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UNITED STATES DEPARTMENT OF AGRICULTURE

IN RE: NATIONAL ORGANIC STANDARDS BOARD MEETING

Meeting held on the 30th day of November, 2007

at 08:00 a.m.

Holiday Inn-National Airport  
Shenandoah Ballroom  
2650 Jefferson Davis Highway  
Arlington, VA

TRANSCRIPT OF PROCEEDINGS

11-30-07 NOSB Meeting Participants

- |               |                     |
|---------------|---------------------|
| Chair:        | Andrea Caroe        |
| NOSB Members: | Gerald Davis        |
|               | Rigoberto Delgado   |
|               | Steve DeMuri        |
|               | Tina Ellor          |
|               | Kevin Engelbert     |
|               | Daniel Giacomini    |
|               | Jennifer Hall       |
|               | Katrina Heinze      |
|               | Bea James           |
|               | Hubert Karreman     |
|               | Tracy Miedema       |
|               | Jeffrey Moyer       |
|               | Joseph Smillie      |
|               | Julie Weisman       |
| NOP Staff:    | Barbara C. Robinson |
|               | Mark A. Bradley     |
|               | Katherine Benham    |
|               | Valerie Frances     |
|               | Robert Pooler       |
|               | Jonathan Melvin     |

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Richard Mathews  
Valerie Schmale

Public Comment:

Kim Dietz  
Robyn Nick  
Mark Kastel  
Jim Pierce

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P R O C E E D I N G S

November 30, 2007

MS. ANDREA CAROE: We can reconvene.

Good morning. First on the public comment is Kim Dietz with Kelly Shea on deck. We're all ready, so Kim, whenever you want.

MS. KIM DIETZ: Get to hear my raspy voice first thing in the morning. Ready? Okay.

Good morning. My name is Kim Dietz and I'm here today to give you public comment as an individual industry member, and not of those of my employer.

I served on the NOSB from 2000 to 2005 as Handler Representative, three of which were as Materials Chair. Prior to that I've chaired RTA's MPPL Committees -- Committee, during the drafting of American Organic Standards and much time before that, as well. And I was one of the founding members of ORMI. The reason I bring that up is just for experience with materials, because I think again that is most severe charge, and most of my focus.

Today I continue to volunteer in this industry whenever needed as leading task forces

1 and other things like that.

2           First of all I'd like to request a  
3 technical correction on a recent recommendation  
4 for beta carotene, listing in 606. The CAS  
5 number, 1393.631 noted on the annotation is  
6 incorrect. That needs to be fixed. That  
7 annotation -- or that CAS number actually is for  
8 an auto, and I'll supply the MSDS sheets and  
9 background to Bob Puller [phonetic].

10           Sunset materials and materials in  
11 general. As a former Board member I feel for each  
12 and every one of you when you go through the  
13 painful discussions with materials. Believe me,  
14 you're not alone, we've all been there. It takes  
15 a while to get going and understand exactly how it  
16 all works, but you'll do it. You're a competent  
17 group and we have faith in you.

18           Here's a few words of advice; use the  
19 process and the material recommendation guidelines  
20 at all times. Don't waiver from those when  
21 reviewing material.

22           I caution you to refrain from personal  
23 opinion or stating that you personally believe a

1 product should or shouldn't be allowed for some  
2 reason or another. Be consistent, use your  
3 national list. If the materials on the national  
4 list that's similar or has a similar process, or  
5 is placed in a similar place, use that as  
6 guidelines.

7           Some of the comments yesterday about  
8 previous voting on 606 materials, in comparison to  
9 the current petition being discussed, was quite  
10 alarming as a member of the audience sitting back,  
11 and especially as a former Board member. I  
12 caution you to be careful with that. You want to  
13 be consistent and fair again with the material  
14 review process.

15           If any Board member or Committee feels  
16 that information is needed -- more information is  
17 needed, you can always defer a vote. I didn't  
18 hear that talked about at all over the last three  
19 days, and it's not something you want to do, but  
20 you can defer to request more information, and  
21 that's a fair thing to do instead of voting or  
22 rushing something through because you're not sure  
23 of all the information that you need. So you can

1 certainly defer to the next meeting.

2           You certainly shouldn't vote if you don't  
3 feel like you have everything that you need.

4           Crop materials; just a point of  
5 clarification. A comment was made yesterday that  
6 no public comments were received. I did submit  
7 public comment on those. And particularly because  
8 I was on the Board when we voted on those, and it  
9 was very difficult to get the farmers in to  
10 petition those. We pleaded with them for years  
11 and years, and we finally got those petitions in,  
12 so I'm not surprised you don't have comments, but  
13 they are using those.

14           Finally the discussion docket on the  
15 definition of materials. I think you've all heard  
16 the comments. It's a good start, and we'll get it  
17 there. Thanks, Bea. I thank you all for bringing  
18 forward this document, and I encourage you to  
19 engage the industry leaders, former NOSB members,  
20 and any other public people that are interested in  
21 this process. I do support a working group on  
22 this, and in fact there's been many of us here  
23 over the last few days in the room that have

1 somewhat semiformally formed a group with or  
2 without you, and I kind of hate to say that, but  
3 as a materials person it's what I've done almost  
4 my whole career, and, you know, we're going to  
5 follow it closely and if there's not the proper  
6 mechanism within the NOSB then, you know,  
7 collaboratively we're going to all work together  
8 and make sure that you get the comments you need  
9 from a concentrated force.

10 I've got some specific examples. The  
11 decision tree I think is very close. The fourth  
12 block that was mentioned yesterday by Gwendolyn,  
13 and I think I've talked to you about a few people,  
14 definitely was missing some pretty critical  
15 information on handling basically what has made  
16 everything 100 percent organic, and that's it, and  
17 you don't want to go down that road. Oh, okay.  
18 One last thing? Thank you Madame Chair for your  
19 service of five years. I'm sure it's been a fun,  
20 and painful, and glad you're ready to get off  
21 road.

22 MS. ANDREA CAROE: Thank you, Kim. Could  
23 you elaborate for some of our newer Board members

1 the Sunset -- the reason for Sunset, and our  
2 purpose in Sunset?

3 MS. KIM DIETZ: The reason for Sunset  
4 is -- should be fairly basic. If the material is  
5 still needed in the industry, then it should be  
6 continued to be allowed, so long as there's no  
7 negative comments on that material.

8 And a negative comment with be a very  
9 formal comment that comes in, giving you the  
10 reasons why it needs to come off, and really,  
11 industry information as to why it needs to come  
12 off. That's really -- supporting it such as  
13 there's an alternative available. We had a  
14 speaker yesterday with an alternative for some  
15 materials. Really the industry needs to make sure  
16 that that -- that whatever's out there is  
17 something that they can use.

18 But the Sunset is meant to just reenlist,  
19 and for you to go through and say okay, if there's  
20 nothing changed, and no new material to replace  
21 it, it should continue to remain. Is that what  
22 you were looking for? Okay.

23 MS. ANDREA CAROE: Exactly. Any



1 questions for Kim? Hue.

2 MR. HUBERT J. KARREMAN: In that same  
3 vein, what about if, like, for some reason, you  
4 know, there's public outcry about some material,  
5 but it's just, like, well, we don't think it  
6 should be in organics, you know, just that kind of  
7 thought.

8 MS. KIM DIETZ: It's not -- yeah, I  
9 don't -- it's not fair, actually. I mean, I stood  
10 back yesterday, and as a manufacturer -- put my  
11 work hat on for a minute. As a manufacturer, if I  
12 use the material that this other person's saying I  
13 have a replacement for, you need to give the  
14 industry time to look at the new material.  
15 Certainly we always want to look at new things,  
16 and we've been leaders of this industry, many of  
17 us, but you want to make sure that whatever the  
18 replacement in will work for you. There's a lot  
19 of different applications for a lot of different  
20 products out there, so you should just be able to  
21 say we'll take it off for no reason. It needs to  
22 be -- the industry needs to look at it and have  
23 time to see if it really works for their products.

1 MS. ANDREA CAROE: Barbara.

2 MS. BARBARA C. ROBINSON: That's why we -  
3 - if you go back and you look in the process for  
4 Sunset, in the ANPR -- you remember the Advanced  
5 Notice of Proposed Rulemaking that we wrote,  
6 there's a whole lengthy description of the process  
7 and what has to be put forth in order to basically  
8 to remove material from the national list, and we  
9 went to great lengths to describe the evidence,  
10 basically, that has to be produced by the public  
11 in order to delist or not renew the exemption for  
12 material. We're not starting over again with each  
13 and every material. Otherwise you never would  
14 have gotten through 174 materials on the national  
15 list for this first Sunset.

16 It is simply according to the law, you  
17 are just saying -- you are just renewing the  
18 exemption. But that ANPR was quite detailed and  
19 said, you know, someone must come forth with  
20 evidence, and the burden is on the industry to  
21 come forth with that evidence that says hey, you  
22 know, I've got the proof here that says why this  
23 material should come off the national list. You

1 don't have to come up with the evidence, and you  
2 don't -- and it is not your charge to say -- to  
3 challenge all previous Board's decisions about why  
4 this material now fails to meet all the criteria  
5 that put it on the national list the first time.

6 MS. ANDREA CAROE: Other questions or  
7 comments from the Board? Thank you.

8 [Cross talk]

9 MS. ANDREA CAROE: Next up is Kelly Shea,  
10 and on deck is Will Fantle. Will, are you here?

11 MALE VOICE: Will [unintelligible].

12 MS. ANDREA CAROE: Well, we'll pass at  
13 this time. Steven Walker, are you in the room,  
14 Steven? You're on deck.

15 MS. KELLY SHEA: Good morning, National  
16 Organic Standards Board and program. I am Kelly  
17 Shea with Horizon Organic and Silk Soymilk. I  
18 guess I also have morning voice like the previous  
19 speaker.

20 First off we would like to thank Andrea  
21 Caroe for her five years of service to the organic  
22 community. Thank you, Madame Chair. Also want to  
23 note that we appreciate Bea James' comments

1 yesterday on Gellan gum. At White Way we do  
2 believe it will have excellent unique uses in  
3 organic, and will not be duplicative to other  
4 materials on the list.

5 As regards the Sunset materials,  
6 carrageenan, agar agar, and cellulose, these three  
7 Sunset materials, there have been no calls at all  
8 for their removal from the list. There has been  
9 no new information about the criteria regarding  
10 these materials, nor any available substitutes  
11 proposed, and so we appreciate the Committee's  
12 recommendation to relist this item, and we  
13 appreciate the Board's consideration.

14 We would like to comment on the great  
15 news that the program provided on the pasture  
16 proposed rule and the livestock materials moving  
17 forward. This has been a very, very long time in  
18 coming, and I know the 425 farmers that ship to  
19 our Horizon Organic label, as well as many other  
20 farms out there, will appreciate the efforts of  
21 the Board and the program in this area.

22 I would like to point out one learning  
23 from this process we've gone through. In order

1 to, well, I won't say that. I think I'll just cut  
2 straight to the chase. As we look at the origin  
3 of livestock clarification to the regulations, I  
4 think based on our learnings we should either  
5 consider a technical correction to the regulations  
6 because the regulation is not correct in the way  
7 it is written provides an uneven playing field, so  
8 I think I'd appreciate it if the program and their  
9 attorneys considered a technical correction, or at  
10 the very least, a proposed rule without an ANPR.  
11 I believe with an ANPR we will be years out from  
12 this effort as well, and so I would like the  
13 program to take that under consideration.

14           And lastly I would like to remove from my  
15 comments yesterday the two odious words taskforce,  
16 and substitute the words working group. I didn't  
17 quite realize the stigma attached to the words  
18 task and force, and so I appreciate the education  
19 that I received from many, many members of the  
20 Board and the program, and so once again I would  
21 like to reiterate the organic community's  
22 willingness to come alongside the Board in some  
23 form of a working group to look at the history of

1 ag, non-ag, nonsynthetic, synthetic, and try  
2 together to come up with a solution that will work  
3 for the community today, and the community of the  
4 future. Thank you.

5 MS. ANDREA CAROE: Thank you, Kelly. Any  
6 questions? Comments? Thank you, Kelly. Steven  
7 Walker? You're up, and then Jackie Von Zuden  
8 [phonetic]. Jackie, are you in the room? Yes?  
9 Good.

10 MR. STEVEN WALKER: Good morning, I'm  
11 Steven Walker, Certification Manager at Midwest  
12 Organic Services Association in Wisconsin. I'd  
13 like to thank the Certification, Accreditation,  
14 and Compliance Committee for their consideration  
15 of the concerns and benefits of multi site  
16 certification schemes.

17 This is another challenging issue in the  
18 organic community's persistent struggle to balance  
19 promotion of the growth of organics with  
20 maintenance of a strong organic standard.

21 Continuation of grower group  
22 certification is important to the organic  
23 community, however, MOSA does not support the CAC

1 Committee recommendation. The introduction to  
2 that recommendation states it extends the logic of  
3 the 2002 NOSB grower group recommendation to  
4 accommodate organic industry developments.  
5 Although logic can be extended to a new  
6 conclusion, it can be a mistake to do so.

7           This Board has previously had to clarify  
8 inappropriate extensions of logic. For example,  
9 you clarified that stages of production language  
10 and allowing temporary confinement for livestock  
11 cannot be extended to include lactation.

12           Similarly I see that the proposed  
13 extension in scope to enable limited certifier  
14 inspections of retailer and other handler groups  
15 as being based in convenience, rather than  
16 necessity. It amounts to a weakening of our  
17 organic standard and would again put us at risk  
18 for more questioning of the integrity of the  
19 organic label.

20           As I've said here before, frankly I'm  
21 tired of defending against the -- lost my spot  
22 here. Tired of defending against the questions  
23 and the suspicions. I do recognize that economic

1 efficiencies and reducing burdens on certified  
2 operations have their place. In that light I'd  
3 echo Michael Sligh's comment from Wednesday; that  
4 we seek to do no harm to small farmers.

5           Overriding that principle, I'd add that  
6 our decisions must first ensure that we do no harm  
7 to consumer's trust in the organic label. We need  
8 to get back to a focus on the grower's needs.

9           I would not portray the 2002 NOSB grower  
10 group recommendation as being in need of fixing  
11 because it's broken. Rather, it's in need of some  
12 fine tuning. Others here have pointed out that  
13 the organic system plan based internal control  
14 system model has been long in use and is  
15 functioning fairly well, with ongoing improvements  
16 and with many success stories.

17           Group certification systems are based on  
18 sound accreditation, auditing, and certification  
19 norms. MOSA supports the CAC's suggested  
20 revisions to the 2002 NOSB recommendation.

21           The ACA recommendation and other comments  
22 before you seek to sensibly limit and define the  
23 grower group certification parameters. These



1 systems were developed based on considerations on  
2 how to lower market entry barriers for small  
3 holder groups. Certification should not be a  
4 technical barrier to market access.

5           This said, lowering barriers to  
6 certification should be based on need, such as  
7 limited access to infrastructure and limited  
8 financial capability, and must be balanced with  
9 risk assessment. Need should not preclude due  
10 diligence in addressing organic integrity risks.

11           In MOSA's experience, the group  
12 certification scheme is not deemed appropriate or  
13 necessary for retailer or handler situations. We  
14 certify a handful of retail operations. Our  
15 certified retailers have expressed that multi site  
16 retail certifications have devalued their  
17 certification efforts, and have created an unlevel  
18 playing field.

19           We do not certify any retail chains per  
20 se, but we have certified several retail  
21 operations with multiple stores, using centralized  
22 management and a single organic system plan.

23           It's our policy to perform annual

1 inspections of all sites, and these inspections  
2 have found instances where compliance issues vary  
3 from one location to the next, even though the  
4 organic management plan is held in common.

5           Though there is committed organic  
6 management plan supervision, it's not easily  
7 transferred to all store personnel. Risks to  
8 organic integrity and organic management variables  
9 are very site specific at this level. We've seen  
10 the need for annual third party inspection in our  
11 limited multi site situations, let alone retail  
12 chains with hundreds of store locations.

13           Thanks for seeking a way forward, but  
14 also for recognizing that the multi site  
15 certification recommendation needs to be pulled  
16 back because of the perception that it could lead  
17 to organic integrity questions. Perception is as  
18 important as practice. You've wisely applied the  
19 brakes before hitting a slipper slope.

20           I'm pleased to work in a community where  
21 we can fairly effectively design the rules to fit  
22 our needs, but let us remember that this is a  
23 diverse organic community and needs that must be

1 addressed include consumer's higher standards  
2 desires, as well as organic operators needs for an  
3 efficient, sensible certification process, when  
4 balancing these needs it ultimately benefits all  
5 to err on the side of a stronger organic standard.

6 MS. ANDREA CAROE: Thank you so much.

7 MR. STEVEN WALKER: Thank you.

8 MS. ANDREA CAROE: Questions? Tracy.

9 MS. TRACY MIEDEMA: Just in trying to  
10 explore the limitations of how an ICS can work, it  
11 sounds like you've encountered, in multi store  
12 operations that are certified organic, you visit  
13 every single store and you feel that every store  
14 inspection annually is important. Is that --  
15 that's what I heard you say just now?

16 MR. STEVEN WALKER: I think it's an  
17 additional control and from the comments that I  
18 heard yesterday, it sounds like the ICS system is  
19 working very well in some situations, but there's  
20 not a need to then cut back the third party  
21 certification --

22 MS. TRACY MIEDEMA: [Interposing] So my -  
23 -

1 MR. STEVEN WALKER: . . . by inspection.

2 MS. TRACY MIEDEMA: Okay. So my question  
3 is -- here's the persistent question I have. You  
4 don't certify any multi site operations that are  
5 farms, is that right?

6 MR. STEVEN WALKER: We do. Well --

7 MS. TRACY MIEDEMA: [Interposing] That  
8 have an ICS?

9 MR. STEVEN WALKER: Not that I -- the  
10 gist of your question; we're not doing coffee  
11 growers and things like that, but we do have for  
12 instance a poultry operation with a centralized  
13 management and multiple farms, all following the  
14 same organic system plan, and I like in that  
15 organic system plan too in our internal control  
16 system. There may not be a separate document  
17 saying this is our internal control system, but  
18 there is that document, the organic plan, they're,  
19 you know, pretty much one and the same.

20 MS. TRACY MIEDEMA: Right. And that's  
21 what I'm seeing as, you know, the internal quality  
22 system, whether it's a farm with many locations, a  
23 farm where each farm manager is an owner of that

1 piece of land, I mean, where are the limitations?  
2 Why is it not working with these stores? And  
3 you're insisting upon making sure every store gets  
4 an annual inspection, which sounds like it's  
5 prudent in this situation. Why might it be okay  
6 at a farm but it's not in the store?

7 MR. STEVEN WALKER: Well, I'm not saying  
8 it's ideal in a farm situation. It's need based,  
9 and with the farms situation that we are  
10 certifying, we are inspectioning all of those  
11 individual poultry operations.

12 MS. TRACY MIEDEMA: Do you have any  
13 opinion on --

14 MR. STEVEN WALKER: [Interposing] That's  
15 the point.

16 MS. TRACY MIEDEMA: . . . group  
17 certification -- grower group certification, you  
18 know, say 100 member farm, do you believe that  
19 every one of those member units should be  
20 inspected annually?

21 MR. STEVEN WALKER: Yes. Should.

22 MS. TRACY MIEDEMA: So that -- so you  
23 feel you're really sort of -- if there's a

1 spectrum, you're at the absolute end of every --  
2 you would say every member, every time, every  
3 year, always?

4 MR. STEVEN WALKER: No. I think that the  
5 grower group certification scheme can be  
6 effective. We need some additional definition  
7 parameters; how do we assess risk, those types of  
8 things, but it's not idea, and I see it as a  
9 compromise situation. A reasonable compromise  
10 that isn't needed at the retailer level, the  
11 handler level, where there's sufficient  
12 infrastructure and so forth.

13 MS. TRACY MIEDEMA: Thank you.

14 MS. ANDREA CAROE: Any further questions?  
15 Jennifer and then Rigo.

16 MS. JENNIFER M. HALL: How do you  
17 prioritize -- or how do you level the playing  
18 field? Because I actually find it interesting  
19 that people see less of a need for annual  
20 inspections on the farm, when that's where the  
21 integrity starts, and at the retail level people  
22 seem to put more of an onus on the end of the  
23 game.

1                   MR. STEVEN WALKER: I guess I'd back off  
2 and saying less of a need, but it gets back to  
3 that practical, sensible, this balancing act  
4 between what do we need to do to promote the  
5 growth of the industry while maintaining the  
6 integrity in the organic label. And I think that  
7 the grower group situation as its been presented,  
8 you know, 4 or 5 -- 15 years ago, is a reasonable  
9 way of finding that balance, but that kind of  
10 approach is not needed in the situations that we  
11 are certifying.

12                   MS. ANDREA CAROE: Rigo.

13                   MR. RIGOBERTO I. DELGADO: Yeah, I have a  
14 question. If you -- assume we have a farmer who  
15 owns 1,000 acres, but those are split into 10  
16 different fields, close to each other, this person  
17 is growing the same crop, same procedures, and so  
18 forth. Do you go and inspect each of those fields  
19 every year?

20                   MR. STEVEN WALKER: Risk based, and we  
21 have situations like that as well. A big farm,  
22 ten different parcels or something, we will  
23 inspect the entire operation more thoroughly.

1 It's that initial update and inspection scenario  
2 again.

3           Based on the organic plan and our  
4 experience in overseeing that operation, we may  
5 not inspect, you know, every inch of every field  
6 in subsequent years, but we'll do a more thorough  
7 job in that first year. Risk based.

8           MS. ANDREA CAROE: Other questions?  
9 Thank you.

10           MR. STEVEN WALKER: Thanks.

11           MS. ANDREA CAROE: Next is Jackie Van  
12 Zuden and Leslie Zuck. You're up on deck.

13           MS. JACKIE VON RUDEN: See how that  
14 works. It's Jackie Von Ruden. I am a  
15 Certification Specialist from Midwest Organic  
16 Services Association of [unintelligible]  
17 Wisconsin. I have a statement to read from our  
18 director, Bonnie Wideman.

19           Members of the National Organic Standards  
20 Board and National Organic Program, thank you for  
21 your work, it is appreciated. On behalf of the  
22 450 organic dairies we certify, we ask that you  
23 give attention to the dairy replacements issue.



1 Our farms are small, the average herd size is  
2 around 50, but the commitment to organic farming  
3 represented here is large. A commitment to not  
4 only organic methods of production, but to  
5 sustainable family farming as well.

6           The certification of industrial organic  
7 dairy farms in other parts of the country has an  
8 impact on our farmers here in the Midwest. This  
9 past spring an influx of milk into Wisconsin from  
10 large dairies caused economic hardship for a  
11 significant number of our farmers, and some of our  
12 organic milk went into the conventional market  
13 with farmers receiving lower than conventional pay  
14 price.

15           The current dairy replacement policy, as  
16 defined by the NOP chart given to us in October of  
17 2006 allows these large operations to maximize  
18 profit and minimize sustainability by selling off  
19 organic heifer calves and transitioning  
20 conventional heifers to organic production.

21           A survey of our farmers done this fall  
22 show that 98 percent of them would like to see  
23 that all organic dairy producers are subject to

1 the same dairy replacement at state rules. Based  
2 on the results of this survey, MOSA joins the  
3 Federation of Organic Dairy Farmers in asking the  
4 NOP for the following dairy replacement policy.  
5 Once an operation has been certified for organic  
6 dairy production, all dairy replacement animals,  
7 including all young stock, whether subsequent born  
8 on or brought in -- onto an operation, shall be  
9 under organic management for the last 1/3 of  
10 gestation prior to the animal's birth.

11 We also look forward to the forthcoming  
12 clarification of the pasture requirements. Again  
13 on behalf of our farmers who see pasture as an  
14 important part of organic livestock production, we  
15 would like to see a measurable amount of real  
16 pasture be required for all age groups with no  
17 exclusions for stage of production. We believe  
18 that organic dairy should be located where  
19 pasturing is possible.

20 In closing, I would like to share a  
21 comment from one of our organic dairy producers in  
22 Indiana, Ipka Veldhaus [phonetic]. He said, I  
23 think for the whole organic sector we should look

1 at what the market of organic -- at what the  
2 market the organic consumers want, which can be  
3 generally described as honestly produced organic  
4 food products, raised with attention and care for  
5 the environment and sustainability. The market  
6 wants clear rules they can depend on because the  
7 food chain is nowadays extremely long. Such that  
8 consumers have to trust the rules are sufficient  
9 and they are followed.

10 They cannot check this themselves. If  
11 there are unclear rules or questionable practices  
12 and interpretations of the rules, this will harm  
13 the whole organic movement.

14 There are roughly 1,600 organic dairy  
15 farms in the country. We certify and are  
16 representing 28 percent of them. On their behalf  
17 we thank you for consideration of these comments.

18 MS. ANDREA CAROE: Thank you. Hue?

19 MR. HUBERT J. KARREMAN: Just wondering  
20 what's your feeling about irrigation in organic  
21 agriculture.

22 MS. JACKIE VON RUDEN: My personal  
23 feeling, representing MOSA, would be that it would

1 be fine if it's a sustainable practice and  
2 supports the environment as well, and is not  
3 depleting our natural resources.

4 MS. ANDREA CAROE: Any other questions  
5 for Jackie? Thank you so much.

6 MS. JACKIE VON RUDEN: Thank you.

7 MS. ANDREA CAROE: Leslie, you're up. On  
8 deck, Grace Marroquin.

9 MS. LESLIE ZUCK: Good morning. I'm  
10 Leslie Zuck, that's Z-U-C-K, like luck. And I'm  
11 here representing Pennsylvania Certified Organic.  
12 I'm also the Chair of the Accredited Certifiers  
13 Association, but I'm not speaking on their behalf.  
14 I might a little bit, but not -- if I do I'll let  
15 you know.

16 I have a few comments on your  
17 standardized certificate recommendation. I'm a  
18 little confused by the two separating out the  
19 expiration date recommendation, and I understand  
20 that you have some -- there's some merit for doing  
21 that, but it puts us in a situation of trying to  
22 figure out if I support your standardized  
23 certificate recommendation am I supporting a

1 standardized certificate without an expiration  
2 date, and I'm confused by that. I'm not sure if  
3 the program has that sorted out. They -- I don't  
4 know, they may need some additional help with  
5 figuring that out because I haven't been able to  
6 quite understand what -- how to support the  
7 standardized certificate recommendation that  
8 doesn't say there's an expiration date because I -  
9 - as a, you know, certifier, I don't really want  
10 to do that because that I thought was part of the  
11 main reason we are going forward with trying to  
12 standardize our certificates, from the rationale  
13 that was included in that recommendation.

14           But I do -- we do recommend -- or support  
15 removing the paragraph regarding the continuation  
16 of certification. We call that the eternal  
17 certification clause. But I think we're going to  
18 have to explain that somehow get across in this  
19 recommendation that -- or in the regulation, that  
20 although the certification is for life, as we like  
21 to say, the certificate does expire. The  
22 certificate's the proof of certification, that's  
23 what we're talking about here, that's what's

1 expiring, so you know, I really appreciate  
2 Barbara's comments on behalf of the certifiers and  
3 any burden this might place on the certifier, but  
4 if we don't run out there and get the  
5 certification completed by a certain time, you  
6 know, their certification is still valid, and they  
7 are in good standing, and as a -- you know, the  
8 ACA did go on record as supporting this  
9 standardized certificate recommendation. And as  
10 Joe said, as certifiers we're already doing this.  
11 You know, we constantly are out there, updating  
12 certificates and our verification forms. We  
13 essentially send those out prior to the expiration  
14 date every year, and in the meantime, you know,  
15 any time throughout the year that their product,  
16 or their fields, or their farm names change, we  
17 immediately issue a certificate, and I probably  
18 sign three or four of those a week which is great  
19 because it makes me feel useful. It's one of the  
20 few responsibilities I have at the organization.  
21 But I do appreciate your concern in that regard.

22           On your paragraph B(5) regarding the  
23 trade names, I just have one question for you;

1 what if there is no crop or product? We're  
2 talking about, you know, if we certify a  
3 restaurant are we going to put on their bacon and  
4 eggs or blue plate special, or, you know,  
5 essentially what would a handler certificate look  
6 like, because right now ours will just say handler  
7 or they'll say processing plant. So, you know,  
8 we're talking about warehouses, cooperatives,  
9 wholesale distributors, retail stores. They're  
10 not going to have a common trade name for some of  
11 these particular products, and maybe you've  
12 figured that out, but I just wanted to question --  
13 had a question about that.

14           And I have a few comments on commercial  
15 availability, your recommended guidance. If the  
16 program is worried about placing undue burdens on  
17 certifiers, this is the one we would like you to  
18 protect us from.

19           We are okay with evaluating the  
20 credibility of the commercial availability  
21 documentation submitted by the certified  
22 operation. Okay. We are already doing that.  
23 That's your paragraph B(2). We're doing that,

1 we're doing that well. Certifiers have various  
2 ways that they go about that, and every year we  
3 are seeing significant increases in the use --  
4 thank you, of organic seed and organic  
5 ingredients. We are seeing that in our  
6 organization. So we must be doing something  
7 right, and the certified operations do want to use  
8 organic products when they're available, but my  
9 staff really is not in a position, nor does -- you  
10 know, we don't have the time, energy, or expertise  
11 to analyze test data, search for ingredients and  
12 materials and tell our clients what they should be  
13 using and where they should be buying it from.  
14 That's the client's job.

15           It is our job to verify compliance with  
16 the rule, we do not ensure compliance, and we  
17 don't help clients source ingredients, and, you  
18 know, it's also not our job to help producers of  
19 organic materials in the marketing of their  
20 products.

21           I do want to say it's not database fear.  
22 Really it's not because certifiers absolutely love  
23 databases. We use them for everything, we're good



1 at it, we're fine with databases. It's just the  
2 concept. I kind of figured out what that would  
3 cost our organization, and you know, it's about a  
4 2 to 3 percent increase in the workload for each  
5 of our reviewers, which is going to be 15 to 20  
6 percent increase in the workload overall, and  
7 that's another half time employee just to kind of  
8 collect and distribute that data.

9           And then one other really quick thing on  
10 the wording of your recommendation, just to remind  
11 you that because it's a recommendation, so when  
12 you start it out by saying that the ACAs shall do  
13 all these six things it kind of sounds like we  
14 have to, and if it's a guidance document I would  
15 like to see the language reflect that a little  
16 differently. Maybe should, or if they feel like  
17 it, or something.

18           MS. ANDREA CAROE: Or if they feel like  
19 it. Thank you, Leslie, for your comments.

20           MS. LESLIE ZUCK: I bet you have  
21 questions. I knew it.

22           MS. ANDREA CAROE: Joe.

23           MR. JOSEPH SMILLIE: Well, Jennifer,

1 chime in also. We're going to have to work  
2 through this, Leslie, so --

3 MS. LESLIE ZUCK: [Interposing] We'll  
4 help.

5 MR. JOSEPH SMILLIE: . . . let me go  
6 back to -- we'll start with the standardized  
7 certificate one and then finish up with commercial  
8 availability. Basically we passed a  
9 recommendation on expiration. Right. That's been  
10 passed, so I don't have that document right in  
11 front of me, but you need to refer to that  
12 document. It was -- it's not part of this  
13 document, it's not mentioned in this document  
14 because it's a separate recommendation that was  
15 passed at the last meeting on expiration.

16 And --

17 FEMALE VOICE: [Unintelligible].

18 MR. JOSEPH SMILLIE: I'm sorry. Okay.  
19 Yeah. Last fall. Basically the two documents  
20 both go together as guidance, our input to the  
21 NLP. What the NLP does with it is --

22 MS. LESLIE ZUCK: [Interposing] Okay.

23 MR. JOSEPH SMILLIE: . . . their

1 business. We do -- you made a very important  
2 point, you know, internal certification, unless  
3 voluntarily surrendered, revoked, or suspended, is  
4 a right, but the certificate definitely can be --  
5 expire. So we're agreed on that.

6 As far as some of the issues that you  
7 brought up with the standardized certificate, I'm  
8 glad that you support it. I think that we all  
9 agree that we need to have --

10 MS. LESLIE ZUCK: [Interposing] As long  
11 as it has an expiration date.

12 MR. JOSEPH SMILLIE: That's already a  
13 recommendation. As far as your number 5, which is  
14 one of the tricky issues that we had to deal with.  
15 You know, Section B(5), at a minimum the common  
16 trade name of each organic crop and/or product  
17 produced by the operation.

18 Then it's the second sentence that I  
19 think that we're banking on. I'll use your very  
20 complicated example of the restaurant. And as you  
21 know, and I know, and other people are going to  
22 find out; certifying restaurants is -- I won't say  
23 impossible, but it's about the most difficult

1 certification operation that there is, because  
2 those people are -- we thought we were crazy, but  
3 you get into the restaurant you find out what  
4 crazy really means.

5           But basically what it says here is for  
6 extensive lists, additional pages may be used as  
7 per 205.404c(2), and then down below we have that  
8 allow for the use of additional pages for  
9 information, provide the number of additional  
10 pages as specified on the certificate.

11           That's how I think this document  
12 addresses that complicated issue. So rather than  
13 put the blue plate special, you know, tortillas,  
14 that sort of thing, what we would suggest and what  
15 I've seen other certifiers do is for distribution  
16 lists is that you manage an up to date  
17 distribution list and the same for restaurants.

18           They would have to -- they would provide  
19 that additional specification in an additional  
20 sheet. It wouldn't be on the certificate, per se.  
21 It would be --

22           MS. LESLIE ZUCK: [Interposing] So you're  
23 saying -- you're expecting that the certifier

1 would have a constantly updated list of all of the  
2 blue -- the menu items from the retailer or from  
3 the restaurant that would go out with that  
4 certificate every time we issue the certificate?  
5 It seems a little strange.

6 MS. ANDREA CAROE: Yes, because I mean,  
7 that's already --

8 MS. LESLIE ZUCK: [Interposing] I think  
9 we need to talk about that.

10 MS. ANDREA CAROE: Leslie, that's really  
11 already in the rule that you have to have in the  
12 organic system plan formulations.

13 MS. LESLIE ZUCK: It's in the organic  
14 system plan, but it isn't on the public document  
15 that we send out with every request for a  
16 certificate.

17 MS. ANDREA CAROE: Okay.

18 MS. LESLIE ZUCK: Plus it's going to  
19 change on a weekly basis on the -- at a  
20 restaurant.

21 MR. JOSEPH SMILLIE: Well, it's a  
22 problem. I certainly agree with that. But it's  
23 been a problem with distribution and traders from

1 the get go. I mean, you've got a big distribution  
2 coming that's bringing ingredients from all over  
3 the world, and palletizing --

4 MS. LESLIE ZUCK: [Interposing] Right. I  
5 agree.

6 MR. JOSEPH SMILLIE: . . . and shipping  
7 them out, I mean.

8 MS. LESLIE ZUCK: I agree.

9 MR. JOSEPH SMILLIE: I mean, that's what  
10 we have to do.

11 MS. LESLIE ZUCK: Oh, yeah. Okay.

12 MR. JOSEPH SMILLIE: More or less.

13 MS. LESLIE ZUCK: Well, I think with the  
14 expiration date though, the question is if the  
15 program doesn't accept or publish your first  
16 recommendation on expiration date, and they do  
17 take the one that you've just sent -- you're  
18 sending out now to them --

19 MR. JOSEPH SMILLIE: [Interposing] Okay.

20 MS. LESLIE ZUCK: . . . what does that  
21 mean?

22 MR. JOSEPH SMILLIE: Well, let me --

23 MS. LESLIE ZUCK: [Interposing] You get a

1 standardized certificate without an expiration  
2 date or what?

3 MR. JOSEPH SMILLIE: Yeah, but again some  
4 of the purposes of this document are to -- well,  
5 let me just go back to the -- it's in the key  
6 purposes. I mean, it's possible that the NOP, in  
7 their wisdom, and hearing your plea of undue  
8 burden, will strike some of this guidance. That's  
9 a possibility. But what we really -- some of the  
10 basics of this document that are important is that  
11 the phrase certified as compliant with the USDA  
12 national program gets put on those certificates --

13 MS. LESLIE ZUCK: [Interposing] Uh huh.  
14 Yep.

15 MR. JOSEPH SMILLIE: . . . and some  
16 other basic things that we think --

17 MS. LESLIE ZUCK: [Interposing] Yep.

18 MR. JOSEPH SMILLIE: . . . are really  
19 essential get put on. How we deal with, like, the  
20 list of the common trade names is complicated, and  
21 this is our best shot at at least getting that  
22 process started so that we can have --

23 MS. LESLIE ZUCK: [Interposing] Okay.

1                   MR. JOSEPH SMILLIE:     . . . certificates  
2 that are somewhat accurate, and I think that  
3 entire industry agrees with that --

4                   MS. LESLIE ZUCK: [Interposing] Yeah, I -  
5 -

6                   MR. JOSEPH SMILLIE:     . . . concept, that  
7 we need a better --

8                   MS. LESLIE ZUCK: [Interposing] We  
9 haven't seen accuracy as much of an issue as just  
10 a consistency. I mean, certifiers are the ones  
11 that are going out there and they're going through  
12 an operation, and trying to look at 200  
13 certificates that all have everything in different  
14 places and they call it different names, so we do  
15 have an interest in standardizing that.

