

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURE MARKETING SERVICE (AMS)
NATIONAL ORGANIC PROGRAM (NOP)

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MEETING OF THE NATIONAL ORGANIC
STANDARDS BOARD (NOSB)

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FRIDAY
APRIL 29, 2011

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The National Organic Standards Board convened at 8:00 a.m. in the Emerald I Meeting Room at the Red Lion Hotel, 1514 Fifth Avenue, Seattle, Washington, Tracy Miedema, Chairperson, presiding.

MEMBERS PRESENT

TRACY MIEDEMA, Chairperson
COLEHOUR BONDERA
STEVE DEMURI
JOSEPH DICKSON
KRISTINE "TINA" ELLOR
BARRY FLAMM
JOHN FOSTER
WENDY FULWIDER
KATRINA HEINZE
NICHOLAS MARAVELL
ROBERT "MAC" STONE
JENNIFER TAYLOR
C. REUBEN WALKER

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STAFF PRESENT

MILES McEVOY, Deputy Administrator, National
Organic Program

MELISSA BAILEY, Director, Standards
Division, National Organic Program

LISA BRINES, Standards Division, National
Organic Program

EMILY BROWN ROSEN, Standards Division,
National Organic Program

LISA AHRAMJIAN, NOSB Executive Director

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C-O-N-T-E-N-T-S

	<u>Page</u>
<u>NOSB Consideration and Vote</u>	
<u>on Committee Action Items</u>	
Crops Committee	
John Foster, Chairperson	
Petitioned Materials Recommendations	
Sunset 2012 Recommendations	
on § 205.601	23
Sunset 2012 Recommendations	
on § 205.602	169
Sodium Nitrate Recommendation	169
Corn Steep Liquor Recommendation	183
Livestock Committee	
Wendy Fulwider, Chairperson	
Stocking Rates Recommendation	
Animal Handling, Transit, and Slaughter	
Recommendation	221
Handling Committee	
Steve DeMuri, Chairperson	
Petitioned Materials Recommendations	
Sunset 2012 Recommendations	
on § 205.605(a)	254
Sunset 2012 Recommendations	
on § 205.605(b)	264
Chlorine Materials Annotation	
Recommendation	281

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C-O-N-T-E-N-T-S

	<u>Page</u>
Materials Committee Katrina Heinze, Chairperson	
Materials Classification Guidance Document Recommendation	324
Policy Development Committee Barry Flamm, Chairperson	
NOSB Policy and Procedure Manual Recommendations	327
Committee Workplans	331
Other Business and Closing Remarks . .	343
Adjournment	359

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1 P-R-O-C-E-E-D-I-N-G-S

2 8:19 a.m.

3 CHAIR MIEDEMA: We're back in
4 session for day four of the National Organic
5 Standards Board meeting. Today is voting day,
6 and we have a few reminders and announcements
7 about our process, and about the protocols
8 under which we'll operate today, so we'll work
9 through those first, and then get right into
10 Crops Committee votes this morning.

11 First, a word from the National
12 Organic Program about conflict of interest or
13 what's called balance of interest and ISO.
14 Deputy Administrator Miles McEvoy.

15 MR. MCEVOY: Good morning. The
16 Organic Food Production Act set up the
17 National Organic Standards Board to have a
18 variety of interests represented on the Board:
19 four individuals who operate an organic
20 farming operation; two who own or operate an
21 organic handling operation; one individual who
22 owns or operates a retail establishment with

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1 significant trade in organic products; three
2 shall be individuals with expertise in areas
3 of environmental protection and resource
4 conservation; three shall be individuals who
5 represent public interest or consumer interest
6 groups; one shall be an individual with
7 expertise in the fields of toxicology, ecology
8 or biochemistry; and one shall be an
9 individual who is a certifying agent as
10 identified under section 2116.

11 And the concept I think is well
12 described in ISO Guide 65 of this concept of
13 balance of interests, that there's a number of
14 different stakeholders that are on the Board,
15 that we want this balance of interest, these
16 stakeholders to weigh in on the decisions that
17 affect the organic trade and the organic
18 community. And so from ISO Guide 65, one of
19 the sections there, I can't actually read the
20 section number here, "the structure of the
21 certification agent"--this is regarding
22 certification--"shall be such to foster

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1 confidence in the certifications." And then
2 it talks about "the certification agent shall
3 have formal rules and structures for the
4 appointment and operation of any committees
5 which are involved in the certification
6 process. Such committees shall be free from
7 any commercial, financial and other pressures
8 that might influence decisions or have a
9 structure where members are chosen to provide
10 a balance of interests, where no single
11 interest predominates and will be deemed to
12 satisfy this provision." So--and this is also
13 incorporated into the International Federation
14 of Organic Agriculture Movements, their
15 requirement of balance of interest in their
16 accreditation criteria. So the National
17 Organic Standards Board is set up in that kind
18 of concept.

19 In addition, the NOSB Policy
20 Manual covers conflict of interest, which is
21 separate from the concept of balance of
22 interest. And there, that's defined as "that

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

11 So there's a lot of different
12 votes that are coming up today, and the
13 concept is we want the Board--we understand
14 that there are interests involved, and that's
15 how the Board is designed. And so the Board
16 members should vote to represent their
17 interests that they represent, and then the
18 conflict of interest is to recuse yourself if
19 you or your company would gain direct
20 financial gain from the decision. So I hope
21 that helps to kind of make that distinction.
22 So please do not recuse yourself if you have

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1 an interest that you're representing, but you
2 would want to if you would gain direct
3 financial gain for you or your company.

4 CHAIR MIEDEMA: Thank you Miles.
5 This is an important topic, and one that has
6 come up at every meeting, and for those of us
7 that work for either larger companies or very
8 diverse organizations such as, say a retailer
9 that sells nearly every organic food under the
10 sun, or a certifier that represents producers,
11 handlers of every stripe, growers that use a
12 whole range of materials, we're here because
13 we have that depth of expertise, and we would
14 not be able to vote on maybe anything if you
15 really peered into the full web of
16 connectedness of this very tight knit organic
17 community.

18 So we have to make judgment calls,
19 because we're here to vote, that's our
20 responsibility. We really have a
21 responsibility to take a stand and weigh in.
22 I'm spending a little extra time on this this

1 morning because we have new members, and we
2 really haven't had a lot of time to talk about
3 this together. So we will ask for conflict of
4 interest; sometimes Board members will make
5 decisions to recuse based even on the
6 appearance, unfortunately, of conflict, when
7 it may be better that somebody votes, but it
8 feels like you're inviting exposure. So
9 that's just sort of an unfortunate side effect
10 of applying this policy to our work. But
11 we're going to do the best we can, and I
12 always assume best intentions. I'm assuming
13 best intentions of every single person up here
14 at the table, and of all of you too out there
15 in the audience. So thanks for letting us
16 spend a little time on this. Questions from
17 the Board on this topic? Katrina and then
18 Colehour.

19 MS. HEINZE: So, I am an
20 experiential learner, so it might help if we
21 could do a couple of examples. So maybe on
22 the two extremes--I asked this question

1 earlier--so someone who, in Tracy's example,
2 works for a large company, they probably use
3 a lot--they're connected to everything. At
4 what point does it become personal financial
5 gain versus not personal financial gain? So
6 that's one. Then on the other hand, someone
7 who maybe works for a consumer group, when
8 does it become personal financial gain for
9 them? If we could have some examples, that
10 would help me. Obviously, it's going to be
11 something I need to do right.

12 CHAIR MIEDEMA: I would invite
13 fellow Board members, anyone to weigh in on
14 that. I do think that there's a modicum of
15 personal decision though, that ends up being
16 applied on a case by case basis to each of us
17 individuals, and to each vote. But if anybody
18 wants to throw something out to illustrate the
19 point, they're welcome to. Miles.

20 MR. MCEVOY: Yes, I would think
21 that if your company uses a particular
22 material, that's not direct financial gain,

1 but if you owned--if you're voting on a
2 national list material, and your company owned
3 an interest in that particular substance, then
4 that would be potentially a direct financial
5 gain. So--yes.

6 CHAIR MIEDEMA: There's an
7 example.

8 MS. HEINZE: What about the other
9 side of the spectrum? Someone who maybe
10 represents an interest group, or--

11 MR. MCEVOY: So if that interest
12 group also had an interest in--a financial
13 interest in a material that was being sold,
14 then that would be a direct financial gain.

15 CHAIR MIEDEMA: Any other
16 questions on this? Colehour, yes.

17 MR. BONDERA: I just want to ask
18 for the sake of--even if it's just personal
19 clarification, just to make sure I understand
20 this, and I think through example I'll see it
21 as it plays out. But I personally would
22 rather, in advance, understand. If somebody

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1 does--one of us does say that--share with the
2 Board our potential conflict of interest, is
3 the Board going to discuss that, and how--or
4 is the Board going to give feedback to that
5 member about a suggestion, and am I accurate
6 that in the end, it's the individual Board
7 member to decide to recuse themselves or not?
8 So that's a sort of double parted question,
9 but I'd like clarification on it before
10 implementation.

11 CHAIR MIEDEMA: Anybody want to
12 take a--I recognize Kim Dietz in the audience.

13 MS. DIETZ: Sorry I wasn't ready
14 to get up; I'm traveling today. In the past,
15 what the Board has done is if somebody's
16 declared a conflict of interest, or even maybe
17 not know they have a conflict of interest, but
18 just said I'd like the Board to decide, the
19 Board would actually say whether or not they
20 thought. So they would almost kind of take a
21 hand vote, and it's up to the Board to--
22 because the perception of conflict of interest

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1 is important, too. Anything else? So for
2 example, you know, when Julie Weisman was on
3 the Board, she was a flavor manufacturer. So
4 if they were voting on flavors, because she
5 made a financial gain, she would recuse
6 herself, or she would say I might have a
7 conflict, what does the Board think? And then
8 the Board would go on and say yes, we do think
9 you have it--or no, we don't.

10 CHAIR MIEDEMA: Thank you.

11 MR. MCEVOY: Yes, and I think it's
12 also important to recognize that it's not
13 expected that the Board would recuse
14 themselves if they had a strong perspective on
15 a given substance or policy. It's set up so
16 that there is this balance of interests, and
17 we want that balance of interest to be part of
18 the process, and the voting process, unless
19 there's that direct financial gain.

20 CHAIR MIEDEMA: Okay, let's talk
21 about voting. We operate on a two-thirds
22 majority for all decisive Board votes, which

1 is pretty much everything we're doing today.
2 And recusals and abstentions count toward
3 quorum in this room. So, so long as there are
4 ten people present at the table at the time of
5 voting, we have quorum. Recusals and
6 abstentions do not count toward the total vote
7 count, and so the two-thirds majority is a
8 ratcheting down set of numbers based on the
9 number of yes and no votes. So if all 14 of
10 us vote, a two-thirds majority is 10. If it's
11 13, it's nine. 12, it's eight. 11 people
12 voting, it's also eight. Ten people voting,
13 seven. Nine is six, eight is six, seven is
14 five. Six is four, and then we have hit the
15 minimum number to keep our quorum.

16 Okay, so I will be getting help
17 from Joe Dickson making sure my math is
18 correct on every one of these. Any questions
19 about what a two-thirds majority vote means in
20 our voting procedures today? Okay great. We
21 didn't mention abstentions. You may abstain
22 from a vote if you feel like you are simply

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1 not ready to vote for a whole host of reasons.
2 You can make that determination yourself if
3 you feel that you are not prepared to vote on
4 a particular material or motion.

5 With that, we're going to move
6 into the Crops Committee--oh, some questions.
7 Steve and then Katrina.

8 MR. DEMURI: One other thing you
9 might want to explain, especially for the new
10 members is the way that we propose our
11 recommendations, always in the affirmative.

12 CHAIR MIEDEMA: Katrina, can you
13 please explain that one?

14 MS. HEINZE: Sure. If you
15 remember from my materials recommendation
16 update, which was on Tuesday, early in the
17 morning, which probably feels like weeks ago,
18 we always make our motions in the affirmative.
19 So we move that a document be accepted, or we
20 move that a material be re-listed, or we move
21 that an annotation be changed. And that's so
22 that the Board, for those things, the yes or

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1 no is definitive. So for example, if we move
2 to accept a document, then if you support the
3 document, you vote yes; if you don't support
4 the document, you vote no. So in general, for
5 any of these motions, so say material to be
6 listed, if the motion does not get a two-
7 thirds vote, the motion then fails, and if
8 it's a petition material, for example, it
9 would not be listed. So you just need to
10 really keep track of yeses or nos.

11 The other thing you need to pay
12 attention to is if a committee, for example,
13 has got a petition, and they reviewed it, and
14 they do not think it's going--they are not
15 recommending it for listing, their motion will
16 be in the affirmative, but their vote total
17 will be most likely zero yeses, some number of
18 nos. So if there's more nos than yeses, that
19 is a recommendation not to list. And we can
20 go through it in individual cases.

21 CHAIR MIEDEMA: Nick.

22 MR. MARAVELL: Katrina, when you

1 say more of one or the other, more has to be
2 a two-thirds for a decisive action to not re-
3 list?

4 MS. HEINZE: For the Board. To be
5 honest, I don't know if that's true in
6 committee. Do we do two-thirds in committee?

7 MR. MARAVELL: Oh, no.

8 CHAIR MIEDEMA: No, it's a simple
9 majority in committee. And Katrina, what she
10 was referring to is if you look through our
11 materials that you have on our disc, and you
12 want to refer back to how the committee voted,
13 you know, you're refreshing your memory on the
14 discussions we had, but also on the documents,
15 Katrina was referencing just how to read the
16 votes that were tallied at the committee
17 level.

18 What we haven't covered yet, and
19 it's important that we do, this is the first
20 time that this Board may make changes to
21 annotations during sunset. We have a brand
22 new policy on that that we have never used.

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1 So let's make sure right now before we start
2 voting that we are totally square on how the
3 order of the votes will proceed, because that
4 can have a great impact. The intent of the
5 order of the votes was that no material should
6 drop off the list inadvertently because we
7 couldn't agree on an annotation change. Who
8 feels best prepared to describe--thank you
9 Katrina, I was hoping you were going to raise
10 your hand.

11 MS. HEINZE: The Material Chair is
12 having to work a lot harder than she's had to
13 in the past. Okay. The sunset policy change
14 that this Board approved at our last meeting
15 says that the Board takes two votes. The
16 first vote--I thought you were going to bring
17 it up there for a sec. That's okay. The
18 first vote is for any change to the
19 annotation; the second vote is to re-list as
20 is. You always take both votes, so part of
21 the concern with making this change to our
22 policy was that an annotation change makes the

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1 sunset docket possibly material, so it could
2 make it much more difficult for the program to
3 get that docket through. So we wanted to give
4 them a backup with this re-list as is, so that
5 if the docket got hung up, they could put the
6 re-list as is into the sunset docket and
7 handle the annotation change in a separate
8 recommendation. So we need to give them both
9 votes so that they can do that. Does that
10 explain it? But that's the order that you do
11 it.

12 CHAIR MIEDEMA: Yes, thank you.
13 And that is counter to what I said the other
14 day, when I was talking with the gentleman
15 about how the vote would go on Chilean
16 nitrate. And there was some concern there,
17 and I had said that the material itself would
18 be voted on first, and it is the annotation.
19 Essentially, the second vote overrides the
20 first vote. It doesn't override it?

21 MS. HEINZE: It complements it.

22 CHAIR MIEDEMA: Complements it,

1 okay. Okay.

2 MS. HEINZE: So it--both are
3 recommendations from the Board. So if you re-
4 list as is and say you want an annotation
5 change, the program executes both.

6 CHAIR MIEDEMA: I got you. Okay.
7 All right. Away we go. Oh, thank you.
8 Miles.

9 MR. MCEVOY: Yes, and I think that
10 the reason for that is that there could be an
11 annotation change that you're requesting that
12 when we take it to the Office of General
13 Counsel, and they take a look at it, it's
14 either, you know, it's not clear or it's going
15 to conflict with something, and so in order
16 to--if we get that kind of feedback, then we
17 have that fallback position that we could move
18 forward with the re-listing, and deal with the
19 annotation change through some other longer
20 process.

21 CHAIR MIEDEMA: Thank you. We're
22 going to vote today in the same order as our

1 voting sheet, and that means we're going to
2 start this morning with tetracycline. Do I
3 have a motion?

4 MR. FOSTER: To get started? Yes,
5 sorry. So a couple of things just by way of
6 introduction. Board members, I have really
7 hot cinnamon candies here, painfully hot, and
8 espresso beans. So I'm going to be passing
9 those around through the course of the day;
10 take them if you're interested. I've only
11 been here a year, but I'm down with the
12 espresso beans now.

13 So yes, we have a motion. Sorry
14 Tracy. The--I also will ask a little
15 indulgence; I'm new at this Crops Chair thing,
16 new with the annotation, and as you all know,
17 we've had a number of annotation changes in
18 front of us, so I beg your indulgence and
19 patience with the new Crops Chair, if you
20 would be so kind.

21 The--we do, we have a
22 recommendation. We met last night as a Crops

1 Committee, a full committee of seven--

2 CHAIR MIEDEMA: Excuse me. Please
3 state the motion and then we'll have time for
4 a discussion.

5 MR. FOSTER: Sorry about that.
6 Education starts quickly. Yes, the motion is
7 to recommend the adoption of the petition to
8 amend the listing for tetracycline to remove
9 the expiration date of October 21, 2012, and
10 be annotated as follows: 205.601 (i) as plant
11 disease control, (10) tetracycline
12 (oxytetracycline) for the fire blight control
13 in apples and pears only until October 21,
14 2012. So sorry, 2014 as it is expressed on
15 the screen.

