega-3 fatty acid and also from growers and  
20 it came as a surprise to me that the innovation process is  
21 beginning so soon.

22 At this time, the Aquaculture Working Group urges  
23 that you do adopt the report that was amended yesterday and  
24 that we all move ahead without further delay. We see nothing  
25 to be gained by delays at this time. When the matter goes

1 into the National Organic Program there will be opportunities  
2 for further public comment and perfection as it is necessary.

3           We also urge that you move ahead with addressing  
4 the fish meal and oil and net pen issues. The issues in  
5 opposition are well developed. You've heard them here. I  
6 would also point out that in the report that you have from  
7 the livestock committee on page 51 two pages of tables that  
8 describe all the species in aquaculture and the impact of not  
9 having fish meal on aquaculture and almost all of those  
10 species except for tilapia and perhaps one or two others do  
11 require fish meal and fish oil in their diets.

12           The question before all of us is not whether we're  
13 going to see organically certified aquaculture products.  
14 They're already on the market. The question is, which  
15 label. Is it going to be a USDA label or is there going to  
16 be Natureland, or, one of the many other certifiers around  
17 the world. Salmon, shrimp, tilapia, three of the big ten  
18 consumed fish species in the American diet, and at this time  
19 there are certification processes under way or have them  
20 under way for bringing those species into the market.

21           Aquaculture is at the same stage as agriculture was  
22 ten years ago before the final rule was adopted and we think  
23 it's time that the USDA label be available for aquaculture  
24 products to save the consumer all the confusion that goes on.

25

1           You'll notice in our proposal, while I don't want  
2 to speak in depth to the fish meal and fish oil issues, we  
3 have heard a number of comments about excessive amounts of  
4 wild fish being required to produce a pound of farm fish.  
5 Our proposal is that no more than one pound of wild fish go  
6 under one pound of farm fish or that fish meal and oil be  
7 recovered from the wasted carcasses after filet has been  
8 taken off of them. And, in particular, in the Alaska poly  
9 industry, which is the largest fishery in the United States,  
10 there's enormous waste. Carcasses are either thrown  
11 overboard or in the case of oil it's recovered, it's burned,  
12 mixed with diesel and fuel oil and burned in engines and in  
13 boilers.

14           This is viable omega-3 fatty acids which are being  
15 lost and our proposal gives an incentive for those sources to  
16 be developed, but, a lot of PCB's I'd point out some  
17 calculations on page 37 of the report where our proposal  
18 would reduce by 90 percent the amount of PCB's down to the  
19 level of 10 percent of conventional and this would put  
20 aquaculture grown salmon, for instance, amongst the lowest  
21 PCB's of all foods, including beef, pork, and poultry.

22           On the matter of bio-valve shellfish we continue to  
23 work. We had a meeting, telephone conference call last week  
24 and we have a conference call scheduled for Monday so it is a  
25 difficult matter because there are no precedents in organic

1 certification of bio-valves that we can use.

2           And, in conclusion, I particularly want to thank  
3 you, Madam Chair. You've been involved with us since the  
4 beginning of the rule writing. Kevin and Joe and Dan have  
5 also been very instrumental in getting us where we are. Jim  
6 Riddle and Mike Lacey in the past. It's been fun to be part  
7 of this creative process with you and for the entire board we  
8 also thank you for being a part of this very interesting  
9 journey. Thank you.

10           MS. CAROE: Thank you, George. Just a quick  
11 notice. I won't be on that call on Monday because I won't be  
12 home yet. Any comments from the board, questions for George?  
13 Thank you, George.

14           MR. LOCKWOOD: Thank you.

15           MS. CAROE: Next up is Rob Mayo with Sebastian Bell  
16 on deck.

17           MR. MAYO: Hi. My name is Rob Mayo. I've been  
18 serving on the aquaculture task force. My company is  
19 Carolina Classics Catfish. We're a small niche supplier of  
20 farm raised catfish to great companies like Whole Foods  
21 Market. And I'm going to be really brief and just say to you  
22 that as a fish producer I really hope that we can go forward  
23 with organic aquaculture rules. Producers in the U.S. really  
24 need them. Thank you very much.

25           MS. CAROE: Thank you. Joe?

1           MR. SMILLIE: Finally a catfish producer. One of  
2 the things that we were told, and, again, I'd like to hear  
3 from you directly is that your particular production system  
4 would be able to move forward with an organic label under our  
5 current recommendation and I specifically would like to ask  
6 you if you could give us more information about the catfish  
7 aquaculture and does our current recommendation, how does it  
8 sit with you, as far as if it became a regulation. Would you  
9 have any issues in coming into compliance with it?

10           MR. MAYO: To try to make it brief and not too  
11 technical, we've been producing a product which for lack of a  
12 better term we've termed natural because we can't call it  
13 organic. I think its' going to be relatively straightforward  
14 for us to come into compliance with a lot of focus on feed  
15 production from where we are now in certified organic  
16 ingredients.

17           As far as our industry as a whole, it wold take a  
18 commitment and, you know, a long-term commitment from  
19 somebody who's not focused in the area of organics to go that  
20 route but I think it's doable.

21           MR. SMILLIE: Just to follow up. Have you started  
22 to investigate -- I'm not sure which feed, you know, you're  
23 using and is the supply of organic feed of the kind that you  
24 need, is that available?

25           MR. MAYO: I've only made the most cursory

1 inquiries and I think the answer is yes and, of course, then  
2 it becomes at what cost and year-round availability or the  
3 seasonable availability. Catfish production is a warm month  
4 production. Can you get the corn at that time; can you get,  
5 you know, the various ingredients that you need to produce  
6 the feed. So, you know, I guess I found in what we've done  
7 so far in working with retailers like Whole Foods is where  
8 there's a will there's a way and you overcome the obstacles  
9 you think are -- and sometimes the things that you didn't  
10 think were going to be big obstacles become the big ones and  
11 the things that were the big ones aren't.

12 But, I think in general we can do it. We'll figure  
13 out a way.

14 MS. CAROE: Any other comments or questions? Thank  
15 you, Rob. Thank you for your continued working on the  
16 working group. Next up. Sebastian Bell. On deck is Stephen  
17 Walker. Stephen, are you in the room?

18 MR. WALKER: Yes.

19 MS. CAROE: Great.

20 MR. BELL: Good morning ladies and gentlemen. My  
21 name is Sebastian Bell. I work for a farmers trade  
22 association called The Main Aquaculture Association. We are  
23 the oldest state aquaculture association in the country and  
24 we've been in existence for over 30 years. I am also a  
25 member of Aquatic Animal Task Force or Aquaculture Task Force

1 and it's been a real education to be part of that process.

2 I want to take the opportunity to thank you as  
3 board members, and particularly the board members who have  
4 engaged on the conference calls. I think you guys have  
5 really helped us formulate our ideas and craft a tighter set  
6 of proposals to you and I thank you for your input and your  
7 time. I also want to thank the NOP staff who have been on  
8 those conference calls. I think they've really done a lot of  
9 hard work and helped us as well and also Valerie Frances, I  
10 think you've done tremendous work and spent a lot of time  
11 with us.

12 I also want to thank George Lockwood, our Chair. I  
13 think George deserves a great deal of credit for all the hard  
14 work and leadership that he's shown and he is often the  
15 mediator between guys like me who are pounding on the table  
16 on one side and gals like Becky Goldberg who's pounding on  
17 the table on the other side.

18 So, I don't envy his position. Our growers, and  
19 I'll give you a little bit of background, we grow about 15  
20 different species in the State of Maine. We've been growing  
21 species in Maine for over 30 years as I said. Our farm gate  
22 sales on an average year are around 80-90 million dollars  
23 over the farms and we have about 500 people that we employ on  
24 the farms and there are about 140 farms.

25 We have 1,300 acres that are in production in the

1 state and we produce both freshwater and saltwater animals  
2 and, yes, one of the things we produce is salmon. I've been  
3 in this business for 30 years. Most of my career has  
4 actually been overseas as a farmer and I farmed personally 15  
5 different species in twelve different countries. I came back  
6 to this country because I believe that aquaculture is  
7 something we should be doing in this country and we shouldn't  
8 be scared of the environmental issues around it. We should  
9 tackle them and try and do it the right way.

10 I'm also a farmer of sick of being called things  
11 that I'm not. And I'm going to speak just briefly about  
12 that. What I am is a Cousteau kid who read a lot of stuff  
13 while I was standing watch on commercial fishing boats in my  
14 early years and the stuff I read was Rachel Carson, Jacques  
15 Cousteau, Aldo Leopold, Wendell Berry. Those were the people  
16 that formed the way I look at the world and I'm proud of that  
17 and I'm not ashamed to be a fish farmer.

18 I left commercial fishing because I was not proud  
19 of what I was doing as a commercial fisherman. We were doing  
20 some stuff that was bad for the environment and it troubled  
21 me. And, so, I left that and I went into aquaculture and it  
22 is certainly an irony today that I stand before you being  
23 vilified as an environmental villain after making that  
24 change.

25 I want to support the comments that both Neil and



1 Jorge made yesterday about the standards. I think both of  
2 their comments were insightful, thoughtful, and helped frame  
3 some of the issues. I have to confess, I can't offer you  
4 Hawaii or Brazil as places for your next visit, but, come to  
5 Maine. Maine is a wonderful state. I love living there and  
6 it is very beautiful and I would be more than happy to take  
7 anybody on any of our farms and if any of you are divers and  
8 would like to dive underneath our farms come dive underneath  
9 our farms and see how they link to the environment in which  
10 they're in.

11 I would like to encourage the board to move forward  
12 with the recommendations that came from the task force. I  
13 understand that you have made the decision to re move or will  
14 make the decision likely to remove a number of components and  
15 I think that's fair game. Thank you.

16 But, I also want to encourage you to move forward  
17 with net pens and fish meal and fish oil issues and the  
18 reason I want to do that is because we in Maine are  
19 different. We used to have multi-national corporations  
20 farming in Maine. We no longer do. We're locally owned,  
21 regionally owned. Our salmon farm is owned by a father and  
22 two brothers and they compete on a world market against folks  
23 who produce in many or other countries with little or not  
24 environmental regulation or oversight.

25 They compete in those markets and there is no way

1 to give them a reward for doing the right thing without some  
2 brands and standards out there so I would ask you, please to  
3 move forward with those areas as well.

4           Finally, I want to focus on two words that Neil  
5 used in his presentation yesterday, opportunity and  
6 incentive. That's what we as farmers need. We need the  
7 opportunity to be rewarded for doing the right thing and we  
8 need the incentive to move in that direction. And that's  
9 what I hope you as board members will think about as you go  
10 forward and come back hopefully to deal with the net pen  
11 issue and the fish meal and fish oil. Thank you.

12           MS. CAROE: Thank you, Sebastian. Is there any  
13 questions, comments? Kevin.

14           MR. ENGELBERT: Sebastian, we heard some powerful  
15 testimony over the last two days from people that think  
16 salmon should never, ever, ever be certified organic and  
17 could you just briefly give your thoughts on that, maybe not  
18 as powerfully but just your thoughts?

19           MR. BELL: You know, there are a lot of issues that  
20 are brought up and I would have brought up and I believe  
21 honestly that we went through all of those issues on the task  
22 force and tried to address the standards that were developed.  
23 There is clearly a feeling amongst some people in the  
24 environmental community that if you contain animals in a net  
25 pen that shouldn't be certified. It's not just salmon and I

1 think the irony of this is that, in fact, salmon is probably  
2 the least issue.

3           If you look at the way aquaculture is going to  
4 develop around the world it's going to be marine fin fish  
5 that are going to be a large part, if not the major part, of  
6 the production on the fin fish end of things. And those will  
7 be likely be cultured in cages as well. So, people talk  
8 about salmon but I think the bigger picture is as we begin to  
9 transition to other species all of those species are going to  
10 be growing in net pens.

11           The irony of rejection is there's no other  
12 production method which is as linked to the environment as  
13 net pen culture. If you think about it, we culture our  
14 animals in a marine ecosystem. That culture system is linked  
15 intimately to the environment in which it's embedded and, so,  
16 yes, we can impact the environment. We can do bad things and  
17 exceed the carrying capacity of that environment and that's  
18 not the right way to farm.

19           But, unless you provide incentives to people to  
20 change what they do, you're going to have that anyway and we  
21 will end up with large amounts of bio mass being produced and  
22 being produced in ways that may in fact harm the environment.

23    You can farm, in my opinion and it is my opinion and I do  
24 have a vested interest obviously, but, you can farm net pens  
25 in synergy with the environment.

1           If you go to one of my member's farms in Maine and  
2 look at the environment around it and look at how they're  
3 trying to respond to that environment and the way they're  
4 farming it they use a lot of methods that are used by  
5 terrestrial organic farmers right now. I mean, they use site  
6 rotation, fowling, a lot of different methods to try to farm  
7 in synergy with the local environment.

8           And, so, each of the technical issues that have  
9 been brought up, if you add four or five hours I would  
10 literally sit with you and walk through each of those issues  
11 and explain to you how I think they could be solved from a  
12 non-therapeutic organic proposal, but, it is very complicated  
13 for sure.

14           MS. CAROE: Joe?

15           MR. SMILLIE: I look forward to a symposium where  
16 we can sit down and really bring a lot of open minds to that  
17 discussion and come up with solutions because I thank you for  
18 your testimony. I think it's very enlightening and I think  
19 that's the direction that we want to head. We want to make  
20 sure that all of the participants that start to get into this  
21 debate come in with an open mind and not with, you know,  
22 preconceived ideas that they don't want to by abide by terms  
23 and I think we all can benefit from this discourse and I'm  
24 hoping that we can move this as forward as quickly as  
25 possible.

1 MR. BELL: Thank you.

2 MS. CAROE: Dan?

3 MR. GIACOMINI: Hi, Sebastian, good to finally meet  
4 you.

5 MR. BELL: Good to meet you too.

6 MR. GIACOMINI: Sort of I guess in light of Kevin's  
7 question could you give us your perspective of -- and I  
8 apologize that maybe I'm stretching into some of the things  
9 that we've eliminated, but, some of your perspectives since  
10 you're here, how high would be setting the bar with the  
11 recommendations that are the AWG has been coming forward with  
12 like with net pens and that? How high are we setting it?  
13 Is it something that would just, you know, a couple of tweaks  
14 or is it something that, you know, potentially maybe people  
15 we can't even do, but, it's the bar that we're setting and  
16 it's the target we're shooting for.

17 MR. BELL: I think -- and I think you may have been  
18 on some of the calls. I mean, it's pretty clear, I think,  
19 from my discussions on the calls that I've been saying all  
20 along I'm not exactly sure anybody can meet the standards as  
21 they were proposed in the fin fish end of things and the net  
22 pen fish end of things.

23 And I also was frankly worried about it from the  
24 shrimp point of view as well. I think there were some issues  
25 there that establish a very high bar. Having said that, and

1 put that in perspective coming from a guy who our belief in  
2 Maine is at least that every fish that's grown in Maine would  
3 qualify under European organic standards, the Natureland  
4 standards.

5           And, in fact, we had companies that were pursuing  
6 that certification and when this exercise started they  
7 stopped. They stopped pursuing Natureland because they were  
8 worried that they would invest in that and then have to re-  
9 tool or change what they were doing for USDA standards.

10           So, we have, I think, some of the most progressive  
11 farmers in the world in terms of net pens, but, you know,  
12 bars aren't a bad thing. Sometimes we as farmers need a  
13 little bit of a push to change what we do. We tend to be,  
14 believe it or not, a fairly conservative group of people. We  
15 look at farming methods and equipment and new ways of doing  
16 things often pretty skeptically because we know that we work  
17 in nature and Murphy's Rule, you know, reign supreme and  
18 things break and they don't work the way you want them to  
19 work.

20           So, sometimes we take a little convincing in terms  
21 of changing our methods. But, I do believe that with the  
22 exception perhaps of some of the issues surrounding fish meal  
23 and fish oil the standards that were proposed were probably  
24 achievable over a period of time. It wouldn't happen  
25 overnight. We would have to change quite radically some of

1 the things we do.

2           The challenge for us, I think, is going to be, you  
3 know, why do you do that, how do you do that if you're not  
4 convinced that that's actually where you're going to end up.  
5 And, so, if we -- you know -- I've got growers now. I met  
6 actually with a couple of growers up in Eastport, Maine the  
7 day before I came down here and they asked me, you know,  
8 where should we go, where are we headed, what should we do so  
9 that we're headed in that direction and I couldn't answer  
10 them because, you know, I didn't really know where things  
11 were headed.

12           But, I think the standard as proposed was high,  
13 very high. I think it's going to be a challenge to meet,  
14 but, that's not a bad thing.

15           MS. CAROE: Any other comments, questions? I'd  
16 just like to say that in this factfinding whatever quorum we  
17 take for these two issues I think that's when we'll find out  
18 how high the bar is. Between that and then, you know, once  
19 this thing gets going we're going to find out what we missed.  
20 I mean, you know, until things are in operation you really  
21 don't see that, so, but, thank you again, Sebastian. I know  
22 that we've gone head to head a couple of issues ourselves,  
23 but, --

24           MR. BELL: That's a good thing.

25           MS. CAROE: I think that what makes the standard

1 strong, so, I appreciate your work on that.

2 MR. BELL: Thank you.

3 MS. CAROE: Okay. Next up. Stephen Walker and on  
4 deck I have a proxy from Eric Olson to Luke Zuzmierski so,  
5 Luke, you're up next.

6 MR. WALKER: Good morning. My name is Stephen  
7 Walker. I'm the certification manager at the Midwest Organic  
8 Services Association. MOSA certifies approximately 950  
9 producers and processors primarily located in the upper  
10 Midwest. Like most of the organic community we've been  
11 growing at a rate of about 20 percent annually and each year  
12 that means more to manage than the same 20 percent the year  
13 before; more inspections, more grades, assorting to black and  
14 white and more calls from the media and others asking our  
15 expert opinion on the latest organic news.

16 As a certifier, I do a lot of keeping my ear to the  
17 ground to see what challenges are presenting to the organic  
18 community so I can best inform our certified operators of  
19 developments and ensure that our decisions are consistent  
20 with other certifiers. I come to these meetings wearing a  
21 reporter's hat more so than feeling a need to express a  
22 stance on some issues where our diverse stakeholders,  
23 farmers, processors, consumers may have varying opinions. We  
24 walk the middle ground.

25 But, all stakeholders agree that the public must



1 associate the organic label with a clear, strong standard.  
2 I'm concerned with the current state of the public opinion  
3 with organics. Even informally I'm hearing a lot of  
4 questions about organic integrity. This past week the topic  
5 came up again in casual conversation and this time around the  
6 campfire. A friend says to me, she so appreciates and  
7 admires the work I do, upholding the standards, making sure  
8 organic means something and so forth.

9           She went on and on and pushed my humble comfort  
10 zone to the point of embarrassment. But, in the next breath  
11 she says I don't even care about buying organic anymore.  
12 It's too many corporate farms. I'd rather buy from a farmer  
13 I know and she went on and on. So much for my feeling like a  
14 hero.

15           Now, I tend to be rather reserved. I'm not inclined  
16 to get up on any organic soap box. So, I'm tired and  
17 irritated with feeling like I need to defend the NOP standard  
18 from public opinion. Clearly, some in the organic community  
19 have been very successful in getting out the word about  
20 challenges faced by organics. I'm confident that the various  
21 community mobilization and media notification efforts are  
22 well-intentioned to raise the floor set by the organic  
23 standards.

24           But, I'm very concerned that the full message is  
25 not getting out to the public. Many consumers seem to only

1 be hearing that organics needs fixing, that the pasture  
2 standard needs enforcement, that there's corporate desire to  
3 weaken the organic regulations. To echo Carlea Arnold's  
4 comment from Tuesday, the longer the questions remain in the  
5 minds of the consumers the more damage it's done to our  
6 industry.

7 I appreciate NOP's responsiveness in providing  
8 thoughtful recommendations in providing useful guidance to  
9 certifiers. You're doing good work toward addressing  
10 consumer confidence. I understand some of the reasons behind  
11 delays in bringing NOSB recommendations into the NOP  
12 regulation. Workload-based issues are real and I believe the  
13 NOP is well-intentioned to moving as fast as the program 16  
14 feet will allow.

15 But, our stakeholders made transparent  
16 communication and action. Clearly, this program needs  
17 funding in line with the exponential growth of the organic  
18 industry to enable appropriate enforcement. I hear  
19 repeatedly from most the producers and processors that they  
20 want a strong standard. I find working through non-  
21 compliance situations usually results in our building a  
22 stronger relationship with our clients and their stronger  
23 commitment to organics.

24 But, this is not the word on the street and that's  
25 frustrating. Past year recommendations, materials issues and

1 so forth are moving forward, but, in the meantime we all must  
2 proactively engage in a good news campaign. At the  
3 Midwestern Organic Farming Conference in LaCrosse, I said  
4 briefly in a report about dialogue meetings toward developing  
5 a national organic action plan. The dialogue raised some 40  
6 plus bullet points on what's right about NOP organics.

7           Items included increasing awareness and acceptance  
8 of organics in Congress, articulate organic farmers,  
9 university students wanting to farm, the moral, spiritual,  
10 cultural connection to organics and many, many other points.  
11 To these good points we can add hundreds of organic success  
12 stories and heart songs played out each day on certified  
13 organic operations.

14           As we work on the questions and the needed fixes  
15 let's all please be conscious of how the organic news is  
16 heard on the street and let's emphasize all that's right and  
17 well in this organic community. Consumer confidence depends  
18 on that good news.

19           MS. CAROE: Thank you, Steve. Comments, questions?  
20 Joe?

21           MR. SMILLIE: I just want to say well said,  
22 Stephen, well said.

23           MR. WALKER: Thank you.

24           MS. CAROE: Any others?

25           MR. ENGELBERT: I agree, Stephen. Very well done.

1 MS. CAROE: Thank you. Up next, Luke Zuzmierski  
2 for Eric Olson and then Zea Sonnebrand.

3 MR. ZUZMIERSKI: Hi. I'm here to make a few  
4 comments on short chain fructosaccharides or short chain FOS  
5 on Eric Olson's behalf. First of all, I would just like to  
6 say that short chain FOS is a safe product. It's made by a  
7 simple and natural process that processes enzymatic  
8 fermentation of sugar derived from a plant source. That  
9 said, short chain FOS is agricultural and it should be  
10 properly categorized under 205.606 on the national list.

11 And I'd just encourage the board if you have any  
12 questions about short chain FOS please address them to myself  
13 or Dr. Connie Francis who is also here from GGC and that's  
14 all I have.

15 MS. CAROE: Thank you. Comments for Luke? Thank  
16 you so much.

17 MR. ZUZMIERSKI: Thanks.

18 MS. CAROE: Zea, you're up with Marty Mesh in the  
19 hold. Marty? Is Marty here?

20 MS. SONNENBRAND: Hi. I'm speaking as a proxy for  
21 Eric Sideman. We're going to let Marty have the last word.  
22 There's more after Marty. Well, he thinks he's the last on  
23 the list before the break. I'm not giving my own comments  
24 except one sentence at the end. The rest is Eric.

25 And I am reading Eric's letter in the I, but, the I

1 referred to here is Eric's I. Eric, as you know, as many of  
2 you know, is a former member of the NOSB, the scientist  
3 member, and he's from Maine Organic Farmers and Gardeners  
4 Association.

5           Although I want to offer my general support for the  
6 NOSB committee recommendation on aquaculture standards. I  
7 want to again stress my apprehension about the use of fish  
8 meal made from wild cut fish. The livestock committee itself  
9 recognized this concern; did not accept the task force  
10 recommendation for fish meal as a supplement. However, the  
11 livestock committee and I differ in that the committee  
12 suggests future rulemaking to add sections on fish meal after  
13 more discussion as they do for the use of net pens.

14           Although I support more discussion, especially with  
15 the conservation committee, I strongly feel that the  
16 livestock committee should recommend and state up front that  
17 after the discussion fish meal and net pens may not be  
18 recommended for organic production. The NOP final rule is a  
19 practiced-based regulation. The regulation describes  
20 practices used to produce organic aquatic livestock should  
21 meet the mandates of OFPA rather than trying to reinterpret  
22 OFPA to meet present day aquaculture production standards.

23           The livestock committee recommendation does a good  
24 job in recognizing this but I believe falls a bit short.  
25 Their recommendation needs to be very clear about the outcome

1 of discussions with the marine conservation committee and the  
2 grassroots organic community that states the use of fish meal  
3 may not meet the law of OFPA nor the historically high  
4 environmental standard of organic production.

5           Certified organic product must be based on  
6 sustainable production practice in the high list of  
7 production of fish meal may not be a sustainable practice.  
8 OFPA mandates that producers must provide organically  
9 produced animals with total feed ration composed of  
10 agricultural products that are organically produced. I'm  
11 comfortable with the potential for this to occur in  
12 aquaculture systems that are in designated areas where a  
13 producer is responsible for knowing about the feed that is  
14 brought in, moves into, or, grows in the area similar to  
15 terrestrial life that grows in designated areas under the  
16 management of a producer.

17           I am very uncomfortable giving an organic label to  
18 fish that live and move in and move out of un-designated  
19 areas and are not in the control of the producer or for that  
20 matter anyone else. However, hence, I do not believe that  
21 wild caught fish, although it is a product I hold in high  
22 esteem, should ever be labeled organic and fish meal made  
23 from wild caught fish also does not meet organic standards.  
24 This was the same conclusion by the first NOSB aquatic animal  
25 task force of which I was a member.

1           I support the exception of NOP final rule that non-  
2 synthetic substances and synthetic substances included on the  
3 national list may be included as feed additives to balance a  
4 feed but I think that clarification is needed as to what is a  
5 feed and what a feed supplement are additives. Also, it's  
6 very clear that feed must be organic and so I strongly  
7 believe that the basic feed groups approaching fat and  
8 carbohydrate must come from organic feed. OFPA does not  
9 provide for national sources of feed, only organic, so, as I  
10 read off the natural ingredients used as supplements must be  
11 limited to balancing specific nutritional needs perhaps  
12 within these feed groups but supplements may not be used to  
13 provide livestock with significant portion of feed unless the  
14 supplement is organic product.

15           I do not believe that fish meal made from wild  
16 caught fish can ever meet organic standards I think there  
17 needs to be a very tight regulation on its use as a  
18 supplement and it only be used to balance a specific  
19 nutritional need in very limited amount.

20           The second agriculture task force recommended  
21 allowing up to 12 percent fish meal and 12 percent fish oil  
22 to way beyond balancing nutritional need and clearly  
23 supplying a significant portion of the feed from non-organic  
24 source.

25           I'm pleased that the livestock committee recognized

1 this and held it out of their recommendation. I suggest that  
2 the NOSB too recognize this and state clearly after further  
3 discussion that there may be very tight limits on the use of  
4 non-organic supplements in organic livestock production.

5           That's the conclusion of Eric's comments, but, Eric  
6 and I, as you know, some of you, served on both the compost  
7 task force and the compost tea task force that the NOSB has  
8 had in the past and so I believe that Eric joins me in saying  
9 to you that having a compost provision in your aquaculture  
10 task force recommendation in which compost is recommended to  
11 be added to water in fish bones is possible going to kill  
12 your whole report because it will end up wallowing in the  
13 morass of the USDA like the compost tea recommendations have.

14           So, I really think you're better off taking it out  
15 of your report before you send it to the NOP so that you have  
16 a chance of the rest of the report going through.

17           MS. CAROE: Thank you, Zea and Eric.

18           MR. SMILLIE: Was Eric speaking for himself or for  
19 the Farmer and Gardeners Association?

20           MS. SONNEBRAND: Well, he has it on his letterhead  
21 from MOSA and this proxy is MOSA letterhead too so I think.

22           MS. CAROE: Any other questions or comments for  
23 Zea? Jennifer?

24           MS. HALL: As a member of the livestock committee  
25 the retraction of both net pens and the fish meal I can



1 assure you was for a number of reasons and that the end of  
2 those discussions remains quite open-ended. It is not a  
3 known quantity at the end; that it was missing information,  
4 differences of opinion. There's a lot of discussion still to  
5 be held.

6 MS. CAROE: Clearly from the comments that we've  
7 received over the last three days we have two ends of the  
8 spectrum and not much in between on these two issues so our  
9 work is cut out for us on whatever outreach or session that  
10 we have in order to try to come to consensus. But, anyway,  
11 moving along. Marty Mesh on desk and you are the anchorman  
12 Rich.

13 MR. MESH: I'm currently on the national campaign  
14 for aquaculture and I'll gently remind you of your comment  
15 yesterday that if I gave up my seat I could take as much time  
16 as I wanted.

17 MS. CAROE: I believe I offered you a cookie.

18 MR. MESH: Well, good morning. Unlike Kelly who  
19 needed to focus her time on specific materials instead of  
20 some more general comments let me take the other road. My  
21 name is Marty Mesh. I want to chat with you for a few  
22 minutes about some general things. A bit of an introduction  
23 to give you a partial frame of reference of who I am.

24 In 1972 I first helped form a co-op to provide a  
25 way to obtain organic foods while growing organically on a

1 small scale. In 1976 with Bellevue Gardens Organic Farm we  
2 started farming several hundred acres and I still own  
3 approximately 150 acres myself and my sister some other land.

4 In 1987 I helped form Florida Certified Organic Growers and  
5 Consumers and later became executive director of a growing  
6 consumer organization.

7 I've been an accredited inspector and have done  
8 inspections internationally and nationally. I serve and will  
9 make statements at times representing the seven sustainable  
10 agriculture working group among the board. I've served as  
11 past chair of the Organic Certifiers Council for the OTA for  
12 two terms. I serve on the National Campaign for State  
13 Agriculture Organic Steering Committee and since 2001 and  
14 through currently I serve on the board of directors of the  
15 Organic Trade Association although my comments should never  
16 be interpreted as the official position of the Organic Trade  
17 Association.

18 And I currently serve on the board of directors of  
19 the Accredited Certifiers Association. For the record,  
20 because of issues that have kept me from being able to attend  
21 the last couple of meetings I want to personally thank the  
22 past members for their work. I can't imagine any past  
23 members wanting to read transcripts except maybe Jim, but, if  
24 you're reading this we're appreciative and should probably  
25 look to find some new light reading material at least for a

1 break.

2 I want to thank the existing board members for  
3 their hard work and dedication and welcome all the new  
4 members of the board. I think very few realize the huge time  
5 commitment each of you make and maybe you, yourselves, may  
6 not have been aware of that, and we are truly appreciative.  
7 We stand by not only to always tell you what you did wrong,  
8 but, to hopefully work together to get things right.

9 By the way, for those of us who have picked the  
10 right NOSB member in our pool yesterday to see who would be  
11 the first to fall asleep after the 10 hour meeting mark we  
12 are appreciative of your cooperation. You may or may not  
13 know who you are. Just kidding. I have always tried to  
14 provide a little humor when we all have a tendency to take  
15 ourselves so seriously.

16 I never mean any personal ill will. I want to  
17 thank the USDA program staff for my estimation of doing an  
18 outstanding job with inadequate resources managing a complex  
19 worldwide program across all agricultural production from sea  
20 to store shelf. They are trying as best they can to be  
21 responsive to what I refer to as a hyper-participatory  
22 industry, dedicated consumer base, with some folks who have  
23 the view that through expansion of organic food production  
24 global culture and environmental change could happen.

25 I should recognize that many times there are

1 divergent opinions on how to get to think how we want to be  
2 within our own community. So, again, thanks and good job to  
3 the USDA.

4           However, now that I've given the deserving,  
5 positive reinforcement to USDA, let me bring up just a couple  
6 of things. Aquaculture. Some additional history of USDA  
7 certified fish. Around April of 2002 the former USDA  
8 national program director stated publicly in a meeting that  
9 we invited him to with producers that shrimp could be labeled  
10 as USDA certified organic and then after considerable  
11 investment was made by some innovative aquaculturists a USDA  
12 reversal was done.

13           We on the behalf of the operations we have  
14 certified lodged a request for an expedited rulemaking many,  
15 many, many years ago. In the spirit of cooperation we and  
16 the producers we certified refrained from filing any lawsuits  
17 even after several years of little to no action. I am  
18 immensely grateful for the progress finally towards allowing  
19 shrimp, tilapia, catfish, etc. raised and managed organically  
20 to once again be sold as certified organic under the national  
21 organic program and hopefully have agreement in the community  
22 on the standards.

23           My hope is that a proposed rule or ANPR will be  
24 forthcoming in a truly expeditious time line and that any  
25 final tweak in certain production questions can be vetted

1 publicly. I'm having a little trouble with, and I do find it  
2 a bit ironic, to hear that fish oil is petitioned for  
3 inclusion on 606 without any testing for contaminants so that  
4 people can have non-organic fish oil but that a beginning  
5 aquaculture industry in its embryonic state will have to  
6 source non-existent organic fish oil to use in livestock  
7 feed.

