

Official Minutes -- June 1999

National Organic Standards Board Meeting Minutes

June 8–10, 1999

United States Department of Agriculture
1400 Independence Avenue, SW
Room 3109-South Bldg.
Washington, D.C

Attendance Record:

Members Present: 12

Robert B. Anderson
Fred Kirschenmann
Carolyn Brickey
Kathleen Merrigan
E. Rod Crossley
Stephen Pavich
Joan Gussow
Eric Sideman
Steven Harper
William Welsh
Marvin Hollen
Margaret Wittenberg
Leslie McKinnon, State Rep.
Lee Barber, Certifier Rep.

Members Absent: 2

Jean Afterman
Betsy Lydon

Other Attendees: Eileen Stommes, Deputy Administrator, Transportation and

Marketing Programs (TMP), USDA;

Gary Scavongelli, Associate Deputy Administrator, TMP, USDA

Keith Jones, Program Manager, National Organic Program (NOP), USDA;

Grace Gershuny, NOP, USDA;

Beth Hayden, NOP, USDA;

Toni Strother, NOP, USDA;

Karen Thomas, NOP, USDA;

Dana Gumbs, summer intern, NOP, USDA;

Janise Zygmunt, Foreign Agriculture Service, USDA; and

Interested persons from the public ([See Attachment A](#)).

CALL TO ORDER

Robert (Bob) Anderson, Chairperson of the NOSB, called the meeting to order at 8:15 a.m., Tuesday, June 8, 1999, in Room 3109-South Building. Mr. Anderson and Mr. Keith Jones, NOP Program Manager, opened the meeting by thanking each member of the Board and the public for the interest exhibited by them in the NOSB meetings. Mr. Anderson then moved to the next order of business, the NOSB Committee Updates/Progress Reports, which were conducted by the respective NOSB Committee Chairpersons.

NOSB COMMITTEE UPDATES/PROGRESS REPORTS

Livestock Committee Report: Mr. Fred Kirschenmann, Chair

Mr. Kirschenmann reported the committee's activity on aquaculture standards, wild animal production and certification, parasiticides, and honey standards. With respect to aquaculture standards, the committee reported that it is still in the process of receiving responses from the public regarding the recommendations for aquaculture standards. As a result, the committee announced that updates would be made regarding the aquaculture standards. The committee stated that finalization of the aquaculture standards would be tentatively set for the next NOSB meeting in October.

Mr. Kirschenmann also reported that it has not been able to reach a general consensus regarding the regulations of wild animal production and certification. Further, he informed the Board of some technical difficulties with specific issues surrounding the recommendation on the use of parasiticides. Despite these difficulties, he assured the Board that the Committee will soon finalize the parasiticides recommendations and will send the recommendations out to respective NOSB members and related officials as soon as a draft is available. Finally, he discussed that the honey standard recommendations had been reviewed. The committee has recognized some common issues between honey standards and wild animal production. As a result, the honey standards recommendations would need additional refinement.

Crops Committee Report: Mr. Eric Sideman, Chair

Mr. Sideman reported that efforts to develop recommendations for raw manure use are still in progress. He said the Committee is fully aware of the importance regarding the finalization of the manure standards. He also updated the Board on the status of the letters to manufacturers and formulators of pesticides used in organic production. These letters request lists of ingredients, including inert ingredient for various brand-name products. (See attachment 18.) Information received from manufacturers will be reviewed by the NOP to determine whether inert materials used in these formulations are consistent with the Board's inert policy guidelines.

Materials Committee Report: Ms. Carolyn Brickey, Chair

Ms. Brickey discussed issues that had been established by the Board Procedures Task Force. The Committee is recommending that procedures be established for: 1) Conflict of Interest; 2) Board Alternates and Substitutes; 3) New Members of the NOSB; 4) Procedure for Voting on Materials; and 5) General Board Procedure. After a brief discussion of these issues, Brian Baker

of the Organic Materials Review Institute presented a mock materials Technical Advisory Panel review discussion.

International Committee Report: Mr. Robert (Bob) Anderson, Acting Chair

Mr. Anderson, substituting for Ms. Lydon, updated the Board on enforcement-related issues and draft guidelines for quarantine control standards.

Processing Committee Report: Ms. Margaret Wittenberg, Chair

Ms. Whittenberg updated the Board on the status of discussions with other organizations on voluntary retailer standards.