16 CHAIR MIEDEMA: Okay. Do I hear a
17 second. Steve DeMuri seconds. Any
18 discussion? Tina.

19 MS. ELLOR: In response to the
20 plethora of public comment we got on this, we
21 did get together as the Crops Committee last
22 night, and put forward this compromise based

1 on a lot of the comment that we got, and
2 hoping that this will move things forward in
3 the right direction.

4 CHAIR MIEDEMA: Nick.

5 MR. MARAVELL: Yes, I think it's
6 the expectation of the committee that we will
7 see progress come to the NOSB from time to
8 time, as we're nearing the next deadline here,
9 and that that progress should be viewed as
10 significant towards making a transition away
11 from this material.

12 CHAIR MIEDEMA: I have a question.
13 Is the Crops Committee willing to go on record
14 saying that if there still isn't an adequate
15 replacement, that they would be willing to
16 consider extending that date again? John.

17 MR. FOSTER: I--Crops Committee,
18 correct me if I'm wrong--we did talk about
19 that; I believe there would be an openness to
20 the consideration of it, if certain
21 expectations are met, which is what the last
22 line up there is intended to convey.

1 CHAIR MIEDEMA: Thank you.

2 MR. MCEVOY: Could you read that
3 last line that's included in your
4 recommendation?

5 MR. FOSTER: The last line is "the
6 committee expects that members of the industry
7 will collaborate and coordinate efforts in
8 preparing for the eventual removal of this
9 material from the national list, specifically
10 optimizing the use of resistant root stocks
11 and cultivars while also the use of alternate
12 allowed chemical controls whenever warranted."

13 CHAIR MIEDEMA: Jay.

14 MR. FELDMAN: We talked in the
15 committee last night about feeling the need to
16 see progress in this direction over the next
17 three years, and we mentioned this concept of
18 transition plans, which I thought we could
19 incorporate in this language. Sorry I wasn't
20 able to get back to you, John. So that we as
21 a Board can look at these transition plans and
22 have some means of evaluating whether progress

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1 is really being made or was made. We would
2 hate to find ourselves back here in three
3 years in the same exact situation we are
4 currently. I mean the Board has previously
5 voted to remove this material, we're reversing
6 a Board decision of 2008 was it, and I guess
7 people bring their own judgment currently as
8 to whether there's been progress made, but
9 certainly it was the understanding, if you
10 read the transcripts of the past Board
11 decision, it was the understanding that an
12 alternative would have come along, an
13 alternative as you've described, a combination
14 of materials and practices, or practices and
15 materials that would have made this material
16 unnecessary at this point.

17 So, the idea of encouraging, we
18 can't, you know, encouraging the industry to
19 work together to develop transition plans
20 which address elements of practice and
21 product. We heard a lot about product in the
22 discussion from growers, waiting for the yeast

1 product or this product. I personally would
2 like to see more discussion about practice,
3 you know, trees per acre, you know, density,
4 pruning, soil management. I'd like to see all
5 these things, in addition to root stocks and
6 cultivars and varieties and all that. I'd
7 like to see--otherwise, I'm not going to be
8 able to vote to continue this in three years.

9 CHAIR MIEDEMA: Point of
10 information. You've said three years a few
11 times; don't you mean two years, if this is--

12 MR. FELDMAN: Three years from
13 right now. I mean two years past the date of
14 expiration, yes.

15 CHAIR MIEDEMA: Yes, it would be--
16 any reconsideration would need to happen in
17 two years, so, from--

18 MR. FELDMAN: Right, that's true.

19 CHAIR MIEDEMA: --okay--

20 MR. FELDMAN: Thank you.

21 CHAIR MIEDEMA: Okay. Katrina.

22 MS. HEINZE: I have a couple of

1 comments and questions on this. So in the
2 five years that I've been coming to NOSB
3 meetings, we talked a ton about methionine for
4 livestock. And we voted, or the Board has
5 voted prior to me being on the Board, on
6 methionine at least two or three times, and
7 the conversation is very similar. And each of
8 those methionine conversations, folks stood up
9 and said there's going to be alternatives,
10 we're working on it really hard, and then they
11 come back and say yes, it worked good in the
12 lab, but wasn't scalable.

13 The development of new practices,
14 new materials takes a very long time. And so
15 I'm concerned with the 2014 date. I just
16 don't think that's long enough. So that was
17 my statement. My question is if this motion
18 fails, then tetracycline comes off in 2012,
19 correct? So if I want to keep it, I have to
20 vote for this or offer an alternative, is that
21 the right process?

22 CHAIR MIEDEMA: Yes. Okay Jay,

1 then Nick, and then Mac.

2 MR. FELDMAN: You know, we were
3 hoping that the industry would look--and
4 hopefully the Department also would
5 collaborate in this as well. I mean it would
6 be nice if the Department spearheaded
7 something like this, this collaboration with
8 industry to effect a transition and help
9 motivate or incentivize the changes through
10 research support, coordination and so forth.
11 But the Organic Fruit Tree Association
12 basically has endorsed the time frame, if that
13 makes any difference, Katrina, to your
14 thinking. And so I think we have an
15 opportunity here to motivate, to also tell our
16 consumers that we're serious about this, that
17 we know where you want us to be, and we are
18 going to be monitoring in more specific terms
19 than we've done in the past what that progress
20 is, so that we can make an evaluation,
21 informed evaluation in two years.

22 CHAIR MIEDEMA: Katrina.

1 MS. HEINZE: I totally agree we
2 should all be working on this, and I
3 appreciated all the commitment on that. The
4 reality is, that's three years from now, and
5 so in order to properly assess whether
6 progress has been made in time to keep the
7 material if it's necessary, you're going to be
8 looking at a petition a year and a half from
9 now. Nothing happens in a year and a half.
10 That's my only concern. I get people have
11 endorsed it, I just--we've been down this road
12 on one material; that's a lot of work for
13 everyone; I'm just questioning whether it's
14 really practical.

15 CHAIR MIEDEMA: Nick.

16 MR. MARAVELL: Well Katrina, I
17 totally agree with what you said--oh, I forgot
18 to reset my phone. And I'm going to speak
19 personally here as opposed to on the part of
20 the committee, and I don't know if other
21 members of the committee would agree with this
22 or not, but I think what we're saying is we're

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1 not comfortable with where the situation is
2 now and how it's proceeding right now, and it
3 was the--let me rephrase that. I am not
4 comfortable with where the situation is now,
5 and that if I were to take a look at that
6 situation a year and a half from now and see
7 significant change, we're not asking for the
8 impossible in terms of results. I'm fully
9 aware of the time lines for research,
10 development and adoption. I will get rid of
11 this, yes.

12 So I think what you're saying is
13 that we're going to be in effect creating a
14 little bit more work for ourselves. I am
15 willing to put up with that work, because I
16 think it will be a helpful incentive to the
17 community to make this transition, and we very
18 much want--I very much want them to make this
19 transition. So that's where I'm coming from
20 personally, I don't know how other members of
21 the committee feel about it, but that's why I
22 voted for this.

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1 CHAIR MIEDEMA: Colehour, and then
2 Barry. Okay Barry, Colehour just gave you his
3 spot, and then we'll go to you.

4 MR. FLAMM: I appreciate the
5 comments Katrina made, but the fact is that
6 the committee now has twice in the period of
7 time I've been on the Board, expressed itself,
8 the beliefs that the antibiotics ought to come
9 off the list. We received quite a bit of
10 comments from growers, and not surprisingly,
11 many of them, not all, but many of them have
12 said they needed the product or needed more
13 time. We got some very thoughtful and
14 substantial comments that Jay alluded to from
15 the National Organic Coalition, from groups in
16 the Midwest, Director of Agriculture in
17 Minnesota, and here I'm overlapping our two
18 antibiotics, but providing ideas and I
19 wouldn't say a compromise, but a way to move
20 this along, and there's strong support for
21 moving this issue along.

22 Many of the comments, for example

1 in Vermont, supported that the antibiotics had
2 to come off the list, but they needed a little
3 more time. And it's more, as Jay referred to,
4 it's much more important than just an input
5 substitution. The culture practice and
6 management, and I've had some experience in
7 doing this, it is doable, and we want to see--
8 and the recommendations you'll see later on
9 too, that we got out of the public comments,
10 suggest ways to make progress forward. We'll
11 have to decide what the progress is, and make
12 the judgment what we do, you know, down the
13 road here, but we want to see progress.

14 CHAIR MIEDEMA: Colehour.

15 MR. BONDERA: Yes, I think I want
16 to at least say to the whole Board, but I'm
17 not certain if maybe it needs to also be--
18 really it's a question, and maybe it needs to
19 be to NOP as well, because I think that there
20 is a real important line to be paying
21 attention to between the word expect or
22 expectation, because in this we're putting

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1 forth an expectation, versus a recommendation,
2 which is what we've already started. And
3 Nick, I think a lot, and Jay also started
4 alluding to, and I think it's unclear for me
5 if we need to be putting forth a separate
6 recommendation of what we would want to see
7 happening. And I'd like to clarify and
8 congeal that. We don't have, in my opinion,
9 in what we're looking at here, a concrete
10 recommendation of how that process would
11 occur, or what it would include. And so I
12 would like to discuss that further and/or
13 better understand what that should include.
14 Thank you.

15 CHAIR MIEDEMA: Mac.

16 MR. STONE: I think, I mean I have
17 to vote for it. I just want to--whoever gets
18 strong armed to being the Chair over the next
19 few years that if we're going to talk about
20 tetracycline in a year and a half, and then
21 strep in another four years, that it's just
22 going to take a lot of time, and I could see

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1 tying them together so the conversation is a
2 little condensed, would be my thought.

3 CHAIR MIEDEMA: Okay, I don't want
4 to cut off discussion, and I'll call on you
5 Reuben, I just want to make a statement of
6 fact, which is we're an hour in; we have 33
7 votes to take today, so Reuben.

8 MR. WALKER: I would, certainly
9 being a new member to the Board, stress the
10 fact Katrina alluded to, is that some of these
11 things that we are deferring for two years, it
12 takes longer than that for research and
13 outreach. It may take eight, nine or 10 years
14 for any of these things to happen. So I would
15 certainly encourage the industry groups of
16 organics to impress upon our 1862
17 universities. Here it's the University of
18 Washington; in Oregon, it's Oregon State
19 University, and also impress upon the 1890s,
20 which are your historically black colleges.
21 Jennifer is from Florida A&M, a historically
22 black college. There's 17; they receive USDA

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1 funding for research, and your 1994s, which
2 are Hispanic institutions. There's a total of
3 about 109. Because some of this will require
4 research. Other than that, the next five
5 years we will continue to see these things
6 being deferred, with no viable alternative for
7 the organic community.

8 So I would encourage all of us to
9 call the administrators. When the public
10 stakeholders call, they will respond. Other
11 than this, a lot of these products that we are
12 looking at will continue to be deferred and
13 continue to surface.

14 CHAIR MIEDEMA: Jay.

15 MR. FELDMAN: I actually like
16 Mac's suggestion about folding in the
17 streptomycin, because some of this
18 conversation overlaps and I think we've taken
19 the same strategy for that. But to Colehour's
20 point, I would like to hear from the
21 Department as to whether a separate
22 recommendation on incorporating the NOC

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1 proposal and the organic tree fruit, which was
2 done in collaboration with the Organic Tree
3 Fruit Association, and with our additional
4 language of a transition plan, is something
5 that the Department would be interested,
6 willing to collaborate on. But outside of
7 that, I do think we need a document which is
8 more explicit on our expectations, which is
9 what we talked about last night, so that there
10 aren't any surprises here.

11 And to the issue of extending this
12 beyond, I'm not able to do that. I realize
13 there are administrative issues, and I would
14 even encourage the industry to put in a
15 placeholder petition in case anything goes
16 wrong, but I can't see extending this thing
17 again, and I also--I wouldn't be able to vote
18 for more than a two-year extension at this
19 point.

20 CHAIR MIEDEMA: Katrina.

21 MS. HEINZE: Thanks everyone, but
22 the motion on the table doesn't have an

1 extension on it, so Madam I think we should
2 call the question.

3 CHAIR MIEDEMA: Okay. Any
4 recusals for conflict? Miles.

5 MR. MCEVOY: Yes, the
6 recommendation as written is not--it has the
7 wrong number, the wrong citation, has (10) on
8 it, it also changes--it has tetracycline,
9 oxytetracycline, which is not the current
10 listing, and it says for fire blight control
11 in apples and pears, which is also a change,
12 just to note that. So the question is are you
13 suggesting to changing the actual citation of
14 the substance itself?

15 CHAIR MIEDEMA: What was the
16 intent of the Crops Committee?

17 MR. FOSTER: Jay, you and I maybe
18 want to tag team on this; is that all right?
19 The intent on the parentheses was to hopefully
20 clarify what everyone was assuming, but was
21 not in print, which was that the tetracycline
22 we were looking for was oxytetracycline, and

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1 in the industry, that's how it's referred to.
2 So it was only a clarifying intent there.

3 CHAIR MIEDEMA: Katrina.

4 MS. HEINZE: Might I suggest that
5 we defer a vote so that the Crops Committee
6 can go back and make sure that they have the
7 right listing, rather than spending time--
8 either way it's just, since we're behind it
9 might be faster for them to huddle real quick
10 at a break.

11 CHAIR MIEDEMA: Okay, we do have a
12 call for the question, so are you rescinding
13 your call for the question?

14 MS. HEINZE: I suppose I could,
15 since we have new information.

16 CHAIR MIEDEMA: Okay. Thank you.
17 Nick.

18 MR. MARAVELL: So Miles, I think
19 one was a typo, but the other is that we've
20 added pears and apples, which does not occur
21 in the original listing, and I think we can
22 work that out, John.

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1 MR. FOSTER: Yes, we can circle
2 back quickly and make the typographical
3 corrections.

4 CHAIR MIEDEMA: Okay, so the--we
5 would need to table this motion to move on to
6 other business.

7 MR. FOSTER: I move to table this
8 motion.

9 MS. HEINZE: I second.

10 CHAIR MIEDEMA: Parliamentarian
11 Lisa Brines, do we need to vote to table a
12 motion?

13 MS. BRINES: I think you can just
14 ask if there's any objection, and if there is,
15 you can take the vote.

16 CHAIR MIEDEMA: Any objection to
17 tabling this motion? Seeing none, hearing
18 none, we're going to move on to the next
19 Material Crops Committee. Please prepare your
20 document and any motions you would need for
21 annotation change at the break, and Board
22 members, we're going to have to speed it up.

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1 We are zero votes, and we've got to start
2 voting. Next on our voting docket today is
3 nickel. Do I have a motion?

4 MR. FOSTER: Yes, there's a--we
5 have a motion to--sorry, I want to make sure
6 I get the order right here--that we're voting
7 twice on this. One on the classification, and
8 then next on the committee action; is that
9 correct?

10 CHAIR MIEDEMA: Yes, so your first
11 motion will be on the classification. We'll
12 vote on that, and then we'll vote on whether
13 to list or not.

14 MR. FOSTER: Yes, we have a motion
15 to list--accept the petition to list nickel as
16 a micronutrient added to 205.601(j)(6)(ii),
17 with the following annotation: not to be used
18 as a defoliant, herbicide or desiccant, those
19 made from nitrates or chlorides are not
20 allowed; soil deficiency must be documented by
21 testing. And under (ii), sulfates,
22 carbonates, oxides or silicates of zinc,

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1 copper, iron, manganese, molybdenum, nickel,
2 selenium and cobalt. So sorry. The motion is
3 to consider nickel to be a synthetic material.

4 CHAIR MIEDEMA: Do I have a
5 second?

6 MS. ELLOR: I will second.

7 CHAIR MIEDEMA: Okay. It has been
8 moved and seconded that nickel be classified
9 as a synthetic. Any discussion? Discussion
10 completed. Are we ready to vote? Any
11 recusals for conflicts? Voting will begin
12 with Wendy Fulwider. We'll stagger the
13 voting, so Wendy will go first on this vote,
14 Tina will go first on the following vote, et
15 cetera, et cetera. We'll go clockwise around
16 the room.

17 MS. FULWIDER: Yes.

18 MS. ELLOR: Yes.

19 MR. MARAVELL: Yes.

20 MR. WALKER: Yes.

21 MR. FLAMM: Yes.

22 MR. FELDMAN: Yes.

1 MR. DEMURI: Yes.

2 MS. TAYLOR: Yes.

3 MS. HEINZE: Yes.

4 MR. STONE: Yes.

5 MR. FOSTER: Yes.

6 MR. BONDERA: Yes.

7 MR. DICKSON: Yes.

8 CHAIR MIEDEMA: Yes. 14 yes, zero
9 no; motion passes. Do I have a motion on the
10 listing of nickel?

11 MR. FOSTER: Yes we do. A motion
12 to amend 205.601(j)(ii) to include nickel in
13 the list of micronutrients. It would read
14 "205.601, Synthetic Substances Allowed for Use
15 in Organic Crop Production, (j), as plant or
16 soil amendments, (6), micronutrients, not to
17 be used as a defoliant, herbicide or
18 desiccant, those made from nitrates or
19 chlorides are not allowed, soil deficiency
20 must be documented by testing. (ii),
21 sulfates, carbonates, oxides, or silicates of
22 zinc, copper, iron, manganese, molybdenum,

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1 nickel, selenium and cobalt."

2 MS. ELLOR: I'll second.

3 CHAIR MIEDEMA: Okay, Tina has
4 seconded, it has been moved and seconded for
5 nickel to be listed with the description just
6 read into the record and on the screen right
7 now. Any discussion? Jay.

8 MR. FELDMAN: Conflict of interest
9 disclosure.

10 CHAIR MIEDEMA: That will be taken
11 right before voting; we're in the discussion.
12 Tina.

13 MS. ELLOR: I believe I was one of
14 the positive votes for this in Crops
15 Committee, and I have since changed my mind.
16 This is a different case from other
17 micronutrients in that it is a very well known
18 epigenetic carcinogen, so I have changed my
19 opinion about this material, and will vote
20 against listing it.