8           Hopefully the final USDA regulation will achieve a  
9 balance on important aquaculture feed issues, including the  
10 possibility of a time limited opportunity to use leftover  
11 fish waste from processing fish for a reasonable small  
12 percentage as the industry gets a toehold after years of  
13 being held back by USDA.

14           Be it confident that you can set a high bar for  
15 shrimp, tilapia, catfish and that those who are truly serious  
16 about environmental stewardship and a different model for  
17 aquaculture production will meet the challenge and finally be  
18 rewarded in the marketplace for their efforts without having  
19 to compete with shrimp and other fish produced without any  
20 organic feed but sold on U.S. store shelves as organic.

21           The non for profits by NOP for certifiers. Harriet  
22 mentioned several items, most of which I agree with and if  
23 something really upsets the USDA I would like to reserve the  
24 right to possibly somewhat distance myself from being  
25 associated with that specific part. One additional point

1 might be that years ago it seemed to me that USDA published a  
2 proposal about issuing guidance despite a Federal Register  
3 notice many years ago I don't believe anything has ever  
4 happened. I point this out as an example because I think  
5 that if USDA can get back to square one and either intimate  
6 or on their behalf contract outside with an entity who can  
7 operate an internationally recognized and compliant  
8 accreditation program which would by definition have some of  
9 the tools which would have been lacking for consistent and  
10 competent implementation of the regulation it would solve  
11 many of the problems which have been brought to you and the  
12 program's attention.

13           Annotations. Following Zea's comments I want to  
14 add that annotations can be a problem with verification and I  
15 have in the past urged care in the use of annotations without  
16 regard to the challenge associated with the regulatory  
17 compliance end of the program. Use of annotations need to be  
18 able to be discussed and if needed, modified in a timely  
19 manner and not be able to address -- and to not be able to  
20 address CCR's concerns within 10 years is absurd.

21           Grower groups. The fact that the public comment  
22 has not been requested, yet, has never stopped me in the past  
23 on commenting nor will it stop me now. Careful consideration  
24 should be given before throwing the baby out with the bath  
25 water as others have referenced there's a 2002 NOSB

1 recommendation issued which may help the recently articulated  
2 concerns of the NOP.

3           There's a balance to be achieved between rigor and  
4 verification of a functioning internal control system and  
5 exclusion from the global marketplace for the overwhelmingly  
6 vast majority of the world's smallest scale producers and  
7 land holders for producing crops organically for markets and  
8 handlers eager to reward them for their environmental  
9 stewardship.

10           I'm asking the NOP, the NOSB, the industry, the  
11 ACA, and other concerned parties to work together, come up  
12 with a solution and do it in a timely manner where no damage  
13 is done to organic farmers or the trade. USDA's made a  
14 statement that affidavits cannot be the basis of  
15 certification. Although for our program this statement will  
16 not present a problem in the way we have carried our  
17 regulatory responsibility. The NOSB needs to work closely  
18 with the NOP and all certifiers need to be clear about what  
19 the program's expectations are of certifiers relating to the  
20 widespread use of affidavits.

21           More clarity from USDA is needed before such  
22 statements are given to limited certifiers at the training.  
23 Enforcement resources and the lack thereof. The need for a  
24 more USDA enforcement is clear and this was one of the main  
25 reasons why the program was supported by me personally and

1 many other organic farmers as well. It seems that the  
2 important enforcement component of the program critical to  
3 maintain consumer confidence needs strengthening.

4 Speaking of consumer confidence in the NOP we have  
5 heard the program is stated that resolving the past issue is  
6 one of the highest priorities. However, given that the NOSB  
7 has issued recommendations for years to hear that this is  
8 still a priority but we may not see resolution until 08 when  
9 this is March of 07 seems woefully inadequate.

10 On behalf of the national campaign of sustainable  
11 agriculture, me personally, and of the consumers I represent  
12 after all the Florida growers and consumers I'd have to  
13 comment on minimizing. I've always tried to look at the  
14 health of the entire industry over the individual interest of  
15 one company or foreign.

16 If natamycin is added to the list our certification  
17 program, Quality Certification Services, will evaluate an OSP  
18 and a product profile based solely upon the national list and  
19 regulation. However, as an organic consumer and historical  
20 organic farmer I in the national campaign am stunned of the  
21 idea of putting an antibiotic on organic English Muffins. As  
22 a farmer, should I be petitioning the synthetic fungicide to  
23 slow down the natural process of a disease, in our case  
24 siserian wilt that ultimately kills the watermelon plants so  
25 the plants can rot just a little longer. How would that go



1 over?

2 As a parent who is sensitive to whether my kids get  
3 a prescription for antibiotics when they are borderline what  
4 do you think my decision will -- is that five? I'm almost  
5 done. I'm in the homestretch now, Andrea.

6 (Discussion off the record)

7 MR. MESH: When they are borderline what do you  
8 think my decision will be if I know that those organic  
9 English Muffins have just a little bit of antibiotics on the  
10 top even if the antibiotics are mainly used for livestock  
11 production or historically for eye infections.

12 By the way, I don't even believe this antimicrobial  
13 or antibodies has FDA approval for English Muffins. I  
14 believe it is for cheese. Should that be of consequences?

15 About the private meetings. I understand the need  
16 for boards to go into closed sessions but it seems to me that  
17 the prior meeting had been open with no public comment you  
18 would have not had many people and those people who may have  
19 been there could have a new recognition providing not only  
20 institutional memory but technical expertise which may have  
21 made your meeting not only more productive but avoid any  
22 appearance of behind closed doors.

23 In closing, in 1989 my partner and I differed in  
24 our support for a national organic program with him pointing  
25 out that I needed to give him an example of a USDA program

1 that was beneficial for small scale family farms while we are  
2 growing watermelons. The silence was deafening on my part.

3 I promised him to try to fix things and make sure  
4 the national organic program and the agriculture policy in  
5 general can be less of a hinderance to the survival of  
6 smaller scale and family farms. I remain hopeful that this  
7 next farm bill and the continued improvement by the NOP will  
8 move us every more toward that end. Thank you and thanks for  
9 the time.

10 MS. CAROE: Okay. Any comments? Joe?

11 MR. SMILLIE: Yeah, Marty. In viewing your  
12 history, I was a trainer at that session. Anyhow, but,  
13 seriously, one of the issues that's really come up and really  
14 disturbs me today is the wide gap in aquaculture. You're  
15 operating an aquaculture certification program. Your  
16 connections with the NGO is in that community is well known  
17 and I would ask you to join us in trying to get the NGO's and  
18 the aquaculture industry to sit down at the table and really  
19 have an open and constructive dialogue. We've got a number  
20 of comments signed by, you know, whole list of NGO's. It's  
21 just basically are no, no, no, no, no, no way, Jose, and I'm  
22 asking you as one of the people that moves between regulatory  
23 world and the NGO world to give us your best efforts.

24 You don't have to answer this, but, you're  
25 operating an aquaculture standard. We've got a

1 recombination. We've got to move forward and discuss net  
2 pens and fish meal and so I'm looking for some leadership  
3 from you and other people in your situation to help get this  
4 rift over with and get everybody at the table and to work out  
5 a consensus so we can move the aquaculture industry forward.

6 MR. MESH: I'm more than happy to help. It's no  
7 problem. I do -- none of the NGO's or environmental groups  
8 have said that, you know, to manage aquaculture for organic  
9 shrimp, tilapia is not compatible with their perception .  
10 It's more the net pen dilemma and I'm willing to help with  
11 that, but, let's not hold up the shrimp, catfish, you know,  
12 tilapia leg and get it out in the market.

13 MS. CAROE: Thank you. Any other comments? Bea?

14 MS. JAMES: I appreciate your comments on the  
15 natamycin and I look forward to hearing from you again when  
16 601 comes up for tetracycline and streptomycin.

17 MR. MESH: Yes, ma'am.

18 MS. CAROE: Anybody else? Rich Theuer. Thank you,  
19 Marty.

20 MR. THEUER: I'd like to just answer some of the  
21 questions or addresses some of the issues that came up this  
22 morning on natamycin and just as a slight digress and get at  
23 the point when I received a call two years ago from George  
24 Weston Bakeries they said they were interested in natamycin  
25 on English Muffins.

1           My first question was, a preservative? You're  
2 kidding. And, so, I checked the Merck index and it said it's  
3 non-synthetic and therefore 600B4 does not apply maybe and  
4 then I checked EFIS and said this stuff is only allowed on  
5 cheese. It's not allowed on English Muffins or baked goods  
6 or anything. Well, the background is that back in 1995 under  
7 the reinventing government where they hit all the  
8 regulations, we've tried to find nowadays and can't because  
9 they they're not published anymore, the FDA Modernization Act  
10 was passed that basically enabled manufacturers of materials  
11 to do self-affirmation of GRAS tests and that basically  
12 required them to pull together a panel of experts,  
13 toxicologists, food scientists to review literature, review  
14 applications and to make a self-affirmation of generally  
15 recognized as safe status.

16           There is the possibility of providing that GRAS  
17 report to FDA and FDA to issue a letter of non -- no problem  
18 basically. In fact, there are several materials that are  
19 being petitioned FOS. It went through that process because  
20 it had not been described before. There is a 21 CFR 172.155  
21 reference to natamycin which is the cheese and there is also  
22 one for something in chicken feed.

23           So, the manufacturer, in this case, Nabisco USA  
24 pulled together its board -- its expert panel. They looked  
25 at it and extended the GRAS use to baked goods. And some

1 countries they don't have this procedure and I think in  
2 Australia this has been specifically petitioned to the  
3 government because they got to do it that way there. In the  
4 United States that's not required.

5           And that letter was included with the petition and  
6 there was some problem with the TAP review reflecting on it  
7 and we got a letter too. It should be in the file where we  
8 said there actually was a letter that said it did have the  
9 GRAS -- the technical committee review it.

10           Now, the question, it's called an antimicrobial which  
11 means it kills mold or it keeps mold from growing. And are  
12 there other antibiotics on the national list and the answer  
13 is yes. There's lactic acid. Now, in the meat industry  
14 people are allowed to use lactic acid as a spray on hide  
15 carcasses, cold carcasses to reduce E. Coli standard plate  
16 count and salmonella. It's allowed in poultry as well as in  
17 beef. So, in a sense there is a precedent.

18           It doesn't have a bad name, a funny looking name,  
19 but, it's the same thing. And this is why I felt it was  
20 "morally good" to petition this in an attempt to get through.

21 I always thought this was mission impossible. But, mold  
22 isn't good. It's a penicillium mold. If you let that mold  
23 grow you're going to get traces of penicillin and I think  
24 more people are sensitive to penicillin and mold than they  
25 are to natamycin.

1           And, finally, I'd raise the question. This is a  
2 non-synthetic material produced by soil, streptomyces  
3 metolensis. It's isolated from the earth, the ground, and  
4 it's using glucose type substrates. There's a foreseeable  
5 possibility that it could be produced organically and, so, it  
6 could be that in three years, five years, ten years there  
7 will be an English Muffin with nothing in it except at the  
8 end organic natamycin. Now, the question is, is it an  
9 antibiotic by some people's definition? It's a preservative  
10 obviously.

11           Question is, what happens then? You say you can't  
12 do that. So, that's the regulatory history on it. It's  
13 still confirmed as GRAS and the letter was included in the  
14 petition. Thanks.

15           MS. CAROE: Thank you, Rich. Comments? Bea?

16           MS. JAMES: I just to point out that when mold  
17 grows on a product it's kind of an alert to the consumer so  
18 that they know that it's there.

19           MR. THEUER: That's correct.

20           MS. JAMES: And that the natamycin will not be  
21 known by the consumer and I doubt it will be listed on the  
22 ingredient.

23           MR. THEUER: Oh, it must be listed. It is listed  
24 now in regular English Muffins. It must be listed on the  
25 ingredient declaration. It's not a processing aid in the

1 definition of processing aid. It touches and goes away. At  
2 the point it's manufactured, at the point it's in  
3 distribution, it's on the muffin. When it dissipates over  
4 time, when it goes away, is when the mold happens so it will  
5 be labeled.

6 MS. JAMES: And, you know, a lot of consumers don't  
7 read ingredient lists but they do look at mold and they  
8 recognize not to eat something when there's mold on it and I  
9 just want to voice that I believe that most consumers  
10 interested in organic products, if they fully understood that  
11 that was sprayed on their English Muffin, that it wouldn't be  
12 favorable response.

13 MR. THEUER: I hear you. And that's why I thought  
14 it was mission impossible.

15 MS. JAMES: I give you credit for trying.

16 MS. CAROE: Tracy.

17 MS. MIEDERMA: When I first saw natamycin being  
18 petitioned I was confused because as a mother I have  
19 definitely put natamycin drops in my children's ears and  
20 immediately associate it with as being a medical antibiotic  
21 and, you know, I'm also an organic consumer and now an  
22 organic consumer rep on the board and I just, you know, feel  
23 that I would have been stunned if I turned over a package of  
24 organic English Muffins and saw that an ear drop ingredient  
25 listed and so I had to speak from that personal perspective

1 as well.

2 MS. CAROE: Any other comments or questions from  
3 the board? Thank you, Rich.

4 MR. THEUER: Thank you.

5 MS. CAROE: And that concludes public comment for  
6 this meeting. We will take a break. It's now just after  
7 8:00 in California so 11:15 we will come back. We will be  
8 doing voting on policy issues, crops issues, and livestock  
9 issues before lunch.

10 (Whereupon, a brief recess was taken)

11 MS. CAROE: Okay. As soon as board members are in  
12 their seats we're going to start with policy and Rigo. Oh,  
13 wait a second, hold one second. Before we get started with  
14 the votes I would entertain the program manager to entertain  
15 you. If you want to -- do you want to come up to the podium?

16 MR. BRADLEY: I would.

17 (Discussion off the record)

18 MR. BRADLEY: We had some board members that we  
19 have new people on the board and this is something that we do  
20 every year. The Secretary of Agriculture, Mike Johanns, is  
21 very grateful for the commitment that the organic board, NOSB  
22 board members make. It's a huge commitment, as you all know.

23 The regulars at this meeting the 7:30 finish up  
24 that we had last night for the public comment is not  
25 unprecedented. Was it eight o'clock? Eight thirty. Oh, I



1 must have been on Virginia time. But, anyway, it's not  
2 uncommon for us to go to that level of extra effort,  
3 especially for people that are doing this in addition to  
4 their real jobs and all the extra things that they do in  
5 their families and we do appreciate that.

6           We recognize that when you come onto the board the  
7 Secretary has a very nice plaque that they award you with to  
8 hang in your office when you are actually there to see it,  
9 and a letter from the Secretary of Agriculture, and the  
10 plaque reads certificate of appointment presented to, your  
11 name, with appreciation for accepting the call to serve the  
12 nation and the United States Department of Agriculture as a  
13 member of the National Organic Standards Board. And this is  
14 signed by the Secretary of Agriculture.

15           So, it's unusual. Usually we do this at the first  
16 board meeting they become involved with because they -- but  
17 they have this secret meeting, this private meeting that was  
18 back in February. I was invited, I got to come, but, they  
19 kicked me out. So, no, they -- we wanted to do this at a  
20 public meeting so that the public could see that we do  
21 appreciate what they do and the commitment that they made and  
22 now that they are two days into the third day of the board  
23 meeting, the first real board meeting, the first public board  
24 meeting, and they have not left the room screaming and dodged  
25 off and gone to sleep that I've noticed, I didn't say anyone

1 napping, we do want to recognize them and thank them for  
2 accepting the call.

3           And so this is for Mr. Steve DeMuri, Ms. Tracy  
4 Miederma, and Dr. Katerina Heinze. We have a plaque for Tina  
5 Ellor when she recovers and comes and joins us for another  
6 public meeting. We'll recognize her at that time, but, thank  
7 you very much for enduring this and entertaining the option  
8 to come here.

9           MS. CAROE: All right. Back to business. We will  
10 go to policy committee for items of action. Rigo, if you  
11 want to present those items now.

12           MR. DELGADO: Thank you, Madam Chair. First item  
13 is the updates to the policy and procedures manual. We have,  
14 as you know, six changes. I would like to move that we  
15 accept -- I'm going to split the motion. So, I'm going to  
16 present first the first changes, the first five, and then  
17 I'll call separately for the sixth.

18           In that case, I move that we accept the following  
19 application to the policy and development -- policy and  
20 procedures manual which includes the clarification on  
21 procedures for counting abstentions found on page 12; flow  
22 chart illustrating the role of the NOSB Executive Director  
23 found on page 13; the description of the committee's chair's  
24 role in facilitating transition of committee chairs found on  
25 page 19; and the inclusion of a section on procedures for the

1 transition of committee chairs found on page 20 and, finally,  
2 the section on procedures to present committee  
3 recommendations found on page 21.

4 Do I have a second?

5 MS. JAMES: I second.

6 MR. DELGADO: Discussion? Madam Chair, I'm taking  
7 away your function.

8 MS. CAROE: Is there any discussion? Hearing none,  
9 we'll call the question. Let's restate the motion at this  
10 time is to accept changes, and I'll be even more brief,  
11 changes presented for page 12, page 13, page 19, page 20, and  
12 page 21 of the board policies and procedures manual.

13 And we will go to vote. Dan?

14 MR. GIACOMINI: Yes.

15 MS. CAROE: Tracy?

16 MS. MIEDERMA: Yes.

17 MS. CAROE: Kevin?

18 MR. ENGELBERT: Yes.

19 MS. CAROE: Jeff?

20 MR. MOYER: Yes.

21 MS. CAROE: Gerald?

22 MR. DAVIS: Yes.

23 MS. CAROE: Julie?

24 MS. WEISMAN: Yes.

25 MS. CAROE: Bea?

1 MS. JAMES: Yes.

2 MS. CAROE: Rigo?

3 MR. DELGADO: Yes.

4 MS. CAROE: Joe?

5 MR. SMILLIE: Yes.

6 MS. CAROE: Katerina?

7 MS. HEINZE: Yes.

8 MS. CAROE: Jennifer?

9 MS. HALL: Yes.

10 MS. CAROE: Steve?

11 MR. DEMURI: Yes.

12 MS. CAROE: And we have two absent and the Chair

13 votes yes. Motion passes.

14 MR. DELGADO: Thank you. Next motion. I move that

15 we include on the police and procedures manual the comment on

16 exclusion of annotations to a sunset review found on page 52.

17 So, it would read as follows. Annotations cannot be

18 included in the recommendation during sunset review. Do I

19 have a second?

20 MS. JAMES: I second.

21 MS. CAROE: Any discussion? Jeff?

22 MR. MOYER: I just want to be clear that what we

23 are saying that annotations will not be on the table. Am I

24 correct in that during sunset?

25 MR. DELGADO: During the sunset process, sunset

1 review, yes.

2 MR. MOYER: Thank you.

3 MS. CAROE: Gerald?

4 MR. DAVIS: I'd like to offer an addition to that  
5 wording of annotation changes cannot be included in the  
6 recommendation during sunset review to be more specific.

7 MS. CAROE: Are you offering an amendment?

8 MR. DAVIS: Yes.

9 MS. CAROE: Is the amendment accepted by the  
10 motion?

11 MR. DELGADO: Can you repeat, please, the  
12 suggestion?

13 MR. DAVIS: To simply add the word changes so it  
14 would be annotation changes cannot be included in  
15 recommendation during sunset review.

16 MR. DELGADO: Annotation changes.

17 MS. JAMES: I have a question. Is that redundant  
18 to say that? I mean, --

19 MS. CAROE: I have to look at it in context.  
20 Restate the section, Rigo, please.

21 MR. DELGADO: Annotations cannot be included in a  
22 recommendation during sunset review. The whole paragraph as  
23 it reads now is as follows. Since sunset is defined as the  
24 review of regulations to ensure the continued relevance and  
25 not the creation of new regulation all substance must be

1 renewed as listed. Annotations cannot be included in a  
2 recommendation during sunset review.

3           If there's a need to consider changing an  
4 annotation or moving a material from one list to another this  
5 may be accomplished through the existing procedures for  
6 petition.

7           MS. CAROE: Just for order. We have a motion for  
8 amendment on the table without a second. If we have a second  
9 we can discuss.

10           MS. HALL: I second.

11           MS. CAROE: Bea?

12           MS. JAMES: I am concerned about having the word  
13 changes in there because that might infer that we're talking  
14 about annotations that are in there and we're not going to  
15 change those annotations. That's how it reads to me a little  
16 better. And what we're saying is that the process of  
17 annotations is not a part of the sunset process and by  
18 putting changes in there it reads to me like there could be  
19 an annotation and we're talking about changing that  
20 annotation and that's not the intent of the motion.

21           MS. CAROE: Rigo, do you want to answer that? You  
22 know, from my standpoint, it encompasses not being able to  
23 change them, add them, drop them, anything. I mean, it's  
24 more than just change.

25           MR. DELGADO: That is correct, that change is just

1 a part of it and I would follow Bea's recommendation by  
2 leaving it as it is. Annotations cannot be included in a  
3 recommendation.

4 MS. CAROE: Is there any more discussion on the  
5 amendment offered? Hearing none, let's vote on just the  
6 amendment starting with Tracy for the amendment that's being  
7 offered, the word change being added.

8 MS. MIEDERMA: I honestly am not seeing the  
9 difference. I guess abstain.

10 MS. CAROE: Abstain.

11 MR. GIACOMINI: Madam Chairman, point of order.

12 MS. CAROE: Please.

13 MR. GIACOMINI: Can we just have the notice please  
14 that the first vote -- that we did have does change our  
15 absentee process and that that affects all votes from now on?

16 MS. CAROE: That is true. The changes that we just  
17 voted in the first change, the policy and procedure manual,  
18 means abstentions are blanks. They no longer are counted with  
19 the majority so that does change how the results will be  
20 looked at but it's kind of an aside but it's a good reminder.

21 Thank you for pointing that out. So, Tracy, do I have a  
22 vote?

23 MS. MIEDERMA: Abstain.

24 MS. CAROE: Abstain. Kevin?

25 MR. ENGELBERT: No.

1 MS. CAROE: Jeff?

2 MR. MOYER: No.

3 MS. CAROE: Joe?

4 MR. GIACOMINI: No.

5 MS. CAROE: Julie?

6 MS. WEISMAN: No.

7 MS. CAROE: Bea?

8 MS. JAMES: No.

9 MS. CAROE: Rigo?

10 MR. DELGADO: No.

11 MS. CAROE: Gerald?

12 MR. DAVIS: No.

13 MS. CAROE: Katerina?

14 MS. HEINZE: No.

15 MS. CAROE: Jennifer?

16 MS. HALL: No.

17 MS. CAROE: Steve?

18 MR. DEMURI: No.

19 MS. CAROE: And I'm no as well so the amendment did  
20 not pass.

21 MR. GIACOMINI: Me too.

22 MS. CAROE: I'm sorry. I'm sorry, I forgot to go  
23 back to the beginning. So, you're a no?

24 MR. GIACOMINI: Yes.

25 MS. CAROE: I apologize.



1 MR. GIACOMINI: Yes, I am a no.

2 MS. CAROE: You are a no. Okay. So, the amendment  
3 does not pass. We have the original motion still on the  
4 table. Any discussion on the original motion? Tracy?

5 MS. MIEDERMA: A point of order here. Am I correct  
6 in saying that by voting yes we are simply codifying the  
7 status quo process that's in use? Or, are we making a change  
8 to our procedure?

9 MR. DELGADO: No, we're not. We're essentially  
10 formalizing the way we've been conducting business when it  
11 relates to evaluating materials during sunset review.

12 MS. MIEDERMA: Okay. Thank you.

13 MS. CAROE: Any further discussion on the motion?  
14 Seeing none, hearing none, we will vote starting with Kevin.

15 MR. ENGELBERT: Yes.

16 MS. CAROE: Jeff, I'm sorry.

17 MR. MOYER: Yes.

18 MS. CAROE: Joe?

19 MR. SMILLIE: Yes.

20 MS. CAROE: Julie?

21 MS. WEISMAN: Yes.

22 MS. CAROE: Bea?

23 MS. JAMES: Yes.

24 MS. CAROE: Rigo?

25 MR. DELGADO: Yes.

1 MS. CAROE: Gerald?

2 MR. DAVIS: Yes.

3 MS. CAROE: Katerina?

4 MS. HEINZE: Yes.

5 MS. CAROE: Jennifer?

6 MS. HALL: Yes.

7 MS. CAROE: Steve?

8 MR. DEMURI: Yes.

9 MS. CAROE: Dan?

10 MR. GIACOMINI: Yes.

11 MS. CAROE: Tracy?

12 MS. MIEDERMA: Yes.

13 MS. CAROE: And the Chair votes yes. So, that's 13

14 yes, zero abstentions, and two absent.

15 Moving on.

16 MR. DELGADO: Okay. The third and last motion is

17 to accept new members support guide as part of the wonderful

18 tools that we have available here and as a compliment to the

19 policy and procedures manual. Do I hear a second?

20 MS. JAMES: I second.

21 MS. CAROE: Any discussion? Discussion? Hearing

22 none, seeing none, we will vote starting with Jeff.

23 MR. MOYER: Yes.

24 MS. CAROE: Joe?

25 MR. SMILLIE: Yes.

1 MS. CAROE: Julie?

2 MS. WEISMAN: Yes.

3 MS. CAROE: Bea?

4 MS. JAMES: Yes.

5 MS. CAROE: Rigo?

6 MR. DELGADO: Yes.

7 MS. CAROE: Gerald?

8 MR. DAVIS: Yes.

9 MS. CAROE: Katerina?

10 MS. HEINZE: Yes.

11 MS. CAROE: Jennifer?

12 MS. HALL: Yes.

13 MS. CAROE: Steve?

14 MR. DEMURI: Yes.

15 MS. CAROE: Dan?

16 MR. GIACOMINI: Yes.

17 MS. CAROE: Tracy?

18 MS. MIEDERMA: Yes.

19 MS. CAROE: Kevin?

20 MR. ENGELBERT: Yes.

21 MS. CAROE: Motion passes. I vote yes. Motion

22 passes.

23 MR. GIACOMINI: Madam Chairman, we've had a request

24 if you could more specifically announce yes votes, no votes,

25 motion passes, motion fails when you're complete so we're

1 requesting that.

2 MS. CAROE: Okay. That was one zero no's, 13  
3 yeses, zero abstentions, and two absent. Thank you for the  
4 work done on the policy committee. Any other action items at  
5 this time?

6 MR. DELGADO: No, Madam Chair, that concludes our  
7 recommendations.

8 MS. CAROE: Thank you so much.

9 MS. CAROE: Crops committee. Gerald, action items?  
10

11 MR. DAVIS: We have two action items, both on  
12 materials. The first one is a soap based herbicide, ammonium  
13 source of higher fatty acids. Petition is to add it for  
14 agricultural crop uses in organic. We received a letter  
15 during the meeting from the petitioner and I'll read it.  
16 Please defer any action on this subject petition until  
17 further EPA ruling on this same subject. We will inform your  
18 office and request your further action once we've had a  
19 ruling from the EPA. Best regards, Joe Smillie, president  
20 of Falcon Lab.

21 So, I move that we defer this item to the next NOSB  
22 meeting.

23 MS. CAROE: Just for procedure, this board does not  
24 have to take any action if the petitioner has pulled the  
25 product off the -- the petition off the table. We're not

1 voting on it so it's no action of this board. Joe?

2 MR. SMILLIE: Point of order, Madam Chair. I just  
3 want to be really clear that we don't have to declare status  
4 of deferred on these.

5 MS. CAROE: The only time that we have to take  
6 action is if the board is deferring it, but, the board is not  
7 deferring, the petitioner has deferred it. So, this was for  
8 which material? This was for the --

9 MR. GIACOMINI: It's for ammonium sulfate fatty  
10 acids.

11 MS. CAROE: It's no action. So, moving onto your  
12 next item.

13 MR. DAVIS: The second material is pelargonic acid  
14 being petitioned for as to be considered a soap-based  
15 herbicide for use in non-crop farmstead usages and organic.  
16 I believe there's a representative, a petitioner here, who  
17 would like to make a statement on this.

18 MS. CAROE: The Chair recognizes the petitioner.

19 MS. GILBERT: Thank you. This is Kimberly Gilbert  
20 from Dow Agrisciences and on behalf of Dow Agrisciences we  
21 respectfully request that the crops committee defer their  
22 decision until the fall meeting on pelargonic acid.

23 MS. CAROE: Thank you. The material is then  
24 deferred. This board will take no action until the fall  
25 meeting.

1 MS. GILBERT: Thank you.

2 MR. DAVIS: And that is all the action items that  
3 the crop committee has.

4 MS. CAROE: Okay. Well, we're making up some time.  
5 Livestock. Okay. We're going to lose it. Kevin.

6 MR. ENGELBERT: Thank you, Madam Chair. This is  
7 not going to be this easy. We have one action item right now  
8 that's on the table and another one that we would like to  
9 bring back. The first was the aquaculture recommendation.  
10 I'd briefly like to read the introduction and then just go  
11 down through the changes we all agreed to yesterday.

12 The NOP and NOSB received correspondence and public  
13 comments requesting consideration of adoption of organic  
14 standards for aquatic species. To facilitate this mission  
15 the NOP created an animal task force composed of  
16 knowledgeable members of the aquaculture and organic  
17 communities. Upon receipt of the task force report the NOSB  
18 livestock committee recommends that the NOP implement rule  
19 changes to allow for the production of organic aquatic  
20 animals within the regulation.

21 Comprehensive restrictions on organic aquaculture  
22 production must be in place in order to comply with organic  
23 principles. To protect the environment and to maintain the  
24 organic integrity of products labeled as organic the task  
25 force report specifies practices to protect these principles.

1           Within the task force report there are several  
2 areas that the livestock committee would like further public  
3 comment. Specifically, the committee recommends further  
4 factfinding on sources of feed for aquatic animals that  
5 require a diet that includes fish. The task force  
6 recommended a temporary allowance for feed that would include  
7 wild caught organic feed but the committee believes the  
8 further input from the community, organic community, is  
9 required in order to determine if this practice is consistent  
10 with organic principles.

11           Likewise, the livestock committee would like more  
12 dialogue on the allowance of net pen operations for organic  
13 production. There appears to be conflicting opinion on  
14 whether this type of production is consistent with organic  
15 principles. These sections of the task force report are not  
16 included in the recommendation for rulemaking. However, the  
17 livestock committee intends to enter into further rulemaking  
18 to add these sections upon further completion of further  
19 dialogue in the aquatic industry and organic community.

20           Then the changes that we agreed to yesterday, the  
21 first one is on, I believe, it's on page 8. Yeah, excuse me,  
22 it's on page 6. And it's under 205.250 agriculture general.  
23 Number 9. Aquaculture facilities shall be designed,  
24 operated, and managed in a manner that seeks to maximize the  
25 welfare of cultured aquatic animals; minimizes the stress on

1 those animals; and prevents the spread of disease within the  
2 facility and to all adjoining ecosystems and native fish  
3 species.

4           The next one is on page 8. It's under 205.252,  
5 aquaculture feed. B. The use of aquatic animal feeds must  
6 minimize the environmental impacts on at least nutrients on  
7 receiving waters and adjoining ecosystems as documented in  
8 the organic system plan. Then under I. Nutritional pigment  
9 compounds that appear on 205.603 or are organically produced  
10 and allowed by the U.S. Food and Drug Administration for  
11 inclusion in agricultural feeds may be used.

12           The next is on page 12 under 205.254. Aquaculture  
13 living conditions. Under A-3, appropriate population or  
14 biomass densities that promote natural behaviors and limits  
15 aggressive and dominant behaviors from other aquatic animals  
16 was added. Page 16 under 205.255, aquaculture facilities, we  
17 changed under K production systems with soil water contact  
18 are allowed provided that a conversion period of 36 months  
19 from the date of the last application of a prohibited  
20 substance immediately preceding the harvest of aquatic  
21 animals occurs under organic management before production can  
22 be certified organic.

23           MS. WEISMAN: Excuse me, Kevin. Yeah, I just  
24 wanted to -- we're going back to the appropriate population  
25 biodensity. Very minor but you referred to it as under



1 Section 205.254A and you refer to it as 1-3 and I believe it  
2 is not the number three, it's iii. In other words, it's  
3 being added to Section A-2 as the third listing.

4 MR. ENGELBERT: Yeah, I apologize for that.

5 MS. WEISMAN: Just a clarification. You're doing  
6 great.

7 MS. CAROE: That was just a clarification.

8 MR. ENGELBERT: It's not actually number 3. It's  
9 two and it's iii.

10 MS. CAROE: Okay. Hold on. Wait one second. At  
11 this point we're trying to put the motion on the table. We  
12 can talk about if there's any changes that you're suggesting,  
13 Jeff.