Accreditation Committee Report: Mr. Robert (Bob) Anderson, Acting Chair

Mr. Anderson, substituting for Ms. Lydon, led the Board through a summary of enforcement issues from certifiers who are concerned about the misuse of organic labeling. One of the questions that arose in the issue papers questioned who would be the authoritative body that enforces regulations to ensure conformity to fair organic labeling practices.

Discussion then centered on USDA's efforts to comply with the European Union (EU) directive regarding the International Organization for Standardization/International Electrotechnical Commission Guide 65 (ISO 65). The Committee stressed the importance of organic certifying agencies being in compliance with EU requirements that became effective on June 30, 1999. Agencies that comply with these requirements would be capable of providing organic producers the opportunity to export organic products to EU markets. In assessing fees for the ISO 65 assessment program, the Committee urged USDA to take into account the financial condition of many small certifiers and avoid a burdensome fee structure.

USDA/NATIONAL ORGANIC PROGRAM UPDATE

Keith Jones, Program Manager

Keith Jones began his report by stating that the NOP staff was still in the process of rewriting the Proposed Rule and discussed the lengthy process of addressing the approximately 290,000 public comments (approximately 280,000 for the first proposal and 10,000 for the Oct. '98 issue papers) in the preamble of the revised proposal. Following the discussion regarding the revised proposal, Mr. Jones reviewed the recently published ISO 65 assessment program. (<http://www.ams.usda.gov/lsg/mgc/iso65.htm>). It was noted that comments regarding the ISO Guide 65 rule must be received by August 9, 1999 (60-day comment period). Further, Mr. Jones mentioned that USDA was specifically engaged in concurrent discussions with the U.K, Netherlands, Denmark, Germany, and France, seeking acceptance of the USDA ISO Guide 65 program

Further, he announced that four board member positions would be expiring in January 2000. USDA would be requesting, in a Federal Register notice, nominations for a farmer/grower, environmentalist, retailer, and handler/processor. Finally, he updated the Board on vacancy announcements for NOP staff and noted that NOP would be hiring at least three new staff members.

BOARD PROCEDURES TASK FORCE WORKING SESSION – Carolyn Brickey, Chair

New Members and Criteria

Ms. Brickey led the discussion regarding the need to ensure strong candidates for the four Board vacancies. She stressed the need for the Board to be actively involved in seeking good candidates. Discussion then moved to how best to get information out on these open slots. Margaret suggested working through Organic Trade Association (OTA) () and the Campaign for Sustainable Agriculture (CSA). Diane Goodman, a Task Force member, suggested the NOP website as an obvious information distribution mechanism. Joan suggested that Carolyn appoint a current Board member as point person to whom names can be directed for each open slot. Carolyn asked Margaret, Rod, and Fred to bring to the Board tomorrow a plan on information dissemination. Michael Sligh from Rural Advancement Foundation International suggested the Board needed to "provide a contour description of criteria,"--no minutia, just major concepts. Representatives from the CSA and OTA assured the Board they would be active in soliciting good candidates. Finally, Keith stressed the need for a gender and ethnically diverse group of candidates as diversity is a top USDA priority.

Conflict of Interest

The Committee then moved into discussion of policy and procedures on conflict of interest, Board alternates and substitutes, procedures for voting on materials, and general Board procedures. (See attachment 2.)

Public Comment Session

Julie Anton Dunn, AgriSystems International

Ms. Dunn commented on two main issues concerning the development of organic standards: 1) Certified Organic Wild Catch Fish, Seafood, and Sea Products and 2) Genetically Modified Organisms (GMO's) as Organic Food Processing Ingredients and Aids. Ms. Dunn expressed the opinion that an effort to bring the issue of wasteful by-catch practices to the forefront and to instill principles of biodiversity and ecosystem integrity are ground-setting. However, organic wild catch standards and certification can challenge fisheries to go a step further – to identify contaminant sources, to consider the feeding practices of the target species, and to more resolutely prohibit practices damaging or non-restorative of the marine ecosystem. She further stated that the organic industry should not allow GMO's to be included in the list of allowed substances in organic food production. If allowed, the window of opportunity would close for the organic industry. (See attachment 3.)