16                   I would like to see it be a truly  
17 standardized certificate and actually be a format  
18 so that everything is in the same place, and we  
19 are using the same language and, you know, just  
20 like when you do your taxes, you know, there's an  
21 instruction sheet on the back that says you know,  
22 here's all the counties, and the code names and  
23 everything and, you know, to really truly



1 standardize it if we're going to go through the  
2 trouble to do this.

3 MS. ANDREA CAROE: Well, Leslie, we went  
4 there, and we got a lot of kickback on that, so  
5 this was the happy medium of not being that  
6 prescriptive.

7 We agreed with you. Your colleagues in  
8 the industry don't necessarily agree that they  
9 want to do that, so this was the -- this is where  
10 we are.

11 MS. LESLIE ZUCK: We don't always get  
12 what we want.

13 MS. ANDREA CAROE: And Leslie, the other  
14 thing I want to say is if when these  
15 recommendations go through, you know, provided  
16 this one passes the Board and it gets passed  
17 through to the program, if the program were to  
18 release implementation of this and not the  
19 expiration dates, there would be further --

20 MS. LESLIE ZUCK: [Interposing] Sure.

21 MS. ANDREA CAROE: . . . comment  
22 periods.

23 MS. LESLIE ZUCK: Oh, you bet. There

1 will.

2 MS. ANDREA CAROE: So that would be -- I  
3 mean, it's not like this is, you know, we're  
4 putting it into the black hole, it's going to get  
5 implemented and then, you know, that's it. There  
6 are other opportunities, so I wouldn't you know, I  
7 wouldn't get too wrapped up on that yet. Okay?  
8 Thank you. Any -- oh, Joe.

9 MR. JOSEPH SMILLIE: I have to deal --  
10 there was also the commercial availability --

11 MS. LESLIE ZUCK: [Interposing] Yes.  
12 Yes.

13 MR. JOSEPH SMILLIE: . . . and the  
14 Committee worked last night --

15 MS. LESLIE ZUCK: [Interposing] Oh, good.

16 MR. JOSEPH SMILLIE: . . . and this  
17 morning, and I think your concerns are absolutely  
18 completely reflected in our new iteration.

19 MS. LESLIE ZUCK: Thank you.

20 MS. ANDREA CAROE: Thank you. Any  
21 further questions? Thank you, Leslie. Grace  
22 Marroquin, you're up. And on deck, Sue Baird.

23 MS. GRACE MARROQUIN: My name is Grace

1 Marroquin, President of Marroquin International  
2 Organic Commodities Services, Inc. based in Santa  
3 Cruz. I'm sorry I have to come back up here to  
4 take up your valuable time, but there were some  
5 statements made yesterday that I would like to  
6 correct, especially since we have a new Board that  
7 weren't here for the past 3-1/2 years while we've  
8 been attempting to get this through.

9           So the statements -- there was a  
10 statement made by Rosie that addressed the issue  
11 of yeast as an agricultural product. She said  
12 that if the Board recognized yeast as an  
13 agricultural product it would represent a change  
14 in the definition of agricultural product. This  
15 was incorrect. OFPA sets the definition for  
16 agricultural products. We have never proposed a  
17 change in OFPA definition. Yeast fits within this  
18 definition.

19           In October 2006 the Handling Material  
20 Committee agreed unanimously that yeast was an  
21 agricultural product under this definition.

22           However, Rosie was right when she said  
23 that the Board should deal with the ag, non-ag

1 question separately from the synthetic,  
2 nonsynthetic question. They are two completely  
3 different questions and they do not need to be  
4 decided together. We agree with her on that one.

5           Barbara Robinson's input was helpful  
6 yesterday when she said that reclassifying yeast  
7 was a distinct question and should be solved  
8 separately. We agree with that wholeheartedly.  
9 The discussion document is divided into several  
10 sections, and the section on yeast does not have  
11 anything in common with the rest of the sections.

12           Why an annotation would not be  
13 sufficient, Rosie suggested that instead of  
14 placing yeast on 606 as an agricultural product it  
15 would be better to keep yeast listed as a  
16 nonagricultural on 605a and add an annotation.

17           Besides Andrea, you know, we agree with  
18 you and Joe Smillie on that, and that's a good  
19 enough reason.

20           Since organic yeast is not available, the  
21 goal is to make it clear that organic yeast would  
22 be a preferred organic ingredient if commercially  
23 available. Keeping yeast on 605 list would not

1 accomplish this at all. The only way to do this  
2 is to place it on the section of 606 with the  
3 other agricultural ingredients.

4           The status of our petition, we need to  
5 clear that up as well. Marroquin International  
6 filed its first request to reclassify yeast in  
7 July of '04, and in August of '06 it resubmitted  
8 the same request in the form of a 606 petition.  
9 We consider this petition still pending. The  
10 remark yesterday was that we withdrew it. We  
11 absolutely did not do this. We have never  
12 withdrawn a petition. I'd have to shoot myself to  
13 do that.

14           Last March, just before the Board  
15 meeting, we learned that the Handling Committee  
16 had voted 4 to 1 to reject the petition. We felt  
17 this action was premature because we understood  
18 that the Handling Material Committee were still  
19 considering ag, non-ag definition. So we asked  
20 that the petition to be temporarily deferred. The  
21 Board agreed to this, and if you read the  
22 transcripts from March 28<sup>th</sup>, '07, pages 28 to 31,  
23 it's pretty clear right there that it was not

1 being withdrawn.

2           Eliminating the definition of non-ag  
3 substances. The discussion document in section  
4 4.1.1 says that the Joint Committee is considering  
5 eliminating this definition from the NOP  
6 regulations. During this meeting a number of  
7 commentors, including OMRI, Oregon Tilth, and  
8 Richard Theuer have called for the eliminating of  
9 the definition. We agree with this.

10           The definition does not mention yeast at  
11 all. The definition names a mineral or a bacteria  
12 culture as an example of a nonagricultural  
13 substance. Yeast are fungi and not bacterial, but  
14 when the Handling Committee looked at the yeast  
15 petition it cited bacteria as a reason for finding  
16 that yeast was not an agricultural product.

17           To repeat, and if you go back through all  
18 the transcripts, you'll find clear backing on  
19 this; that yeast are fungi and not bacteria, and  
20 biologists regard this as a profound distinction,  
21 because fungi and bacterial have very different  
22 cell structures. Yet as long as a definition  
23 stands there will be confusion between yeast and

1 bacteria.

2           We request that the Board simply focus on  
3 the yeast question and take care of it as Barbara  
4 Robinson had suggested. It is a distinct question  
5 in a discussion document yeast is outside the  
6 scope of all the questions raised, and we  
7 sincerely hope that this does not fall into a  
8 working group or taskforce stage, because  
9 otherwise I'm going to have a lot of gray hair by  
10 the time this is done.

11           So now that the EU has recognized organic  
12 yeast in food and in feed, we ask that the Board  
13 finally approve yeast as an agricultural product.

14           What's that old quote? Justice delayed  
15 is justice denied. I thank you all for  
16 considering this.

17           MS. ANDREA CAROE: Thank you, Grace. Any  
18 questions for Grace? I just want to -- one thing,  
19 Grace. We never called yeast bacteria, what we  
20 said was in our Handling Committee discussions,  
21 that just like there are not any standards within  
22 the regulations for bacteria, there is none for  
23 yeast. We compared it only in the fact that

1 microorganism type production techniques are not  
2 within the standard.

3 MS. GRACE MARROQUIN: Uh huh.

4 MS. ANDREA CAROE: So we didn't call  
5 yeast --

6 MS. GRACE MARROQUIN: [Interposing] It  
7 wasn't in the document. Where it was -- when they  
8 were looking at the --

9 MS. ANDREA CAROE: [Interposing] We  
10 didn't call it yeast. We never called yeast  
11 bacteria, I guarantee that.

12 MS. GRACE MARROQUIN: Good. Good.

13 MS. ANDREA CAROE: So, I mean, we  
14 recognize that they're distinctly different --

15 MS. GRACE MARROQUIN: [Interposing] Thank  
16 you.

17 MS. ANDREA CAROE: . . . but there are  
18 similarities when you're talking about the  
19 implementation of the regulation. So just wanted  
20 to clarify that.

21 MS. GRACE MARROQUIN: Okay.

22 MS. ANDREA CAROE: Okay?

23 MS. GRACE MARROQUIN: Thank you.



1 MS. ANDREA CAROE: Thank you.

2 MS. BARBARA C. ROBINSON:

3 [Unintelligible.]

4 MS. ANDREA CAROE: Barbara.

5 MS. BARBARA C. ROBINSON: Grace, I -- we  
6 need to go back and look. It sounds odd to me  
7 that the Board would be rejecting the petition.

8 MS. ANDREA CAROE: We didn't reject the  
9 petition, the Committee was rejecting the listing  
10 of yeast as an agricultural material.

11 MS. BARBARA C. ROBINSON: Yeah, I'm a  
12 little perplexed by that, Grace, so I think we're  
13 going to -- Valerie and Bob, I think we need to go  
14 back and do a little digging on that. That sounds  
15 out of the normal of the process here. I don't  
16 think the Board rejects petitions.

17 MS. GRACE MARROQUIN: I --

18 MS. ANDREA CAROE: [Interposing] We never  
19 rejected the petition, Barbara.

20 MS. BARBARA C. ROBINSON: Yeah. No, I  
21 know, but Grace said there was a vote, a pending  
22 vote to reject a petition and I --

23 MS. ANDREA CAROE: No.

1 MS. GRACE MARROQUIN: No.

2 [Cross talk]

3 MS. ANDREA CAROE: There was a Committee  
4 vote on the material for -- on the petition for  
5 listing on 606. the Committee met and voted on  
6 it, and --

7 MS. GRACE MARROQUIN: [Interposing] In  
8 March.

9 MS. ANDREA CAROE: . . . it was getting  
10 ready to go to the Board. But the vote at the  
11 Committee level was not in favor of listing.

12 MS. BARBARA C. ROBINSON: Yeah, so then  
13 you said what? You asked for --

14 MS. GRACE MARROQUIN: [Interposing] They  
15 defer making a decision because the ag, non-ag  
16 question was clearly all over the place and we had  
17 new Board members, and I saw the writing on the  
18 wall and I thought, you know, they can't really  
19 make a good decision here.

20 MS. ANDREA CAROE: So you asked for it to  
21 be deferred.

22 MS. GRACE MARROQUIN: To be deferred and  
23 tabled and I believe if you go back to the

1 transcripts, Joe and Andrea both agreed -- I don't  
2 know Andrea, but I know Joe agreed -- they asked  
3 me if this was what I wanted and I said yes, and -  
4 -

5 MS. ANDREA CAROE: [Interposing] Okay.

6 MS. GRACE MARROQUIN: . . . with the  
7 understanding it was only being tabled until they  
8 can come up with a clearer definition.

9 MS. ANDREA CAROE: Okay.

10 MS. GRACE MARROQUIN: Okay. Thank you.

11 MS. ANDREA CAROE: Thank you. Sue, hold  
12 on until they make sure that they get the mic  
13 situation worked out. While I'm waiting, Mark  
14 Kastel, you're on -- Mark Kastel on deck. Are you  
15 here, Mark?

16 MALE VOICE: [Unintelligible].

17 MS. ANDREA CAROE: Okay. Katherine  
18 DiMatteo, you're on deck.

19 MS. SUE BAIRD: Hi. Sue Baird, QAI. QAI  
20 deals with the issues of ag, non-ag, synthetic,  
21 non-synthetic, on a daily, perhaps hourly basis.  
22 It's just our business, and we really, really urge  
23 you -- and I know that you're working on it, and

1 what a thorny, horrible issue, but we're urging  
2 you, as the Joint Committee, to take the hard  
3 stance of actually defining agricultural.

4 We agree with you that nonagricultural  
5 is -- needs to be just deleted. It just causes  
6 too much confusion in the whole world. We agree  
7 that recognizable versus not -- unrecognizable  
8 just really is just needs to be deleted because  
9 you can't go there with it.

10 We were a little disappointed that the  
11 decisions were not made to make a definition and  
12 let's get it over with, let's get a definition for  
13 agriculture. We're asked -- we were a little  
14 disappointed with your flow chart.

15 Specifically let me tell you one spot  
16 that we thought was a little thorny, and that's  
17 where you said in the flow chart that -- and I  
18 didn't write this one down. I should never do  
19 that. The addition of synthetic additives, or the  
20 use of synthetic solvents would necessarily result  
21 in a chemical change and create a synthetic  
22 material. And the reason we have a problem with  
23 that spot in your flow chart is because in the Q

1 and A section of the NOP you specifically state  
2 additionally the remainder of ingredients and are  
3 made with organic specified product may include,  
4 and in point 2 says nonorganically produced  
5 agriculture products, raw processed, that have  
6 been produced using synthetic, nonsynthetic,  
7 nonagricultural substances without regard,  
8 601.601. So your chart prohibits something that  
9 you've already said in Q and A is allowed. So  
10 look at that particular section there, because --  
11 and it was, like, number two box or something. I  
12 had it marked, but then I didn't bring it with me.

13           We're just asking you to revisit. Please  
14 give us a definition of agricultural. Remove the  
15 definition of nonagricultural, and it was  
16 interesting because Rich said this last night;  
17 define the terms chemical change. Chemical  
18 treatment and biological processes for us, because  
19 there's the real crux of what makes an  
20 agricultural nonagricultural.

21           I sent or had Gwen send her flow chart to  
22 our specialist, Jessica Walden, and by the way, we  
23 thank her for this. She's the technical

1 specialist in the QAI world. She went through the  
2 chart, we find it much more easy to go through  
3 than perhaps your flow chart that we understand  
4 you tried to put everything together, may create a  
5 little more problems.

6           There's some problems tweaking with Gwen  
7 and Emily's, but look at it real closely. We  
8 did -- or Jessica did. Found some areas that  
9 might be a little inconsistent. We think maybe  
10 number two, we're going to be able to certify  
11 citric acid now. [Unintelligible] on 605a, and if  
12 it can be we probably will.

13           Heads up QAI will be certifying citric  
14 acid next, if we go through this, but just a  
15 little problems. But, you know, let's get a  
16 definition. Thanks.

17           MS. ANDREA CAROE: Thank you, Sue. Any  
18 questions for Sue? Joe.

19           MR. JOSEPH SMILLIE: I'm sorry, did you  
20 actually -- did you submit your version of the  
21 flow chart? Was that part of yesterday's --

22           MS. SUE BAIRD: [Interposing] No.

23           FEMALE VOICE: No, she's

1 [unintelligible].

2 MS. SUE BAIRD: No, this actual section  
3 was what I -- it's just a cut off of the first  
4 one. I just sent it around for a little more  
5 clarity. The first submission is this thing  
6 again, it's not anything new.

7 MR. JOSEPH SMILLIE: Okay.

8 MS. SUE BAIRD: Okay?

9 MS. ANDREA CAROE: Dan.

10 MR. DANIEL G. GIACOMINI: I had two  
11 questions because I missed your three listings of  
12 the terms, but I see they're listed here at your  
13 thing. But you recommend -- and I realize this  
14 may be rhetorical, but you recommend the  
15 definition of agricultural. Do you have a  
16 suggestion?

17 MS. SUE BAIRD: No.

18 MR. DANIEL G. GIACOMINI: We've been  
19 working on it for a long time, so.

20 MS. SUE BAIRD: I understand that, we all  
21 have, and we know it's thorny, but we would  
22 certainly be willing to collaborate with you with  
23 all these other great experts out there to come up

1 with a definition. So don't leave us out of  
2 trying to work with you.

3 MR. DANIEL G. GIACOMINI: Okay. And we  
4 just hope that, you know, that the community is,  
5 you know, looking at this as a work in progress,  
6 and we're bringing it to you to, you know, what  
7 course corrections, you know, where does it need  
8 to be worked on, and we're hoping it's viewed in a  
9 positive light like that --

10 MS. SUE BAIRD: [Interposing] Right.

11 MR. DANIEL G. GIACOMINI: . . . rather  
12 than completely being internal and it goes on for  
13 another couple of years and --

14 MS. SUE BAIRD: [Interposing] It just  
15 can't.

16 [Cross talk]

17 MR. DANIEL G. GIACOMINI: Then we have --  
18 we're accused of transparency problems, so we  
19 didn't want that to happen.

20 MS. SUE BAIRD: We appreciate that. I do  
21 have with me kind of a decision tree that QAI goes  
22 through to determine ag versus non-ag, and I will  
23 certainly give that to you, if you'd like to see



1 it. Great.

2 MS. ANDREA CAROE: Thank you. Any --

3 MS. SUE BAIRD: [Interposing] It's based  
4 on the March and November, and then we did a  
5 little tweaking on our own. Okay.

6 MS. ANDREA CAROE: Is there any other  
7 questions for Sue? Thank you, Sue.

8 MS. SUE BAIRD: Okay.

9 MS. ANDREA CAROE: Katherine, you're up.  
10 We're going to take a little break after  
11 Katherine, but Emily Brown Rosen, you'll be up  
12 after the break.

13 MS. KATHERINE DIMATTEO: Thank you very  
14 much. I'm here today as Katherine DiMatteo, D-I-  
15 M-A-T-T-E-O. And just for some of you in the room  
16 who don't know who I am, I was the Executive  
17 Director of the Organic Trade Association from  
18 1990 to 1996 and some of you may have heard or  
19 have heard me spoken of as the lapdog of the  
20 capitalist pigs. Before that I actually have been  
21 thoroughly engaged in food cooperatives since the  
22 early '70s and in the cooperative style of  
23 economic for my life, I would say.

1           So that's just who I am. I'm going to  
2 make -- most of my comments are also about group  
3 certification as an individual -- this is an  
4 individual comment, but if I have some time I have  
5 multiple thoughts on things that you have  
6 deliberated on during these last few days.

7           First of all I want to say for anybody on  
8 the Board and in the room who feels that group  
9 certification is a pass, it is an allowance for a  
10 less than rigorous controls or less than rigorous  
11 inspections, or something that somebody's getting  
12 that an individual farmer may not be able to get?

13           I just want to know what we can provide -  
14 - we being the greater population that supports  
15 group certification, to make you see or help you  
16 see that this is not just a collection of people  
17 who are coming together to market some common  
18 product without any rigor and do it for  
19 convenience, as opposed to necessity.

20           Thank you for that comment before.

21           That this is a very rigorous, very well  
22 designed system with a lot of controls in it, and  
23 it reflects the system that I believe everyone

1 who's been in the movement from earlier than  
2 myself, has been trying to work for; trust. But  
3 verified, and I feel us all going towards the  
4 mistrust, the distrust, as the basis for the  
5 decisions that we're making, rather than the trust  
6 factor. And I'd like to get and hear and see that  
7 coming out of both the public comments you get and  
8 in your deliberations and your work.

9           Not saying that the work hasn't been  
10 excellent, and it has, and I appreciate every  
11 minute that you have spent on these things.

12           But if there's anybody who has these  
13 feelings that somehow these people are getting a  
14 pass, it's not true.

15           Let me talk about the system itself. The  
16 accreditation. When the accreditor goes to the  
17 certification organization they don't go through  
18 every single file. They don't read every file on  
19 every certified operation that that certifier is -  
20 - has certified in the past year. They'll do spot  
21 checks of the files and they may even do spot  
22 checks of the certified operations.

23           Risk sampling, very organized controls.

1 If they see things that they want to follow up  
2 with, they will do that. It'll be in the record.  
3 That's when they'll do inspections or come in  
4 unannounced on things.

5 Same for the certifiers. The  
6 certification organization isn't going to go --  
7 when they send an inspector to a facility --

8 [END MZ005028]

9 [START MZ005029]

10 MS. KATHERINE DIMATTEO: They're not  
11 going to talk to every employee. They're not  
12 going to go there during the early shift and the  
13 late shift or the middle shift of the day. The  
14 same thing on the farm, and many people have said  
15 that they do go to every inch of every field of  
16 every farm that they certify. But I would guess  
17 that that's not true in most circumstances, but  
18 again that's the system we have and we are taking  
19 that same system with this idea of group  
20 certification and making it work through rigorous  
21 control, oversight systems that follow the same  
22 practices that we have throughout our national  
23 organic program and throughout the world in most

1 of the certification programs and organic systems  
2 that are out there. And just one comment,  
3 Barbara, we already do have self-certification.  
4 It's a \$5,000 exemption. Those people are self-  
5 certified, and I buy food every week in a food  
6 coop that I know the farmers are selling those  
7 products as organic. They say they're less than  
8 \$5,000, but if I calculate how much I spend on  
9 their products, I know that's not true. One last  
10 thing, I want to thank our chair who has done a  
11 magnificent job. All of the chairs of all of the  
12 committees have. I want to thank you, and in line  
13 with other gifts I know you've gotten, I happen to  
14 just have this with me. [Unintelligible]

15 FEMALE VOICE: Thank you very much,  
16 Katherine. Questions for Katherine? Jeff?

17 MR. JEFFREY W. MOYER: Yeah, not so much  
18 a question as a comment on your terminology using  
19 the word "trust." I think that when decisions  
20 were based on philosophy as they were many years  
21 ago and in some cases still are, then I think  
22 trust is a very meaningful word. However, when  
23 the decisions are based or centered more on a

1 profit motive, then I think trust needs third-  
2 party verification.

3 MS. KATHERINE DIMATTEO: That's a long,  
4 philosophical discussion I'd love to have with you  
5 because I think the word "profit" is probably—we  
6 each can define that in our own way just like  
7 agricultural/non-agricultural and synthetic and  
8 non-synthetic. So, it's all to each of us  
9 individually. We all have profit motivation.

10 MR. JEFFREY W. MOYER: Of course.

11 MS. KATHERINE DIMATTEO: Even if that  
12 means that the profit is just making it to the end  
13 of the day with enough to eat. So, that is, you  
14 know, we're into this corporate big bad  
15 corporation thing, and somehow imposing personal  
16 feelings about the fact that some people can  
17 afford to do things and other people can't. I say  
18 build a system, make it work. The people who  
19 qualify for the system participate in the system.

20 FEMALE VOICE: Bea?

21 MS. BEA E. JAMES: Thank you for your  
22 comments and also for coming to these meetings. I  
23 appreciate the years of experience that you bring

1 when you address us. I just wanted to ask you  
2 based on your comment along the same lines as what  
3 Jeff mentioned on trust, do you believe—do you  
4 believe that rules, laws, regulations, are made  
5 for trustworthy people or to protect trustworthy  
6 people against people who are not so trustworthy?

7 MS. KATHERINE DIMATTEO: Hum,  
8 interesting. You know, I have to say I wasn't  
9 around when the community, the industry went to  
10 Senator Lahey's [phonetic] office and the  
11 Congressman's office from Oregon to say we want a  
12 law. You know, we want this to happen. I have to  
13 say I wasn't involved in the organic movement at  
14 the time so I don't, I don't know. From the  
15 history, people were feeling that it was the force  
16 of a regulation that would allow people to be  
17 protected from those people who could not meet the  
18 standard or would not follow the system, and it  
19 also would set up that consistent requirement that  
20 everybody or every operation be certified and  
21 participate in this third-party objective  
22 oversight and have internal control systems and  
23 organic system plans for their operations. So, I

1 think that was the motivation was at least from  
2 what I understand it that there would be a way,  
3 you know, to show people what you needed to do and  
4 then to weed out the people who couldn't meet the  
5 system and the requirements. I don't know if that  
6 answers your question quite.

7 FEMALE VOICE: Any other questions for  
8 Katherine? Thank you again, Katherine.

9 MS. KATHERINE DIMATTEO: Thank you all.

10 FEMALE VOICE: All right, it is about ten  
11 after. If we could just take a ten-minute break,  
12 that would be great.

13 [break]

14 MS. ANDREA CAROE: After Emily is Steffen  
15 Scheide. Are you here, Steffen?

16 MS. STEFFEN SCHEIDE: I'm here.

17 MS. ANDREA CAROE: Okay, Emily, you've  
18 got a proxy so you'll be ten minutes?

19 MS. EMILY BROWN ROSEN: You could give me  
20 the [unintelligible].

21 MS. ANDREA CAROE: And two fives, we'll  
22 give you two fives. Did you get that? Five, two  
23 fives—she wants five minutes.



1 MS. EMILY BROWN ROSEN: Oh, and I need  
2 Valerie to put up my [unintelligible].

3 [background conversation]

4 MS. EMILY BROWN ROSEN: Okay, I have my  
5 technical expert. Dr. Caraman [phonetic] is going  
6 to help me out on the slides. So, whenever you're  
7 ready let me know.

8 MS. ANDREA CAROE: All right, so at your  
9 leisure you can start your presentation. We're  
10 going to do five-minute presentations. Right?

11 MS. EMILY BROWN ROSEN: Yes.

12 MS. ANDREA CAROE: Okay.

13 MS. EMILY BROWN ROSEN: Everyone ready?  
14 Okay, go. My name's Emily Brown-Rosen [phonetic].  
15 I work for Pennsylvania Certified Organic, and I  
16 promised the other day to solve all your problems.  
17 There's my light bulb brilliant ideas. It doesn't  
18 solve all the problems, but it just puts the  
19 framework together a little better, and it helps  
20 us, you know, helps me and you identify what needs  
21 more work. Next slide. Okay, the tools are in  
22 hand. We have all this old work that I know  
23 you've got through some of it, but it was hard to

1 figure out how to put it all together because  
2 there is so much work that's been done on this.  
3 So, you know, these are the key documents to work  
4 with. There as an original AGNON [phonetic] Ag  
5 draft in May 2005. There was another one I forgot  
6 to put up here the September/October one of 2006.  
7 The August 2005 Synthetic/Non-Synthetic draft and  
8 then NOP came back with really-comments on it that  
9 were very constructive and a really good flow  
10 chart. So, those are very good. Now we have the  
11 2007 Oregon Tilf [phonetic] proposed decision  
12 tree, which is another really helpful piece of the  
13 puzzle. Next slide, please. It's okay.

14           Okay, so this is the main change I would  
15 make in your decision tree now. Your first block  
16 right now of the-you know, I understand the idea  
17 of trying to have one tree that does all, but  
18 there are certain breakout points where you have  
19 to separate it because right now the right now the  
20 first question is is the substance or product  
21 derived from plant or livestock and marketed in  
22 the U.S. for human or livestock consumption? And  
23 so if you say no to that, then it's not an

1 agricultural product. However, if you put soybean  
2 meal as your first question for fertilizer and  
3 you're not—and the answer to that question would  
4 be is it marketed for human or livestock  
5 consumption, the answer would be no. You would  
6 get it's not an agricultural substance so there's  
7 something a little bit wrong here. We have to  
8 take—that's what got people upset because you  
9 didn't deal with the crop products. It kind of  
10 starts out with processing rather than thinking  
11 about growing the plants first. So, this is the  
12 first question. Does it come from plants,  
13 livestock—well, I added a few other things here  
14 while we're getting the universe bigger, fungi,  
15 aquaculture, marketed for human consumption, or  
16 livestock feed, or pet food? Then if it's yes, we  
17 start with the ag/non-ag chart, and if it's no, we  
18 skip a page and go to the synthetic/non-synthetic  
19 because those are the only relevant questions on  
20 those products. Next slide. I'm going to take a  
21 few examples through this process if we have—I'll  
22 probably only get through one, but if you want to  
23 do more just ask me a question. Okay, cellulose

1 in livestock feed—okay, go back up. Could you go  
2 back up to the first question? Okay, is it  
3 derived from plants, livestock, [unintelligible]  
4 okay, so the cellulose we use in the commercial  
5 world is mainly derived from trees, from wood.  
6 So, yes, it's from plants so we would say yes and  
7 go to the ag/non-ag chart. Could you go down to  
8 this? Okay, so you probably can't all read this,  
9 but number one is it from plant, animal or  
10 aquaculture? Yes, go to question three. Question  
11 three has the substance been processed to the  
12 extent that its chemical structure has changed?  
13 Yes. Cellulose that comes from trees is like a  
14 very complex polysaccharide compound. Trees, wood,  
15 is about 50% cellulose. It has hemicellulose. It  
16 has lignins. The tap review explains, you know,  
17 and I happen to have done that tap review so this  
18 is the one I picked because it's, you know,  
19 there's cellulose in trees, but it has to go  
20 through a radical process to end up as a cellulose  
21 that we use. So, it is chemically changed. So,  
22 question four, is the change the result of a  
23 naturally occurring biological process? No, it

1 involves KOH. It involves bleach. It involves a  
2 whole lot of chemicals and sulfur. No, so then  
3 it's non-agricultural. Okay, so next we go to the  
4 synthetic/non-synthetic chart. So, do you want  
5 to—could you escape from there and the other one  
6 is loaded there. And you will see the  
7 synthetic/non-synthetic chart. I couldn't—here we  
8 go. Okay, so this as from last spring from NOP  
9 actually. So, the substance not on the list—we're  
10 talking about cellulose. Is it from a natural  
11 source? Yes, so we go down to the next one, which  
12 is does extraction of the substance from its  
13 source—that sentence doesn't make sense here, but  
14 is—well, does extraction by chemical or physical  
15 methods occur? In this case we would say, yes,  
16 they use acids, bases, a number of chemical steps  
17 there. So, it goes—do you want to scroll up a  
18 little bit here? It goes into this extraction  
19 box, and they ask these particular questions about  
20 extraction. Has the substance been transformed  
21 into a different substance via chemical change  
22 except for [beep] naturally growing processes?  
23 Has it been altered to a chemical form? See, this

1 might need some tweaking. When you run through  
2 here, you might find some things that need  
3 tweaking because you also might say it's not  
4 extracted it's actually further synthesized. You  
5 know, you could be adding chemicals and making  
6 something new. There could be another whole chain  
7 in here.

8 MS. ANDREA CAROE: Emily? Your time is  
9 up, Emily.

10 MS. EMILY BROWN ROSEN: Okay.

11 MS. ANDREA CAROE: Board members,  
12 questions or comments?

13 MS. BEA E. JAMES: I have one question.

14 MS. ANDREA CAROE: Bea?

15 MS. BEA E. JAMES: Valerie, is that—  
16 Valerie has a copy of this, right?

17 MS. EMILY BROWN ROSEN: Yes.

18 MS. BEA E. JAMES: So, she could send  
19 that to the rest of the—

20 MS. EMILY BROWN ROSEN: [Interposing]  
21 Yes, yes.

22 MS. ANDREA CAROE: Hue?

23 MR. HUBERT J. KARREMAN: Some day it

1 would be nice maybe with the materials committee  
2 to have all of these charts people are advocating  
3 with your chart like all side by side by side  
4 because it really gets kind of confusing when we  
5 have new chart that's very detailed to remember,  
6 oh, what was the difference in that last chart and  
7 your chart and all that. So, maybe something to  
8 keep in mind.

9 MS. ANDREA CAROE: It's the decision tree  
10 forest.

11 MR. HUBERT J. KARREMAN: Yeah.

12 MS. ANDREA CAROE: Yes.

13 FEMALE VOICE: It's good homework for the  
14 joint committee.

15 MR. HUBERT J. KARREMAN: Again, we  
16 followed some of the same methodologies. We ran a  
17 number of products during our joint committee  
18 meetings through our charts, and we get to, oh,  
19 man, this really works. Then we get another one,  
20 oops, it doesn't work.

21 MS. EMILY BROWN ROSEN: It takes a lot of  
22 tweaking, yeah.

23 MR. HUBERT J. KARREMAN: So, is a lot of

1 tweaking going to go on, and again the practice of  
2 running materials through them until they're all  
3 seemingly get fair and consistent treatment is the  
4 exercise.

5 MS. ANDREA CAROE: Other questions?  
6 Kevin?

7 KEVIN: Emily, on your chart just in the  
8 short time we've seen it I've seen chemical  
9 process, chemical change, and chemical structure.  
10 How can we get this simplified down to determine  
11 when a line is crossed, and is there any way to  
12 simplify these terms so we can come down to an  
13 easier decision-making process here?

14 MS. EMILY BROWN ROSEN: There's a really  
15 good definition of all of those steps in the  
16 synthetic/non-synthetic document, the text of the  
17 document, from August of 2005. And I would urge  
18 you to go back and look at those definitions  
19 because that's when you get—when you have to—also,  
20 it's very important to know, I realize, you have  
21 to have very good information about how the  
22 substance is manufactured so then you can say, oh  
23 look, they're adding, you know, propylene oxide or



1 this, that, and the other thing. And what's it  
2 doing to the product? And you can say, ah, yes,  
3 that meets the definition of chemical change. You  
4 know, an atom is added or subtracted to the  
5 molecule. It's very specific. Sometimes it's hard  
6 obviously, but I think if we have it all spelled  
7 out and we refer to those definitions, we'll be  
8 okay.

9 MS. ANDREA CAROE: Other questions? Okay,  
10 so we're going to give you-

11 MS. EMILY BROWN ROSEN: [Interposing]  
12 The second five minutes.

13 MS. ANDREA CAROE: --five more minutes  
14 for your proxy, and your proxy is for?

15 MS. EMILY BROWN ROSEN: Melanie Saffer  
16 [phonetic] for Pennsylvania Certified Organic.  
17 Uhm, one just closing point I'll make on this is  
18 that the cellulose, I did make one change on  
19 Gwendolyn's chart, which was, you know, if it's  
20 ranked as synthetic, I mean, or it could be  
21 derived from agriculture but then it has synthetic  
22 processing [unintelligible] or some reason that  
23 would knock it out of being agricultural, then the

1 last box on her chart I would say go to the other  
2 chart, you know. Go to it's non-agricultural.  
3 Now review it for synthetic/non-synthetic. You  
4 may want to list it as synthetic. So, it ties the  
5 charts together, but we will do—I'm, you know, Kim  
6 already asked to help her work on this with a  
7 test, I mean a test working group. So, we'll come  
8 back in the spring with some more fleshed out  
9 ideas, and I'm glad that the committee worked on  
10 this. Now, I understand what they did, and I  
11 think we can put it all together. So, I think  
12 it's going someplace. Okay, also—one quick  
13 comment before I get into my main topic here is  
14 glucono-delta-lactone [phonetic]. We did comment.

15 MS. ANDREA CAROE: Emily, is this part of  
16 your second presentation?

17 MS. EMILY BROWN ROSEN: Second  
18 presentation. Oh, you didn't start yet?

19 MS. ANDREA CAROE: Okay, thank you.

20 MS. EMILY BROWN ROSEN: Oh, good. Okay.  
21 Glucono-delta-lactone [phonetic] is an  
22 [unintelligible] used for making silken tofu, and  
23 I don't think there were a lot of comments added

1 to the comment period about that, but as I recall  
2 the tap review there were no—you know, it was  
3 beneficial material. It made a whole different  
4 style of tofu, and that was a particular reason  
5 for it in case you were wondering. So, and we  
6 don't see any objection for that. We put that in  
7 our comments as being to renew that.

8           Completely new topic is, and it's related  
9 to the fact I was very happy to see that Barbara  
10 announced the new policy about transparency,  
11 putting all the decision documents up, even  
12 accreditation and non-compliance. It's going to  
13 be tough for all of us, but I think the reward  
14 will be, you know, the internet age, instant  
15 communication, we all know what's going on, we can  
16 all do a better job. So, that's really wonderful.  
17 Along those lines, I recently found out about a  
18 compliance decision that happened I believe a  
19 whole year ago in November regarding fortification  
20 of food, and I didn't know about it until like two  
21 weeks ago. So, we were doing completely different  
22 things, I believe, as certifiers on this issue.  
23 And it involves, you know, the rules say that

1 nutrient vitamins and minerals according to 21 CFR  
2 104.20 the guidelines therein can be used in  
3 organic food. And I've always interpreted this  
4 and I think most of the certifiers have always  
5 interpreted this to mean that vitamins and  
6 minerals are allowed in organic food provided  
7 they're used in accordance with these guidelines,  
8 which are kind of an interesting piece of work  
9 from FDA. I understand they come from like 1996,  
10 and they've always been difficult to evaluate  
11 because they were in these guidelines not as a  
12 regulation. They basically say you can use a  
13 whole long list of vitamins and minerals. Here is  
14 procedures you should use, you know, for  
15 determining their need, and there are certain  
16 things we're never supposed to do. So, we've been  
17 trying to follow that, but now the interpretation  
18 that was given in this compliance involved a  
19 product fortified with an additional nutrient that  
20 was not a vitamin or mineral. And the  
21 understanding that compliance had was that any  
22 nutrient, not just vitamins or minerals, that are  
23 somehow referenced in this guidance document are

1 allowed in organic food without further needing to  
2 be on the national list. This guidance does deal  
3 with vitamins and minerals, and then there is this  
4 little clause "F" in here that says any other  
5 nutrient that's anywhere in 21CFR for use as a  
6 nutrient in food can be used. So, basically it's  
7 a huge monster loophole that you could allow, you  
8 know, claim it's a nutrient, claim it's a novel  
9 food, it has some kind of—prove it has some kind  
10 of nutrient value, and it doesn't have to be on  
11 the list . It's puzzling me why some of these  
12 products are on the market place as organic. I  
13 thought maybe they were being considered  
14 agricultural ingredients not commercially  
15 available. Then it turns out after 606 rules  
16 they're still out there. So, this is the reason.  
17 So, I think you might want to re take up this  
18 subject, this understanding of what that listing  
19 is supposed to mean. And if we really need to do  
20 a petition to get this straightened out, I guess  
21 industry can work on that. But I wouldn't think  
22 we need to do that. I don't think that's really  
23 in the best interest here. But, I mean, if we

1 have to we will. So, I just wanted to bring that  
2 to your attention. Thank you.