21 CHAIR MIEDEMA: Katrina.

22 MS. HEINZE: Could you explain

1 that a little bit more, because it's fairly
2 ubiquitous in nature, so I guess having read
3 the TR, it's not clear to me at that point.

4 MS. ELLOR: It is ubiquitous, the
5 forms are different, and the way it would be
6 applied would be different. And Jay might be
7 able to shed more specific light on this,
8 because this--well and also John took point on
9 this material. But I ran into this sort of
10 through a back door. I was looking at
11 epigenetics in another context, and ran across
12 this issue with it.

13 MR. FELDMAN: Well as you know--

14 CHAIR MIEDEMA: Jay.

15 MR. FELDMAN: As you know,
16 materials are classified by the federal
17 government, in this case, EPA, and this one,
18 as are other materials we've looked at as a
19 Board, such as arsenic, is classified as a
20 human--known human carcinogen. So in the TR,
21 they cite the background data on that, which
22 is captured through the ATSDR, Agency for

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1 Toxic Substance and Disease Registry, and that
2 classification is pretty clear. So it's
3 unequivocal on that issue. You know, I don't
4 know if you want me to go further into the
5 mechanisms, but we have to dig into the
6 documentation, but as you know, we're not
7 talking about anything other than the
8 technical data we've received and evaluated
9 based on the classification by EPA and ATSDR.

10 CHAIR MIEDEMA: Any further
11 discussion? Hearing none, any recusals for
12 conflicts? Okay, we are ready to vote, and
13 we'll start with Tina Ellor, and I note here
14 no one need recuse themselves on having an
15 opinion on whether something is synthetic or
16 a non-synthetic, so that's why that's not
17 going to get called. This yes vote is to list
18 this material. Tina, we're starting with you.

19 MS. ELLOR: No.

20 MR. MARAVELL: No.

21 MR. WALKER: No.

22 MR. FLAMM: No.

1 MR. FELDMAN: No.

2 MR. DEMURI: No.

3 MS. TAYLOR: No.

4 MS. HEINZE: Yes.

5 MR. STONE: Yes.

6 MR. FOSTER: Yes.

7 MR. BONDERA: No.

8 MR. DICKSON: Yes.

9 CHAIR MIEDEMA: Yes. Secretary

10 Fulwider, what is our tally?

11 MS. FULWIDER: No.

12 CHAIR MIEDEMA: Wendy, thank you.

13 What was your vote, Wendy?

14 MS. FULWIDER: No. We have five
15 yes.

16 CHAIR MIEDEMA: Five yes, nine no;
17 motion fails. Next up is chlorine materials
18 for sunset 2012, 205.601. Does the Crops
19 Committee have a motion?

20 MR. FOSTER: Yes, we have a motion
21 to amend the existing annotation to read:
22 "chlorine materials (calcium hypochlorite,

1 chlorine dioxide and sodium hypochlorite) for
2 pre-harvest use, residual chlorine levels in
3 the water in direct crop contact, or as water
4 from cleaning irrigation systems applied to
5 soil must not exceed the maximum residual
6 disinfectant limit under the Safe Drinking
7 Water Act for disinfecting or sanitizing
8 equipment or tools in edible sprout
9 production. Chlorine products may be used up
10 to maximum labeled rates."

11 MR. DEMURI: I'll second.

12 CHAIR MIEDEMA: Any discussion?
13 Our procedure here on this one--Nick.

14 MR. MARAVELL: I'd just like some
15 clarification from the program. There was
16 some discussion yesterday about where post
17 handling--post harvest stops being crop and
18 starts being handling, and there was some
19 discussion that guidance was going to be
20 issued on this question, and how once a crop
21 has been harvested, that it might be under
22 handling guidelines with regard to the use of

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1 chlorine. Did I understand that correctly?

2 MR. MCEVOY: Yes, there's post
3 harvest materials that are listed under 601,
4 as well as under 605. So clarification is
5 needed in this area.

6 MR. MARAVELL: And then my second
7 concern is will it be easy for farmers to know
8 that?

9 MR. MCEVOY: Well it's not easy
10 now, so once we provide that clarification, we
11 would expect it to be easier to determine what
12 is the appropriate section. Is the question
13 about this annotation change that you're
14 suggesting?

15 MR. MARAVELL: I just--I'm fine
16 with the annotation as is, what we agreed on
17 in committee. I just want to make sure that
18 farmers go through, they look at the
19 regulations, and then they're told oh, well
20 that's what it says here, but you've got to go
21 over here to see what it means over there, and
22 I just want to make sure that the program has

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1 a plan in place so that farmers will know
2 where to look and be aware of this, whether
3 it's an educational program, whether it's
4 through the certifiers, or whatever.

5 MR. MCEVOY: Yes, we certainly
6 intend to provide more information and
7 clarification on the appropriate substances
8 that can be used under both crop use, post
9 harvest handling, whether that's on the farm
10 or off the farm, that clarification will be
11 provided, and also covered during training
12 with certifiers.

13 CHAIR MIEDEMA: Jay.

14 MR. FELDMAN: Can I ask the
15 program if it views this language as an
16 expansion of current uses?

17 MR. MCEVOY: Clarification of
18 current uses. We would view this as a
19 clarification of current uses. I think
20 there's a recognition that the chlorine
21 annotation that's in the National List
22 currently is challenging to understand, and so

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1 that's why we put out draft guidance in the
2 fall, to provide clarification on the use of
3 chlorine, both in chlorine materials for
4 crops, livestock and handling. Final guidance
5 is forthcoming, our final guidance aligns very
6 closely with the recommendation from the Crops
7 and Handling Committee on chlorine, the only
8 clarification we would ask for is that you
9 voted to renew chlorine for livestock in the
10 fall without an annotation change, would you
11 want the annotation change to also include the
12 re-listing of chlorine under livestock
13 materials to align with your annotation
14 changes for crops and handling?

15 MR. FELDMAN: Thank you.

16 CHAIR MIEDEMA: John.

17 MR. FOSTER: If the Livestock
18 Committee feels appropriate, I would be more
19 than happy to suggest in whatever way is
20 important and necessary to get the livestock
21 chlorine listing aligned with this one.
22 Procedurally, I need assistance to know how to

1 do that. But conceptually, yes, I think
2 that's appropriate to do so.

3 CHAIR MIEDEMA: Any more
4 discussion? Oh, Katrina?

5 MS. HEINZE: Just a process check--
6 this is a sunset review, correct? So we need
7 to take two votes on this material?

8 CHAIR MIEDEMA: That's right.
9 What we're considering on this first motion is
10 the annotation change; the second vote will be
11 a re-listing as is.

12 MR. MCEVOY: Yes, and the question
13 would be if you wanted to include livestock
14 with this type of an annotation change, your
15 recommendation could include "and align the
16 livestock annotation with this
17 recommendation."

18 CHAIR MIEDEMA: I'm seeing a lot
19 of heads shaking no right now. Steve.

20 MR. DEMURI: I wouldn't feel
21 comfortable doing that at this meeting. Maybe
22 the next meeting, but I'd like to get that out

1 to the public first for comment, because I
2 don't know much about it.

3 CHAIR MIEDEMA: Any further
4 discussion? Hearing none, seeing none, any
5 recusals for conflicts on this annotation
6 change as read? Okay. Katrina.

7 MS. HEINZE: So are we supposed to
8 declare? It has been the past practice of
9 folks who work for handlers to do kind of a
10 general, you know, we could use all of these
11 materials. Given all the discussion we've had
12 on conflict, I work for a company that makes
13 organic products in, like, virtually every
14 category. While I have no personal knowledge,
15 I'm confident that every material on this list
16 at some point somehow touches our process. Is
17 that the level of revelation that you're
18 expecting us to make? And then do I need to
19 make it for every material?

20 CHAIR MIEDEMA: So noted. Once is
21 good enough.

22 MS. HEINZE: And then how does the

1 Board expect me to execute votes based on that
2 information?

3 CHAIR MIEDEMA: Wendy, you had
4 your hand raised.

5 MS. FULWIDER: I was just
6 wondering how you felt, and if I should
7 declare I work for Organic Valley. I have no
8 idea what happens in the processing part; I
9 only work with the live animals.

10 CHAIR MIEDEMA: We'll take that as
11 a blanket declaration. Might as well work
12 through all of these. Joe Dickson.

13 MR. DICKSON: I work for a retail
14 grocery company that sells, processes or in
15 some way has an interest in every material on
16 the National List, including those being voted
17 on today.

18 CHAIR MIEDEMA: I work for the
19 world's largest organic row crop company, and
20 we use nearly every material at some point in
21 the supply chain that is approved for use on
22 the National List. Steve.

1 MR. DEMURI: I too work for a very
2 large company that uses, or our suppliers use,
3 probably 90% of the items on the list for
4 sunset, at least on the handling side.

5 CHAIR MIEDEMA: Tina.

6 MS. ELLOR: I work for a farm and
7 we use some materials, not all. Chlorine
8 happens to be one that we do use in processing
9 and in sanitizing equipment, but there are
10 others, so I will approach that individually,
11 since we don't use very many of them.

12 CHAIR MIEDEMA: And a reminder
13 from Miles this morning, whether we have a
14 direct financial stake in a, for instance,
15 chlorine materials company, would be the
16 question we were asking right now. Any other
17 declarations that members want to put on the
18 record? John, and then we'll just do this one
19 time, guys.

20 MR. FOSTER: I work for a large
21 company with many suppliers, and I'm fairly
22 certain at some point in our very extensive

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1 supply chain, every material that is up for a
2 vote is in there somewhere. Chlorine
3 specifically, we use chlorine in our
4 processing facility.

5 CHAIR MIEDEMA: Okay, let's
6 proceed with voting. Again, this is vote one
7 of two votes on chlorine materials; this one
8 is for the annotation change as was read into
9 the record earlier, and the voting will begin
10 with Nick.

11 MR. MARAVELL: Yes.

12 MR. WALKER: Yes.

13 MR. FLAMM: Yes.

14 MR. FELDMAN: Yes.

15 MR. DEMURI: Yes.

16 MS. TAYLOR: Yes.

17 MS. HEINZE: Yes.

18 MR. STONE: Yes, ma'am.

19 MR. FOSTER: Yes.

20 MR. BONDERA: Yes.

21 MR. DICKSON: Yes.

22 CHAIR MIEDEMA: Wendy?

1 MS. FULWIDER: Yes.

2 MS. ELLOR: Yes.

3 CHAIR MIEDEMA: And I vote yes.

4 14 yes, zero no; motion passes. Materials
5 Chair Katrina Heinze, in the event an
6 annotation change during sunset vote passes on
7 the first vote, do we necessarily need to take
8 the second vote?

9 MS. HEINZE: Yes, for the reasons
10 we discussed this morning.

11 CHAIR MIEDEMA: Okay. Do I have a
12 motion?

13 MR. FOSTER: Yes, the motion is to
14 re-list chlorine on 205.601(a) accordingly, as
15 an algicide, disinfectant and sanitizer,
16 including irrigation system cleaning systems.
17 (2), chlorine materials, except that residual
18 chlorine levels in the water shall not exceed
19 the maximum residual disinfectant limit under
20 the Safe Drinking Water Act. And then (i),
21 calcium hypochlorite, (ii), chlorine dioxide,
22 (iii), sodium hypochlorite.

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1 MS. ELLOR: I will second.

2 CHAIR MIEDEMA: Any discussion?

3 Discussion sounds complete. We're ready to
4 vote.

5 MR. WALKER: Yes.

6 MR. FLAMM: Yes.

7 MR. FELDMAN: Yes.

8 MR. DEMURI: Yes.

9 MS. TAYLOR: Yes.

10 MS. HEINZE: Yes.

11 MR. STONE: Yes, ma'am.

12 MR. FOSTER: Yes.

13 MR. BONDERA: Yes.

14 MR. DICKSON: Yes.

15 MS. FULWIDER: Yes.

16 MS. ELLOR: Yes.

17 MR. MARAVELL: Yes.

18 CHAIR MIEDEMA: And I vote yes.

19 14 yes, zero no; motion carries. Next
20 material, copper materials. Crops Committee,
21 do I have a motion?

22 MR. FOSTER: Yes. The Crops

1 Committee recommends an annotation change to
2 the continued listing of coppers on the
3 National List. And I think it's going to be
4 up on the screen in a second. It would read--
5 it would fall under plant disease control,
6 coppers, fixed. Copper hydroxide, copper
7 oxide, copper oxychloride, includes products
8 exempted from EPA tolerance, provided that
9 copper-based materials must be used in a
10 manner that minimizes accumulation in the soil
11 and documented through periodic testing, and
12 shall not be used as herbicides. Copper
13 sulfate, substance must be used in a manner
14 that minimizes accumulation of copper in the
15 soil and documented through periodic testing.

16 CHAIR MIEDEMA: Do I hear a
17 second?

18 MR. DEMURI: Second.

19 CHAIR MIEDEMA: Steve DeMuri
20 seconded. Any discussion? Katrina.

21 MS. HEINZE: We had some written
22 comment, and then on Wednesday, when we

1 discussed this, Miles made some comments
2 around why this needed to be in the annotation
3 versus through guidance, you know, that we
4 heard that a lot of people are doing this
5 already. I could use some help with that as
6 well, because the current annotation says
7 "that minimizes accumulation," so the public
8 comment we heard said that that requires that
9 folks do something to demonstrate that. This
10 seems overly prescriptive.

11 CHAIR MIEDEMA: Any further
12 discussion? Mac.

13 MR. STONE: Certifiers kind of do
14 that anyway, especially on perennial crops,
15 but I don't know that it hurts anything being
16 in there; it's kind of already status quo,
17 frankly.

18 CHAIR MIEDEMA: We have a motion
19 and a second. Any more discussion? Jay.

20 MR. FELDMAN: In addition to this,
21 there was the sense of the committee--and Mac,
22 maybe you can help with this--that because of

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1 the severe, acute poisoning-type issues,
2 especially related to respiratory effects,
3 that we somehow wanted to make sure that
4 inspection dealt with worker protection-
5 related issues regarding this material in
6 particular. And so we had a sense of the
7 committee that we'd like, if possible, to get
8 guidance to that effect from NOP. I guess the
9 question to you, whether you would see that as
10 a feasible type of thing to ask the inspector
11 to look at; in other words, many of the labels
12 require protective--personal protective
13 equipment. Is that protective equipment on
14 site? Is that a difficult thing to verify?
15 Some of them have re-entry times back into the
16 field; are inspectors checking for that? Is
17 that a difficult thing to verify?

18 We thought that was the prudent
19 thing to do, especially since many of our
20 organizations work very closely with farm work
21 organizations, and they certainly would
22 appreciate a higher level of scrutiny around

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1 these issues.

2 MR. STONE: I mean, those are
3 valid; there is scrutiny at the inspection
4 level in auditing trails, everything from
5 manure use down to very complicated
6 operations; you might not get this far, but
7 there's no reason not to draw attention to it
8 and send the message that it's something the
9 Board thinks is important. So I mean, it's
10 fine.

11 MR. FELDMAN: Could I ask the
12 Department whether that--whether we would need
13 something formal to request that something
14 like this be done, whether it already is being
15 done; whether it could be easily incorporated
16 into any guidance manual or training,
17 whatever?

18 CHAIR MIEDEMA: Miles, what's the
19 most appropriate method of this request? In
20 other words, should this be an annotation, or
21 should it be something the program does with
22 enforcement?

1 MR. MCEVOY: So the question is
2 whether or not this--the intent, or what would
3 be the effect of the annotation change to have
4 it documented through periodic testing?

5 CHAIR MIEDEMA: Yes.

6 MR. MCEVOY: No. I just returned,
7 sorry.

8 MR. FOSTER: In addition to the
9 annotation, there's a sense of the committee
10 that we could be doing a little more vis-a-vis
11 inspection. Not that it's not happening, but
12 it could maybe be happening more uniformly,
13 with more rigor, to ensure compliance with
14 worker protection standards regarding
15 protective personal equipment, and enforcement
16 of label restrictions on re-entry standards.
17 That that be--that we take a higher level of
18 concern associated with training, enforcement,
19 et cetera around those issues, in particular
20 with copper because of the specific
21 associations with acute toxicity.

22 MR. MCEVOY: I think that the

1 certifiers have a huge job to do, they're
2 doing a great job at what they're doing in
3 terms of verifying that the organic standards
4 are being met, and that in terms of worker
5 protection standards and requirements for the
6 application of worker protection equipment,
7 that's really an EPA role, working through the
8 states, and that putting that additional
9 burden on certification agencies, I think, is
10 not really appropriate, because you have other
11 agencies that are responsible for that, and
12 I'm not sure if you want to have resources
13 redirected into that area that's already
14 covered by other agencies.

15 CHAIR MIEDEMA: Katrina.

16 MS. HEINZE: I didn't properly ask
17 my question the first time. So, our sunset
18 process says that we need to look at new
19 information or an alternative. And it is not
20 clear to me why--what new information has
21 prompted this annotation change, and why it
22 could not be addressed in guidance. So I was

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1 hoping that the committee could help me
2 understand that.

3 CHAIR MIEDEMA: I plan to vote no
4 on this because I think it's a burdensome
5 requirement for certifiers, and I think that
6 there's adequate language in the existing
7 listing to cover the concerns. Tina.

8 MS. ELLOR: And judging from the
9 public comments that we got on this, and
10 talking with certifiers in the audience, I'll
11 probably vote no on this as well.

12 CHAIR MIEDEMA: Any more
13 discussion? Okay. Any recusals for
14 conflicts? Barry, we'll start the voting with
15 you.