Suzanne Vaupel, International Federation of Organic Agriculture Movements (IFOAM) World Board

Ms. Vaupel encouraged the Board to adopt a 1993 Committee Resolution as an NOSB recommendation to USDA. She believes such a recommendation would: 1) enhance the public/private partnership called for by the OFPA, 2) reduce redundancy in the accreditation process, 3) potentially reduce costs to those certifiers who choose to be accredited by multiple accreditors as well as costs to USDA, 4) and facilitate international acceptance by providing a common accreditation process. She also requested that USDA review the IFOAM Accreditation Program to determine how IFOAM and USDA might work together in the accreditation process. (See attachment 4.)

Katherine DiMatteo, Organic Trade Association (OTA)

Ms. DiMatteo spoke on behalf of the livestock committee of the OTA. She requested that the NOSB implement specific criteria for review of materials to be used in organic livestock production. She also recommended a set of criteria for parasiticide use in livestock production. After making her recommendations, she posed two questions that required the advice of the

NOSB. The two questions posed were: 1) "Are retail companies that own a private label required to be certified, or is the certification of the copacker sufficient" and 2) "Can the private label product carry the seal or identification of the copacker as an indication of certification of the product?" (See attachment 5.)

James Riddle, Minnesota Department of Agriculture, Organic Task Force

Mr. Riddle proposed three structural options for a public/private accreditation partnership: 1) USDA supervision of International Organic Accreditation Service (IOAS) accreditation, 2) USDA accreditation based on IOAS evaluation and recommendations, and 3) USDA accreditation based on IOAS evaluation. Mr. Riddle explained each of the options mentioned and gave brief cost implications of each. (See attachment 6.)

Emily Brown-Rosen, American Organic Standards

Ms. Rosen commented on the various ways the NOSB could use American Organic Standards to enhance the quality of the Proposed National Organic Standards. She summarized the differences between NOSB recommendations and the American Organic Standards. Also, Ms. Rosen suggested that the NOSB should engage in further Technical Advisory Panel (TAP) reviews and provide assistance to the Food and Drug Administration regarding food-safety in organic food production. (See attachment 7.)

Jim Coakley, Beef Producer

Parasiticides were the main focus of Mr. Coakley's comments. He noted the narrow margins in the livestock industry and the small margin of error that could affect the success or failure of the organic subsector of the livestock industry. He addressed beef producers' problems with parasites and referenced scientific research that supports parasiticide use in the production of organic beef s as safe and economically beneficial. (See attachment 8.)

Cissy Bowman, Indiana Farmer

Ms. Bowman expressed concern about the NOSB recommendation that producer applicants must be certified organic producers. She believes the producer applicants should not be limited to certified producers. Ms. Bowman also expressed concern over the potential certification of wild harvested animals. She said that wild caught fish and animals cannot be quality assured. However, Ms. Bowman wants to keep the discussions regarding this issue open.

Audrey McShane, Intern and Consumer

Ms. McShane stated that synthetic and processed foods present a problem in organic food production and sales and expressed a concern over organic food labeling and how poor labeling criteria could mislead consumers.

Mark King, Food Retail Outlet Manager

Mr. King noted that about 15 percent of his total sales are organic sales. He stressed the importance of educating employees about organic product handling and its importance to consumers seeking organic products. Mr. King expressed gratitude to the NOSB for restricting the use of GMO's in organic food production. He mentioned that he requires certification of all organic products that are sold in his store to minimize or eliminate commingling and contamination. Also, Mr. King said that the Organic Trade Association guidelines had been helpful to him in establishing good organic retail practices. (See attachment 13.)

Philip LaRocca, C.C.O.F

Mr. Laocca stated that he was pleased with the training seminar on ISO 65 and is anxious to see documentation that represents a final agreement that legalizes organic trade between the United States and the EU. He also wants USDA to provide some protection for the small organic farmers so that they will not be eliminated as the market matures.

Diane Bowman, C.C.O.F.

Ms. Bowman responded to the American Standards Project. She explained that she was happy to see that they had been established and encouraged participating members of the organic industry to use them accordingly.

Diane Goodman, Enforcement Delegation

Ms. Goodman suggested that accreditation and organic policies be enforced and delegated hierarchically. She proposed that the authoritative structure of the hierarchy flow as follows: 1) USDA, 2) State Programs, and 3) Certifiers. She commented that USDA would delegate enforcement to the States, and organic should be included with other USDA programs that States implement and enforce. In addition, she stated that an instruction manual should be created for State programs, a Memorandum Of Understanding (MOU) should be established between USDA and State programs, and enforcement issues should be brought to and addressed by NASDA.