14 MR. MOYER: No, it's not iii, it is the number 3.

15 MR. ENGELBERT: It is three.

16 MR. MOYER: No, it is not the roman numeral three.  
17 It is the number 3. If you look on the board you'll see it  
18 up there. Kevin had it right.

19 MS. CAROE: We can have discussion after we have a  
20 motion but let's let Kevin finish presenting the motion.

21 MR. ENGELBERT: Okay. Well, we'll leave that as  
22 presented then as a separate number 3 under A.

23 Yes, on page 16, under 205.259 under the letter D  
24 we have changed that to read fish should be held in high  
25 quality water for the duration of food deprivation prior to

1 transport and slaughter for a period not to exceed the time  
2 necessary to allow clearance of stomach and intestinal  
3 contents. The word fat and the letter "s" were deleted in  
4 there. It's basically just a grammatical correction.

5 Then under E-1-ii, we've added electrical stunning  
6 sufficient to achieve insentience immediately followed by the  
7 severing of the gill arches or decapitation. The committee  
8 vote on this was six in favor and one absent.

9 And our conclusion is the NOSB livestock committee  
10 recommends that the NOP implement rule changes to allow for  
11 certification of aquatic species and to engage the industry  
12 in the organic community and dialogue for further rule  
13 development.

14 MS. CAROE: Is there a second?

15 MR. SMILLIE: Second.

16 MS. CAROE: Any discussion? Rigo and then Joe.

17 MR. DELGADO: I just want to go back to page 12.  
18 Are we creating a third number? Can you just read that  
19 please.

20 MR. ENGELBERT: Yes, this is under 205.254,  
21 aquaculture living conditions. I'll read A. Aquaculture  
22 systems must establish and maintain living conditions as  
23 documented in the organic system plan that accommodates the  
24 health and natural behavior of the aquatic animals, including  
25 1, 2, and then 3. We're adding in appropriate population or

1 biomass densities that promote natural behaviors and limit  
2 aggressive and dominant behaviors from other aquatic animals.

3

4 MS. CAROE: Joe?

5 MR. SMILLIE: I think it's a small issue but I  
6 think it should be iii and not 3 because it does come under -  
7 - it does, to me, come under that heading containment and  
8 that's what iii should be referring to rather than a separate  
9 number 3, but, it's not a big issue.

10 MS. CAROE: Are you offering an amendment?

11 MR. SMILLIE: Yes, I'd like to offer an amendment.

12 MS. CAROE: Is the amendment accepted by the  
13 motioner?

14 MR. ENGELBERT: Yes.

15 MS. CAROE: And is it accepted by the second? Of  
16 course. Okay. So, that amendment is made. George, did you  
17 have something that you needed?

18 GEORGE LOCKWOOD: The proposal was the number 3 and  
19 not three iii's.

20 MS. CAROE: Just for clarification, that was -- any  
21 more discussion on this? Julie?

22 MS. WEISMAN: Marty I think wanted to speak.

23 MS. CAROE: Marty.

24 MARTY: I thought yesterday it was pigments that  
25 are on the national list. That's what I thought we heard

1 yesterday. I'm not sure.

2 MS. CAROE: We'll go back to that, Marty. We've got  
3 to work on this issue first. So, as far as the format of  
4 this whether it's iii or the number 3. Julie?

5 MS. WEISMAN: I have one more question for George.  
6 Is there any significant detriment created by referring to  
7 this as iii instead of number 3?

8 MS. CAROE: You'll have to approach the podium to  
9 speak.

10 GEORGE LOCKWOOD: It has the same result.

11 MS. CAROE: George, George, I need you to approach  
12 the podium to speak since it's on the record and please give  
13 your name and affiliation.

14 GEORGE LOCKWOOD: Julie, could you repeat the  
15 question?

16 MS. CAROE: If it's listed as iii under 2 instead  
17 of as its own separate number 3 is that going to be  
18 detrimental at all the spirit of the intent?

19 GEORGE LOCKWOOD: No. You're dealing with --

20 MS. CAROE: George, you need to give your name and  
21 your affiliation.

22 GEORGE LOCKWOOD: George Lockwood. I'm chair of  
23 the Aquaculture Working Group. I don't think there's a  
24 significant difference. Our proposal was the letter 3. If  
25 you're going to put it iii's you want to take the and off the

1 first i and put it on the second i.

2 MS. CAROE: Okay. Thank you. Thank you, George.  
3 Any further discussion from the board on this issue? So,  
4 right now as it stands we're looking at iii is how it's  
5 amended. Any discussion on other issues related to this?  
6 Joe and then Jeff.

7 MR. SMILLIE: I'm sorry, Madam Chair, related to  
8 this specific one?

9 MS. CAROE: This --

10 MR. SMILLIE: This iii?

11 MS. CAROE: This motion.

12 MR. SMILLIE: Oh, no.

13 MS. CAROE: No. So, everybody's okay with iii and  
14 there's no further discussion on this motion? Seeing none,  
15 hearing none, we're going to vote.

16 MR. GIACOMINI: Are we going to deal with the  
17 question on pigments on the national list?

18 MS. CAROE: Somebody's got to ask the question. Is  
19 there someone who wants to bring up the issue and talk about  
20 that? Jeff?

21 DR. MOYER: Just a point of order. Are we talking  
22 about other changes on here or simply that change?

23 MS. CAROE: We finished that change and I was  
24 looking for any other comments on the motion. Jeff and then  
25 Joe. Jeff and then Joe.

1           MR. MOYER: I did not hear being read on page 15  
2 item 205.258, the change from one year to three years or 36  
3 months, however we had it. And also the topping of item  
4 205.605. I'm sorry, 603.

5           MR. ENGELBERT: We missed that. Let me read  
6 through the changes also on 205.258. We somehow skipped over  
7 that as we were going down through. Under A, that now reads  
8 aquatic plants may be grown in organic systems for feed for  
9 aquatic species that utilize algae for food. We provided  
10 that. We deleted human consumption and as out of that  
11 sentence. Then under 1, we've changed that to read any pond  
12 or containment vessel from which algae are intended to be  
13 represented must have had no prohibited substances applied  
14 for 36 months immediately preceding the harvest of the crop.

15           And then as Jeff said down in 2 we had deleted  
16 where -- well, aquatic plants may be provided to solve macro  
17 nutrients and micro nutrients including trace minerals,  
18 chelating compounds and vitamins listed in 205.601. Then we  
19 deleted the 205.603. I apologize. Somehow I missed that  
20 change.

21           MS. CAROE: So that is part of the original motion?

22           MR. ENGELBERT: That's part of the original  
23 change, yes.

24           MS. CAROE: Is there any -- Joe?

25           MR. SMILLIE: I would suggest an amendment to page

1 8, 205.252, Section J to be deleted. Section J manure from  
2 organic terrestrial animals is accomplished with the plan in  
3 section 205.203 may be used to fertilize aquaculture product  
4 and organic production systems. Compost and manure must not  
5 be applied within 30 days of harvest of aquatic products for  
6 human consumption. Manure, whether compost or not, shall not  
7 be applied to aquaculture production systems other than  
8 ponds.

9 My amendment is to remove that section.

10 MS. CAROE: Is that amendment accepted by the  
11 motion?

12 MR. ENGELBERT: Yes, it is.

13 MS. CAROE: Okay. So, it's now part of the -- the  
14 motion is now amended to delete that section. Any other  
15 comments? Jeff?

16 MR. MOYER: Question on that latest change. If we  
17 accept that change do we then have to look at Section  
18 205.258, item B, mentions manure from terrestrial animals may  
19 not be used to fertilize aquatic plants unless composted as  
20 provided under 205.252. I believe that should also be  
21 stricken.

22 MS. CAROE: You're offering another amendment?

23 MR. MOYER: I suppose I am.

24 MS. CAROE: Is that motion -- I mean, is that  
25 amendment accepted by the motioner?

1 MR. ENGELBERT: Just a minute, please.

2 MS. CAROE: Just a minute.

3 MR. ENGELBERT: Yes, it is accepted.

4 MS. CAROE: Okay. As the motion stands it's been  
5 amended again. Any other comments, questions?

6 MS. WEISMAN: Did we discuss the change on page 13  
7 to 205.255K which also involves changing a one year period to  
8 a 36 month period? Because I think that we stopped at the  
9 iii thing and we skipped something when we went on.

10 MS. FRANCES: Can we go back to the prior change?  
11 I didn't get a chance to -- I just want to make sure I get it  
12 up here on the screens, the other -- did we not finish  
13 something on it? Is it accepted?

14 MS. CAROE: Slow down.

15 MS. FRANCES: I'm sorry.

16 MS. CAROE: Hold on. Jeff, can you restate which  
17 section needs to be removed?

18 MR. MOYER: Certainly, Valerie. It is found on  
19 page 15 under Section 250.258, item B, the entire item is  
20 going to be removed. My recommendation is to remove it.

21 MS. CAROE: Okay. That's been captured.

22 MR. MOYER: Thank you.

23 MS. CAROE: Okay. Now, Julie, back to your area.

24 MS. WEISMAN: When you get a chance, Valerie, can  
25 you please put up Section 205.255. That's page 13 and I want



1 to see Section K. Scroll down to Section K.

2 MR. ENGELBERT: Madam Chair, yes, I've apparently  
3 missed another change and I apologize for that again. This is  
4 under 205.255, aquaculture.

5 (Discussion off the record)

6 MR. ENGELBERT: Okay. I'll re-read that last  
7 amendment under K. Production systems with direct soil water  
8 contact are allowed provided that a conversion period of 36  
9 months from the date of the last application of prohibited  
10 substance immediately preceding the high risk to aquatic  
11 animals occurs under organic management before production can  
12 be certified organic. That would change from one year to 36  
13 months is the basic change there.

14 MS. CAROE: So that was a part of the changes made  
15 in the original motion voted on by the livestock committee.

16 MR. ENGELBERT: Yesterday, yes.

17 MS. CAROE: Are there any other discussion on the  
18 full motion? Dan?

19 MR. GIACOMINI: Just a note. There was some  
20 question regarding national pigment, a comment of it meaning  
21 to be on national list. The change that was made and I don't  
22 know if Kevin hit it or not was that nutritional pigment  
23 compounds that appear on 205.603 or organically produced was  
24 the change that was made for any question that was there and  
25 I'm assuming Kevin got that one.

1 MR. ENGELBERT: Yes, I did read that.

2 MS. CAROE: Any other discussion on this? Are we  
3 prepared to vote? No other discussion. Okay. We will start  
4 the votes -- this is tough -- with Joe. No, Jeff. Hold on.  
5 All right. Joe.

6 Yes, before we vote is there any conflict of  
7 interest any board members to declare? The second was Joe  
8 Smillie. The amendment was accepted by the motion. There  
9 was no second. Okay. You want to restate the motion. It's  
10 in a summary form, Kevin, before we vote?

11 MR. ENGELBERT: I've already shifted gears but I  
12 will go back. I make a motion to accept the aquaculture  
13 recommendation as proposed.

14 MS. CAROE: And there was a second so we are  
15 prepared to vote at this point. Joe was the second.  
16 Starting with Joe.

17 MR. SMILLIE: Yes.

18 MS. CAROE: Julie?

19 MS. WEISMAN: Yes.

20 MS. CAROE: Bea?

21 MS. JAMES: No.

22 MS. CAROE: Rigo?

23 MR. DELGADO: Yes.

24 MS. CAROE: Gerald?

25 MR. DAVIS: Yes.

1 MS. CAROE: Katerina?  
2 MS. HEINZE: Yes.  
3 MS. CAROE: Jennifer?  
4 MS. HALL: Yes.  
5 MS. CAROE: Steve?  
6 MR. DEMURI: Yes.  
7 MS. CAROE: Dan?  
8 MR. GIACOMINI: Yes.  
9 MS. CAROE: Tracy?  
10 MS. MIEDERMA: Yes.  
11 MS. CAROE: Kevin?  
12 MR. ENGELBERT: Yes.  
13 MS. CAROE: Jeff?  
14 MR. MOYER: Yes.  
15 MS. CAROE: And the Chair votes yes. The votes are  
16 1, 13, zero, 2. Motion passes. All right. Moving on to  
17 your next item.  
18 MR. ENGELBERT: We, the livestock committee, would  
19 like to bring the cloning recommendation back to the table  
20 and offer up some changes in language that we have agreed to.  
21 If Valerie can bring that up on the screen I'll go through  
22 what we are now proposing. On the first page under  
23 introduction we would like to add in the following, the last  
24 sentence.  
25 Furthermore, the NOSB is very concerned with the

1 issues of progeny of animals that are derived using cloning  
2 technology. But, on page 3, under recommendation, we would  
3 like to propose that this reads the livestock committee  
4 recommends that the NOP recommend rule change to clarify that  
5 cloning technology including all progeny and succeeding  
6 generations of those progeny be excluded from organic  
7 production.

8           And down under 205.2, terms defined, the livestock  
9 committee recommends that read excluded methods. A variety  
10 of methods used to genetically modify organisms or influence  
11 their growth and development by means that are not possible  
12 under natural conditions or processes and are not considered  
13 compatible with organic production. Such methods include  
14 cell fusion, micro-encapsulation and macro-encapsulation,  
15 cloning, and recumbent DNA technology, including gene  
16 deletion, gene doubling, introducing a foreign gene, and  
17 changing the positions of genes when achieved by recumbent  
18 DNA technology.

19           Such methods do not include the use of traditional  
20 breeding, conjugation, fermentation, hybridization and in  
21 vitro fertilization, artificial insemination or tissue  
22 culture. The livestock committee also recommends the  
23 following addition to the regulation. Under 205.236, origin  
24 of livestock, under B, the following are prohibited, three  
25 livestock progeny and all succeeding generations from cloned

1 livestock, reproductive materials or any other products  
2 derived from animals produced using animal cloning  
3 technology. And the livestock committee and the NOSB will  
4 work in collaboration with the NOP on further rulemaking  
5 recommendations as additional issues are identified.

6 In conclusion, to strengthen and clarify the  
7 existing rules, the NOSB livestock committee recommends that  
8 the NOP amend the regulations to add the animal cloning  
9 technology to the definition of excluded methods and that the  
10 NOP update other sections of the rule to ensure that animal  
11 cloning technologies excluded, including all generations of  
12 progeny of cloned animals and a period and the last part of  
13 that would be deleted.

14 MS. CAROE: Is there a second?

15 MR. MOYER: I'll second that.

16 MS. CAROE: Let's enter into discussion then. I  
17 guess I'm going to start. I don't know the changes that have  
18 been made, Kevin, from the position that was taken up  
19 yesterday.

20 MR. ENGELBERT: Okay. I can go over them.

21 MS. JAMES: And, Kevin, would you mind starting at  
22 the top of those changes?

23 MR. ENGELBERT: Yes, I will.

24 MS. JAMES: Thank you.

25 MR. ENGELBERT: The changes from yesterday are

1 under the second paragraph under introduction we want to add  
2 back in the very last sentence of that paragraph.

3 Furthermore, the NOSB is very concerned with the issues  
4 involving the progeny of animals that are derived using  
5 cloning technology period. The next change from yesterday --

6 MS. CAROE: Hold on, hold on. On that point, so,  
7 what you struck from that sentence that was in there  
8 yesterday is not showing up on here because there was more on  
9 that sentence yesterday but the strike out isn't shown.

10 MR. ENGELBERT: The rest of the sentence that was  
11 being struck, will work with the NOP on further rulemaking  
12 recommendations as issues are identified. We've moved that  
13 part of the sentence down to the end of the recommendation.

14 MS. JAMES: My question is for Valerie. Do we have  
15 the tracked changes that were made?

16 MS. FRANCES: He gave me a different document. I  
17 don't know. I mean, I could try to pull up the other  
18 document and how quickly I can do that.

19 MS. CAROE: That's okay. Continue on with the  
20 changes that were made, Kevin.

21 MR. ENGELBERT: Okay. The next change that was  
22 made is under for recommendation. We have eliminated the  
23 words and all its products from that first sentence so that  
24 it reads the livestock committee recommends that the NOP  
25 implement rule change to clarify the cloning technology

1 including all progeny and succeeding generations of those  
2 progeny be excluded from organic production.

3           The next change that we made from yesterday was  
4 under terms defined. We had originally proposed that the  
5 second sentence reads such methods include self fusion,  
6 micro-encapsulation, and macro-encapsulation, somatic cell  
7 nuclear transfer or other methods of animal cloning and that  
8 was also amended to read or other methods of asexual  
9 reproduction of animals.

10           We have replaced that entire phrase with the word  
11 cloning. The next change that differs from yesterday's  
12 proposal was under 205.236, origin of livestock, B-3. The  
13 original proposal yesterday said livestock progeny and all  
14 succeeding generations from cloned livestock, reproductive  
15 materials, or, any other products derived from animals  
16 produced using cloning technology and then in parentheses  
17 includes somatic cell, nuclear transfer, or other cloning  
18 methods and then an amendment was made to change that to  
19 methods of asexual reproduction of animals. And we've agreed  
20 to take out all those words that were included in the  
21 parentheses and stop it with a period after saying using  
22 animal cloning technology.

23           Then the final change that we agreed to was under  
24 the conclusion. We took out the last few words of that  
25 conclusion which stated and products derived from organisms

1 subjected to such technology be excluded.

2 MS. CAROE: Any discussion on this? Tracy?

3 MS. MIEDERMA: I'll just restate for the record  
4 something that has become very clear since the cloning issue  
5 has arisen which is that organic consumers, and, in fact, the  
6 entire organic community has spoken in a very crystal clear  
7 manner that cloned animals have no part of the organic system  
8 and I would just urge my colleagues to have a similar -- show  
9 a similar level of unanimity in supporting this motion.

10 MS. CAROE: Gerald.

11 MR. DAVIS: In listening to Kevin's verbal  
12 descriptions of what has been deleted I believe we still have  
13 not deleted the last part of that phrase that is highlighted  
14 right now and that products derived from organisms. He  
15 stated it but it hasn't been done up here. Is that correct,  
16 Kevin?

17 MR. ENGELBERT: Yes, that's true Gerald, that  
18 needs to be deleted and then we'll be current.

19 MR. DAVIS: Then cross-referencing. There's  
20 another statement that concerns products resulting from, I  
21 think it was in your origin livestock section. I'm not sure  
22 what number that is. We were just working what number that  
23 is, that last statement there, isn't that tied to what we  
24 just eliminated from a second ago? Or any other products  
25 derived from animals. Are they related or am I



1 misunderstanding it?

2 MR. ENGELBERT: The way we've interpreted that  
3 that is referring only to those products that would be used  
4 under before the origin of livestock. It wouldn't be products  
5 from those animals. There is a difference in that.

6 MR. DAVIS: Okay.

7 MS. CAROE: Bea?

8 MS. JAMES: I want to compliment and Kevin and Jeff  
9 on the changes that you've made to the recommendation and I  
10 know that yesterday I expressed some concern around really  
11 trying to make sure that we had clarity and I understand that  
12 the process of trying to really define how to audit progeny,  
13 I mean, that's going to be complicated no matter what the  
14 recommendation is and I support the -- I support your  
15 recommendation and I support telling the NOP that we on the  
16 NOSB do not support the idea of cloning and its progeny.

17 MS. CAROE: Is there other discussion? Dan?

18 MR. GIACOMINI: I just wanted to make note that we  
19 did hear a lot of debate or a lot of testimony regarding  
20 specificity of terms and that cloning was described in  
21 various ways. I think what we've pretty much come to was the  
22 fact that FDA created an entire document on the risk  
23 assessment of cloning. They defined cloning of what it is  
24 and what it isn't and that we didn't need to go into  
25 rehashing those terms in our document when we didn't have

1 control over it anyway.

2 MS. CAROE: Any other discussion? I find myself in  
3 a very difficult position with this recommendation. Although  
4 I am totally in favor, as I said on the record already with  
5 excluding cloning and progeny of clones, I feel that this  
6 origin of livestock section is unenforceable and may not be  
7 able to be implemented and I don't like the precedence it  
8 sets when board recommendations cannot be implemented.

9 The repercussions of that are dangerous. However,  
10 I feel that it is completely necessary and I believe as the  
11 one that initiated this action in the very beginning to make  
12 a statement about this, to make sure that the organic  
13 community understands that this is not a loose  
14 interpretation, this is indeed part of this regulation.

15 So, I'm not quite sure how I'm going to vote on  
16 this and it's not related to my desire to help this industry  
17 because -- go ahead, Kevin.

18 MR. ENGELBERT: Well, I'd just to explain briefly,  
19 Andrea, that when the rule was published cloning wasn't even  
20 on the horizon, let alone part of the agricultural scene and  
21 the livestock committee believes that whether it's  
22 implemented or not it should be and we need to make a strong  
23 statement and that's what we think and that's why we've  
24 proceeded ahead with that language.

25 It's a recommendation and we'll see where it goes

1 from there but we think this is the time to make that strong  
2 statement.

3 MS. CAROE: And I am not in disagreement with  
4 making strong statements. I am in disagreement with offering  
5 world change language that can't be implemented. Jeff and  
6 then Julie.

7 MR. MOYER: Andrea, I just want you to know that  
8 there are other members of the livestock committee like  
9 myself that share your concern and your opinion over the  
10 question of enforceability and that's been discussed on every  
11 one of our phone conversations and I think Kevin would attest  
12 to that that I've always had a real problem and issue making  
13 bold statements that aren't enforceable.

14 However, in this particular case with the way we've  
15 worded this I feel very comfortable with the language that  
16 we've chosen.

17 MS. CAROE: Bea?

18 MS. JAMES: I want to make sure that the livestock  
19 committee feels comfortable that with the revised  
20 recommendation that it puts us in a stronger position to deal  
21 with the fact that 6509B and OFPA mentions that breeder stock  
22 may be purchased from any source -- may be purchased from any  
23 source.

24 MS. CAROE: Kevin.

25 MR. ENGELBERT: That's a good point, Bea, and I

1 neglected to mention that's why, yes, we do, we believe that  
2 strongly. That played in our decision making.

3 MS. CAROE: Any further discussion?

4 MR. DELGADO: I just want to highlight the fact  
5 that it was included here that the NOSB would work closely  
6 with the NOP in developing further this rulemaking. We all  
7 understand that this is a new field, new issues are coming up  
8 and it's not a done deal. We still will have to come back  
9 and re-hash, work on the details and so forth.

10 MS. CAROE: Well, just in response to that from my  
11 minority opinion on this. I have no issue with that. In  
12 fact, I urge strong language about collaborating with the  
13 program on rulemaking. However, you've not only done that  
14 but you've offered rule change and that rule change, not  
15 enforceability at this point, but, even implementation,  
16 whether this is going to be -- whether the USDA can make this  
17 rule change is questionable at best. And that's what  
18 concerns me.

19 Bea?

20 MS. JAMES: I'd like to just ask you why you feel  
21 that if the public and the NOSB is in a strong position to  
22 say this is what we believe cloning means for organic that  
23 you would not imagine that the NOP could not reinforce and  
24 support that?

25 MS. CAROE: It would be like a lobbying pass that

1 you could not -- that nobody can enforce. I can't draw an  
2 analogy to this but there is no -- but, let me just finish my  
3 thought, Julie. There are indicators that can tell us about  
4 the intangibles that we try to get to. What we've set here  
5 right now is intangible. There is no identification  
6 whatsoever. There's no pedigree program for these animals.  
7 There's no physical markers. There's nothing to identify the  
8 progeny and then the progeny and progeny of these animals.

9           So, there is absolutely no way to tell if this is  
10 happening. If a farmer who goes through all the appropriate  
11 channels and buys an animal that they have bought in good  
12 faith from somebody who gives them information that it is  
13 indeed, you know, non-product of cloning, they really --  
14 there's really no way of them being guaranteed that. You  
15 know, I mean, you're being held to something that you can't  
16 do anything about.

17           That's like saying that, you know, you're not  
18 buying a home on top of a, you know, 2,000 year old burial  
19 site. You may not have that information. You know, it's --  
20 I think that when it clears the program that there's going to  
21 be big issues with being able to put this into regulation  
22 when it cannot be and that's just in my opinion and it may be  
23 when it gets through the program it can be put in there and  
24 my suggestion from the very beginning that we enter into that  
25 collaboration and then only put forward what can be done.

1           MS. JAMES: I just want to make comment on that and  
2 I appreciate what you're bringing up and I understand what  
3 you're saying but I believe that in lieu of what happened  
4 with Harvey that the NOP is probably a little bit more astute  
5 to making sure that the organic regulations and organic  
6 recommendations that get submitted to them based on what the  
7 industry, the public, and NOSB believes is truly what  
8 maintains the organic integrity according to OFPA they would  
9 be more inclined to make sure that they don't end up in a  
10 situation where they're not enforcing the right thing.

11           MS. CAROE: Just a quick response to that. I am  
12 not -- I can't seem to be able to express myself. I am not  
13 in any way, shape, or, form thinking that the program or  
14 anyone doesn't believe that this is good. I believe that the  
15 mechanism won't allow this to go through. And, so, it's not  
16 about what they want. I think the program asked us to address  
17 this.

18           I really feel that they want this on the books.  
19 However, it's the format and the mechanism that I have issue  
20 with and I think it's going to prevent this from moving  
21 forward and the actions of this board have an effect. So,  
22 that's -- I don't really want to say anymore on the subject  
23 because I understand where everybody's at and they understand  
24 that we don't have to beat this dead horse.

25           So, any other discussion? Hearing none, seeing

1 none, I will call for conflicts. Anybody have a conflict of  
2 interest that they need to express? Hearing none, seeing  
3 none, we will go to vote.

4 Starting with Julie.

5 MS. WEISMAN: Yes.

6 MS. CAROE: Bea?

7 MS. JAMES: Yes.

8 MS. CAROE: Rigo?

9 MR. DELGADO: Yes.

10 MS. CAROE: Joe?

11 MR. SMILLIE: Yes.

12 MS. CAROE: Katerina?

13 MS. HEINZE: Yes.

14 MS. CAROE: Jennifer?

15 MS. HALL: Yes.

16 MS. CAROE: Steve?

17 MR. DEMURI: Yes.

18 MS. CAROE: Dan?

19 MR. GIACOMINI: Yes.

20 MS. CAROE: Tracy?

21 MS. MIEDERMA: Yes.

22 MS. CAROE: Kevin?

23 MR. ENGELBERT: Yes.

24 MS. CAROE: Jeff?

25 MR. MOYER: Yes.

1 MS. CAROE: Joe?

2 MR. SMILLIE: Yes.

3 MS. CAROE: And the Chair abstains. Motion passes.

4 Zero nos, 12 yeses, one abstention, two absent.

5 We will take a recess for lunch. It is now 12:20  
6 so not to get too far behind 1:30 I think is reasonable, 1:30  
7 sharp, not a minute later.

8 (Whereupon, a luncheon recess was taken at 12:24 p.m.)

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1                   A F T E R N O O N   S E S S I O N 1:33 p.m.

2                   MS. CAROE: All right. We're going to get back to  
3 it. We'll be starting with handling materials. But, before  
4 we do I just wanted to kind of set the tone for these votes  
5 which this will be, you know, the first big batch of 606  
6 votes we've ever had.

7                   I want to remind the members to vote weighing the  
8 evidence that we have through the petition process, through  
9 the public comment, through the written comments that we've  
10 received and to make your decisions with prejudice, accepting  
11 the risk, and when I say risk you need to look at the risk  
12 not only to the organic integrity and ultimately the  
13 integrity of the organic label, but, the risk to the products  
14 that have a place in the market and how that risk balances  
15 with the other parts of this process that allows them to be  
16 used in organic products. So, with that said, I mean, I just  
17 wanted to make sure that everybody understands that this is  
18 about making that judgment as opposed to any principle or  
19 emotional reasons for wanting and not wanting a product but  
20 this is based on the evidence and information that we have on  
21 hand.

22                   That said, I will turn over to Julie Weisman.  
23 However, just one note before Julie takes over I know that  
24 Katerina wanted to make a quick statement so let me recognize  
25 Katerina.

1           MS. HEINZE: I just wanted to declare a possible  
2 conflict in trust. I think most folks know that I work for  
3 Hamburg that produces a variety of organic consumer products.  
4 I do not participate in any of the sourcing or R&D decisions.

5       And, frankly, I don't really know which of these we do use  
6 and we don't use. But, I just wanted to get it out there so  
7 my colleagues on the board were aware.

8           MS. CAROE: Thank you. Jennifer.

9           MS. HALL: I'd like to just add one more comment  
10 before we get into these materials and encourage all of us to  
11 look at these materials in an equitable manner and when  
12 you're considering commercial availability that that lens  
13 also includes what is considered reasonable access and that  
14 while we've talked a bit about large companies not having  
15 access to large enough quantities I think it's an equal  
16 measure on the other end to talk about these people that can  
17 really not accommodate potentially a huge quantity that only  
18 they can get access to and I would hate to see us further hit  
19 ourselves against -- not against, but, have conversation  
20 continue between local and organic and I think it's generally  
21 the small operations that are the local and that we do a  
22 great disservice to all of us to continue that conversation  
23 to continue that conversation in another way.

24           MS. CAROE: Thank you. With that, --

25           MR. DEMURI: Since Katerina did it I have to do it

1 now too. I also for a large CPG company and I do have  
2 influence over R&D decisions and part servicing but we do not  
3 use any of the items on the list to be voted on today. So, I  
4 just wanted to make sure everyone was aware of that on the  
5 board.

6 MS. CAROE: Thank you. Now, with that, I will turn  
7 it over to Julie for the handling committee to go through  
8 their action items.

9 MS. WEISMAN: Thank you, Madam Chair. I wanted to  
10 say a couple of general things and reminders as we kick off.  
11 One is although yesterday in discussion we were able to make  
12 presentations with items kind of lumped in categories, like  
13 things with like things. We are not free to vote that way.  
14 Most of that was because at the time the agenda had to be  
15 published I hadn't had a chance to organize how they should  
16 be grouped and so I gave an instruction to Valerie to do it  
17 alphabetically because that was the best that we could do at  
18 the time and since it got published that way I believe we are  
19 bound to vote on them in that order.

20 So, it may not make as much sense as yesterday.  
21 But, I will do everything that we can and I ask my fellow  
22 board members to help me do everything -- to help me keep  
23 this sensible and unconfused. The second thing I wanted to  
24 say is to just remind everyone that the recommendations that  
25 you see on the first page of section 7, the bold column that

1 says committee vote, those -- a lot of these are worded  
2 rejected and I wanted to remind everyone that rejected in  
3 that column doesn't mean that we voted -- not that we said  
4 the recommendation was to reject it. All of the  
5 recommendations for all of the handling materials that we're  
6 going to discuss today were worded in the positive. In other  
7 words, they were recommendations to list.

8           The handling committee may have voted to reject  
9 them, but, if we -- if any member of the board has been  
10 persuaded by what they've heard or read since that time we do  
11 not have to make any -- we don't have to make amendments in  
12 order to vote positively for listing. And then I think this  
13 is my -- finally, I also want to remind everyone of something  
14 that was discussed yesterday was that on Monday, after public  
15 comment, the handling committee did vote to change some of  
16 their recommendations and for those we have revised  
17 recommendations and those Valerie will put up on the screen  
18 and I'll just say briefly, mention briefly what they were.

19           We voted to remove all year limit annotations with  
20 the exception of rice starch. We voted to separate both  
21 annatto and paprika, each of those into two separate  
22 petitions, one for the water extracted version and one for  
23 the oil extracted version. And then we voted to change our  
24 recommendation on whey protein concentrate 80 percent because  
25 we received -- well, we voted to change it. I'll go into the

1 details when it comes up for vote.

2           Also, we voted to change in our recommendation for  
3 both inulin and FOS we voted to change our recommendation for  
4 listing on 606. This is not new information. This is not  
5 new information. This was all -- these were all mentioned  
6 yesterday in our discussions but I just wanted to remind  
7 everyone that there are some recommendations that were  
8 changed and people will get the chance to see as we go.

9           So, with that being said, the first item on our  
10 list, it looks like we're going to be going through the  
11 colors, all the colors in alphabetical order. Annatto  
12 extract is first and as I just mentioned that is now two  
13 separate petitions. So, we're going to do water first, water  
14 extracted first and then oil and these are very narrow lines.  
15

16           So, the motion -- I motion that we -- the motion is  
17 that to recommend annatto, colors annatto water-extracted for  
18 listing on 606.

19           MR. SMILLIE: Second.

20           MS. CAROE: A motion by Julie and a second by Joe  
21 Smillie. Discussion? Bea?

22           MS. JAMES: Julie, I just want to make sure I  
23 understand. So, I guess vote means that we are voting to  
24 accept listing it?