16 MR. FLAMM: Yes.

17 MR. FELDMAN: Yes.

18 MR. DEMURI: No.

19 MS. TAYLOR: Yes.

20 MS. HEINZE: No.

21 MR. STONE: Yes.

22 MR. FOSTER: No.

1 MR. BONDERA: Yes.

2 MR. DICKSON: No.

3 CHAIR MIEDEMA: No.

4 MS. FULWIDER: No.

5 MS. ELLOR: No.

6 MR. MARAVELL: Yes.

7 MR. WALKER: No.

8 CHAIR MIEDEMA: Madam Secretary,
9 the tally?

10 MS. FULWIDER: Six yes.

11 CHAIR MIEDEMA: Six yes, eight no;
12 the motion fails. Crops Committee, we are now
13 addressing the material as it is currently
14 listed. Do I have a motion?

15 MR. FOSTER: Yes, to re-list
16 coppers on 205.601, Synthetic Substances
17 Allowed for Use in Organic Crop Production, as
18 follows: (i), as plant disease control, and
19 (2), coppers fixed, copper hydroxide, copper
20 oxide, copper oxychloride, includes products
21 exempted from EPA tolerance, provided that
22 copper-based materials must be used in a

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1 manner that minimizes accumulation in the soil
2 and shall not be used as herbicides. And then
3 three, copper sulfate, substance must be used
4 in a manner that minimizes accumulation of
5 copper in the soil.

6 CHAIR MIEDEMA: Do I have a
7 second?

8 MS. HEINZE: Second.

9 CHAIR MIEDEMA: It has been moved
10 and seconded to re-list copper materials as
11 it's currently listed on the National List.
12 Any discussion? Hearing none, we'll proceed
13 with voting. Jay, the voting will start with
14 you.

15 MR. FELDMAN: Yes.

16 MR. DEMURI: Yes.

17 MS. TAYLOR: Yes.

18 MS. HEINZE: Yes.

19 MR. STONE: Yes, ma'am.

20 MR. FOSTER: Yes.

21 MR. BONDERA: Yes.

22 MR. DICKSON: Yes.

1 CHAIR MIEDEMA: Yes.

2 MS. FULWIDER: Yes.

3 MS. ELLOR: Yes.

4 MR. MARAVELL: Yes.

5 MR. WALKER: Yes.

6 MR. FLAMM: Yes.

7 CHAIR MIEDEMA: 14 yes, zero no;
8 motion carries. Next material up for voting
9 is alcohols. Does the Crop Committee have a
10 motion?

11 MR. FOSTER: Yes, to re-list on
12 205.601, Synthetic Substances Allowed for Use
13 in Organic Crop Production, this is without
14 annotation change, (a), as algicide
15 disinfectant and sanitizer, including
16 irrigation system cleaning systems, (1),
17 alcohols, (i), ethanol and (ii), isopropanol.

18 MS. ELLOR: I'll second.

19 CHAIR MIEDEMA: Moved and
20 seconded; any discussion? Hearing none and
21 seeing none, we will proceed with voting.
22 Steve, the voting will start with you.

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1 MR. DEMURI: Yes.

2 MS. TAYLOR: Yes.

3 MS. HEINZE: Yes.

4 MR. STONE: Yes, ma'am.

5 MR. FOSTER: Yes.

6 MR. BONDERA: Yes.

7 MR. DICKSON: Yes.

8 CHAIR MIEDEMA: Yes.

9 MS. FULWIDER: Yes.

10 MS. ELLOR: Yes.

11 MR. MARAVELL: Yes.

12 MR. WALKER: Yes.

13 MR. FLAMM: Yes.

14 MR. FELDMAN: Yes.

15 CHAIR MIEDEMA: 14 yes, zero no;

16 motion carries. Next material up for

17 consideration is newspapers, (b) (2) (i). Crops

18 Committee, do I have a motion?

19 MR. FOSTER: Yes, to re-list on

20 205.601, Synthetic Substances Allowed for Use

21 in Organic Crop Production, (b), as

22 herbicides, weed barriers as applicable, (2),

1 mulches, (i), newspaper or other recycled
2 paper without glossy or colored inks.

3 CHAIR MIEDEMA: Do I hear a
4 second? Barry has seconded. Any discussion?
5 Hearing none and seeing none, we will proceed
6 with voting. Jennifer, you will be the first
7 to vote.

8 MS. TAYLOR: Yes.

9 MS. HEINZE: Yes.

10 MR. STONE: Yes, ma'am.

11 MR. FOSTER: Yes.

12 MR. BONDERA: Yes.

13 MR. DICKSON: Yes.

14 CHAIR MIEDEMA: Yes.

15 MS. FULWIDER: Yes.

16 MS. ELLOR: Yes.

17 MR. MARAVELL: Yes.

18 MR. WALKER: Yes.

19 MR. FLAMM: Yes.

20 MR. FELDMAN: Yes.

21 MR. DEMURI: Yes.

22 CHAIR MIEDEMA: 14 yes, zero no;

1 motion carries. Next up, Crops Committee, do
2 you have another listing for newspapers?

3 MR. FOSTER: I do, I was just
4 alerting myself to that fact. We have a
5 motion to re-list on 205.601, Synthetic
6 Substances Allowed for Use in Organic Crop
7 Production, (b), as herbicides, weed barriers
8 as applicable, (2), mulches, (ii), plastic
9 mulch--I'm so sorry, Madam Chair, you asked me
10 about newspapers, didn't you?

11 CHAIR MIEDEMA: You're fine. Do I
12 hear a second?

13 MR. FOSTER: I didn't quite
14 finish, so--I will restate the motion. Can I
15 do that?

16 CHAIR MIEDEMA: Please restate the
17 motion.

18 MR. FOSTER: Thank you. To re-
19 list on 205.601, Synthetic Substances Allowed
20 for Use in Organic Crop Production, as
21 herbicides, weed barriers as applicable, (2),
22 mulches, (ii), plastic mulch and covers,

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1 petroleum-based, other than PVC.

2 MR. STONE: Madam Chair, can I ask
3 for clarification here?

4 CHAIR MIEDEMA: Yes.

5 MR. STONE: Are we skipping a vote
6 and going down to plastic?

7 CHAIR MIEDEMA: No, we're not.

8 MR. FOSTER: My apologies. I was
9 thinking it would be sequential, and that's my
10 error. My mistake. May I rephrase the motion
11 again, please?

12 CHAIR MIEDEMA: Please restate the
13 motion.

14 MR. FOSTER: To re-list on
15 205.601, Synthetic Substances Allowed for Use
16 in Organic Crop Production, (c), as compost
17 feed stocks, newspapers or other recycled
18 paper without glossy or colored inks.

19 CHAIR MIEDEMA: Do I hear a
20 second? We have a motion and a second. Any
21 discussion? Hearing none and seeing none,
22 we're ready to vote. Katrina.

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1 MS. HEINZE: Yes.

2 MR. STONE: Yes, ma'am.

3 MR. FOSTER: Yes.

4 MR. BONDERA: Yes.

5 MR. DICKSON: Yes.

6 CHAIR MIEDEMA: Yes.

7 MS. FULWIDER: Yes.

8 MS. ELLOR: Yes.

9 MR. MARAVELL: Yes.

10 MR. WALKER: Yes.

11 MR. FLAMM: Yes.

12 MR. FELDMAN: Yes.

13 MR. DEMURI: Yes.

14 MS. TAYLOR: Yes.

15 CHAIR MIEDEMA: 14 yes, zero no;

16 motion carries. I didn't ask for conflict on

17 newspaper. Anything we missed there? Okay.

18 Plastic mulch is next on our agenda. Crops

19 Committee, do you have a motion?

20 MR. FOSTER: Yes, to re-list on

21 205.601, Synthetic Substances Allowed for Use

22 in Organic Crop Production, (b), as

1 herbicides, weed barriers as applicable, (2),
2 mulches, (ii), plastic mulch and covers,
3 petroleum-based other than PVC.

4 CHAIR MIEDEMA: Do I have a
5 second?

6 MS. ELLOR: I'll second.

7 CHAIR MIEDEMA: Any discussion on
8 plastic mulches? Any recusals for conflicts?
9 We're ready to vote. Mac.

10 MR. STONE: Yes ma'am.

11 MR. FOSTER: Yes.

12 MR. BONDERA: Yes.

13 MR. DICKSON: Yes.

14 CHAIR MIEDEMA: Yes.

15 MS. FULWIDER: Yes.

16 MS. ELLOR: Yes.

17 MR. MARAVELL: Yes.

18 MR. WALKER: Yes.

19 MR. FLAMM: Yes.

20 MR. FELDMAN: Yes.

21 MR. DEMURI: Yes.

22 MS. TAYLOR: Yes.

1 MS. HEINZE: Yes.

2 CHAIR MIEDEMA: 14 yes, zero no;
3 motion carries. Next up on our agenda is
4 pheromones. Crops Committee, do I have a
5 motion?

6 MR. FOSTER: We do. To amend the
7 current listing of pheromones to read "as
8 insect management, pheromones, provided they
9 are formulated with only approved inert
10 ingredients."

11 MR. BONDERA: I'll second.

12 CHAIR MIEDEMA: Colehour seconds.
13 Any discussion? Katrina.

14 MS. HEINZE: Well, we had quite a
15 bit of public comment on this, so it seems
16 it's worthy of some discussion. We had public
17 comment that folks wanted us to handle the
18 inerts through our inert process. I don't
19 have all the public comments summarized in my
20 head, but the general tone I got was that they
21 thought this was not necessary, and again, I
22 don't plan to vote for this because I don't

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1 understand what the new information is that is
2 requiring a change to the listing. And that
3 is our process.

4 CHAIR MIEDEMA: Steve, and then
5 Jay.

6 MR. DEMURI: We talked about this
7 at length at a committee meeting last night,
8 and substantially changed the annotation from
9 what it was in the presentation on Tuesday to
10 coincide with a lot of that public comment.

11 CHAIR MIEDEMA: Jay.

12 MR. FELDMAN: Yes, a little bit
13 more background to supplement what Steve just
14 said, which is correct. As you know,
15 currently the listing under list three inerts
16 restricts pheromones to passive dispensers.
17 The committee originally proposed to limit all
18 pheromones to passive dispensers. We heard
19 statements from the public, experts et cetera,
20 that that would cause undue burden given the
21 evolving technology. There was concern on the
22 environmental side that we're not adequately

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1 following the new technology and evaluating
2 the real impacts of that new technology.
3 There's a lot new in pheromones, by the way.
4 But the compromise that was worked out, since
5 the bulk of the issues around inerts -- around
6 pheromones goes to inerts, is that we would
7 just drop the passive dispensers that relate
8 to the list four inerts, which is what this
9 section applies to, and drop the additional
10 toxicants, you know, new toxicants or
11 additional toxicants, and leave it at approved
12 inerts, which effectively means the current
13 list four--well, it's not current, but the
14 list four inerts that we reference.

15 So it essentially is a status quo
16 provision with an emphasis on the inert issue.
17 It puts--it keeps the inert issue in front of
18 us, but doesn't change the effect, and you
19 might want to ask the Department about that.

20 CHAIR MIEDEMA: Katrina.

21 MS. HEINZE: I was hoping Lisa
22 could make it bigger so I could read what your

1 change is. That was number one. And number
2 two is, currently as I read it, aren't list
3 three allowed in pheromones?

4 MR. FELDMAN: Only in passive
5 dispensers. There are two provisions, one for
6 pheromones, and then one for inert, list three
7 inerts. It's the only time we allow list
8 three inerts as a group.

9 MS. HEINZE: Yes, I just didn't
10 hear you say it, so I was confused. And then
11 why do we need this language? Because isn't
12 it true that they can only use approved
13 inerts?

14 MR. FELDMAN: Yes, it's true.

15 MS. HEINZE: So why do we need the
16 language?

17 MR. FELDMAN: It emphasizes--see,
18 because inerts are--well, yes, it's an
19 emphasis. We're learning about pheromones and
20 how dependent those formulations are in the
21 inert ingredients as volatile organic
22 chemicals, so it's a key issue. And as we've

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1 noted in the discussion, and as came up in
2 many of the statements, we will be revisiting
3 this issue as an inerts issue, as a separate
4 inerts issue.

5 CHAIR MIEDEMA: I plan to vote no
6 on this annotation change, simply because the
7 Inerts Working Group is working on this issue,
8 and that seems to be the appropriate place to
9 keep it in front of us. Tina.

10 MS. ELLOR: I see a lot of
11 frowning and shaking of heads at the Program;
12 would they like to comment on this?

13 MR. MCEVOY: Well, it seems like
14 it's already covered by the current
15 regulations, so we don't see how this would
16 clarify anything.

17 CHAIR MIEDEMA: Which would argue
18 for a no vote on this annotation change, I
19 guess that's what the program is arguing for
20 in that statement. Tina.

21 MS. ELLOR: Well, I wouldn't think
22 that they would argue one way or the other,

1 but it does make it clear that they way they
2 read it is that it is a duplication on the
3 list.

4 CHAIR MIEDEMA: Possibly some
5 unnecessary rulemaking and work for people on
6 their desks. Any more discussion? Nick.

7 MR. MARAVELL: Jay, does this
8 satisfy your concerns, the Program's statement
9 and the discussion here?

10 MR. FELDMAN: Yes, I guess so.

11 MR. MARAVELL: So you would not be
12 opposed to going, re-listing as is?

13 MR. FELDMAN: If the Department
14 believes it's a redundancy, then that's fine.
15 I don't want to create extra paperwork for
16 anybody.

17 CHAIR MIEDEMA: Would the Crops
18 Committee like to withdraw this motion?

19 MR. FOSTER: Yes.

20 CHAIR MIEDEMA: How about the
21 person who seconded? Colehour?

22 MR. BONDERA: Yes.

1 CHAIR MIEDEMA: Okay, this motion
2 is off the table. Crops Committee, do I have
3 a motion on the simple re-listing of
4 pheromones?

5 MR. FOSTER: Yes, to re-list on
6 205.601, Synthetic Substances Allowed for Use
7 in Organic Crop Production, (f), as insect
8 management, pheromones.

9 CHAIR MIEDEMA: Do I hear a
10 second?

11 MS. ELLOR: I'll second.

12 CHAIR MIEDEMA: Any discussion?
13 Any recusals for conflict? Okay. Any further
14 discussion on this pheromones re-listing?
15 Hearing none and seeing none, let's proceed
16 with voting. We'll start with John Foster.

17 MR. FOSTER: Yes.

18 MR. BONDERA: Yes.

19 MR. DICKSON: Yes.

20 CHAIR MIEDEMA: Yes.

21 MS. FULWIDER: Yes.

22 MS. ELLOR: Yes.

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1 MR. MARAVELL: Yes.

2 MR. WALKER: Yes.

3 MR. FLAMM: Yes.

4 MR. FELDMAN: Yes.

5 MR. DEMURI: Yes.

6 MS. TAYLOR: Yes.

7 MS. HEINZE: Yes.

8 MR. STONE: Yes, ma'am.

9 CHAIR MIEDEMA: 14 yes, zero no;
10 motion carries. Next on our agenda is sulfur
11 dioxide, we have a request from NOSB members
12 to take a short break. Will the Crops
13 Committee please reconvene during this break
14 and prepare your document on tetracycline for
15 voting?

16 MR. FOSTER: Yes.

17 CHAIR MIEDEMA: Let's be seated in
18 10 minutes, which would be five after 10.

19 (Whereupon, the above-entitled
20 matter went off the record at 9:55 a.m. and
21 resumed at 10:10 a.m.)

22 CHAIR MIEDEMA: The next material

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1 is sulfur dioxide. Crops Committee, do you
2 have a motion?

3 MR. FOSTER: Yes, we do. The
4 motion is to re-list sulfur dioxide as
5 underground rodent control only,
6 parenthetically (smoke bombs) on
7 205.601(g) (1).

8 CHAIR MIEDEMA: Do I have a
9 second?

10 MS. ELLOR: I'll second.

11 CHAIR MIEDEMA: Any discussion?
12 Katrina?

13 MS. HEINZE: What material? I'm
14 sorry, I did not hear the motion.

15 CHAIR MIEDEMA: Sulfur dioxide.
16 Tina.

17 MS. ELLOR: This was that very
18 interesting material that through the tap, we
19 were thinking that it was inappropriately
20 listed, but AMRI kind of gave us a different
21 point of view on that, so the committee had
22 voted not to re-list it, and I have to say I

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1 have changed my mind on that, and I would like
2 to see it go back on the list.

3 CHAIR MIEDEMA: Katrina.

4 MS. HEINZE: So this wasn't
5 originally an annotation, it was just a
6 straight re-list that did not pass the
7 committee?

8 MS. ELLOR: Yes. I do believe--
9 correct me if I'm wrong, Crops Committee.

10 MS. HEINZE: Thank you for the
11 clarification.

12 CHAIR MIEDEMA: Jay.

13 MR. FELDMAN: So there--this is a
14 formulated material, okay. So the issue is
15 whether we had significant--enough information
16 on all the material. I wonder if we could ask
17 for some expertise coming out of the audience,
18 because there is distinction in terms of how
19 certifiers look at and allow this product,
20 depending on the formulation, and there's
21 something regarding the different components,
22 the different elements of it.

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1 CHAIR MIEDEMA: Do you have a
2 specific question we would be able to ask?

3 MR. FELDMAN: Yes, I think Zea
4 might be able to help with the formulation--

5 CHAIR MIEDEMA: Who?

6 MR. FELDMAN: Zea Sonnabend, if
7 she's here.

8 CHAIR MIEDEMA: Katrina.

9 MS. HEINZE: Just a reminder, our
10 sunset process says we need to consider if
11 there's new information, so I would ask before
12 we get additional public comment, because
13 we've had it on this material, if the Crops
14 Committee could articulate what the new
15 information is.

16 CHAIR MIEDEMA: Tina.

17 MS. ELLOR: The new information
18 that we got through the technical review was
19 pretty profound, and what the technical review
20 was telling us was that, in fact, sulfur
21 dioxide is not the active ingredient, but it
22 is a formulated material, if I understand this

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1 correctly, that when ignited, does generate
2 sulfur dioxide. So--

3 MR. FELDMAN: Smoke.

4 MS. ELLOR: --in smoke. So you
5 know, to make that clear, you know, it's
6 possible we might need some help to see how
7 that's interpreted. But there was definitely
8 new information.