3 MS. ANDREA CAROE: Thank you. I remember  
4 dealing with that regulation, and I remember full  
5 fortification where you had to add the entire list  
6 and replacement for a typical food product where  
7 you could fortify to it or you lost anything  
8 during fortification. I don't remember the  
9 blanket exemption in 104.20. I don't remember.

10 MS. EMILY BROWN ROSEN: Do you want me to  
11 read part "F" here?

12 MS. ANDREA CAROE: Andrea, Barbara?

13 MS. BARBARA C. ROBINSON: It's based on a  
14 board recommendation that was made, and if you  
15 read the annotation in the national list, first of  
16 all, that says vitamins and nutrients, and I  
17 believe it says including accessory nutrients,  
18 Emily.

19 MS. EMILY BROWN ROSEN: No, it doesn't.  
20 No.

21 MS. BARBARA C. ROBINSON: Well, the board  
22 recommendation does, and if you read the board  
23 recommendation, it specifically listed those

1 accessory nutrients on which that compliance  
2 decision was based.

3 MS. EMILY BROWN ROSEN: I understand  
4 there was an old decision, yes.

5 MS. BARBARA C. ROBINSON: And so that's  
6 what the decision was based on. It referenced  
7 that specific accessory nutrient, and the board's  
8 recommendation at the time, I don't have it in  
9 front of me, but the board's recommendation when  
10 they made it, and this goes way back. I think it  
11 precedes the program implementation was written  
12 because they said they did not want to preclude I  
13 forget even how they said it, but they didn't want  
14 to get in the way of new nutrients or—

15 MS. EMILY BROWN ROSEN: [Interposing]  
16 Novel nutrients, yeah.

17 MS. BARBARA C. ROBINSON: Novel, right.  
18 That would come on the market and things like  
19 that.

20 MS. EMILY BROWN ROSEN: Right.

21 MS. BARBARA C. ROBINSON: That would be  
22 added to foods and so they didn't want to get in  
23 the way of that. They knew that there would be

1 these things, and, yes, if you do go into 104.2 in  
2 FDA's regulations, there is that section that  
3 says, you know, vitamins and minerals and then any  
4 other nutrients that can be added to foods. And I  
5 don't—you know, I don't think that's—I don't know  
6 that you want to just characterize it as some  
7 glaring loophole in the regs, but you have to be—  
8 it has to be shown. And also the board's  
9 recommendation, I believe, says when recommended  
10 by an independent authority. I believe there was  
11 that discussion, and there as quite a discussion  
12 in the transcripts if you go back when the board  
13 was deliberating on this that these things had to  
14 be recommended by an independent authority in  
15 order to be recognized by FDA.

16 MS. ANDREA CAROE: I think that's in  
17 104.20.

18 FEMALE VOICE: Can I respond?

19 MS. ANDREA CAROE: I think 104.20 says  
20 that they have to be—

21 MS. EMILY BROWN ROSEN: [Interposing] I  
22 could give a little history there on that. The  
23 board—there was this old addendum, I think it's



1 addendum 25 of 1995, it's like two paragraphs, and  
2 it happened at that same 95 meeting where they had  
3 a vote on vitamins and minerals. And actually  
4 Rich—I guess he's not still here, had written a  
5 lot of—he was a tap reviewer on the vitamins and  
6 minerals. So, there was additional discussion and  
7 an addendum item that clarified that, and we'd  
8 also like to not preclude accessory nutrients.  
9 And, you know, it was very kind of sketchy. I  
10 wasn't there. Maybe Brian remembers what  
11 happened, but the actual vote on the tap reviews  
12 on that meeting was for vitamins and minerals, and  
13 the actual recommendation, or the annotation was  
14 when required by law or recommended by  
15 professional association. So, when we got to the  
16 proposed rule, I think it was the second proposed  
17 rule in April 2000, it was written as, you know,  
18 nutrient vitamins and minerals, as they appear—you  
19 know, in reference to this FDA guideline 104. And  
20 I remember Keith telling us at the time, you know,  
21 required by law, that's one thing. Well, they  
22 figured the FDA guidance was the closest thing we  
23 had to required by law, but recommended by

1 professional association there was—how would they  
2 know—who is the right association? I mean it was  
3 too vague. You know, we didn't want to just put  
4 something like that in the regulations. So we're—  
5 now it became linked to, you know, vitamins and  
6 minerals and then this FDA guidance. So, it's  
7 kind of an unhappy marriage I think in some  
8 senses, but I—you know, I, you know, I know there  
9 was the addendum. But I don't know how such  
10 discussion there was about that addendum. I mean  
11 it's a very old piece of work, and I know the vote  
12 was really specifically for vitamins and minerals.  
13 There was no vote for accessory nutrients as far  
14 as I know.

15 MS. ANDREA CAROE: Well, I think you  
16 shined a light on an area that definitely needs to  
17 be on the work plan for a little bit of guidance.  
18 So, Hue?

19 MR. HUBERT J. KARREMAN: Just one  
20 question. Is this only for foods or also feeds?

21 MS. EMILY BROWN ROSEN: No, it's only  
22 referenced for foods. Feeds is just as FDA  
23 approved for livestock. So, it's okay over there.

1                   FEMALE VOICE: Hence, my admonishment to  
2 you yesterday about making sure whatever you do is  
3 accurate for the historical record because people  
4 use this stuff down the road. You dig out old  
5 board recommendations and say, hey, this must be  
6 what they meant, and we use them. So, make sure  
7 whatever you mean, you really do write it down  
8 because somebody long after me is going to come  
9 around and use it. Trust me.

10                   MS. ANDREA CAROE: Okay, so...

11                   FEMALE VOICE: That's the only record  
12 there is.

13                   MS. ANDREA CAROE: So, we have a work  
14 item number, work item for handling, and we'll  
15 remember the hysterical perspective on this.

16                   MALE VOICE: Hysterical?

17                   MS. ANDREA CAROE: Hysterical. Thank  
18 you, Emily. Steffen Scheide, you're up next, and  
19 Patty Bursten Deutsch, are you in the room, Patty?  
20 You're next.

21                   MR. STEFFEN SCHEIDE: Oh, good morning.  
22 I'm Steffen Scheide. The name is spelled Steffen,  
23 last name Scheide. I'm affiliated with Summit

1 Hill Flavors, manufacturer of organic certified  
2 savory flavors. I'd like to take the opportunity  
3 this morning to comment on your discussion of ag  
4 versus non-agricultural. This is clearly an  
5 important issue to the entire organic community.  
6 The latest discussion document has a decision tree  
7 and a universe of material chart attached.  
8 Regarding the proposed decision tree we believe  
9 there is need for further clarification. For  
10 example, when you look at box four, if you were to  
11 use salt as a preservative of an agricultural  
12 product, this product would become non-  
13 agricultural, and I clearly don't think that is  
14 what is intended. When you look at the universe  
15 of material chart, it is a wonderful effort I  
16 think conceptually to take a look at the whole  
17 matter. However, it is hurt by the absence of a  
18 decision tree, and we are also concerned about the  
19 possible elimination of so-called non-agricultural  
20 materials.

21 I'd like to state that there have been  
22 significant changes affecting the flavor industry.  
23 USDA FSAS has assumed jurisdiction over meat and

1 poultry flavor products this year. This  
2 regulatory change means that these ingredients are  
3 now just meat and poultry products, and as such  
4 they are agricultural. However, without a listing  
5 of flavors as non-agricultural and 20605A in  
6 general, more complex organic certified flavors  
7 would not have been possible. I understand that  
8 these issues are not easy, and I understand a lot  
9 of work has been put into these matters. However,  
10 in order to move forward because I think all of us  
11 feel that there is a little bit of uncertainty all  
12 around, we'd like to suggest the following.

13 Perhaps one you could stay within the current  
14 regulations and the definitions thereof.

15 Secondly, you could actually focus on the need of  
16 certifiers who have actually been very active in  
17 this matter, and finally I think it would be very  
18 good for the entire industry if you could issue  
19 one decision tree and then invite public comment  
20 toward that decision tree itself.

21 In closing, I would like to thank Andrea  
22 for her stewardship, and I wish you all the best  
23 in the future. I'd like to thank all of you on

1 your hard work and efforts on this matter. Thank  
2 you.

3 MS. ANDREA CAROE: Thank you so much.  
4 Are there any comments or questions? Thank you so  
5 much. Up next Patty Bursten Deutsch. On deck is  
6 Lynn Coody.

7 MS. PATTY BURSTEN DEUTSCH: Okay, I have  
8 to take my glasses off so I'm just going to assume  
9 that you're all smiling at at me. Hi, I'm Patty  
10 Bursten Deutsch. I'm an independent organic  
11 inspector with ten years' experience. I'm a  
12 senior partner of Organic Concepts, a consulting,  
13 developing and training organization serving a  
14 broad range of clients. My husband and I are  
15 owners and operators of a certified organic dairy  
16 operation in Wisconsin. Thank you all very much  
17 for your time and effort, and I really appreciate  
18 the opportunity to speak to you. I want to  
19 briefly comment on the CAC recommendation to  
20 changes to 205.404B, the issue of standardized  
21 certificates. It's not an exaggeration to say  
22 that over the past 10 years of inspecting I have  
23 looked at thousands of certificates from many of

1 the 95 accredited certifiers. As a whole, in  
2 their current iteration many certificates are such  
3 that it is impossible while on site to verify any  
4 or all of the following items, specific products  
5 that are certified, certification status of items  
6 listed such as if they are 100% organic, organic  
7 or made with organic and whether or not any of the  
8 specified or unspecified products are actually  
9 certified to the national organic program.  
10 Without this additional information, an  
11 inspector's ability to fully and thoroughly verify  
12 NOP compliance of organic inputs is significantly  
13 hampered.

14           While I support the recommendation from  
15 the CAC in its entirety, I feel that it may not  
16 actually go far enough, and I just want to  
17 acknowledge that I know how unpopular what I'm  
18 saying is. I believe that additional information  
19 to be added or which could be added would be the  
20 annual date of the update inspection, the brand  
21 names and/or labels of all inspected and certified  
22 products. Finally, I want to add that there are  
23 some certifiers, as you know, that currently use

1 an addendum or other type of associated document  
2 to list this information, and the board might  
3 consider leaving the certificates as they  
4 currently are while requiring, actually mandating  
5 that such an addendum be updated at the time of  
6 the annual renewal or at any time that the organic  
7 system plan is updated with relevant changes.  
8 Thank you. Okay, now I can put my glasses back  
9 on.

10 MS. ANDREA CAROE: Thank you, Patty.  
11 Questions for Patty?

12 MS. PATTY BURSTEN DEUTSCH: Thank you.

13 MS. ANDREA CAROE: Thank you. Next up,  
14 Lynn Coody, and then on deck Will Fantell, are you  
15 here? Mark Castell, are you here? Okay, on deck  
16 is Barbara Robinson.

17 MS. LYNN COODY: Hi, everyone, I'm Lynn  
18 Coody. It's spelled Lynn Coody. I-my business is  
19 Organic Ag Systems Consulting from Eugene, Oregon,  
20 and I've been working with certification and  
21 accreditation systems since the mid-eighties. I'm  
22 now assisting certifiers with complying with  
23 accreditation requirements of the NOP and other



1 accreditation programs, and in this capacity I  
2 have helped certifiers document, design and  
3 implement systems for grower group certification.  
4 I worked on the task force with the National  
5 Organic Coalition to create their Grower Group  
6 Comments, and I support those comments. Today I  
7 came to the microphone to try to answer questions  
8 that Kevin was asking yesterday. And he didn't  
9 get them really addressed for various reasons, so  
10 I thought his questions were great and we were  
11 just going to get to the meat of the issue. But  
12 then we got sidetracked. So, his questions  
13 basically focused on how grower group  
14 certifications actually play out in practice and  
15 I wanted to give a little bit of information more  
16 about this. Some of the other speakers have done  
17 this a little bit more this morning, especially  
18 Katherine, so I appreciate that. But Kevin's  
19 major question was how—what happens—how many non-  
20 conformances are still acceptable within a grower  
21 group and allowing it to go forward. But in  
22 practice the way it really works is that there can  
23 be non-conformances within a grower group system

1 just as there can be a non-conformance in a single  
2 operation. What really matters is is the ICS, the  
3 Internal Control System, aware of them? Is it  
4 catching them? Is it actually acting to make  
5 those individual growers either conform or no  
6 longer be part of the grower group? So, it may be  
7 the case that an individual grower within the  
8 grower group has a minor violation. In this case,  
9 the ICS should catch it. It should require  
10 corrective action. It should monitor the  
11 corrective action, and if the grower can come into  
12 compliance, they're still in. If the individual  
13 grower has a major non-conformance, the ICS should  
14 catch that and should eliminate that grower from  
15 the grower group for—usually it's for three years.  
16 If it's a major non-conformance, they have to  
17 transition back in, that kind of a thing, just the  
18 same way that an individual grower, individual  
19 certification will work. So, the thing that  
20 causes a decertification of an ICS, of a grower  
21 group, is malfunction of the ICS itself, not  
22 necessarily individual problems with individual  
23 growers. These would be things such as the ICS is

1 not performing rigorous, annual inspections of  
2 every operation in their grower group. That's  
3 where the annual inspection comes in not from the  
4 certifier but from the ICS. Another problem would  
5 be that the ICS is not identifying problems with  
6 the grower operations. They're just not seeing  
7 them. Another problem might be they're not  
8 requiring appropriate corrective actions. Another  
9 problem might be they're not correctly monitoring  
10 the implementation of the corrective actions. In  
11 other words, they notice them, but they're not  
12 going forward and making sure that they're all  
13 corrected just like a certifier would have to do.  
14 Another thing is they're required to educate their  
15 growers about the standards. They're required to  
16 maintain their own quality system, their own ICS  
17 quality system, including documentation and  
18 complete records not only of the ICS but of each  
19 individual grower in the ICS. They have to have  
20 records of the inspections and their corrective  
21 actions. So, if they're not doing that, the ICS  
22 would be failing. And another thing would be that  
23 they're not complying with any conditions imposed

1 on the ICS itself by the certification body. So,  
2 maybe QAI or Oregon Tilth, or OCIA has told the  
3 ICS you're not doing a good job here. Maybe  
4 you're having conflict of interest or you're  
5 having some problem. You must correct it. If  
6 they haven't done that, the ICS would be failing.  
7 The grower group would be not certified any more.  
8 So, it's not a matter of just a few problems with  
9 a few growers inside as long as the ICS is  
10 correcting it. That's what the certifier checks.  
11 The certifier actually is checking the ICS, and  
12 three tools—just in closing there are three major  
13 tools to do this. They audit the records of the  
14 ICS. So, they go in their office. They look at  
15 the ICS's records. They look at the inspections  
16 records. They repeat the actual inspections of a  
17 certain amount of the growers, they actually go  
18 and repeat it and compare the records, and the  
19 third thing is they often do witness inspections.  
20 In other words, they're following behind an ICS  
21 inspector and watching what they do and again  
22 comparing right on the spot what's going on with  
23 what the ICS is doing. Thank you. That was a

1 lot.

2 MS. ANDREA CAROE: Thank yo, Lynn. That  
3 does put it in perspective very well. I guess,  
4 you know, as I'm listening to you it's like, you  
5 know, we probably should have drawn some  
6 analogies, but it would be like going to a farm  
7 inspection and talking to employees, random  
8 employees. If one employee doesn't know what  
9 they're doing, it doesn't mean the farm is bad.  
10 It means there's a system problem that that farmer  
11 doesn't understand.

12 MS. LYNN COODY: Right, which you would  
13 correct maybe by training or things like that.

14 MS. ANDREA CAROE: Right.

15 MS. LYNN COODY: It's not a hopeless  
16 situation in other words.

17 MS. ANDREA CAROE: Right. Dan?

18 MR. DANIEL G. GIACOMINI: How would you  
19 address where I think the argument would be made  
20 that the requirement is for a third-party annual  
21 inspection? You have very much an internal annual  
22 inspection.

23 MS. LYNN COODY: Right, I would address

1 that by saying a third-party annual inspection is  
2 done of the ICS, which is the certified party by  
3 the certifier.

4 MS. ANDREA CAROE: Katrina?

5 MS. LYNN COODY: The certifier comes in  
6 and inspects the ICS, the grower group.

7 MS. ANDREA CAROE: Katrina?

8 MS. KATRINA HEINZE: Thank you. Your  
9 comments were particularly helpful for me as I  
10 think through this. I do have a question.

11 MS. LYNN COODY: Okay.

12 MS. KATRINA HEINZE: I just want to make  
13 sure I understand what I heard. So, if you went  
14 in and did inspections of this small sub sample of  
15 all the farmers—

16 MS. LYNN COODY: [Interposing] Yes.

17 MS. KATRINA HEINZE: --would you  
18 differentiate between a non-compliance that you as  
19 the certifier found that the ICS had not  
20 identified versus a non-compliance that you found  
21 that the ICS had identified?

22 MS. LYNN COODY: Yes, I would because the  
23 one that the ICS found, I would be saying did the

1 ICS deal with it appropriately. I wouldn't be so  
2 worried about that if they were dealing with it  
3 appropriately and they had characterized it  
4 appropriately as a minor violation. If though the  
5 ICS did not find the problem, that's when I start  
6 to get worried, and I start to say as the  
7 certifier, gosh, now the risk has gone up. I  
8 think I'll do a few more inspections so I can  
9 double check them, exactly right. That's a really  
10 good question, perfect question. Thanks.

11 MS. KATRINA HEINZE: Thank you.

12 MS. ANDREA CAROE: Well, but also if you  
13 were to identify that the ICS identified a major  
14 non-compliance--

15 MS. LYNN COODY: [Interposing] And  
16 didn't take action.

17 MS. ANDREA CAROE: Well, even if they did  
18 take action, I mean that's a different thing.

19 MS. LYNN COODY: Well, they can identify  
20 a major non-conformance as long as they tell the  
21 grower we're not buying from you any more and  
22 you're out of our grower group.

23 MS. ANDREA CAROE: Right, right.

1 MS. LYNN COODY: That's find if they're  
2 identified it's okay.

3 MS. ANDREA CAROE: Appropriate action, an  
4 appropriate action.

5 MS. LYNN COODY: That's right.

6 MS. ANDREA CAROE: Bea?

7 MR. STEVE DEMURI: Thank you, Lynn. Do  
8 you think that same model that you just described  
9 for farmer grower groups is a model that would be  
10 appropriate for producers, handlers and retailers?

11 MS. LYNN COODY: Well, thank you for  
12 asking that question. As I said at the beginning,  
13 I did work on the NOCK [phonetic] group that  
14 created their comments for presentation here, and  
15 our group did not support that extension of the  
16 concept of grower groups to retailers and  
17 handlers. The reason that I personally don't  
18 support it, and one of the points that I made to  
19 our group, is to me retailers and handlers, it's  
20 basically like a food chain. All of the things  
21 that go wrong on the bottom, get concentrated in  
22 the food chain because many of the—say like a  
23 retailer or a distributor or somebody, they're



1 taking in products from hundreds if not thousands  
2 of certified parties. So, to me having the chance  
3 to annually review the records of that part is  
4 really important for a certifier. Now, I know, at  
5 least—my husband works for a retail chain, and  
6 they have stores all over Oregon. Although they  
7 buy a lot in bulk, their practice is also to buy  
8 local so each store is soliciting things from the  
9 farmers say right around Eugene, Oregon, so they  
10 can have local markets, and I think this is really  
11 a common practice. I'm not an expert in  
12 retailing, but that's a reason why a certifier  
13 would want to be able to have access to that  
14 record even though they may have systems for  
15 handling the products from the coming in and  
16 everything else, their procurement can be  
17 radically different. Since retailers and  
18 handlers, one of the most important things is no  
19 commingling and also keeping things from being  
20 contaminated, those things I believe need to be  
21 checked on an annual basis from the certifier.  
22 That's my personal opinion.

23 MS. ANDREA CAROE: So, let me—based on

1 your belief of the importance of what the  
2 retailers are doing, I take it you're an advocate  
3 for mandatory certification for retailers?

4 MS. LYNN COODY: I would like to see  
5 that, but that's not part of what the NOP is  
6 doing. Way back when we were writing OFFFA  
7 [phonetic] I was an advocate for mandatory  
8 certification of retailers.

9 MS. ANDREA CAROE: Okay, so since we  
10 don't have mandatory, a voluntary certification  
11 that allowed for an ICS would be better than what  
12 we have, which is none.

13 MS. LYNN COODY: I don't think so because  
14 I think it provides consumers with a false sense  
15 of assurance compared to—

16 MS. ANDREA CAROE: [Interposing] But the  
17 assurance they have right now is none.

18 MS. LYNN COODY: Because then they can't  
19 make an organic claim that they're a certified  
20 operation so I think it's fair.

21 MS. ANDREA CAROE: I guess I don't  
22 understand, Lynn, because if they don't make any  
23 claim, they don't get certified and they're not

1 making a certification claim for their retail  
2 operation, you're still making the organic claim  
3 of the product. So, I don't understand exactly.

4 MS. LYNN COODY: Well, because they're  
5 required under the rule to make sure that there's  
6 no commingling and no contamination, under the  
7 rule as it is.

8 MS. ANDREA CAROE: Right, without  
9 verification.

10 MS. LYNN COODY: Yeah, without  
11 verification, but that—

12 MS. ANDREA CAROE: [Interposing] That's  
13 my point.

14 MS. LYNN COODY: I guess it would be  
15 great if it were all even, but it's not even under  
16 the system that we have. Personally, I prefer a  
17 system, when we're going to implement a system, I  
18 like it to be as rigorous as we can. That's all,  
19 and when I'm thinking about this, I'm not just  
20 thinking about retailers. I'm thinking about  
21 other handlers who also are required to be  
22 certified.

23 MS. ANDREA CAROE: Like the distributors?

1 MS. LYNN COODY: Well, like processors.

2 MS. ANDREA CAROE: Okay, all right. Hue,  
3 and then [unintelligible] and then Kevin?

4 MS. ANDREA CAROE: Actually, I'll reverse  
5 it because I know Kevin has had his hand up a  
6 while.

7 MR. KEVIN ENGELBERT: That's okay.

8 MR. HUBERT J. KARREMAN: All right, I  
9 don't know if you can answer this or not, but I  
10 hear about the non-compliances and how do you  
11 check for them, you know, with the ICS and annual  
12 inspection. And maybe you can't answer this.

13 MS. LYNN COODY: Give it a shot.

14 MR. HUBERT J. KARREMAN: Okay, in  
15 livestock, what do you call a minor versus a major  
16 non-compliance, in livestock certification of a  
17 group of farms somewhere let's say?

18 MS. LYNN COODY: Well, I mean certifiers  
19 have to deal with this every day, right, so  
20 usually minor violations are things that are  
21 correctable without having a—making the product  
22 itself be impacted so it's usually things like  
23 record keeping, that's minor, things like that

1    whereas certainly use of a prohibited material is  
2    clearly major.  But there's all kinds of things in  
3    between, and certifiers on a daily basis, it  
4    doesn't matter grower groups or not, they have to  
5    make a decision about what's major and minor.  A  
6    while ago there was a paper that the NOSB put out  
7    that what is major and minor for each of the  
8    different categories, and that's one of the things  
9    certifiers use for guidance, both for grower  
10   groups and for individual certified operations.

11                   MS. ANDREA CAROE:  Okay, I have Rigo,  
12   Kevin and then Tracy.

13                   MR. RIGOBERTO I. DELGADO:  Thank you for  
14   your comments.

15                   MS. LYNN COODY:  Sure.

16                   MR. RIGOBERTO I. DELGADO:  I'm also  
17   trying to understand the whole complexity.  About  
18   ICS, who composes those groups, and I'm thinking  
19   of grower groups?  How is that group composed, the  
20   ICS, and how are they paid?  Are they composed of  
21   the same farmers that form the group, and if so  
22   how can you guarantee objectivity in the whole  
23   process?

1 MS. LYNN COODY: Right, okay, well that's  
2 a good question. The farmers usually come  
3 together because they're in a certain geographical  
4 area and they have a desire to market usually to  
5 the U.S., right, because we're NOP. So, they're  
6 in a certain area, and they actually—the ICS are  
7 usually people who are able, who are usually can  
8 speak English, who have some kind of agronomic  
9 background, who can help the growers with  
10 training, identification of disease, things like  
11 that, and also have a propensity for  
12 administration. It's almost like running a small  
13 certification agency. If you have 100 growers,  
14 you have 100 inspections to do each year. You  
15 have to assign inspectors. So, usually that's the  
16 type of people. They usually either get someone  
17 from within their group or in many cases or in  
18 many cases hire someone from the outside. In  
19 traditional grower groups from a long time ago,  
20 frankly, it was usually in many cases it was  
21 people from the U.S. or Europe who had moved  
22 someplace in the southern hemisphere and were  
23 helping them, helping these folks ship stuff out.

1 But now more than likely it's indigenous people  
2 who are just, you know, well educated enough to do  
3 this.

4           As far as conflict of interest, I agree  
5 that can be a problem especially under the terms  
6 of NOP. And I think that is where—what we need to  
7 work on in this recommendation. I think that is a  
8 legitimate concern, and there needs to be a  
9 certain distancing of—it certainly shouldn't be  
10 farmers inspecting each other. But I think if you  
11 could have—we could set up a system for having  
12 folks who are appropriately distanced. I mean  
13 that's where I think we need to do the work.  
14 That's what we need to think about certainly much  
15 more intensely than worrying about how it's going  
16 to be applied in the retail situation in my own  
17 opinion. That's where we need to put our brains.  
18 Hue, you're next. I mean I'm sorry, Kevin's next,  
19 and then Tracy. I'm sorry.

20           MR. KEVIN ENGELBERT: Thank you, Lynn and  
21 Katherine for bringing this subject back up and  
22 addressing some of the concerns I have. I have  
23 two questions. One Hue touched on is I'm still

1 not clear about—and it's probably subjective,  
2 depends on the operations, where you go from a  
3 minor to a major compliance in these grower groups  
4 and two what—if one of the spokes or two of the  
5 spokes have been found to have major compliances  
6 and are out of the grower group, what's the  
7 procedures for making sure they remain out for I'm  
8 assuming five years?

9 MS. LYNN COODY: Well, I'll answer the  
10 second one first because I remember that better.  
11 What happens is the grower group each year as part  
12 of their farm plan basically is asked to submit a  
13 list of growers, and so you can see—they have a  
14 list of growers that are in and growers that have  
15 been removed within that year. That's what the  
16 certifier checks, to see how is in and who is out.  
17 Then when you go to do your inspection, you make  
18 sure that each of the growers who is in is getting  
19 inspected and monitored and everything else. As  
20 far as keeping the people out, certainly of that  
21 individual grower group you can see whether  
22 they've crept back in unless there's some bad  
23 actor like we have even here in the U.S. where



1 people sometimes change their farm name, get  
2 different land, all kinds of different things.  
3 There are all kinds of sneaky ways to get back  
4 in, and I'm sure that happens in grower groups  
5 just the way it happens here with other farmers.  
6 But that's the mechanism. There's a specific  
7 listing of the operations, the amount of acres  
8 they have, a farm map and all that kind of stuff  
9 so you can see exactly where they are and which  
10 fields they're controlling.

11 MS. ANDREA CAROE: Kevin, I just want to  
12 speak to you on this just a little bit. I really  
13 think you need to consider this like one operation  
14 with employees, separate employees. If you go to  
15 an operation as an inspector and they have 20  
16 employees and you talk to 4 employees and 2 of  
17 them have not been properly trained, you're not  
18 getting rid of those two employees. You're  
19 talking to them about the integrity of their  
20 system for outreaching to their employees. That's  
21 where the violations are. That's why the ICS is  
22 what gets the violations, not the independent  
23 entities. It's—they are an indicator of how well

1 the ICS is working, and so all of the violations  
2 are going to happen on that end. And as far as  
3 major and minor non-compliance it's like any other  
4 certification that certifiers apply. They  
5 actually are going to determine whether this is  
6 something that can be quickly mitigated or  
7 something that can't be quickly mitigated and has  
8 an immediate effect on the integrity of the  
9 organic product being produced. So that's all out  
10 there right now, but really don't look at these  
11 groups as 12 entities. They're not. They're one,  
12 and each one is applying that operation. They're  
13 all part of it like employees within a company.  
14 Okay? I think—I hear us keep on going to the  
15 detail, and I'm just trying to put it in words to  
16 get it across because I think we're losing  
17 something in the translation here. Would you  
18 agree, Lynn, that's the way you would explain it?

19 MS. LYNN COODY: Yes, did she answer the  
20 question that you addressed to me okay for you?

21 MS. ANDREA CAROE: Tracy, you had a  
22 question? Anybody else?

23 MS. TRACY MIEDEMA: I do. I have a

1 question for you, Lynn, and then I also want to  
2 respond to something you asked about Rigo. I  
3 really appreciate National Organic Coalition  
4 Comments that were submitted November 12<sup>th</sup>, and I  
5 have spent quite a bit of time with them. You  
6 know, one of the places that your group agreed  
7 with this recommendation, and this goes back to  
8 the 2002 criteria is that cooperatives of growers  
9 that meet the definition of person are eligible  
10 for certification as a group. And I just want to  
11 remind everyone that when we're talking about  
12 these groups, there's a big laundry list of what  
13 it takes to be able to join the club, you know,  
14 basically.

15 MS. LYNN COODY: Yes, right.

16 MS. TRACY MIEDEMA: We're talking about  
17 uniformity being managed as a legal entity under  
18 one central administration, limited to people who  
19 sell all through one group. There's not a bunch  
20 of individual certificates. You know, we have the  
21 quality control system, ad nauseam, so the idea  
22 that just two people who want to get together and  
23 not have to get inspected every year can just join

1 up and skirt inspection is an absolute fallacy and  
2 is just not having really studied what this is all  
3 about yet. So, when I read the National Organic  
4 Coalition comments I found a lot of common ground  
5 actually.

6 MS. LYNN COODY: Absolutely, yeah.

7 MS. TRACY MIEDEMA: But there was kind of  
8 a key difference of opinion, and that's how far to  
9 extend this throughout the supply chain.

10 MS. LYNN COODY: Right.

11 MS. TRACY MIEDEMA: In your opinion, not  
12 the question of should it be applied to retailers,  
13 but can? And do you think that there are such  
14 things as effective internal control systems that  
15 do work in other parts? Can they work?

16 MS. LYNN COODY: I'll tell you as far as  
17 belief in internal control systems, you're talking  
18 to a person who believes very strongly in that  
19 because I see it work from accreditation down.  
20 So, you know, I do believe that it can work, but I  
21 don't believe that it's in the best interest of  
22 the organic industry to go in that direction.  
23 That's my opinion. I think internal control

1 groups can work well for everything from how the  
2 NOP organizes itself as an accreditor all the way  
3 down to the way I manage my family to make sure  
4 everybody goes to school on time. That's a minor  
5 internal control group, but I'll tell you that one  
6 runs like clockwork.

7 MS. ANDREA CAROE: Joe?

8 MS. TRACY MIEDEMA: I'll be super quick.  
9 I just need to reply to Rigo's question about  
10 conflict of interest within these places and just  
11 site that, you know, at our 5,000-acre farm we  
12 have a quality assurance department, and this  
13 group operates independently. I mean we're all  
14 paid by the same boss. But just because I want to  
15 ship something that quality assurance department  
16 puts the hammer down because the integrity of the  
17 organization is at stake if your quality assurance  
18 department is not operating as a stand-alone,  
19 independent policing agency. And that's what  
20 these ICSs are. That entire group has an enormous  
21 amount of exposure if it is not operating  
22 independently without conflict of interest, and  
23 any smart ICS would not want that exposure.

1 MS. LYNN COODY: Yeah, and just one point  
2 that I wanted to make that Tracy didn't quite  
3 mention is just remember that in these ICSSs like  
4 Tracy presented it as spokes of a wheel yesterday.  
5 Imagine if only one spoke is out and all the other  
6 20 spokes get decertified? There's a lot of  
7 interest to make sure that everybody is doing  
8 things well because that's something that  
9 individually certified organizations don't have to  
10 deal with is their neighbors and making sure that  
11 everyone else is doing things well. Okay, Joe?

12 MR. JOSEPH SMILLIE: Tracy hit on it. I  
13 just want to stress it. Again, it's when the  
14 recommendation came out, it extended the  
15 opportunity of other groups other than growers to  
16 meet the criteria, and as Tracy pointed out, it's  
17 a very strict criteria.

18 MS. LYNN COODY: Right.

19 MR. JOSEPH SMILLIE: I just want to speak  
20 practically about that. From my point of view and  
21 in my experience there's very few handlers will  
22 fit that criteria. It just so happens, and I  
23 don't know if it's an accident of history or

1 design, the only group that I really see being  
2 able to meet that criteria are retailers. We  
3 didn't design the program, our recommendation to  
4 include growers and retailers. We designed the  
5 criteria by which someone could apply group  
6 certification, and from a practical point of view,  
7 looking at it practically, processors just aren't  
8 going to meet it. They're not going to hit that  
9 criteria. They're just not going to make it.  
10 They have that opportunity, but it's very, very,  
11 very doubtful that processors and even  
12 distributors and other handlers can meet it.  
13 Retailers because of the unique situation of the  
14 ICS and the central control and the single OSP  
15 being identical among the participants or the sub-  
16 units, it just so happens that it's possible  
17 because of the way that practicalities work that  
18 retailers can hit that. So, again, this wasn't  
19 like a political recommendation. This was a  
20 regulatory recommendation, and what we did is put  
21 down the criteria for the first step, the first  
22 phase of this. What Lynn has really gone forward  
23 to was what we always considered to be phase II,

1 which was getting down to the quality manual.

2 MS. LYNN COODY: That's right. We love  
3 quality manuals.

4 MR. JOSEPH SMILLIE: The risk—it's—let me  
5 tell you, folks, it's a big manual. It's a very  
6 serious manual. Luckily, because of the work of  
7 [unintelligible] and many, many other  
8 organizations that manual exists and that can be  
9 adapted as we move hopefully quickly. Again, we  
10 didn't have that much time to do the work, but we  
11 can take those manuals, whether they're ISO  
12 manuals or others, and we can adapt those so that  
13 we can have the quality manual, which gets down to  
14 the detail of the risk/benefit analysis and all of  
15 the other inspector qualifications, ICS conflict  
16 of interest, all of those details. We don't have  
17 to, as Tracy said yesterday, reinvent the wheel.  
18 A lot of it's there. We just have to make a  
19 decision as to how we're going to move forward on  
20 this, and then start to bring in those quality  
21 manual issues.

22 MS. ANDREA CAROE: Okay, Joe. Bea, and  
23 then we've got to wrap this up, guys.



1 MS. BEA E. JAMES: You know, I mean I sit  
2 on this board as the retailer representative, and  
3 that I think it's important to remember that if  
4 you're a retailer and you're marketing  
5 certification that you are in the prime light of  
6 being a keeper to communicate to the consumer that  
7 that USDA seal really does mean what the consumer  
8 expects it to mean, and I know from my own  
9 experience that without having somebody who is  
10 extremely knowledgeable like a certifier come to  
11 each location and make sure that the checkpoints  
12 are in place, that you risk—you risk  
13 miscommunicating what a USDA organic seal means,  
14 and I've seen it happen. So, I believe that it's  
15 important to keep the certification at the retail  
16 level just as stringent as anybody else, and I  
17 heard during Aquaculture a lot of people comment  
18 and say it shouldn't be easy.

19 [END MZ005029]

20 [START 106939-2A]

21 MS. BEA E. JAMES: It should be something  
22 that is earned and it should be something that is  
23 quantified by somebody who really understands what

1 it means when you say no commingling. You got a  
2 USDA, huge USDA seal right when a consumer walks  
3 in the store and they get mixed messages because  
4 not ever store is being inspected. So that's my  
5 only comment.

6 MS. ANDREA CAROE: All right. With that  
7 we're going to—we got to wrap up. We got to wrap  
8 up, Jeff, I'm sorry. This is it. I'm sorry. I  
9 got to stop it. This is going to be further  
10 discussed. It's not an action item for this  
11 meeting. I—you just happen to be on the other  
12 side of the cutoff, but... Thank you, Lynn.

13 MS. LYNN COODY: Thank you so much  
14 everyone.

15 MS. ANDREA CAROE: All right. Last  
16 commenter, Barbara C. Robinson.

17 [Background noise.]

18 MS. BARBARA C. ROBINSON: Do I have to  
19 say my name again?

20 [off-mic]

21 MS. BARBARA C. ROBINSON: Excuse me?

22 [Laughter.]

23 MS. BARBARA C. ROBINSON: I am the proxy,

1 Andrea.

2 [Background noise.]

3 MS. BARBARA C. ROBINSON: I'm moving  
4 another agenda item up a little ahead of schedule  
5 because I realize that I should have done this a  
6 little earlier, but... Andrea, I just wanted to  
7 say--well, I guess I should do this. Barbara  
8 Robinson, Deputy Administrator.

9 I wanted to say thank you from the  
10 National Organic Program and from the Agricultural  
11 Marketing Service for all your many years of  
12 service on this Board, and most especially for the  
13 last year in your capacity as the chair of the  
14 Board. And aren't you glad you haven't been chair  
15 longer. And I am sure, my dear, my friend, Chair,  
16 and all the other names that we have gone by over  
17 the past five years, that there have been many  
18 days and many meetings where the end of the  
19 meeting, what you have really felt like saying was  
20 the following at the end of the day when I said,  
21 "So, how goes it?"