25           MS. WEISMAN: Correct.

1 MS. CAROE: Board discussion? Hearing none, seeing  
2 none the votes will start with Bea.

3 MS. JAMES: Yes.

4 MS. CAROE: Rigo.

5 MR. DELGADO: Yes.

6 MS. CAROE: Gerald?

7 MR. DAVIS: Yes.

8 MS. CAROE: Katerina.

9 MS. HEINZE: Yes.

10 MS. CAROE: Jennifer.

11 MS. HALL: Yes.

12 MS. CAROE: Steve.

13 MR. DEMURI: Yes.

14 MS. CAROE: Dan?

15 MR. GIACOMINI: Yes.

16 MS. CAROE: Tracy.

17 MS. MIEDERMA: Yes.

18 MS. CAROE: Kevin.

19 MR. ENGELBERT: Yes.

20 MS. CAROE: Jeff.

21 MR. MOYER: Yes.

22 MS. CAROE: Joe.

23 MR. SMILLIE: Yes.

24 MS. CAROE: Julie.

25 MS. WEISMAN: Yes.

1 MS. CAROE: The Chair votes yes. That is zero  
2 abstentions, zero absent, zero no's -- two absent. I'm  
3 sorry, two absent. Try that again. Zero no, 13 yeses, zero  
4 abstentions, and two absent. Motion passes.

5 MS. WEISMAN: Okay. Next up is annatto, annatto  
6 colors oil extracted which I move -- the motion is  
7 recommendation for listing on 205.606. Do I have a second?

8 MR. DEMURI: Second.

9 MS. CAROE: Okay. The motion by Julie and the  
10 second by Steve. Any discussion? Hearing none, seeing none,  
11 the vote will start with Rigo.

12 MR. DELGADO: Yes.

13 MS. CAROE: Joe.

14 MR. SMILLIE: Yes.

15 MS. CAROE: Katerina.

16 MS. HEINZE: Yes.

17 MS. CAROE: Jennifer.

18 MS. HALL: Yes.

19 MS. CAROE: Steve.

20 MR. DEMURI: Yes.

21 MS. CAROE: Dan.

22 MR. GIACOMINI: Yes.

23 MS. CAROE: Tracy.

24 MS. MIEDERMA: Yes.

25 MS. CAROE: Kevin.

1 MR. ENGELBERT: Yes.

2 MS. CAROE: Jeff.

3 MR. MOYER: Yes.

4 MS. CAROE: Joe.

5 MR. SMILLIE: Yes.

6 MS. CAROE: Julie.

7 MS. WEISMAN: Yes.

8 MS. CAROE: Bea.

9 MS. JAMES: Yes.

10 MS. CAROE: The Chair votes yes. Votes are zero  
11 against, 13 for, zero abstentions, two absent. Motion  
12 passes.

13 MS. WEISMAN: Going alphabetically the next on the  
14 list is beet juice, colors, beet juice. And the  
15 recommendation was and is still for listing on 606.

16 MR. SMILLIE: Second.

17 MS. CAROE: Motion by Julie, second by Joe Smillie.  
18 Any discussion? Hearing none, seeing none, the vote will  
19 start with Gerald.

20 MR. DAVIS: Yes.

21 MS. CAROE: Katerina.

22 MS. HEINZE: Yes.

23 MS. CAROE: Jennifer.

24 MS. HALL: Yes.

25 MS. CAROE: Steve.



1 MR. DEMURI: Yes.

2 MS. CAROE: Dan.

3 MR. GIACOMINI: Yes.

4 MS. CAROE: Tracy.

5 MS. MIEDERMA: Yes.

6 MS. CAROE: Kevin.

7 MR. ENGELBERT: Yes.

8 MS. CAROE: Jeff.

9 MR. MOYER: Yes.

10 MS. CAROE: Joe.

11 MR. SMILLIE: Yes.

12 MS. CAROE: Julie.

13 MS. WEISMAN: Yes.

14 MS. CAROE: Bea.

15 MS. JAMES: Yes.

16 MS. CAROE: Rigo.

17 MR. DELGADO: Yes.

18 MS. CAROE: The Chair votes yes. That is zero

19 no's, 13 yeses, zero abstentions, two absent. Motion passes.

20 Next.

21 MS. WEISMAN: Next we have colors betacarotene.

22 Again, the recommendation was and continues to be for listing

23 on 205.606.

24 MS. CAROE: Does anyone second?

25 MR. DEMURI: Yes, second.

1 MS. CAROE: Is there any discussion? What was the  
2 committee vote?

3 MS. WEISMAN: Okay. At the time the committee  
4 voted no 4 to 1 because there had not been compelling  
5 evidence at that time back in February. We didn't -- it  
6 didn't make sense -- betacarotene comes from carrots. We had  
7 knowledge that there's lots of organic carrots grown and we  
8 didn't understand it. We didn't have enough information  
9 explaining why this could not be obtained organically. We've  
10 heard a lot of comment since that time particularly in the  
11 last 24 hours addressing that question and I think that's  
12 what we're up to.

13 MS. CAROE: Okay. Is there any further discussion?  
14 Tracy?

15 MS. MIEDERMA: I work for a farm that's a large  
16 carrot processor and just wanted to find out whether that  
17 would warrant a conflict of interest.

18 MS. CAROE: Does your company have a financial  
19 interest on the outcome of this vote?

20 MS. MIEDERMA: There could be a future financial  
21 interest and there could be definitely the appearance of  
22 impropriety.

23 MS. CAROE: Does the board feel that Tracy is in  
24 conflict?

25 MS. JAMES: Conventional carrots?

1 MS. MIEDERMA: Conventional, organic, and  
2 sustainable.

3 MS. CAROE: Are you recusing yourself?

4 MS. MIEDERMA: I would prefer to.

5 MS. CAROE: We accept. Thank you.

6 MR. DAVIS: That would be a similar situation for  
7 me. I also work for a carrot processor growing organic  
8 carrots and the company could potentially stand to gain from  
9 growing organic carrots for someone wishing to make an  
10 organic color.

11 MS. CAROE: Does the board have any issues with  
12 Gerald? Somebody want to say something? Gerald, are you  
13 recusing yourself?

14 MR. DAVIS: I will recuse myself.

15 MS. CAROE: Gerald's recused.

16 MR. DAVIS: On all the carrots.

17 MS. CAROE: Any others?

18 MS. WEISMAN: You know, I would like to say, I'm  
19 not -- I have a little bit of hesitation about having people  
20 with expert knowledge not participating in the vote. What's  
21 the downside here if they don't recuse themselves?

22 MS. CAROE: If they don't recuse themselves it  
23 calls the credibility of the vote.

24 MS. WEISMAN: All right. Forget it.

25 MS. CAROE: They definitely have been part of the

1 participation in the discussions so I think we have the  
2 benefit of their knowledge.

3 MS. WEISMAN: Okay.

4 MS. CAROE: I don't want to call that into  
5 question. So, any further discussion? All right. Any  
6 further discussion? Hearing none, seeing none, the vote will  
7 start with Katerina.

8 MS. HEINZE: Yes.

9 MS. CAROE: Jennifer.

10 MS. HALL: Yes.

11 MS. CAROE: Steve.

12 MR. DEMURI: Yes.

13 MS. CAROE: Dan.

14 MR. GIACOMINI: Yes.

15 MS. CAROE: Tracy recuses. Kevin.

16 MR. ENGELBERT: Yes.

17 MS. CAROE: Jeff.

18 MR. MOYER: Yes.

19 MS. CAROE: Joe.

20 MR. SMILLIE: Yes.

21 MS. CAROE: Julie.

22 MS. WEISMAN: Yes.

23 MS. CAROE: Bea.

24 MS. JAMES: Yes.

25 MS. CAROE: Rigo.

1 MR. DELGADO: Yes.

2 MS. CAROE: Gerald recuses. The Chair votes yes.  
3 We have zero no's, we have 12 yeses, two absent. I'm sorry  
4 11 yeses, two absent, and two recusals.

5 MS. WEISMAN: I think we need another section of  
6 the board policy manual.

7 MS. CAROE: Motion passes.

8 MS. WEISMAN: Next, black current juice. That  
9 passed handling committee back in February. The  
10 recommendation then was for listing on 606 and it still is  
11 for listing on 606.

12 MS. CAROE: Does anyone second?

13 MR. DEMURI: Second.

14 MS. CAROE: Okay. Motion has been made by Julie  
15 and seconded by Steve. Any discussion? Hearing none, seeing  
16 none the vote will start with -- is there any conflicts?  
17 Okay. Hearing none, seeing none we'll start with Jennifer.

18 MS. HALL: Yes.

19 MS. CAROE: Steve.

20 MR. DEMURI: Yes.

21 MS. CAROE: Dan.

22 MR. GIACOMINI: Yes.

23 MS. CAROE: Tracy.

24 MS. MIEDERMA: Yes.

25 MS. CAROE: Kevin.

1 MR. ENGELBERT: Yes.

2 MS. CAROE: Jeff.

3 MR. MOYER: Yes.

4 MS. CAROE: Joe.

5 MR. SMILLIE: Yes.

6 MS. CAROE: Julie.

7 MS. WEISMAN: Yes.

8 MS. CAROE: Bea.

9 MS. JAMES: Yes.

10 MS. CAROE: Rigo.

11 MR. DELGADO: Yes.

12 MS. CAROE: Gerald.

13 MR. DAVIS: Yes.

14 MS. CAROE: Katerina.

15 MS. HEINZE: Yes.

16 MS. CAROE: Chair votes yes. Zero no's, 13 yeses,  
17 zero abstentions, and two absent. Motion passes.

18 MS. WEISMAN: Next up is colors blueberry juice.

19 This did not pass sub-committee. It was -- it failed 4 to 1.

20 And this was a similar situation to the betacarotene which  
21 is that at the time that we voted there was not felt to be  
22 sufficient data explaining why an agricultural product that  
23 everyone knew was being grown plentifully has organic was not  
24 available for this purpose and I'm probably not going to  
25 repeat the statement. I need some kind of shorthand to

1 remind everybody because there's going to be quite a few more  
2 like this.

3 But, anyway, again, we've heard much comment and  
4 much more additional information in the last 24 to 48 hours  
5 and so the recommendation was and is for listing on 606. Do  
6 I have a second?

7 MR. DEMURI: Second.

8 MS. CAROE: Motion was made by Julie and seconded  
9 by Steve. Any discussion? Any conflicts? Tracy.

10 MS. MIEDERMA: Again, Stahlbush is a large  
11 blueberry grower and processor and I am not organic on the  
12 blueberries.

13 MS. CAROE: Potentially would you be doing organic  
14 blueberries?

15 MS. MIEDERMA: No.

16 MS. CAROE: Potentially if you have -- potentially  
17 if this is listed and somebody's sourcing the convention  
18 you'd be able to supply?

19 MS. MIEDERMA: Exactly. So I would prefer to  
20 recuse.

21 MS. CAROE: We accept. I appreciate that. Any  
22 other conflicts? Any further discussion? Hearing none,  
23 seeing none, we will start the vote with Steve.

24 MR. DEMURI: Yes.

25 MS. CAROE: Dan.

1 MR. GIACOMINI: Yes.

2 MS. CAROE: Tracy recuses. Kevin.

3 MR. ENGELBERT: Yes.

4 MS. CAROE: Jeff.

5 MR. MOYER: Yes.

6 MS. CAROE: Joe.

7 MR. SMILLIE: Yes.

8 MS. CAROE: Julie.

9 MS. WEISMAN: Yes.

10 MS. CAROE: Bea.

11 MS. JAMES: Yes.

12 MS. CAROE: Rigo.

13 MR. DELGADO: Yes.

14 MS. CAROE: Gerald.

15 MR. DAVIS: Yes.

16 MS. CAROE: Katerina.

17 MS. HEINZE: Yes.

18 MS. CAROE: Jennifer.

19 MS. HALL: Yes.

20 MS. CAROE: The Chair votes yes. Vote is zero

21 no's, 12 yeses, zero abstentions, two absent and one recusal.

22 Motion passes.

23 MS. WEISMAN: Next is colors form carrot juice.

24 This like blueberry and betacarotene before was a

25 recommendation for listing which was rejected by the handling



1 committee because of a lack of information at that time.  
2 The recommendation was and still is for a listing on 606. Do  
3 I have a second?

4 MR. SMILLIE: Second.

5 MS. CAROE: Okay. So motion by Julie and seconded  
6 by Joe. Any conflicts for carrot juice?

7 MR. DAVIS: Can I recuse myself?

8 MS. CAROE: Gerald recuses.

9 MS. MIEDERMA: I'd like to recuse myself.

10 MS. CAROE: Tracy recuses. Any discussion?

11 Hearing none, seeing none we're back to the front. Dan.

12 MR. GIACOMINI: Yes.

13 MS. CAROE: Tracy recuses. Kevin.

14 MR. ENGELBERT: Yes.

15 MS. CAROE: Jeff.

16 MR. MOYER: Yes.

17 MS. CAROE: Joe.

18 MR. SMILLIE: Yes.

19 MS. CAROE: Julie.

20 MS. WEISMAN: Yes.

21 MS. CAROE: Bea.

22 MS. JAMES: Yes.

23 MS. CAROE: Rigo.

24 MR. DELGADO: Yes.

25 MS. CAROE: Gerald recuses. Katerina.

1 MS. HEINZE: Yes.

2 MS. CAROE: Jennifer.

3 MS. HALL: Yes.

4 MS. CAROE: Steve.

5 MR. DEMURI: Yes.

6 MS. CAROE: The Chair votes yes. Zero no's, 11

7 yeses, zero abstentions, two absent, and two recusals.

8 Motion passes.

9 MS. WEISMAN: Next from colors purple and black.

10 This passed at the handling committee 5 to nothing. The

11 recommendation was and is for listing on 606. Do I have a

12 second?

13 MR. DEMURI: Second.

14 MS. CAROE: A motion has been made by Julie and

15 seconded by Steve. Any discussion? Any conflicts?

16 MR. DAVIS: I'll recuse myself also.

17 MS. CAROE: Gerald recuses.

18 MR. DAVIS: My firm grows purple carrots.

19 MS. CAROE: Thank you for your recusal. Any

20 others? Hearing none, seeing none, the vote will start with

21 Tracy.

22 MS. MIEDERMA: Yes.

23 MS. CAROE: Kevin.

24 MR. ENGELBERT: Yes.

25 MS. CAROE: Jeff.

1 MR. MOYER: Yes.

2 MS. CAROE: Joe.

3 MR. SMILLIE: Yes.

4 MS. CAROE: Julie.

5 MS. WEISMAN: Yes.

6 MS. CAROE: Bea.

7 MS. JAMES: Yes.

8 MS. CAROE: Rigo.

9 MR. DELGADO: Yes.

10 MS. CAROE: Gerald recused. Katerina.

11 MS. HEINZE: Yes.

12 MS. CAROE: Jennifer.

13 MS. HALL: Yes.

14 MS. CAROE: Steve.

15 MR. DEMURI: Yes.

16 MS. CAROE: And Dan.

17 MR. GIACOMINI: Yes.

18 MS. CAROE: The chair votes yes. Zero no's, 12

19 yeses, zero abstentions, two absent, and one recusal. Motion

20 passes.

21 MS. WEISMAN: Next. Colors, cherry juice. This is

22 another one that was a recommendation for listing on 606

23 which did not pass which failed at the handling committee 4

24 to 1 for the reasons previously mentioned on the previous

25 items that had also passed the handling committee. So, the

1 recommendation was and still is for listing on 606.

2 Does anyone second?

3 MR. DEMURI: Second.

4 MS. CAROE: Motion has been made by Julie and  
5 seconded by Steve. Do we have any cherry producers, any  
6 cherry conflict? Hearing none, discussion? Wait, Tracy?

7 MS. MIEDERMA: I have a discussion point. Did the  
8 cherry petitioner provide the additional data that supported  
9 an availability?

10 MS. WEISMAN: No, the additional data that we got  
11 since the petition was mostly coming from several  
12 manufactures who have spoken in the last three days who are  
13 unable to obtain purely organic.

14 MS. MIEDERMA: The change on the part of the  
15 handling committee was based on the verbal data that was  
16 given in the last two days?

17 MS. WEISMAN: Correct.

18 MS. MIEDERMA: Okay.

19 MS. CAROE: Any further discussion? Hearing none,  
20 seeing none.

21 MS. WEISMAN: Actually, I want to make sure that  
22 Tracy understands that we're not changing -- there's no  
23 change in recommendation. The recommendation always was for  
24 listing. It failed at handling committee because of lack of  
25 data. So, everyone here gets to decide whether you've heard

1 enough in the last few days to vote differently than the  
2 handling committee voted on the basis of what information we  
3 had at that time.

4 MS. CAROE: Okay. Any further discussion?

5 MR. ENGELBERT: One quick point. When did you --

6 MS. CAROE: Kevin?

7 MR. ENGELBERT: I have it listed as a rejected  
8 item. Had it included committee re-vote?

9 MS. WEISMAN: Okay. It's not -- rejected doesn't  
10 mean that the recommendation was to reject. The  
11 recommendation was for listing and that's the same for all  
12 the other ones that show up as rejected. It was for -- it  
13 was a bad choice of words. It was for listing, but, it  
14 failed.

15 MS. CAROE: Yes. That's really what I was going to  
16 say is it was poor choice. It should say failed. All of the  
17 motions are to list. Any of those that say rejected should  
18 say failed. Any further discussion? Is everybody clear on  
19 the motion and clear on the opinions of the handling  
20 committee on this? Go through the motion again.

21 MS. WEISMAN: Okay. The original recommendation  
22 was and still is for listing on 606.

23 MS. CAROE: Any further discussion? Okay. Now  
24 we're prepared to vote. Kevin.

25 MR. ENGELBERT: No.

1 MS. CAROE: Jeff.  
2 MR. MOYER: Yes.  
3 MS. CAROE: Joe.  
4 MR. SMILLIE: Yes.  
5 MS. CAROE: Julie.  
6 MS. WEISMAN: Yes.  
7 MS. CAROE: Bea.  
8 MS. JAMES: Yes.  
9 MS. CAROE: Rigo.  
10 MR. DELGADO: Yes.  
11 MS. CAROE: Gerald.  
12 MR. DAVIS: No.  
13 MS. CAROE: Katerina.  
14 MS. HEINZE: Yes.  
15 MS. CAROE: Jennifer.  
16 MS. HALL: Yes.  
17 MS. CAROE: Steve.  
18 MR. DEMURI: Yes.  
19 MS. CAROE: Dan.  
20 MR. GIACOMINI: Yes.  
21 MS. CAROE: Tracy.  
22 MS. MIEDERMA: No.  
23 MS. CAROE: And the Chair votes yes. Three no's,  
24 10 yeses, zero abstentions, two absent. Motion passes.  
25 MS. WEISMAN: Next, colors. Chokeberry/aronia

1 juice because those are considered the same thing, or, at  
2 least, well, they are the same thing, but, they were separate  
3 petitions by two different petitioners under different names  
4 but we realize it was the same material.

5 This was a recommendation for listing on 606 and it  
6 passed the handling committee, passed it 5 to 0. So, the  
7 recommendation was and still is for listing on 606.

8 MS. CAROE: Is there a second?

9 MR. DEMURI: Second.

10 MS. CAROE: Any conflicts? Are there any  
11 conflicts? None. Discussion? Hearing none, seeing none,  
12 the vote will start will Jeff.

13 MR. MOYER: Yes.

14 MS. CAROE: Joe.

15 MR. SMILLIE: Yes.

16 MS. CAROE: Julie.

17 MS. WEISMAN: Yes.

18 MS. CAROE: Bea.

19 MS. JAMES: Yes.

20 MS. CAROE: Rigo.

21 MR. DELGADO: Yes.

22 MS. CAROE: Joe.

23 MR. SMILLIE: Yes.

24 MS. CAROE: Katerina.

25 MS. HEINZE: Yes.

1 MS. CAROE: Jennifer.

2 MS. HALL: Yes.

3 MS. CAROE: Steve.

4 MR. DEMURI: Yes.

5 MS. CAROE: Dan.

6 MR. GIACOMINI: Yes.

7 MS. CAROE: Tracy.

8 MS. MIEDERMA: Yes.

9 MS. CAROE: Kevin.

10 MR. ENGELBERT: Yes.

11 MS. CAROE: Chair votes yes. Zero no's, 13 yeses,  
12 zero abstain, two absent. Motion passes.

13 MS. WEISMAN: I just have a question for the new  
14 members before we get into the really meaty stuff later. Are  
15 we having fun?

16 BY ALL: Yes.

17 MS. WEISMAN: Okay. Next is colors, elderberry  
18 juice. This also was a recommendation for listing on 606  
19 which passed, was passed by the handling committee 5 to 0.  
20 So, again, the recommendation was and still is for listing on  
21 606.

22 MS. CAROE: Is there a second?

23 MR. SMILLIE: Second.

24 MS. CAROE: Any conflicts of interest? Seeing  
25 none. Any discussion? Hearing none, seeing none, the vote



1 will start with Joe.

2 MR. SMILLIE: Yes.

3 MS. CAROE: Julie.

4 MS. WEISMAN: Yes.

5 MS. CAROE: Bea.

6 MS. JAMES: Yes.

7 MS. CAROE: Rigo.

8 MR. DELGADO: Yes.

9 MS. CAROE: Gerald.

10 MR. DAVIS: Yes.

11 MS. CAROE: Katerina.

12 MS. HEINZE: Yes.

13 MS. CAROE: Jennifer.

14 MS. HALL: Yes.

15 MS. CAROE: Steve.

16 MR. DEMURI: Yes.

17 MS. CAROE: Dan.

18 MR. GIACOMINI: Yes.

19 MS. CAROE: Tracy.

20 MS. MIEDERMA: Yes.

21 MS. CAROE: Kevin.

22 MR. ENGELBERT: Yes.

23 MS. CAROE: Jeff.

24 MR. MOYER: Yes.

25 MS. CAROE: And the Chair votes yes. Zero no's, 13

1 yeses, zero abstentions, two absent. Motion passes. Moving  
2 on to grape juice.

3 MS. WEISMAN: Grape juice. Juices are separate.  
4 Okay. Good. Grape colors, grape juice was a recommendation  
5 for listing on 606 which failed the handling committee by a  
6 vote of 4 no, 1 for because of insufficient data at that  
7 time. Everyone has heard quite a number of public commentators  
8 come up and discuss this material. So, the recommendation is  
9 for colors, grape juice, to be listed onto 205.606.

10 MS. CAROE: Is there a second?

11 MR. DEMURI: Second.

12 MS. CAROE: Any conflicts with grape juice color?  
13 Seeing none. Any discussion?

14 MS. JAMES: I just wanted to ask. Originally,  
15 Julie, when you have a lack of information was that on the  
16 supply that you felt like you didn't have enough information  
17 that showed the availability of supply?

18 MS. WEISMAN: Exactly. In other words, we have  
19 knowledge on the -- you know -- on our committee that there  
20 are organic grapes and there was no information given in the  
21 petitions that we had in front of us that said why there are  
22 organic grapes. Is there a problem having organic grape  
23 juice color and we've heard from a number of manufacturers  
24 address that.

25 MS. CAROE: Gerald?

1           MR. DAVIS: Perhaps I missed that in the first  
2 day's proceedings of public comments. I don't specifically  
3 remember grapes being addressed by the speakers that I heard.

4           MS. CAROE: Julie.

5           MS. WEISMAN: It was actually addressed by the  
6 young woman from the Netherlands. Oh, also by Mr. Taylor  
7 from IACM, from the color manufacturer's trade association  
8 also addressed that.

9           MS. CAROE: Any other discussion? Hearing none,  
10 seeing none, the vote will start with Julie.

11          MS. WEISMAN: Yes.

12          MS. CAROE: Bea.

13          MS. JAMES: Yes.

14          MS. CAROE: Rigo.

15          MR. DELGADO: Yes.

16          MS. CAROE: Gerald.

17          MR. DAVIS: Yes.

18          MS. CAROE: Katerina.

19          MS. HEINZE: Yes.

20          MS. CAROE: Jennifer.

21          MS. HALL: Yes.

22          MS. CAROE: Steve.

23          MR. DEMURI: Yes.

24          MS. CAROE: Dan.

25          MR. GIACOMINI: Yes.

1 MS. CAROE: Tracy.

2 MS. MIEDERMA: Yes.

3 MS. CAROE: Kevin.

4 MR. ENGELBERT: No.

5 MS. CAROE: Jeff.

6 MR. MOYER: Yes.

7 MS. CAROE: Joe.

8 MR. SMILLIE: Yes.

9 MS. CAROE: The Chair votes yes. The votes are 1,  
10 12, 0, 2. One against, 12 for, zero abstained, two absent.  
11 Motion passes.

12 MS. WEISMAN: Next we have colors, grape skin  
13 extract and that's listed separately because it is a  
14 different process. It's a different fraction of the grape.  
15 That also was a recommendation for listing on 606 which  
16 failed at the handling committee because of a similar lack of  
17 information at that time. So, the recommendation was and  
18 still is for listing on 606.

19 MS. CAROE: Is there a second.

20 MR. DEMURI: Second.

21 MS. CAROE: Motion has made by Julie, seconded by  
22 Steve. Is there any conflicts with grape seed extract.

23 MS. WEISMAN: Skins.

24 MS. CAROE: Skin. Grape skin extract color. Any  
25 discussion? Hearing none, seeing none, the vote will start

1 with Bea James.

2 MS. JAMES: Yes.

3 MS. CAROE: Rigo.

4 MR. DELGADO: Yes.

5 MS. CAROE: Joe.

6 MR. SMILLIE: Yes.

7 MS. CAROE: Katerina.

8 MS. HEINZE: Yes.

9 MS. CAROE: Jennifer.

10 MS. HALL: Yes.

11 MS. CAROE: Steve.

12 MR. DEMURI: Yes.

13 MS. CAROE: Dan.

14 MR. GIACOMINI: Yes.

15 MS. CAROE: Tracy.

16 MS. MIEDERMA: Yes.

17 MS. CAROE: Kevin.

18 MR. ENGELBERT: No.

19 MS. CAROE: Jeff.

20 MR. MOYER: Yes.

21 MS. CAROE: Gerald.

22 MR. DAVIS: Yes.

23 MS. CAROE: Julie.

24 MS. WEISMAN: Yes.

25 MS. CAROE: And the Chair votes yes. One against,

1 12 for, zero abstentions, two absent. Motion passes.

2 MS. WEISMAN: Next we have colors, hibiscus. This  
3 is a recommendation for listing which failed the handling  
4 committee 4 no's to 1 yes because of a similar lack of the  
5 data given on why the organic raw materials were not  
6 available.

7 MS. CAROE: Is there a second?

8 MR. DEMURI: Second.

9 MS. CAROE: Is there any conflict with hibiscus  
10 juice colors? Any discussion? Joe?

11 MR. SMILLIE: Yeah. This one we did have a  
12 manufacturer present documentation of the availability of  
13 organically certified hibiscus colors. I wished at the time  
14 I would have pursued, you know, the volume that they were  
15 offering to add but I missed it and, hence, I'm somewhat  
16 uncertain as to what the capability and the volume of that  
17 company is at this time so I have a bit of quandary on this  
18 one.

19 MS. CAROE: You have the option to amend the motion  
20 to defer. I would just remind the board that as opposed to  
21 rejecting, deferring is an option if you feel that you don't  
22 have the information for a positive vote.

23 Jennifer?

24 MS. HALL: It is my recollection that both the  
25 testimonies were given by producers and that the issue was

1 proximity of the product to processing so it was the same  
2 issue that ones that might have had it more proximate to  
3 actually make the color but the second person, same process,  
4 did have it proximate to them. They were both producers of  
5 the color, not a user and a producer.

6 MS. CAROE: Dan. Then Joe.

7 MR. GIACOMINI: If the organic product does exist  
8 the certifier will not allow it to be used under 606.

9 MS. CAROE: Joe?

10 MR. SMILLIE: In principle, I agree. That's the  
11 way I've always seen it. It's not a problem to list it.  
12 It's a certifier's job. But, in some cases when you're  
13 presented that the product is available listing may allow the  
14 inconsistency of certifier applications to use it so I'd like  
15 to make an amendment to defer hibiscus. That leaves the  
16 industry time to resubmit for October meeting and there is  
17 some -- there is definitely some available now so I'd like to  
18 make that amendment.

19 MS. CAROE: Is it accepted by the motioner?

20 MS. WEISMAN: Yes. I accept the amendment.

21 MS. CAROE: Is it accepted by the second?

22 MR. DEMURI: Yes. Madam Chair, I don't think that  
23 would be appropriate. This would be -- it's essentially a  
24 motion to table. It would be appropriate for the maker of  
25 the original motion to accept an amendment but this isn't an

1 amendment. This is to defer the vote.

2 MS. CAROE: The vote -- the motion right now is to  
3 accept. So, we have to vote to defer so it is an alteration  
4 of the motion.

5 MR. DEMURI: It's an overlying motion over the top.  
6 It's not changing it. It has no effect on the motion. It's  
7 to lay the entire discussion of the motion on the table until  
8 the next meeting.

9 MS. CAROE: Tracy.

10 MS. MIEDERMA: I would submit that we've got a  
11 little bit of an inconsistency here. I think you're  
12 referring to more ingredients. This was handed out  
13 yesterday, a list of organic flavors, one of them that's  
14 being shown here as being commercial available is blueberry  
15 which just a few minutes ago we voted as being --

16 MS. WEISMAN: That's a flavor.

17 MS. MIEDERMA: Flavors and colors. Thank you. All  
18 right. Thank you. Wrong list.

19 MS. WEISMAN: There is data on another sheet. It  
20 has hibiscus color on it.

21 MS. MIEDERMA: It's here and somebody has it.

22 MS. CAROE: In the past what this board has done  
23 has actually voted to defer. Substitute motion? The Chair  
24 recognizes Dave Carter. Please help me or shoot me, one or  
25 the other.



1           MR. CARTER: Just procedurally, Dan's right. This  
2 is different so it would be a substitute motion that would  
3 have to be made, seconded, and voted on separately so it's  
4 not an amendment.

5           MS. CAROE: Do I have to rescind the original?

6           MR. CARTER: Substitute motion takes precedent.

7           MS. CAROE: Okay. So, Joe, you've made a  
8 substitute motion and is there a second to that?

9           MR. DEMURI: Second.

10          MS. CAROE: Steve seconds it. Okay. Any  
11 discussion right now on to defer this material which was  
12 hibiscus juice color? Any discussion?

13          MR. DEMURI: How do we get word out to these folks  
14 who need information?

15          MS. CAROE: The result of this is going to be  
16 published and the deferred recommendation will include this  
17 information. Katerina?

18          MS. HEINZE: Just procedurally I have a question.  
19 The next vote we take will be to vote to defer, right? If it  
20 passes it defers. If that fails then we go back to the  
21 original motion?

22          MS. CAROE: Well, we can. I mean, we can make that  
23 motion, yes. Okay. But, right now we have on the table a  
24 motion to defer. Any further discussions on this motion?  
25 Yes vote is to defer. It's not rejecting, it's deferring.

1 It will be taken up later. Is everybody clear? Any  
2 questions, any comments? Hearing none, seeing none, the vote  
3 will start with Rigo.

4 MR. DELGADO: Yes.

5 MS. CAROE: Gerald.

6 MR. DAVIS: Yes.

7 MS. CAROE: Katerina.

8 MS. HEINZE: No.

9 MS. CAROE: Jennifer.

10 MS. HALL: Yes.

11 MS. CAROE: Steve.

12 MR. DEMURI: Yes.

13 MS. CAROE: Dan.

14 MR. GIACOMINI: No.

15 MS. CAROE: Tracy.

16 MS. MIEDERMA: Yes.

17 MS. CAROE: Kevin.

18 MR. ENGELBERT: Yes.

19 MS. CAROE: Jeff.

20 MR. MOYER: Yes.

21 MS. CAROE: Joe.

22 MR. SMILLIE: Yes.

23 MS. CAROE: Julie.

24 MS. WEISMAN: No.

25 MS. CAROE: Bea.

1 MS. JAMES: Yes.

2 MS. CAROE: And the Chair votes no.

3 MR. GIACOMINI: Madam Chairman, would this be two-  
4 thirds or just a typical --

5 MS. CAROE: It made two-thirds. It's going to  
6 pass. It is going to pass. The votes are 4 against, 9 for,  
7 zero abstentions, two absent. Motion passes. 9 for 13. It  
8 just passes. Because of our new board policy and abstentions  
9 not going we just got to make sure we got this straight.

10 Lycopene.

11 MS. WEISMAN: Okay. The next item on the list is  
12 colors lycopene. Just to remind everybody that that comes  
13 from tomatoes. This also is a recommendation for listing  
14 which failed the handling committee for no votes to one yes  
15 vote so once again the recommendation is for listing on 606.