Marty Mesh, Florida Organic Growers, Organic Certifier

Mr. Mesh asserted that the NOSB should have an organic certifying agent participate as an official Board member instead of just a representative. He noted that materials to be reviewed by the Board were always issued to him in an untimely fashion. He suggested that materials for review be issued ahead of time so that they could be reviewed properly. In addition, Mr. Mesh expressed his acceptance of the ISO 65 training program. Further, he identified the difficulty that small certifiers experience with organic agricultural exports. As a result, he encouraged USDA to support small certifiers. Finally, Mr. Mesh expressed concern over the difficulty of certifying wild caught fish and animals as organic because of the high probability of commingling and other practices that could destroy the organic quality of the animal.

Michael Sligh, Rural Advancement Foundation, International, and Cochair of the Organic Community of the National Campaign for Sustainable Agriculture

Mr. Sligh explained that he would like to see a hard copy of the NOSB procedures made available to interested parties. He stated that the procedures should contain a clear description of the process involving the revision of final rules and making NOSB recommendations. Also, he expressed the importance of disseminating relevant information to the public in a timely fashion for public comment. He reiterated that the NOSB is the eyes and ears of the public and that the distribution of information regarding vacancies of the NOP staff or the NOSB should be made to the public accordingly. Mr. Sligh informed the NOSB that there should be special guidelines to help small entities and farmers cope with the costs associated with accreditation and certification issues. Finally, Mr. Sligh recommended that the NOSB be placed on record as endorsing the American Organic Standards.

Beth Fiteni, Beyond Pesticides/National Coalition Against the Misuse of Pesticides(NCAMP)

Ms. Fiteni referenced the tremendous growth in the organic sector over the past few decades. She raised the issue of expanding organic production by assisting food producers to make the

conversion to organic farming. Further, she suggested that labeling laws should provide consumers and producers the options necessary to respond to marketplace pressures and help the organic sector grow. Thus, she supported labeling practices that allow products that have been "made with organic ingredients" to be labeled as such. She argued that this would not dilute the meaning of organic and would give consumers the option of supporting the production of organic ingredients, which would help expand the organic sector. (See attachment 9.)

Deborah Brister, University of Minnesota, Organic Aquaculture Standards

Ms. Brister recommended three guiding principles on NOSB aquaculture standards:

1) aquaculture standards should be consistent with the goals and objectives of organic agriculture standards so that aquatic producers have the same types of obligations as terrestrial farmers; 2) standards must accommodate the biology and ecology of farmed aquatic organisms, which differ greatly from those of terrestrial livestock and plants; and 3) the Board should actively seek comments from a broad cross-section of aquaculture producers, academics, and consumers of aquaculture products. Ms. Brister made specific recommendations to the NOSB on the following aquaculture topics: 1) Feed; 2) Environment; 3) Origin and Breeding of Stock; 4) Health; and 5) Harvesting. (See attachment 10.)

Lee Arst, Coleman Natural Products

Mr. Arst expressed his support of the recommendation by the NOSB to prohibit the use of hormones and antibiotics and only allow organic animals to eat 100 percent organic feed. However, he opposed the potential prohibition of parasiticide use in slaughter stock. He advocated that parasiticides be allowed in the treatment of slaughter stock, at least until a thoroughly tested natural alternative is developed. He commented that:

1) parasiticides improve the health of the animal when properly used; 2) humane animal treatment demands the use of parasiticides; and 3) if parasiticides are not used, organic livestock producers will have lower profits, hampering their ability to compete in the marketplace. (See attachment 11.)

Rebecca Goldberg, Environmental Defense Fund (EDF)

Ms. Goldberg commented on two main issues. She recommended that the NOSB restrict or ban the use of fish meal in feeds for farmed fish and other animals, and she suggested that it only allow net-cages for fish farming if net-cage operators institute nutrient management plans that recycle nutrients. Expanding on her comments, Ms. Goldberg pointed out that fish meal and fish oils are inefficient feeds because they result in a net loss of fish protein. Also, she expressed opinion that organic certification for net-cage farms should be limited to those farmers with credible plans for recycling and removing the nutrients that they introduce into the habitat. (See attachment 12.)

George Lockwood, Former Aquaculturalist

Mr. Lockwood voiced a concern for the welfare of the small fish farmers. He wanted to make sure that the NOSB would not exclude the small fish farmers when developing regulations and standards. He said that the development of good aquaculture standards is a must.