22 "I'm depressed. I get wet. My face  
23 broke out. I'm nauseous. I'm constipated. My

1 feet is swelled. My [unintelligible]. My sinuses  
2 are clogged. I've got heartburn. I'm cranky and  
3 I have gas."

4 [Laughter.]

5 However, with all due respect, Andrea, I  
6 would like to present to you a certificate of  
7 appreciation for your five years of dedicated  
8 service on the board.

9 [Applause.]

10 MS. ANDREA CAROE: I only have one  
11 response.

12 [Laughter.]

13 [Music.]

14 [Background noise.]

15 MS. ANDREA CAROE: Thank you so much,  
16 Barbara. I think we need to take a 15-minute  
17 break so we can be prepared for votes next. I  
18 know Bea wants to get settled so that she can  
19 record them and I need to get settled as well. So  
20 15 minutes, folks.

21 [Break.]

22 MS. ANDREA CAROE: Okay, let's reconvene.  
23 First up for the voting portion of this

1 meeting, Rigo Delgado and the policy committee.

2 MR. RIGOBERTO I. DELGADO: Thank you,  
3 Madame Chair. Our first item is the one related  
4 to updates to the ***policy and procedures manual***.  
5 We believe that this is—these revisions will allow  
6 us to function better as board members and it's  
7 part of the ongoing update of policy and  
8 procedures manual. So at this point I would like  
9 to move for the approval of the following updates  
10 to our policy and procedures manual.

11 The first one found on Page 5. The  
12 change is found on Page 6 of Section 2, which  
13 includes an introductory paragraph to the section,  
14 an addition of the [unintelligible] mission of the  
15 Board. Two edits to the mission statement and an  
16 updated number [unintelligible].

17 We'd also like to include the change to  
18 the typo found in Page 33, and changes in  
19 sections, in the Section 8. On Page 45, the  
20 change of location for the committee  
21 recommendation form, updates to the committee  
22 recommendation form, found in the same Page 45;  
23 and on Page 54, the addition on the section of

1 clarification of deferral.

2 Finally, the two definitions found in  
3 Appendix D, Page 62.

4 MS. ANDREA CAROE: Okay. So what we  
5 should do as we're presenting these vote items,  
6 let's present them and then make your motion a  
7 little bit more concise, if we could. And then—

8 MR. RIGOBERTO I. DELGADO: [Interposing]  
9 Very well.

10 MS. ANDREA CAROE: Just so that we can  
11 record it, what the exact motion was.

12 MR. RIGOBERTO I. DELGADO: And I also  
13 would like to clarify that I'm making the motion  
14 for the whole list of changes here as one, and if  
15 there is any objections, obviously we can split  
16 those. But at the moment, the motion is to  
17 approve the updated changes listed to the policy  
18 and procedures manual.

19 MS. ANDREA CAROE: Is there a second?

20 FEMALE VOICE: Second.

21 MS. ANDREA CAROE: Is there discussion?

22 FEMALE VOICE: I have one piece of  
23 discussion. On the form on Page 45, that's a

1 program form not a board form. So were the  
2 changes made by the program or did policy  
3 committee make changes?

4 MR. RIGOBERTO I. DELGADO: Page 45—give  
5 me a minute.

6 FEMALE VOICE: We made those changes and  
7 then you're adopting them into you manual.

8 MR. RIGOBERTO I. DELGADO: That's right.

9 FEMALE VOICE: That's what I wanted to  
10 verify, that it wasn't changes we initiated.  
11 Thank you.

12 MR. RIGOBERTO I. DELGADO: That's  
13 correct. Thank you for that.

14 MS. ANDREA CAROE: Any further  
15 discussion? Jennifer.

16 MS. JENNIFER M. HALL: Very minor, but  
17 the first change is, it's a typo, actually. It's  
18 not Section 2, it's Section 1, Page 6. So just  
19 for clarity in the minute.

20 MR. RIGOBERTO I. DELGADO: That's right.  
21 So the first change will be Page 5 and it's the  
22 introduction section.

23 MS. ANDREA CAROE: Any further

1 discussion? Hearing none I will start with Tina  
2 on the vote. Tina?

3 MS. KRISTINE ELLOR: Yes.

4 MS. ANDREA CAROE: Gerald?

5 MR. GERALD A. DAVIS: Yes.

6 MS. ANDREA CAROE: Steve?

7 MR. STEVE DEMURI: Yes.

8 MS. ANDREA CAROE: Tracy?

9 MS. TRACY MIEDEMA: Yes.

10 MS. ANDREA CAROE: Katrina?

11 MS. KATRINA HEINZE: Yes.

12 MS. ANDREA CAROE: Joe?

13 MR. JOSEPH SMILLIE: Yes.

14 MS. ANDREA CAROE: Bea?

15 MS. BEA E. JAMES: Yes.

16 MS. ANDREA CAROE: Julie?

17 MS. JULIE S. WEISMAN: Yes.

18 MS. ANDREA CAROE: Dan?

19 MR. DANIEL G. GIACOMINI: Yes.

20 MS. ANDREA CAROE: Rigo?

21 MR. RIGOBERTO I. DELGADO: Yes.

22 MS. ANDREA CAROE: Jennifer?

23 MS. JENNIFER M. HALL: Yes.



1 MS. ANDREA CAROE: Jeff?

2 MR. JEFFREY W. MOYER: Yes.

3 MS. ANDREA CAROE: Kevin?

4 MR. KEVIN ENGELBERT: Yes.

5 MS. ANDREA CAROE: Hue?

6 MR. HUBERT J. KARREMAN: Yes.

7 MS. ANDREA CAROE: And the chair votes  
8 yes. The vote is zero noes, fifteen yes, and it  
9 passes.

10 Next item, Rigo.

11 MR. RIGOBERTO I. DELGADO: Thank you,  
12 Madame Chair. The next item is—considers updates  
13 to the *new member guide*. Essentially includes two  
14 changes that were discussed yesterday and this  
15 formed part of the ongoing process of maintaining  
16 this as a working document that will benefit new  
17 members, as you recall. Well, at this point,  
18 without further ado, I would like to motion that  
19 we accept—update the new member guide with the  
20 following changes: addition to the section  
21 called, "What are rules in the process of rule  
22 making," and two, the inclusion of the section  
23 called, "Tracking changes in word documents."

1 MR. HUBERT J. KARREMAN: Second.

2 MS. ANDREA CAROE: Okay. So, Rigo has  
3 made the motion and Hue Karreman has seconded it.  
4 Is there any discussion on the new member guide  
5 changes? Hearing none we will go to vote starting  
6 with Jerry.

7 MR. GERALD A. DAVIS: Yes.

8 MS. ANDREA CAROE: Steve?

9 MR. STEVE DEMURI: Yes.

10 MS. ANDREA CAROE: Tracy?

11 MS. TRACY MIEDEMA: Yes.

12 MS. ANDREA CAROE: Katrina?

13 MS. KATRINA HEINZE: Yes.

14 MS. ANDREA CAROE: Joe?

15 MR. JOSEPH SMILLIE: Yes.

16 MS. ANDREA CAROE: Bea?

17 MS. BEA E. JAMES: Yes.

18 MS. ANDREA CAROE: Julie?

19 MS. JULIE S. WEISMAN: Yes.

20 MS. ANDREA CAROE: Dan?

21 MR. DANIEL G. GIACOMINI: Yes.

22 MS. ANDREA CAROE: Rigo?

23 MR. RIGOBERTO I. DELGADO: Yes.

1 MS. ANDREA CAROE: Jennifer?

2 MS. JENNIFER M. HALL: Yes.

3 MS. ANDREA CAROE: Jeff?

4 MR. JEFFREY W. MOYER: Yes.

5 MS. ANDREA CAROE: Kevin?

6 MR. KEVIN ENGELBERT: Yes.

7 MS. ANDREA CAROE: Hue?

8 MR. HUBERT J. KARREMAN: Yes.

9 MS. ANDREA CAROE: Tina?

10 MS. KRISTINE ELLOR: Yes.

11 MS. ANDREA CAROE: And the chair votes

12 yes. The motion passes, zero no votes, fifteen

13 yes. Thank you. Rigo, is that the end of...?

14 MR. RIGOBERTO I. DELGADO: That concludes

15 our section, Madame Chair. Thank you.

16 FEMALE VOICE: [Unintelligible] has a

17 question.

18 FEMALE VOICE: Andrea, when they're doing

19 a first or a second or a motion or whatever, they

20 need to specify what for, for the court reporter.

21 MS. ANDREA CAROE: Okay.

22 FEMALE VOICE: Who seconded. Who made

23 the second.

1 [Crosstalk.]

2 MS. ANDREA CAROE: Okay. I think I  
3 restated it.

4 MALE VOICE: I got it this time, yeah.

5 MS. ANDREA CAROE: Okay. All right.  
6 Thank you.

7 MALE VOICE: Don't let them go by too  
8 quickly, though.

9 MS. ANDREA CAROE: Okay. I will  
10 definitely restate it so we have it on the record.

11 FEMALE VOICE: Do we need to restate  
12 something now?

13 MALE VOICE: No.

14 [Crosstalk.]

15 MS. ANDREA CAROE: Okay. So the joint  
16 policy items are up next. Rigo, Gerald or Hue, I  
17 don't know who's taking the lead on the votes for  
18 this.

19 MALE VOICE: Madame Chair, if I am  
20 allowed, I am taking the lead.

21 MS. ANDREA CAROE: Thank you.

22 MALE VOICE: And the first item is the  
23 document called "**Guidance for Certification of**

1 **Operations Participating in Crop Production**  
2 **Research."** It's a reminder that the joint  
3 committees feel that agriculture research is a  
4 critical component in the growth and expansion of  
5 organic agriculture and we realize that crop  
6 research has—faces specific challenges,  
7 specifically when it deals with prohibited  
8 practices in materials and procedures. And we  
9 believe that this document will provide the  
10 necessary clarification and guidance that is  
11 required. So on that note, I would like to move  
12 to accept the Guidance for Certification of  
13 Operations Participating in Crop Production  
14 Research.

15 MS. JENNIFER M. HALL: Second.

16 MS. ANDREA CAROE: Okay. Second from  
17 Jennifer Hall. Any discussion? Hearing none—

18 MS. LYNN COODY: [Interposing] Weren't  
19 there some proposed wording changes? Did those  
20 get dealt with?

21 MR. RIGOBERTO I. DELGADO: Thank you very  
22 much, Lynn. Yes, the proposed changes—and I  
23 apologize for that—as follows, the first one is

1 found on Page 2 of the document. And it's Section  
2 8.82. We replaced the sentence that reads, "per  
3 regulation, all land treated with prohibited  
4 materials will be considered." That was replaced,  
5 "will be considered to be" was replaced by "must  
6 undergo." So the sentence now reads, "Per  
7 regulation, all land treated with prohibited  
8 materials must undergo transition,"—and we  
9 included the word "prior"—"to certified organic  
10 status subject to procedures following 205.202."

11 [Unintelligible.]

12 MR. RIGOBERTO I. DELGADO: The next  
13 change is found on—prior—

14 MS. ANDREA CAROE: Oh. Got you.

15 MR. RIGOBERTO I. DELGADO: Right?

16 [Crosstalk.]

17 MR. RIGOBERTO I. DELGADO: The next  
18 change is next page, answered question four. The  
19 last sentence, "land exposed to" and we added the  
20 word "prohibited materials." So it—at this point,  
21 Madame Chair, I think it's proper for me to—in  
22 this point of clarification, obviously, it should—  
23 I withdraw my motion and then resubmit it.

1 MS. ANDREA CAROE: You can amend your  
2 motion and it can be—as long as the second accepts  
3 that.

4 MR. RIGOBERTO I. DELGADO: Well, at this  
5 point I would like to amend the motion to include  
6 the changes that we just discussed.

7 MALE VOICE: Second.

8 [Crosstalk.]

9 MS. ANDREA CAROE: The first second,  
10 which was Jennifer, do you accept those—

11 JENNIFER: Yes.

12 MS. ANDREA CAROE: —amendment. Thank  
13 you. Further discussion on this item? Further  
14 questions? Okay. At this point I will call for a  
15 disclosure of any potential conflicts of interest  
16 with this document. Hearing none we'll go to vote  
17 starting with Steve?

18 MR. STEVE DEMURI: Yes.

19 MS. ANDREA CAROE: Tracy?

20 MS. TRACY MIEDEMA: Yes.

21 MS. ANDREA CAROE: Katrina?

22 MS. KATRINA HEINZE: Yes.

23 MS. ANDREA CAROE: Joe?

1 MR. JOSEPH SMILLIE: Yes.

2 MS. ANDREA CAROE: Bea?

3 MS. BEA E. JAMES: Yes.

4 MS. ANDREA CAROE: Julie?

5 MS. JULIE S. WEISMAN: Yes.

6 MS. ANDREA CAROE: Dan?

7 MR. DANIEL G. GIACOMINI: Yes.

8 MS. ANDREA CAROE: Rigo?

9 MR. RIGOBERTO I. DELGADO: Yes.

10 MS. ANDREA CAROE: Jennifer?

11 MS. JENNIFER M. HALL: Yes.

12 MS. ANDREA CAROE: Jeff?

13 MR. JEFFREY W. MOYER: Yes.

14 MS. ANDREA CAROE: Kevin?

15 MR. KEVIN ENGELBERT: Yes.

16 MS. ANDREA CAROE: Hue?

17 MR. HUBERT J. KARREMAN: Yes.

18 MS. ANDREA CAROE: Tina?

19 MS. KRISTINE ELLOR: Yes.

20 MS. ANDREA CAROE: Gerald?

21 MR. GERALD A. DAVIS: Yes.

22 MS. ANDREA CAROE: And the chair votes

23 yes. So that's zero no votes, fifteen yes, and



1 the motion passes. Moving on.

2 MR. RIGOBERTO I. DELGADO: Thank you,  
3 Madame Chair. The next item is the **Guidance on**  
4 **Temporary Variance for Research**. Again, the  
5 members of the joint committee believe that the  
6 framework that we are providing with this guidance  
7 gives the consistency and clarity that is required  
8 at the time for allowing such temporary variances  
9 with the purpose of research.

10 So on that note I would like to move that  
11 we recommend the approval of Guidance on Temporary  
12 Variance for Research.

13 MR. JEFFREY W. MOYER: Second.

14 MS. ANDREA CAROE: So it was moved by  
15 Rigo and seconded by Jeff. Is there any  
16 discussion on this item? Bea.

17 MS. BEA E. JAMES: I noticed that in your  
18 committee votes there was somebody who voted no  
19 and I was wondering if they might be able to just  
20 talk a little bit about why.

21 MR. RIGOBERTO I. DELGADO: If I recall  
22 the history, we had a series of questions included  
23 in the original document that were withdrawn

1 afterwards and the member that opposed some of  
2 those questions was not present at the second  
3 voting and I felt at that time that it was proper  
4 to keep his no vote in the record. If I'm not  
5 clear on that, we submitted a question—a document  
6 to the committee first and included a series of  
7 clarification questions. There was confusion at  
8 the time and that's where the no vote came and I  
9 believe that was changed afterwards and we came  
10 out with that no vote. In other words, it's a  
11 typo. That's the clarification.

12 MS. ANDREA CAROE: Is it absent then or a  
13 yes vote?

14 MR. RIGOBERTO I. DELGADO: It should be  
15 an absent.

16 MS. ANDREA CAROE: Any other questions?  
17 Comments? Hearing none we'll go to vote.  
18 Starting with Tracy?

19 MALE VOICE: Hold on. Well, I guess—this  
20 particular document could affect or help me with  
21 research in the future, for the good of—

22 FEMALE VOICE: I'm sorry.

23 MALE VOICE: —organic livestock. Not

1 that I would gain hardly a penny from that, but I  
2 just thought I'd let you know that this would, as  
3 it says in the document, advance research through  
4 variances at the secretary level, I guess. So  
5 anyway, I just thought I'd let the Board know that  
6 I may be engaging in research that may, may, take  
7 advantage of this document.

8 MS. ANDREA CAROE: And thank you, thank  
9 you both.

10 MALE VOICE: I would have to say the same  
11 thing. Obviously-

12 MS. ANDREA CAROE: [interposing] All  
13 three of you.

14 MALE VOICE: [unintelligible] research.

15 MS. ANDREA CAROE: I failed to ask for  
16 potential conflicts. Is there anybody else that  
17 would like to disclose any potential conflicts?

18 FEMALE VOICE: I would request that my  
19 colleagues not set the bar that low for conflict  
20 of interest.

21 MALE VOICE: Just disclosing.

22 MS. ANDREA CAROE: Does anybody on the  
23 Board feel that this is-that what was disclosed is

1 a conflict of interest for voting? Nor do I. So  
2 the vote will proceed and I ask the members to  
3 please vote. Starting with Tracy.

4 MS. TRACY MIEDEMA: Yes.

5 MS. ANDREA CAROE: Katrina?

6 MS. KATRINA HEINZE: Yes.

7 MS. ANDREA CAROE: Joe?

8 MR. JOSEPH SMILLIE: Yes.

9 MS. ANDREA CAROE: Bea?

10 MS. BEA E. JAMES: Yes.

11 MS. ANDREA CAROE: Julie?

12 MS. JULIE S. WEISMAN: Yes.

13 MS. ANDREA CAROE: Dan?

14 MR. DANIEL G. GIACOMINI: Yes.

15 MS. ANDREA CAROE: Rigo?

16 MR. RIGOBERTO I. DELGADO: Yes.

17 MS. ANDREA CAROE: Jennifer?

18 MS. JENNIFER M. HALL: Yes.

19 MS. ANDREA CAROE: Jeff?

20 MR. JEFFREY W. MOYER: Yes.

21 MS. ANDREA CAROE: Kevin?

22 MR. KEVIN ENGELBERT: Yes.

23 MS. ANDREA CAROE: Hue?

1 MR. HUBERT J. KARREMAN: Yes.

2 MS. ANDREA CAROE: Tina?

3 MS. KRISTINE ELLOR: Yes.

4 MS. ANDREA CAROE: Jerry?

5 MR. GERALD A. DAVIS: Yes.

6 MS. ANDREA CAROE: And Steve?

7 MR. STEVE DEMURI: Yes.

8 MS. ANDREA CAROE: Chair votes yes. So

9 that's no no votes, 15 in favor, the motion

10 passes. Okay. Moving on to Handling Sunset

11 materials. Thank you for the joint policy crops,

12 livestock committee. I think I got everybody

13 there. There's nearly a whole board boat there.

14 Okay. **The first recommendation that**

15 **we're going to vote for is a grouping of 605a**

16 **materials which includes agar agar, carrageenan,**

17 **calcium sulfate—where is our—wait, I have it up.**

18 **No, no, no, it's on the recommendation. And**

19 **animal enzymes. Okay. Agar agar, animal enzymes,**

20 **calcium sulfate, carrageenan. These are for 605a.**

21 There is an additional 605a item which will be

22 voted separately that was—

23 [Crosstalk.]

1 MS. ANDREA CAROE: Sorry. Is there any  
2 discussion?

3 FEMALE VOICE: We haven't even had a  
4 motion.

5 FEMALE VOICE: Oh, okay. I'm sorry. All  
6 right. Get in the groove here. Okay. Hold on  
7 one second. Let's just tee up the motion and then  
8 let's make the motion and then get a second.

9 FEMALE VOICE: Do—the recommendation of  
10 the handling committee was for the relisting of  
11 these four substances on 605a. Do I have a  
12 motion?

13 MALE VOICE: You can make it.

14 FEMALE VOICE: You can make it.

15 MS. JULIE S. WEISMAN: I move that these  
16 four materials be relisted on 605a. Do I have a  
17 second?

18 MR. JOSEPH SMILLIE: Second.

19 MS. ANDREA CAROE: So Julie Wiseman moves  
20 with Joe Smiley seconding. Any discussion on  
21 these items? Bea James.

22 MS. BEA E. JAMES: I have a question on  
23 the point of order. I just, I want to make sure

1 that everybody understands that we're voting on  
2 the handling Sunset materials as a group and that  
3 if there's any particular discussion on each one  
4 of the individual items, then we can pull those  
5 out and discuss it. Is that correct?

6 FEMALE VOICE: (A), I think that's  
7 correct and if anyone has an objection to them  
8 being voted as a group, we can vote on them  
9 separately.

10 MALE VOICE: Or pull out any one  
11 individually if somebody has a problem on that.  
12 That's why we--

13 FEMALE VOICE: [Interposing]  
14 [Unintelligible.]

15 MALE VOICE: Yeah, the ones out  
16 separately already.

17 MS. ANDREA CAROE: Katrina.

18 MS. KATRINA HEINZE: Similar to what I  
19 expressed at the March meeting, I work for a large  
20 consumer products company.

21 [Crosstalk.]

22 MS. KATRINA HEINZE: I'm only going to do  
23 it once so we don't have to do it for every

1 handling and crop material. There is a  
2 possibility that we, either now or in the future,  
3 use one or all of these materials. I just wanted  
4 everybody to know.

5 MS. ANDREA CAROE: Thank you for that.  
6 Bea?

7 MS. BEA E. JAMES: I don't know if it's  
8 appropriate for me to ask this question regarding  
9 a Sunset item, but I am curious anyway. I'll take  
10 whatever response I get.

11 Why agar agar, which is derived from  
12 seaweed, is on 205605, nonsynthetic-nonsynthetic.  
13 I don't understand that.

14 MS. ANDREA CAROE: I'll just take a--this  
15 is Sunset. We're not reviewing this material so  
16 Sunset is not the time for replacing, removing  
17 annotations, changing in it. It's about the  
18 continuation of regulations so you're voting to  
19 continue it where it is. If you disagree with  
20 where it is and you want to vote against it,  
21 that's your decision but we are--we can only at  
22 this time vote for maintaining it where it is.

23 MS. BEA E. JAMES: So if I had an issue



1 with agar agar, then we would vote on that one  
2 separately?

3 MS. ANDREA CAROE: If you—you could ask  
4 them—the person that made the motion to accept an  
5 amendment to delete that item for a further  
6 motion.

7 FEMALE VOICE: No, Andrea.

8 MS. ANDREA CAROE: Yes?

9 FEMALE VOICE: No.

10 MS. ANDREA CAROE: No?

11 FEMALE VOICE: If you—you can have an  
12 issue with it but, you know, you should have gone  
13 through this in the ANPRB. But the—as a Sunset  
14 material, the question before you is not to debate  
15 where it should be on the national list. It's  
16 simply to renew its exemption again. It's not to  
17 reconsider, you know, the worth of agar agar or  
18 whether the previous Board got it right when they  
19 put in on the—where they put it on the national  
20 list.

21 MS. BEA E. JAMES: So if I think it  
22 should be on the national list but it's the wrong  
23 place then—if I think it's in the wrong place,

1 then I would vote yes and then address that at  
2 another time?

3 FEMALE VOICE: Correct.

4 MS. BEA E. JAMES: Okay.

5 MS. ANDREA CAROE: Any further discussion  
6 on these items for Sunset? Hearing none, the vote  
7 is to relist. The recommendation is to relist so  
8 your yes vote is to relist these materials. I  
9 will call at this time for anybody that feels that  
10 they have a potential conflict that they need to  
11 disclose. Steve.

12 MR. STEVE DEMURI: Since Katrina started  
13 it, I also work for a large consumer product  
14 company. We do not use any of these-

15 [END 106939-2A]

16 [START 106939-2B]

17 MALE VOICE: -so I'll say that once.

18 MS. ANDREA CAROE: Does anybody on the  
19 Board feel that these conflicts are such that the  
20 member should not vote? Hearing none, I ask the  
21 members to vote. We will start the vote with  
22 Katrina.

23 MS. KATRINA HEINZE: Yes.

1 MS. ANDREA CAROE: Joe?  
2 MR. JOSEPH SMILLIE: Yes.  
3 MS. ANDREA CAROE: Bea?  
4 MS. BEA E. JAMES: Yes.  
5 MS. ANDREA CAROE: Julie?  
6 MS. JULIE S. WEISMAN: Yes.  
7 MS. ANDREA CAROE: Dan?  
8 MR. DANIEL G. GIACOMINI: Yes.  
9 MS. ANDREA CAROE: Rigo?  
10 MR. RIGOBERTO I. DELGADO: Yes.  
11 MS. ANDREA CAROE: Jennifer?  
12 MS. JENNIFER M. HALL: Yes.  
13 MS. ANDREA CAROE: Jeff?  
14 MR. JEFFREY W. MOYER: Yes.  
15 MS. ANDREA CAROE: Kevin?  
16 MR. KEVIN ENGELBERT: Yes.  
17 MS. ANDREA CAROE: Hue?  
18 MR. HUBERT J. KARREMAN: Yes.  
19 MS. ANDREA CAROE: Tina?  
20 MS. KRISTINE ELLOR: Yes.  
21 MS. ANDREA CAROE: Gerald?  
22 MR. GERALD A. DAVIS: Yes.  
23 MS. ANDREA CAROE: Steve?

1 MR. STEVE DEMURI: Yes.

2 MS. ANDREA CAROE: Tracy?

3 MS. TRACY MIEDEMA: Yes.

4 MS. ANDREA CAROE: **I got the initials**  
5 **[unintelligible]. And the chair votes yes. So**  
6 **zero against, fifteen in favor, the motion passes.**  
7 **Moving on.**

8 MS. JULIE S. WEISMAN: Yes. We have a  
9 second recommendation now, which is for the  
10 relisting of a **glucono-delta-lactone**, also on  
11 Section 605a of the national list. I would like  
12 to move at this time that glucono-delta-lactone be  
13 relisted.

14 MR. STEVE DEMURI: Second.

15 FEMALE VOICE: Thank you.

16 MS. ANDREA CAROE: Okay. So the motion  
17 is by Julie Weisman, second by Steve DeMuri.

18 Okay. I'm trying to—any discussion on this item?

19 MALE VOICE: Just to—asking the committee  
20 for a clarification. This was pulled off because  
21 of a different amount of public comment or  
22 significant difference in public comment?

23 FEMALE VOICE: I wanted to explain to my

1 fellow members, I was the no vote on this  
2 material. Prior to this meeting we had received  
3 very little public comment as to its continued use  
4 in the industry and so I wanted—I was concerned  
5 that I didn't fully understand how it was used. I  
6 am now satisfied by the comments we have received.  
7 So I just wanted to clarify for the Board that it  
8 is widely used and, you know, the products for  
9 which it is appropriate.

10 MS. ANDREA CAROE: Further discussion?  
11 Any potential conflicts of interest that you would  
12 like to disclose? Hearing none, we will move to  
13 vote starting with Joe.

14 MR. JOSEPH SMILLIE: Yes.

15 MS. ANDREA CAROE: Bea?

16 MS. BEA E. JAMES: Yes.

17 MS. ANDREA CAROE: Julie?

18 MS. JULIE S. WEISMAN: Yes.

19 MS. ANDREA CAROE: Dan?

20 MR. DANIEL G. GIACOMINI: Yes.

21 MS. ANDREA CAROE: Rigo?

22 MR. RIGOBERTO I. DELGADO: Yes.

23 MS. ANDREA CAROE: Jennifer?

1 MS. JENNIFER M. HALL: Yes.

2 MS. ANDREA CAROE: Jeff?

3 MR. JEFFREY W. MOYER: Yes.

4 MS. ANDREA CAROE: Kevin?

5 MR. KEVIN ENGELBERT: Yes.

6 MS. ANDREA CAROE: Hue?

7 MR. HUBERT J. KARREMAN: Yes.

8 MS. ANDREA CAROE: Tina?

9 MS. KRISTINE ELLOR: Yes.

10 MS. ANDREA CAROE: Gerald?

11 MR. GERALD A. DAVIS: Yes.

12 MS. ANDREA CAROE: Steve?

13 MR. STEVE DEMURI: Yes.

14 MS. ANDREA CAROE: Tracy?

15 MS. TRACY MIEDEMA: Yes.

16 MS. ANDREA CAROE: Katrina?

17 MS. KATRINA HEINZE: Yes.

18 MS. ANDREA CAROE: And the chair votes

19 yes. Zero against, fifteen in favor, the vote—the

20 motion passes. Moving on.

21 MS. JULIE S. WEISMAN: Okay. We have a

22 third Sunset recommendation, and that is for the

23 relisting of **cellulose** on Section 205605b of the

1 national list. That would be synthetics allowed  
2 in handling.

3 MS. ANDREA CAROE: Is there a second?

4 MS. KRISTINE ELLOR: Second.

5 MS. ANDREA CAROE: Okay. So I have a  
6 motion by Julie Weisman and a second by Tina  
7 Ellor, Kristine Ellor, whichever you like to be  
8 called. Any discussion on this item? Okay. Any  
9 potential conflicts of interest, any cellulose  
10 people here? No cellulose people. Hearing none,  
11 we'll move to vote starting with Bea James.

12 MS. BEA E. JAMES: Yes.

13 MS. ANDREA CAROE: Julie Weisman?

14 MS. JULIE S. WEISMAN: Yes.

15 MS. ANDREA CAROE: Dan?

16 MR. DANIEL G. GIACOMINI: Yes.

17 MS. ANDREA CAROE: Rigo?

18 MR. RIGOBERTO I. DELGADO: Yes.

19 MS. ANDREA CAROE: Jennifer?

20 MS. JENNIFER M. HALL: Yes.

21 MS. ANDREA CAROE: Jeff?

22 MR. JEFFREY W. MOYER: Yes.

23 MS. ANDREA CAROE: Kevin?

1 MR. KEVIN ENGELBERT: Yes.

2 MS. ANDREA CAROE: Hue?

3 MR. HUBERT J. KARREMAN: Yes.

4 MS. ANDREA CAROE: Tina?

5 MS. KRISTINE ELLOR: Yes.

6 MS. ANDREA CAROE: Gerald?

7 MR. GERALD A. DAVIS: Yes.

8 MS. ANDREA CAROE: Steve?

9 MR. STEVE DEMURI: Yes.

10 MS. ANDREA CAROE: Tracy?

11 MS. TRACY MIEDEMA: Yes.

12 MS. ANDREA CAROE: Katrina?

13 MS. KATRINA HEINZE: Yes.

14 MS. ANDREA CAROE: Joe?

15 MR. JOSEPH SMILLIE: Yes.

16 MS. ANDREA CAROE: And the chair votes

17 yes. That's zero against, fifteen in favor. The

18 motion passes. Moving on.

19 MS. JULIE S. WEISMAN: Okay. We're now

20 moving into petitioned materials and we have two

21 up for vote this morning. The first one is **grape**

22 **seed extract**, which was—it's material that we—was

23 not able, for time reasons, to be included in the



1 March meeting and so we are addressing it in this  
2 meeting. This is being petitioned for 606. That  
3 is an agricultural product, a non-organically  
4 produced agricultural product for 606. The  
5 handling committee—where's the vote?

6 [Crosstalk.]

7 MS. JULIE S. WEISMAN: Okay. All right.  
8 Yeah, this—okay. Thank you. The handling  
9 committee vote for this was three, four—were three  
10 in favor, no opposed, two members were absent that  
11 day.

12 FEMALE VOICE: Make the motion.

13 MS. JULIE S. WEISMAN: I move—the  
14 recommendation is for grape seed extract to be  
15 added to section 606 of the national list.

16 MS. ANDREA CAROE: Is there a second?

17 MR. STEVE DEMURI: I'll second.

18 MS. ANDREA CAROE: Motion was made by  
19 Julie Weisman, seconded by Steve DeMuri. Any  
20 discussion on grape seed extract? No discussion?  
21 Okay. Any potential conflicts of interest with  
22 grape seed extract? Okay. We will go to vote  
23 starting with Julie.

1 MS. JULIE S. WEISMAN: I vote yes.

2 MS. ANDREA CAROE: Dan?

3 MR. DANIEL G. GIACOMINI: No.

4 MS. ANDREA CAROE: Rigo?

5 MR. RIGOBERTO I. DELGADO: Yes.

6 MS. ANDREA CAROE: Jennifer?

7 MS. JENNIFER M. HALL: No.

8 MS. ANDREA CAROE: Jeff?

9 MR. JEFFREY W. MOYER: No.

10 MS. ANDREA CAROE: Kevin?

11 MR. KEVIN ENGELBERT: No.

12 MS. ANDREA CAROE: Hue?

13 MR. HUBERT J. KARREMAN: No.

14 MS. ANDREA CAROE: Tina?

15 MS. KRISTINE ELLOR: No.

16 MS. ANDREA CAROE: Gerald?

17 MR. GERALD A. DAVIS: No.

18 MS. ANDREA CAROE: Steve?

19 MR. STEVE DEMURI: Yes.

20 MS. ANDREA CAROE: Tina—yeah, Tracy?

21 MS. TRACY MIEDEMA: Yes.

22 MS. ANDREA CAROE: One of the "T"s.

23 Katrina?

1 MS. KATRINA HEINZE: Yes.

2 MS. ANDREA CAROE: Joe?

3 MR. JOSEPH SMILLIE: Yes.

4 MS. ANDREA CAROE: Bea?

5 MS. BEA E. JAMES: No.

6 MS. ANDREA CAROE: And the chair votes  
7 yes. Eight no, seven in favor. The motion fails.  
8 Moving along.

9 MS. JULIE S. WEISMAN: Okay. We have a  
10 second item, petitioned item, up for vote this  
11 morning. It was—it's **Gellan Gum**, which was voted  
12 at the spring meeting but we—a motion was made and  
13 we voted yesterday to reconsider this item. We've  
14 heard quite—well, I shouldn't [unintelligible].  
15 We've heard a lot of public comment in the past  
16 few days on Gellan Gum. We had an opportunity  
17 here, a lot of expert information was offered  
18 during this meeting and so we now—we now have a  
19 recommendation and I move—the motion is for Gellan  
20 Gum to be added to Section 605a of the national  
21 list. That is a nonagricultural, nonsynthetic—did  
22 I say something [unintelligible]? Okay.  
23 Nonagricultural, nonsynthetic material.

1 MS. ANDREA CAROE: Is there a second?

2 MR. JOSEPH SMILLIE: Yes, seconded.

3 MS. ANDREA CAROE: Motion is made by  
4 Julie Weisman, seconded by Joe Smillie. Is there  
5 discussion on this item? Katrina.

6 MS. KRISTINE ELLOR: Maybe a point of  
7 clarification. My understanding is that our  
8 recommendation is for listing on 605b.

9 MS. JULIE S. WEISMAN: No. That's  
10 incorrect. I want to make sure that it is  
11 absolutely clear, the petition was made—the  
12 petitioner asked for a listing on 605b but it is—  
13 after all of our deliberations and all of the  
14 explanations we've heard in the last three days,  
15 this is absolutely material being recommended for  
16 inclusion on 605a.

17 MS. KRISTINE ELLOR: I'm looking at the  
18 screen, that's why I'm confused.

19 MS. JULIE S. WEISMAN: Okay.

20 MALE VOICE: Madame Chair—

21 MS. ANDREA CAROE: [Interposing] I'll  
22 have to—that's something I'll have to update for  
23 the record. Dan?

1                   MR. DANIEL G. GIACOMINI: This was also a  
2 reconsider of the previous vote. So if we had-it  
3 needs to be the same as the vote at the March  
4 meeting. If we want to change from that, that  
5 motion would then need to be amended.

6                   FEMALE VOICE: Fair enough. So we have  
7 actually a motion for 605b and we can amend it at  
8 that time-at this time if somebody wants to offer  
9 an amendment.

10                  MALE VOICE: Madame Chair?

11                  MS. ANDREA CAROE: Dan.

12                  MR. DANIEL G. GIACOMINI: I move to amend  
13 the motion to 605a.

14                  MS. ANDREA CAROE: Is it accepted by the  
15 principal motion? Julie, do you accept that?

16                  MS. JULIE S. WEISMAN: Absolutely.

17                  MS. ANDREA CAROE: Joe, do you accept  
18 that as a second?

19                  MR. JOSEPH SMILLIE: Yes.

20                  MS. ANDREA CAROE: Okay. So now we have  
21 a motion on the table for listing of Gellan Gum on  
22 605a. Discussion?

23                  MALE VOICE: Just a technicality.

1 Actually, since I was not here in March, I did not  
2 vote on this, does that come into play here? Is  
3 it the same people voting or it's present here and  
4 now?

5 MS. ANDREA CAROE: No. You're on the  
6 Board. Any other discussion on this? This is a  
7 reconsideration and we really want to make sure  
8 that we're discussing this. Katrina?

9 MS. KATRINA HEINZE: I am under the  
10 belief that it still belongs on 605b. Gellan Gum  
11 is processed in a way very similar to Xanthan  
12 [phonetic] Gum, which is on the national list  
13 under 605b. Both are fermentation products that  
14 are separated by isopropyl alcohol. So I just  
15 wanted to get that out for folks' discussion as we  
16 vote on whether it's listed on 605a or 605b.

17 MS. ANDREA CAROE: Dan?

18 MR. DANIEL G. GIACOMINI: In the  
19 procedure of—the person making the motion and the  
20 second both accepting it, at this time your only  
21 option then would be to make another amendment or  
22 vote it down.

23 MS. KATRINA HEINZE: Vote the material—

1 MS. ANDREA CAROE: [Interposing] Katrina.

2 MS. KATRINA HEINZE: -or make a second  
3 amendment. Are those my choices?

4 MALE VOICE: Vote no or second amendment.

5 MS. KATRINA HEINZE: I move that Gellan  
6 Gum—I'm not sure exactly what to move. Let's see.  
7 I move that Gellan Gum, the recommendation be  
8 changed to list it on 605b.