16 MS. CAROE: Is there a second?

17 MR. DEMURI: Second.

18 MS. CAROE: Do you have a conflict?

19 MR. CADOUX: We are a large tomato processor. We  
20 do not produce lycopene from them. We don't sell tomatoes  
21 for lycopene. It's all used internally.

22 MS. CAROE: Okay. I just need to make sure because  
23 you seconded it that you have no conflict.

24 MR. CADOUX: I don't.

25 MS. CAROE: Does anybody on the board question

1 that? Okay.

2 MR. SMILLIE: He wants to get top dollar.

3 MS. CAROE: I'm sure he'd really like that on the  
4 transcript.

5 MR. CADOUX: Thanks, Joe.

6 MS. CAROE: All right. Any discussion on lycopene  
7 colors? Okay. So this motion is to list. Just a quick  
8 discussion. Could you refresh my memory on what the  
9 committee vote was on this?

10 MS. WEISMAN: Yeah, the handling committee rejected  
11 it 4 no, 1 yes because we knew that there's organic tomatoes  
12 and the petitions didn't include information about why those  
13 weren't being processed into lycopene.

14 MS. CAROE: Okay. So, the motion failed at the  
15 committee level?

16 MS. WEISMAN: The motion failed at the committee  
17 level, yes, but, the motion is still for listing.

18 MS. CAROE: Any further discussion on lycopene  
19 color? Katerina.

20 MS. HEINZE: I believe, but, would have to dig for  
21 this, that we've received public comment as to the commercial  
22 availability in one of the written comments. I can't exactly  
23 put my hands on it right now. But, I believe we did get some  
24 public comment on this.

25 MS. WEISMAN: Yes, I think you're right. One of

1 the petitioners that we asked to give additional information  
2 did send in written comment last week and lycopene was one of  
3 the -- I believe it's the March 23rd color maker comment and  
4 I believe that was -- lycopene was included in the category  
5 with other thing where the material that was obtained for --  
6 that was used for color is a by-product and that most of the  
7 material was going to fresh market. Lycopene was one of  
8 those.

9 In other words, the organic tomato material that  
10 lycopene could be made from is more valuable on the fresh  
11 market and it never makes it into the color. There hasn't  
12 been any available for use as color.

13 MS. CAROE: Any further discussion? Joe?

14 MR. SMILLIE: Is that what you meant, Katerina?  
15 You said that you saw something that it was available.

16 MS. HEINZE: No, that's what I meant. I just  
17 wanted to bring it to the board's attention that we did  
18 receive some comment on this one.

19 MS. CAROE: Any further discussion on lycopene  
20 color? Hearing none, seeing none, the vote will begin with  
21 Gerald.

22 MR. DAVIS: No.

23 MS. CAROE: Katerina.

24 MS. HEINZE: Yes.

25 MS. CAROE: Jennifer.

1 MS. HALL: Yes.

2 MS. CAROE: Steve.

3 MR. DEMURI: No.

4 MS. CAROE: Dan.

5 MR. GIACOMINI: Yes.

6 MS. CAROE: Tracy.

7 MS. MIEDERMA: No.

8 MS. CAROE: Kevin.

9 MR. ENGELBERT: No.

10 MS. CAROE: Jeff.

11 MR. MOYER: No.

12 MS. CAROE: Joe.

13 MR. SMILLIE: Yes.

14 MS. CAROE: Julie.

15 MS. WEISMAN: Yes.

16 MS. CAROE: Bea.

17 MS. JAMES: No.

18 MS. CAROE: Rigo.

19 MR. DELGADO: No.

20 MS. CAROE: The Chair votes not. This one is not  
21 going to pass. 8 against, 5 for, zero abstentions, and two  
22 absent. Motion fails. Paprika.

23 MS. WEISMAN: Okay. Paprika, like annatto was one  
24 that we separated into two petitions, one for the form that's  
25 manufactured by a water process and one that's manufactured

1 with an oil process. And the recommendation, the way it  
2 reads right now and the material, the way it reads to list  
3 right now, I think if Valerie is able to bring it up, what we  
4 will see is it's going to say colors, paprika water  
5 extracted. My colleague, Joe, just reminded me that a  
6 manufacturer advised us yesterday to just simply call it  
7 colors -- colored paprika for the version that's manufactured  
8 using water.

9           So, am I allowed to suggest an amendment to  
10 something?

11           MS. CAROE: Before you make the motion.

12           MS. WEISMAN: Okay. The motion -- the motion is  
13 for listing of paprika, for listing of colors, paprika water  
14 extracted on 205.606.

15           MS. CAROE: Is there a second?

16           MR. DEMURI: Second.

17           MS. CAROE: Any conflict with paprika? No  
18 conflict. Discussion? Joe?

19           MR. SMILLIE: I think it should be just listed as  
20 colors paprika, not water extracted. From what I understand  
21 it is not. It is not water extract.

22           MS. CAROE: Water soluble. That's not what he said  
23 either.

24           MR. GIACOMINI: I believe the petition was for  
25 water.

1 MS. CAROE: The Chair recognizes Sean Taylor.

2 MR. TAYLOR: Sean Taylor, ICAM. Paprika in general  
3 does not have a large amount of water soluble material in it.  
4 Some of it is a little bit water soluble but it's really the  
5 ground pepper pods, the ground pepper. So, it's more not  
6 paprika water extract. There's no water extraction.

7 MS. CAROE: Thank you for that clarification. So,  
8 it's color paprika. Are you offering an amendment? The  
9 mention is for paprika water extracted.

10 MR. SMILLIE: Yes. I'd like to amend the amendment  
11 to make it color paprika.

12 MS. CAROE: Is that accepted by the motioner?

13 MS. WEISMAN: Yes.

14 MS. CAROE: Is it accepted by the second?

15 MR. DEMURI: Yes.

16 MS. CAROE: Okay. Moving with the new motion to  
17 list paprika color on 606, 205.606. Any discussion? Hearing  
18 none, seeing none, the vote will start with Gerald. No, wait  
19 a minute, Katerina.

20 MS. HEINZE: Yes.

21 MS. CAROE: Jennifer.

22 MS. HALL: Yes.

23 MS. CAROE: Steve.

24 MR. DEMURI: Yes.

25 MS. CAROE: Dan.



1 MR. GIACOMINI: Yes.

2 MS. CAROE: Tracy.

3 MS. MIEDERMA: Yes.

4 MS. CAROE: Kevin.

5 MR. ENGELBERT: Yes.

6 MS. CAROE: Jeff.

7 MR. MOYER: Yes.

8 MS. CAROE: Joe.

9 MR. SMILLIE: Yes.

10 MS. CAROE: Julie.

11 MS. WEISMAN: Yes.

12 MS. CAROE: Bea.

13 MS. JAMES: Yes.

14 MS. CAROE: Rigo.

15 MR. DELGADO: Yes.

16 MS. CAROE: Gerald.

17 MR. DAVIS: Yes.

18 MS. CAROE: The Chair votes yes. Zero against, 13

19 for, zero abstentions; two absent. Motion passes.

20 MS. WEISMAN: Now, we have made a separate petition

21 for colors, paprika oil extracted. The original petition had

22 two annotations. One we voted on Monday night was for a two

23 year listing. We have already voted to remove that

24 annotation so the recommendation right now is for colors

25 paprika, oil extracted. The annotation only organic oils is

1 still part of the recommendation at this time. So, that is  
2 the motion. Is there a second?

3 MR. DEMURI: Second.

4 MS. CAROE: Is there any conflicts with oil  
5 extracted paprika? Hearing none, is there any discussion?  
6 Kevin?

7 MR. ENGELBERT: Julie, could you explain briefly  
8 what your thoughts were on originally having it two year and  
9 a two year annotation?

10 MS. WEISMAN: Yeah. Joe, your sub-committee that  
11 handled it.

12 MR. SMILLIE: Yeah. I thought that at that point  
13 in time we didn't feel we had enough information that the  
14 color people had really done a global search for supply and  
15 specifically mentioning, you know, traditional countries of  
16 paprika production weren't mentioned in their search and they  
17 obviously they need time to connect to those supplies so we  
18 thought we'd shorten the year and since then we've received,  
19 I think, fairly good public commentary about, you know, make  
20 it five or not. You know, don't complicate issues by making  
21 it shorter terms and we've also received information that  
22 those traditional paprika producing companies really weren't  
23 looking to sell to the color trade and it wasn't a good fit.

24 So, we reconsidered and moved it, dropped the  
25 annotations.

1 MS. CAROE: Tracy.

2 MS. MIEDERMA: Just a point of clarification. Does  
3 the word color appear in the motion or does it say paprika  
4 oil extracted.

5 MS. WEISMAN: No, colors comes first, then paprika  
6 oil extracted.

7 MS. MIEDERMA: Thank you.

8 MS. WEISMAN: And there's still an annotation that  
9 only organic oil can be used in tint.

10 MS. CAROE: Actually, that was removed in the  
11 handling committee. Annotations were removed in the handling  
12 committee.

13 MS. WEISMAN: Okay. Never mind. Okay.

14 MS. CAROE: So, restate the motion.

15 MS. WEISMAN: Okay. So, the motion now is colors  
16 paprika oil extracted for listing on 606.

17 MS. CAROE: And the motion is --

18 MR. DEMURI: Second.

19 MS. CAROE: -- seconded. Okay. Any further  
20 discussion? Are we clear on the vote? Does everybody  
21 understand it's to list colors without an annotation. Any  
22 further discussion? Hearing none, seeing none, the vote will  
23 start with Jennifer.

24 MS. HALL: Yes.

25 MS. CAROE: Steve.

1 MR. DEMURI: Yes.

2 MS. CAROE: Dan.

3 MR. GIACOMINI: Yes.

4 MS. CAROE: Tracy.

5 MS. MIEDERMA: Yes.

6 MS. CAROE: Kevin.

7 MR. ENGELBERT: Yes.

8 MS. CAROE: Jeff.

9 MR. MOYER; Yes.

10 MS. CAROE: Joe.

11 MR. SMILLIE: Yes.

12 MS. CAROE: Julie.

13 MS. WEISMAN: Yes.

14 MS. CAROE: Bea.

15 MS. JAMES: Yes.

16 MS. CAROE: Rigo.

17 MR. DELGADO: Yes.

18 MS. CAROE: Gerald.

19 MR. DAVIS: Yes.

20 MS. CAROE: Katerina.

21 MS. HEINZE: Yes.

22 MS. CAROE: The Chair votes yes. Zero against, 13

23 for, zero abstained, two absent. Motion passes.

24 MS. WEISMAN: Okay. The next color. Colors

25 pumpkin juice. The recommendation is for listing on 205.606.

1 This is also -- this a recommendation that failed at the  
2 handling committee because of insufficient information at  
3 that time; insufficient data to show why organic pumpkins  
4 were not available or why they couldn't be processed into  
5 color and we have heard significant public comment since that  
6 time addressing that issue. So, the motion is for listing of  
7 colors, pumpkin juice on 205.606.

8 MS. CAROE: Is there a second?

9 MR. DEMURI: Second.

10 MS. CAROE: Is there any conflicts? Tracy.

11 MS. MIEDERMA: I had flagged seven of these so,  
12 yes, I would like to recuse myself as a member of an  
13 organization that grows a lot of organic and conventional  
14 pumpkin.

15 MS. CAROE: Okay. Any others? Discussion?  
16 Hearing none, seeing none, the vote will start with Steve.

17 MR. DEMURI: Yes.

18 MS. CAROE: Dan.

19 MR. GIACOMINI: Yes.

20 MS. CAROE: Tracy recuses. Kevin.

21 MR. ENGELBERT: Yes.

22 MS. CAROE: Jeff.

23 MR. MOYER: Yes.

24 MS. CAROE: Joe.

25 MR. SMILLIE: Yes.

1 MS. CAROE: Julie.

2 MS. WEISMAN: Yes.

3 MS. CAROE: Bea.

4 MS. JAMES: Yes.

5 MS. CAROE: Rigo.

6 MR. DELGADO: Yes.

7 MS. CAROE: Gerald.

8 MR. DAVIS: Yes.

9 MS. CAROE: Katerina.

10 MS. HEINZE: Yes.

11 MS. CAROE: Jennifer.

12 MS. HALL: Yes.

13 MS. CAROE: The Chair votes yes. Zero against, 12  
14 for, zero abstentions, two absent, one recusal. Motion  
15 passes.

16 MS. WEISMAN: Okay. Next up, I like the name of  
17 this one, not that that should have any influence on anyone.  
18 Colors, purple potato juice. This is a motion for listing on  
19 606 which did not pass at the handling committee. It was  
20 rejected for no votes, one yes vote, because at the time  
21 there was not felt to be sufficient data to understand why it  
22 was not being grown organically or being processed into  
23 organic color so the motion is to recommend the listing of  
24 color purple potato juice on 205.606.

25 MS. CAROE: Is there a second?

1 MR. DEMURI: Second.

2 MS. CAROE: Is there any conflicts with purple  
3 potato juice color? Any discussion?

4 MR. DEMURI: I have a question for the board. I  
5 can't recall anybody coming up to us afterwards and telling  
6 us if that was available or not available.

7 MS. CAROE: Jennifer?

8 MS. HALL: Yeah. The gal from The Netherlands this  
9 morning, that was one of her --

10 MR. DEMURI: I don't recall her specifically  
11 mentioning that.

12 MS. WEISMAN: We asked her to make a -- I'm sorry.

13 MS. CAROE: Dan?

14 MR. GIACOMINI: I just wish I could see one before  
15 I voted on it. I feel a little bizarre on this one.

16 MS. CAROE: I'd like to see the hops but we'll go  
17 there later. Anybody else? Any discussion? Hearing none,  
18 seeing none, the vote will start with Dan.

19 MR. GIACOMINI: Yes.

20 MS. CAROE: Tracy.

21 MS. MIEDERMA: Yes.

22 MS. CAROE: Kevin.

23 MR. ENGELBERT: Yes.

24 MS. CAROE: Jeff.

25 MR. MOYER: Yes.

1 MS. CAROE: Joe.

2 MR. SMILLIE: Yes.

3 MS. CAROE: Julie.

4 MS. WEISMAN: Yes.

5 MS. CAROE: Bea.

6 MS. JAMES: Yes.

7 MS. CAROE: Rigo.

8 MR. DELGADO: Yes.

9 MS. CAROE: Gerald.

10 MR. DAVIS: Yes.

11 MS. CAROE: Katerina.

12 MS. HEINZE: Yes.

13 MS. CAROE: Jennifer.

14 MS. HALL: Yes.

15 MS. CAROE: Steve.

16 MR. DEMURI: Yes.

17 MS. CAROE: The Chair votes yes. Zero against, 13  
18 for, zero abstained, two absent. The motion passes.

19 MS. WEISMAN: Next. Colors. Red cabbage extract.  
20 This was a recommendation for listing on 606 which passed 5  
21 to 0 by the handling committee. So, the recommendation is  
22 for colors, red cabbage extract for listing on 205.606.

23 MS. CAROE: Is there a second?

24 MR. DEMURI: Second.

25 MS. CAROE: Is there any conflicts for red cabbage



1 extract colors?

2 MR. DAVIS: I work for a farm that grows red  
3 cabbage and could grow organically grown red cabbage for  
4 color.

5 MS. CAROE: Are you recusing yourself?

6 MR. DAVIS: Yes. I'm recusing myself.

7 MS. CAROE: Thank you. Any further conflicts? Any  
8 discussion? Hearing none, seeing none, the vote will start  
9 with Tracy.

10 MS. MIEDERMA: Yes.

11 MS. CAROE: Kevin.

12 MR. ENGELBERT: Yes.

13 MS. CAROE: Jeff.

14 MR. MOYER: No.

15 MS. CAROE: Joe.

16 MR. SMILLIE: Yes.

17 MS. CAROE: Julie.

18 MS. WEISMAN: Yes.

19 MS. CAROE: Bea.

20 MS. JAMES: Yes.

21 MS. CAROE: Rigo.

22 MR. DELGADO: Yes.

23 MS. CAROE: Gerald recuses. Katerina.

24 MS. HEINZE: Yes.

25 MS. CAROE: Jennifer.

1 MS. HALL: Yes.

2 MS. CAROE: Steve.

3 MR. DEMURI: Yes.

4 MS. CAROE: Dan.

5 MR. GIACOMINI: Yes.

6 MS. CAROE: The Chair votes yes. So we have 1  
7 against, 12 for's, zero abstained, two absent. No, 10 for,  
8 one recusal. I'm so sorry. I'm sorry. Let me restate that.  
9 One against, 11 for, zero abstained, two absent, one  
10 recusal. Motion passes.

11 Now, just before you go any further, we're  
12 scheduled right now for a break but I'd like to get through  
13 this page of votes before if everybody is okay.

14 MS. WEISMAN: The whole page?

15 MS. CAROE: The colors.

16 MS. WEISMAN: Okay. I was going to go through the  
17 page but I'll go through colors.

18 MS. CAROE: All right. Just go through the colors,  
19 Julie.

20 MS. WEISMAN: The next color. Colors. Red radish  
21 extract. This was a recommendation for listing on 606 which  
22 passed the handling committee 5 to 0.

23 MS. CAROE: Is there a second?

24 MR. DEMURI: Second.

25 MS. CAROE: Is there any conflicts with red radish

1 extract color? Seeing none, is there any discussion on red  
2 radish extract color? Hearing none, seeing none, the vote  
3 will start with Kevin.

4 MR. ENGELBERT: Yes.

5 MS. CAROE: Jeff.

6 MR. MOYER: Yes.

7 MS. CAROE: Joe.

8 MR. SMILLIE: Yes.

9 MS. CAROE: Julie.

10 MS. WEISMAN: Yes.

11 MS. CAROE: Bea.

12 MS. JAMES: Yes.

13 MS. CAROE: Rigo.

14 MR. DELGADO: Yes.

15 MS. CAROE: Gerald.

16 MR. DAVIS: Yes.

17 MS. CAROE: Katerina.

18 MS. HEINZE: Yes.

19 MS. CAROE: Jennifer.

20 MS. HALL: Yes.

21 MS. CAROE: Steve.

22 MR. DEMURI: Yes.

23 MS. CAROE: Dan.

24 MR. GIACOMINI: Yes.

25 MS. CAROE: Tracy.

1 MS. MIEDERMA: Yes.

2 MS. CAROE: The Chair votes yes. That is zero  
3 against, 13 for, zero abstentions, two absent. Motion  
4 passes.

5 MS. WEISMAN: Colors. Saffron. This is a  
6 recommendation for listing on 606 that was rejected by the  
7 handling committee 4 no, 1 yes vote because at the time that  
8 that decision was made the petitions were felt to contain  
9 insufficient data as to why it could not be obtained  
10 organically. I believe that this was a one item that was  
11 mentioned emphatically in the second color maker letter in  
12 terms of the material going to fresh market and never  
13 becoming available for use for color manufacturer.

14 MS. CAROE: Is there a second.

15 MR. SMILLIE: Second.

16 MS. CAROE: I'm going to give that one to Joe. It  
17 was close. It was a draw. Any conflicts for saffron colors?  
18 Hearing none, any discussion on colors saffron? Hearing  
19 none, seeing none, the vote will start with Jeff.

20 MR. MOYER: Yes.

21 MS. CAROE: Julie.

22 MS. WEISMAN: Yes.

23 MS. CAROE: I'm sorry, Joe. There's too many J's  
24 around.

25 MR. SMILLIE: Yes.

1 MS. CAROE: Julie.  
2 MS. WEISMAN: Yes.  
3 MS. CAROE: Bea.  
4 MS. JAMES: No.  
5 MS. CAROE: Rigo.  
6 MR. DELGADO: Yes.  
7 MS. CAROE: Gerald.  
8 MR. DAVIS: No.  
9 MS. CAROE: Katerina.  
10 MS. HEINZE: Yes.  
11 MS. CAROE: Jennifer.  
12 MS. HALL: Yes.  
13 MS. CAROE: Steve.  
14 MR. DEMURI: Yes.  
15 MS. CAROE: Dan.  
16 MR. GIACOMINI: Yes.  
17 MS. CAROE: Tracy.  
18 MS. MIEDERMA: Yes.  
19 MS. CAROE: Kevin.  
20 MR. ENGELBERT: Yes.  
21 MS. CAROE: And the Chair votes yes. The vote is 2  
22 against, 11 for, zero abstained, two absent. Motion passes.  
23 MS. WEISMAN: Next is colors, tomato juice extract.  
24 This was a recommendation for listing on 205.606 which  
25 failed the handling committee 4 no votes to 1 yes. As a

1 tomato item there was knowledge of much organic tomato that's  
2 grown and not enough information in the petition about why it  
3 wasn't being processed into color.

4 And there has been public comment in the last three  
5 days which has addressed that. So, I'll restate the  
6 recommendation is for colors, tomato juice extract for  
7 listing on 205.606.

8 MS. CAROE: So, the motion is for listing tomato  
9 juice extract color on 205.606, right?

10 MR. DEMURI: Second.

11 MS. CAROE: Is there any conflicts with tomato  
12 juice extract color?

13 MR. DEMURI: I'll just mention again that we are a  
14 large tomato processor and we do organic tomatoes. We make  
15 our tomato juice, organic and conventional, but, we do not  
16 sell it to anybody. So, I wouldn't think there would be a  
17 conflict.

18 MS. CAROE: Okay. Any further conflicts?

19 MR. DEMURI: Let me rephrase that. We don't sell  
20 to anybody to make colors out of. We do sell it.

21 MS. CAROE: The Andy Warhol thing. That would be a  
22 highly unsustainable business.

23 MR. DEMURI: Exactly.

24 MS. CAROE: So, anyway, is there any discussion on  
25 tomato extract colors? Hearing none, seeing none, the vote

1 will start will chopped liver Joe.

2 MR. SMILLIE: Yes.

3 MS. CAROE: Julie.

4 MS. WEISMAN: Yes.

5 MS. CAROE: Bea.

6 MS. JAMES: No.

7 MS. CAROE: Rigo.

8 MR. DELGADO: No.

9 MS. CAROE: Gerald.

10 MR. DAVIS: No.

11 MS. CAROE: Katerina.

12 MS. HEINZE: Yes.

13 MS. CAROE: Jennifer.

14 MS. HALL: Yes.

15 MS. CAROE: Steve.

16 MR. DEMURI: No.

17 MS. CAROE: Dan.

18 MR. GIACOMINI: Yes.

19 MS. CAROE: Tracy.

20 MS. MIEDERMA: No.

21 MS. CAROE: Kevin.

22 MR. ENGELBERT: No.

23 MS. CAROE: Jeff.

24 MR. MOYER: No.

25 MS. CAROE: The Chair votes no. Okay. We have 8

1 against, 5 for, zero abstentions, two absent. Motion fails.

2 MS. WEISMAN: Next. Next item is colors, tumeric.  
3 It's incorrectly spelled in a lot of places. There's a  
4 little bit of controversy here. So, can we treat that as a  
5 typo?

6 MS. FRANCES: Is it spelled correctly?

7 MS. WEISMAN: It's probably not spelled correctly  
8 up there because I wrote it.

9 MR. BRADLEY: I think it's spelled more than one  
10 way.

11 MS. CAROE: Okay. Hold one. Make the motion. I  
12 do believe that this is a technical correction that we can  
13 make not from the program on this. Spelling errors, can we  
14 correct?

15 MR. BRADLEY: You're asking me can you correct them  
16 in your document?

17 MS. CAROE: I'm asking if they go forward with an  
18 incorrect spelling can it be corrected before it makes it  
19 into the Federal Register?

20 MR. BRADLEY: We would correct that, yes.

21 MS. CAROE: You would correct our English, our  
22 spelling?

23 MR. BRADLEY: Spelling, yes.

24 MS. CAROE: Okay. Thank you. They're from the  
25 government and they're here to help.



1 MS. WEISMAN: The recommendation is for colors,  
2 tumeric for listing on section 205.606.

3 MR. DEMURI: Second the motion.

4 MS. CAROE: I said she's moving, she's not  
5 recommending. You're moving.

6 MS. WEISMAN: Okay. I am -- but that's the way  
7 I've been saying it for the last -- okay. The motion is to  
8 recommend colors, tumeric, for listing on Section 205.606.

9 MS. CAROE: Is there a second?

10 MR. DEMURI: Second second.

11 MS. WEISMAN: Okay. This was also rejected by the  
12 handling committee. Usually I say that before we do all this  
13 stuff.

14 MS. CAROE: I haven't gotten there yet. Are there  
15 any conflicts? Tumeric, tamaric, or, any of those? None.  
16 Is there any discussion? Julie, do you want to --

17 MS. WEISMAN: Yeah. This is a recommendation for  
18 listing which was rejected by the handling committee 3 no, 2  
19 yes. And this is also -- I think this was not done by my  
20 sub-committee so I'm having trouble remembering. This is an  
21 odd vote. I think this was -- okay. It was rejected 3 to 2.  
22 It is also an item that was mentioned in that written  
23 petition that we see -- we received a second comment from the  
24 petitioner.

25 UNIDENTIFIED SPEAKER: What was that again?

1 MS. WEISMAN: Tumeric. That it was not -- okay.  
2 That it was another issue where whatever organic that was  
3 available was not being made available for processing into  
4 color.

5 MS. CAROE: Katerina and then Steve.

6 MS. WEISMAN: Okay. Actually, --

7 MS. CAROE: Katerina and Steve.

8 MS. HEINZE: I just wanted to remind the board and  
9 all that testimony I think it's hard to keep track. We have  
10 heard public comment that there are some handlers who do use  
11 organic tumeric when it is available but it is not always  
12 available for all the products that they are producing. Just  
13 a reminder.

14 MS. CAROE: Steve?

15 MR. DEMURI: I just wanted to mention that like the  
16 hibiscus it does show up on this sheet as well.

17 MR. SMILLIE: And I wanted to speak to that. I  
18 think that one we did have a number of public comments that  
19 even though it is available it's not available in the  
20 quantities that the manufacturers need and that we -- you  
21 know -- specifically reports from one manufacturer that they  
22 use it in seasonal products and, but, there's not enough  
23 available for the whole product.

24 MS. CAROE: Any other comments or discussion?

25 Hearing none, seeing none, we'll call the vote starting with

1 Jeff -- I'm sorry, Julie.

2 MS. WEISMAN: Yes.

3 MS. CAROE: Bea.

4 MS. JAMES: No.

5 MS. CAROE: Rigo.

6 MR. DELGADO: Yes.

7 MS. CAROE: Gerald.

8 MR. DAVIS: Yes.

9 MS. CAROE: Katerina.

10 MS. HEINZE: Yes.

11 MS. CAROE: Jennifer.

12 MS. HALL: Yes.

13 MS. CAROE: Steve.

14 MR. DEMURI: Yes.

15 MS. CAROE: Dan.

16 MR. GIACOMINI: Yes.

17 MS. CAROE: Tracy.

18 MS. MIEDERMA: Yes.

19 MS. CAROE: Kevin.

20 MR. ENGELBERT: No.

21 MS. CAROE: Jeff.

22 MR. MOYER: Yes.

23 MS. CAROE: Joe.

24 MR. SMILLIE: Yes.

25 MS. CAROE: The Chair votes yes. That would be 2

1 against, 11 for, zero abstain, two absent. Motion passes.

2 It is now a quarter of three. Does the board need

3 to take a break at this point or shall we continue? Okay.

4 It's now a quarter of. We'll be back at five minutes to.

5 (Whereupon, a brief recess was taken)

6 MS. CAROE: Okay, Julie, get started.

7 MS. WEISMAN: Carbon dioxide is the next item.

8 Okay. Next item on the list is carbon dioxide. This is one  
9 we discussed yesterday. This has been taken off the table by  
10 the petitioner. We do not need any further discussion about  
11 this material.

12 MS. CAROE: So, carbon dioxide as we heard in  
13 public testimony yesterday the petitioner, Zea Sonnebrand  
14 from CCOF, has pulled this petition so it will not be  
15 considered.

16 Moving onto the next item.

17 MS. WEISMAN: Carrot fiber. This was a  
18 recommendation for listing on 606 which was rejected by the  
19 handling committee 5 to 0. So, the recommendation is still  
20 for listing on 205.606.

21 MS. CAROE: Is there a second?

22 MR. DEMURI: Second.

23 MS. CAROE: Steve. Okay. The motion is on the  
24 floor. Is there conflict?

25 MR. DAVIS: Yes.

1 MS. CAROE: Gerald?

2 MR. DAVIS: The company I work for grows organic  
3 carrot fiber and could supply organic carrot fiber.

4 MS. CAROE: And are you recusing yourself?

5 MR. DAVIS: Yes.

6 MS. CAROE: Thank you. Any other recusals? Joe,  
7 are you recusing yourself?

8 MR. SMILLIE: No.

9 MS. CAROE: Okay. Tracy?

10 MS. MIEDERMA: Yes, I'm recusing myself.

11 MS. CAROE: Thank you, Tracy. Any further  
12 conflict? Any discussion? Joe?

13 MR. SMILLIE: Yeah. I just wanted to remind  
14 everybody that this petition was for a specific process. It  
15 wasn't carrot fiber as a whole. It was for a specific  
16 process of carrot fiber that did not explore the use of  
17 organic carrot peelings for this fiber.

18 MS. CAROE: Any further discussion? Okay. Hearing  
19 none, seeing none, the vote will start with Bea James.

20 MS. JAMES: Abstain.

21 MS. CAROE: Rigo.

22 MR. DELGADO: Yes.

23 MS. CAROE: Recusal for Gerald so Katerina.

24 MS. HEINZE: No.

25 MS. CAROE: Jennifer.

1 MS. HALL: No.

2 MS. CAROE: Steve.

3 MR. DEMURI: No.

4 MS. CAROE: Dan.

5 MR. GIACOMINI: No.

6 MS. CAROE: Recusal for Tracy. Kevin.

7 MR. ENGELBERT: No.

8 MS. CAROE: Jeff.

9 MR. MOYER: No.

10 MS. CAROE: Joe.

11 MR. SMILLIE: No.

12 MS. CAROE: Julie.

13 MS. WEISMAN: No.

14 MS. CAROE: And the Chair votes not. I think that

15 one doesn't pass. We have 11 against, 1 for, 1 abstention,

16 and two absent and two recusals. Oh, no, that's wrong.

17 Sorry. Nine against, 1 for it, 1 abstention, two absent, two

18 recusals, and a partridge in a pear tree. Motion fails.

19 MS. WEISMAN: Next item is celery powder. This was

20 a recommendation for listing on 606 which passed the handling

21 committee 4 to 0 with one absent. So, the recommendation

22 once again is for listing of celery powder on 205.606.

23 MS. CAROE: Motion has been made, is there a

24 second?

25 MR. DEMURI: Second.

1 MS. CAROE: Is there any conflicts? Gerald?

2 MR. DAVIS: I work a grower of celery. I'm not sure  
3 if it's in the form that this petitioner could use. I wasn't  
4 on this sub-committee. I didn't read the information.

5 MS. CAROE: Are you recusing yourself?

6 MR. DAVIS: I'd rather not, but, --

7 MS. CAROE: Okay. I don't see a reason for you to  
8 recuse. Is there anybody on the board that feels  
9 differently? Okay. Hearing none, I don't think you need to  
10 recuse. Thank you for the disclosure. Any other conflicts?  
11 Tracy?

12 MS. MIEDERMA: The processing facility at our farm  
13 makes celery puree, much of which is turned into celery  
14 powder, so, I would like to recuse.

15 MS. CAROE: Tracy, you are recused. Okay.  
16 Discussion? Hearing none, seeing none, the vote will start  
17 with Rigo.

18 MR. DELGADO: No.

19 MS. CAROE: Gerald.

20 MR. DAVIS: No.

21 MS. CAROE: Katerina.

22 MS. HEINZE: Yes.

23 MS. CAROE: Jennifer.

24 MS. HALL: Yes.

25 MS. CAROE: Steve.

1 MR. DEMURI: Yes.

2 MS. CAROE: Dan.

3 MR. GIACOMINI: Yes.

4 MS. CAROE: Tracy recuses. Kevin.

5 MR. ENGELBERT: No.

6 MS. CAROE: Jeff.

7 MR. MOYER: No.

8 MS. CAROE: Joe.

9 MR. SMILLIE: Yes.

10 MS. CAROE: Julie.

11 MS. WEISMAN: Yes.

12 MS. CAROE: Bea.

13 MS. JAMES: Yes.

14 MS. CAROE: And the Chair votes yes. We have 4

15 no's, 8 yeses, no abstentions -- I'm sorry, two absent, one

16 recusal. Motion fails. I need nine positive votes for a

17 pass. I've got eight positive votes.

18 MR. GIACOMINI: But, that's two-thirds.

19 MS. CAROE: I need a decisive vote.

20 MR. DEMURI: You need nine out of 13 but you have

21 to counts the votes that are voted.