Dan Herman, Natural Fisheries Institute

Mr. Herman advised the NOSB to be cautious in the evaluation of fish meal and fish oil. He mentioned that Menhaden is an excellent feed source that provides a high level of Omega 3 oils, which result in health benefits.

---End of Public Comment Period---

LIVESTOCK COMMITTEE WORKING SESSION – Fred Kirschenmann, Chair

The working session focused primarily on parasiticide use. Discussion centered on:

1) allowing antibiotic parasiticides to be used in livestock production; 2) restricting the use of parasiticides to last resort measures; and 3) providing deviation standards for species on a special-case basis. Further questions and comments emerged. Questions on how deviations should be evaluated, the probability of parasiticides affecting one species and not another, and the frequency of parasiticide use were raised in the subsequent discussion. It was generally agreed that if deviations were to be allowed, all species must be subject to the same criteria. The question of how to make allowances for standard deviations dominated the subsequent discussions.

Other topics discussed in the working session included the evaluation of management plans to prevent ecological damage, enforcing an extended withdrawal period for materials under Food and Drug Administration jurisdiction, and the potential 5-year phase-out period of parasiticides. In conclusion, the Committee decided that, should the Board allow parasiticide use, it should provide written guidelines governing the deviations from standards. Further, it was agreed that the Board should encourage USDA to give greater attention to researching alternatives to parasiticides and evaluate different forms of parasite control.

Wednesday, June 9, 1999

LIVESTOCK COMMITTEE WORKING SESSION, (CONTINUED) – Fred Kirschenmann, Chair

Presentation by Merideth Sandler, Associate Director for International Affaires, Commerce and Transportation, to Alaska Governor Tony Knowles - Wild Caught Salmon

Ms. Sandler's presentation focused on why the State of Alaska believes ocean-harvested seafood, particularly Alaskan salmon, is compatible with organic production standards. She explained that ocean-harvested seafood uses sustainable production methods that rely primarily on natural materials and that Alaskan salmon are raised in pristine waters. Her presentation demonstrated that ocean-harvested seafood is an essential element of the Alaskan economy and vital to the economies of its rural and isolated communities. She requested, on behalf of the State of Alaska, an NOSB recommendation allowing ocean-harvested seafood to be certified as organically produced. (See attachment 14.)

Some Board member expressed reservations about wild-caught seafood being labeled as certified organic. The control over feed sources was a central concern. Other Board members stated that, if the feeding grounds of salmon can be controlled, then it should be able to be certified. Still others expressed concern that fish cannot be monitored like other animals. Lacking consensus, the Board tabled the topic for further review and discussion.

Mark Keating announced that there might be a National Aquaculture Convention in the fall. He stated that the conference would let people know what is going on in the Livestock Committee by bringing producers together. He recommended that the NOSB address the issues of fish feed, its variety, and possible certification of feeds originating from wild-caught fish. He also

recommended that efforts be directed toward solving the issue of animal confinement and water quality. Fred Kirschenmann stated that a motion would be crafted regarding those issues. The Livestock committee wanted to make it clear that it must keep separate definitions of feed and supplements. Feed must be 100 percent organic; supplements don't have to be organic but their materials must be approved on the national list (5-percent supplement).

At this juncture, Dr. Enrique Figueroa, Administrator, Agricultural Marketing Service, addressed the Board briefly. Dr. Figueroa thanked Keith Jones and the Livestock and Seed Division for the excellent job it had done with regard to ISO 65 assessment training. Dr. Figueroa stated that the rewritten proposed rule would be precleared in the Department and that he did not expect any major problems or delays once OMB started its review. Dr. Figueroa congratulated Eileen Stommes and her staff on being a finalist in the Kennedy School of Government (Harvard University) Innovations in American Government awards program for the NOP's Internet rulemaking project. The NOP was one of 25 finalist selected from 1,200 applicants nationwide.

CROPS COMMITTEE WORKING SESSION – Eric Sideman, Chair

Eric Sideman gave an update on the manufacturer letters that were mailed by the NOP. The letter was modified to request the lists of ingredients, including inert ingredients. General committee discussion on practice standards ensued, with the Board offering corrections and changes to the NOP staff.

BOARD PROCEDURES TASK FORCE WORKING SESSION – Carolyn Brickey, Chair

The Committee Chair gave a presentation of criteria for new NOSB members. Edits were included and are to be approved by resolution on Thursday. The Committee went on to discuss conflict of interest; Board alternates and substitutes; procedures for voting on materials; and general Board procedures (See attachment 2.) Carolyn stated that by Mid-August a TAP review process would be initiated with TAP-related information posted on the Internet.