9 MS. ANDREA CAROE: Is there a second for  
10 it?

11 MALE VOICE: Second.

12 MS. ANDREA CAROE: Okay. Oh, wait a  
13 second. I'm sorry. I shouldn't have done it that  
14 way. If it's a friendly amendment it is accepted  
15 by you, Julie, as the principal motion. Do you  
16 accept the amendment?

17 MS. JULIE S. WEISMAN: I don't.

18 MS. ANDREA CAROE: Okay. It's an  
19 unfriendly amendment, I guess. So is there a  
20 second to that? Am I doing this right, Dan?

21 MR. DANIEL G. GIACOMINI: Yes.

22 MS. ANDREA CAROE: Okay. So is there a  
23 second to Katrina's unfriendly amendment?

1 MR. GERALD A. DAVIS: Second.

2 MS. ANDREA CAROE: Gerald. Okay. So  
3 now—where are we? Do we have to vote on the  
4 amendment?

5 MALE VOICE: Yes.

6 MS. ANDREA CAROE: Okay. We have to vote  
7 now and we'll do this by voice vote to amend—we  
8 are voting to amend the motion to change the  
9 placement of Gellan Gum to 605b instead of 605a.  
10 Is there discussion on this? Tracy, and then  
11 Jeff.

12 MS. TRACY MIEDEMA: Yes, a point of  
13 discussion and clarification from yesterday. My  
14 understanding is that the most germane issue is  
15 that we're voting whether to add something to the  
16 national list and that ultimately the program will  
17 decide whether it resides under A or B?

18 MS. ANDREA CAROE: That's true. Jeff?

19 MR. JEFFREY W. MOYER: My question was  
20 just to Julie to see if she could explain why she  
21 wanted it on A because I already got Katrina's  
22 explanation on why she wanted it on B.

23 MS. JULIE S. WEISMAN: Yeah. The fact



1 that there is a synthetic processing aid does not  
2 make this a synthetic product. It's a processing  
3 aid, it's not an ingredient. Okay. And I also  
4 think that the fact the although we do look at  
5 the--although it is certainly our charge to respect  
6 the decisions of previous Boards, the definitions  
7 of material has not been consistent over the years  
8 and I don't think the fact that Xanthan gum,  
9 having a similar process--and I haven't looked,  
10 compared those two--but I don't think the fact that  
11 that resides on a different part of the list  
12 should set the precedent for where this one--we  
13 should go on our own.

14 MR. JEFFREY W. MOYER: But the petitioner  
15 originally asked to be put on B; is that correct?

16 MS. JULIE S. WEISMAN: Yes. And  
17 petitioners often don't, I mean they have their  
18 own understanding and some of it is some--the level  
19 of their understand varies, as does ours, about  
20 where things belong at different times.

21 MS. ANDREA CAROE: Just a clarification.  
22 We're not beholden to what they're asking for  
23 placement. Just to get it--just the material. So

1 Joe, you had a point?

2 MR. JOSEPH SMILLIE: Point of order,  
3 Madame Chair, I would request that we vote on this  
4 amendment in the same manner as the other votes  
5 rather than up or down, or request that we—

6 MS. ANDREA CAROE: [Interposing] A poll  
7 vote?

8 MR. JOSEPH SMILLIE: A poll vote. Yes,  
9 ma'am.

10 MS. ANDREA CAROE: Okay. Hue. I'm  
11 sorry.

12 MR. HUBERT J. KARREMAN: Okay. I'm a  
13 little confused but regarding the A and the B,  
14 they have different definitions and I know in  
15 Sunset we're not trying to—we're not trying to  
16 declare if it's in the right category or not.  
17 We're just voting on it. But this is a petition  
18 material; correct? I mean this is like first time  
19 on the list. So we need to know clearly—at least  
20 I do—what I'm going to be voting on here, if it's  
21 going to be under A or B.

22 Sorry. I know we're trying to get to  
23 that but it makes a difference in the vote. I

1 don't—because—not because, but—or will the NOP  
2 still place it where it needs to go. But  
3 regardless of that, we need to know how to vote,  
4 like what it's coming into as far as our purview.

5 MS. ANDREA CAROE: Bob?

6 BOB POOLER: Bob Pooler, USDA National  
7 Organic Program. Traditionally the Board has  
8 initially voted on whether material is synthetic  
9 or nonsynthetic and than after that vote decide—  
10 you know, that vote decides where, what section  
11 material may go in if it's approved.

12 MS. ANDREA CAROE: Thank you for that,  
13 Bob. I'd like—I know we've got more questions,  
14 but I'd like Kim Dietz, if you can come up and  
15 just help sort this out.

16 KIM DIETZ: Kim Dietz, and I don't  
17 represent the NOP so, you know, I'm just going on  
18 history and what we've done in the past. So I'll  
19 just have to give you my guidance from that and  
20 Bob is correct. Typically when you vote on a  
21 material you do vote synthetic, nonsynthetic.  
22 We've done that to help clarify so you know what  
23 section of the list to go on.

1           At the same time, you're making your best  
2 judgment with the information that you have and if  
3 you recommend that it goes on A and it really  
4 should go on B, then you would hope that gets  
5 clarified through public comment when you post the  
6 Federal register notice and you have to make the  
7 best judgment that you can.

8           So that being said, also if you have a  
9 similar product that's in the wrong place, there  
10 are mechanisms to move that, to petition to move  
11 it or if there's a clarification of the national  
12 list, you can move things because you know there  
13 are things in the wrong places. So hopefully that  
14 answers your question.

15           MS. ANDREA CAROE: Bea has a question.

16           MS. BEA E. JAMES: No, I don't.

17           [Crosstalk.]

18           MS. ANDREA CAROE: Bea has a question and  
19 then Gerald. Do you have any?

20           [Crosstalk.]

21           FEMALE VOICE: If you vote to put this on  
22 the national list, this is the beginning of  
23 rulemaking. Then we will get public comment and,

1 you know, there will ultimately be—you know,  
2 there'll be a lot of feedback and it may  
3 ultimately turn out that when the program writes  
4 the final rule it will say well, hey, even though  
5 we just, you know, the Board said it should go, we  
6 say it should go on a 605, ultimately it has been  
7 determined through the public comment and, you  
8 know, whatever, that while the Board said it  
9 should go on 605b or a, that the program has  
10 determined that it really should go on A or B.  
11 But, you know, this can get sorted out.

12           So I just—I guess what I'm trying to say  
13 is don't—this isn't like do or die, really, I mean  
14 I know—you do it the best that you can given the  
15 information that you have. I just don't want to  
16 see you have dueling sword battles over this and  
17 say oh my god, if it's, you know, if we can't  
18 determine whether it's A or B, well, we're just  
19 not going to—we'll reject the whole thing out of—  
20 because that's what I—where I sort of sense you're  
21 about to go. If we can't make up our minds here,  
22 we'll just vote it off. Don't do that. Take your  
23 best—do the best you can with the information that

1 you have and we'll get this sorted out through a  
2 process.

3 MS. ANDREA CAROE: Okay. Bea?

4 MALE VOICE: No, go ahead. I was going  
5 to say something else.

6 [Crosstalk.]

7 MS. BEA E. JAMES: Okay. I think because  
8 of all of the confusion, for some reason this  
9 material has got a jinx on it or something, I  
10 don't know, but I would like to ask that the  
11 people from CP Kelco come up and just very briefly  
12 explain why you petitioned for it to be on B,  
13 which is synthetic, instead of A, which is  
14 nonsynthetic.

15 [Crosstalk.]

16 FEMALE VOICE: Hold on, hold on. Gerald?

17 [Crosstalk.]

18 MR. GERALD A. DAVIS: I wanted to point  
19 out what Kelco said yesterday was that—and the  
20 influencing factor that caused me to second  
21 Katrina's motion was the 500 parts, 450 to 500  
22 parts per million of isopropyl alcohol that  
23 remains in the Gellan Gum. That's within their

1 allowed—amounts are allowed and everything, but  
2 that is what remains and that's why in our  
3 discussions over the last few years over what is  
4 synthetic versus nonsynthetic is how much  
5 extraction is left in the finished product and  
6 whether—

7 MS. ANDREA CAROE: [Interposing] Okay.

8 MR. GERALD A. DAVIS: —that influences  
9 whether it's synthetic or not.

10 FEMALE VOICE: Let me just qualify. This  
11 motion is not to add isopropyl alcohol to our  
12 list. It's to add Gellan Gum.

13 MR. GERALD A. DAVIS: I understand.

14 FEMALE VOICE: No—but Gellan Gum  
15 [unintelligible] material.

16 MR. GERALD A. DAVIS: I know.

17 [Crosstalk.]

18 MR. GERALD A. DAVIS: Which is nothing  
19 wrong with that it's just—

20 MS. ANDREA CAROE: [Interposing] All  
21 right. Let's get the gentleman from CP Kelco to  
22 address this very quickly.

23 FEMALE VOICE: Can I make one more

1 comment? Your handling committee has made a  
2 recommendation. Your handling committee has  
3 determined, to the best of their knowledge,  
4 whether it's synthetic or nonsynthetic. Your  
5 handling committee are the experts on the Board on  
6 a material. So that's one thing.

7           The amount of alcohol, the amount of the-  
8 whatever the extraction, is considered a  
9 processing, an aid under the CFRs. Doesn't that  
10 deem something synthetic, it's an allowed  
11 processing and remember the consistency of what  
12 your doing and remember your definitions and  
13 again, just do the best you can.

14           MS. ANDREA CAROE: Okay. I'm going to  
15 rein this in. I do want to hear from the  
16 gentleman from CP Kelco and why-addressing Bea  
17 James' question, why you initially asked for 605b  
18 listing.

19           RICK GREEN: Okay. Again, I'm Rick Green  
20 from CP Kelco and we basically just put it in the  
21 same place, 605b, because Xanthan was there  
22 because it was the-very similar material. So we  
23 were just going on what the previous, you know,



1 decision was made and, you know, we don't have  
2 any—if we had thought 605a was a better choice we  
3 could have petitioned for that. That was really  
4 the only reason, is that we looked for the most  
5 similar material and it seemed to make sense that  
6 it would go there. So if that material was  
7 initially, you know, mislisted, you know, we have  
8 no objection to, you know, having it on either  
9 list. That's, you know, the basic reason was  
10 because it seemed to make sense to us at the time.

11 MS. ANDREA CAROE: Okay. I'll ask for  
12 more questions, but I just want to remind this  
13 Board that diminimus [phonetic] processing aids,  
14 just like Kim Dietz has just indicated, are not  
15 what we consider and they are allowed through  
16 other federal regulation. It's inconsistent with  
17 other Board deliberations for us to take those  
18 insignificant amounts and disqualify useful  
19 materials for organic production. I think that's  
20 kind of over and above.

21 Go ahead, Katrina.

22 MS. KATRINA HEINZE: I do want to remind  
23 the Board that in addition to the isopropyl

1 alcohol or maybe separately from that is a better  
2 phrasing, that there is some discussion that the  
3 functionality of this ingredient can be slightly  
4 modified to the changes of the acetyl groups and  
5 that similar to Xanthan Gum—or is very similar to  
6 Xanthan Gum. So my belief that it's on 605b has  
7 more—is related to that.

8 MS. ANDREA CAROE: Would the gentleman  
9 from CP Kelco like to address the acetyl group  
10 manipulation?

11 RICK GREEN: I think as we pointed out  
12 yesterday, you know, in the TAP [phonetic] review  
13 they addressed that same—it doesn't really change  
14 the food identity. It wouldn't change the cas  
15 number. It's basically Gellan Gum. So, you know,  
16 it's still the same food material and I'm not sure  
17 what more detail you'd like on that.

18 MS. KATRINA HEINZE: It's just my point  
19 that it goes through some chemical change during  
20 that, as indicated in the TAP. Very minor. It's  
21 just some change in the acetyls.

22 MS. ANDREA CAROE: Tina.

23 MS. KRISTINE ELLOR: Yeah, I have to say

1 that when we originally looked at Gellan Gum I  
2 considered it to be synthetic based on that it  
3 was—there were changes in the acetyl groups. So,  
4 you know, were there changes to food identity? Is  
5 that still a chemical change? That would be my  
6 question, I guess.

7 RICK GREEN: I guess that would be better  
8 for a chemist to decide because chemical changes  
9 can be part of the actual, you know, the bacterial  
10 fermentation itself. So if the bacteria makes the  
11 change, you know, if there's inherent variability  
12 in the Gellan itself, is that a chemical change in  
13 processing? It's—as to whether it goes on 605a or  
14 605b, it's really not an issue for us or for the  
15 end users.

16 MS. ANDREA CAROE: Tina.

17 MS. KRISTINE ELLOR: My question would be  
18 are the acetyl changes taking place as part of the  
19 downstream processing after the fermentation? And  
20 that would make that clear.

21 RICK GREEN: Well, they could take place  
22 either after fermentation or during fermentation  
23 because the amount of acetyl that's made by the

1 bacteria is variable. So if you have a batch  
2 where it's got low acetyl or high acetyl, then you  
3 don't have any further changes. You could, you  
4 know, manipulate it further if you needed to do  
5 that as well.

6 MS. KRISTINE ELLOR: Do you manipulate it  
7 further? Do you manipulate the acetyl groups as  
8 part of your downstream processing?

9 RICK GREEN: You can reduce the acetyl  
10 groups, yes.

11 MS. KRISTINE ELLOR: Do you?

12 RICK GREEN: As to whether we do, I would  
13 say yes. And it's really a matter of batch  
14 variability because if you need low ethol  
15 [unintelligible] because someone has an  
16 application and your bacteria is producing higher  
17 [Unintelligible.] [Phonetic.] then you can  
18 chemically change it. But you don't necessarily  
19 need to. And because these are biological batch  
20 processes, it will vary. But so yes, it can be  
21 chemically modified and if necessary we could do  
22 that. So if that would make it a synthetic as  
23 opposed to a nonsynthetic...

1 MS. ANDREA CAROE: Okay. Hue.

2 MR. HUBERT J. KARREMAN: Well, I think  
3 from what you're just saying, that the original  
4 change is due to the biological processing  
5 fermentation, to me then says that's a natural  
6 process because it's biological and that's your-  
7 and then occasionally you have to change it  
8 because of biological variability, but now I  
9 understand what you're saying, Katrina. But if  
10 it's due to the fermentation and that's a  
11 biological process, that to me is the basis for it  
12 to be still natural.

13 MS. ANDREA CAROE: Any other discussion?  
14 At this time, just to clean this up I would make  
15 the recommendation that we withdraw the present  
16 motion that's on the table and that perhaps  
17 somebody move that we deem this synthetic or  
18 nonsynthetic, however you want to word it, and  
19 vote on that portion first.

20 MS. KATRINA HEINZE: I withdraw my  
21 motion.

22 MS. ANDREA CAROE: Katrina, it's not your  
23 motion, actually. The motion on the floor-

1 [Crosstalk.]

2 MS. ANDREA CAROE: Okay. You're  
3 withdrawing your motion. Okay. Then I need also,  
4 Julie, for you to withdraw your motion.

5 MS. JULIE S. WEISMAN: Okay. I will  
6 withdraw my motion.

7 MS. ANDREA CAROE: Okay. So we have no  
8 motions on the floor at this time. All right.  
9 Anybody want to make one?

10 [Laughter.]

11 MS. ANDREA CAROE: Julie? Oh, Joe?

12 MR. JOSEPH SMILLIE: I'd like to move  
13 that Gellan Gum be considered as a nonsynthetic  
14 and placed on 605a.

15 MS. ANDREA CAROE: No. We don't want to  
16 get in the mess. Let's just deem in synthetic or  
17 nonsynthetic at this time.

18 MR. JOSEPH SMILLIE: I'll withdraw that.  
19 I would like to move, Madame Chair, that Gellan  
20 Gum be regarded as nonsynthetic.

21 MALE VOICE: Second. Okay.

22 MS. ANDREA CAROE: I didn't catch that.  
23 Who second?

1 FEMALE VOICE: Bea.

2 MS. ANDREA CAROE: Bea. Okay. All  
3 right. Now, we can have more discussion on this.  
4 So—

5 MALE VOICE: [Interposing] Madame  
6 Chairman, question to the program. Mark, would  
7 this be a decisive vote?

8 MARK: This should just go one way or the  
9 other.

10 [Crosstalk.]

11 FEMALE VOICE: So what do you want him to  
12 have, a majority?

13 MALE VOICE: Just a simple majority.

14 MS. ANDREA CAROE: A simple majority will  
15 do. We're not adding anything to the list at this  
16 point. We're just—

17 FEMALE VOICE: You're just making up your  
18 mind.

19 [Crosstalk.]

20 MS. ANDREA CAROE: I'll refrain from  
21 comment on that. Okay, so the discussion is  
22 whether—well, the discussion is on the motion that  
23 Gellan Gum is nonsynthetic. Any discussion?

1 Tina.

2 MS. KRISTINE ELLOR: I'd actually love to  
3 hear from [unintelligible] on this, if we could  
4 indulge me.

5 MS. ANDREA CAROE: We invite Brian Baker  
6 to the podium to give his words of wisdom.

7 FEMALE VOICE: State your name and  
8 affiliation.

9 BRIAN BAKER: Thank you. Brian Baker,  
10 research director, Organic Materials Review  
11 Institute and also former TAP reviewer, and NOSB  
12 wannabe.

13 I would point out to the Board that this  
14 is an important decision, whether it's synthetic  
15 or nonsynthetic and it has—there's an implicit  
16 source restriction in 605. If something is on  
17 605a, that means that it has to be from a  
18 nonsynthetic or natural source. There are a  
19 number of items that are on 605a that can be from  
20 a synthetic or nonsynthetic source. For example,  
21 calcium chloride can be extracted from brine. It  
22 can also be produced by the [unintelligible]  
23 process. If someone were to ask to have a product



1 with, for example, calcium chloride, then—to be  
2 used in organic processing, for processing a  
3 produce labeled as organic, that would need to be  
4 documented to be a nonsynthetic source.

5           Similarly with Xanthan Gum, there was a  
6 discussion about the various different sources of  
7 Xanthan Gums. Many are nonsynthetic. Some are  
8 chemically modified by means similar to what was  
9 discussed. So if you decide that only the  
10 nonsynthetic sources of Gellan Gum are permitted,  
11 and it's on 605a, there is an implicit source  
12 restriction there that will need to be verified by  
13 the certifiers and by their agents. If on the  
14 other hand it is on 605b, it is less restrictive  
15 and the source is less important and these  
16 chemically modified Gellan Gums would then be  
17 permitted.

18           MS. ANDREA CAROE: Thank you, Brian. Any  
19 further discussion on the nonsynthetic nature of  
20 Gellan Gum? Hearing none, we will vote on this  
21 motion. I will restate, the motion is to consider  
22 Gellan Gum nonsynthetic. The motion was made by  
23 Joe Smillie and seconded by Bea James. And we are

1 starting with Dan.

2 MR. DANIEL G. GIACOMINI: Yes.

3 MS. ANDREA CAROE: Rigo?

4 MR. RIGOBERTO I. DELGADO: Yes.

5 MS. ANDREA CAROE: Jennifer?

6 MS. JENNIFER M. HALL: Yes.

7 MS. ANDREA CAROE: Jeff?

8 MR. JEFFREY W. MOYER: Yes.

9 MS. ANDREA CAROE: Kevin?

10 MR. KEVIN ENGELBERT: Yes.

11 MS. ANDREA CAROE: Hue?

12 MR. HUBERT J. KARREMAN: Yes.

13 MS. ANDREA CAROE: Tina?

14 MS. KRISTINE ELLOR: I'm going to say no.

15 MS. ANDREA CAROE: Gerald?

16 MR. GERALD A. DAVIS: Yes.

17 MS. ANDREA CAROE: Steve?

18 MR. STEVE DEMURI: Yes.

19 MS. ANDREA CAROE: Tracy?

20 MS. TRACY MIEDEMA: Yes.

21 MS. ANDREA CAROE: Katrina?

22 MS. KATRINA HEINZE: No.

23 MS. ANDREA CAROE: Joe?

1 MR. JOSEPH SMILLIE: Yes.

2 MS. ANDREA CAROE: Bea?

3 MS. BEA E. JAMES: Yes.

4 MS. ANDREA CAROE: Julie?

5 MS. JULIE S. WEISMAN: Yes.

6 MS. ANDREA CAROE: And the chair votes

7 yes. So that is two against and thirteen in

8 favor. Gellan Gum is now nonsynthetic.

9 Now, next up?

10 MS. JULIE S. WEISMAN: I move that Gellan

11 Gum be added to Section 605a of the national list.

12 MS. ANDREA CAROE: Is there a second?

13 MS. JULIE S. WEISMAN: Be added, excuse

14 me.

15 MR. STEVE DEMURI: Second.

16 MS. ANDREA CAROE: Steve. Motion is made

17 by Julie Weisman and seconded by Steve Demuri.

18 Further discussion on adding Gellan Gum to 605a?

19 Katrina.

20 MS. KATRINA HEINZE: All that being said,

21 the last [unintelligible] that we spent, this

22 material has lots of good uses for organic

23 products and I would ask the Board to consider

1 that many similar gums exist on the list and are  
2 widely used.

3 MS. ANDREA CAROE: I would say that that  
4 is not a criteria for 605a. It is a criteria for  
5 605b.

6 MS. KATRINA HEINZE: Thank you.

7 MS. ANDREA CAROE: Dan?

8 MR. DANIEL G. GIACOMINI: I would just  
9 like to make a very quick point, but to get it on  
10 the record that the discussion that we've been  
11 having over this whole period on this item makes--  
12 the problems we had with it at the last meeting  
13 was far more than just a little bit of nonlinear  
14 issues and being late in the day and some people  
15 leaving. It's a complicated issue with a lot of  
16 possibilities. It's good we're reconsidering it  
17 but I just want to go back that for people that  
18 were critical of that decision, they look at the  
19 process that even at this point in time this is  
20 still taking.

21 MS. ANDREA CAROE: Well, we all feel  
22 vindicated now. Any further discussion on Gellan  
23 Gum for addition to 605a? Going, going. Okay.

1 Time to vote. We will start with Rigo.

2 MR. RIGOBERTO I. DELGADO: Yes.

3 FEMALE VOICE: I'm sorry. I'm having  
4 trouble.

5 MS. ANDREA CAROE: Jennifer?

6 MS. JENNIFER M. HALL: Yes.

7 MS. ANDREA CAROE: Jeff?

8 MR. JEFFREY W. MOYER: Yes.

9 MS. ANDREA CAROE: Kevin?

10 MR. KEVIN ENGELBERT: Yes.

11 MS. ANDREA CAROE: Hue?

12 MR. HUBERT J. KARREMAN: Yes.

13 MS. ANDREA CAROE: Tina?

14 MS. KRISTINE ELLOR: Yes.

15 MS. ANDREA CAROE: Gerald?

16 MR. GERALD A. DAVIS: Yes.

17 MS. ANDREA CAROE: Steve?

18 MR. STEVE DEMURI: Yes.

19 MS. ANDREA CAROE: Tracy?

20 MS. TRACY MIEDEMA: Yes.

21 MS. ANDREA CAROE: Katrina?

22 MS. KATRINA HEINZE: Yes.

23 MS. ANDREA CAROE: Joe?

1 MR. JOSEPH SMILLIE: Yes.

2 MS. ANDREA CAROE: Bea?

3 MS. BEA E. JAMES: Yes.

4 MS. ANDREA CAROE: Julie?

5 MS. JULIE S. WEISMAN: Yes.

6 MS. ANDREA CAROE: Dan?

7 MR. DANIEL G. GIACOMINI: Yes.

8 MS. ANDREA CAROE: And the chair votes  
9 yes. Hallelujah, we're done.

10 FEMALE VOICE: Let's move from Gellan  
11 Gum.

12 MS. ANDREA CAROE: The vote was zero  
13 against, fifteen in favor. The motion passes and  
14 I suggest that we consider taking a break for  
15 lunch. It's now 11:40 if I'm converting from  
16 California. Right?

17 MALE VOICE: Madame Chair, I'd like to  
18 move we break for lunch.

19 MALE VOICE: Second.

20 MS. ANDREA CAROE: Do you have a conflict  
21 of interest?

22 MALE VOICE: Yes.

23 MS. ANDREA CAROE: All right. We will

1 stand in recess for one hour, coming back at  
2 12:45, no later.

3 MALE VOICE: Was there a second? Did I  
4 get a second?

5 [Background noise.]

6 [END 106939-2B]

7 [START MZ005031]

8 MS. ANDREA CAROE: All right, we'll  
9 reconvene, and Gerald, you're up with crops  
10 materials for a vote.

11 MR. GERALD A. DAVIS: Thank you, Madame  
12 Chairman. Yes, the first material that is on the  
13 floor is the new petition, **potassium silicate**.  
14 The first thing to point out is on the screen  
15 versus the posted recommendation we have struck  
16 out the plant or soil amendment item, which all  
17 three of these categories were voted on separately  
18 by our committee. The plan and soil amendment one  
19 has been deleted per request of the petitioner so  
20 it's not on the table for vote. The remaining two  
21 would be for plant disease control and as  
22 insecticide. The crops committee based on public  
23 comment we received in the discussions within the

1 board yesterday met on this subject last night and  
2 one other material to discuss whether we wanted to  
3 change our votes, reconsider, based on the  
4 testimony. So, we did meet, and we did—there was  
5 a motion and a second to revote on this based on  
6 the new information we were provided and the—five  
7 months ago when we initially considered this,  
8 several of the crops committee members mentioned  
9 that the strongest reason for them voting against  
10 listing it was they couldn't perceive there would  
11 be that much interest in the material and that  
12 much usefulness of it. So, that's some of the  
13 comments that were discussed within our committee  
14 last night. People were saying, you know, we have  
15 a lot more information now. We see a reason to  
16 revote. So, the vote was taken, and it was five  
17 yes, zero no, and one absent for listing potassium  
18 silicate for the as insecticide category, and we  
19 voted separately again also five zero, one absent,  
20 to list it as plant disease control. So we will—  
21 and that's designated at the bottom of the form on  
22 the screen and what transpired last night. So, I  
23 wanted to point that out, and the remaining



1 question we talked about yesterday concerns the  
2 annotation, and we didn't decide on that last  
3 night either way but decided to leave it open  
4 whether there would be a motion from anyone. We  
5 might entertain a notion to delete the annotation  
6 just for consistency's sake in cleaning up the  
7 recommendation. With that I'd like to-

8 MS. ANDREA CAROE: [Interposing] Okay,  
9 so exactly what is the motion? Or are you-have  
10 you made a motion?

11 MR. GERALD A. DAVIS: I guess I could. I  
12 will make the motion that we strike the  
13 annotation.

14 MS. ANDREA CAROE: Okay.

15 MR. GERALD A. DAVIS: Which is no  
16 industrial byproducts allowed in the manufacture.

17 MS. ANDREA CAROE: Let me just-I need to  
18 clarify things. What did your committee vote on?  
19 Was it with the annotation?

20 MR. GERALD A. DAVIS: We voted on it with  
21 the annotation as is.

22 MS. ANDREA CAROE: Okay, then we will  
23 discuss that and maybe amend your motion at this

1 point, but are you making a motion to allow this  
2 material for those two uses or do you prefer that  
3 we vote separately for each of these? I mean it  
4 seems like it was pretty consistent. Do you want  
5 to—I need a motion on the floor from the  
6 committee. The committee didn't vote that the  
7 annotation be deleted. So, bring the motion from  
8 the committee.

9 MR. GERALD A. DAVIS: As is.

10 MS. ANDREA CAROE: And then when we  
11 discuss it, we can—

12 MR. GERALD A. DAVIS: [Interposing]  
13 That's the time to bring in the question about the  
14 annotation?

15 MS. ANDREA CAROE: Yeah, yeah, we can  
16 discuss it on the floor.

17 MR. GERALD A. DAVIS: Being that we have  
18 deleted one of the categories, I would like to  
19 move that we vote on them individually. So, I  
20 would move that we—to vote on the use of potassium  
21 silicate beginning with as an insecticide to add  
22 it to the national list?

23 MS. ANDREA CAROE: Is there a second?

1 MR. JEFFREY W. MOYER: I'll second that.

2 MS. ANDREA CAROE: So, the motion has  
3 been made by Gerald Davis and seconded by Jeff  
4 Moyer to add potassium silicate to 601 as a, 601E,  
5 as an insecticide.

6 MR. GERALD A. DAVIS: Correct.

7 MS. BEA E. JAMES: With the annotation.

8 MS. ANDREA CAROE: With the annotation  
9 that is—

10 MR. GERALD A. DAVIS: [Interposing] At  
11 this point, yeah.

12 MS. ANDREA CAROE: Can you read the  
13 annotation because my eyes aren't—

14 MR. GERALD A. DAVIS: [Interposing] The  
15 annotation reads no industrial byproducts allowed  
16 in the manufacture.

17 MS. ANDREA CAROE: Okay, so we have a  
18 motion. We have a second. Is there discussion on  
19 this topic? Steve?

20 MR. STEVE DEMURI: Is it aqueous  
21 potassium silicate or just potassium silicate?

22 MR. GERALD A. DAVIS: As petitioned it's  
23 aqueous potassium silicate.

1 MS. ANDREA CAROE: Okay, then is the  
2 motion for aqueous potassium silicate?

3 MR. GERALD A. DAVIS: It will need to be  
4 because that is what the petition states?

5 MS. ANDREA CAROE: What is the  
6 recommendation from the committee?

7 MR. GERALD A. DAVIS: The recommendation  
8 says aqueous potassium silicate at the top.

9 MS. ANDREA CAROE: Further discussion.  
10 Now, you still have an annotation on attached, so?

11 MR. GERALD A. DAVIS: Correct.

12 MS. ANDREA CAROE: Further discussion?

13 MR. JEFFREY W. MOYER: There was  
14 discussion among the committee members whether or  
15 not it should be there, and there was a not a  
16 consensus We voted on the material the way it is.  
17 There was discussion about it afterwards, and  
18 there was a split decision—part of the committee  
19 wishes to keep it on. Part of it wishes to remove  
20 it, and so that's why it's a point of contention  
21 and discussion here.

22 MS. ANDREA CAROE: Tina?

23 FEMALE VOICE: I believe Jerry has new

1 information you gathered last night about the  
2 manufacturer of this that might affect the  
3 annotation if I remember correctly?

4 MR. GERALD A. DAVIS: Well, partly in the  
5 testimony yesterday they talked about what's the  
6 likelihood of slag materials, calcium Silicate,  
7 being used to make aqueous potassium silicate, and  
8 it's really not possible That's the testimony  
9 that I wanted to highlight so they according to  
10 the petitioner in their comments yesterday and  
11 they reiterated that in further conversations,  
12 just a repeat of it, that they don't know of any  
13 way that aqueous potassium silicate could be made  
14 out of calcium silicate slag.

15 MS. ANDREA CAROE: So, my question to you  
16 is why even have the annotation? It's an extra  
17 barrier of verification.

18 MR. GERALD A. DAVIS: Exactly.

19 MS. ANDREA CAROE: But you still have it.  
20 Nobody has made a motion to remove it so we're  
21 voting on it with an annotation.

22 MR. GERALD A. DAVIS: I understand that.

23 MS. ANDREA CAROE: Tina?

1 MS. KRISTINE ELLOR: Can I make a motion  
2 that we remove the annotation? Would this be  
3 appropriate?

4 MR. HUBERT J. KARREMAN: Second.

5 MS. ANDREA CAROE: And that is second.  
6 Yes. So, Tina Ellor has moved to remove the  
7 annotation from the recommendation, and actually  
8 before I get to you, Hue, Gerald, do you accept  
9 this as a friendly amendment. And does your  
10 second?

11 MR. JEFFREY W. MOYER: I do not.

12 MS. ANDREA CAROE: Okay, then it's an  
13 unfriendly amendment. Is there a second for it?

14 MR. HUBERT J. KARREMAN: Hue.

15 MS. ANDREA CAROE: Hue. I know I'm just  
16 trying to put this in. Okay, did I do that right,  
17 Dan?

18 MALE VOICE: Yeah. I'll tell you.

19 MS. ANDREA CAROE: You know, this is not  
20 my expertise. Okay, so what we have on the table  
21 is a motion to remove the annotation from the  
22 recommendation, and so is there discussion on  
23 that?

1                   MALE VOICE: One extra bit of  
2 information. I checked with Brian Baker just now  
3 about annotations on this material, and he points  
4 out that some of the other materials, like copper  
5 sulfate or copper do not have that sort of  
6 restriction so we wouldn't exactly be being  
7 consistent by adding an annotation on this  
8 particular form of disease control or insecticide.

9                   MS. ANDREA CAROE: Further discussion?  
10 Okay, let's vote on removing the annotation from  
11 the recommendation starting with Jennifer:

12                   MS. JENNIFER M. HALL: Yes.

13                   MS. ANDREA CAROE: Jeff?

14                   MR. JEFFREY W. MOYER: No.

15                   MS. ANDREA CAROE: Kevin?

16                   MR. KEVIN ENGELBERT: No.

17                   MS. ANDREA CAROE: Hue?

18                   MR. HUBERT J. KARREMAN: Yes.

19                   MS. ANDREA CAROE: Tina?

20                   MS. KRISTINE ELLOR: Yes.

21                   MS. ANDREA CAROE: Gerald?

22                   MR. GERALD A. DAVIS: Yes.

23                   MS. ANDREA CAROE: Steve?

1 MR. STEVE DEMURI: Yes.

2 MS. ANDREA CAROE: Tracy?

3 MS. TRACY MIEDEMA: Yes.

4 MS. ANDREA CAROE: Katrina?

5 MS. KATRINA HEINZE: Yes.

6 MS. ANDREA CAROE: Joe?

7 MR. JOSEPH SMILLIE: Yes.

8 MS. ANDREA CAROE: Bea?

9 MS. BEA E. JAMES: Abstain.

10 MS. ANDREA CAROE: Julie?

11 MS. JULIE S. WEISMAN: Yes.

12 MS. ANDREA CAROE: Dan?

13 MR. DANIEL G. GIACOMINI: Yes.

14 MS. ANDREA CAROE: Rigo?

15 MR. RIGOBERTO I. DELGADO: No.

16 MS. ANDREA CAROE: And the chair votes

17 yes. Three against, eleven in favor and one

18 abstention, so the motion passes. Now we have a

19 recommendation on the table with out the

20 annotation for the listing of aqueous potassium

21 silicate for the use as an insecticide.

22 MR. GERALD A. DAVIS: Correct.

23 MS. ANDREA CAROE: Is there any



1 discussion on that motion? Dan?

2 MR. DANIEL G. GIACOMINI: I move to amend  
3 the motion by striking the word "aqueous" and  
4 adding, I don't have it in front of me the cast  
5 number for potassium silicate.

6 MS. ANDREA CAROE: Gerald, do you accept  
7 that as a friendly amendment?

8 MR. GERALD A. DAVIS: Considering the  
9 other possibilities of what are out there that  
10 could be used, no, I would not accept that.

11 MS. ANDREA CAROE: Is there a second for  
12 the unfriendly amendment? The motion dies due to  
13 lack of a second. So, we still have the motion on  
14 the table for the addition of aqueous potassium  
15 silicate for the use as an insecticide. Further  
16 discussion? Hearing none we will proceed to vote  
17 stating with Jeff?

18 MR. JEFFREY W. MOYER: Yes.

19 MS. ANDREA CAROE: Kevin?

20 MR. KEVIN ENGELBERT: Yes.

21 MS. ANDREA CAROE: Hue?

22 MR. HUBERT J. KARREMAN: Yes

23 MS. ANDREA CAROE: Tina?

1 MS. KRISTINE ELLOR: Yes.

2 MS. ANDREA CAROE: Gerald?

3 MR. GERALD A. DAVIS: Yes.

4 MS. ANDREA CAROE: Steve?

5 MR. STEVE DEMURI: Yes.

6 MS. ANDREA CAROE: Tracy?

7 MS. TRACY MIEDEMA: Yes.

8 MS. ANDREA CAROE: Katrina?

9 MS. KATRINA HEINZE: Yes.

10 MS. ANDREA CAROE: Joe?

11 MR. JOSEPH SMILLIE: Yes.

12 MS. ANDREA CAROE: Bea?

13 MS. BEA E. JAMES: Yes.

14 MS. ANDREA CAROE: Dan?

15 MR. JOSEPH SMILLIE: Yes.

16 MS. ANDREA CAROE: Rigo?

17 MR. RIGOBERTO I. DELGADO: Yes.

18 MS. ANDREA CAROE: And Jennifer?

19 MS. JENNIFER M. HALL: Yes.

20 MS. ANDREA CAROE: And the chair votes

21 yes. Motion passes zero against, fifteen in

22 favor. No abstentions or absentees. All right,

23 so-

1                   MR. GERALD A. DAVIS: The next motion I  
2 would like to bring would be to add aqueous  
3 potassium silicate to the national list as plant  
4 disease control, section 205.601i.

5                   MR. JEFFREY W. MOYER: I'll second that  
6 motion.

7                   MS. ANDREA CAROE: Okay, so as I  
8 understand this exists with the annotation coming  
9 out of committee. So, I have a--so, okay, the  
10 motion made by Gerald Davis, seconded by Jeff  
11 Moyer is to add aqueous potassium silicate for use  
12 as plant disease control and with the annotation--I  
13 can't read it. What's the annotation?