22 MS. CAROE: That's true. I need eight votes. The

23 motion passes. You're right. I apologize. Thank you. It

24 passes by a hair.

25 MS. WEISMAN: Okay. Next item on the list is dill



1 weed oil. This was recommended for listing on 205.606 and it  
2 was rejected by the handling committee 5 to 0. And we have  
3 had no further information given to us by either the  
4 petitioner or any other manufacturers. So, the motion once  
5 again is to recommend dill weed oil for listing on 205.606.

6 MR. DEMURI: Second.

7 MS. CAROE: Is there any conflict of interest?

8 MR. DAVIS: I work for growers fresh market dill  
9 weed. I would rather not recuse myself.

10 MS. CAROE: Is there anybody on the board that  
11 feels there's a conflict? Nor do I so recusal is not  
12 necessary. Any discussion? Katerina?

13 MS. HEINZE: I need some help with this one. Maybe  
14 some folks who were on the sub-committee or the handling  
15 committee can remind me. I believe this petitioner provided  
16 evidence on why they were unable to source dill weed oil.  
17 But, there's some question about whether they needed it or  
18 not. I need point of clarification. Are we supposed to  
19 consider whether it's essential or not for 606 items?

20 MS. CAROE: I can answer that question, I believe.  
21 The issue with this product was there was no explanation to  
22 the specification of this product and the concern was that  
23 this was being specked out of organic and that was never  
24 addressed. The petitioner was contacted after we did the  
25 review in February. There's been no response. Clearly we

1 felt that there was. We just wanted to have that information  
2 on record of why the oil was the appropriate form for this  
3 product and just to make sure that it wasn't a situation of  
4 specking out.

5 So, any further discussion? Dan?

6 MR. GIACOMINI: Gerald, do you guys do any organic  
7 dill?

8 MR. DAVIS: Yes.

9 MR. GIACOMINI: You do?

10 MR. DAVIS: Yes, that's all we do other than  
11 conventional carrots and potatoes.

12 MS. CAROE: Julie?

13 MS. WEISMAN: Yeah. I'm actually -- I just want to  
14 make sure -- I need a little reassurance. So, if the dill  
15 weed oil does not pass it means that this manufacturer may be  
16 forced to reformulate using fresh organic dill which Gerald  
17 does produce so I am not sure -- I think that that maybe a  
18 conflict of interest.

19 MS. CAROE: The votes can go either way or there  
20 can be a motion to defer. Tracy?

21 MS. MIEDERMA: I would like to make a substitute  
22 motion that we defer this petition to add dill weed oil to  
23 606 in light of the fact that we did not hear back on the  
24 question of substitutability and I'm not sure that that was  
25 made explicitly clear that we're asking about the

1 substitutability or have we necessary held every other  
2 manufacturer to that same level of evidence.

3 MS. CAROE: Is there a second for the motion?

4 MR. SMILLIE: Second.

5 MS. CAROE: Joe seconded. So, the motion on the  
6 floor right now is to defer the listing, the consideration of  
7 dill weed oil until the fall meeting. Is there any  
8 discussion on the item. Katerina?

9 MS. HEINZE: My understanding is that after June  
10 9th the petitioner would then not be able to use dill weed  
11 oil because we had deferred. Is that correct?

12 MS. CAROE: That is accurate.

13 MS. HEINZE: This petitioner had indicated that  
14 they have contracted with a supplier of organic dill weed oil  
15 but at the earliest that crop will be available in October.  
16 So, folks are aware of the position that the petitioner would  
17 be in.

18 MS. CAROE: Any further discussion? If I remember  
19 from the petition the cucumbers are harvested in August and  
20 the dill becomes available in September so that's the time.  
21 The pickles have to be made in August when the cucumbers are  
22 harvested but the dill doesn't have to become available until  
23 September.

24 MR. GIACOMINI: About the petition. Cucumbers are  
25 available in August, September; dill in October.

1 MS. CAROE: I was close.

2 MR. GIACOMINI: Yeah, you were. That was really  
3 good.

4 MS. CAROE: Any further discussion?

5 MR. DEMURI: Is that fresh dill or dill oil in  
6 October?

7 MS. WEISMAN: I believe that that was the oil. I  
8 believe that the manufacturer of the oil.

9 MS. CAROE: I know who the manufacturer is. It  
10 says harvested in.

11 MR. GIACOMINI: The very earliest in dill weed oil  
12 would be available would be October 2007.

13 MS. CAROE: I apologize. Any further discussion?  
14 All right. Hearing none, seeing none, the vote is to defer  
15 consideration of dill weed oil. The vote will start with  
16 Gerald.

17 MR. DAVIS: No.

18 MS. CAROE: Katerina.

19 MS. HEINZE: No.

20 MS. CAROE: Jennifer.

21 MS. HALL: No.

22 MS. CAROE: Steve.

23 MR. DEMURI: No.

24 MS. CAROE: Dan.

25 MR. GIACOMINI: No.

1 MS. CAROE: Tracy.

2 MS. MIEDERMA: No.

3 MS. CAROE: You could have withdrawn it and we  
4 could have stopped the vote. Kevin.

5 MR. ENGELBERT: No.

6 MS. CAROE: Jeff.

7 MR. MOYER: No.

8 MS. CAROE: Joe.

9 MR. SMILLIE: Abstain.

10 MS. CAROE: Julie.

11 MS. WEISMAN: No.

12 MS. CAROE: Bea.

13 MS. JAMES: Abstain.

14 MS. CAROE: Rigo.

15 MR. DELGADO: No.

16 MS. CAROE: And the Chair votes no so it is 11  
17 against, none in favor, two abstained, two absent. The  
18 motion fails. So, we can reconsider dill weed oils, first  
19 motion, --

20 MS. WEISMAN: The original motion is for listing of  
21 dill weed oil on 205.606.

22 MS. CAROE: Is there a second?

23 MR. DEMURI: Second.

24 MS. CAROE: Any discussion? Tracy.

25 MS. MIEDERMA: I don't mean to get too wrapped

1 around this but I feel like we're getting into kind of a  
2 murky territory when we go to a manufacturer that tells us  
3 dill weed oil is a very critical ingredient and we start  
4 questioning their formulations which is what we pushed back  
5 on.

6 MS. CAROE: I just want to respond to that before I  
7 open it up any further. I agree with you. We thought we  
8 were asking a very simple question and just never got  
9 responded to. But, the fact of the matter was, there was  
10 this question out there that we didn't get response on which  
11 kind of put us where we're at. Any further discussion?  
12 Julie?

13 MS. WEISMAN: I just wanted to once again remind  
14 everyone that there will be a further check. Putting it on  
15 the list does not mean that they automatically can use it.  
16 It means that their certifier will, you know, ask them to  
17 show that they couldn't source it organically. And it sounds  
18 like there's a pretty good chance that they're going to be  
19 able to source it organically pretty quickly.

20 MS. CAROE: Any further discussion? Katerina?

21 MS. HEINZE: I am not a gardener or grower by any  
22 stretch of the imagination. But, you know, they believe that  
23 they'll have it ready in October, but, we all know that crops  
24 are crops and they don't have it today, right. I mean,  
25 October, that crop could come in and not meet their needs.

1 MS. CAROE: I think we could say that about just  
2 about everything though. Further discussion? Okay. Hearing  
3 none, seeing none, the vote will start with Katerina. The  
4 vote is to add.

5 MS. HEINZE: Yes.

6 MS. CAROE: Jennifer.

7 MS. HALL: Yes.

8 MS. CAROE: Steve.

9 MR. DEMURI: No.

10 MS. CAROE: Dan.

11 MR. GIACOMINI: Yes.

12 MS. CAROE: Tracy.

13 MS. MIEDERMA: Yes.

14 MS. CAROE: Kevin.

15 MR. ENGELBERT: No.

16 MS. CAROE: Jeff.

17 MR. MOYER: No.

18 MS. CAROE: Joe.

19 MR. SMILLIE: Yes.

20 MS. CAROE: Julie.

21 MS. WEISMAN: Yes.

22 MS. CAROE: Bea.

23 MS. JAMES: No.

24 MS. CAROE: Rigo.

25 MR. DELGADO: Yes.

1 MS. CAROE: Gerald.

2 MR. DAVIS: Yes.

3 MS. CAROE: The Chair votes yes. Okay. There's 4  
4 against, 9 for, zero abstentions, two absent. Motion passes.

5 MS. WEISMAN: Yes. Okay. I will just briefly  
6 state that the next item which is fish gelatin. After we had  
7 spent quite a bit of time considering the petition it came to  
8 our attention that this had already been recommended by the  
9 NOSB in 2002 for listing on 606. So, therefore, it's already  
10 on 606 and we don't have to take any action. And we just  
11 encourage gelatin to be included and published soon.

12 MS. CAROE: Just a little further comment on that.  
13 The recommendation that did move -- that will move forward  
14 from the previous board recommendation was for the inclusion  
15 of gelatin at which time the board did consider fish gelatin  
16 as well as other gelatins. So, it is included in that. It  
17 was deliberated on and since we have an action completed on  
18 that there's no action to be taken by this board.

19 So, moving forward.

20 MS. WEISMAN: Okay. Next item. Short chain  
21 fructan olegofructose saccharides. Jumping the again. Sorry.  
22 Fish oils. This -- sorry about that. This was a  
23 recommendation for listing on 205.606 which passed the  
24 handling committee 5 yes, 0 no. There was concerns that were  
25 brought to light in the last few days during public comment



1 and our discussions yesterday and there was a concern that we  
2 limit the kind of stabilizers that can be used so the  
3 recommendations as it stands now is for listing of fish oils  
4 as is on 606.

5 MS. CAROE: Is there a second?

6 MR. DEMURI: Second.

7 MS. CAROE: Okay. Any conflicts of interest of any  
8 fish oil people here? Okay. Discussion? Joe?

9 MR. SMILLIE: I think I'd like to make a friendly  
10 amendment to the effect that -- oh, boy, I've got to get the  
11 wording here.

12 MS. WEISMAN: I have it here. It's this first one  
13 right here.

14 MR. SMILLIE: Which would be an annotation.

15 MS. WEISMAN: This would be an annotation. Yes,  
16 this would be the dreaded annotation.

17 MR. SMILLIE: The dreaded annotation. The  
18 annotation would read stabilized using allowed ingredients on  
19 the national list.

20 MS. CAROE: Is the motion accepted?

21 MS. WEISMAN: Yes, I accept the amendment.

22 MS. CAROE: Second?

23 MR. DEMURI: Second.

24 MS. CAROE: Okay. So, we now have an amended  
25 motion on the table for fish oil with the annotation what?

1 MR. SMILLIE: Stabilized using only allowed  
2 ingredients on the national list.

3 MS. CAROE: Okay. Valerie, are you catching that?

4 MS. FRANCES: Yes.

5 MS. CAROE: Any discussions? Okay. Hearing none,  
6 seeing none, the vote will start with Jennifer.

7 MS. HALL: Yes.

8 MS. CAROE: Steve.

9 MR. DEMURI: Yes.

10 MS. CAROE: Dan.

11 MR. GIACOMINI: Yes.

12 MS. CAROE: Tracy.

13 MS. MIEDERMA: Yes.

14 MS. CAROE: Kevin.

15 MR. ENGELBERT: Yes.

16 MS. CAROE: Jeff.

17 MR. MOYER: Yes.

18 MS. CAROE: Joe.

19 MR. SMILLIE: Yes.

20 MS. CAROE: Julie.

21 MS. WEISMAN: Yes.

22 MS. CAROE: Bea.

23 MS. JAMES: Abstain.

24 MS. CAROE: Rigo.

25 MR. DELGADO: Yes.

1 MS. CAROE: Gerald.

2 MR. DAVIS: Yes.

3 MS. CAROE: Katerina.

4 MS. HEINZE: Yes.

5 MS. CAROE: The Chair votes yes. We have zero  
6 against, 12 for, one abstention, two absent. Motion passes.

7 MS. WEISMAN: Okay. Now, we can move on to short  
8 chain fructo-oligosaccharides. This was one of the items  
9 which the handling committee voted on Monday to amend the  
10 recommendation so it is now recommended for listing on  
11 205.606.

12 MS. CAROE: Is there a second?

13 MR. DEMURI: Second.

14 MS. CAROE: Is there any conflict of interest with  
15 FOS short chain? Seeing none. Is there any discussion?  
16 Really, no discussion? Okay. Sure? Okay. We'll take the  
17 vote starting with Steve.

18 MR. DEMURI: Yes.

19 MS. CAROE: Dan.

20 MR. GIACOMINI: Yes.

21 MS. CAROE: Tracy.

22 MS. MIEDERMA: Yes.

23 MS. CAROE: Kevin.

24 MR. ENGELBERT: Yes.

25 MS. CAROE: Jeff.

1 MR. MOYER: No.

2 MS. CAROE: Gerald.

3 MR. DAVIS: Yes.

4 MS. CAROE: Julie.

5 MS. WEISMAN: Yes.

6 MS. CAROE: Bea.

7 MS. JAMES: No.

8 MS. CAROE: Rigo.

9 MR. DELGADO: Yes.

10 MS. CAROE: Joe.

11 MR. SMILLIE: Yes.

12 MS. CAROE: Katerina.

13 MS. HEINZE: Yes.

14 MS. CAROE: Jennifer.

15 MS. HALL: No.

16 MS. CAROE: And the Chair votes yes. We have 3  
17 against, 10 for, -- yeah, 3 against, 10 for, zero  
18 abstentions, two absent. Motion passes.

19 Mr. DAVIS: Madam Chair, I'm ready to inform you  
20 that due to a conflict of schedule we need to leave at this  
21 point.

22 MS. CAROE: Well, we appreciate all your hard work  
23 during this meeting and we still have a quorum. We still  
24 have 11 members. Thank you.

25 MS. WEISMAN: We're moving to the third page of our

1 spreadsheet. The next item is listed, is going to be listed  
2 as galangal frozen. This is a recommendation for listing on  
3 205.606 which passed the handling committee 5 to 0. So, once  
4 again the motion is for listing of galangal frozen on  
5 205.606.

6 MS. CAROE: Is there a second?

7 MR. DEMURI: Second.

8 MS. CAROE: Is there any conflicts with frozen  
9 galangal? None? Any discussion? None. Voting will start  
10 with Dan.

11 MR. GIACOMINI: Yes.

12 MS. CAROE: Tracy.

13 MS. MIEDERMA: Yes.

14 MS. CAROE: Kevin.

15 MR. ENGELBERT: Yes.

16 MS. CAROE: Jeff.

17 MR. MOYER: Yes.

18 MS. CAROE: Joe.

19 MR. SMILLIE: Yes.

20 MS. CAROE: Julie.

21 MS. WEISMAN: Yes.

22 MS. CAROE: Bea.

23 MS. JAMES: No.

24 MS. CAROE: Absent. Katerina.

25 MS. HEINZE: Yes.

1 MS. CAROE: Jennifer.

2 MS. HALL: Yes.

3 MS. CAROE: Steve.

4 MR. DEMURI: Yes.

5 MS. CAROE: And the Chair votes yes. Did the court  
6 reporter get those votes now that we've lost numbers? Thank  
7 you. Okay. So we have 11 for, 4 absent, zero abstained, and  
8 zero no's and the motion passes.

9 MS. WEISMAN: Next item is gellan gum. This is  
10 recommended for listing on 205.606. This was passed by the  
11 handling committee --

12 MR. POOLER: Is the listing for 605B or 606, gellan  
13 gum?

14 MS. WEISMAN: You know, I'm pulling this out of my  
15 head so I'm sorry. Okay. Let me correct that. This is a  
16 recommendation for listing of gellan gum on 205.605A, right?  
17 B? Synthetic?

18 MR. GIACOMINI: Eight.

19 MS. FRANCES: 605B.

20 MS. WEISMAN: All right. Let's try this again.  
21 This is a recommendation of listing of gellan gum on  
22 205.605B, synthetics.

23 MS. CAROE: Is there a second?

24 MR. DEMURI: Second.

25 MS. CAROE: Okay. Any conflicts with gellan gum?

1 Any discussion on gellan gum. Bea?

2 MS. JAMES: Yesterday Katerina mentioned some  
3 alternatives to gellan gum that are currently listed and I  
4 was wondering, not to put you on the spot, Katerina, if you  
5 remember what those were and I thought there were four  
6 possible substitutes.

7 MS. CAROE: Katerina?

8 MS. HEINZE: There are four similar substances that  
9 are on the list, agocarogeenan, I believe on 605A, pectin low  
10 methoxy and xanthim gum on 605B. The petitioner provided  
11 evidence in the petition that while similar they don't have  
12 the same functionality; that all of these gums create unique  
13 thickening, unique other properties, so, it's another tool in  
14 the tool box of development.

15 I don't think it would be factual based on the  
16 petition to say that those are substitutes.

17 MS. CAROE: Bea.

18 MS. JAMES: However, those are ingredients that are  
19 traditionally also used as thickeners, correct? I know from  
20 my experience that, you know, those ingredients that are  
21 currently listed are also used as thickeners and that's not  
22 to say I'm not trying to jump to an assumption that the  
23 petitioner would be able to substitute the exact texture that  
24 they are looking for that they currently get with gellan gum  
25 and I was wondering also if anybody on the handling committee

1 or the sub-committee would remember if there was  
2 documentation of the exact type of texture or results that  
3 the petitioner was looking for with gellan gum.

4 MS. CAROE: I can't remember the exact -- go ahead,  
5 Katerina.

6 MS. HEINZE: I have the petition if you'd like me  
7 to look it up, Madam Chair.

8 MS. CAROE: Well, we can do that. I'm wondering if  
9 we should table this to a later vote today, but, just table  
10 it so that we can look at that.

11 MS. REMDINE: I am the petitioner.

12 MS. CAROE: We should invite the petitioner up.  
13 It'll make it quick. Please, you're welcome to address.

14 MS. REMDINE: Cheryl Remdine, CP Company,  
15 petitioner for gellan gum, 205.605B. Could you ask the  
16 specific question so that I can answer you?

17 MS. JAMES: Could you tell me the type of products  
18 that you're -- and the consistency that you're looking for  
19 specifically with the gellan gum?

20 MS. REMDINE: Okay. We've been working with  
21 various beverage formulators and actually White Wave  
22 presented comments about the stability that gellan gum  
23 provides in beverages and it's not present with similar but  
24 not the same type of additives. It provides the ability to  
25 stabilize the nutrients and minerals in certain beverages



1 like soy beverages or milk beverages.

2 MS. JAMES: Are you currently making products  
3 without it that are okay?

4 MS. REMDINE: No, not organic but, they are in the  
5 like the chocolate milks and soy milks that are not organic  
6 at this time. Their organic industry asked us to move  
7 towards this petition, put this petition forth, for beverages  
8 at one point, but, gellan gum has some neat functionalities  
9 as xanthin gum wouldn't have.

10 It doesn't require protein to suspend. It has its  
11 own matrix so it has a better suspense system ending property  
12 set than some of the other gums. We currently make xanthin  
13 and I can speak for that.

14 MS. JAMES: Okay. Thank you.

15 MR. GIACOMINI: Okay. Wait, wait, wait. I have a  
16 question. The TAP review identifies as a permentation  
17 product which would normally be non-synthetic. You  
18 specifically requested listed on B which synthetic. Do you  
19 have justification for doing that?

20 MS. REMDINE: Well, at the time xanthin gum is on  
21 the 605B and we put it in the same place as xanthin. Xanthin  
22 is also fermentation derived.

23 MS. CAROE: If the information from the TAP  
24 reviewer can be pulled up the TAP reviewer should clarify  
25 appropriate listing.

1 UNIDENTIFIED SPEAKER: Give me a sec.

2 MS. CAROE: Shall we table this?

3 (Discussion off the record)

4 MS. CAROE: Just till -- this is not deferred, just  
5 tabled to later. I think that's appropriate and I don't  
6 believe that we can -- we have a motion on the table. Can  
7 you -- would you like to rescind your motion?

8 MS. WEISMAN: Yes, I would like to rescind my  
9 motion at this time.

10 MS. CAROE: Okay. Thank you. Then let's move on  
11 to hops.

12 MS. WEISMAN: We have a recommendation for listing  
13 of hops on 205.606. This is actually -- you'll see this  
14 listed on your sheet as vote previously cast because the  
15 handling committee voted on this even prior, back in  
16 December, prior to the February meeting. So, the handling  
17 committee vote at that time was unanimous for the listing of  
18 hops on 205.606.

19 MS. CAROE: Is there a second?

20 MR. DEMURI: Second.

21 MS. CAROE: I think he's closer so he got to my ear  
22 faster. Okay.

23 MR. DEMURI: Quick draw.

24 MS. CAROE: All right. Is there any conflict of  
25 interest with hops?

1 MS. WEISMAN: What, that we drink beer?

2 MS. CAROE: That's not a conflict. It's an  
3 enhancement. Is there any discussion regarding hops?  
4 hearing none, seeing none, the vote will start with Tracy.

5 MS. MIEDERMA: Yes.

6 MS. CAROE: Kevin.

7 MR. ENGELBERT: Yes.

8 MS. CAROE: Jeff.

9 MR. MOYER: Yes.

10 MS. CAROE: Joe.

11 MR. SMILLIE: Yes.

12 MS. CAROE: Julie.

13 MS. WEISMAN: Yes.

14 MS. CAROE: Bea.

15 MS. JAMES: Yes.

16 MS. CAROE: Katerina.

17 MS. HEINZE: Yes.

18 MS. CAROE: Jennifer.

19 MS. HALL: Yes.

20 MS. CAROE: Steve.

21 MR. DEMURI: Yes.

22 MS. CAROE: Dan.

23 MR. GIACOMINI: Yes.

24 MS. CAROE: And the Chair votes yes. And so we  
25 have 11, 4, 0 abstained, 4 absent, no recusals. Motion

1 passes.

2 MS. JAMES: Inulin, next item, yes, is inulin. I  
3 would like to ask Valerie to pull this document up. We came  
4 into this meeting with a recommendation for a TAP review at  
5 that time. And, therefore, there was no evaluation criteria.  
6 The check was the recommendation posted on the web. During  
7 this meeting we have heard a lot of comment and public  
8 presentation from both manufacturers who make this material  
9 and food manufacturers who use it and believe that we had  
10 enough information to handle in committee to make a  
11 recommendation on Monday to recommend this material for  
12 listing on 205.606. Oh, no, you're right it was Tuesday. I'm  
13 sorry. So, the recommendation is for inulin OFS to be listed  
14 on Section 205.606.

15 MR. DEMURI: Second.

16 MS. CAROE: Do I have a second? I've got it. Is  
17 there any conflicts? No conflicts. Any discussion?  
18 Katerina?

19 MS. HEINZE: Does anyone remember the commercial  
20 availability information on this?

21 MS. WEISMAN: I can answer that. I believe that  
22 there is development going on and maybe if I'm remembering  
23 this wrong someone in the room can correct me, but, I believe  
24 development is going on and that there is an expectation that  
25 at some point it will be available. It might be able to be

1 available as organic.

2 MS. CAROE: And there's nods from the audience  
3 saying that's accurate. Would you like to come address? The  
4 Chair recognizes Nancy Hirshberg.

5 MS. HIRSHBERG: Yes. This is made from chicory and  
6 in, in fact, they made some connections with some people  
7 here who might have some in South America and so forth so  
8 they've been researching it and they're working towards that.

9 MS. CAROE: Thank you.

10 MS. HIRSHBERG: I'm just blasted with a morass with  
11 materials at the moment.

12 MS. CAROE: That's the word of the week, morass.  
13 Is there any other discussion on inulin? Inulin OFS.  
14 Hearing none, seeing none, the vote will start with Kevin.

15 MR. ENGELBERT: Yes.

16 MS. CAROE: Jeff.

17 MR. MOYER: No.

18 MS. CAROE: Joe.

19 MR. SMILLIE: Yes.

20 MS. CAROE: Julie.

21 MS. WEISMAN: Yes.

22 MS. CAROE: Bea.

23 MS. JAMES: No.

24 MS. CAROE: Katerina.

25 MS. HEINZE: Yes.

1 MS. CAROE: Jennifer.

2 MS. HALL: Yes.

3 MS. CAROE: Steve.

4 MR. DEMURI: Yes.

5 MS. CAROE: Dan.

6 MR. GIACOMINI: Yes.

7 MS. CAROE: Tracy.

8 MS. MIEDERMA: Yes.

9 MS. CAROE: The Chair votes yes. We have 2  
10 against, 9 for, zero abstained, and four absent and the  
11 motion passes.

12 MS. WEISMAN: Okay. Next item are  
13 jalapeno/chipolte peppers. This was a recommendation for  
14 listing on 205.606. This passed the handling committee 5 to  
15 0 so once again the motion is for the listing of  
16 jalapeno/chipolte peppers on 205.606.

17 MS. CAROE: Okay. Is there a second?

18 MR. DEMURI: Second.

19 MS. CAROE: Is there any conflicts with  
20 jalapeno/chipolte? I'm kind of allergic but I don't think  
21 that's a problem. Anyway, there's no conflict, so,  
22 discussion.

23 MR. MOYER: Yes. Julie, can you refresh my memory  
24 exactly how they were going to be -- it seems not to put a  
25 whole plant type on there, chipolte peppers, so, can you

1 explain to me again how they want to use it?

2 MS. WEISMAN: Actually, chipolte peppers isn't the  
3 plant type. All of those peppers are jalapenos and chipolte  
4 is a form of processing particularly authentic Mexican. Most  
5 of the processing is done in Mexico and those processes are  
6 not certified organic. So, it wasn't an issue of a lack of  
7 availability of organic jalapeno peppers, which is the  
8 agricultural product that it starts from, it was a lack of  
9 certified processors who understand this traditional method  
10 and will also certify organic.

11 MR. MOYER: And this will be used in a small  
12 quantity in some processed product?

13 MS. WEISMAN: Enchiladas or something like that.

14 MR. MOYER: So, less than 5 percent?

15 MS. WEISMAN: Yes, yes, yes, less than 5 percent.

16 MS. WEISMAN: Joe?

17 MR. SMILLIE: I can't remember the deliberation but  
18 wouldn't it be more probably called just chipolte because if  
19 we use jalapeno --

20 MS. CAROE: I can answer that.

21 MR. SMILLIE: -- there's an issue.

22 MS. CAROE: There was actually two petitions, one  
23 for jalapenos and one for chipolte which was to process  
24 jalapeno so it was put together because if jalapenos aren't  
25 available then, you know, chipoltes wouldn't be available

1 either.

2 MR. SMILLIE: They're not asking for a 606 listing  
3 for fresh jalapeno peppers.

4 MS. CAROE: It was one of the petitions was  
5 jalapeno.

6 MR. MOYER : That was a confusing part to me, Joe.

7 MS. CAROE: There was two petitions. One was for  
8 jalapenos, one was for chipolte peppers.

9 MR. MOYER: But, by voting --

10 MS. CAROE: You know, Dan, you were -- just as far  
11 as information this was one of the two materials that we used  
12 to beta test. I'm sorry, poblano, wrong pepper.

13 MR. GIACOMINI: Yeah.

14 MS. CAROE: Okay. I apologize. Shall we clarify  
15 this before we move on?

16 MR. MOYER: As a board member I'd appreciate it.

17 MS. WEISMAN: I think we need to look up both those  
18 petitions. I have a recollection that the jalapeno petition  
19 was being petitioned specifically for this use. It was not a  
20 petition for fresh jalapeno peppers to be on the list except  
21 for this use. We want to make chipoltes and if -- it was  
22 really for the same product but they were being called  
23 different things.

24 MS. CAROE: Katerina?

25 MS. HEINZE: I recommend we table this.



1 MS. CAROE: Okay. Is there agreement that we  
2 should table this and come back? I made the motion. You  
3 want to rescind the motion?

4 MS. WEISMAN: I will rescind the motion.

5 MS. CAROE: Okay.

6 MS. WEISMAN: So we have two items that we will  
7 return to. Moving on. The next item on the list is koji  
8 mold. This is a material that recommended for listing on  
9 205.606. I mean, --

10 MS. CAROE: I'm on just the 606. It is being  
11 motioned to not consider.

12 MS. WEISMAN: Okay.

13 MS. CAROE: It was to not consider.

14 MS. WEISMAN: The motion, I am corrected. The  
15 motion for koji mold is not to consider. But, I believe that  
16 the issue is that we do not have standards for --

17 MS. CAROE: Well, let's get the motion.

18 MS. WEISMAN: All right. The motion is not to  
19 consider koji mold.

20 MS. CAROE: Is there a second.

21 MR. MOYER: I'll second that.

22 MS. CAROE: Okay. All right. So, is there any  
23 conflicts with koji mold? Except with the natamycin is bad.  
24 A mix of materials. But, anyway, okay, for discussion I'll  
25 jump in here. This is being considered -- this is being --

1 the motion is to not consider due to the fact that the  
2 handling committee has deemed this unnecessary since micro  
3 organisms appear on the list 205-605A and we find this  
4 consistent with that listing and also considered as a non-  
5 agricultural material based on the conflict in the regulation  
6 between the livestock definition, including non-plant life,  
7 and the non-synthetic definition, including bacteria.

8 So, this is being -- the motion is to not consider  
9 this for listing. Dan? Joe?

10 MR. GIACOMINI: Just for a point of clarification.  
11 What would be the next steps if this motion were to fail?

12 MS. CAROE: I think that we would have to decide  
13 right here and now. We would have to -- we don't have any of  
14 the evaluations completed in order to make a listing. It  
15 would be deferred. Joe?

16 MR. SMILLIE: Well, I'm not going to move for  
17 deferring but I am going to ask for a minority opinion to be  
18 reflected. I don't believe koji mold is on 605A. I believe  
19 the organism which creates koji mold is on 605A and I believe  
20 that eventually koji mold and yeast will have to be on 606  
21 because they are agricultures and I believe that we have a  
22 number of examples of agricultures that don't have specific  
23 regulations for them and this is just another one.

24 So, the people who create products that are made  
25 with koji mold can go on creating them. There's no incentive

1 for them to create organic koji mold processes. And I  
2 believe that will eventually be needed but in the interest of  
3 not being a pain in the butt I won't ask for deferral but i  
4 do want to express that this will rise again.

5 MS. CAROE: You minority opinion is expressed in  
6 the recommendation as it stands. Any further discussion?  
7 Hearing none, seeing none, we will vote starting with Jeff.  
8 This is the motion to not consider.

9 MR. MOYER: I vote yes.

10 MS. CAROE: Joe.

11 MR. SMILLIE: No.

12 MS. CAROE: Julie.

13 MS. WEISMAN: Yes.

14 MS. CAROE: Bea.

15 MS. JAMES: No.

16 MS. CAROE: Katerina.

17 MS. HEINZE: Yes.

18 MS. CAROE: Jennifer.

19 MS. HALL: Yes.

20 MS. CAROE: Steve.

21 MR. DEMURI: Yes.

22 MS. CAROE: Dan.

23 MR. GIACOMINI: No.

24 MS. CAROE: Tracy.

25 MS. MIEDERMA: Yes.

1 MS. CAROE: And the Chair votes yes. Oh, sorry,  
2 Kevin.

3 MR. ENGELBERT: The other chopped liver votes yes.

4 MS. CAROE: As long as it's a yes and you're voting  
5 with me it's not chopped liver.

6 MS. WEISMAN: How does the Chair vote?

7 MS. CAROE: I vote yes. Three against, 8 for, no  
8 abstentions, 4 absent. Motion passes. We will not consider.

9  
10 MS. WEISMAN: Okay. Next item is lemongrass  
11 frozen. This is a recommendation for listing on 205.606  
12 which passed the handling committee 5 to 0. So,  
13 recommendation is for the listing of lemongrass frozen on  
14 205.606.

15 MS. CAROE: Is there a second?

16 MR. DEMURI: Second.

17 MS. CAROE: Is there a conflict with lemongrass?  
18 Seeing none, discussion? Hearing none, seeing none, the vote  
19 will start with Joe.

20 MR. SMILLIE: Yes.

21 MS. CAROE: Julie.

22 MS. WEISMAN: Yes.

23 MS. CAROE: Bea.

24 MS. JAMES: Yes.

25 MS. CAROE: Katerina.

1 MS. HEINZE: Yes.

2 MS. CAROE: Jennifer.

3 MS. HALL: Yes.

4 MS. CAROE: Steve.

5 MR. DEMURI: Yes.

6 MS. CAROE: Dan.

7 MR. GIACOMINI: Yes.

8 MS. CAROE: Tracy.

9 MS. MIEDERMA: Yes.

10 MS. CAROE: Kevin.

11 MR. ENGELBERT: Yes.

12 MS. CAROE: Jeff.

13 MR. MOYER: Yes.

14 MS. CAROE: The Chair votes yes. Zero against, 11  
15 for, zero abstentions, four absent. Motion passes.

16 MS. WEISMAN: The next recommendation is for the  
17 listing of milled flaxseed on 205.606. This was rejected by  
18 the handling committee 3 to 2. I'll leave the rest for  
19 discussion. It's a recommendation for listing of milled  
20 flaxseed on 205.606.