MATERIALS COMMITTEE WORKING SESSION – Carolyn Brickey, Chair

The Committee Chair introduced Mr. Brian Baker, Organic Materials Review Institute (OMRI), who gave an overview and walk-through of a hypothetical TAP review. Mr. Baker used the materials, aspirin and sodium bicarbonate, for the walk-through, these materials having been previously reviewed by the Board.

Thursday, June 10, 1999

Mr. Mark Bradley, AMS Livestock and Seed (LS) Division gave a presentation on the LS ISO Guide 65 program. Mr. Bradley stated that LS was ready to receive quality manuals and will review them on a first-come, first-served basis. The ISO Guide 65 guidelines will be the assessment tool, and the first field reviews will be performed by three auditors. The program will be user-fee funded at \$42.20 per hour. Fee increases are being contemplated, but no dollar amounts have been set. Mr. Bradley stated USDA could use documentation prepared in conjunction with other accreditation assessments. He further stated that much of the review work would be in Washington, D.C, but private certifiers would need to have a brief site visit. Costs associated with the site visit would be paid for by the private certifier. Information regarding accreditation status would be posted on the AMS website.

State programs will be required to submit quality manuals for review but will not have to undergo a site visit. Documentation requirements for State programs will include written ISO 65 manuals and an operating manual or policy manual. In response to a question, Mr. Bradley stated that

compliance reports will not be routinely released although they would be subject to release under the Freedom of Information Act.

INTERNATIONAL COMMITTEE WORKING SESSION - Bob Anderson, Acting Chair

A presentation on draft guidelines for quarantine control standard was given by Mark Keating. (See attachment 17.)

PROCESSING COMMITTEE WORKING SESSION – Margaret Wittenberg, Chair

Ms. Wittenberg discussed retailer standards. She made the point that OFPA does not mandate retailer certification and perhaps this issue should be addressed after implementation. She recognized the vital role consumers could play in holding a retailer accountable for certification. Due to the lack of authority under OFPA, any retailer certification would be voluntary. She commented that one critical question is whether the industry should address this issue through general education or regulation. Keith Jones commented that this issue and attendant concerns could be fully discussed during the roll-out of the rule Keith further suggested that discussion of an organic promotion effort within USDA be tabled until after the release of the proposed rule.

ACCREDITATION COMMITTEE WORKING SESSION – Eric Sideman, Vice-Chair

Leslie McKinnon, Program Manager of the Texas Department of Agriculture's organic certification program, presented its penalty matrix. She noted that each type of violation has a written enforcement procedure outlining steps to follow, notification requirements, appeals process, etc.

The Accreditation Committee suggested the need to establish MOU's with State programs. It was further suggested that the National Association of State Departments of Agriculture needs to draft legislation for State programs. Keith Jones noted that USDA does not intend to force a State to put a program in place; that is the prerogative of its citizens and legislators. A question regarding traceability was voiced, and the committee had a brief discussion on permitting certifiers to set up an effective and efficient recordkeeping/traceability system. It was the consensus of the Committee to set up an Enforcement Task Force to review enforcement models and make recommendations as to how USDA might work with State and private certifiers. Keith was asked if the NOP had addressed how the small farm exemption would be monitored. He said that the program had not addressed those details.

At this time the Committee heard a presentation by Susan Vopal, representing the International Federation of Organic Agriculture Movements (IFOAM) regarding a previous committee resolution for IFOAM Accreditation by USDA and supporting cooperation between IFOAM and USDA.

NOSB COMMITTEE REPORTS AND ACTION VOTES – Bob Anderson, Chair

DATE: June 10 , 1999

Board Vote

Motion: Motion by Fred Kirschenmann. The Livestock Committee moves to prohibit, above levels needed for adequate nutrition, the use of injected, implanted, or ingested animal drugs, synthetic trace elements, feed supplements, and additives for the purpose of promoting or stimulating growth.

Second: Bill Welsh

Discussion:

Call for the vote

Vote:

Those In Favor: 10

Those Opposed: 0

Those Abstaining: 1

DATE: June 10 , 1999

Board Vote

Motion: Motion by Fred Kirschenmann. The Livestock Committee moves that feed additives (as defined by the NOSB) must meet the requirements of the June 2, 1994, Livestock Feed Standard and cannot exceed 5 percent of the total feed ration. Multiingredient processed products for animals that are labeled "organic" must comply with the labeling requirement of not more than 5 percent of dry weight, nonagricultural products.