14                   MR. GERALD A. DAVIS: No industrial  
15 byproducts allowed in manufacture.

16                   MS. ANDREA CAROE: No industrial  
17 byproducts, okay, so discussion on that motion?  
18 Tina?

19                   MS. KRISTINE ELLOR: Once again I'd like  
20 to motion that we remove the annotation.

21                   MS. ANDREA CAROE: Is it accepted by the  
22 motioner?

23                   MR. GERALD A. DAVIS: Yes.

1 MR. JEFFREY W. MOYER: No.

2 MALE VOICE: Seconded.

3 MS. ANDREA CAROE: Hold on. Jeff, no?

4 MALE VOICE: Sorry.

5 MS. ANDREA CAROE: Okay, unfriendly  
6 amendment, are we accepting it as an unfriendly  
7 amendment?

8 MALE VOICE: No.

9 MS. ANDREA CAROE: Friendly amendment no.  
10 You said no as a second, so do we have a second as  
11 an unfriendly amendment?

12 MALE VOICE: Again, unfriendly.

13 MS. ANDREA CAROE: Yes, very unfriendly.  
14 So, discussion on the removal of the annotation  
15 for this material recommendation—any discussion?  
16 Hearing non, let's vote on the removal of the  
17 annotation in the recommendation for aqueous  
18 potassium silicate for the use as—

19 MR. GERALD A. DAVIS: [Interposing] Plant  
20 disease control.

21 MS. ANDREA CAROE: Plant disease control,  
22 thank you.

23 [Unintelligible]

1 MS. ANDREA CAROE: Starts with Kevin?

2 MR. KEVIN ENGELBERT: Would you clarify

3 again, what are we voting on?

4 MS. ANDREA CAROE: Oh, my gosh, I knew

5 you were going to say that. We are voting to

6 remove the annotation in the recommendation for

7 the addition.

8 MR. KEVIN ENGELBERT: No.

9 MS. ANDREA CAROE: Hue?

10 MR. HUBERT J. KARREMAN: Yes.

11 MS. ANDREA CAROE: Tina?

12 MS. KRISTINE ELLOR: Yes.

13 MS. ANDREA CAROE: Gerald.

14 MR. GERALD A. DAVIS: Yes.

15 MS. ANDREA CAROE: Steve?

16 MR. STEVE DEMURI: Yes.

17 MS. ANDREA CAROE: Tracy?

18 MS. TRACY MIEDEMA: Yes.

19 MS. ANDREA CAROE: Katrina?

20 MS. KATRINA HEINZE: Yes.

21 MS. ANDREA CAROE: Joe?

22 MR. JOSEPH SMILLIE: Yes.

23 MS. ANDREA CAROE: Bea?

1 MS. BEA E. JAMES: Abstain.

2 MS. ANDREA CAROE: Julie?

3 MS. JULIE S. WEISMAN: Yes.

4 MS. ANDREA CAROE: Dan?

5 MR. DANIEL G. GIACOMINI: Yes.

6 MS. ANDREA CAROE: Rigo?

7 MR. RIGOBERTO I. DELGADO: No.

8 MS. ANDREA CAROE: Jennifer:

9 MS. JENNIFER M. HALL: Yes.

10 MS. ANDREA CAROE: And Jeff?

11 MR. JEFFREY W. MOYER: No.

12 MS. ANDREA CAROE: Oh, and I vote yes.

13 Thank you for that. Okay, I think we're exactly

14 the same as we were before, three, eleven, zero,

15 three against, eleven for, and one abstention, so

16 sorry. You're right. So, that motion passes.

17 Now we have the original motion on the table for

18 the addition of aqueous potassium silicate for

19 addition to 205.601E as a-

20 MALE VOICE: [Interposing] It's "I".

21 Section "I".

22 MS. ANDREA CAROE: Okay, as plant disease

23 control. Any discussion on that motion.

1 FEMALE VOICE: Without the annotation?  
2 MS. ANDREA CAROE: Without the  
3 annotation. Any discussion? All right, so the  
4 vote will start with Hue?  
5 MR. HUBERT J. KARREMAN: Yes.  
6 MS. ANDREA CAROE: Tina?  
7 MS. KRISTINE ELLOR: Yes.  
8 MS. ANDREA CAROE: Gerald?  
9 MR. GERALD A. DAVIS: Yes.  
10 MS. ANDREA CAROE: Steve?  
11 MR. STEVE DEMURI: Yes.  
12 MS. ANDREA CAROE: Tracy?  
13 MS. TRACY MIEDEMA: Yes.  
14 MS. ANDREA CAROE: Katrina?  
15 MS. KATRINA HEINZE: Yes.  
16 MS. ANDREA CAROE: Joe?  
17 MR. JOSEPH SMILLIE: Yes.  
18 MS. ANDREA CAROE: Bea?  
19 MS. BEA E. JAMES: Yes.  
20 MS. ANDREA CAROE: Julie?  
21 MS. JULIE S. WEISMAN: Yes.  
22 MS. ANDREA CAROE: Dan?  
23 MR. DANIEL G. GIACOMINI: Yes.

1 MS. ANDREA CAROE: Rigo?

2 MR. RIGOBERTO I. DELGADO: Yes.

3 MS. ANDREA CAROE: Jennifer?

4 MS. JENNIFER M. HALL: Yes.

5 MS. ANDREA CAROE: Jeff?

6 MR. JEFFREY W. MOYER: Yes.

7 MS. ANDREA CAROE: Kevin?

8 MR. KEVIN ENGELBERT: Yes.

9 MS. ANDREA CAROE: And the chair votes

10 yes. So, that will pass zero noes, fifteen in

11 favor. All right. Uh, I forgot to call for

12 conflict of interest. Does anybody have any

13 interest that they would like to disclose as a

14 potential conflict? Then that stands. Moving

15 along.

16 MR. GERALD A. DAVIS: Moving along, the

17 next material is sodium carbonate, peroxyhydrate,

18 also known as—named as percarbonate to shorten it

19 a little bit. This is the second material that

20 the crops committee considered last evening in our

21 meeting due to additional public comment, and

22 discussion within the board. And for this one I'd

23 like to turn it over to Jeff Moyer, Vice chair to



1 lead the discussion on this, describe what we did.

2 MR. JEFFREY W. MOYER: Thanks, Gerry.

3 Before we put a motion on the floor, Madame  
4 Chairperson, we wanted to make a couple of  
5 comments about this particular material and the  
6 process we went through as we evaluated this and  
7 then again re-evaluated it. I'd say that this  
8 crop committee if it has any prejudices at all it  
9 is prejudiced against putting synthetic materials  
10 on the national list. Given the tap review that  
11 we had to work with and the nature of the  
12 questions on the committee recommendation form  
13 that we submitted to the board, we came to the  
14 logical conclusion that this material was a  
15 synthetic material and therefore when we answered  
16 these questions, it did not pass the criteria by  
17 which to put it on the—to add it to the list. I  
18 will also say that, you know, there are materials  
19 that are already on the national list that if  
20 they were to come in front of this committee today  
21 to go through the same process, we may come to the  
22 similar conclusions. I know that was discussed  
23 yesterday that some of the materials that are

1 currently on the list are less safe or less easy  
2 to handle than this particular material. That's  
3 not to say that this material doesn't work for its  
4 intended purpose because probably it clearly does  
5 although I have no personal experience with it and  
6 that the material isn't safer or easy to handle.  
7 The other issue that the committee discussed was  
8 oftentimes this particular material is being  
9 petitioned to use as an algicide. Oftentimes,  
10 algae is a symptom of a much larger issue, and the  
11 committee was certainly in favor of treating, not  
12 treating symptoms but looking at major root causes  
13 for particular problems. Often over-nitrification  
14 of water causes algae bloom, and there are reasons  
15 that you may be able to get away from not using  
16 this material or any other for that matter. I  
17 think the fact that our initial recommendation was  
18 not to approve this material and now when we make  
19 our new recommendation it will be adjusted and we  
20 voted last night to go ahead and recommend  
21 approval of this material should not in any way be  
22 viewed as anything other than this process at work  
23 in the way it was designed to work. In that as

1 new information comes to light through the open  
2 forum of these types of meetings, the transparency  
3 of that I think is quite appropriate. And for us  
4 to re-evaluate our decision based on that  
5 information and the discussions that we've had  
6 here at this board our new recommendation for this  
7 material is to go ahead and list. And I'm going  
8 to make the motion that we list sodium carbonate  
9 peroxyhydrate on 205601A as an algicide.

10 MS. ANDREA CAROE: Is there a second?

11 MS. KRISTINE ELLOR: Second.

12 MS. ANDREA CAROE: Thank you. That  
13 motion has been made by Jeff Moyer, seconded by  
14 Tina Ellor, or Kristine Ellor. Tina? Tina, she  
15 wants Tina, okay. All right, discussion on this  
16 motion? Steve?

17 MR. STEVE DEMURI: I have a question for  
18 the committee. Could this replace one of the  
19 other substances on the list that is less safe?

20 MR. JEFFREY W. MOYER: Sharing  
21 personally, part of my decision making on  
22 changing my vote was based on the new information  
23 coming from the petitioner that they had received

1 EPA approval for the use of this in rice  
2 production which in that case it would replace  
3 copper sulfate, which is far less of a good choice  
4 than this material. So, I was—this heavily  
5 weighed in my decision to change.

6 MALE VOICE: Steve, yeah, it could replace  
7 it. It doesn't necessarily replace it. That  
8 would be up to the user. It does not  
9 automatically take something off the list that is  
10 already there. Somebody would have to petition to  
11 take that material off of the list based on the  
12 fact that this new material is available.

13 MR. STEVE DEMURI: That was my point.  
14 Somebody could petition to take something off.

15 MALE VOICE: That's correct. That's my  
16 understanding, yes.

17 MR. GERALD A. DAVIS: At the point of our  
18 deliberations earlier this spring in committee,  
19 originally on this material they did not have EPA  
20 approval for use in rice, and we checked on that  
21 and had no clue that it would be forthcoming  
22 during this process that they would get it.

23 MS. ANDREA CAROE: Just a—I want to make

1 sure that we all get recognized so that the  
2 recorder is getting the names down. Bea, I  
3 believe you had a question.

4 MS. BEA E. JAMES: Jeff, I just want to  
5 make sure I understand this. Your original  
6 recommendation you voted against adding it to the  
7 national list, correct?

8 MR. JEFFREY W. MOYER: That is correct.

9 MS. BEA E. JAMES: Okay, and now you are  
10 wanting to vote to add it to the list?

11 MR. JEFFREY W. MOYER: That is correct.  
12 Our recommendation currently would be to go ahead  
13 and add it to 205601A.

14 MS. BEA E. JAMES: Even though the form  
15 says under six are there adverse biological and  
16 chemical interactions in the agro ecosystems, yes;  
17 is there potential detrimental chemical  
18 interactions, yes; is the substance harmful to the  
19 environment, yes?

20 MR. JEFFREY W. MOYER: That's absolutely  
21 correct, and that's why I wanted to preface my  
22 recommendation by stating that personally, and I  
23 speak for some others on the committee that our

1 prejudice is really to not put materials that fall  
2 in this category on the national list, but—and  
3 that's why our initial recommendation was to not  
4 recommend this material to be added to the list.  
5 However, given the new information that we heard  
6 throughout this meeting and the fact that this  
7 material could replace a much more harmful and  
8 detrimental material and actually be safer to  
9 handle and use, our recommendation is that even  
10 though it does fail the criteria, and so we did  
11 not go back and change our classification of this  
12 material. It still fails in all of the  
13 categories. We still recommend currently that it  
14 be added to 205601A. That's correct.

15 MS. ANDREA CAROE: Bea?

16 MS. BEA E. JAMES: The replacement that  
17 you're talking about—was that for fire blight? IS  
18 this the material?

19 MR. JEFFREY W. MOYER: No, this material  
20 is only for as an algicide.

21 MR. GERALD A. DAVIS: Gerald Davis.

22 MS. ANDREA CAROE: Gerald?

23 MR. GERALD A. DAVIS: Just to try to

1 answer your question a little more, the  
2 environmental hazard of this material that we  
3 assessed from the tap is strictly a raise in pH  
4 and alkalinity of a farm pond. That's the  
5 environmental impact. So, it is an impact, and we  
6 said, yes, it does affect the environment. But in  
7 relation to copper sulfate, for example, it's far  
8 less. So that's why the apparent contradiction.

9 MS. ANDREA CAROE: Hold on one second,  
10 Bea, I'll get to you. I would caution the members  
11 of the committees when you're filling out these  
12 forms, I know I was dramatic yesterday when I said  
13 walking across the lawn is an environmental  
14 impact, you know, you really have to be very  
15 careful when you're filling out these forms, if  
16 you are filling out that there is an environmental  
17 impact but you've discounted it as not being  
18 significant enough to change your decision, to  
19 clearly indicate that in the box that is provided.  
20 We've done that before, and sometimes it's not  
21 significant enough to keep this product from use  
22 in organic production. And indeed you want to  
23 know that you haven't ignored it. But, you know,

1 your rationale should clearly be on the forms as  
2 historic record of this discussion. Barbara  
3 Robinson, then Bea James.

4 MS. BARBARA C. ROBINSON: Yeah, I really  
5 want to aboard the committee for, Jeff, for what  
6 you did. I, you know, I understand and the board  
7 should be prejudiced against synthetics. That is  
8 the nature of—that is your charge by law. You are  
9 supposed to be prejudiced against putting  
10 synthetics on the national list. I hope you are.  
11 That being the case, I would hope that what you do  
12 is what Andrea has just sort of suggested is that  
13 what you do is with the form that is preserved for  
14 the record that even if you want to check the box,  
15 yes, there is an adverse impact that over where we  
16 have given you space for comments that you say  
17 noted, but not of a significant amount to fail the  
18 substance, or to fail the criteria.

19 MALE VOICE: [off mic]

20 MS. BARBARA C. ROBINSON: Right, because  
21 we're going to have to—when we go to rule-making,  
22 this is all part of the record. This could be,  
23 and we will have to explain to the public how did



1 you come to the conclusion that you did. You  
2 know, we have to explain to the public the board  
3 recommended to the Secretary to add this to the  
4 national list, but your record says it flunks.  
5 You know, it's not enough for me to say, well, the  
6 board is inherently prejudiced against synthetics  
7 because that is—by definition you should be  
8 prejudiced against synthetics. So, if you could  
9 just please, you know, it's all right to check the  
10 box that there's an adverse impact, but if you  
11 could simply please in the comment section note  
12 that the adverse impact is not of a sufficient  
13 nature to have rejected by your vote.

14 MS. ANDREA CAROE: Okay, I have Bea, Hue,  
15 Gerald and then Valerie.

16 MS. BEA E. JAMES: I would also like to  
17 echo that if you are making a decision based on  
18 another material that you think is similar but has  
19 worse effects, that somehow is documented in here  
20 too because for me when I look at this if I were  
21 to vote strictly based on how you filled out this  
22 form, I would vote against it.

23 MS. ANDREA CAROE: Hue?

1                   MR. HUBERT J. KARREMAN: I would just  
2 echo Bea and Barbara and also do you think that  
3 someone will petition copper sulfate to come off  
4 if this comes on besides the company that's maybe  
5 making this? I mean do you really think that  
6 there will be people wanting copper sulfate coming  
7 off the crops list for this use?

8                   MS. ANDREA CAROE: I really don't know  
9 that anybody can answer because we don't know the  
10 availability or the effectiveness. I mean there's  
11 a whole list of factors involved with that.  
12 Gerald?

13                   MR. GERALD A. DAVIS: I wanted to respond  
14 to Barbara's comments similar to the ones you made  
15 yesterday, and the committee did discuss that last  
16 night with Valerie. Our intention was to include  
17 the transcript of this discussion as part of the  
18 document. And I wanted to ask if that is  
19 sufficient or would it be more appropriate to  
20 change the--to fill in the comment section on the  
21 form itself.

22                   MS. ANDREA CAROE: The actual  
23 recommendation is the first page of this document.

1 The rest of it is like as Barbara said for back-  
2 up, the rationale that led to this. So, we can  
3 move forward, and the back-up information, the  
4 following pages, can go back to committee and get  
5 filled out in more detail. I don't think that  
6 there's any break in protocol because without all  
7 of that, the actual recommendation is to list this  
8 material. All the rest is background. So, you  
9 know, I would suggest, you know, we take back the  
10 form and fill it out on the form because that's  
11 the way the program is used to it. Just for the  
12 consistency of the documents they have, this is  
13 the document they need.

14 MR. GERALD A. DAVIS: Okay.

15 FEMALE VOICE: We can work with you on  
16 that. There's time for that.

17 MS. ANDREA CAROE: Valerie?

18 MS. VALERIE FRAUCES: The committee last  
19 night seemed really prejudiced against revising  
20 the form that they had written on the date they  
21 had—they didn't really want to revise it because  
22 they felt strongly that it stood as it was at the  
23 time. And they wanted to put an interim document

1 in between the final NOSB recommendation with an  
2 explanation of their additional logic and  
3 reasoning with the transcript cut into it. So, it  
4 was a complete record of their original discussion  
5 and decision and subsequent.

6 MS. ANDREA CAROE: I still think that the  
7 recommendation because the vote coming out of your  
8 committee was to list. That rationale needs to be  
9 summarized in those papers, what the rationale was  
10 coming out of committee. You had a positive vote  
11 for this material, so that needs to be in there,  
12 and if it includes dialog and testimony received  
13 during the first part of this meeting, go ahead  
14 and put that [Interposing] here. But again, that  
15 form should be filled out Gerald?

16 MR. GERALD A. DAVIS: Message received.

17 MS. ANDREA CAROE: Tina? I didn't mean  
18 to beat you up.

19 MS. KRISTINE ELLOR: Yeah, and I  
20 personally don't have any problem, you know, once  
21 put that way that we're not going to actually  
22 change our criteria but further elucidate how we  
23 came to that decision. That's fine with me.

1 MS. ANDREA CAROE: I would suggest if you  
2 need examples, I can show you about, I don't know,  
3 40 different petitions that we've done where  
4 we've—because nothing is black or white. It's a  
5 whole bunch of grey. So, you need to clarify it.  
6 This vote is to list. We're okay with this vote.  
7 Like I said, the recommendation is to list. The  
8 first page is fine. The other pages are going to  
9 go back and get filled out. The program won't be  
10 able to move forward until they have that for  
11 clearance. That will just be backup, follow up  
12 work for the committee. Right now we still have  
13 the motion on the floor to list sodium carbonate  
14 peroxyhydrate to 601A The motion has been made by  
15 Jeff and seconded by Tina, and we're still in  
16 discussion on this material. It's been a good  
17 discussion. Hearing none, let's vote. We will  
18 start with Tina. Tina?

19 MS. ANDREA CAROE: Tina?

20 MS. KRISTINE ELLOR: Yes.

21 MS. ANDREA CAROE: Gerald?

22 MR. GERALD A. DAVIS: Yes.

23 MS. ANDREA CAROE: Steve?

1 MR. STEVE DEMURI: Yes.

2 MS. ANDREA CAROE: Tracy?

3 MS. TRACY MIEDEMA: Yes.

4 MS. ANDREA CAROE: Katrina?

5 MS. KATRINA HEINZE: Yes.

6 MS. ANDREA CAROE: Joe?

7 MR. JOSEPH SMILLIE: Yes.

8 MS. ANDREA CAROE: Bea?

9 MS. BEA E. JAMES: No.

10 MS. ANDREA CAROE: Julie?

11 MS. JULIE S. WEISMAN: Yes.

12 MS. ANDREA CAROE: Dan?

13 MR. DANIEL G. GIACOMINI: Yes.

14 MS. ANDREA CAROE: Rigo?

15 MR. RIGOBERTO I. DELGADO: Yes.

16 MS. ANDREA CAROE: Jeff?

17 MR. JEFFREY W. MOYER: You missed

18 Jennifer.

19 MS. ANDREA CAROE: Oh, I'm sorry.

20 Jennifer, it was the wrong J. Jeff?

21 MS. ANDREA CAROE: Jennifer?

22 MS. JENNIFER M. HALL: Yes.

23 MS. ANDREA CAROE: Jeff?

1 MR. JEFFREY W. MOYER: Yes.

2 MS. ANDREA CAROE: Kevin?

3 MR. KEVIN ENGELBERT: Yes.

4 MS. ANDREA CAROE: Hue?

5 MR. HUBERT J. KARREMAN: Yes.

6 MS. ANDREA CAROE: And the chair votes  
7 yes. So that is one opposed, fourteen in favor,  
8 zero abstentions or absents, and that motion  
9 passes. Oh, I'm so sorry. Was there anybody that  
10 had a potential conflict of interest with that  
11 material? Okay, none. Thank you.

12 [off mic]

13 MS. ANDREA CAROE: Okay, do you have  
14 another material, Gerald?

15 MR. GERALD A. DAVIS: Yes, we do. The  
16 last new petition material is **sodium ferric**  
17 **hydroxy EDTA [phonetic]**. It's misspelled on the  
18 recommendation form, Valerie. [off mic] Pardon  
19 me?

20 MS. ANDREA CAROE: I said that can be a  
21 technical correction.

22 MR. GERALD A. DAVIS: Right, okay. As  
23 mentioned yesterday, we—the committee voted six to

1 nothing to not list this material. It failed all  
2 three categories substantially, not much grey area  
3 in our opinion on this material. And due to the  
4 EDTA molecule itself, it has lots of information  
5 on it in the negative based on a lot of usage that  
6 there is worldwide. I'd like to move that we vote  
7 whether or not to list this material.

8 MS. ANDREA CAROE: Okay, I'm going to  
9 help you with this one a little bit.

10 MR. GERALD A. DAVIS: I know.

11 MS. ANDREA CAROE: Just because  
12 historically what we have--well, through the  
13 evolution of board votes we have determined it's  
14 easiest always to frame a material list  
15 recommendation as an addition. So, the motion  
16 would be to add.

17 MR. GERALD A. DAVIS: To add sodium  
18 ferric hydroxy EDTA to the national list on  
19 205601H as a slug and snail bait.

20 MR. JEFFREY W. MOYER: I second that .

21 MS. ANDREA CAROE: There's a second. So,  
22 the motion has been made by Gerald Davis.  
23 Seconded by Jeff Moyer to list sodium ferric



1 hydroxy EDTA on 205601H as a slug and snail bait.

2 MALE VOICE: [off mic]

3 MS. ANDREA CAROE: I believe it. Okay,  
4 so any discussion on this item? Hue?

5 MR. HUBERT J. KARREMAN: I'm just  
6 wondering. Wasn't it just two years ago ferric  
7 chloride put on the list for that exact same  
8 reason, slug/snail bait?

9 MR. GERALD A. DAVIS: Ferric phosphate  
10 was approved by this board to be added to the  
11 list. It is still. It has not gone to rule  
12 making that I know of.

13 MR. HUBERT J. KARREMAN: Didn't we vote  
14 on ferric chloride as well somewhere?

15 MR. GERALD A. DAVIS: It was ferric  
16 phosphate.

17 MR. HUBERT J. KARREMAN: Was it?

18 MS. ANDREA CAROE: We've been informed by  
19 one of our experts in the audience that is  
20 actually on the list now the ferric.

21 MR. GERALD A. DAVIS: I had never heard  
22 it go through the registered process and all that.

23 MS. ANDREA CAROE: Katrina, your fellow

1 board member is pointing that out to you. Tina?

2 MS. KRISTINE ELLOR: What we found when  
3 we looked at this, and we actually didn't have a  
4 tap for the sodium ferric hydroxy EDTA. We had  
5 the tap for the other material is that they are  
6 pretty different. You know, we looked into it,  
7 you know, fairly intensively, and the information  
8 that came out about this particular compound  
9 caused us to reject it.

10 MS. ANDREA CAROE: Any further  
11 discussion? Hearing none we will proceed to vote  
12 starting with Gerald? Oh, wait, wait, wait before  
13 we vote is there anybody that would like to  
14 disclose a potential conflict of interest with  
15 sodium ferric hydroxy EDTA? Okay, now we can vote  
16 starting with Gerald. Gerald?

17 MR. GERALD A. DAVIS: No.

18 MS. ANDREA CAROE: Steve?

19 MR. STEVE DEMURI: No.

20 MS. ANDREA CAROE: Tracy?

21 MS. TRACY MIEDEMA: No.

22 MS. ANDREA CAROE: Katrina?

23 MS. KATRINA HEINZE: No.

1 MS. ANDREA CAROE: Joe?  
2 MR. JOSEPH SMILLIE: No.  
3 MS. ANDREA CAROE: Bea?  
4 MS. BEA E. JAMES: No.  
5 MS. ANDREA CAROE: Julie?  
6 MS. JULIE S. WEISMAN: No.  
7 MS. ANDREA CAROE: Dan?  
8 MR. DANIEL G. GIACOMINI: No.  
9 MS. ANDREA CAROE: Rigo?  
10 MR. RIGOBERTO I. DELGADO: No.  
11 MS. ANDREA CAROE: Jennifer?  
12 MS. JENNIFER M. HALL: No.  
13 MS. ANDREA CAROE: Jeff?  
14 MR. JEFFREY W. MOYER: No.  
15 MS. ANDREA CAROE: Kevin?  
16 MR. KEVIN ENGELBERT: No.  
17 MS. ANDREA CAROE: Hue?  
18 MR. HUBERT J. KARREMAN: No..  
19 MS. ANDREA CAROE: Tina?  
20 MS. KRISTINE ELLOR: No.  
21 MS. ANDREA CAROE: And the chair votes  
22 no. The motion fails fifteen against zero in  
23 favor, no absent or abstentions. All right,

1 sunset materials?

2 MR. GERALD A. DAVIS: **Calcium chloride**, I  
3 have it in order in my book so the committee  
4 recommendation was voted on five yes, zero no, one  
5 absent, to maintain the listing of calcium  
6 chloride on the national list as a prohibited  
7 natural under section 205602C with the annotation  
8 brine process is natural and prohibited for use  
9 except as a foliar spray to treat a physiological  
10 disorder associated with calcium uptake. I'd like  
11 to move that we call this to a vote.

12 MS. ANDREA CAROE: Are you moving to  
13 retain this material?

14 MR. GERALD A. DAVIS: TO retain.

15 MS. ANDREA CAROE: Is there a second?

16 MS. KRISTINE ELLOR: Second.

17 MS. ANDREA CAROE: Tina. Motion has been  
18 made by Gerald Davis and seconded by Tina Ellor to  
19 retain calcium chloride on 205602C. Is there any  
20 discussion on calcium chloride? We've lost some  
21 members. I'd like them to come back for the vote.  
22 Tracy?

23 MS. TRACY MIEDEMA: Just a point of

1 clarification, I think in the motion we should  
2 have the annotation.

3 MS. ANDREA CAROE: That's very clear.  
4 Okay, so Gerald do you want to restate the motion?

5 MR. GERALD A. DAVIS: The motion is to  
6 retain calcium chloride brine process as natural  
7 and prohibited for use except as a foliar spray to  
8 treat a physiological disorder associated with  
9 calcium uptake, to retain that item and annotation  
10 on the national list.

11 MS. ANDREA CAROE: That is the  
12 annotation, okay. Okay, I think that's clear.  
13 Any further discussion on calcium chloride?

14 MR. GERALD A. DAVIS: I did want to  
15 highlight, Gerald Davis, one comment that was part  
16 of the aquaculture comments about a closed system  
17 aquaculture production that this material, calcium  
18 chloride, would be very important to their  
19 production system if it weren't so severely  
20 annotated like it is. As it's annotated at this  
21 point, they can't use it, and it's—the speaker  
22 said that's not really fair and it's just  
23 something that wasn't really considered when this

1 annotation was put on this years ago.

2 MS. ANDREA CAROE: I'll get to you in a  
3 second, Hue; you're on next. There will be other  
4 materials, I suspect, when aquaculture production  
5 comes into the rule that will have to be looked  
6 at, and at that time it could be an annotation  
7 change. But we haven't even started entering the  
8 rule-making process for an aquaculture standard at  
9 this point so there's plenty of time before they  
10 would actually need it. So, and also you probably  
11 want some technical information about how it's  
12 going to interact in that system as well. I think  
13 that's good to have that in the forefront of your  
14 mind, but I don't think that it needs to be part  
15 of your decision at this moment.

16 MR. GERALD A. DAVIS: Just background  
17 information.

18 MS. ANDREA CAROE: I agree, wonderful.  
19 Hue?

20 MR. HUBERT J. KARREMAN: Yeah, I'd agree,  
21 and I think that might even come under a livestock  
22 production or health thing and therefore don't  
23 worry about it.

1 MS. ANDREA CAROE: Any further discussion  
2 on calcium chloride? Okay, hearing none, where  
3 did I end up? Oh, with Steve. Wait, wait, wait,  
4 conflict of interest? Anybody have a conflict?  
5 Steve, do you have a potential conflict?

6 MR. STEVE DEMURI: No, I'm just getting  
7 ready to vote.

8 MS. ANDREA CAROE: All right, hearing no  
9 conflicts, we'll go first with Steve. Steve.  
10 The motion is to retain.

11 MR. STEVE DEMURI: Yes.

12 MS. ANDREA CAROE: Tracy?

13 MS. TRACY MIEDEMA: Yes.

14 MS. ANDREA CAROE: Katrina?

15 MS. KATRINA HEINZE: Yes.

16 MS. ANDREA CAROE: Joe?

17 MR. JOSEPH SMILLIE: Yes.

18 MS. ANDREA CAROE: Bea?

19 MS. BEA E. JAMES: Yes.

20 MS. ANDREA CAROE: Julie?

21 MS. JULIE S. WEISMAN: Yes.

22 MS. ANDREA CAROE: Dan?

23 MR. DANIEL G. GIACOMINI: Yes.

1 MS. ANDREA CAROE: Rigo?

2 MR. RIGOBERTO I. DELGADO: Yes.

3 MS. ANDREA CAROE: Jennifer?

4 MS. JENNIFER M. HALL: Yes.

5 MS. ANDREA CAROE: Jeff?

6 MR. JEFFREY W. MOYER: Yes.

7 MS. ANDREA CAROE: Kevin?

8 MR. KEVIN ENGELBERT: Yes.

9 MS. ANDREA CAROE: Hue?

10 MR. HUBERT J. KARREMAN: Yes.

11 MS. ANDREA CAROE: Tina?

12 MS. KRISTINE ELLOR: Yes.

13 MS. ANDREA CAROE: Gerald?

14 MR. GERALD A. DAVIS: Yes.

15 MS. ANDREA CAROE: And the chair votes

16 yes so that passes zero against, fifteen in favor,

17 no absent, and no abstentions. Next?

18 MR. GERALD A. DAVIS: The next materials

19 is **copper sulfate** for use in rice production as an

20 algicide. Let me read off the exact thing. Okay,

21 copper sulfate for use as an algicide in aquatic

22 rice systems limited to one application per field

23 during any 24-month period. Application rates are



1 limited to those, which do not increase baseline  
2 soil test values for copper over a timeframe  
3 agreed upon by the producer and accredited  
4 certifying agent. That is section 205.601A3. It  
5 is also listed in 205.601E3, copper sulfate for  
6 tadpole shrimp control in aquatic rice systems  
7 with the same identical wording after that as I  
8 just read. Section E is as insecticide.

9 MS. ANDREA CAROE: Have you made a  
10 motion?

11 MR. GERALD A. DAVIS: I'd like to move  
12 that we vote to retain this material on the  
13 national list.

14 MS. ANDREA CAROE: Is there a second?

15 MS. TRACY MIEDEMA: Yes.

16 MS. ANDREA CAROE: Motion has been made  
17 by Gerald Davis and seconded by Tracy Miedema.  
18 Discussion, Hue?

19 MR. HUBERT J. KARREMAN: Okay, so now I  
20 just voted for the carboxy/hydroxy, you know, that  
21 other one, right? Anyway, we all know what I'm  
22 talking about.

23 MALE VOICE: Cash in your scientific

1 credentials.

2 MR. GERALD A. DAVIS: Sodium percarbonate  
3 is far easier to say.

4 MR. HUBERT J. KARREMAN: I don't use it.  
5 So, now if I want to let this one go because of  
6 the previous discussion, I'd like to but then I'm  
7 worried about how long it will take for the  
8 process to get the new one on in case this is  
9 sunseted. So, I'm just curious about the program.

10 MS. ANDREA CAROE: Let me respond. This  
11 is sunset process, and if you read the procedures  
12 of the sunset process that are in the policy  
13 manual, unless you have compelling evidence to  
14 take it off—you do?

15 MALE VOICE: [off mic]

16 MS. ANDREA CAROE: You don't have your  
17 mic on. I can't hear you.

18 MR. HUBERT J. KARREMAN: We just had this  
19 discussion an this other product about how the  
20 product we voted on is less harmful/toxic to the  
21 environment than copper sulfite. It was just  
22 stated.

23 MS. ANDREA CAROE: We have absolutely no

1 information unfortunately that tells us for sure  
2 that this has the same efficacy in all situations  
3 and is a true 100% replacement.

4 MR. HUBERT J. KARREMAN: You didn't  
5 mention that in the last discussion when we were  
6 voting on that other material about the efficacy  
7 and everything. You were just talking about the-

8 MS. ANDREA CAROE: [Interposing] As a  
9 replacement, as a replacement, Hue. In order for  
10 it to be a replacement, it's got to be able to  
11 replace it's function in all situations, and we  
12 don't know that for sure. It may in some  
13 situations be the case, and it may in all cases,  
14 but we have not received that kind of information.  
15 Jennifer, Jeff, Gerry, Barbara?

16 MS. JENNIFER M. HALL: The efficacy was  
17 the point I was going to bring up, and I think we  
18 did talk about that yesterday in our communication  
19 about sunset and what it requires.

20 MR. HUBERT J. KARREMAN: My comment to  
21 Hue was that my understanding of the process would  
22 be that if someone has that information, they  
23 should come forward and petition the board to

1 remove that, but they would have to petition to  
2 remove it. We can't do it through the sunset  
3 process. It would have to be petitioned to be  
4 removed.

5 MS. ANDREA CAROE: Gerry?

6 MR. GERALD A. DAVIS: One thing to  
7 remember even though they're discouraging you from  
8 following your line of reasoning, but beyond the  
9 process of getting the other material on the list,  
10 you also have the problem of federal EPA approval  
11 of sodium percarbonate for rice production is only  
12 the first step because California only has its own  
13 EPA and it usually takes one to two years  
14 following a federal EPA approval to get California  
15 approval.

16 MR. HUBERT J. KARREMAN: But they grow  
17 rice in Minnesota and Louisiana, don't they. I  
18 mean it's not only California.

19 MR. JEFFREY W. MOYER: The information I  
20 have is that the type of rice production that  
21 requires the copper sulfate in this country is  
22 pretty much only practiced in California.

23 MS. ANDREA CAROE: Barbara and then Joe?

1 MS. BARBARA C. ROBINSON: Jeff is right,  
2 but try to remember here you just voted on a  
3 material that hasn't even gone through rule  
4 making. So, that's going to take a long time to  
5 get through where as now you switching gears and  
6 you're just voting on a sunset material. If you  
7 don't like this material, someone has to petition  
8 to take it off, and they've got to bring forth a  
9 lot of evidence to justify to you why there is no  
10 longer good reason for it to be on the national  
11 list. Don't put yourself in that position of  
12 being, you know, the judge and jury just because  
13 you listened to somebody come forward with a new  
14 material and now you want to say, good, well we'll  
15 put the new material on and now we should take off  
16 the old material. These are two separate events  
17 that are occurring here, and we're no where near  
18 getting sodium ferric hydroxy on the national  
19 list. You just voted to recommend it to be placed  
20 on the national list. It's not there.

21 MS. ANDREA CAROE: Dan?

22 MR. DANIEL G. GIACOMINI: In this process  
23 of sunset, that information could have been

1 brought now, but in fact it wasn't. Isn't that  
2 correct? I mean outside of the rule making of the  
3 other thing if this had new information of a  
4 problem, for whatever reason.

5 MS. BARBARA C. ROBINSON: It was not  
6 available. The registration hadn't occurred.

7 MR. GERALD A. DAVIS: Correct, right,  
8 right.

9 MS. BARBARA C. ROBINSON: As Gerald said,  
10 you know, that would have happened way back in the  
11 ANPR process anyway.

12 MR. GERALD A. DAVIS: Right.

13 MS. ANDREA CAROE: And just to make a  
14 point here for transparency this has never posted  
15 for a petition to remove. You know, you haven't  
16 even asked for evidence to support that it should  
17 be removed or not other than sunset, which is we  
18 still need the material and there's no new  
19 information. Okay, so just basically you've  
20 gotten a little bit of information from public  
21 testimony, but there hasn't been a notice put out  
22 that this is the action this board is considering,  
23 right?

1 MS. VALERIE FRANCES: Let me just—you  
2 know, this may sound like we're kind of beating  
3 you up but, you know, this is really complicated.  
4 No other board has gone through sunset yet. So,  
5 this is understandably complex what you're doing  
6 because you're reviewing new materials at the same  
7 time that you're doing a sunset exercise. This is  
8 really confusing to do. So, I certainly would not  
9 want you to feel like this is—you know, why do  
10 they think we don't get it because on this side of  
11 the table I'm sort of sitting here thinking, you  
12 know, which one are we on? Are we on the new  
13 stuff or are we on the sunset? It is difficult to  
14 do, and I think you're doing amazingly well by the  
15 way. So...