9 CHAIR MIEDEMA: John, do you have
10 a sense for how the Crops Committee vote
11 stands as of today, since it sounds like it
12 differs from when it was taken in committee?

13 MR. FOSTER: I don't. We did not
14 cover this in last night's meeting; being
15 something that we didn't change, we didn't
16 talk about it. I do not have a sense.

17 CHAIR MIEDEMA: Okay. I plan to
18 vote to re-list this material. Colehour.

19 MR. BONDERA: I just, following up
20 on some of the comments about new information,
21 my sense, I guess, along the lines of what Jay
22 was saying is that it's been indicated that

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1 there is clarification to the new information
2 that Tina referred to, that might help the
3 whole Board understand the situation better so
4 that the vote is based on as much information
5 as possible.

6 CHAIR MIEDEMA: Is there any
7 further discussion about this material?
8 Katrina.

9 MS. HEINZE: So that sounded like
10 two folks who thought we should get some
11 clarification from someone in the audience;
12 did I hear that correctly?

13 CHAIR MIEDEMA: We'll have to have
14 a very specific question as opposed to just
15 sort of inviting broad discussion.

16 MR. FELDMAN: The question would
17 be: what are the components of this formulated
18 product, and how have the certifiers dealt
19 with it, and have they dealt with it equally,
20 because I don't believe they have.

21 CHAIR MIEDEMA: Zea Sonnabend,
22 would you be willing to answer that for us?

1 MS. SONNABEND: Thank you. Zea
2 Sonnabend, CCOF. I can answer some of the
3 questions. I do believe new information was
4 presented, number one. I did not have time to
5 fully read the technical report, because it
6 wasn't posted in time for the written comment
7 period, and so I didn't read it all, so I'm
8 not positive what it says, but I do agree with
9 what Lindsey said to the extent of you could
10 consider it as a post-whatever it was
11 reaction. But I was also trying--and so you
12 do have to decide as a Board whether you think
13 it should be the individual components before
14 they explode that are on the list, or the
15 resulting smoke that is sulfur dioxide is on
16 the list.

17 The formulated products though, as
18 far as we know, all contain an igniting
19 material, which--the ones we can get in
20 California come with something called red
21 phosphorus, which is like what's on the head
22 of a match, to get the explosion to happen.

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1 And red phosphorus is listed on the label as
2 an active ingredient, and has not been
3 reviewed or petitioned, and is very unlikely
4 to be. And so therefore, we in CCOF have not
5 allowed any of these materials, so it's a moot
6 point to us whether it's on or off the list.

7 Anecdotally, we've heard that
8 other certifiers do allow them and ignore the
9 fact that this igniting agent is in them, but
10 anecdotal, I don't know for sure what other
11 certifiers do, and I think red phosphorus is
12 not the only igniting material that could
13 possibly be used. So I do think that you
14 should decide what you think about whether the
15 material is listed correctly, but then decide
16 if you also need to think about red phosphorus
17 or some of these other components. Does that
18 help?

19 CHAIR MIEDEMA: Mac.

20 MR. STONE: Representing the
21 certifiers, for the reasons that she
22 commented, we would not be in favor because of

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1 the inconsistency or the inaccuracy of the
2 annotation.

3 CHAIR MIEDEMA: Katrina.

4 MS. HEINZE: So this is a question
5 for folks more familiar with crops than I am.
6 So my understanding is this is a material that
7 is currently being used, so if the motion
8 fails, this material comes off the list, as
9 opposed to it being re-listed and giving us an
10 opportunity to address the annotation. So my
11 question for Crops is, is it true that this
12 material is being used by our farmers?

13 CHAIR MIEDEMA: Tina.

14 MS. ELLOR: We did have a number
15 of comments, and that's sort of, you know,
16 what we were looking for, to see if people
17 were actually using this material, and in fact
18 we had a number of comments, and I don't
19 remember the specifics of it, that people are
20 using it, yes.

21 CHAIR MIEDEMA: John.

22 MR. FOSTER: My experience in

1 mostly western U.S. is that it's used as part
2 of a kind of a multi-pronged approach for
3 underground rodents, for the most part.
4 Usually, when I--in my--out in the field, it
5 was with, in combination with traps and with,
6 in some cases, lots of water and not all at
7 the same time, but because a lot of those
8 varmints can be tough to deal with, it
9 generally required multiple approaches, and
10 smoke bombs are one of those, when I was out
11 on farms anyway.

12 MR. FELDMAN: California though.

13 CHAIR MIEDEMA: Barry.

14 MR. FLAMM: John touched on it,
15 but there are alternatives, and in my own
16 personal experience, the alternatives like
17 trapping is much better. Smoke bombs have
18 very limited use, especially in pocket growth
19 or control, which would be one of the main
20 target organisms.

21 CHAIR MIEDEMA: Katrina.

22 MS. HEINZE: So if we want to keep

1 this tool in the toolbox for the farmers, or
2 if I do, which I intend to do, I would vote
3 yes for this? I guess I would ask could the
4 Crops Committee add to their work plan
5 addressing kind of a long term fix for the
6 listing, or at least evaluating whether that's
7 necessary?

8 CHAIR MIEDEMA: Jay.

9 MR. FELDMAN: You know, this is
10 exactly the kind of situation in which our
11 community evolves, and we do get new
12 information, and we need to take it seriously.
13 I mean, you know, issues like this suggests
14 clarification of what is in a formulation,
15 which is our duty, impacts that we, you know,
16 that go to non-target effects and you know,
17 which were things that probably, or may have
18 been considered in the past. But the process
19 I would like to see in a situation like this,
20 where we are uncovering new information and
21 there is a deficiency that is supported, an
22 ongoing use that is a relatively limited use,

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1 I believe, and we are looking at other
2 materials in fact, in this docket, for rodent
3 control, like Vitamin D, that we de-list it
4 and encourage a petition be submitted and done
5 the proper way. That's not our responsibility
6 to continue something that is found to be
7 improperly reviewed. That's exactly our role,
8 to make that judgment. So I think we could
9 re-list something based on a petition on an
10 expedited--in an expedited way if there was
11 really, really serious need, and we could
12 clean up what the formulation is and an
13 evaluation of all its components.

14 CHAIR MIEDEMA: John, and then
15 Tina.

16 MR. FOSTER: We can easily put
17 this on the work plan for the next semester.
18 I would expect there to be some interaction
19 with the Materials Committee to some extent,
20 because it's re-framing the question about
21 what constitutes--it's asking about whether we
22 mean what goes into the product, or what

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1 actually does the work of the product as
2 applied, and that's probably got consequences
3 outside of smoke bombs. Having said that, my
4 inclination would be to re-list it at the
5 moment, because my experience has shown that
6 it's not--well, my experience is that it's not
7 used as the sole control measure. It seems to
8 have been used in balance with other methods,
9 and I think by virtue of looking at the
10 material as I had mentioned a minute ago, will
11 give us focus in a reasonable amount of time
12 to effect change if we need to.

13 CHAIR MIEDEMA: Tina.

14 MS. ELLOR: I think a couple of
15 commentators mentioned that we do have another
16 petition for rodent control coming up in front
17 of the Crops Committee, and asking if we could
18 put this back on the list until we've looked
19 at that petition and you know, I think their
20 point was we should accept that one, because
21 they see it as a better alternative. But I
22 also think that this is a very different

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1 control, and used in a very different way than
2 D₃. I don't--I'm not sure that you would put
3 D₃, in fact I think it would be against
4 labeling to take this out into a situation
5 where you would be using smoke bombs. And
6 Nick might be able to address that, because he
7 looked at the D₃ label when we were looking at
8 that. I think they're two different--these
9 are rodent controls used in two very different
10 situations.

11 CHAIR MIEDEMA: Jay, and then
12 Nick.

13 MR. FELDMAN: I mean, the problem
14 is the five year, you know, the five year
15 renewal, because once we vote five years,
16 it's--we can't come back to it, as we know.

17 CHAIR MIEDEMA: Nick.

18 MR. MARAVELL: Well, just a
19 clarification on what Tina was--the D₃ is
20 generally used in a bait station and above
21 ground and near buildings. And so that limits
22 its use. That's how it's labeled. Whereas

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1 the smoke bombs really have to be taken to the
2 burrows and put in, you know, just shoved down
3 into the burrow and then close up as many
4 holes as you can, et cetera. So they're
5 really used in two different ways, and they
6 could be--the smoke bombs don't have to be
7 used in proximity to buildings or anything
8 like that.

9 CHAIR MIEDEMA: Miles McEvoy.

10 MR. MCEVOY: Yes, just a point of
11 clarification. If it is re-listed, it does
12 not preclude the Board from taking this up and
13 looking at the annotation or putting a
14 different expiration date on the substance in
15 a separate review than the sunset review
16 process. You've done that on tetracycline,
17 for instance, putting an expiration date on
18 that as part of a petition. So you have broad
19 discretion to look at materials if you choose
20 to do that; you just have to make sure you
21 follow an open process, publish it in your
22 agenda, and what the proposal is and get

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1 public comment.

2 CHAIR MIEDEMA: Any more
3 discussion on smoke bombs for rodent control
4 being re-listed? Jay.

5 MR. FELDMAN: Just one more point.
6 What I heard Zea say is it's not allowed under
7 the CCOF certification in California, so I
8 don't think we're risking much in terms of
9 expediting a new petition on this or on some
10 other material. I think it's our
11 responsibility when we come across something
12 where we've identified new information and a
13 deficiency to bring that in line, even though
14 there may, as in the course of that having
15 happened, some people in our community may
16 have become dependent on that. It's an
17 unfortunate effect, but our job is to review
18 the material and evaluate it. And here we
19 have a situation where there are limited uses.

20 CHAIR MIEDEMA: Miles, thank you
21 for the clarification that this Board has
22 broad discretion to revisit this. It seems to

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1 make a lot of sense to--for the Materials
2 Committee to clarify the manner in which we
3 listed this; whether we list the component
4 parts or the way they come together in usage.
5 I share Katrina's predisposition not to take
6 tools away from farmers. Any further
7 discussion? Hearing none and seeing none, any
8 recusals for conflict? Okay, we'll start with
9 the vote. Colehour.

10 MR. BONDERA: No.

11 MR. DICKSON: Yes.

12 CHAIR MIEDEMA: Yes.

13 MS. FULWIDER: Yes.

14 MS. ELLOR: Yes.

15 MR. MARAVELL: Yes.

16 MR. WALKER: Yes.

17 MR. FLAMM: No.

18 MR. FELDMAN: No.

19 MR. DEMURI: Yes.

20 MS. TAYLOR: No.

21 MS. HEINZE: Yes.

22 MR. STONE: No ma'am.

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1 MR. FOSTER: Yes.

2 CHAIR MIEDEMA: Nine yes, five no;
3 motion fails. Smoke bombs will be removed
4 from the National List. Next up is Vitamin
5 D₃. Crops Committee, do you have a motion?

6 MR. FOSTER: Yes, let me pull it
7 up. Yes, the Crops Committee recommends the
8 continued listing of Vitamin D₃ on the
9 National List 205.601(g) as rodenticides; no
10 annotation change.

11 MR. DEMURI: I'll second.

12 CHAIR MIEDEMA: Any discussion?
13 Hearing none and seeing none, any recusals for
14 conflict on D₃? Okay, we'll start the voting
15 with Joe Dickson.

16 MR. DICKSON: Yes.

17 CHAIR MIEDEMA: Yes.

18 MS. FULWIDER: Yes.

19 MS. ELLOR: Yes.

20 MR. MARAVELL: Yes.

21 MR. WALKER: Yes.

22 MR. FLAMM: Yes.

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1 MR. FELDMAN: Yes.

2 MR. DEMURI: Yes.

3 MS. TAYLOR: Yes.

4 MS. HEINZE: Yes.

5 MR. STONE: Yes ma'am.

6 MR. FOSTER: Yes.

7 MR. BONDERA: Yes.

8 CHAIR MIEDEMA: 14 yes, zero no;
9 motion carries. Next up from Crops Committee
10 is streptomycin. Crops Committee, do you have
11 a motion?

12 MR. FOSTER: Yes we do have a
13 motion to make an annotation change, listing
14 streptomycin on 205.601 for fire blight
15 control in apples and pears, only for post-
16 inspection use until October 21, 2014.

17 CHAIR MIEDEMA: Do I have a
18 second?

19 MR. DEMURI: Second.

20 CHAIR MIEDEMA: Steve DeMuri
21 seconds. Any discussion? Jay.

22 MR. FELDMAN: Last night we talked

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1 about the restriction for post-infection. Is
2 that a part of this motion?

3 MR. FOSTER: My mistake, I was
4 reading the wrong section, yes. No, I need to
5 read it correctly, it's my error.

6 CHAIR MIEDEMA: Please restate the
7 motion.

8 MR. FOSTER: Thank you. Crops
9 Committee recommends the continued listing of
10 streptomycin with a revised annotation,
11 205.601, Synthetic Substances Allowed for Use
12 in Organic Crop Production, (i), as plant
13 disease control, (10), streptomycin, for fire
14 blight control in apples and pears for post-
15 infection use, only until October 21, 2014.

16 CHAIR MIEDEMA: It's 11, John.
17 Can you please restate--restate the motion.

18 MR. FOSTER: Yes, perhaps I'll
19 read it off the screen, which I can read now.
20 Thank you Lisa, for making that larger. Thank
21 you. Annotation change to re-list
22 streptomycin on 205.601, (i), as plant disease

1 control, (11), streptomycin, for fire blight
2 control in apples and pears for post-infection
3 use, only until October 21, 2014.

4 CHAIR MIEDEMA: The person who
5 made the second, are you still seconding this
6 motion?

7 MR. DEMURI: I'm still seconding.

8 CHAIR MIEDEMA: Okay. Any
9 discussion? Mac.

10 MR. STONE: I'd just like to note
11 that I want to vote yes, I will vote yes for
12 this, with the concern that the eastern
13 growers, the post-infection, it'd be very
14 tricky for them to get the control because of
15 their climatic conditions. So they're going
16 to be very, very concerned about it, but glad
17 that it's on there.

18 CHAIR MIEDEMA: Katrina.

19 MS. HEINZE: So this is a sunset
20 review, correct? So we're taking two votes,
21 one on the annotation change, and one on the
22 re-listing. It is not clear to me that we can

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1 do an annotation change, since it was not
2 posted for public comment. This is really a
3 process question; I believe it's been our
4 practice in the past to try to post these
5 ahead of time.

6 CHAIR MIEDEMA: This is our first
7 annotation change during sunset, so I think
8 we're trying some new waters here.

9 MS. HEINZE: So I think maybe just
10 a little bit of discussion around how various
11 perspectives on the Board feel about this.

12 CHAIR MIEDEMA: Okay, Barry; and I
13 would also like to have read into the record
14 what the existing listing is, so we know what
15 our comparison is. Barry.

16 MR. FLAMM: Okay, this language,
17 and the idea came from the public comments,
18 and it came from growers out of the Midwest,
19 upper Midwest, and they had put together
20 groups of people and came up with this
21 suggestion. And as you know, the committee's
22 recommendation was to de-list streptomycin,

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1 but with the public comments we received, and
2 the interest, we were convinced of a
3 continuing need, but we were also convinced we
4 had to do something to move this along and
5 terminate. But the ideas in language came
6 from the public comments and in fact, we
7 pretty much borrowed that language. And so at
8 least it has a strong support from an element
9 of the organic community.

10 CHAIR MIEDEMA: I'd like to ask a
11 question of my colleagues on the Board. How
12 many of you would be open to adding one more
13 year to tetracycline and streptomycin to let
14 some true research have a chance to take hold?
15 One, two, three, four, five, six, seven,
16 eight. Okay. For the record, there were--did
17 you raise your hand, Barry?

18 MR. FLAMM: I'm still thinking
19 about whether raising my hand--I'm not so much
20 of objection, but since we spent a lot of time
21 last night talking about this and going over
22 the comments, I wasn't quite ready to just

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1 throw out what we decided.

2 CHAIR MIEDEMA: Nick.

3 MR. MARAVELL: Yes, I did not
4 raise my hand. I think that if there's any
5 way that the NOSB can provide a sense of
6 urgency to this issue, we should, and that's
7 my reason for not raising my hand; not because
8 I expect to get the magic bullet within the
9 time line.

10 CHAIR MIEDEMA: Steve, Colehour,
11 then Jay.

12 MR. DEMURI: I think I mentioned
13 at the Crops Committee meeting last night that
14 at any time, if the Crops Committee feels like
15 there's not enough progress being made, you
16 can put a petition in to de-list it.

17 CHAIR MIEDEMA: Jay.

18 MR. FELDMAN: I just want to say
19 for the record, I am so close to voting
20 against this, I can't tell you how close I am.
21 And that doesn't feel good, because I feel
22 like we're developing a reasonable

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1 collaboration for moving forward with growers
2 and consumer interests, and I can go back to
3 consumer groups and say see the urgency that
4 the NOSB is bringing to this issue. So I'm
5 echoing what you're saying, Nick. Having said
6 that, I really think that we do need to come
7 up with a plan for getting in place a task
8 force that encourages our community to
9 continue the kind of dialogue and discussion
10 that was really good in this room about what
11 the needs are on the one side, and what the
12 expectations are on the other, and work this
13 out together. That's why we call ourselves a
14 community. So I think we have--and we talked
15 about this last night, and we came up with
16 this concept of a transition plan, or the idea
17 that we are--we all do believe we need to
18 transition away from this. I don't think
19 anybody is saying we shouldn't be doing it.