21 MS. CAROE: Is there a second?

22 MS. HALL: Second.

23 MR. DEMURI: Second.

24 MS. CAROE: Jennifer gets on the board. Is there  
25 any conflicts with milled flaxseed? Seeing none, any

1 discussion? Jeff?

2 MR. MOYER: My understanding yesterday was we had a  
3 commentor mention that there is just as much if not more  
4 organic flaxseed as there is conventional. Is that what I  
5 heard correctly?

6 MS. CAROE: You heard correctly, but, it wasn't  
7 from a commentor. Joe?

8 MR. SMILLIE: I was reporting the sub-committee  
9 deliberations on this.

10 MS. CAROE: Further discussion? Dan?

11 MR. GIACOMINI: Just as support of that, I don't  
12 know about right now, but, I know over the years we've had a  
13 tremendous amount of flaxseed and flaxseed meal to dairy cows  
14 over the years. Organic, yes.

15 MS. CAROE: Any further discussion? Okay. Hearing  
16 none, seeing none, motion is -- would you restate the motion?

17 MS. WEISMAN: Okay. The motion is for the listing  
18 of milled flaxseed on 205.606.

19 MS. CAROE: We start the votes with you, Julie.

20 MS. WEISMAN: I vote no.

21 MS. CAROE: Bea.

22 MS. JAMES: No.

23 MS. CAROE: Katerina.

24 MS. HEINZE: No.

25 MS. CAROE: Jennifer.

1 MS. HALL: No.

2 MS. CAROE: Steve.

3 MR. DEMURI: No.

4 MS. CAROE: Dan.

5 MR. GIACOMINI: No.

6 MS. CAROE: Tracy.

7 MS. MIEDERMA: No.

8 MS. CAROE: Kevin.

9 MR. ENGELBERT: No.

10 MS. CAROE: Jeff.

11 MR. MOYER: No.

12 MS. CAROE: Joe.

13 MR. SMILLIE: No.

14 MS. CAROE: And the Chair votes no. That's a  
15 unanimous against. 11, 0, 0, 4. Motion fails.

16 MS. WEISMAN: The next recommendation is a  
17 recommendation -- okay, got to get this right -- is for  
18 natamycin to be listed on 205.605A.

19 MS. CAROE: Is there a second?

20 MR. GIACOMINI: Second.

21 MS. CAROE: Any conflicts of interest with  
22 natamycin? Okay. Any discussion? Any discussion with  
23 natamycin? Katerina?

24 MS. HEINZE: I am perplexed by the commentor's  
25 comments this morning that it is possible that the process to

1 produce this could be certified organic and being a new  
2 member on the board I was wondering if someone more  
3 experienced than me could speak to that and how that might  
4 influence that process?

5 MS. CAROE: I can shed some light on that. Just  
6 because something is agriculturally created by agriculture  
7 doesn't necessarily make it something that would be  
8 consistent with organic principle. For example, nicotine is  
9 a prohibitive natural because it fits into a category is  
10 agriculture in nature but not necessarily consistent with  
11 organic principles so if that possibility comes up it will  
12 happen, but, at this point we don't have to allow the non-  
13 agricultural form.

14 MS. HEINZE: Thank you.

15 MS. CAROE: Does anybody further want to comment on  
16 that? Bea?

17 MS. JAMES: No, I just wanted to comment that I  
18 found it interesting that the petitioner recognized the  
19 difficulty in even submitting this item as being possibly  
20 listed so there's obvious conflicts in the petition so I just  
21 wanted to say that.

22 MS. CAROE: Any further discussion? Okay. Hearing  
23 none, seeing none, the vote starts with you, Bea.

24 MS. JAMES: No.

25 MS. CAROE: Katerina.



1 MS. HEINZE: No.

2 MS. CAROE: Jennifer.

3 MS. JAMES: No.

4 MS. CAROE: Steve.

5 MR. DEMURI: No.

6 MS. CAROE: Tracy.

7 MS. MIEDERMA: No.

8 MS. CAROE: I actually should say your name. Dan,

9 no?

10 MR. GIACOMINI: No.

11 MS. CAROE: Tracy.

12 MS. MIEDERMA: No.

13 MS. CAROE: Kevin.

14 MR. ENGELBERT: No.

15 MS. CAROE: Jeff.

16 MR. MOYER: No.

17 MS. CAROE: Joe.

18 MR. SMILLIE: No.

19 MS. CAROE: Julie.

20 MS. WEISMAN: No.

21 MS. CAROE: And the Chair votes no. 11 against,

22 none for, none abstained, 4 absent. Motion fails.

23 MS. WEISMAN: The next item as it was recommended -

24 -

25 MS. CAROE: Hold it.

1 MS. WEISMAN: Sorry, sorry.

2 MS. CAROE: Recognize Bob Pooler.

3 MR. POOLER: Vote count, please.

4 MS. CAROE: The vote count for the --

5 MR. POOLER: The natamycin.

6 MS. CAROE: I'm sorry?

7 MR. POOLER: For natamycin, could you repeat the  
8 vote count?

9 MS. CAROE: The vote count was 11 against, zero  
10 for, zero abstained, and four absent. Okay. Continue.

11 MS. WEISMAN: The next item was originally  
12 recommended as natural casings for listing on 205.606.  
13 That's the recommendation that is before us right now.

14 MS. CAROE: Okay. And do I have a second?

15 MR. DEMURI: Second.

16 MS. CAROE: Is there any conflicts with natural  
17 pork casings?

18 MS. WEISMAN: Not pork.

19 MS. CAROE: Okay. Is there any conflicts with  
20 natural casings? Okay. Discussion?

21 MR. MOYER: Yes.

22 MS. CAROE: Jeff.

23 MR. MOYER: I think we need to make an addendum to  
24 that petition to strike the word natural and put in the word  
25 pork, beef, or sheep casings.

1 MS. CAROE: Is the amendment accepted by the  
2 motioner?

3 MS. WEISMAN: No.

4 MS. CAROE: Is there a second for the amendment as  
5 an unfriendly amendment?

6 MS. JAMES: I second.

7 MS. CAROE: Bea seconds. Discussion? Discussion  
8 on this amendment?

9 MS. WEISMAN: There as another suggestion of how to  
10 call this material as casings from processed intestines of  
11 sheep, pigs, and cattle. Oh, goats, sheep, pigs, and goats.

12 MS. CAROE: Dan, did you have something?  
13 Discussion on this? Jeff, do you have?

14 MR. MOYER: I was just going to say as the person  
15 who made the motion for the amendment I would concede to that  
16 language change.

17 MS. CAROE: But we don't know the language change.  
18 Are we looking at the exact wording of it?

19 MS. WEISMAN: We noted the word natural wasn't  
20 going to be in it.

21 MR. MOYER: I was going to say processed intestine  
22 of pork, sheep, beef, goat.

23 MS. CAROE: Katerina?

24 MS. HEINZE: The petitioner says that the common  
25 name for this is natural casings, the processed intestines of

1 hogs, cattle, and sheep.

2 MS. CAROE: Is there any discussion? Dan?

3 MR. GIACOMINI: I don't understand why going to the  
4 petition for the specific wording why we're dropping one of  
5 the words. It has natural in its request.

6 MS. CAROE: Any further discussion?

7 MR. MOYER: Yeah. I think the reason we are  
8 dropping the word natural is because it has a lot of  
9 connotations and is very confusing across the industry  
10 outside of the sausage processing industry, the meat  
11 processing industry.

12 MS. CAROE: Bea?

13 MS. JAMES: No.

14 MS. CAROE: Julie?

15 MS. WEISMAN: No.

16 MS. CAROE: Okay. I do have -- casings are already  
17 on the national list under cellulose. There is an annotation  
18 for the cellulose listing for use as regenerative casings as  
19 an anti-caking agent non-chlorine bleach, and filter. So,  
20 casings from a cellulose material are already on the national  
21 list and gelatin is being put onto the national list which is  
22 also a material for casings so what I guess I'm getting at is  
23 you can be broad because all the kinds of things you're  
24 trying to exclude with your annotation are already on and  
25 allowed.

1 Does that make sense?

2 MS. HEINZE: Could you repeat where they're listed?

3 MS. CAROE: 205.605B, cellulose. Tracy?

4 MS. MIEDERMA: There is one more type of casing  
5 that we would potentially be approving, eatable collagen  
6 casings. They're synthetic and they would require separate  
7 petition.

8 MR. MOYER: But, they are considered natural,  
9 correct?

10 MS. MIEDERMA: No, absolutely not. Natural  
11 specifically refers to the intestine. That's the standard  
12 term. For instance, there's a North American Natural Casings  
13 Association. It's just a very accepted term out there and I  
14 understand the board's reticence to ever use the word  
15 natural, but, now that we've attached these particular three  
16 mammal intestines are we saying no, we're not going to allow  
17 votes. I think that we're wrapped around this word natural  
18 because of our innate, you know, reticence to ever use the  
19 word. It's just a standard industry term in this situation.

20 MS. CAROE: Julie?

21 MS. WEISMAN: I will rescind my recommendation.

22 MS. CAROE: Rescind the recommendation? There's a  
23 motion on the table for an amendment.

24 MS. WEISMAN: Okay. All right.

25 MS. CAROE: It's not your amendment.

1 MS. WEISMAN: Okay.

2 MS. CAROE: It's Jeff's.

3 MR. MOYER: But, Julie's did not accept it.

4 MS. CAROE: Correct. So what we have on the table  
5 is the amendment alone. It is not attached. We are just  
6 considering the amendment at this point. Because she did not  
7 accept it into her motion it's not -- we have an amended  
8 motion on the floor from -- we have an amendment on the  
9 floor.

10 MS. WEISMAN: Can I withdraw my non-acceptance?

11 MR. MOYER: Madam Chairperson, I think it's easier  
12 if I rescind my amendment and allow Julie.

13 MS. CAROE: So rescinded.

14 MR. MOYER: You need to ask her for a second if  
15 she's willing. I rescind my motion for the amendment.

16 MS. CAROE: Okay. Very good. And Julie?

17 MS. WEISMAN: Okay. I would like to amend my  
18 recommendation, if that's the proper procedure here, to read  
19 as a recommendation for the listing of natural casings from  
20 processed intestines of hog, sheep, and cattle on 205.606.

21 MR. SMILLIE: Second.

22 MS. CAROE: No, it has to be accepted by her second  
23 which was Steve.

24 MR. DEMURI: I accept it.

25 MS. CAROE: So now we have an amended motion on the

1 floor. Thank you.

2 MR. MOYER: Thank you.

3 MS. CAROE: Any further discussion on this? Kevin?

4 MR. ENGELBERT: Yes. I have a question for the  
5 board that I've been unable to find the answer to. Does  
6 anyone know now that the FDA has given an approval for cloned  
7 animals to be in the marketplace when that's actually going  
8 to happen? Is there a start date or has anybody heard any  
9 clarification on that, or, are we years away?

10 MS. CAROE: Let me just say it's completely  
11 irrelevant based on the motion that was made earlier today to  
12 include it as excluded methods. Whether it's an organic  
13 ingredient or non-organic ingredient you cannot use excluded  
14 methods, so, it would be not allowed for the non-organic  
15 casings.

16 Program. Bob Pooler.

17 MR. POOLER: This is Bob Pooler, National Organics  
18 Program. Is there any particular reason why you're limiting  
19 the annotation to be species that were mentioned? Why not  
20 goats?

21 MS. CAROE: Jeff.

22 MR. MOYER: That's what was petitioned in front of  
23 us.

24 MS. MIEDERMA: No, it wasn't.

25 MS. CAROE: Tracy.

1 MS. MIEDERMA: The petition explicitly calls for  
2 the inclusion of natural casings and later when they're  
3 citing the common name they further define it and cite those  
4 three animals. They don't say to the exclusion of every  
5 other mammal or anything like that though.

6 MS. CAROE: Further discussion? So, we have on the  
7 table a motion for, can you restate the motion?

8 MS. WEISMAN: Can I restate it differently than I  
9 said before?

10 MS. CAROE: Whatever gets us through it.

11 MS. WEISMAN: Okay. There is now a recommendation  
12 for the listing of natural casings from processed intestines  
13 for listing on 205.606.

14 MS. CAROE: Is that accepted by the second?

15 MR. DEMURI: Yes.

16 MS. CAROE: So now we have yet a new addition of  
17 this motion. Are there any further discussion on this? Bea?

18 MS. JAMES: So, I like can't keep track of this yo-  
19 yo. So, we're going back to natural casings.

20 MR. GIACOMINI: Their term.

21 MS. CAROE: Let me recognize Katerina first.  
22 Katerina?

23 MS. HEINZE: I have a question that maybe the  
24 program could help us with. If -- so the term natural  
25 casings I believe would fall under the FSIS definition. In



1 the event that someone wanted to hypothetically create a  
2 potato, apple, bacon sausage that might not fall under FSIS  
3 jurisdiction but would instead fall under FDA jurisdiction  
4 does listing natural casings on 605B cause some ramifications  
5 that I can't think about right now or am not capable of  
6 thinking about right now?

7 MS. CAROE: Mark Bradley.

8 MR. BRADLEY: Are we looking at 606 right now?

9 MS. HEINZE: My mistake. Sorry.

10 MR. BRADLEY: Are you talking without the  
11 annotation of or the clarification from hogs, cattle, and  
12 sheep?

13 MS. HEINZE: I'm just worried that because FDA does  
14 not have a definition of natural that somehow this would  
15 cause some weird labeling issue that seems more complicated  
16 than I'm able to think about.

17 MR. BRADLEY: I really can't say at this time, but,  
18 there's going to be preamble language that's going to explain  
19 what this material is and what the discussion was and why you  
20 put it on and what it includes so if the language that you  
21 put in here, whether it's natural casings or natural casings  
22 from pigs, goats, and sheep, I don't know if that's going to  
23 be as big of a factor but the more that you put into the  
24 regulatory language that people will be looking at all the  
25 time it's usually, you know, more clear.

1 MS. HEINZE: Thank you.

2 MS. CAROE: I will say that if your concern is a  
3 vegetarian type sausage that's made, they're not going to use  
4 natural casings nor will they use anything but the cellulose  
5 which is the only non-meat.

6 MS. HEINZE: I'm not worried about vegetarian, but,  
7 some innovative thing that falls in this weird gray land  
8 between USDA and FDA. The example I used in the whole  
9 outside was, you know, corn dogs are regulated by USDA.  
10 Bagel dogs are regulated by FDA. And we could all argue that  
11 those are pretty similar products.

12 MS. CAROE: Jeff.

13 MR. MOYER: Would it be possible to still strike  
14 the word natural but just say casings from processed  
15 intestines?

16 MS. WEISMAN: I would accept that amendment.

17 MS. CAROE: Second?

18 MR. DEMURI: I accept it as well.

19 MS. CAROE: Discussion? Bea?

20 MS. JAMES: I mean would we need to say casings  
21 from animal intestines?

22 MS. CAROE: What else has intestines?

23 MS. WEISMAN: The recommendation now before is for  
24 the listing of casings from processed intestines on 205.606.

25 MS. CAROE: That is the motion. Any further

1 discussion? Dan?

2 MR. GIACOMINI: I think we should put livestock in  
3 there.

4 MS. CAROE: Really?

5 MR. GIACOMINI: You guys are cutting up over the  
6 use of natural when it's their industry term and we're  
7 looking at these not wanting to list particular species but I  
8 don't think we want to be getting too creative either.

9 MS. CAROE: Julie?

10 MS. WEISMAN: Would you want to exclude horse  
11 intestines? Because horse are specifically not excluded to  
12 be considered livestock.

13 MR. GIACOMINI: I don't think in the United States  
14 they would be legal.

15 MS. CAROE: All right. Call the question, please.  
16 All right. So, restate the motion as it stands right now.

17 MS. WEISMAN: As the motion stands right now the  
18 motion is for the listing of casings from processed  
19 intestines on 205.606.

20 MS. CAROE: Okay. Are we prepared to vote? The  
21 voting starts with Katerina.

22 MS. HEINZE: You said 606, right?

23 MS. CAROE: 606.

24 MS. HEINZE: Yes.

25 MS. CAROE: Jennifer.

1 MS. HALL: Yes.

2 MS. CAROE: Steve.

3 MR. DEMURI: Yes.

4 MS. CAROE: Dan.

5 MR. GIACOMINI: Yes.

6 MS. CAROE: Tracy.

7 MS. MIEDERMA: Yes.

8 MS. CAROE: Kevin.

9 MR. ENGELBERT: No.

10 MS. CAROE: Jeff.

11 MR. MOYER: Yes.

12 MS. CAROE: Joe.

13 MR. SMILLIE: Yes.

14 MS. CAROE: Julie.

15 MS. WEISMAN: Yes.

16 MS. CAROE: Bea.

17 MS. JAMES: Yes.

18 MS. CAROE: And the Chair votes yes. Okay. So, we

19 have 1 no, 10 yeses, no abstentions, four absent. And,

20 painfully, that passes.

21 MS. WEISMAN: Okay. The next item on our list is a

22 recommendation for the listing of non-fat dry milk

23 instantized on 205.606.

24 MS. CAROE: Is there a second.

25 MS. HALL: Second.

1 MS. CAROE: Jennifer got it. Any conflicts with  
2 non-fat dry milk?

3 MS. WEISMAN: Instantized.

4 MS. CAROE: Instantized. Dan?

5 MR. GIACOMINI: I don't have any connection with  
6 the petitioner, the product, but, I did grow up in the area  
7 of the company that made the 40,000 lb. offer and in my  
8 expressing not objection to the fact that a company does this  
9 kind of a practice my objection to using it as a reason not  
10 to put something on 606 I was accused of having a bias  
11 against the company.

12 I may have a bias against the practice, but, I  
13 don't have a bias against the company. I just wanted to put  
14 that out for information, full disclosure.

15 MS. CAROE: Does anybody on the board feel this is  
16 a conflict? Nor do I, Dan. Julie?

17 MS. WEISMAN: No.

18 MS. CAROE: Okay. Any further conflicts?  
19 Discussion? Hearing none, seeing none, the vote will start  
20 with Jennifer.

21 MS. HALL: Yes.

22 MS. CAROE: Steve.

23 MR. DEMURI: No.

24 MS. CAROE: Dan.

25 MR. GIACOMINI: Yes.

1 MS. CAROE: Tracy.

2 MS. MIEDERMA: No.

3 MS. CAROE: Kevin.

4 MR. ENGELBERT: No.

5 MS. CAROE: Jeff.

6 MR. MOYER: No.

7 MS. CAROE: Joe.

8 MR. SMILLIE: No.

9 MS. CAROE: Julie.

10 MS. WEISMAN: No.

11 MS. CAROE: Bea.

12 MS. JAMES: No.

13 MS. CAROE: And the Chair votes no. I'm sorry,

14 Katerina. Katerina.

15 MS. HEINZE: I'm chopped liver.

16 MS. CAROE: Sorry.

17 MS. HEINZE: Yes.

18 MS. CAROE: So, what we have is 8 no's, 3 yeses,

19 zero abstentions, four absent. Motion fails.

20 MS. WEISMAN: The next item on our list is monopoxy

21 pectins, non-annotated which were being petitioned to be

22 moved from 205.605B to 205.606. The recommendation at the

23 handling committee was to defer this until the fall meeting

24 as it is currently on the national list and is available for

25 use.

1 MS. CAROE: I'm not sure an action is required for  
2 this.

3 MS. WEISMAN: The handling committee voted to  
4 defer.

5 MS. CAROE: Okay. Well, I don't think there's an  
6 action required. Just a standing item on the work plan.

7 MS. WEISMAN: Okay. Poblano peppers. This is a  
8 recommendation for the listing of poblano peppers on 205.606.

9

10 MR. DEMURI: Second.

11 MS. CAROE: Is there a second?

12 MS. WEISMAN: There is.

13 MS. CAROE: Okay. Is there any conflicts with  
14 poblano peppers? None. Any discussion? Julie?

15 MS. WEISMAN: I just wanted to review for the board  
16 that this passed the handling committee 4 to 1. This was a  
17 similar issue that what was being called into question there  
18 was an acknowledgement of the availability of organic peppers  
19 but this is an ethnically specific method of processing and  
20 there -- it's mostly done outside of this country by  
21 processors who are not certified organic.

22 MS. CAROE: Further discussion? Jeff?

23 MR. MOYER: Same question as with the other thing.  
24 You're saying we're certifying a process?

25 MS. WEISMAN: No, no, we're -- but, I'm making a

1 distinction. Organic poblano peppers are not available even  
2 though organic peppers are grown. There are no certified  
3 processors currently who can make those peppers into poblano  
4 peppers, organic poblano peppers. There are only  
5 conventional ones available.

6 MR. MOYER: Thank you.

7 MS. CAROE: Dan, you look confused.

8 MR. GIACOMINI: This was one of the trial balloon  
9 items. It was one that while it was a long time ago it was  
10 one that I worked through with the handling committee and the  
11 fact that I've connected with the process. I know originally  
12 you voted in the other way. You voted to reject it. I  
13 agreed with that vote then. I just seem to remember this  
14 more as a supply in processing.

15 MS. WEISMAN: I agree. Because this was one of the  
16 first things that we did that was back in December. In  
17 February, when we met as sub-committees we began to see a lot  
18 of petitions where there was no commercial availability as a  
19 product as organic, not because the organic material wasn't  
20 available, but, because it was -- there was no one available  
21 to process it organically into the form it was required for a  
22 -- you know -- a finished processed product.

23 And, so, we -- and we at that point had to revisit  
24 poblano because poblano fell in the same category. It would  
25 have made no sense to make a recommendation favorable to all



1 those other materials when it turned out in hindsight that  
2 poblano was the same exact issue.

3 MS. CAROE: Steve.

4 MR. DEMURI: The raw poblano peppers are available.  
5 It's a processing issue. They specifically petitioned for  
6 IQF, diced, roasted poblano peppers. They get the raw  
7 peppers. They can't find a processor for the dicing and  
8 roasting operations.

9 MS. WEISMAN: Thank you.

10 MS. CAROE: Further discussion? Okay. Are we  
11 prepared to vote? The vote will start with Katerina.

12 MS. HEINZE: Do we need to amend the recommendation  
13 to the IQF roasted whatever? I'm not saying I want to amend  
14 it, I'm just asking a process question.

15 MS. WEISMAN: Are you making an amendment?

16 MS. CAROE: Are you motioning to amend?

17 MS. HEINZE: No. Further questions, discussion?  
18 Bea?

19 MS. JAMES: Would you mind restating the motion?

20 MS. WEISMAN: Okay. The motion right now is for  
21 poblano peppers to be listed on 205.606. And I would also  
22 like to say that I would accept an amendment. You can amend  
23 it. Okay. I'll amend it myself. Then I will -- I amend  
24 this recommendation to read to be for the listing of poblano  
25 peppers, diced IQF. Oh, no, no, no, roasting, that's the

1 problem. No, never mind. It stands. I list it as is.

2 MS. CAROE: It's just poblano peppers. There's no  
3 amendment's been made. Further discussion? Okay. Bea, are  
4 you raising your hand?

5 MS. JAMES: I just want to make sure everybody's  
6 clear about the motion.

7 MS. CAROE: Once again, restate the motion.

8 MS. WEISMAN: The motion is for the listing of  
9 poblano peppers on 205.606.

10 MS. CAROE: Further discussion?

11 MR. DEMURI: Yeah. I know that there are poblano  
12 peppers organic available so we might be building ourselves  
13 up to allowing --

14 MS. CAROE: Yes, I agree.

15 MR. DEMURI: -- all kinds of poblano peppers when  
16 they are available. This particular form is not available.

17 MS. WEISMAN: Can I recommend that we table this,  
18 not that I want to add things to the bottom of the list, but,  
19 I also want to -- I'm hoping to feel more clear later. I  
20 don't know what makes me think that that will happen.

21 MS. CAROE: Okay. This issue is tabled. Let's  
22 move on. Processing technology.

23 MS. WEISMAN: This actually was a recommendation  
24 not to consider because raw materials can be recommended for  
25 listing, not a technology.

1 MS. CAROE: Is there a second?

2 MR. DEMURI: Second.

3 MS. CAROE: Is there a conflict with processing  
4 technology? How about discussion, any discussion on  
5 processing technology? Dan?

6 MR. GIACOMINI: I don't have it in front of me,  
7 but, just for clarification, this wasn't a petition for  
8 processing technology. It was about three to five different  
9 petitions, individual petitions for a particular technology,  
10 three. So, it's not like somebody just requested processing.  
11 That's our lumping.

12 MS. CAROE: Correct. Any further discussion?  
13 Okay. Let's go ahead and take a vote on that starting with  
14 Steve.

15 MR. DEMURI: Just to be clear this is to?

16 MS. CAROE: Not consider.

17 MR. DEMURI: Yes.

18 MS. CAROE: Dan.

19 MR. GIACOMINI: Yes.

20 MS. CAROE: Tracy.

21 MS. MIEDERMA: Yes.

22 MS. CAROE: Kevin.

23 MR. ENGELBERT: Yes.

24 MS. CAROE: Jeff.

25 MR. MOYER: Yes.

1 MS. CAROE: Joe.

2 MR. SMILLIE: Yes.

3 MS. CAROE: Julie.

4 MS. WEISMAN: Yes.

5 MS. CAROE: Bea.

6 MS. JAMES: Yes.

7 MS. CAROE: Katerina.

8 MS. HEINZE: Yes.

9 MS. CAROE: Jennifer.

10 MS. HALL: Yes.

11 MS. CAROE: The Chair votes yes. Zero, 11, zero,

12 4. It passed.

13 MS. WEISMAN: Okay. The next is a recommendation

14 for the listing of red peppers, crushed and dried on 205.606.

15 MS. CAROE: Second?

16 MR. DEMURI: Second.

17 MS. CAROE: Okay. Conflicts with red peppers?

18 Seeing none, discussion with red peppers? Jeff?

19 MR. MOYER: Same point of order as with the last

20 two pepper items. Red peppers are most definitely available.

21 The fact that they're not willing to pay a processor to do

22 it is a totally different issue.

23 MS. WEISMAN: I believe that the petitioner

24 acknowledged that there is organic crushed and dried. They

25 have a very specific specification for their finished

1 product. It's also -- I think it's like a Mexican --

2 MR. MOYER: I understand that.

3 MS. WEISMAN: Okay. That's my recollection from  
4 the petitioners.

5 MS. CAROE: Further discussion? Okay. Go ahead  
6 and start the vote with Dan.

7 MR. GIACOMINI: No.

8 MS. CAROE: Tracy.

9 MS. MIEDERMA: Yes.

10 MS. CAROE: Kevin.

11 MR. ENGELBERT: No.

12 MS. CAROE: Jeff.

13 MR. MOYER: No.

14 MS. CAROE: Joe.

15 MR. SMILLIE: Yes.

16 MS. CAROE: Julie.

17 MS. WEISMAN: Yes.

18 MS. CAROE: Bea.

19 MS. JAMES: No.

20 MS. CAROE: Katerina.

21 MS. HEINZE: Yes.

22 MS. CAROE: Jennifer.

23 MS. HALL: Yes.

24 MS. CAROE: And Steve.

25 MR. DEMURI: Yes.

1 MS. CAROE: And the Chair votes no. Votes are 5  
2 no, 6 yes, zero abstain, 4 absent. Motion fails.

3 MS. WEISMAN: Okay. Next item is rice starch, non-  
4 modified. And this is a recommendation for the listing of  
5 rice starch, non-modified with the annotation that it will be  
6 listed for two years from the date of publication.

7 MS. CAROE: Is there a second?

8 MR. DEMURI: Second.

9 MS. CAROE: Is there conflict with rice starch,  
10 non-modified? Hearing none, discussion? Joe?

11 MR. SMILLIE: Yeah, this is one of those materials  
12 that's well along its way in the pipeline to becoming  
13 available organically but right now it's not and it is needed  
14 by industry for a number of applications. We looked at this  
15 one and actually went out and got industry opinion on it and  
16 they said basically that it's coming, it's almost here, but,  
17 it's not here yet. It certainly isn't here by the June  
18 deadline so that's why in this case we stuck with the two  
19 year annotation because we dropped that?

20 MS. CAROE: No.

21 MR. SMILLIE: Okay. Good. That's the way it  
22 should be.

23 MS. CAROE: Jennifer?

24 MS. HALL: I'd like to make an amendment to remove  
25 the two year annotation.

1 MS. CAROE: Motion?

2 MS. WEISMAN: Yeah, the two year -- I do not accept  
3 the amendment. And I would like to clarify, if I may. The  
4 reason for the two year listing for this item only is because  
5 it was not possible to post for the full 30 day comment and  
6 that was -- it was a compromise that was part of accepting a  
7 shorter public comment period that it would not be listed for  
8 the full -- it could not be a full five year listing.

9 MS. CAROE: Do you still want to pursue the  
10 amendment?

11 MS. HALL: I do.

12 MS. CAROE: Is there a second to the amendment?  
13 Hearing none, the motion dies for lack of second, so, the  
14 motion on the floor at this point is for the listing of rice  
15 starch, non-modified, for two years from date of publishing  
16 on 205.606, correct? Any discussion? Hearing none, seeing  
17 none, the vote will start with Tracy. Tracy?

18 MR. GIACOMINI: Clarification exactly. We were  
19 working on something else on another issue.

20 MS. CAROE: Okay. Restate the motion.

21 MS. WEISMAN: The motion is for the listing of rice  
22 starch, non-modified on 205.606 for a period of two years  
23 from the date of publication.

24 MS. MIEDERMA: Thank you. Yes.

25 MS. CAROE: Kevin.

1 MR. ENGELBERT: Yes.

2 MS. CAROE: Jeff.

3 MR. MOYER: Yes.

4 MS. CAROE: Joe.

5 MR. SMILLIE: Yes.

6 MS. CAROE: Julie.

7 MS. WEISMAN: Yes.

8 MS. CAROE: Bea.

9 MS. JAMES: Yes.

10 MS. CAROE: Katerina.

11 MS. HEINZE: Yes.

12 MS. CAROE: Jennifer.

13 MS. HALL: Yes.

14 MS. CAROE: Steve.

15 MR. DEMURI: Yes.

16 MS. CAROE: Dan.

17 MR. GIACOMINI: Yes.

18 MS. CAROE: And the Chair votes yes. Motion passes

19 zero against, 11 for, zero abstained, 4 absent. Just really

20 quickly, is the board okay with not breaking at this point?

21 Is there some objection?

22 (Discussion off the record)

23 MS. CAROE: I'm just going to make a decision.

24 Let's take a quick break to get a breath of fresh air. It's

25 right now 4:25, ten minute break, 4:35.



1 (Whereupon, a brief recess was taken)

2 MS. WEISMAN: All right. The next item for  
3 recommendation is salvia hispanica also known as Spanish  
4 sage. This is a recommendation for listing of salvia  
5 hispanica on 205.606.

6 MS. CAROE: Is there a second?

7 MR. DEMURI: Second.

8 MS. CAROE: Is there a conflict with salvia  
9 hispanica, Spanish sage? Seeing none, is there discussion on  
10 salvia hispanica?

11 MS. WEISMAN: I just want to let the board know  
12 that this was passed by the handling committee 5 to 0.

13 MS. CAROE: Further discussion? Comments?  
14 Everybody clear on this material? Okay. We start with  
15 Kevin.

16 MR. ENGELBERT: No.

17 MS. CAROE: Jeff.

18 MR. MOYER: No.

19 MS. CAROE: Joe.

20 MR. SMILLIE: Yes.

21 MS. CAROE: Julie.

22 MS. WEISMAN: Yes.

23 MS. CAROE: Bea.

24 MS. JAMES: No.

25 MS. CAROE: Katerina.

1 MS. HEINZE: Yes.

2 MS. CAROE: Jennifer.

3 MS. HALL: Yes.

4 MS. CAROE: Steve.

5 MR. DEMURI: Yes.

6 MS. CAROE: Dan.

7 MR. GIACOMINI: Yes.

8 MS. CAROE: Tracy.

9 MS. MIEDERMA: Yes.

10 MS. CAROE: And the Chair votes yes. So we have 2  
11 against -- I'm sorry, 3 against, 8 for, zero abstain, 4  
12 absent. Motion passes. Next?