16 MS. ANDREA CAROE: Steve?

17 MR. STEVE DEMURI: Just as a comment,  
18 sunset probably wasn't the best term to use for  
19 this process. To me in contracting another  
20 application, sunset means it goes away unless  
21 somebody wants it to remain.

22 MS. VALERIE FRANCES: That's exactly what  
23 this process is, Steve. Unless you do something

1 about it, it does go away.

2 MR. HUBERT J. KARREMAN: But we're also  
3 being told that we have to have really compelling  
4 evidence for it to go away, and yet from what  
5 Steve is just saying about sunset, it kind of  
6 should just go away. But now we're being forced  
7 to say, oh, we got to have this, that and the  
8 other thing to make it go away. No, it should  
9 just be going away unless we want it on there for  
10 compelling reasons.

11 MS. VALERIE FRANCES: That was what the  
12 ANPR process was about, and you are well beyond  
13 that is my point. You made the recommendation.

14 MS. ANDREA CAROE: Julie?

15 MS. JULIE S. WEISMAN: Also, let's please  
16 not confuse sunset and petition process. What you  
17 need very compelling evidence for is a petition to  
18 remove something more than a petition to add it.  
19 And because of that, that—because this gets fast  
20 tracked, what we're looking for is evidence that  
21 it is still in use, that there is still a need for  
22 it.

23 MS. ANDREA CAROE: Hue?



1                   MR. HUBERT J. KARREMAN:  Maybe I didn't  
2  hear it right, but I thought it also for sunset  
3  that if we hear that there's evidence of some  
4  other product that might be out there to replace  
5  it, we need to take that into account.  Okay,  
6  that's not the case at all with sunset?

7                   MS. ANDREA CAROE:  No, that is not the  
8  case.  We should have done sunset first on voting  
9  and then the new stuff.  That's maybe what's  
10 confusing me a little.

11                  MS. ANDREA CAROE:  Regardless, that  
12 doesn't come into effect.  You don't consider—that  
13 would be something you would consider during a  
14 petition process.  This process is - is the  
15 material still needed?  If you had public comment  
16 that said we don't use that anymore.  We've got  
17 this other better material, then you would be able  
18 to consider it, but I mean it is very difficult  
19 and I know that this board is so diligent about  
20 their efforts that, you know, it's hard to just  
21 stop where the sunset process stops, starts,  
22 whatever.  All right, is there further, is further  
23 discussion on copper sulfate?  The motion, which

1 was made by Gerald Davis and seconded by Tracy  
2 Miedema is to continue the listing of copper  
3 sulfate 205601A3 and 205601, there was another  
4 listing, E3. Any further discussion? Hearing  
5 none, is there any conflicts or potential  
6 conflicts of interest with copper sulfate.  
7 Hearing none we will go to vote starting with  
8 Tracy.

9 MS. TRACY MIEDEMA: Yes

10 MS. ANDREA CAROE: Katrina?

11 MS. KATRINA HEINZE: Yes.

12 MS. ANDREA CAROE: Joe?

13 MR. JOSEPH SMILLIE: Abstain.

14 MS. ANDREA CAROE: Bea?

15 MS. BEA E. JAMES: No.

16 MS. ANDREA CAROE: Julie?

17 MS. JULIE S. WEISMAN: Yes.

18 MS. ANDREA CAROE: Dan?

19 MR. DANIEL G. GIACOMINI: Yes.

20 MS. ANDREA CAROE: Rigo?

21 MR. RIGOBERTO I. DELGADO: Yes.

22 MS. ANDREA CAROE: Jennifer?

23 MS. JENNIFER M. HALL: Yes.

1 MS. ANDREA CAROE: Jeff?

2 MR. JEFFREY W. MOYER: Yes.

3 MS. ANDREA CAROE: Kevin?

4 MR. KEVIN ENGELBERT: No.

5 MS. ANDREA CAROE: Hue?

6 MR. HUBERT J. KARREMAN: No.

7 MS. ANDREA CAROE: Tina?

8 MS. KRISTINE ELLOR: Yes.

9 MS. ANDREA CAROE: Gerald?

10 MR. GERALD A. DAVIS: Yes.

11 MS. ANDREA CAROE: Steve?

12 MR. STEVE DEMURI: Yes.

13 MS. ANDREA CAROE: And the chair votes

14 yes. Three no's, eleven yeses, and one

15 abstention. The motion passes. Moving along to

16 ozone gas.

17 MR. GERALD A. DAVIS: **Ozone gas**, this is

18 to retain the use of ozone gas under section

19 205601A as algicide, disinfectant and sanitizers

20 including irrigation system cleaners. I would

21 like to move that we retain this material on the

22 national list?

23 MS. ANDREA CAROE: Is there a second?

1 MS. KRISTINE ELLOR: Second.

2 MS. ANDREA CAROE: The motion has been  
3 made by Gerald Davis and seconded by Tina Ellor to  
4 retain Ozone Gas on 205601A of the national list.  
5 Any discussion? No discussion. Hearing none, we  
6 will go straight to vote with Katrina? Oh, wait,  
7 wait, wait, anybody want to disclose a potential  
8 conflict of interest with Ozone Gas? Hearing  
9 none, now we'll go to vote starting with Katrina.

10 MS. ANDREA CAROE: Katrina?

11 MS. KATRINA HEINZE: Yes.

12 MS. ANDREA CAROE: Joe?

13 MR. JOSEPH SMILLIE: Yes.

14 MS. ANDREA CAROE: Bea?

15 MS. BEA E. JAMES: Yes.

16 MS. ANDREA CAROE: Julie?

17 MS. JULIE S. WEISMAN: Yes.

18 MS. ANDREA CAROE: Dan?

19 MR. DANIEL G. GIACOMINI: Yes.

20 MS. ANDREA CAROE: Rigo?

21 MR. RIGOBERTO I. DELGADO: Yes.

22 MS. ANDREA CAROE: Jennifer?

23 MS. JENNIFER M. HALL: Yes.

1 MS. ANDREA CAROE: Jeff?

2 MR. JEFFREY W. MOYER: Yes.

3 MS. ANDREA CAROE: Kevin?

4 MR. KEVIN ENGELBERT: Yes.

5 MS. ANDREA CAROE: Hue?

6 MR. HUBERT J. KARREMAN: Yes.

7 MS. ANDREA CAROE: Tina?

8 MS. KRISTINE ELLOR: Yes.

9 MS. ANDREA CAROE: Gerald?

10 MR. GERALD A. DAVIS: Yes.

11 MS. ANDREA CAROE: Steve?

12 MR. STEVE DEMURI: Yes.

13 MS. ANDREA CAROE: Tracy?

14 MS. TRACY MIEDEMA: Yes.

15 MS. ANDREA CAROE: And the chair votes

16 yes, and that passes zero against, fifteen in

17 favor, no abstentions and no absentees. Moving

18 on.

19 MR. GERALD A. DAVIS: The next material

20 is the group of materials designated as **peracetic**

21 acid. Where is my peracetic acid? There it is—

22 sorry about that. This material is peracetic acid

23 for use as an algicide disinfectant sanitizer

1 including irrigation system cleaners, and in  
2 section A of 205601 and section I as plant disease  
3 control. I move that we retain this material on  
4 the national list.

5 MS. ANDREA CAROE: Is there a second?

6 MR. KEVIN ENGELBERT: I'll second.

7 MS. ANDREA CAROE: Motion has been made  
8 by Gerald Davis and seconded by Kevin Engelbert to  
9 retain peracetic acid on the national list 205601A  
10 and I. Any discussion? Any potential conflicts  
11 of interest that should be disclosed—I did it all  
12 by myself? Hearing none, we'll move to vote  
13 starting with Joe.

14 MS. ANDREA CAROE: Joe?

15 MR. JOSEPH SMILLIE: Yes.

16 MS. ANDREA CAROE: Bea?

17 MS. BEA E. JAMES: Yes.

18 MS. ANDREA CAROE: Julie?

19 MS. JULIE S. WEISMAN: Yes.

20 MS. ANDREA CAROE: Dan?

21 MR. DANIEL G. GIACOMINI: Yes.

22 MS. ANDREA CAROE: Rigo?

23 MR. RIGOBERTO I. DELGADO: Yes.

1 MS. ANDREA CAROE: Jennifer?

2 MS. JENNIFER M. HALL: Yes.

3 MS. ANDREA CAROE: Jeff?

4 MR. JEFFREY W. MOYER: Yes.

5 MS. ANDREA CAROE: Kevin?

6 MR. KEVIN ENGELBERT: Yes.

7 MS. ANDREA CAROE: Hue?

8 MR. HUBERT J. KARREMAN: Yes.

9 MS. ANDREA CAROE: Tina?

10 MS. KRISTINE ELLOR: Yes.

11 MS. ANDREA CAROE: Gerald?

12 MR. GERALD A. DAVIS: Yes.

13 MS. ANDREA CAROE: Steve?

14 MR. STEVE DEMURI: Yes.

15 MS. ANDREA CAROE: Tracy?

16 MS. TRACY MIEDEMA: Yes.

17 MS. ANDREA CAROE: Katrina?

18 MS. KATRINA HEINZE: Yes.

19 MS. ANDREA CAROE: And the chair votes

20 yes. Motion passes zero against, fifteen in

21 favor, no absent, no abstentions, move on.

22 MR. GERALD A. DAVIS: Now, we have a

23 group of materials designated as **EPA list 3 inerts**

1 used in passive pheromone dispensers only and  
2 referred to in 7CFR Section 205601M2II. Category  
3 of use as synthetic, is section M as synthetic  
4 inert ingredients as classified by the  
5 Environmental Protection Agency, EPA, for use with  
6 non-synthetic substances synthetic substances  
7 listed in this section and used as an active  
8 pesticide ingredient in-

9 [END MZ005031]

10 [START MZ005032]

11 -accordance with any limitation on the  
12 use of such substances. I move that we retain  
13 this designation of materials as listed on the  
14 national list.

15 MS. ANDREA CAROE: Is there a second?

16 MR. JEFFREY W. MOYER: I'm sorry, I'll  
17 second that.

18 MS. ANDREA CAROE: Okay, the motion has  
19 been made by Gerald Davis and seconded by Jeff  
20 Moyer to retain EPA list 3 inerts on the national  
21 list 205601M2ii. Any discussions on this motion?  
22 Dan?

23 MR. DANIEL G. GIACOMINI: I would just



1 like at this point on the record to sort of repeat  
2 what the program said yesterday was that even with  
3 all the stuff that's going on with EPA on this  
4 issue this still does make sense.

5 MS. ANDREA CAROE: Any further discussion  
6 on making sense? Any further discussion?

7 MALE VOICE: Cents or sense?

8 MS. ANDREA CAROE: Well, that's the  
9 conflict of interest. Does anybody make cents  
10 from this? Julie?

11 MS. JULIE S. WEISMAN: I would like to  
12 ask a question so that it's in the record though--  
13 not that any of us would be on the board the next  
14 time it comes around for sunset, but before that  
15 happens these things have to be petitioned  
16 whatever the four or five inerts that are actually  
17 being used, eventually they will have to be  
18 petitioned separately in order for them to  
19 continue in use. And it's never too soon to  
20 figure out who in industry needs to be prompted to  
21 do that.

22 MS. ANDREA CAROE: Gerald?

23 MR. GERALD A. DAVIS: I had a question if

1 it would be appropriate for the crops committee to  
2 take it to task to notify these manufacturers of  
3 the pheromone dispensers to make sure they  
4 understand what we're trying to telegraph to them  
5 that you guys need to get petitions in because  
6 your material will go away in five years if you  
7 don't.

8 MS. ANDREA CAROE: I mean certainly we  
9 outreach with community, but I think you don't  
10 want to be part of the petitioning process if you  
11 want to vote on these materials.

12 MR. GERALD A. DAVIS: I guess what I  
13 should have said is just make sure they get this  
14 information, this action that we took today in  
15 hand so that they know about it just to follow up  
16 to make sure that they have seen it.

17 MS. ANDREA CAROE: Bea?

18 MS. BEA E. JAMES: I'd like to ask the  
19 NOP if that would maybe come across as  
20 solicitation for retaining.

21 MS. BARBARA C. ROBINSON: Well, wouldn't  
22 we—I guess I'm going to ask my own colleagues  
23 here, wouldn't we somehow be letting the public

1 know this through the course of our normal rule-  
2 making? Wouldn't we be notifying the public  
3 through the sunset process that—and haven't we  
4 already done this on the web site through the  
5 guidance, made the public aware of the fact that  
6 EPA is redesignating all of the inerts and so—and  
7 I have no problem with us certainly letting the  
8 public know that inerts are going to have to be  
9 petitioned individually in the future. But, you  
10 know, let me just ask you.

11 MALE VOICE: [off mic] For now it stays  
12 on, but at some point, we want to [unintelligible]  
13 things with the EPA, and we'll be coming back to  
14 the board.

15 MS. ANDREA CAROE: Let the program confer  
16 on this topic.

17 MS. BARBARA C. ROBINSON: Okay, Rick is  
18 telling me that when we get feedback from EPA  
19 within five years, of course, we'll be coming back  
20 to the board and asking you for — telling you how  
21 we need to get back in synch with EPA based on  
22 their new procedures. So, it will eventually all  
23 work itself out, and it will be a lot of work.

1 There's no doubt about it, but I have no doubt  
2 that this is going to—and I'm sure that EPA itself  
3 is still letting people know about this.

4 RICK: [off mic] And for now we've still  
5 got the old list up.

6 MS. BARBARA C. ROBINSON: And for now we  
7 do, we still have the old list up and it is still  
8 valid.

9 MS. ANDREA CAROE: Bea?

10 MS. BEA E. JAMES: Just for clarification  
11 though, would it be appropriate actually for the  
12 board to contact—I mean to me it seems like it  
13 might come off as a form of solicitation to try to  
14 retain something on the national list and that if  
15 somebody wanted to know, I guess what I'm trying  
16 to confirm with you is that they should be able to  
17 find out that information off of the web site and  
18 not through the actual NOSB.

19 MS. BARBARA C. ROBINSON: Right, right.

20 MS. ANDREA CAROE: Julie?

21 MS. JULIE S. WEISMAN: Bea, would you  
22 feel less uncomfortable if the contact were made  
23 by an industry organization that those

1 manufacturers belonged to rather than specific  
2 manufacturers who might have something to gain?

3 MS. BEA E. JAMES: OMRI is also letting  
4 people know about this too.

5 MS. ANDREA CAROE: This is a very  
6 interesting topic, and as much as I'd like to talk  
7 about it, I don't know if we want to stay here too  
8 long or if we're ready to move on. Are you okay  
9 with that, Gerry, or do you need to--

10 MR. GERALD A. DAVIS: [Interposing] I  
11 would love to move on.

12 MS. ANDREA CAROE: This is like a future  
13 action. This is about next time sunset or  
14 sometime between here and next sunset.

15 MR. GERALD A. DAVIS: Let's move on.

16 FEMALE VOICE: You definitely won't be  
17 here.

18 MS. ANDREA CAROE: I won't. any further  
19 discussion on these EPA list 3? Does anybody have  
20 a potential conflict of interest with EPA list 3  
21 inerts with pheromone mating disruption, whatever,  
22 none, okay. We will go to a vote starting with  
23 Bea James.

1 MS. BEA E. JAMES: Abstain.  
2 MS. ANDREA CAROE: Julie?  
3 MS. JULIE S. WEISMAN: Abstain.  
4 MS. ANDREA CAROE: Dan?  
5 MR. DANIEL G. GIACOMINI: Yes.  
6 MS. ANDREA CAROE: Rigo?  
7 MR. RIGOBERTO I. DELGADO: Yes.  
8 MS. ANDREA CAROE: Jennifer?  
9 MS. JENNIFER M. HALL: Yes.  
10 MS. ANDREA CAROE: Jeff?  
11 MR. JEFFREY W. MOYER: Yes.  
12 MS. ANDREA CAROE: Kevin?  
13 MR. KEVIN ENGELBERT: Yes.  
14 MS. ANDREA CAROE: Hue?  
15 MR. HUBERT J. KARREMAN: Yes.  
16 MS. ANDREA CAROE: Tina?  
17 MS. KRISTINE ELLOR: Yes.  
18 MS. ANDREA CAROE: Gerald?  
19 MR. GERALD A. DAVIS: Yes.  
20 MS. ANDREA CAROE: Steve?  
21 MR. STEVE DEMURI: Yes.  
22 MS. ANDREA CAROE: Tracy?  
23 MS. TRACY MIEDEMA: Yes.

1 MS. ANDREA CAROE: Katrina?

2 MS. KATRINA HEINZE: Yes.

3 MS. ANDREA CAROE: Joe?

4 MR. JOSEPH SMILLIE: Yes.

5 MS. ANDREA CAROE: And the chair votes

6 yes. Motion passes zero against, thirteen in

7 favor and two abstentions. No absentees. Thank

8 you to the crops committee for your hard work.

9 Next committee on the block CACC .

10 MR. JOSEPH SMILLIE: Yes, Madame Chair,

11 the certification, accreditation and compliance

12 committee would-is going to be placing two

13 recommendations in front of the board. The first

14 recommendation will be on **standardized**

15 **certifications**, which we'll have up on the screen

16 shortly. Basically, this was put on the CACC work

17 plan, and we got a certain way along. Then with

18 the help of public comments we were able to

19 deliver a recommendation at this meeting after

20 deferring the recommendation last October. And we

21 feel that the public response especially from the

22 certification sector has been very positive, and

23 we are moving forward with our recommendation.

1 The principle author will walk the board through  
2 this recommendation, and after that we'll be  
3 making a motion for acceptance.

4 MS. JENNIFER M. HALL: Thank you, Madame  
5 Chair. I'd like to present our recommendation on  
6 standardized certificates. Receiving public  
7 comment we also did make one modification and  
8 voted as a committee on that. So, I'd like to  
9 talk through that first if you don't mind. And  
10 that is under 205.404d the very end of that  
11 sentence where it says or should the certification  
12 be allowed to expire—we would like to strike that.  
13 It is inconsistent language with the rest of the  
14 document and was a holdover from the expiration  
15 recommendation. So, with that modification, I  
16 would like to move that we approve the  
17 standardized certificate recommendation.

18 MS. ANDREA CAROE: Is there a second.

19 MR. JOSEPH SMILLIE: Second.

20 MS. ANDREA CAROE: The motion has been  
21 made by Jennifer Hall and seconded by Joe Smillie.  
22 Just for clarification, the recommendation already  
23 includes the modification that has been voted on



1 by the committee coming to the board.

2 MR. JOSEPH SMILLIE: That's correct. It  
3 was a 6-0-0 vote.

4 MS. ANDREA CAROE: Okay, any discussion  
5 on the standardized certificate recommendation?  
6 Jeff?

7 MR. JEFFREY W. MOYER: Yeah, I just have  
8 a question for the committee. Under 205.404b5 we  
9 discussed and heard testimony today about the fact  
10 that might be burdensome. Can you respond to that  
11 in any way?

12 MS. ANDREA CAROE: Joe or Jennifer?

13 MR. JEFFREY W. MOYER: Either one is fine  
14 with me.

15 MR. JOSEPH SMILLIE: Yeah, I'd like to  
16 respond. It's problematic, and why we decided the  
17 common trade name is because number one it is a  
18 common trade name, and one of the presenters the  
19 other day said, you know, we've got a lot of  
20 farmers with small vegetables. We call it mixed  
21 vegetables. We feel that's acceptable. It's  
22 gives certification agents enough flexibility to  
23 decide what's on the report. We couldn't go, you

1 know, we couldn't get too vague, and we couldn't  
2 get too specific. And I think I polled you  
3 actually for opinion on that too. We went around,  
4 and we could not get any good agreement on order,  
5 phylum, variety and all that, and we just felt the  
6 common trade name would be the most appropriate  
7 term to use, which gives certifiers enough  
8 flexibility in that.

9 MS. JENNIFER M. HALL: I would add on the  
10 restaurant end, which seems to have its own  
11 difficulty that I would suggest that it might be  
12 sufficient to attach copies of prior menus knowing  
13 that there is seasonality. That provides an audit  
14 trail if they can then produce the invoice or bill  
15 that they got for items that they're specifically  
16 highlighting as organic. That would be sufficient  
17 as a paper trail.

18 MS. ANDREA CAROE: Further discussion? No  
19 further discussion? Okay, I'm not calling for  
20 conflicts on this one. It's a recommendation.  
21 So, hearing no further discussion [crosstalk]  
22 conflicts to a recommendation? All right, are  
23 there any potential conflicts of interest on the

1 standardized certificate?

2 MR. JOSEPH SMILLIE: Just for the purpose  
3 of the record, I already declared at the beginning  
4 of the meeting that I work for a company that is  
5 very much involved in the granting of  
6 certificates, which are now becoming standardized.  
7 I do not feel like it's a conflict of interest.  
8 However, I would like to ask the board to make  
9 that judgment.

10 MS. ANDREA CAROE: Do any of the members  
11 feel that there is a conflict of interest for Joe?  
12 And I agree. So, we ask that the member vote with  
13 the rest of the committee. Any further conflicts  
14 to disclose? Okay, then we will start the vote  
15 with?

16 FEMALE VOICE: Julie.

17 MS. ANDREA CAROE: Julie?

18 MS. JULIE S. WEISMAN: Yes.

19 MS. ANDREA CAROE: Dan?

20 MR. DANIEL G. GIACOMINI: Yes.

21 MS. ANDREA CAROE: Rigo?

22 MR. RIGOBERTO I. DELGADO: Yes.

23 MS. ANDREA CAROE: Jennifer?

1 MS. JENNIFER M. HALL: Yes.

2 MS. ANDREA CAROE: Jeff?

3 MR. JEFFREY W. MOYER: Yes.

4 MS. ANDREA CAROE: Kevin?

5 MR. KEVIN ENGELBERT: Yes.

6 MS. ANDREA CAROE: Hue?

7 MR. HUBERT J. KARREMAN: Yes.

8 MS. ANDREA CAROE: Tina?

9 MS. KRISTINE ELLOR: Yes.

10 MS. ANDREA CAROE: Gerald?

11 MR. GERALD A. DAVIS: Yes.

12 MS. ANDREA CAROE: Steve?

13 MR. STEVE DEMURI: Yes.

14 MS. ANDREA CAROE: Tracy?

15 MS. TRACY MIEDEMA: Yes.

16 MS. ANDREA CAROE: Katrina?

17 MS. KATRINA HEINZE: Yes.

18 MS. ANDREA CAROE: Joe?

19 MR. JOSEPH SMILLIE: Yes.

20 MS. ANDREA CAROE: Bea?

21 MS. BEA E. JAMES: Yes.

22 MS. ANDREA CAROE: And the chair votes

23 yes. Motion passes zero against, fifteen in

1 favor, no absent or no abstentions. Moving on.

2 MR. JOSEPH SMILLIE: Madame Chair, the  
3 second item is **commercial availability**. Now, I  
4 know we're a little ahead of schedule, and I will  
5 now get us caught up because we have decided—the  
6 committee met last night and decided that  
7 [crosstalk]. Everybody's tired, that's okay.  
8 Basically, we decided that this was an important  
9 enough item that we wanted to move forward. We  
10 received significant public comment that was  
11 number one directed toward—the most important  
12 issue it seemed the public comment very strongly  
13 felt that trying to put seeds together with 606  
14 items, the only two things that are available in  
15 the commercial availability realm, just wasn't  
16 perfect and wouldn't work as a combined document.  
17 So, rather than table the entire document or defer  
18 the entire document, whichever is the correct  
19 term, Dan, we've decided to go back and do a  
20 rewrite of the recommendation. Basically, in that  
21 rewrite, which the principal author is going to  
22 walk you through and then we'll make a motion for  
23 acceptance of that rewrite, we've gone through and

1 removed all reference to seed commercial  
2 availability from that document. Again, as we  
3 talked about yesterday, it's just going to be more  
4 appropriate for a specific seed document to come  
5 forward under a joint committee between the crops  
6 committee and the CACC committee to issue a joint  
7 document. We did heed the warning and the plea  
8 from the seed industry that really it's in the  
9 regulation already. They do not feel it's being  
10 enforced. We urged the program to enforce the  
11 current regulation, and we will be coming out with  
12 a more specific guidance document in the spring.  
13 But for the time being, the recommendation that  
14 you're going to be considering today is only going  
15 to be concerning 606. The second alteration is we  
16 heard well the public comment from the  
17 certification sector that a certain section of the  
18 document was not only burdensome but possibly  
19 misplaced in that their role was not as we had  
20 originally in the original document sort of  
21 proscribed. So, we've gone through and made  
22 significant alterations to that section, and I'll  
23 let Bea walk us all through the document. Now,

1 you know, you will be seeing this document for the  
2 first time, but I recommend that you follow along  
3 with the document that you were issued in the  
4 book. I know it's very hard to read the screen,  
5 but mostly it's a question of deletion, and when  
6 we get to sections that are additions, we'll go  
7 through that slowly.

8 MS. BEA E. JAMES: Thank you, Joe. Let  
9 me just get my mic up here. Valerie, I'm  
10 wondering if we can get that to 135. I think it  
11 will still stay—the whole thing will be on the  
12 screen. Most of us are at that age where our  
13 eyesight is—I'll speak for myself anyway. Okay.  
14 Higher.

15 MALE VOICE: One more bump.

16 MS. BEA E. JAMES: 150, there you go.  
17 Okay. So, just to, you know, Joe gave a pretty  
18 excellent summary of the changes that were made to  
19 this document, and it's more of an editing than  
20 anything else. So, I'm just going to take you  
21 through some of those changes. The first change  
22 is obviously is the dates. This is now going to  
23 be a document that was created as of, you know, 2

1 a.m. last night. So, the first strike out is the  
2 last part of the first paragraph that really has  
3 to do with seed, and a lot of things that we  
4 removed from this document do pertain specifically  
5 to seed. And for a lot of the people in the  
6 audience who are anxious to see something happen  
7 with seed, it's not that we're removing these  
8 comments from the recommendation and not planning  
9 on doing something else with them. We will use a  
10 lot of the comments that are in here to work in  
11 conjunction with crops and livestock and  
12 certification committee to come up with a separate  
13 recommendation specifically on seed.

14           The next change—scroll all the way down,  
15 Valerie, please to regulatory citations and  
16 background. We removed 205, 204 seeds and  
17 planting stock practice standards since this  
18 recommendation is now separating out comments that  
19 have to do with seed.

20           MR. JOSEPH SMILLIE: Bottom of page two.

21           MALE VOICE: thank you.

22           MS. BEA E. JAMES: okay, and then we go  
23 to the discussion, and in then discussion the



1 first change is we didn't want to totally remove  
2 the fact that we acknowledge that the situation  
3 with commercial availability of organic seed needs  
4 to be addressed. So, we left in information  
5 regarding that, but we're just acknowledging it in  
6 this document, and we're highlighting on the last  
7 sentence that I'll just read the sentence.  
8 Therefore the NOSB recommends evaluation of the  
9 above-listed documents in order to improve the  
10 ability to enforce 205/204 as well as  
11 collaboration between the certification  
12 accreditation crops and livestock committees to  
13 review the above documents on seed and determine  
14 the process for enforcement of commercial  
15 availability of organic seed with a goal to  
16 present a recommendation at the spring 2008 NOSB  
17 meeting.

18           Then the last sentence is struck. The  
19 final sentence that gives kind of a precedent to  
20 the recommendation to come—the last part of that  
21 sentence that has to do with seed is struck. Then  
22 we go to the actual recommendation, and this was—

23           MR. JOSEPH SMILLIE: [Interposing] Top

1 of page four.

2 MS. BEA E. JAMES: Okay, we didn't really  
3 receive any comments regarding A in the  
4 recommendation, so we left the recommendation for  
5 training from the NOP and we added in that it  
6 should include a review of NOP's current and any  
7 new courses of action for determining commercial  
8 availability as well as review procedures for  
9 proactive steps that the applicant or certified  
10 operator takes to generate. And then the last  
11 part of that sentence is struck because it has to  
12 do with seed. Section B of the recommendation,  
13 the ACA's role, this is where we get into quite a  
14 few changes. So, in B1, the first part of that  
15 change is really to—that we took out the reference  
16 to seed and that we changed some of the wording a  
17 little bit so that documented claims should be  
18 accompanied by supporting evidence demonstrating  
19 the organic forms of the ingredient or material.  
20 And then moving on after the end of that sentence  
21 to that we heard from the public that they really  
22 didn't want any kind of a proscriptive direction  
23 on how to do that, so we opened that up a little

1 bit and said examples of such evidence include but  
2 are not limited to test data, market reports,  
3 third party research, reports on local growing  
4 season and letters from suppliers.

5           We left in the note that acknowledges  
6 that the global market is the universe of supply  
7 for agricultural ingredients, but we removed all  
8 of the reference specifically to seed. Any  
9 questions in B1? Okay, going to B2, not a lot of  
10 changes here, mostly taking out comments that  
11 refer to seed and that we heard in public comment  
12 that the proscriptive recommendation to ask for  
13 multiple detailed results wasn't favored by a lot  
14 of the certifiers, and so we changed multiple to  
15 various and instead of saying should changed it to  
16 could. So, it's documentation could include  
17 various detailed results commensurate with known  
18 supply of the applicants effort to contact  
19 credible sources of ingredients or materials. And  
20 then the rest of that is the same except the  
21 removal of seed. Any questions on B2?

22           Okay, moving to B3, so okay, so this is  
23 where we heard most of the opposition from public

1 comment, and that's the whole idea of ACA's  
2 notifying certification applicants or certified  
3 operators with proper lead time, sources of  
4 information. A lot of the public comment that we  
5 heard yesterday felt that was in some way  
6 consulting, which certifiers are not supposed to  
7 do. So, we changed that wording so that it is the  
8 ACA will maintain and keep accessible sources of  
9 information, which lists available, organic  
10 ingredients or materials if the certifying agent  
11 finds that such sources exist. And we left it at  
12 that and we struck the topic of the expectation  
13 and lead time. And if you want to explain why we  
14 struck.

15 MR. JOSEPH SMILLIE: Just repeat [off  
16 mic]

17 [crosstalk]

18 MR. JOSEPH SMILLIE: What I would like to  
19 do is accept, you know, my amendments or word  
20 changes at this point.

21 MS. ANDREA CAROE: Unfortunately, what's  
22 being presented is committee-voted on  
23 recommendations.

1 MR. JOSEPH SMILLIE: You're absolutely  
2 right.

3 [off mic]

4 MS. BEA E. JAMES: We didn't have a full  
5 agreement on that.

6 MS. ANDREA CAROE: We can just—I mean we  
7 have a voted-on document, Jennifer, and I know  
8 there was a lot of changes that were made. So,  
9 maybe that's something we can discuss after the  
10 motion is made at the board level. Certainly  
11 those things can be done.

12 MS. BEA E. JAMES: That's okay. Did you  
13 ask that I repeat three?

14 MS. ANDREA CAROE: I'd just like you to  
15 repeat three in its totality.

16 MS. BEA E. JAMES: Okay, so B3 is ACA's  
17 will maintain and keep accessible sources of  
18 information, which list available organic  
19 ingredients or materials if the certifying agent  
20 finds that such sources exist. That's it.  
21 Everything else is out of there.

22 Okay, B4 so here we also heard quite a  
23 bit of comment as far as keeping an up to date

1 listing so we made some changes to this point so  
2 that it wasn't so proscriptive. So, I'm just  
3 going to go through and read this piece mill  
4 paragraph here. ACA's will keep an up-to-date  
5 listing of certified organic 205.606 ingredients.  
6 This list will be maintained and submitted to the  
7 NOP annually by the ACA for the NOP to collate  
8 into a master list of materials and ingredients  
9 that are available in organic form. It is  
10 recommended that the database of all materials and  
11 ingredients will be maintained by the NOP or other  
12 NOP-appointed organizations. So, the main  
13 opposition that we heard around this was that the  
14 certifiers didn't feel that it was their job to  
15 actually maintain this list, and there's also  
16 several concerns around the NOP's ability to  
17 actually keep a database if they do this work.  
18 But we didn't strike the entire thing because we  
19 really feel that this is the way to go, and we  
20 also changed it so that it is more in the positive  
21 instead of keeping a list of all of the granted  
22 non-organic items that we're asking for certified  
23 organic 205.606 ingredients.

1                   MR. JOSEPH SMILLIE: My understanding is  
2 this was not a change to the current requirements  
3 under the NOP—that is a publicly-accessible list  
4 of certified products. My understanding is that  
5 certification agencies report that currently so  
6 it's nothing new.

7                   MS. BEA E. JAMES: Okay, the last—one of  
8 the last ones here, B5, we did receive public  
9 comment asking us to pretty much strike five in  
10 its entirety, but as a committee we felt it was  
11 important to maintain the whole idea of proactive  
12 steps that the applicant should be required to do.  
13 So, we softened the language a little bit. The  
14 main change is that we're asking that the NOSB  
15 would like to recommend that the NOP consider  
16 requiring a plan to include detailed documentation  
17 of proactive steps that the applicant or certified  
18 operator is taking to generate the organic form of  
19 commercially unavailable organic ingredients or  
20 materials striking seed. So, the language prior  
21 to that was very proscriptive, and so now we're  
22 really leaving it up to the NOP to make that final  
23 decision, and we're giving them the recommendation

1 that we would like to see this happen. Six stays  
2 the same, and the only other thing that changed is  
3 our vote. We passed this document around with  
4 these changes. Everybody voted. We had six yes,  
5 zero no, and I moved and Joe seconded.

6 MR. JOSEPH SMILLIE: We have that in  
7 writing.

8 MS. ANDREA CAROE: So, is there a motion?

9 MS. BEA E. JAMES: Yes, I would like to  
10 move that we accept the edited recommendation that  
11 is now dated for November 30, 2007, for further  
12 guidance on the establishment of commercial  
13 availability criteria.

14 MS. JULIE S. WEISMAN: Second.

15 MR. JOSEPH SMILLIE: Second.

16 MS. ANDREA CAROE: Julie beat you. So, we  
17 have a motion made by Bea James for the further  
18 guidance on the establishment of commercial  
19 availability criteria document dated November 30,  
20 2007, and that was seconded by Julie Weisman.  
21 Discussion? And I'll start off—just a couple of  
22 reminders. This is a guidance document not rule  
23 change language, and I will also reiterate what we



1 said yesterday that the urgency in this matter is  
2 that this is the protection of the use of 606  
3 materials. This is what restricts the use of 606  
4 materials, a consistent application of commercial  
5 availability. So, we felt that with a robust list  
6 of materials on 606 it was necessary to have that  
7 level of scrutiny on those materials. Hue?

8 MR. HUBERT J. KARREMAN: I think the  
9 content is fine. It's just the technicality is if  
10 it's a guidance document can you use the word  
11 "will" instead of "shall?" That's all I'm asking.  
12 That was my only question.

13 MS. ANDREA CAROE: You certainly can use  
14 the word "will," but you can't be—it's not  
15 binding. Right, I mean this is about clarifying  
16 the intent of what is due diligence on a  
17 commercial availability effort.

18 MR. HUBERT J. KARREMAN: The only reason  
19 I ask is when we were trying to pass some guidance  
20 on other things earlier with livestock, I think we  
21 were cut back on the word "shall" to "should." I  
22 just want to make sure it's right going in.  
23 Otherwise, it's fine. I like it.

1 MS. ANDREA CAROE: Well, those changes  
2 could be made at another rendition of this if it  
3 was necessary, or we can make the changes here if  
4 you have specific ones that you're interested in.  
5 Since we're in discussion now, we can look at  
6 amending this document. Jennifer?

7 MS. JENNIFER M. HALL: Yes, I would like  
8 to go to the original page four. I guess it's  
9 under the recommendation letter B, number 3, the  
10 first sentence. Is that it? Two changes, the end  
11 of the first line where it says "or" I'd like that  
12 to be an "and," ingredients and materials. Number  
13 three. [off mic] No, you were right. [off mic]

14 MALE VOICE: Item three, yeah, the first  
15 line.

16 MS. JENNIFER M. HALL: At the end of that  
17 very first line on number three, "or" should be  
18 "and." And I would like to strike everything  
19 after materials.

20 MS. ANDREA CAROE: This is—Valerie, you  
21 should be putting this in track.

22 MS. JENNIFER M. HALL: Yeah.

23 MS. ANDREA CAROE: Are you making a

1 motion for an amendment to this document?

2 MS. JENNIFER M. HALL: I would like to  
3 move that the document be amended.

4 MS. ANDREA CAROE: And is that being  
5 accepted as a friendly amendment by the motioner?  
6 They're in conference.

7 [crosstalk]

8 MS. BEA E. JAMES: I accept the change to  
9 say organic ingredients and materials, but I  
10 reject the strike of the last part of that  
11 sentence.

12 MS. ANDREA CAROE: Okay, there's a  
13 motion. You have to accept or reject.

14 MS. BEA E. JAMES: Reject.

15 MS. ANDREA CAROE: You reject it. Is  
16 there a second as an unfriendly amendment?

17 MR. HUBERT J. KARREMAN: Yes, second.

18 MS. ANDREA CAROE: Okay, so there is a  
19 motion on the table for an unfriendly amendment  
20 that will alter B3. Is there any discussion  
21 around that amendment? Joe?