20 So I'm looking for not shortening
21 this thing, but I'm looking for the Board's
22 guidance in how we can ensure that the urgency

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1 that I feel around the table and the sense in
2 the audience or in our community that we do
3 this, and I would like to suggest that we do
4 develop a task force, and that we bring
5 together growers and researchers and consumers
6 and farmers and nail this thing down fast,
7 like really, let's get together, start next
8 month, and get this going.

9 CHAIR MIEDEMA: Colehour.

10 MR. BONDERA: Yes, I think that
11 it's possible that what I wanted to say has
12 already been alluded to at least, which is
13 that, you know, we did in our meeting last
14 night directly associate the tetracycline and
15 the streptomycin, and the time frame that we
16 chose was specifically related to--agreed
17 upon, given that we would be able to see not
18 conclusions, but at least some action on
19 addressing these issues by that time frame.
20 Things will have started, not that research
21 will have been completed or anything like that
22 necessarily, but action will have gotten

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1 going. And for that reason, I think, you
2 know, longer time doesn't help do anything
3 except for say that we don't need to see
4 action until that time frame, because we're
5 not looking for one way or another, but we're
6 looking for some things to be moved on.

7 CHAIR MIEDEMA: John.

8 MR. FOSTER: So it sounds like we
9 had a really long meeting last night, because
10 there's a lot of references to it, and you'd
11 be right. It was long, and we're not done
12 yet. I do, Jay, as we talked about, I've been
13 writing down some specific steps relative to
14 work plan items for this next semester or
15 term, I guess, along these lines. And as I
16 keep hearing them, we'll add those to the
17 list. Having said that, I would still be open
18 to a year extension, because I feel very
19 confident that the whole community gets the
20 message.

21 CHAIR MIEDEMA: I would also add
22 that for brand new NOSB members, 2014 seems

1 really far off, but in NOSB time, it's going
2 to be the blink of an eye that people are
3 right back in the room. It seems that if a
4 respectful and firm request was made to the
5 community to update this Board at each and
6 every meeting, and that we really did give
7 folks enough time to work so they weren't
8 spending all their time terrorized at not
9 having options, then we could strike a
10 compromise that would give farmers motivation
11 to support research, yet not be terrorized at
12 losing their orchards. Miles.

13 MR. MCEVOY: Yes, I think that
14 because of the huge impact of these materials,
15 and the discussion at the Board that the
16 program is going to take some action to try to
17 facilitate more research in this area, we'll
18 send a letter to ARS Organic Coordinator to
19 tell them of the importance of this particular
20 topic, and also to the Organic Research and
21 Education Initiative to copy both of those
22 programs to see if we can get some dedicated

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1 research on this as quickly as possible so
2 there can be alternatives developed as quickly
3 as possible.

4 CHAIR MIEDEMA: Katrina.

5 MS. HEINZE: I thank the Crops
6 Committee for the discussion. I understand
7 the rationale for the 2014. My concern is the
8 post-infection use; that's an annotation that
9 the public has not had an opportunity to
10 comment on. I got that we've gotten some
11 comment from the people in this room, but as
12 we've heard from all sides of the spectrum,
13 they're not all our public, and I would just
14 urge caution on doing annotations that affect
15 the list without that due process, and that
16 this is the first meeting that we've allowed
17 annotation changes during sunset, and we have
18 to be very cautious, because we do not
19 understand the consequences.

20 CHAIR MIEDEMA: Lisa, can you
21 please put on the Board the existing listing
22 for streptomycin so we can read that into the

1 record; then Mac and Nick.

2 MR. STONE: Madame Chair, Matthew
3 Grieshop, the researcher from Michigan State
4 is in the audience that addressed this for us
5 yesterday; I don't know if maybe he could
6 address the post-infection aspect of this for
7 us.

8 CHAIR MIEDEMA: I think that's
9 reasonable. Let's look at the existing
10 listing for streptomycin first, and hear from
11 Nick.

12 MR. MARAVELL: Katrina, would you
13 be willing to support 2014 on streptomycin if
14 we took away pursuant to hearing from the
15 research community post-infection restriction?

16 MS. HEINZE: While, I would
17 understand your rationale; I did not vote for
18 that on tetracycline; so no, I could not
19 support it on strep. But I do very much
20 understand the rationale. So in spirit, yes
21 I support you, but I couldn't vote for it.

22 CHAIR MIEDEMA: Why not? Why

1 can't you vote for it?

2 MS. HEINZE: I didn't agree with
3 it on tet, so why would I agree with it on
4 strep?

5 CHAIR MIEDEMA: Okay. I'd like to
6 take another straw poll on how many Board
7 members would be open to striking for post-
8 infection and changing the date to 2015.

9 MS. HEINZE: Can I take that back?
10 Tet was a petition; this is a sunset. I don't
11 know. Let me think about it.

12 CHAIR MIEDEMA: Are any Board
13 members interested in making these edits? And
14 you know, there's no--this is not a vote. I
15 saw Steve.

16 MR. MARAVELL: I could make one,
17 but not the other. Would it help the Board to
18 hear from the research community on the post-
19 infection issue? If it does, I think we
20 should hear from--

21 CHAIR MIEDEMA: Okay. This needs
22 to be the exception today rather than our

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1 normal course of action. We did spend two
2 days hearing public testimony. Very quickly
3 though, Matthew from Michigan, would you be
4 willing to approach the podium and address the
5 question of post-infection treatment?

6 MR. GRIESHOP: I'd like to thank
7 the Board for giving me a chance to speak for
8 my growers, and the growers in the Northeast
9 and Southeast. I have a couple of concerns
10 with post-infection period as a researcher.
11 The first would be the definition of post-
12 infection. So are you talking about after
13 fire blight symptoms are present? If that's
14 the case, then it's too late. I mean, the
15 product has lost its efficacy. If you're
16 talking about within a limited time after a
17 computer-predicted infection event, you still
18 will get some efficacy from streptomycin, but
19 it will be significantly reduced, and that's
20 pretty well supported through research, some
21 of which conducted at Michigan State by my
22 colleague, George Sundin.

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1 Another concern that I would have,
2 and this would be more along the lines of
3 policy, is just thinking about it from a
4 grower's perspective, and I do a little hobby
5 farming, is that if you tell me that hey, you
6 can apply tetracycline pre-infection, but you
7 can only apply streptomycin post-infection, my
8 logical course of action, if I'm worried about
9 saving my orchard is I'll do both of those
10 things. I'll apply tetracycline pre-infection
11 or infection period, and I'll apply
12 streptomycin post-infection period. So what
13 you'll essentially be doing for the East Coast
14 is potentially doubling application of
15 antibiotics to the orchard. If we can apply
16 streptomycin before infection, there's no
17 reason to apply tetracycline.

18 CHAIR MIEDEMA: Thank you. Crops
19 Committee, does that answer your questions
20 about potential unintended affects of this
21 annotation change that wasn't floated to the
22 public? Jay.

1 MR. FELDMAN: The annotation
2 change came to us through the public comment
3 period, so I'm curious as to what--why--what
4 you think of this statement, which came to us
5 from the Organic Tree Fruit Association and
6 the Commissioner--is it the Commissioner of
7 Agriculture? Or the Director of Agriculture
8 from the State of Minnesota. The Organic Tree
9 Fruit Association requests an annotation to
10 the current rule to limit the use of
11 antibiotics to post-infection use only. We
12 would like this limited use to be allowed for--
13 --they originally said five years, and they
14 agreed to the 2014 date--while growers learn
15 to use the new protecting products and begin
16 planting the field immune root stocks.

17 MR. GRIESHOP: Right.

18 MR. FELDMAN: So is there
19 something different that these Midwest growers
20 are experiencing?

21 MR. GRIESHOP: Well, the
22 Midwestern growers are using streptomycin, so

1 their concern is really the streptomycin.
2 They're not using oxytetracycline at this
3 point, except in very rare instances. We have
4 two pockets of resistance in Michigan that are
5 very small, and there are no organic growers
6 there. So I think their focus was on
7 maintaining streptomycin for the next several
8 years at least to preserve their orchards, and
9 my interpretation of when they say infection
10 period, or when they say infection, my
11 interpretation would be a computer-predicted
12 infection period, because again, and I think
13 you've heard this from all sides, once you
14 have fire blight symptoms two or three weeks
15 after an infection period, it's too late.
16 Yes.

17 CHAIR MIEDEMA: Yes, this
18 testimony from our public, we need to wrap it
19 up and go back to Committee, go back to Board
20 discussion. One last question for Matthew.

21 MR. MARAVELL: Yes, this is
22 similar to what we heard yesterday, and the

1 other issue, I mean the line between what is
2 post-infection is actually a preventative
3 spray, and we sort of heard that yesterday,
4 and I tried to make that somewhat clear
5 without putting words in anybody's mouth.
6 And also the reference to immune root stock I
7 think is probably layman's terms as opposed to
8 research terms, because I'm not sure--and if
9 you correct me--that there is such a thing as
10 root stock which provides immunity to fire
11 blight.

12 MR. GRIESHOP: May I answer the
13 question? So as I stated yesterday in my
14 testimony, if you think about--when you look--
15 I'll have to get a little sciency, Miss. If
16 you think about an apple tree, it's really two
17 trees. You have root stock, and you have the
18 fruiting one that's grafted on top of that
19 tree. All fruiting woods, with the exception
20 of a transgenic variety developed at Ohio
21 State University, which will never be organic,
22 are not, they are not completely resistant to

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1 fire blight. So the Geneva strains that were
2 developed at New York are resistant to fire
3 blight, but that's just the root stock. So if
4 you have a susceptible on top of that, what
5 essentially will happen is it will kill it,
6 all the way down to the root stock, and you're
7 faced with an even worse problem, because then
8 you need to top graft; when you top graft, you
9 get a lot of vigor, as we discussed yesterday.
10 Vigor sets up a good environment for fire
11 blight, and you know, you're going to cash
12 out, or the farmer will cash out. I don't
13 know if any of you all are apple growers.
14 Does that answer your question sufficiently?

15 CHAIR MIEDEMA: Thank you.

16 MR. GRIESHOP: All right. Thank
17 you very much for this opportunity.

18 CHAIR MIEDEMA: Sure. Okay so a
19 reminder we have a motion on the table, and a
20 second for an annotation change during sunset
21 to streptomycin that has been proposed and was
22 not posted to regulations.gov. Any more

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1 discussion? Steve.

2 MR. DEMURI: Last night I did vote
3 for the annotation that is before us now, but
4 having heard the researcher and discussion
5 here, I would be willing to agree to removing
6 that part of the annotation, and make that
7 part of the task force to ferret that out.
8 What I said was that I would be willing to
9 remove that part of the annotation for post-
10 infection use, based on what I just heard, and
11 make that part of the process that the task
12 force will examine.

13 CHAIR MIEDEMA: Nick, I see you
14 nodding your head; are you also open to
15 removing that?

16 MR. MARAVELL: Yes, the post-
17 infection, because it's so difficult to
18 determine. But I would still like to keep the
19 2014 and bring that sense of urgency to the
20 grower and the research community.

21 CHAIR MIEDEMA: Okay, Barry.

22 MR. FLAMM: To me, this is a key

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1 part of our making a strong step forward and
2 I would have a hard time supporting it at all
3 without this included in it, and I would have
4 to vote against the re-listing of the
5 material.

6 CHAIR MIEDEMA: I think we need to
7 do a straw poll here, and figure this out.
8 Keep it 2014 and remove post-infection, how
9 many?

10 MR. FLAMM: Could I--

11 CHAIR MIEDEMA: Did you have a--
12 were you still--

13 MR. FLAMM: I really think we've
14 got a motion on the floor, and I think we
15 ought to vote on that, and if you want an
16 amendment to it, that's the way to proceed,
17 rather than doing a straw vote. I think this
18 is really not proper procedure.

19 CHAIR MIEDEMA: Sure. That's also
20 okay, and somebody can make that friendly
21 amendment, or propose an amendment. Yes,
22 another motion, sorry. Barry, were you

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1 calling for the question? I didn't hear that
2 in there.

3 MR. FLAMM: I'll call for the
4 question.

5 CHAIR MIEDEMA: Any recusals for
6 conflict?

7 MS. ELLOR: Can I have a
8 clarification?

9 CHAIR MIEDEMA: Yes.

10 MS. ELLOR: So what we're voting
11 on now is the motion as it was proposed, post-
12 infection only until 2014. If this motion is
13 defeated, then we'll go on to either make
14 another motion, or to re-list it as it's
15 currently listed; is that correct?

16 CHAIR MIEDEMA: That's right.
17 That could be done right now; this motion
18 could be defeated, and another motion put
19 forth. Katrina, could that be done prior to
20 the vote to re-list the material that's listed
21 right now?

22 MS. HEINZE: I would defer to our

1 Parliamentarian. Once the question is called,
2 can there be a motion to amend the motion? I
3 know we've done that before. That's not the
4 right wording.

5 CHAIR MIEDEMA: I was asking a
6 different question. In our sunset change
7 during annotation procedures, we have it set
8 up as a two vote procedure. What I was asking
9 is, could there be an additional proposed
10 annotation change during sunset, prior to the
11 re-listing of the original material?

12 MS. HEINZE: I don't know, Barry;
13 what do you think? It's--you guys had all the
14 discussion in the Policy Committee.

15 MR. FLAMM: I believe--and I may
16 be wrong--but if this--if the motion fails
17 that's on the table, and another motion is, I
18 think should follow before we vote on a
19 listing or de-listing. I think that's right.

20 CHAIR MIEDEMA: Katrina.

21 MR. FLAMM: If it fails.

22 MS. HEINZE: I don't disagree with

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1 your conclusion. I think it's probably
2 something that we'll have to clarify as we
3 continue to work through the sunset process.
4 But that seems reasonable to me.

5 CHAIR MIEDEMA: Okay, so we've
6 heard from our Materials Chair and our Policy
7 Committee chair that it would be appropriate,
8 if this motion fails, to--for another motion
9 to be proposed with a different annotation
10 change for the material. Colehour.

11 MR. BONDERA: I just--I'm not
12 sure, but it was unclear, and I'm wondering,
13 it seems like the program had some comments on
14 this, and I'd like you to give them a chance
15 to respond to it as well.

16 CHAIR MIEDEMA: Lisa.

17 MS. BRINES: Lisa Brines for the
18 Program. So we have had a call for the
19 question, which would end debate and cause a
20 vote for this, the motion that's on the table.
21 However, that call for the question has not
22 yet been seconded. So that--at this point in

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1 time, you don't need to vote until that has
2 been seconded, and then approved by two-thirds
3 of the Board.

4 MR. FELDMAN: Second.

5 CHAIR MIEDEMA: The motion has
6 been seconded. Any recusals for conflict?
7 Okay, hearing none, let's proceed with voting,
8 and we'll start with Wendy Fulwider. Sure.
9 There's been a call for a restating of the
10 motion to alleviate any confusion in the
11 intervening discussion here. The motion on
12 the floor--I'm sorry Lisa, you're raising your
13 hand.

14 MS. BRINES: Just to clarify, so
15 the first vote is going to be required two-
16 thirds vote to end debate, and to allow the
17 Board the opportunity to vote on this motion.
18 So, you first need to vote to end debate and
19 force the vote on the current motion as it's
20 listed on the screen. So there's two votes;
21 one to--I'm not sure if that was clear.

22 CHAIR MIEDEMA: Okay, by calling

1 for the question, then, the motion on the
2 floor is a motion to end debate. Let's
3 proceed with--and it has been seconded. Let's
4 proceed with voting on the motion to end
5 debate on this annotation change for
6 streptomycin. Wendy, we'll start with you.

7 MS. FULWIDER: Yes.

8 MS. ELLOR: Yes, to end the
9 debate.

10 MR. MARAVELL: Yes.

11 MR. WALKER: Yes.

12 MR. FLAMM: Yes.

13 MR. FELDMAN: Yes.

14 MR. DEMURI: Yes.

15 MS. TAYLOR: Yes.

16 MS. HEINZE: Yes.

17 MR. STONE: Yes ma'am.

18 MR. FOSTER: Yes.

19 MR. BONDERA: Yes.

20 MR. DICKSON: Yes.

21 CHAIR MIEDEMA: Yes. We've ended
22 debate, and we will now proceed with voting on

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1 the motion, and I'm going to restate it now.
2 The motion is to change the annotation for the
3 listing of streptomycin to read "as plant
4 disease control, (i)11, streptomycin for fire
5 blight control in apples and pears for post-
6 infection use, only until October 21, 2014.
7 Voting will start with Tina.

8 MS. ELLOR: No.

9 MR. MARAVELL: No.

10 MR. WALKER: No.

11 MR. FLAMM: Yes.

12 MR. FELDMAN: Yes.

13 MR. DEMURI: No.

14 MS. TAYLOR: Yes.

15 MS. HEINZE: No.

16 MR. STONE: No.

17 MR. FOSTER: Yes.

18 MR. BONDERA: Yes.

19 MR. DICKSON: No.

20 CHAIR MIEDEMA: No.

21 MS. FULWIDER: No.

22 CHAIR MIEDEMA: Five yes, nine no;

1 motion fails. Crops Committee, would you like
2 to propose a motion on annotation change
3 during sunset for streptomycin?

4 MR. FOSTER: I don't think it
5 would be in anyone's best interest for me to
6 do that at this moment, I'm not clear; so if--

7 CHAIR MIEDEMA: It's open for any
8 member of the NOSB to propose a motion.

9 MR. FOSTER: --if another member
10 could do so, that would be appreciated by--

11 MR. MARAVELL: I will make a
12 motion.

13 CHAIR MIEDEMA: Nick, please
14 proceed.

15 MR. MARAVELL: I don't know if I
16 can read behind my back here. I would make
17 the motion to re-list--can I just start at
18 (i), as plant disease control, streptomycin
19 for fire blight control in apples and pears
20 only until October 21, 2014.