Second: Rod Crossley

Discussion:

Margaret Whittenberg moved to table this motion; this issue needs input and information from the public.

Seconded by: Steven Harper

Call for the vote

Vote:

Those In Favor: 9

Those Opposed: 2

Those Abstaining: 0

Motion Tabled

DATE: June 10 , 1999

Board Vote

Motion: Motion by Fred Kirschenmann. The Livestock Committee moves that the NOSB approve the Committee's recommendation for a deviation from the standard regarding the use of parasiticides in livestock which will then be submitted for public comment.

Second: Joan Gussow

Discussion:

Pass as is with Wallace Institute to craft language to explain the Board's intent.

Agree in principle, circulate Wallace Institute draft for Board vote.

Call for the vote

Vote:

Those In Favor: 5

Those Opposed: 5

Those Abstaining: 1

MOTION DOES NOT PASS

DATE: June 10 , 1999

Board Vote

Motion: Motion by Fred Kirschenmann. The Livestock Committee moves that the NOSB support the Committee's recommendation urging USDA to convene a National Conference on organic aquaculture as soon as possible.

Second: Joan Gussow

Discussion:

Call for the vote

Vote:

Those In Favor: 11

Those Opposed: 0

Those Abstaining: 0

DATE: June 10 , 1999

Board Vote

Motion: Motion by Fred Kirschenmann. The Livestock Committee moves that the NOSB request that the Committee continue their effort to gather information concerning the certification of wild animal production as organic and present a formal recommendation to the NOSB at the next meeting.

Second: Marvin Hollen

Discussion:

Call for the vote

Vote:

Those In Favor: 9

Those Opposed: 2

Those Abstaining: 0

MOTION PASSED

DATE: June 10 , 1999

Board Vote

Motion: The Livestock Committee moves that the NOSB recommend to the USDA/National Organic Program that language be incorporated into the regulation and practice standards that organic practices (farming, wild-crop, or handling) must foster biodiversity and protect and optimize the habitats and ecosystem of endangered and threatened biological species, including plants and animals.

Second:

Discussion:

Rod Crossley moves to table this motion.

Steven Harper seconds Rod's motion.

Call for the vote

Vote:

Those In Favor: 11

Those Opposed: 0

Those Abstaining: 0

Motion is tabled

DATE: June 10 , 1999

Board Vote

Motion: Motion by Eric Sidman. The NOSB recognizes that the OFPA exempts retailers and handlers that do not process from mandatory certification. The NOP and the NOSB should continue to review this situation providing such assurance of organic integrity to the consumer.

In the meantime, we request that AMS with assistance from the organic trade develop point of purchase materials that provide consistent information about organic certification to the consumer that is sufficiently comprehensive to enable the consumer to determine that the organic integrity has been maintained.

Second: Kathleen Merrigan

Discussion:

Call for the vote

Vote:

Those In Favor: 11

Those Opposed: 0

Those Abstaining: 0

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National Organic Standards Board

June 10, 1999

Recommendation for Criteria for

National Organic Standards Board Membership

1. A general understanding of organic principles and practical experience in the organic community, particularly in the sector for which the person is making application.
2. Demonstrated experience in the development of public policy, such as participation on public or private advisory boards, boards of directors, or other comparable organizations.
3. Participation in standards development and /or involvement in educational outreach activities.
4. A commitment to the integrity and growth of the organic food and fiber industry.
5. The ability to evaluate technical information and to fully participate in Board deliberation and recommendations.
6. The willingness to commit the time and energy necessary to assume Board duties.

Carolyn Brickey moved.

Kathleen Merrigan seconded.

Call for the vote

Vote:

Those In Favor: 11 Those Opposed: 0

Those Abstaining: 0

DRAFT DRAFT DRAFT DRAFT DRAFT

Board Procedures Task Force Report to the Board

June 10, 1999

Board Alternates and Substitutes

Discussion

The Task Force has researched the issue of appointments of alternate NOSB members and the question of allowing members to provide a substitute in their absence. In our investigation, we have found that some other advisory committees under USDA do, in fact, have alternates. Alternates are reimbursed for expenses to attend Board meetings only in the absence of a member whom they are representing. Because the appointment of NOSB members by the Secretary of Agriculture is specifically set out in the Organic Foods Production Act, the statute would have to be amended in order for the Secretary to appoint alternates. The Task Force would not recommend the pursuit of any legislative changes to OFPA until after its complete implementation. At some time in the future, the Board may recommend legislative changes based upon the evolution of the industry and the need to update procedural language. As of this writing, we are waiting to see statutory language that allows the appointment of alternates to other Boards and will reference this information in developing a future resolution to the Board.