13 MS. WEISMAN: Next is sea salt which was a  
14 recommendation not to consider.

15 MS. CAROE: Is there a second?

16 MR. DEMURI: Second.

17 MS. CAROE: Is there a conflict with sea salt?  
18 Hearing none, discussion on sea salt? I will just fill  
19 everybody in again, this was for four components of sea salt,  
20 three of which are listed items, one of which is exempt.  
21 This item doesn't need to be listed nor is it appropriate to  
22 be listed. So, any further discussion? Bea?

23 MS. JAMES: So a yes vote means that we're not  
24 considering it?

25 MS. CAROE: That is correct. Further discussion?

1 Dan?

2 MR. GIACOMINI: I would just be a little contrary  
3 to the very last bit of what you just said. I think that  
4 listing sea salt would be great and I think one of the things  
5 we did there was request them to specifically petition that  
6 and go through TAP and everything else. It's just the way  
7 they petitioned it with the requesting four individual items  
8 just doesn't work, but, I would certainly support a full  
9 petition and a TAP.

10 MS. CAROE: And our recommendation did reflect that  
11 if they wanted a full listing that a TAP with all components  
12 of sea salt and contamination potential and environmental  
13 impact would also be considered. Any other discussion?  
14 Jeff? Hearing none, seeing none, the vote will start with  
15 Jeff.

16 MR. MOYER: Yes.

17 MS. CAROE: Again, this is a vote to not consider.

18 MR. MOYER: That's correct.

19 MS. CAROE: Joe.

20 MR. SMILLIE: Yes.

21 MS. CAROE: Julie.

22 MS. WEISMAN: Yes.

23 MS. CAROE: Bea.

24 MS. JAMES: Yes.

25 MS. CAROE: Katerina.

1 MS. HEINZE: Yes.

2 MS. CAROE: Jennifer.

3 MS. HALL: Yes.

4 MS. CAROE: Steve.

5 MR. DEMURI: Yes.

6 MS. CAROE: Dan.

7 MR. GIACOMINI: Yes.

8 MS. CAROE: Tracy.

9 MS. MIEDERMA: Yes.

10 MS. CAROE: Kevin.

11 MR. ENGELBERT: Yes.

12 MS. CAROE: And the Chair votes yes. That would be  
13 zero, 11, zero, 4. Motion passes.

14 MS. WEISMAN: Next item is seaweed. Recommendation  
15 for seaweed wakame angaria for listing on 205.606.

16 MR. DEMURI: Second.

17 MS. CAROE: Second. Is there a conflict with  
18 seaweed? And I don't know how to say that so wakame.  
19 Hearing none, discussion on the motion?

20 MS. WEISMAN: I just want to make the rest of the  
21 board aware that this was passed by the handling committee 5  
22 nothing.

23 MS. CAROE: Further discussion? Okay. Hearing  
24 none, seeing none, the vote will start with Joe.

25 MR. SMILLIE: Yes.

1 MS. CAROE: Julie.

2 MS. WEISMAN: Yes.

3 MS. CAROE: Bea.

4 MS. JAMES: Yes.

5 MS. CAROE: Katerina.

6 MS. HEINZE: Yes.

7 MS. CAROE: Jennifer.

8 MS. HALL: Yes.

9 MS. CAROE: Steve.

10 MR. DEMURI: Yes.

11 MS. CAROE: Dan.

12 MR. GIACOMINI: Yes.

13 MS. CAROE: Tracy.

14 MS. MIEDERMA: Yes.

15 MS. CAROE: Kevin.

16 MR. ENGELBERT: Yes.

17 MS. CAROE: Jeff.

18 MR. MOYER: Yes.

19 MS. CAROE: And the Chair votes yes. Zero against,  
20 11 for, zero abstained, 4 absent. Motion passes.

21 MS. WEISMAN: The next is a petition for spices,  
22 dried. This could not be considered.

23 MS. CAROE: It was actually not be considered.

24 MS. WEISMAN: It's not to be considered because  
25 only single materials can be considered. This is error,

1 these votes.

2 The next item is sweet potato starch for listing on  
3 205.606.

4 MS. CAROE: Is there a second?

5 MR. DEMURI: Second.

6 MS. CAROE: Is there a conflict with sweet potato  
7 starch? Hearing none, discussion on sweet potato starch?  
8 Julie?

9 MS. WEISMAN: I just want to let the board know  
10 that this was passed by the handling committee 5 to zero.

11 MS. CAROE: Further discussion? Jeff?

12 MR. MOYER: I believe Steve had his hand up first.

13 MS. CAROE: I'm sorry. Steve.

14 MR. DEMURI: Okay. It's just for one specific form  
15 of the starch though. It's for the bean thread.

16 MS. WEISMAN: I would like to amend. I would like  
17 to amend this listing in that case. Sweet potato starch,  
18 bean thread for listing on 205.606.

19 MS. CAROE: Is it accepted by the second?

20 MR. DEMURI: Yes.

21 MS. CAROE: Jeff, did you have -- no? You got it?  
22 Any further discussion? We're of one mind. Okay. The vote  
23 starts with Julie.

24 MS. WEISMAN: Yes.

25 MS. CAROE: Bea.

1 MS. JAMES: Yes.

2 MS. CAROE: Katerina.

3 MS. HEINZE: Yes.

4 MS. CAROE: Jennifer.

5 MS. HALL: Yes.

6 MS. CAROE: Steve.

7 MR. DEMURI: Yes.

8 MS. CAROE: Dan.

9 MR. GIACOMINI: Yes.

10 MS. CAROE: Tracy.

11 MS. MIEDERMA: Yes.

12 MS. CAROE: Kevin.

13 MR. ENGELBERT: Yes.

14 MR. ENGELBERT: Jeff.

15 MR. MOYER: Yes.

16 MS. CAROE: Joe.

17 MR. SMILLIE: Yes.

18 MS. CAROE: The Chair votes yes. Zero against, 11  
19 for, zero abstained, 4 absent. Motion passes.

20 MS. WEISMAN: Next item is turkish bay leaves for  
21 listing on 205.606.

22 MS. CAROE: Is there a second.

23 MR. DEMURI: Second.

24 MS. CAROE: Any conflicts with turkish bay leaves?  
25 Hearing none, any discussion on turkish bay leaves?

1 MS. WEISMAN: I just want to let the committee know  
2 that this passed -- rather let the board know that this was  
3 passed by the handling committee 5 to 0.

4 MS. CAROE: Jeff?

5 MR. MOYER: I'm just wondering if you could give me  
6 a little background information because this one is slipping  
7 my mind.

8 MS. WEISMAN: This is a particular flavor profile.  
9 The petitioner -- that specifically comes from bay leaves  
10 grown in a small region of the Mediterranean. There are  
11 challenges to having those be certified organic by an NOP  
12 accredited agency and also they are occasionally available  
13 organically but not on a consistent basis and it's very  
14 specific flavor profile and they submitted comments from  
15 chefs citing the differences and actually I think this is the  
16 one where they submitted a gas chromatography analysis that  
17 showed the differences in the different aromatic compounds in  
18 turkish bay leaves as opposed to other types of bay leaves.

19 MR. MOYER: Can you expound on what the challenges  
20 are to getting certified by an accredited certifier? Why is  
21 that not?

22 MS. WEISMAN: There weren't -- I guess there were  
23 not enough -- in other words, these are foreign certifiers  
24 that are operating and they were not necessarily accredited  
25 yet by the NOP.



1 MS. CAROE: Dan?

2 MR. GIACOMINI: I believe there was also reference  
3 to changes in profile based on freshness and leaf color and  
4 some of those issues and that even of the organic that they  
5 could find they didn't always meet their specification  
6 requirements.

7 MS. CAROE: Further discussion? Steve?

8 MR. DEMURI: The other issue is, this is a tree so  
9 it takes quite a while to develop an organic source. It's not  
10 like a row crop.

11 MS. CAROE: Further questions? Jeff?

12 MR. MOYER: To that end you can transition a tree  
13 just like you can a cow so you don't --

14 MS. CAROE: No, you can't.

15 MR. MOYER: You can transition apple trees. Of  
16 course you can.

17 MS. CAROE: Okay. Sorry. Okay. The vote starting  
18 with Bea.

19 MS. JAMES: Abstained.

20 MS. CAROE: Katerina.

21 MS. HEINZE: Yes.

22 MS. CAROE: Jennifer.

23 MS. HALL: Yes.

24 MS. CAROE: Steve.

25 MR. DEMURI: Yes.

1 MS. CAROE: Dan.

2 MR. GIACOMINI: Yes.

3 MS. CAROE: Tracy.

4 MS. MIEDERMA: Yes.

5 MS. CAROE: Kevin.

6 MR. ENGELBERT: No.

7 MS. CAROE: Jeff.

8 MR. MOYER: No.

9 MS. CAROE: Joe.

10 MR. SMILLIE: Yes.

11 MS. CAROE: Julie.

12 MS. WEISMAN: Yes.

13 MS. CAROE: The Chair votes yes. I've got 2 no  
14 votes, 8 yes votes, one abstention and four absent. Motion  
15 passes.

16 MS. WEISMAN: Next is a recommendation. Okay. See  
17 if I can tighten this up. There are two separate  
18 recommendations as of Monday night, one for whey protein  
19 concentrate at 35 percent and one for whey protein  
20 concentrate at 80 percent. I would like to make a  
21 recommendation that we make one listing for whey protein  
22 concentrate.

23 MS. CAROE: Are you going to vote on them together?

24 MS. WEISMAN: I want to vote on them together.

25 MS. CAROE: It's your prerogative. Is there a

1 second for -- there is a second?

2 MR. DEMURI: Second.

3 MS. CAROE: Okay. There is a second. So, the  
4 motion at this time is voting on whey protein concentrate 35  
5 percent; whey protein concentrate 80 percent for listing on  
6 606, 205.606.

7 MS. WEISMAN: Correct.

8 MS. CAROE: Is there any conflicts with whey  
9 protein concentrate? Hearing none, discussion? Katerina?

10 MS. HEINZE: I thought we had discussed combining  
11 this into just one whey protein concentrate listing.

12 MS. CAROE: That's what we just did.

13 MS. WEISMAN: I know what you're saying. To not  
14 make any reference to the concentration level. Why limit  
15 that.

16 MS. CAROE: Because it was three materials that was  
17 listed. The motion is yours.

18 MS. WEISMAN: Okay. I'm going to amend my own  
19 motion. The motion is for the listing of whey protein  
20 concentrates on 205.606.

21 MS. CAROE: Does the seconder accept it?

22 MR. DEMURI: Yes.

23 MS. CAROE: Okay. Motion on the table is the  
24 listing of whey protein concentrate on 205.606. Is there  
25 any further discussion? Dan?

1           MR. GIACOMINI: Could I ask if that's a reasonable  
2 to the petitioner?

3           MS. CAROE: For the record, the petitioner  
4 responded that it was reasonable. Any further discussion or  
5 questions? Valerie?

6           MS. FRANCES: This version I have from Julie has  
7 annotation of three years.

8           MS. WEISMAN: No, that should have been -- that's  
9 ancient. An artifact.

10          MS. CAROE: Any further discussion? Is the board  
11 clear on the motion at this point? Okay. Are we prepared to  
12 vote? Starting with Katerina.

13          MS. HEINZE: Yes.

14          MS. CAROE: Jennifer.

15          MS. HALL: Yes.

16          MS. CAROE: Steve.

17          MR. DEMURI: Yes.

18          MS. CAROE: Dan.

19          MR. GIACOMINI: Yes.

20          MS. CAROE: Tracy.

21          MS. MIEDERMA: Yes.

22          MS. CAROE: Kevin.

23          MR. ENGELBERT: No.

24          MS. CAROE: Jeff.

25          MR. MOYER: No.

1 MS. CAROE: Joe.

2 MR. SMILLIE: Yes.

3 MS. CAROE: Julie.

4 MS. WEISMAN: Yes.

5 MS. CAROE: Bea.

6 MS. JAMES: No.

7 MS. CAROE: And the Chair votes yes. Okay. I have  
8 3 no votes, 8 yes votes, no abstentions, 4 absent. Motion  
9 passes.

10 MS. WEISMAN: The next item on our list, whey  
11 protein isolate has been withdrawn by the petitioner and the  
12 same is true of the material after that which is yeast.

13 MS. CAROE: Okay. So we'll turn to the tabled  
14 items which are --

15 MS. WEISMAN: Can I make a recommendation? Can we  
16 take these out of order because I think that the peppers, we  
17 have some recommended language that probably will help us  
18 vote on those quickly.

19 MS. CAROE: That's fine. So, we're doing the  
20 jalapeno peppers/chipoltes?

21 MS. WEISMAN: Right, and the recommendation is to  
22 drop jalapeno from the name. It turns out that that was a  
23 petition that was withdrawn -- that was sent back, I believe,  
24 so we never actually considered the jalapeno.

25 MS. CAROE: So, state the motion.

1 MS. WEISMAN: So, the motion is for the listing of  
2 chipolte chili peppers on 205.606.

3 MS. CAROE: Do I have a second?

4 MR. DEMURI: Second.

5 MS. CAROE: Okay. Discussion? Board satisfied  
6 with the listing at this point?

7 MR. DEMURI: Yes.

8 MS. CAROE: Okay. And, so, let's go for a vote  
9 starting with Jennifer.

10 MS. HALL: Yes.

11 MS. CAROE: Steve.

12 MR. DEMURI: Yes.

13 MS. CAROE: Dan.

14 MR. GIACOMINI: Yes.

15 MS. CAROE: Tracy.

16 MS. MIEDERMA: Yes.

17 MS. CAROE: Kevin.

18 MR. ENGELBERT: No.

19 MS. CAROE: Jeff.

20 MR. MOYER: No.

21 MS. CAROE: Joe.

22 MR. SMILLIE: Yes.

23 MS. CAROE: Julie.

24 MS. WEISMAN: Yes.

25 MS. CAROE: Bea.

1 MS. JAMES: Yes.

2 MS. CAROE: Katerina.

3 MS. HEINZE: Yes.

4 MS. CAROE: I think I've got everybody. Yes vote  
5 for the Chair. So, I have 2 no votes, 9 yes votes, zero  
6 abstained, 4 absent. The motion passes.

7 MS. WEISMAN: And the next tabled item is poblano  
8 peppers. And I have -- I would like to now recommend -- make  
9 a recommendation for the listing of IQF, which stands for  
10 individually quick frozen, roasted poblano peppers for  
11 listing on 205.606.

12 MS. CAROE: Is there a second?

13 MR. DEMURI: Second.

14 MS. CAROE: Discussion? I would like to offer a  
15 suggestion on poblano peppers and using IQF as the  
16 annotation, IQF only, or, individual quick frozen only.  
17 Because it is a selection of poblano peppers.

18 MS. WEISMAN: I accept the amendment.

19 MS. CAROE: Is the amendment accepted by the  
20 second?

21 MR. DEMURI: I accept it.

22 MS. CAROE: Okay. Further discussion? Katerina?

23 MS. HEINZE: Julie, could you read?

24 MS. WEISMAN: Yes, if course. So, the  
25 recommendation now is for the listing of roasted poblano

1 peppers on 205.606 with the annotation IQF only.

2 MS. CAROE: Further discussion? Seeing none,  
3 hearing none, the vote will start with Steve.

4 MR. DEMURI: Yes.

5 MS. CAROE: Dan.

6 MR. GIACOMINI: No.

7 MS. CAROE: Tracy.

8 MS. MIEDERMA: Yes.

9 MS. CAROE: Kevin.

10 MR. ENGELBERT: No.

11 MS. CAROE: Jeff.

12 MR. MOYER: No.

13 MS. CAROE: Joe.

14 MR. SMILLIE: Yes.

15 MS. CAROE: Julie.

16 MS. WEISMAN: Yes.

17 MS. CAROE: Bea.

18 MS. JAMES: No.

19 MS. CAROE: Katerina.

20 MS. HEINZE: No.

21 MS. CAROE: Jennifer.

22 MS. HALL: No.

23 MS. CAROE: The Chair votes yes. That's 6 no's, 5  
24 yeses, zero abstained, 4 absent. The motion fails.

25 Okay. We have one item left and I'm sure you're



1 clear on it.

2 MS. WEISMAN: Oh, right. Okay. Everybody, we've  
3 got to help each other out here. Gellan gum and I believe we  
4 were trying to locate some information in a TAP. Is anyone  
5 on the internet? Can anybody pull up TAP?

6 MS. HEINZE: I have the TAP on my computer.

7 MS. WEISMAN: I have the tap on my computer.

8 MS. HEINZE: I could use a reminder of what we were  
9 looking for.

10 MS. WEISMAN: Gellan gum.

11 MS. HEINZE: I have the TAP for gellan gum on my  
12 computer. I just need a reminder of what I was looking for.

13 MS. MIEDERMA: Question.

14 MS. CAROE: Tracy?

15 MS. MIEDERMA: It seems that the question was  
16 around what consistency properties were imparted by this  
17 substance, ingredient.

18 MS. CAROE: I believe we had the petitioner up and  
19 answered that question.

20 MS. MIEDERMA: Yeah, and it didn't seem to satisfy  
21 the group at that moment.

22 MS. CAROE: Jennifer?

23 MS. HALL: The reason that we tabled it was to  
24 clarify why she applied under the category she did and she  
25 wasn't quite clear. She basically said she did so because

1 the other product they produced with similar properties fell  
2 under that category currently.

3 MS. CAROE: Right. And as I remember we were going  
4 to look at the TAP to see what the TAP contract said.  
5 Katerina?

6 MS. HEINZE: Evaluation question number one on the  
7 TAP, the question is, has the petitioner in some sense  
8 formulated or manufactured by a chemical process. The  
9 second paragraph they say it's produced by naturally  
10 occurring biological process and a chemical process is used  
11 to extract the gellan gum from the gelatation medium and to  
12 formulate the desired thickness of the gum. Then further  
13 down in evaluation question number 2 it says the formulation  
14 and manufacturing process involves partial removal of aceto  
15 groups which in turn affects the thickness and hardness of  
16 the gel.

17 I do remember now in sub-committee we had  
18 discussion about that which caused us to concur that it  
19 should be on 205B -- 205.605B.

20 MS. CAROE: Julie?

21 MS. WEISMAN: I also, in looking at the references  
22 to the TAP under evaluation criteria, I also see that the  
23 extraction solvent is isopropyl alcohol which is a synthetic  
24 which is further weight that this should be 205.605B.

25 MS. CAROE: Further discussion? So, can you

1 restate the motion, Julie, at this point? Or, we actually  
2 don't have a motion because we tabled this.

3 MS. WEISMAN: The motion is for the listing of  
4 gellan gum on 205.605B.

5 MR. DEMURI: Second.

6 MS. CAROE: Second. Okay. Discussion further?  
7 We're kind of out of order, but, I'm a little confused at  
8 this point. Anything further? Any conflicts? Hearing none,  
9 seeing none for the last vote of the day. Dan.

10 MR. GIACOMINI: Yes.

11 MS. CAROE: Tracy.

12 MS. MIEDERMA: Yes.

13 MS. CAROE: Kevin.

14 MR. ENGELBERT: No.

15 MS. CAROE: Jeff.

16 MR. MOYER: No.

17 MS. CAROE: Joe.

18 MR. SMILLIE: Yes.

19 MS. CAROE: Julie.

20 MS. WEISMAN: Yes.

21 MS. CAROE: Bea.

22 MS. JAMES: No.

23 MS. CAROE: Katerina.

24 MS. HEINZE: Abstained.

25 MS. CAROE: Jennifer.

1 MS. HALL: No.

2 MS. CAROE: Steve.

3 MR. DEMURI: Yes.

4 MS. CAROE: And the Chair votes yes. I've got 4  
5 no's, 6 yeses, 1 abstention, 4 absent. Motion fails.

6 And that is the end of a marathon vote.

7 Unfortunately, we don't have any time to take a breath here  
8 so we will move into work plan. We don't have an order on  
9 this. Okay. Policy. I need your work plan.

10 MS. JAMES: The first item is to complete the  
11 guidance on temporary research variance with the livestock  
12 committee. And then updates to policy and procedure manual.  
13 We have four points under that. Developing a clarification  
14 deferral; updating appendix D on parliamentary procedures;  
15 helping to define table versus rescind motions; update on  
16 NOSB committee recommendation form to specify use of petition  
17 material, the NOSB petition form.

18 MS. CAROE: That's an NOP form, it's not an NOSB  
19 form. That's a program form that we use.

20 MS. JAMES: It's the committee recommendation form.

21 MS. CAROE: It's a program form so we can  
22 corroborate with the program. Go ahead to suggest changes.

23 MS. JAMES: Okay. In corroboration with the NOP,  
24 review the NOSB committee recommendation form to specify uses  
25 of petition; review overall flow of the policy and procedure

1 manual making sure that sections have adequate introduction.

2           And then on the new member guide we're going to add  
3 in the wonderful document that Valerie provided and work with  
4 Valerie on the staff changes. And we are going to look at  
5 the packet information that we received from Bob Pooler and  
6 see if there is a way to use some of that information in the  
7 new member guide.

8           Okay. This is going to be a recommendation that  
9 we're going to work on in collaboration with the NOP. We are  
10 going to work on the use and function of a document that  
11 would be accessible on the website that would show all  
12 outstanding prior recommendations.

13           And we are also going to clarify in the policy and  
14 procedure manual -- I'm sorry, I forgot to put this one in --  
15 the policy and procedure manual in the election of committee  
16 chairs that the role of the board chair will be to officially  
17 make those recommendations of committee chairs annually and  
18 it's not listed that way currently in the policy and  
19 procedure manual.

20           MS. CAROE: Okay. It's not election.

21           MS. JAMES: Appointments. Appointments to have  
22 documentation of that being an annual process.

23           MS. CAROE: Okay. All right. Policy. Okay. So,  
24 now crops. We lost our crops chair.

25           MR. MOYER: Jeff, vice-chair for crops. We have

1 several petitioned substances that we're going to be working  
2 on throughout the next few months to get ready for the  
3 October meeting. They will be potassium silicate, sodium  
4 carbonate, peroxihydrate, sodiumfuric hydroxy EDTA, sorbitol  
5 octino-8, tetracycline.

6 And then we have five sunseting substances we'll  
7 be working on, copper sulfate, ozone gas, pherocytic acid,  
8 EPA lists three inerts in passive pheromone dispensers, and  
9 calcium chloride. We'll be working on those substances.

10 Other items that we're going to be working on will  
11 continue to work in conjunction with the policy development  
12 committee on research variance and research operation  
13 documents and we'll be working with the NOP regarding  
14 implementation of the NOSB guidance recommendation concerning  
15 processed manures, pond compost, and compost T. That is our  
16 work plan for the next six months.

17 MS. CAROE: Thank you. Moving onto livestock. For  
18 your vice-chair. All the chairs left.

19 MR. ENGELBERT: Thank you, Andrea. The livestock  
20 committee work plan continues to be aquaculture. We continue  
21 to work on the issues that were deferred, namely the open net  
22 pens and the use of fish oil and fish meal. We will also  
23 with the AWG --

24 MS. CAROE: I need your mike up.

25 MR. ENGELBERT: Sorry. The aquaculture standards.

1 We will continue to work on the issues that were deferred,  
2 namely open net pens, the use of fish oil and fish meal and  
3 the use of compost, the composted manure in ponds. We're  
4 also going to work with the AWG on the development of  
5 standards for shellfish and bi-valves.

6 The livestock committee will continue to work in  
7 conjunction with the policy development and crop committees  
8 with regard to research variances. We also intend to get  
9 back to the pet food recommendation which was tabled until  
10 after this meeting and we're looking forward to working with  
11 the pet food task force.

12 Another item on our agenda is to work on a better  
13 definition of outdoor access for poultry. Mike Lacey, the  
14 former chair of the livestock committee was disappointed that  
15 this issue got pushed to the side by the pasture ANPR and we  
16 hope to get back at it.

17 And, lastly, at the present time we don't have any  
18 materials to consider, either petitioned items or sunset  
19 items. And that's pretty much our agenda for right now.

20 MS. CAROE: Just for clarification, that pet food  
21 task force work is in collaboration with the handling  
22 committee?

23 MR. ENGELBERT: Okay.

24 MS. CAROE: Okay. That's been a handling issue  
25 since it's not livestock feed, it's pet feed which actually

1 follows regulation for people feed.

2 MR. ENGELBERT: Okay.

3 MS. CAROE: People feed.

4 MS. FRANCES: As well as AAFCO.

5 MS. CAROE: Right. So, thank you for your work  
6 plan. Bea, did you have something?

7 MS. JAMES: I just was wondering if you were going  
8 to continue to track cloning and keep that on the work plan.

9 MR. ENGELBERT: Yeah. At least stated at the end  
10 of the recommendation on cloning we will help the NOP in any  
11 way we can if other issues continue or do come up regarding  
12 cloning.

13 MS. CAROE: Okay. Katerina.

14 MS. HEINZE: I believe one of the items that we  
15 just reviewed for the handling committee was also petitioned  
16 by the petitioner for livestock. Julie, can you help me on  
17 that? I think it was FOS, but, I'm not sure. It says under  
18 recommendation.

19 MS. WEISMAN: I can't remember. I approached  
20 livestock on this in February.

21 MS. HEINZE: Sorry.

22 MR. GIACOMINI: We'll review with that with the  
23 program and see where that stands.

24 MS. HEINZE: Thank you.

25 MS. CAROE: Okay. Any further questions for the



1 livestock on their work plan. Moving on. Handling.

2 MS. WEISMAN: Still a long list even though we did  
3 a monumental task. For the fall, top of my list is  
4 clarification of agricultural versus none agricultural which  
5 will be done with the materials committee. Also, definition  
6 of synthetic and non-synthetic, also being done in  
7 collaboration with the materials committee.

8 Next I have on my work plan the pet food draft  
9 recommendations so I guess we'll all be working on that one.  
10 Petitioned materials. I think even as we speak that there  
11 are already petitions that have come in for the fall meeting.  
12 Leftover 606, okay, maybe I'm wrong, all right, but, there  
13 may be more 606 things by the fall.

14 MR. POOLER: We didn't mean to take work from you  
15 regarding pet food. I apparently went back and went previous  
16 minutes of meetings to make sure that I was ready for this  
17 meeting and I obviously misread something.

18 MS. WEISMAN: Okay. Materials for sunset review of  
19 which there are -- of which we have nine coming up. We have  
20 -- they are on 605A, auger auger, carrageenin, tartaric acid,  
21 animal enzymes, calcium sulfate, and glucono delta wactone.  
22 We also have three items coming up for sunset on 605B which  
23 are ethylene -- didn't we just do that -- okay, ethylene,  
24 cellulose, and potassium hydroxide.

25 Finally, there's been a lot of discussion about

1 flavors at this meeting and we are adding to our already full  
2 work plan, I guess what's sounding like the formation of a  
3 task force on flavor guidance.

4 MS. CAROE: Thank you. Go ahead.

5 MS. WEISMAN: That's all I got.

6 MS. CAROE: That's all you got.

7 MS. WEISMAN: I'm looking for more.

8 MS. CAROE: Any comments for Julie on the handling  
9 work plan? Okay. Moving on to materials.

10 MR. GIACOMINI: The work plan for materials, number  
11 one, collaborate with the handling committee regarding the  
12 definition of material document or the other two documents,  
13 however you want them referred to.

14 Number two. Stay in contact with the NOP to offer  
15 any support possible to help the program meet the June 9  
16 court-ordered deadline for 606.

17 Three. Manage new petitions as they are received  
18 from the NOP.

19 Four. Manage 2008 sunset items in collaboration  
20 with the appropriate committees.

21 Five. Collaborate with the NOP and the handling  
22 committee -- sorry, Julie, I'm adding one more for you --  
23 regarding guidelines for certifiers on issues related to  
24 determining commercial availability.

25 MS. CAROE: We have that guideline.

1 MS. WEISMAN: I just got commercial availability  
2 off my back. You're putting it back on?

3 MS. CAROE: We've done that. We have a  
4 recommendation.

5 MR. POOLER: That was Item C that was recommended.

6 MS. CAROE: Yes, yes, yes. Go ahead. That's fine.

7 MR. GIACOMINI: And, six, this is a working one and  
8 I would like everyone to let me get through it before jumping  
9 to any conclusions. Collaborate with the NOP regarding a  
10 process to have limited access to CBI version petitions to  
11 aid the NOSB in evaluating petitions regarding the placement  
12 of items on the national list with due consideration of  
13 maintaining confidentiality of that information.

14 MS. CAROE: Thank you, Dan. Any questions for Dan  
15 on the materials work plan? Last, but, certainly not least,  
16 Smillie's on.

17 MR. SMILLIE: The certification, accreditation, and  
18 compliance committee will have a recommendation on  
19 standardized certification for the October meeting and we  
20 will have a recommendation on, I hope -- I shouldn't say we  
21 will -- in all likelihood will have a recommendation on peer  
22 group review. We will also look at, and I'm not sure that's  
23 the right word because there already is a standing NOSB  
24 recommendation on grower group certification, but, we will  
25 re-look at that and see if there's anything we can do to

1 update it, if necessary.

2 And then press upon NOP, collaborate with NOP to  
3 give a solution to what's good for everyone.

4 MS. CAROE: You want the handler to help you  
5 collaborate?

6 MR. SMILLIE: Later.

7 MS. CAROE: Okay.

8 MR. SMILLIE: Corroborate.

9 MS. CAROE: Corroborate.

10 MR. SMILLIE: Although the hammer into the morass  
11 sometimes, you know. We were talking about tools earlier.  
12 When all you have as a tool is a hammer everything looks like  
13 a nail.

14 The fourth item on our list is a new one and Bea,  
15 my excellent vice-chair, has seen fit to add it onto our work  
16 list and that is to investigate, I would say, the enforcement  
17 of the organic seed requirement on organic seed commercial  
18 availability. We had one petition that I think it was one  
19 commentor that was, you know, put in front of us some  
20 interesting figures and I think that as the committee in  
21 charge of enforcement we should look into that and see why  
22 we're getting such low levels of compliance on that issue.

23 Bea.

24 MS. JAMES: Was there something that we also needed  
25 to do with the private label retailer growers or --

1 MR. SMILLIE: No.

2 MS. JAMES: -- we're just waiting.

3 MR. SMILLIE: Anxiously awaiting the NOP response  
4 to that document.

5 MS. CAROE: Is that it, Joe?

6 MR. SMILLIE: Yes.

7 MS. CAROE: Kevin?

8 MR. ENGELBERT: I just wanted to thank you,  
9 Andrea, for extremely well-run meeting and your help getting  
10 through this long process.

11 MS. CAROE: You guys make me look good.  
12 Housekeeping things. I do need the committee chairs to send  
13 me your work plans by e-mail please and if they bounce back  
14 send them again. I get issues with my e-mails. I have  
15 issues with my e-mail.

16 Also, I need all of the recommendations before I  
17 can submit them to the program, so, all of those materials,  
18 all of those recommendations have to come to me so I can  
19 submit them. I have to sign off on them and send them in,  
20 okay. That said, I will call for other business.

21 Is there any other business of this board? Okay.  
22 I would like to thank the program for your assistance through  
23 this grueling process. Valerie, you know, you're worth a  
24 million helping us through this. Dan, thank you for  
25 orchestrating this fiasco and well-run machine and others

1 and, again, I'm embarrassed to take any accolades for this  
2 because the work was done by you folks and you just made me  
3 look really good so thank you so much.

4 With that, I would entertain -- Mark Bradley?

5 MR. BRADLEY: Yes, please. I'd like to embarrass  
6 you one more time on an incredibly well-run meeting. I know  
7 this was a team effort and to sit back and watch especially  
8 the new members and the newer members ganging in here it's  
9 not always this crazy but you guys have done a yeoman's job  
10 getting all these materials processed. You stuck with it and  
11 didn't go out of the room screaming, which I think, everyone,  
12 please.

13 And we appreciate all the frank comments that the  
14 program's received today and over the last couple of days and  
15 we do take them seriously, although, you know, progress is  
16 sometimes slow. The cloning, we particularly appreciate your  
17 prompt and timely response at that. A good recommendation is  
18 something that we can work with and we look forward to  
19 collaborating with you on finishing that out and getting  
20 something that we can take to the attorneys and say this is  
21 what we want to say and get a quick lesson with it so we can  
22 have a firm position that we can support.

23 And I'd also like to recognize our court reporter  
24 who is just demonstrated patience beyond patience in trials  
25 of adversity. That's all I have. Thank you very much.

1           MS. CAROE: Okay. With that, I will entertain a  
2 motion to adjourn.

3           MS. JAMES: I motion to adjourn.

4           MS. WEISMAN: Second.

5           MR. DEMURI: Second.

6           MS. CAROE: All those in favor say aye.

7           BY ALL: Aye.

8           MS. CAROE: Opposed, same sign. Hearing none, we  
9 are adjourned.

10           (Whereupon, at 5:20 p.m., the meeting was adjourned).

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