21 MS. ELLOR: And I will second.

22 CHAIR MIEDEMA: Any discussion?

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1 Hearing none and seeing none, we'll proceed
2 with voting. Voting will start with Nick
3 Maravell. Oh, is it with Tina?

4 MR. MARAVELL: Yes.

5 MR. WALKER: Yes.

6 MS. TAYLOR: It's unclear to me--

7 CHAIR MIEDEMA: Please speak up,
8 Ms. Taylor.

9 MS. TAYLOR: --exactly are we
10 voting on. What are we voting on with this
11 vote?

12 CHAIR MIEDEMA: We're voting on an
13 annotation change for the material
14 streptomycin; there will still be a vote for
15 the material as is after--yes. Okay, sorry
16 for the interruption. We're going to go ahead
17 and start the voting again, and we're going to
18 start with Nick.

19 MR. MARAVELL: Yes.

20 MR. WALKER: Yes.

21 MR. FLAMM: A very disappointed
22 yes.

1 MR. FELDMAN: Ditto, yes.

2 MR. DEMURI: Yes.

3 MS. TAYLOR: Yes.

4 MS. HEINZE: No.

5 MR. STONE: Yes ma'am.

6 MR. FOSTER: Yes.

7 MR. BONDERA: Yes.

8 MR. DICKSON: Yes.

9 CHAIR MIEDEMA: Yes.

10 MS. FULWIDER: Yes.

11 MS. ELLOR: Yes.

12 CHAIR MIEDEMA: One no; 13 yes;
13 motion carries. As part of our sunset re-
14 listing procedure, we will now proceed with a
15 vote, or with a motion, please, on the
16 existing material streptomycin. Is there a
17 motion from the floor?

18 MR. FELDMAN: Yes, to re-list on
19 205.601, Synthetic Substances Allowed for Use
20 in Organic Crop Production, (i) as plant
21 disease control, (10), streptomycin, for fire
22 blight control in apples and pears only.

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1 CHAIR MIEDEMA: Do I hear a
2 second?

3 MR. BONDERA: Second.

4 CHAIR MIEDEMA: We have a motion
5 and a second; any discussion? All right,
6 we'll proceed with voting. Reuben.

7 MR. WALKER: Yes.

8 MR. FLAMM: No.

9 MR. FELDMAN: No.

10 MR. DEMURI: No.

11 MS. TAYLOR: No.

12 MS. HEINZE: Yes.

13 MR. STONE: I'm confused.

14 MR. MARAVELL: I think there may
15 be some confusion here, Madame Chair.

16 MR. STONE: I want to continue
17 strepto--

18 CHAIR MIEDEMA: Time it.

19 MR. STONE: Okay.

20 CHAIR MIEDEMA: I need to check in
21 with our Parliamentarian whether we can stop
22 in the middle of voting like this. Lisa, can

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1 we pause for any clarification on voting
2 procedures?

3 MS. BRINES: I'm unclear at this
4 time. I think if it's a clarification
5 question on what you're voting on, it would be
6 appropriate to get that clarity.

7 CHAIR MIEDEMA: Okay. Please
8 state your question, Mac.

9 MR. STONE: My question is, if I
10 vote yes to put streptomycin on the list, it
11 is with the previous voted annotation; is that
12 correct?

13 CHAIR MIEDEMA: I'll let Katrina
14 Heinze, Materials Chair, weigh in.

15 MS. HEINZE: So this is part of
16 our changing annotation during sunset process.
17 The reason for this second vote is that the
18 annotation change could be material in the
19 docket. So the annotation change just passed;
20 that requires that the Program take that and
21 work it through. However, it could cause a
22 delay in the sunset docket, so our changing

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1 annotation during the sunset process policy
2 created a second vote as a back up plan. I
3 wish we had had this before we voted. If this
4 motion fails, and they need--they do not have
5 anything to put in the sunset docket for
6 strep, and--I don't know. Miles, you
7 articulated this very well when we had this
8 clarification at the beginning; perhaps you
9 could discuss it. This is a back up vote to
10 give the Program time to get the annotation
11 through.

12 CHAIR MIEDEMA: Would any NOSB
13 members re-cast their vote now that this
14 clarification has been made? Shall we--I
15 believe we should vote again now that the
16 clarification has been made. Is this only
17 related to clarification of the motion? Yes.
18 Jay.

19 MR. FELDMAN: I think Katrina
20 stated it successfully, that we didn't want to
21 create disruption by inadvertently passing an
22 annotation that could not be processed in a

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1 time frame, in a timely way to enable
2 continuity, right, loss of access. That was
3 the intent, and I think we're in a very
4 special situation here, that--

5 CHAIR MIEDEMA: All right. Let's
6 --okay. We're going to re-cast votes now that
7 we have this clarification, and we're going to
8 start the voting again on the same motion that
9 is on the table now that--Katrina.

10 MS. HEINZE: I'm sorry. I just
11 want to make sure, this is the first time
12 we've ever worked through this. Before we
13 start the votes, could you ask if anyone has
14 any questions.

15 CHAIR MIEDEMA: Does anyone have
16 any questions about strictly the clarification
17 of voting procedures, and not on the motion
18 itself? Seeing none, hearing none--Colehour.

19 MR. BONDERA: For the sake of
20 clarity, I would appreciate it if we would
21 allow it to be restated by Miles before we
22 vote again.

1 CHAIR MIEDEMA: What do you want
2 restated?

3 MR. BONDERA: Sorry, the process
4 which Katrina referred to that Miles did refer
5 to earlier about the complexity if--the back
6 up process of the two votes essentially, since
7 this is like you said, the first time we've
8 done this this way, with an annotation change
9 for sunset material.

10 CHAIR MIEDEMA: Miles, would you
11 be willing to weigh in on this for--

12 MR. MCEVOY: Yes. Our
13 understanding of your first vote was to re-
14 list streptomycin with the annotation change,
15 so that we would go forward with the sunset
16 2012, with a proposed rule that would re-list
17 streptomycin with the approved annotation
18 change. This vote would be just to re-list
19 streptomycin without an annotation change, so
20 that if we ran into technical difficulties or
21 other issues during the process of doing the
22 proposed and final rule that we couldn't make

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1 those annotation changes, then streptomycin
2 would be potentially listed if you approved it
3 for re-listing without the annotation changes.

4 So the first one is to relist it
5 with the annotation change; the second vote
6 that you haven't taken yet would be to re-list
7 with no annotation changes.

8 CHAIR MIEDEMA: Okay. We're going
9 to go ahead and--Barry.

10 MR. FLAMM: One more point of
11 clarification to Miles. If it's just a delay
12 and this gets carried forward, I'm not
13 troubled so much by delay, and then that go in
14 effect, and we have a method of continuing
15 use. But if it's something that an annotation
16 doesn't get approved, then that changes it
17 completely for me. You see the difference?
18 If it's just a time delay, and we need--you
19 need more time to get it done, that's one
20 thing. But if it's the situation which it
21 isn't approved and streptomycin just goes back
22 on the list like it is now.

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1 MS. BAILEY: Melissa Bailey, NOP.
2 So I think what you're asking, Barry, is if--
3 okay, if we did it with the annotation change
4 in sunset, and there was a delay, that we
5 would--are you asking--or would we still
6 pursue the annotation change through a
7 different mechanism, and we'd have to do
8 something else in the sunset docket to address
9 streptomycin; is that the question?

10 MR. FLAMM: Not exactly. I think
11 if it's just delayed, and it's going to take
12 six months more or even a year more to get
13 through, but this annotation becomes the rule,
14 I'm okay with it. But if it's--if the
15 suggestion is overruled, let's say in OMB, you
16 know, it doesn't get through the process, and
17 it's killed, then I have trouble with just
18 falling back on what we have now.

19 MR. MCEVOY: Yes, we have to move
20 forward with the sunset docket, so we'll be
21 moving forward with any of the substances that
22 you want to have re-listed, and those that you

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1 want annotation changes would be included in
2 that process. So I'm not sure if I understand
3 your question, Barry.

4 CHAIR MIEDEMA: Yes. Steve.

5 MR. DEMURI: I think what he's
6 saying is his concern, and something I thought
7 about too, which is why I voted no, is that if
8 OMB was to kill it, then streptomycin would be
9 back on the list for five years, until the
10 next sunset, unless we petition it, which I
11 think we would have to reserve as an option.

12 CHAIR MIEDEMA: Katrina.

13 MS. HEINZE: The other side of
14 that argument is if OMB kills it, and we don't
15 have the second vote, then it comes off the
16 list in 2011. Thank you. So that, I mean
17 that's the crux of what people are voting for,
18 is do you want it off in 2012, or do you want
19 it off in whatever that other date was, five
20 years from then? If the annotation change
21 gets mucked up in rulemaking.

22 MS. BAILEY: Melissa Bailey, NOP.

1 So if we move forward the sunset docket with
2 the annotation change as voted, and there was
3 some problem and had to pull it out, the fate
4 of streptomycin would depend on your second
5 vote, which as I understand there is a motion
6 on the table for. And if the motion failed,
7 then at that point streptomycin would come off
8 the list. Is that--does that clarify? If the
9 motion passes, then we would default to that
10 re-listing as it currently stands in the rule
11 as part of the sunset.

12 CHAIR MIEDEMA: Any more questions
13 from NOSB? Joe Dickson.

14 MR. DICKSON: For absolute safety
15 here, I just want to confirm with the new
16 members of the Board that everyone understands
17 this policy and its structure, and any
18 questions--I just to confirm with new members
19 of the Board that they understand this policy,
20 and don't have any remaining questions about
21 it.

22 CHAIR MIEDEMA: All right, we're

1 going to vote again, then, now that we've had
2 these various clarifications, and Melissa's
3 last statement really summed it up nicely. We
4 have voted on a annotation change during
5 sunset; that is the go forward motion that the
6 Program will be working on. If it fails, then
7 the Program will default to the vote that
8 we're taking right now. And just so you know
9 the effect of the vote that we're about to
10 take right now, a yes vote would reup this
11 material to 2017 as is; a no vote would cause
12 the material to drop off in 2012. Okay.
13 We'll start the voting, and please remind me
14 who we're starting with.

15 MR. WALKER: Yes.

16 MR. FLAMM: No.

17 MR. FELDMAN: No.

18 MR. DEMURI: Yes.

19 MS. TAYLOR: No.

20 MS. HEINZE: Yes.

21 MR. STONE: Yes.

22 MR. FOSTER: Yes.

1 MR. BONDERA: No.

2 MR. DICKSON: Yes.

3 CHAIR MIEDEMA: Wendy.

4 MS. FULWIDER: Yes.

5 MS. ELLOR: Yes.

6 MR. MARAVELL: Yes.

7 CHAIR MIEDEMA: And the Chair
8 votes yes. Four no, 10 yes; motion carries.
9 Crops Committee, the next material up for
10 voting is lignin sulfonate. Do I have a
11 motion?

12 MR. FOSTER: Let me scroll to that
13 particular document. I have--Lisa, there you
14 go. Thank you. Madam Chairman, I see now
15 that the language is not perfect here. If
16 you'd like I can defer this until later, until
17 I can re-write it. The intent is accurate,
18 but the language is not precise.

19 CHAIR MIEDEMA: Okay, we'll skip
20 that item and move on to--shall we skip the
21 other lignin sulfonate as well?

22 MR. FOSTER: No, I believe we can

1 go through with that. That was not modified
2 last night.

3 CHAIR MIEDEMA: Do I have a motion
4 on lignin sulfonate that's listed as (j)(4) on
5 our voting sheet?

6 MR. FOSTER: We do have a motion
7 to amend the annotation for lignin sulfonate
8 on 205.601(j)(4), to read "a chelating agent
9 and dust suppressant."

10 CHAIR MIEDEMA: Do I have a
11 second?

12 MS. ELLOR: I'll second.

13 CHAIR MIEDEMA: Any discussion?
14 Tina.

15 MS. ELLOR: It came up in
16 Committee that this may be a duplicate
17 listing, and we couldn't think of any
18 application, nor did we hear any public
19 comment that there's actually a use for this
20 as a floatation agent under the first listing,
21 as plant or soil amendments. We couldn't
22 imagine, you know, why the floatation agent

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1 part was in there, and we thought that it was
2 a duplicate listing, so we elected to take it
3 off to try and straighten it out.

4 CHAIR MIEDEMA: Is that
5 clarification the sole purpose of the
6 annotation change?

7 MS. ELLOR: That annotation
8 change, yes.

9 CHAIR MIEDEMA: What was the Crops
10 Committee vote on this material with
11 annotation change?

12 MR. FOSTER: The vote was five yes
13 and two absent.

14 CHAIR MIEDEMA: Any more
15 discussion? Katrina.

16 MS. HEINZE: Did we have any
17 public comment opposing this recommendation?

18 CHAIR MIEDEMA: Tina.

19 MS. ELLOR: No, we did not.

20 CHAIR MIEDEMA: Any further
21 discussion? John.

22 MR. FOSTER: Just want to point

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1 out that the subsection (j) is Materials for
2 Use as Plant or Soil Amendments, and so the
3 specific annotation that includes, in this
4 particular listing, as a flotation aid, that's
5 why it appears to be not applicable, so we
6 opted to get rid of it. Because in the
7 context of being a plant or soil amendment, it
8 is not also a flotation aid.

9 CHAIR MIEDEMA: Any further
10 discussion? All right, we'll start the
11 voting. Actually, let me call for any
12 recusals. Okay. Barry, please start the
13 voting.

14 MR. FLAMM: Yes.

15 MR. FELDMAN: Yes.

16 MR. DEMURI: Yes.

17 MS. TAYLOR: Yes.

18 MS. HEINZE: Yes.

19 MR. STONE: Yes ma'am.

20 MR. FOSTER: Yes.

21 MR. BONDERA: Yes.

22 MR. DICKSON: Yes.

1 CHAIR MIEDEMA: Yes.

2 MS. FULWIDER: Yes.

3 MS. ELLOR: Yes.

4 MR. MARAVELL: Yes.

5 MR. WALKER: Yes.

6 CHAIR MIEDEMA: 14 yes, zero no;
7 motion carries. Crops Committee, do you have
8 a motion on this material to re-list the
9 existing material as is?

10 MR. FOSTER: I'm sorry, are we
11 back on--what is the material at question
12 here?

13 CHAIR MIEDEMA: Lignin sulfonate,
14 (j) (4), and as part of our sunset process, we
15 need to vote on the material as is as well.

16 MR. FOSTER: Yes, thank you.

17 CHAIR MIEDEMA: Any motion from
18 the floor on this?

19 MR. FOSTER: Yes, I have it here.
20 To re-list on 205.601, Synthetic Substances
21 Allowed For Use In Organic Crop Production,
22 (j) (4), as plant or soil amendments, lignin

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1 sulfonate, chelating agent, dust suppressant,
2 flotation agent.

3 CHAIR MIEDEMA: Do I have a
4 second?

5 MR. MARAVELL: Second.

6 CHAIR MIEDEMA: Any discussion?
7 Hearing none, seeing none, let's vote.

8 MR. FELDMAN: Yes.

9 MR. DEMURI: Yes.

10 MS. TAYLOR: Yes.

11 MS. HEINZE: Yes.

12 MR. STONE: Yes ma'am.

13 MR. FOSTER: Yes.

14 MR. BONDERA: Yes.

15 MR. DICKSON: Yes.

16 CHAIR MIEDEMA: Yes.

17 MS. FULWIDER: Yes.

18 MS. ELLOR: Yes.

19 MR. MARAVELL: Yes.

20 MR. WALKER: Yes.

21 MR. FLAMM: Yes.

22 CHAIR MIEDEMA: 14 yes, zero no;

1 motion carries. Next material on our agenda
2 for voting is magnesium sulfate. Crops
3 Committee, do you have a motion?

4 MR. FOSTER: Yes. We recommend
5 the re-listing of magnesium sulfate, allowed
6 with a documented soil deficiency as a soil
7 amendment.

8 MS. ELLOR: I will second.

9 CHAIR MIEDEMA: Any discussion?
10 Tina.

11 MS. ELLOR: This is one that we
12 took back to Committee last night I believe,
13 and changed our original vote from a
14 recommendation to not re-list to a
15 recommendation to re-list, based on
16 information we received during public comment.

17 CHAIR MIEDEMA: Thank you. Any
18 further discussions? Hearing none and seeing
19 none, let's vote. Steve, we'll start with
20 you.

21 MR. DEMURI: Yes.

22 MS. TAYLOR: No.

1 MS. HEINZE: Yes.

2 MR. STONE: Yes ma'am.

3 MR. FOSTER: Yes.

4 MR. BONDERA: Yes.

5 MR. DICKSON: Yes.

6 CHAIR MIEDEMA: Yes.

7 MS. FULWIDER: Yes.

8 MS. ELLOR: Yes.

9 MR. MARAVELL: Yes.

10 MR. WALKER: Yes.

11 MR. FLAMM: Yes.

12 MR. FELDMAN: Yes.

13 CHAIR MIEDEMA: That's one no, 13

14 yes; motion carries. Next material on our

15 agenda for voting is ethylene gas. Crops

16 Committee, do you have a motion? Is there a

17 motion I should say?

18 MR. FOSTER: Yes, to re-list

19 ethylene gas for regulation of pineapple

20 flowering on 605.601(k)--I'm sorry,

21 205.601(k).

22 MS. ELLOR: I'll second.

1 CHAIR MIEDEMA: Any discussion?

2 Tina.

3 MS. ELLOR: Sorry. This is
4 something that I subsequently changed my mind
5 on after hearing public testimony. I don't
6 believe we brought it back to Committee last
7 night; I could be wrong, it was really late,
8 but I--okay. Apparently I was sleeping, but
9 I did change my opinion about this material,
10 and would like to see it stay on the list.