Other boards, such as the Agriculture Research and Extension Advisory Board, do not have a provision for alternates but allow members to appoint a substitute in their absence. The substitute may take notes on behalf of the absent member at public Board meetings and on teleconferences in which the member should be present. The substitute may not vote on Board actions, participate in Board discussion unless requested to do so by the Board, sit at the Board table, or in any manner participate with the Board other than as a member of the attending public.

In consideration of the existing precedents, the Task Force presents the following proposal.

Recommendation

Be it resolved by the National Organic Standards Board:

That members of the Board shall be permitted to designate a substitute in their absence to take notes and collect information on their behalf at public Board meetings and to listen in on teleconferences to which the member is expected to participate. The substitute may present documents, proposals, and recommendations on behalf of the absent member and may be called upon by Board members to offer explanation of the submitted material. The substitute may not vote on Board actions, sit at the Board table, or participate in Board discussion except when requested to do so by Board members. Substitutes may participate as a member of the public at open meetings and may offer public testimony on their own behalf. The substitute will not be reimbursed for expenses incurred in attendance at NOSB meetings. In all cases, the designated substitute is a representative of the Board member, not the member's affiliation or business.

Carolyn Brickey moved.

Rod Crossley seconded.

Call for the vote

Vote:

Those In Favor: 10

Those Opposed: 0

Those Abstaining: 1

DRAFT DRAFT DRAFT DRAFT DRAFT

Board Procedures Task Force Report to the Board

June 10, 1999

Conflict of Interest

Discussion

The purpose of a provision defining "conflict of interest" is to ensure that business conducted by the NOSB be above reproach in all aspects of Board activity. This provision includes, but is not limited to, any Board member or party who owns, manufactures, or distributes a material for which the party has petitioned the NOSB for inclusion of that material on the National List.

The Board recognizes that Members have been specifically appointed to the Board to provide advice and counsel to the Secretary of Agriculture about policies related to the development of organic standards, the acceptance of materials on the National List, and other related policies. The Members have been appointed because they have professional expertise which enables them to advise the Secretary and may, at times, present inherent conflict of interest which has, as a matter of law, been waived. Therefore, the Board does not intend to restrict its Members from taking positions in favor of or in opposition to petitions or proposals from which their businesses may generally benefit. Given this context, any NOSB member who may derive a direct financial gain from action taken, including, but not limited to, influencing the Board or its decisionmaking process, on behalf of herself or himself or another party, shall disclose his or her interest to the Board and the public, when he/she or his/her affiliated business stands to gain from a vote which he/she casts in the course of Board business. It is, rather, the Board's intention to prevent overt advocacy for direct financial gain.

Recommendation

Be it resolved by the National Organic Standards Board:

That members of the Board shall refrain from taking any official Board action from which that Board member is or would derive direct financial gain. Board members shall disclose their interest to the Board and the public when they or their affiliated business stand to gain from a vote which they cast in the course of Board business. Under certain circumstances, the Board may determine whether it is appropriate for the member to vote.

That members of the Board shall refrain promoting for consideration any material, process, or practice for which the member is or would derive direct financial gain arising out of such Board action. The act of promoting such material, process, or practice shall include private discussion with members of the Board advocating the value of the material, public discussion, and/or written advocacy.

A "direct financial gain" is defined as monetary consideration, contractual benefit, or the expectation of future monetary gain to a Board member, including, but not limited to, financial gain from a party who manufactures, distributes, or holds exclusive title to a formula for a material or product, process, or practice.

Carolyn Brickey moved.

Rod Crossley seconded.

Call for the vote

Vote:

Those In Favor: 11

Those Opposed: 0

Those Abstaining: 0

Vote for new NOSB Vice-Chair due to the resignation of Kathleen A. Merrigan.

The Board voted unanimously for Carolyn Brickey as the new NOSB Vice-Chair.

The Next NOSB Meeting was tentatively set for October 25-28, 1999.

The meeting was adjourned at 4:25 p.m. (ET).

ROBERT ANDERSON, Chair
National Organic Standards Board

KEITH JONES, Program Manager
National Organic Program