22 MR. JOSEPH SMILLIE: Yeah, I think the  
23 reason why the "if" the certifying agents find

1 that such source exists, it may or may not, and  
2 this binds the ACA's that we'll maintain the  
3 access of all available materials. If it's not  
4 there for whatever reason, you know, they still  
5 have to comply, and I'd like to let them—I'd like  
6 there to be a way that is not so—I'd like to make  
7 it more flexible. That's all it is.

8 MS. ANDREA CAROE: Bea?

9 MS. BEA E. JAMES: Jennifer, can you  
10 explain why you want to remove that last part of  
11 the sentence?

12 MS. JENNIFER M. HALL: Yes, I actually  
13 think that it clears it up. It's just maintaining  
14 a list of sources. For me, that last phrase  
15 actually makes it more incumbent upon them that  
16 they're looking for something specific, not a  
17 general guide of where to find information.

18 MS. ANDREA CAROE: Hue, did you have  
19 something?

20 MR. KEVIN ENGELBERT: It's just is the  
21 second part of that sentence redundant? It is?  
22 Okay, well that rearrangement in my mind.

23 MS. ANDREA CAROE: Further discussion?

1 Rigo?

2 MR. RIGOBERTO I. DELGADO: There is a  
3 comment here asking if the last part of that  
4 sentence is redundant, and my opinion is that it's  
5 not because if you take it away you're actually  
6 forcing the ACA to have those sources of  
7 information. And the way I'm interpreting what  
8 the committee wants is to give more flexibility as  
9 to whether those sources should be there or not--  
10 just a point of clarification.

11 MS. ANDREA CAROE: Further discussion?  
12 Kevin?

13 MR. KEVIN ENGELBERT: I think it's just  
14 semantics. To me if they don't exist, they can't  
15 keep a record of it. That's why it seems  
16 redundant to me, Rigo.

17 MS. ANDREA CAROE: Further discussion?  
18 Bea?

19 MS. BEA E. JAMES: Well, I guess I think  
20 it's better to be slightly over redundant since we  
21 oftentimes end up in conversations over words like  
22 and, of, the, it, and we spend days trying to talk  
23 about that. So, for me it clarifies it more,

1 which is one of the things that I have found is  
2 important to do when writing recommendations.

3 MS. ANDREA CAROE: Before we go on, just  
4 you know I know at this time of the meeting we  
5 usually get loud in the audience, but we're really  
6 trying to concentrate on these little details.  
7 And I ask if you have conversations to take them  
8 outside. Is there further comments, questions, or  
9 discussions on this amendment? Bea?

10 MS. BEA E. JAMES: I also want to remind  
11 my fellow board members that yesterday when we  
12 went through this document that the NOP expressed  
13 that they were in support of trying to get a  
14 document to them on commercial availability. This  
15 is not—I mean it will go to the NOP and from there  
16 the final, final will come from them. So, just...

17 MS. ANDREA CAROE: Further comments?  
18 Further discussion? None. Okay, so the motion  
19 that we are voting on right now is the motion to  
20 amend the recommendation. The motion was made by  
21 Jennifer and seconded by Hue, and that is to amend  
22 item B3 by removing the word "or" and replacing it  
23 with "and" and then removing "if the certifying

1 agent finds that such sources exist.

2 MR. JOSEPH SMILLIE: Point of order.

3 MS. ANDREA CAROE: Joe?

4 MR. JOSEPH SMILLIE: I'm not sure how  
5 this is handled under Robert's rules of order, but  
6 we did accept as a friendly amendment the change  
7 from "or" to "and."

8 MS. ANDREA CAROE: You can't accept part  
9 of a motion. The motion included both of them.  
10 So, again is there any further discussion on the  
11 amendment. Hearing none, let's vote on the  
12 amendment. That's to change the recommendation  
13 starting with Dan.

14 MR. DANIEL G. GIACOMINI: No.

15 MS. ANDREA CAROE: Rigo?

16 MR. RIGOBERTO I. DELGADO: No.

17 MS. ANDREA CAROE: Jennifer?

18 MS. JENNIFER M. HALL: Yes.

19 MS. ANDREA CAROE: Jeff?

20 MR. JEFFREY W. MOYER: No.

21 MS. ANDREA CAROE: Kevin?

22 MR. KEVIN ENGELBERT: Yes.

23 MS. ANDREA CAROE: Hue?

1 MR. HUBERT J. KARREMAN: Yes.

2 MS. ANDREA CAROE: Tina?

3 MS. KRISTINE ELLOR: Yes.

4 MS. ANDREA CAROE: Gerald?

5 MR. GERALD A. DAVIS: Yes.

6 MS. ANDREA CAROE: Steve?

7 MR. STEVE DEMURI: No.

8 MS. ANDREA CAROE: Tracy?

9 MS. TRACY MIEDEMA: No.

10 MS. ANDREA CAROE: Katrina?

11 MS. KATRINA HEINZE: No.

12 MS. ANDREA CAROE: Joe?

13 MR. JOSEPH SMILLIE: No.

14 MS. ANDREA CAROE: Bea?

15 MS. BEA E. JAMES: No.

16 MS. ANDREA CAROE: Julie?

17 MS. JULIE S. WEISMAN: No.

18 MS. ANDREA CAROE: And I vote no, but I'm

19 irrelevant. Okay, one, two, three, four, five,

20 six, seven, eight, nine, ten - ten against, five

21 in favor. No abstentions. No absentees. The

22 motion fails. So, the original document is back

23 on. So can we remove the track changes? Okay, the



1 motion on the floor is to accept the  
2 recommendation. The motion was made by Bea James,  
3 seconded by Julie Weisman. Discussion on the  
4 recommendation? Katrina?

5 MS. KATRINA HEINZE: I'd like to make a  
6 friendly amendment that the "or" is stricken and  
7 replaced by "and."

8 MALE VOICE: Second.

9 MS. ANDREA CAROE: Is the amendment  
10 accepted by the motioner as friendly?

11 MS. BEA E. JAMES: Yes.

12 MS. ANDREA CAROE: And by the seconder?

13 MS. JULIE S. WEISMAN: Yes.

14 MS. ANDREA CAROE: Okay, so it is a  
15 friendly amendment, we don't need a second. Okay,  
16 discussion on the removal of the word "or" and the  
17 addition of the word "and," adding "and." Any  
18 discussion on that? Bea?

19 MS. BEA E. JAMES: We have throughout  
20 this document ingredients or materials on several  
21 of the sentences, and so I'm just wondering if  
22 this is truly the only place that the board would  
23 like to see this change? Sorry, but, you know,

1 for consistency's sake.

2 MS. ANDREA CAROE: Dan?

3 MR. DANIEL G. GIACOMINI: I don't want to  
4 be too picky here, but if you're combining early,  
5 early grade math and some language logic when you--  
6 if you look at what you're talking as two circles  
7 being two sets of things with one being  
8 ingredients and the other being materials and you  
9 have an overlap in those two circles and those two  
10 sets, use of the word "and" is the area over the  
11 overlap, the area where both of them are at the  
12 same time. The use of the word "or" is the entire  
13 area of the two sets. I think what we're looking  
14 at here in that sense and what the intent of that  
15 sentence is - is for the entire area of the two  
16 sets being the "or" and not simply the overlap  
17 area being "and."

18 MS. ANDREA CAROE: Barbara?

19 MS. BARBARA C. ROBINSON: In other words,  
20 as we say down in OGC where I went to beg for your  
21 livestock document--

22 MALE VOICE: [Interposing] Thank you,  
23 thank you.

1 MALE VOICE: And grovel she did.

2 MS. BARBARA C. ROBINSON: --the word "or"  
3 implies "and." So, if you use the word "or" you  
4 get them both anyway. [crosstalk] So, if you  
5 leave it as "or" you get "and."

6 MS. ANDREA CAROE: Katrina?

7 MS. KATRINA HEINZE: Thank you, Dan, for  
8 reminding me how much I love Venn diagrams. I  
9 would like to remove my friendly amendment. Is  
10 that the right language?

11 MS. ANDREA CAROE: You have withdrawn it.  
12 You don't even have to accept it. She's withdrawn  
13 it. It's done. It's over with. So, we are back  
14 to the original motion that we started with like  
15 25 minutes ago.

16 MS. TRACY MIEDEMA: Madame Chair, I would  
17 like to call for the question.

18 MS. ANDREA CAROE: The question has been  
19 called. All right, the votes will start with  
20 Rigo.

21 MR. RIGOBERTO I. DELGADO: Yes.

22 MS. ANDREA CAROE: Jennifer?

23 MS. JENNIFER M. HALL: Yes.

1 MS. ANDREA CAROE: Jeff?  
2 MR. JEFFREY W. MOYER: Yes.  
3 MS. ANDREA CAROE: Kevin?  
4 MR. KEVIN ENGELBERT: Yes.  
5 MS. ANDREA CAROE: Hue?  
6 MR. HUBERT J. KARREMAN: Yes.  
7 MS. ANDREA CAROE: Tina?  
8 MS. KRISTINE ELLOR: Yes.  
9 MS. ANDREA CAROE: Gerald?  
10 MR. GERALD A. DAVIS: Yes.  
11 MS. ANDREA CAROE: Steve?  
12 MR. STEVE DEMURI: Yes.  
13 MS. ANDREA CAROE: Tracy?  
14 MS. TRACY MIEDEMA: Yes.  
15 MS. ANDREA CAROE: Katrina?  
16 MS. KATRINA HEINZE: Yes.  
17 MS. ANDREA CAROE: Joe?  
18 MR. JOSEPH SMILLIE: Yes.  
19 MS. ANDREA CAROE: Bea?  
20 MS. BEA E. JAMES: Yes.  
21 MS. ANDREA CAROE: Julie?  
22 MS. JULIE S. WEISMAN: Yes.  
23 MS. ANDREA CAROE: Dan?

1 MR. DANIEL G. GIACOMINI: Yes.

2 MS. ANDREA CAROE: And I vote yes, and  
3 the motion passes zero again, fifteen in favor,  
4 zero absent and zero abstentions. Good job.

5 MR. JOSEPH SMILLIE: Thank you, Madame  
6 Chair. Thank you, board.

7 MS. ANDREA CAROE: All right, the last  
8 vote item for—Hue?

9 [off mic]

10 MR. HUBERT J. KARREMAN: Might as well  
11 finish up the voting. This won't take too long I  
12 hope. Okay, the livestock committee would like to  
13 recommend that the board accepts the **agriculture**  
14 **working group's interim final report on bivalves**  
15 **and mollusks**, that we receive their report as we  
16 did their early report at State College. We're  
17 receiving it. We're going to keep working it.  
18 Nothing is set in stone. It's just so we can  
19 officially work with it as the livestock committee  
20 and keep on working with AWG as well. So, that  
21 was a long motion wasn't it? I'd like to move  
22 that we accept the AWG's interim report on bivalve  
23 mollusks.

1           MR. JEFFREY W. MOYER: I second that  
2 motion.

3           MS. ANDREA CAROE: Second, okay. So, the  
4 motion has been made to accept the Aquaculture  
5 Working Group interim final report on bivalve and  
6 mollusk on the [unintelligible].

7           FEMALE VOICE: We know what you mean.

8           MS. ANDREA CAROE: Yeah, but I've got to  
9 say it. The motion has been made by Hue Karreman  
10 to accept the interim final report on bivalve and  
11 mollusk of the Aquaculture Working Group, and that  
12 has been seconded by Jeff Moyer. Is there  
13 discussion on the motion? Joe?

14          MR. JOSEPH SMILLIE: Just how you're  
15 proceeding on the committee—how does that get  
16 attached to what we currently have? Are you going  
17 to look at that and recommend at the Spring  
18 meeting or in the future that it be added to our  
19 current recommendation?

20          MS. ANDREA CAROE: Do you want me to  
21 answer?

22          MR. HUBERT J. KARREMAN: If Madame Chair  
23 would answer that since she knows the history of

1 the whole document.

2 MS. ANDREA CAROE: What happened the last  
3 time we received the report. Then the report is  
4 discussed in committee for a recommendation to be  
5 generated. So, this is just receiving the report.  
6 Then the livestock committee will take it and  
7 there will be a second recommendation for further  
8 rule making for standards for mollusks and  
9 bivalves. So, it's an additional standard, an  
10 additional-

11 MR. HUBERT J. KARREMAN: [Interposing]  
12 It will be kind of part of the new agricultural  
13 standard that's being created now by the NOP. As  
14 we sit here they're working on it. I know that.  
15 [laughter]

16 MR. JOSEPH SMILLIE: You've got shares in  
17 the bridge too, right?

18 MR. HUBERT J. KARREMAN: no, but you  
19 know, what was passed in March is technically at  
20 the NOP level now, and we're just kind of adding  
21 on to that after we work as a committee and vote  
22 on the bivalve mollusks hopefully in the spring as  
23 well.

1                   MR. JOSEPH SMILLIE:  And in the same way  
2  the net pens & fish meal issue will also be  
3  discussed, recommended, and added to it so that  
4  once the NOP has the full package of Aquaculture  
5  reports, then they'll proceed or do you feel  
6  they're proceeding?

7                   MR. HUBERT J. KARREMAN:  Oh, I have high  
8  hopes that they will proceed with what we've  
9  already sent them already.

10                  MR. JOSEPH SMILLIE:  Okay, good enough.

11                  MR. HUBERT J. KARREMAN:  I have hope,  
12  maybe not high hope.  We sent, we voted on  
13  something in March.  We--it is at the NOP level now  
14  to create Aquaculture regulations, standards for  
15  agriculture, and now the feed and net pen issue  
16  that we had our symposium on we will be sending  
17  further recommendations on.  Then when we are done  
18  with the bivalve mollusks we will send more  
19  recommendations all within Aquaculture.

20                  MS. ANDREA CAROE:  Joe?

21                  MR. JOSEPH SMILLIE:  May I address the  
22  NOP in asking are they going to proceed to look at  
23  this in piecemeal fashion or is their expectation



1 to get the second of two parts of what will be a  
2 three-part recommendation and move forward on the  
3 total package?

4 MS. BARBARA C. ROBINSON: We're poor.  
5 You know, the coffers are empty. I'll be honest  
6 with you. We have not begun to do any rule-making  
7 on what you've sent us so far. So, I can't answer  
8 your question, Joe, because we haven't begun to do  
9 any work. We've been working on livestock. So,  
10 you know, if we get a budget and we can get some  
11 more people.

12 MR. JOSEPH SMILLIE: That's good.

13 MS. ANDREA CAROE: Any further discussion  
14 on accepting this mollusk and bivalve report.  
15 Hearing none I will call for the last vote of the  
16 day starting with Jennifer?

17 MS. JENNIFER M. HALL: Yes.

18 MS. ANDREA CAROE: Jeff?

19 MR. JEFFREY W. MOYER: Yes.

20 MS. ANDREA CAROE: Kevin?

21 MR. KEVIN ENGELBERT: Yes.

22 MS. ANDREA CAROE: Hue?

23 MR. HUBERT J. KARREMAN: Yes.

1 MS. ANDREA CAROE: Tina?

2 MS. KRISTINE ELLOR: Yes.

3 MS. ANDREA CAROE: Gerald?

4 MR. GERALD A. DAVIS: Yes.

5 MS. ANDREA CAROE: Steve?

6 MR. STEVE DEMURI: Yes.

7 MS. ANDREA CAROE: Tracy?

8 MS. TRACY MIEDEMA: Yes.

9 MS. ANDREA CAROE: Katrina?

10 MS. KATRINA HEINZE: Yes.

11 MS. ANDREA CAROE: Joe?

12 MR. JOSEPH SMILLIE: Yes.

13 MS. ANDREA CAROE: Bea?

14 MS. BEA E. JAMES: Yes.

15 MS. ANDREA CAROE: Julie?

16 MS. JULIE S. WEISMAN: Yes.

17 MS. ANDREA CAROE: Dan?

18 MR. DANIEL G. GIACOMINI: Yes.

19 MS. ANDREA CAROE: Rigo?

20 MR. RIGOBERTO I. DELGADO: Yes.

21 MS. ANDREA CAROE: And the chair votes

22 yes. The motion passes zero against, fifteen in

23 favor, no absent and no abstentions. And at this

1 point we can take a little break. It is now what  
2 ten of three.

3 MALE VOICE: One hour ahead.

4 [break]

5 [crosstalk]

6 MS. ANDREA CAROE: It's time. Last call.  
7 It's the last chance.

8 [crosstalk]

9 ***ELECTION OF NEW OFFICERS***

10 MS. ANDREA CAROE: All right, let's get  
11 back into session. At this time we are prepared  
12 to do election of our officers.

13 FEMALE VOICE: What about recognition of  
14 [unintelligible]?

15 MS. ANDREA CAROE: It's already done.  
16 So, let's start with the secretary position, and I  
17 open it up to the board for nominations for  
18 secretary. Bea?

19 MS. BEA E. JAMES: I nominate Katrina  
20 Heinze.

21 MR. JOSEPH SMILLIE: Second.

22 MS. ANDREA CAROE: And there's a second.  
23 Is there any other nominations for secretary?

1 Hearing none, we will do voice vote for the  
2 position of secretary. All those in favor of  
3 Katrina Heinze as secretary say aye.

4 MIXED VOICES: Aye.

5 MS. ANDREA CAROE: All those opposed same  
6 sign. Abstentions? Congratulations, Katrina.  
7 Congratulations, I'm sure you're going to do a  
8 fabulous job. Your organizational skills will go  
9 far in the position of secretary, and I'm so—I bet  
10 Bea is just like in tears because she is not going  
11 to be doing that work any more. Katrina?

12 MS. KATRINA HEINZE: I have quite  
13 impressive shoes to follow, and I'm honored by  
14 everyone's confidence and railroading.

15 MS. ANDREA CAROE: Okay, I now open up  
16 the floor for nominations for vice chair. Hue?

17 MR. HUBERT J. KARREMAN: I'd like to  
18 nominate Jeff Moyer for vice chair.

19 MS. KRISTINE ELLOR: I'd like to second.

20 MS. ANDREA CAROE: Who seconded that?  
21 Tina, okay. Hue, Tina—any other nominations for  
22 vice chair? Joe?

23 MR. JOSEPH SMILLIE: I'd like to nominate

1 Julie Weisman.

2 MS. ANDREA CAROE: Is there a second?

3 MR. STEVE DEMURI: I'll second.

4 MS. ANDREA CAROE: Any further  
5 nominations for the position of vice chair?  
6 Tracy?

7 MS. TRACY MIEDEMA: I'd like to nominate  
8 Dan Giacomini.

9 MALE VOICE: Second.

10 MS. ANDREA CAROE: Okay, any further  
11 nominations for vice chair? I close the  
12 nominations, and we will pass around--there's--

13 FEMALE VOICE: [Interposing] Everybody  
14 has got little post-its. Can you repeat the--

15 MS. ANDREA CAROE: [Interposing] The  
16 three nominees are Jeff Moyer, Julie Weisman, and  
17 Dan Giacomini.

18 [crosstalk]

19 MALE VOICE: Do they go to the new  
20 secretary?

21 MS. ANDREA CAROE: No, they go to me.

22 [crosstalk]

23 MS. ANDREA CAROE: Congratulate the new

1 vice chair, Jeff Moyer. [applause] Moving along  
2 to the nominations for chair.

3 MR. KEVIN ENGELBERT: I'd like to  
4 nominate Rigoberto.

5 MS. ANDREA CAROE: Rigoberto.

6 MR. KEVIN ENGELBERT: Rigoberto Delgado,  
7 the user-friendly name, Rigo Delgado.

8 MS. ANDREA CAROE: Is there a second?

9 MR. HUBERT J. KARREMAN: I'd like to  
10 second for Rigoberto Delgado.

11 MS. ANDREA CAROE: Any other nominations  
12 for the position of chair?

13 MS. TRACY MIEDEMA: I'd like to nominate  
14 Jerry Davis.

15 MR. DANIEL G. GIACOMINI: Second.

16 MS. ANDREA CAROE: We have a nomination  
17 for Gerald Davis. Any other nominations for the  
18 position of chair? Okay, I close the nominations,  
19 and I ask everybody to vote. We have two  
20 candidates, Rigoberto Delgado and Gerald Davis.

21 [END MZ005032]

22 [START MZ005033]

23 MS. ANDREA CAROE: My congratulations and

1 condolences to your new chair, Rigoberto Delgado.

2 [applause]

3 MR. RIGOBERTO I. DELGADO: Well, Madame  
4 Chair, thank you very much, or I should say no  
5 thanks. But I do want to appreciate your support,  
6 colleagues and friends and yours, Madame Chair.  
7 If my memory doesn't fail, which is not often, I  
8 think you are the first woman chair person.

9 MS. ANDREA CAROE: No.

10 MR. RIGOBERTO I. DELGADO: Oh, well there  
11 you go it fails again, but nonetheless, I would  
12 like to personally recognize you and appreciate  
13 all of your help. You have not only been a good  
14 friend but a good mentor, and I am the first one  
15 to recognize that. Your shoes are extremely big,  
16 and it's going to be very difficult to fill them  
17 in a good sense.

18 MALE VOICE: You'll look funny walking  
19 around in high heels.

20 MR. RIGOBERTO I. DELGADO: Very, very  
21 funny I'm sure, but what I would like to emphasize  
22 the big lesson that we got from you was having an  
23 environment of exchange of ideas, aggressive

1 sometimes but overall constructive, and I look  
2 forward to continuing with that legacy working  
3 with my friends and fellow members of the board  
4 and also with the NOP and members of the public.  
5 I think that the common ground here is love for  
6 the industry, respect for the public and the  
7 brand, and I appreciate your support. Thank you.  
8 [applause]

9 **COMMITTEE WORKPLANS**

10 MS. ANDREA CAROE: All right, the next  
11 item on our agenda, and we are way ahead of  
12 schedule, which I feel no guilt over the last  
13 three days but the committee work plans. So, we  
14 can do them verbally now, but then I ask the  
15 committee chairs to send them to Rigo when you  
16 return to your place of business. So, starting  
17 with in no particular order, crops.

18 MR. GERALD A. DAVIS: Of course, on our  
19 work plan will always be new petitions as they  
20 arise. We expect some. Some were turned back for  
21 further information and work from the program.  
22 So, we expect at least those back plus some more  
23 maybe. On our work plan has been the idea of a



1 report on the state of hydroponics or organic  
2 hydroponics if there is such a thing and if we  
3 should get involved as a board in making  
4 standards. I expect to have a progress report at  
5 the next meeting. Also, the collaboration with  
6 the CAC on the organic seed recommendation that  
7 was mentioned here at this meeting. And also  
8 since we have a renowned mushroom expert on the  
9 crops committee now, we want to open up the  
10 previous mushroom recommendation and standard and  
11 see if there are any improvements or work that can  
12 be done on that.

13 MS. ANDREA CAROE: Does that conclude  
14 your work plan?

15 MR. GERALD A. DAVIS: That concludes my  
16 work plan.

17 MS. ANDREA CAROE: Thank you so much.  
18 Let's see, I'll just go around the table to the  
19 next chair, CACC.

20 MR. JOSEPH SMILLIE: We will spend a lot  
21 of effort working on the multi-site certifying  
22 operations with multiple production units, sites  
23 and facilities issues that's obviously a huge

1 issue in the community. We will, as we have  
2 before, seek community input and we will work  
3 diligently to hopefully come up with a  
4 recommendation for the March meeting. I think  
5 that's appropriate.

6 MS. ANDREA CAROE: Okay.

7 MR. JOSEPH SMILLIE: And again we will be  
8 working with the crop committee on seed  
9 availability and bringing what we just deleted as  
10 starter material for that. There may be more  
11 issues that arise, but that's currently the work  
12 plan.

13 MS. ANDREA CAROE: Thank you. Moving  
14 along—handling committee.

15 MS. JULIE S. WEISMAN: Every meeting I am  
16 able to cross one or two items off this list, and  
17 somehow at the end of every meeting there are more  
18 items on it than when the meeting started. That  
19 being said, I have on my list continued work on  
20 the definition of materials, which we will  
21 continue to work jointly with the materials  
22 committee and we look forward to absorbing the  
23 work of the industry working group that appears to

1 be coalescing on this issue. For materials for  
2 sunset review we have one little orphan that we  
3 must deal with at the next meeting, which is  
4 tartaric acid. I believe that's all the materials  
5 that we still have lingering for sunset. Review  
6 of petitioned materials, we have three recent  
7 petitions. We have—okay, we have four materials  
8 on for 605. One is calcium from seaweed. One  
9 glucosamine hydroxide. We have Propionic acid  
10 still open, but that was sent back for a tap. I  
11 don't know what that means given what we've heard,  
12 and then I also have yeast on this list as to we  
13 need to clarify the status of the petition. There  
14 was a lack of clarity at this meeting as to what—  
15 and we need to hammer that down. On 606 one other  
16 petition that I think is also still lingering,  
17 there was a petition deferred at the spring  
18 meeting for the movement of nominated low  
19 methoxypectin [phonetic], and we deferred it  
20 because at the time we were giving priority to 606  
21 items ahead of the Harvey court deadline and  
22 pectin having a place already on the list we  
23 didn't think that it was going to drop out—that

1 the industry would lose access to it so we do have  
2 to return to that as well. For 606, we have 15  
3 items. I would like to read them into the record  
4 just because I think it's better if we have one  
5 more place where people will go and know that this  
6 is what we're looking at. The 15 that are  
7 currently reviewed by NOP and are now at the  
8 handling committee are Chinese thistle daisy,  
9 black paper, camu camu [phonetic] extract powder,  
10 caramel color—we're going to have to call that  
11 something else, chickory [phonetic] root extract,  
12 Codonopsis [phonetic] root extract, ginger root  
13 extract, jojoba fruit extract, marsala cooking  
14 wine—let's go for that, peony root extract,  
15 polygala root extract, poria fungus extract,  
16 Rehmannia root extract, sherry cooking wine, and  
17 tangerine peel extract. That is it for 606 items.  
18 We have on our work plan, and I really hope we can  
19 wrap this up in the spring is the review of the  
20 pet food standards. We will consult with the pet  
21 food task force and the livestock committee as  
22 needed. We also have here the issue of flavor  
23 guidance, and I want to keep that on our work

1 plan. We have food contact substances, and a new  
2 item that got added to our list today is  
3 fortification of food. And that's it for  
4 handling. That's quite enough.

5 MS. ANDREA CAROE: Thank you, Julie. I  
6 think you should have fun with that. Materials?

7 MR. DANIEL G. GIACOMINI: Thank you,  
8 Madame Chairman. The materials committee's work  
9 plan at this point in time course, the first item  
10 will always being following and tracking of all  
11 petitions and sunset items with one special note  
12 being along with handling a-working with handling  
13 and the program to clarify the status of the  
14 petition on yeast. The second item is to continue  
15 in the process of the definition or classification  
16 of materials. We have the list of people  
17 interested in helping us through a working group,  
18 and one significant 2A if you would like on that  
19 item being specifically to hopefully maybe have a,  
20 possibly have a recommendation on a non-AG  
21 definition. Item number three, we will continue-  
22 the materials committee will continue to  
23 collaborate with the NOP regarding a process to

1 have access to information only contained in the  
2 CBI petitions regarding commercial availability to  
3 be able to place items on the national list with  
4 consideration of maintaining confidentiality of  
5 the information within the guidelines of the OGC.

6 MS. ANDREA CAROE: Thank you, Dan. Rigo,  
7 policy committee?

8 MR. RIGOBERTO I. DELGADO: We have three  
9 items, Madame Chair, the first one is to complete  
10 a database of recommendations. The NOSB will  
11 continue working closely with NOP and Valerie to  
12 do so. We have several updates to the new member  
13 guide. Remember, it's a living document. One of  
14 the updates includes the creation of a link to the  
15 final recommendation list as was suggested by  
16 public comment, and also as suggested by board  
17 members we would like to include a list of common  
18 technical sources used by committees to review and  
19 acquire information for the review process. And  
20 updates to the policy manual we have pending  
21 another review of the flow of the document to make  
22 sure that it makes sense from a structural point  
23 of view. And I believe that concludes the list of

1 pendings.

2 MS. ANDREA CAROE: Last but not least  
3 livestock and don't tell me dockets.

4 MR. HUBERT J. KARREMAN: No, actually I  
5 need to thank Barbara again for that docket  
6 publically.

7 MS. BARBARA C. ROBINSON: Because I went  
8 down to OGC and begged for your docket.

9 MS. ANDREA CAROE: I really think you  
10 need to get her a pair of knee pads because she's  
11 spending a lot of time on-

12 MR. HUBERT J. KARREMAN: [Interposing]  
13 Well, it's great. Things are getting done.  
14 Anyway, that was nice to hear at the beginning of  
15 the meeting, and we also heard from the  
16 agriculture symposium so of course we will be  
17 working on that. As far as the two issues, net  
18 pens and fish meal, fish oil, also compost for  
19 ponds and aquatic edible plants, and that's going  
20 to be in our work plan all kind of under I guess  
21 agriculture and also the bivalve mollusks. So,  
22 aquaculture is going to keep us going, but that  
23 will give us our priority. We do have actually

1 two materials that we need to look at,  
2 fenbendazole [phonetic] which is a parasiticide as  
3 was said in public comment, and we hope to have a  
4 recommendation for the spring for that. And  
5 potentially a second material if they send in a  
6 petition for methionine because I'm sure we're  
7 going to be hearing about that, okay, but nothing  
8 officially has been done yet. And we really can't  
9 act on it unless the poultry people submit a  
10 petition. Right?

11           Okay, now with the poultry in play, also  
12 we would like to look at the outdoor access of  
13 poultry in poultry houses and what not because I  
14 think we need to do that. And last but not least,  
15 of course, and that outdoor access kind of ties in  
16 to what Kathleen Merrigan [phonetic] and Margaret  
17 Wittenberg [phonetic] brought up, our animal  
18 health and welfare, or I should say animal health  
19 and care issues. I think I liked that term,  
20 whoever said that, animal care. It's a  
21 politically, you know, whatever-neutral. So,  
22 we're going to look into that as well. So we have  
23 four things, aquaculture, the fenbendazole



1 [phonetic], the poultry, and the animal health and  
2 care. That should keep us going for the next few  
3 years. That's it.

4 MS. ANDREA CAROE: Thank you, and with  
5 that—what? Joe?

6 MR. JOSEPH SMILLIE: And bees? What's  
7 the situation with that? Is that livestock?

8 MR. HUBERT J. KARREMAN: I believe it  
9 would fall under livestock, but I think Nancy  
10 Ostiguy [phonetic] was holding that torch and I  
11 haven't heard anything from her lately.

12 MR. JOSEPH SMILLIE: She's not on the  
13 board anymore you know.

14 MR. HUBERT J. KARREMAN: I know that, and  
15 I'm not trying to duck that, but honestly that  
16 issue that's the first I've heard that issue in a  
17 full year, Joe. Seriously.

18 MR. JOSEPH SMILLIE: Oh.

19 MR. HUBERT J. KARREMAN: And I don't  
20 think that was on the work plan. If it has been,  
21 I apologize, but I don't think it has been. Would  
22 you like it to be?

23 MR. JOSEPH SMILLIE: Yes, I would.

1                   MR. HUBERT J. KARREMAN: Can do. That  
2 will be number five.

3                   MR. JOSEPH SMILLIE: I'd like you to  
4 consider it because I think that, you know, we're  
5 seeing a lot of interest in it and a lot of  
6 frustration and again bees have been in the news a  
7 lot lately. I think [crosstalk], not that Bea.

8                   MR. HUBERT J. KARREMAN: Not the Queen  
9 Bea, the regular bees. Okay, I'll put that on  
10 there, no problem.

11                   MS. ANDREA CAROE: Any additions or  
12 comments on the work plans? Once again, please  
13 send them to your chair so that can be put  
14 together as the entire board's work plan. So, now  
15 other business, is there any other business? Bea?

16                   **OTHER BUSINESS**

17                   MS. BEA E. JAMES: Well, I would like to  
18 just officially thank Andrea for her dedicated an  
19 hard work as a very hard-working member of the  
20 board as well as an excellent chair, and I want to  
21 acknowledge that as chair Andrea really helped  
22 bridge and bring together all of the people that  
23 are on the board and keep the peace amongst all of

1 the differing opinions. And that is actually  
2 quite a huge accomplishment because as you know we  
3 all are very opinionated and have our own ways of  
4 communicating. So, I want to acknowledge on  
5 behalf of the rest of the board and thank Andrea  
6 for her time. And she will be dearly missed.

7 [applause]

8 MS. ANDREA CAROE: You're very welcome.  
9 Is there any other other business? Valerie?

10 MS. VALERIE FRANCES: I just want to  
11 raise a small issue, and I'm sorry to do it. It's  
12 a work plan issue, and I know it's going to come  
13 up if we don't at least talk about it right now,  
14 which is the pasteurized almonds.

15 MS. ANDREA CAROE: I don't know exactly  
16 that is, you know, that has been brought up  
17 before.

18 MS. VALERIE FRANCES: I just want to make  
19 sure it gets discussed a little bit.

20 MS. ANDREA CAROE: I just want to say  
21 that again going back to what I said in the very  
22 beginning, I guess Tuesday or Wednesday morning is  
23 this board is in maintenance and interpretation of

1 this regulation I'm not quite sure how this board  
2 has an action in that other than to watch.

3 Barbara?

4 MS. BARBARA ROBINSON: I spoke with Bea  
5 about this, but I have already said that I would  
6 like to go back and speak with Lloyd Day first  
7 since there has been a meeting about this. I  
8 haven't had any juice in my blackberry for the  
9 past couple of days so I haven't been able to talk  
10 to him about it. But, you know, let me pursue  
11 this a little bit first before I talk to the board  
12 about it. And then I will get back with you about  
13 it. I understand that some board members have  
14 concerns because some members of the organic  
15 community have a concern about this. But let me  
16 follow up because there have been some meetings.  
17 It is a program area in AMS, but there's another  
18 deputy administrator. Before I go treading on  
19 another colleague's of mine, before I go treading  
20 on his turf, I'd like to do a little homework and,  
21 you know, then I'll come back and talk with you.  
22 But let's, you know, there's ways to do it. Let  
23 me—I have to do a little homework on this issue

1 first.

2 MS. ANDREA CAROE: Thank you. Any other  
3 business.

4 [off mic]

5 MS. ANDREA CAROE: We have not set a date  
6 for the spring meeting, and I assume what we'll do  
7 as we've done in the last couple where the program  
8 will float dates to the board. So, I mean I know  
9 that in the past when I first started on this  
10 board, we used to pick the dates at the end of the  
11 meeting. But I believe that it's worked out  
12 better that the dates were floated and we did that  
13 by e-mail when we all had our calendars in front  
14 of us. Other further other business? Okay,  
15 closing remarks? I just wrote down a couple of  
16 notes. I wanted to talk to the board about what  
17 I've learned in five years. And it's very  
18 interesting. This is--no, this is going to be  
19 quick. The first thing that I learned and I  
20 watched it with you members this meeting as you  
21 were doing your work, bringing your work to the  
22 table, the first thing I learned was humility on  
23 the first time I attempted to draft a

1 recommendation and it was torn apart by my  
2 committee and then put together where I think  
3 there of the words were my original words after it  
4 was done, and then torn apart in public comment,  
5 and then put back together again, and the second  
6 thing that I learned after that is it ain't  
7 personal. It just ain't personal. Don't take it  
8 that way. It works out. Nobody is—it's about the  
9 product and not about you and your work. And  
10 people appreciate what you're doing. The third  
11 thing I learned is how little I actually know. I  
12 come in to an issue puffed up thinking this is a  
13 no-brainer, I can whip this out, I know exactly  
14 what the issues are, and I never did know a tenth  
15 of what was at stake. I learned that through the  
16 process, so do your best but know that you don't  
17 know everything, and you'll learn it through the  
18 process. The next thing I learned was stamina to  
19 get through and finish a meeting at, you know,  
20 8:00 at night. You know, I learned how to pace  
21 myself and I learned how to get through it. You  
22 know, you guys got a crash course this meeting,  
23 and I appreciate you sticking with me. The next

1 thing I learned was patience, and I forgot that  
2 pretty quickly. So, for a split period of time I  
3 had patience, but that's really hard to keep. And  
4 a couple more things. I learned what passion is,  
5 listening to the folks that aren't thinking about  
6 these issues as theoretical or regulatory concerns  
7 but thinking about them as their livelihood and  
8 about their mission to further organic for all  
9 kinds of different reasons. So, I learned that by  
10 listening to testimony, and that is a wonderful  
11 thing that I take away from this position on the  
12 board. And lastly, I have experienced great  
13 gratitude, which is the pay for this job. It's  
14 well worth it. It's well worth it, and I thank  
15 you all for your support. And I'll be around.  
16 [applause] And with that I entertain a motion to  
17 adjourn.

18 MS. BEA E. JAMES: Motion to adjourn.

19 MS. ANDREA CAROE: Is there a second?

20 MR. JEFFREY W. MOYER: I'll second that  
21 motion.

22 MS. ANDREA CAROE: All those in favor say  
23 aye.

1                   MIXED VOICES:  Aye.

2                   MS. ANDREA CAROE:  All those same sign.

3  This meeting, this fall meeting of the NOSB is

4  adjourned.

5                   [crosstalk]

6                   [END TRANSCRIPT]



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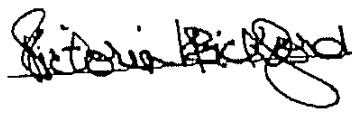
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