11 CHAIR MIEDEMA: Any further
12 discussion? Jay.

13 MR. FELDMAN: This is a situation
14 where the material got ahead of the process I
15 believe. Just for the record, I just want to
16 say this. It's--an industry was created
17 around this material, with an approach that is
18 typical of conventional agriculture, which
19 expects uniform ripening and tools of
20 production that are not necessarily good for
21 the environment, but good for the scale of
22 production. We can't grow everything, I don't

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1 believe, under the organic system, with a
2 method of agriculture that is wholly reliant
3 on a tool like this. At that point, we're
4 faced, as John raised early on in this
5 discussion, we're faced with an issue of
6 scale, and whether this product can be grown
7 in this way with this material, and only with
8 this material. We face this, by the way, we
9 face this in other points of history. Alar,
10 some of you may remember way back, very
11 similar kind of thing, a uniform ripening, but
12 it happened to be hazardous, and so hazardous
13 that it didn't even meet the standards in
14 conventional agriculture ultimately.

15 But in this case, I believe, and
16 many of us believe that it would change the
17 method of production. Yes, it might be a
18 little more labor intensive perhaps; it might
19 not be as efficient an operation perhaps, but
20 it would meet the basic principles of organic
21 production. So, thank you. Add this
22 chemical.

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1 CHAIR MIEDEMA: Thank you, Jay. I
2 think a million pounds of ice per acre or
3 hectare was very significant, not--

4 MR. FELDMAN: That's only to
5 effect uniform ripening. I'm saying--

6 CHAIR MIEDEMA: That's right.

7 MR. FELDMAN: --we can grow this
8 crop without uniform ripening.

9 CHAIR MIEDEMA: Sure. You know,
10 we would need to change the entire
11 distribution system carrying a pineapple or
12 two at a time, as opposed to filling
13 containers.

14 MR. FELDMAN: We do it in Haiti
15 for mangoes. It can be done.

16 CHAIR MIEDEMA: Katrina and then
17 Jennifer.

18 MS. HEINZE: Just a reminder that
19 our sunset review process says that when new
20 information comes to the Board, that is
21 different, new to information considered by
22 the prior Board, we re-evaluate the listing

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1 and, and when an alternative exists. I think
2 Julie Weisman, a former member of this Board,
3 articulated this very well. It is a
4 longstanding practice and in our policy that
5 we uphold prior decisions of the Board unless
6 there is new information.

7 CHAIR MIEDEMA: Any further
8 discussion? Nick.

9 MR. MARAVELL: Well, just in
10 defense of what the Committee did, we did feel
11 we had new information; there were some
12 alternatives; they may not be viable
13 alternatives, and Jay has pointed out to an
14 alternative that is not specific to the
15 pineapple, but from Haiti and mangoes that
16 might be a way to address some of the economic
17 issues. So we did consider some new
18 information; that isn't to say that was enough
19 to not re-list ethylene.

20 CHAIR MIEDEMA: Jennifer.

21 MS. TAYLOR: I believe that the
22 consumers and public would not be supportive

1 of the practice, given the opportunity to know
2 that it takes place.

3 CHAIR MIEDEMA: Barry.

4 MR. FLAMM: Just for the record,
5 this is what our policy and procedure manual
6 now says. It was revised, and I think some of
7 the information is outdated. It says "the
8 review is conducted on a force of evidence as
9 presented by Board members, public comments,
10 and scientific data from other sources. This
11 includes the original recommendation the Board
12 lists." The original--that information is
13 used, but it's not necessarily the determining
14 factor; all those things are used. And it
15 goes on to say "the Committee may request
16 third-party technical reviews," which we have
17 done in just about every case, and sometimes
18 we didn't get it.

19 CHAIR MIEDEMA: Katrina.

20 MS. HEINZE: I agree. There are
21 also two Board recommendations on sunset that
22 supplement what's in the policy manual. My

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1 question for the Crops Committee is did the
2 original Board consider the alternate method,
3 Jay, that you talked about with the non-
4 uniform ripening? Was that considered by the
5 Board as a method, and did they--how was that
6 discussed in their deliberations? Because I'm
7 assuming that that existed as an option then
8 as well. I mean, I don't think that's
9 probably new, right?

10 MR. FLAMM: When this first got on
11 our work agenda, I went back and looked
12 through the record and the discussions, and
13 one of the issues was a big growers, you know,
14 corporate growers and the small growers, and
15 how this was affecting. And there were some
16 concerns and comments that this method gave
17 advantage to the bigger companies at the
18 disadvantage of smaller. In our testimony,
19 however, I have to say it appears that in
20 terms of the method and bail bill equipment,
21 even small acreage growers do have that
22 available, but--

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1 CHAIR MIEDEMA: What was the
2 changed vote of the Crops Committee last
3 night?

4 MR. FOSTER: Sorry, I'm looking it
5 up here.

6 MR. MARAVELL: I have it, Madam
7 Chair, it was four to three in favor of the
8 motion.

9 MR. FOSTER: Thank you, Nick.

10 CHAIR MIEDEMA: Any further
11 discussion? Jay.

12 MR. FELDMAN: If I may just try to
13 answer your question. You know, as you know
14 when you go back and look through the record,
15 you've got to go back to the beginning, and a
16 lot of--when you go back to verify the
17 discussion, sometimes the record's clear, and
18 sometimes it isn't. And part of what we need
19 to do in doing that, and in this case we
20 couldn't find a very clear record, but the
21 question that the Board always has to, I
22 think, force of evidence issue, the Board

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1 always has to question whether what was done
2 previously is in compliance with the Act and
3 so forth. And ripening agents are really not,
4 you know, in the Act. So it's borderline to
5 begin with, and I guess what I'm trying to say
6 is the record isn't clear enough to make a
7 judgment as to whether all the considerations
8 that we would now today consider and document,
9 as a part of our process, was actually done at
10 that point.

11 CHAIR MIEDEMA: Tina.

12 MS. ELLOR: This is not completely
13 off topic, but in further discussion about
14 this material itself, we heard from people who
15 work with a lot of farmers, large and small,
16 who have developed farms and built up an
17 economy around, you know, pineapple production
18 and what their take on it is, is that this
19 would affect a lot of farmers pretty
20 profoundly if we let this drop off the list,
21 and I really do take that into very serious
22 consideration.

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1 CHAIR MIEDEMA: John.

2 MR. FOSTER: I'm sorry, I can't
3 find it at the tip of my fingers here, but I'm
4 wondering if anyone remembers reading what the
5 original NOSB vote was for this material?
6 When it was first voted on, the list what the
7 voting was? I just can't remember.

8 CHAIR MIEDEMA: Colehour.

9 MR. BONDERA: I just would like to
10 put forth a potential conflict of interest,
11 since I do grow pineapples, and I don't use
12 ethylene gas as a flower induction. Just to
13 put that out there.

14 CHAIR MIEDEMA: Yes, Nick.

15 MR. MARAVELL: Just for the
16 information of the other Board members, we
17 sort of verify that this is primarily an issue
18 that affects the import market into the United
19 States, so the farmers we're referring to here
20 are not in the United States.

21 CHAIR MIEDEMA: Colehour.

22 MR. MARAVELL: Well, the ones

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1 we're referring to who are using the ethylene
2 gas predominately. Okay, I could be wrong.
3 Colehour, please correct me.

4 MR. BONDERA: All--I would say,
5 I'm not going to give a percentage, but
6 pineapples that are sought for uniform
7 ripening in all areas, including Hawaii, and
8 I cannot comment on California production, but
9 I'm sure in areas of California, when
10 transportation is the rationale for the
11 process of being able to bulk move them
12 around, it is used. And it isn't necessarily,
13 just like in these other examples, at one
14 scale or another. Everyone in Costa Rica is
15 growing all of those pineapples for export, no
16 matter which size their farm is, because they
17 are all contractors of the distributor. It's
18 not--they're not making the choices, they're
19 following the lead of their contract, which is
20 only a very small piece of the large contract.
21 So it's all the farms added together adds up
22 to one large container to be shipped. So that

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1 is how it works, and it does --there still is
2 at least one producer in Hawaii that does use
3 ethylene gas for flower induction.

4 CHAIR MIEDEMA: Maker of the
5 motion, will you please restate the motion?

6 MR. FOSTER: Yes. The motion is
7 to re-list ethylene gas for regulation of
8 pineapple flowering on 205.601(k).

9 CHAIR MIEDEMA: It's been moved
10 and seconded, any further discussion? Hearing
11 none and seeing none, any recusals for
12 conflict? Okay, we will start the voting with
13 Jennifer.

14 MS. TAYLOR: No.

15 MS. HEINZE: Yes.

16 MR. STONE: Yes ma'am.

17 MR. FOSTER: Yes.

18 MR. BONDERA: No.

19 MR. DICKSON: Yes.

20 CHAIR MIEDEMA: Yes.

21 MS. FULWIDER: Yes.

22 MS. ELLOR: Yes.

1 MR. MARAVELL: Yes.

2 MR. WALKER: Yes.

3 MR. FLAMM: No.

4 MR. FELDMAN: No.

5 MR. DEMURI: Yes.

6 CHAIR MIEDEMA: 10 yes, 4 no,
7 motion carries. Crops Committee, next up on
8 our agenda today is sodium silicate. Do I
9 have a motion?

10 MR. FOSTER: Yes. The motion is
11 to re-list sodium silicate for tree fruit and
12 fiber processing on 205.601(1)(2).

13 CHAIR MIEDEMA: Do I have a
14 second?

15 MR. DEMURI: I'll second.

16 CHAIR MIEDEMA: It's been moved
17 and seconded, any discussion? Tina.

18 MS. ELLOR: This is also a
19 material where we received information from
20 public comment that we did not have before
21 that had to do with--we as a Crops Committee
22 had seen lignin sulfonate and sodium silicate

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1 as equivalent materials, when in fact sodium
2 silicate--lignin sulfonate is incompatible
3 with any chlorine washes, and sodium silicate
4 is compatible with chlorine, so they're not
5 exactly equivalent. So we did bring this back
6 and change some votes within the Committee.

7 CHAIR MIEDEMA: Any further
8 discussion on sodium silicate? Katrina.

9 MS. HEINZE: What was the new
10 vote?

11 MR. FOSTER: The new vote was
12 seven in favor, and zero not in favor.

13 CHAIR MIEDEMA: Any further
14 discussion? Hearing none and seeing none,
15 we'll proceed with voting. Katrina.

16 MS. HEINZE: Yes.

17 MR. STONE: Yes ma'am.

18 MR. FOSTER: Yes.

19 MR. BONDERA: Madam Chair, I
20 request--I'd like to abstain and request that
21 you come back around to me, please.

22 CHAIR MIEDEMA: I can't come back

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1 around, but you're welcome to abstain. What
2 is your vote, Colehour?

3 MR. BONDERA: Very good, I will
4 abstain.

5 MR. DICKSON: Yes.

6 CHAIR MIEDEMA: Yes.

7 MS. FULWIDER: Yes.

8 MS. ELLOR: Yes.

9 MR. MARAVELL: Yes.

10 MR. WALKER: Yes.

11 MR. FLAMM: Yes.

12 MR. FELDMAN: Yes.

13 MR. DEMURI: Yes.

14 MS. TAYLOR: Yes.

15 CHAIR MIEDEMA: That's 13 yes, one
16 abstention, motion carries. Crops Committee,
17 we'll return to an item that we--a motion that
18 we tabled for tetracycline. Would you like to
19 restate the motion with the clarification?

20 MR. FOSTER: Yes, I would. The
21 motion is to change the annotation--let's see,
22 I'm sorry, we're on petition. To adopt the

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1 petition to amend the listing for
2 tetracycline, removing the expiration date of
3 October 21, 2012, and be annotated as follows:
4 205.601, Synthetic Substances Allowed For Use
5 in Organic Crop Production, (i), as plant
6 disease control, (11), it should read--I'm
7 sorry, (12) it should read, (12), yes, for
8 fire blight control in apples and pears, only
9 until October 21, 2014.

10 CHAIR MIEDEMA: Do I have a
11 second?

12 MS. ELLOR: I'll second.

13 CHAIR MIEDEMA: Any discussion?
14 Katrina.

15 MS. HEINZE: Could just give Lisa
16 a chance to catch up so that what we're
17 looking at matches what we're voting on? That
18 would be helpful, I think.

19 CHAIR MIEDEMA: This would be an
20 annotation change during sunset, so it's--

21 MR. MCEVOY: It's a petition.

22 CHAIR MIEDEMA: Sorry. This is a

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1 petition, so we do not need to do the two-step
2 process on this. My apologies. Okay, we have
3 a motion and a second, any further discussion?
4 Jay.

5 MR. FELDMAN: Okay. Just to
6 reiterate here, I--it's very difficult for me
7 to vote for this without some more clarity
8 around what we're going to do as a Board to
9 expedite the coming together of the community,
10 growers, researchers, root stock and varietal
11 development people, those involved with
12 alternative treatments, consumers, et cetera,
13 in an expedited fashion so that we can get a
14 report back--encourage the development of a--
15 the coming together of a group and the
16 reporting to this Board on progress that's
17 being made. So Madam Chair, I don't know how
18 we accomplish that, but without some sense of
19 the Board that that's what we would like--want
20 to see, it's hard for me to vote for this.

21 So I would like to try, and I
22 think that is in line with our discussion last

1 night in the Committee, I believe. I don't
2 I'm misrepresenting that. So I'm hoping we
3 can find a way, like we've taken straw votes
4 or polls, or get a sense of the Board here if
5 there's any objection, whatever method you
6 would choose to use, to get a sense that that
7 is indeed what the Board would like to see.

8 CHAIR MIEDEMA: Okay. I'd like to
9 reply, since you had directed that question to
10 me. Since you are making your intent clear,
11 granted it's a soft intent, it is now in the
12 transcript that any affirmative vote that you
13 make is predicated on industry action and task
14 force activity and really moving toward non-
15 antibiotic alternatives. Without building a
16 separate recommendation that comes before this
17 Board, it's only those types of soft measures
18 that we could put on the record at this point.

19 MR. FELDMAN: We could get a sense
20 of the Board, if you chose to.

21 CHAIR MIEDEMA: Sure, sure. And
22 you're welcome to take that kind of poll too,

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1 if you'd like.

2 MR. FELDMAN: Thank you, I would
3 like to do that. But maybe at the end of our
4 conversation, so people may have more
5 information, John?

6 CHAIR MIEDEMA: Tina, you had your
7 hand raised.

8 MS. ELLOR: Also, Miles made it
9 clear that he's going to be forwarding this
10 request to the, you know, his governmental
11 community to aid us in this process, so I
12 think it would be a good thing to make that
13 intention clear.

14 CHAIR MIEDEMA: John.

15 MR. FOSTER: Barry, I think--
16 sorry, Jay, I think you characterized the
17 discussion last night right on the money, that
18 there's a very significant, as with
19 streptomycin, a significant need on the part
20 of certainly the Crops Committee to see
21 progress in a demonstrable way in fairly short
22 order, and I would expect as similar to

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1 streptomycin, I think it would make sense to
2 kind of bundle our discussion through the next
3 term about what specific measures we'd like to
4 see. I don't see any reason why we wouldn't
5 put that in the form of a recommendation of
6 some sort for the next meeting, along the
7 lines that we talked about. That, for
8 example, optimizing use of resistant root
9 stocks, or cultivars, using other chemical
10 controls when warranted, and also more
11 cultural practices like spacing, thinning and
12 so on. I think we can get down in the weeds
13 as it were on that, and can commit to that and
14 moving that forward in lock step, hopefully
15 with the Program.

16 CHAIR MIEDEMA: Jennifer.

17 MS. TAYLOR: And are those changes
18 that we could also see reflected in the
19 organic system plan that the growers have to
20 turn in on a yearly, annual basis, where we
21 can see them start addressing the changes that
22 need to take place?

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1 CHAIR MIEDEMA: That would be
2 outside the scope of this Board's purview,
3 that would be an enforcement issue, unless we
4 were to write a guidance document as a follow
5 up work plan item. Jay.

6 MR. FELDMAN: John, I think you
7 said it perfectly. I would--the only thing
8 I'd add to that is we would like to get some
9 sort of report from a body that, you know,
10 obviously this could be done in different
11 ways. A body that convenes to address this,
12 and if you think it's appropriate, having
13 followed up on the Committee work, if we could
14 ask the Board as to whether there's any
15 objection around the table to that, then we
16 could go back to the Committee with clear
17 guidance from the Board to help make that
18 happen.

19 CHAIR MIEDEMA: John.

20 MR. FOSTER: I don't know quite
21 what the question was, but I'm guessing
22 something like, does anyone have objection if

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1 we put that on the Crops Committee work plan
2 to take a deeper dive on specific movement
3 that we feel should be made in short order?
4 Is that acceptable? Any objections?

5 CHAIR MIEDEMA: Okay, any further
6 discussion? I didn't hear any objections.
7 All right. Hearing none and seeing none,
8 let's move forward with voting. Mac.

9 MR. STONE: Yes ma'am.

10 MR. FOSTER: Yes.

11 MR. BONDERA: Yes.

12 MR. DICKSON: Yes.

13 CHAIR MIEDEMA: Yes.

14 MS. FULWIDER: Yes.

15 MS. ELLOR: Yes.

16 MR. MARAVELL: Yes.

17 MR. WALKER: Yes.

18 MR. FLAMM: Yes.

19 MR. FELDMAN: Yes.

20 MR. DEMURI: Yes.

21 MS. TAYLOR: No.

22 MS. HEINZE: Yes.

1 CHAIR MIEDEMA: 13 yes, one no,
2 motion carries. Crops Committee, the next
3 material on our agenda for voting today is
4 sodium nitrate, as part of the sunset 2012 for
5 205.602. May I have a motion?

6 MR. FOSTER: Might I ask that we
7 go back to the lignin sulfonate, the one we
8 skipped, first? Is that all right?

9 CHAIR MIEDEMA: That'd be fine.

10 MR. FOSTER: Lisa A., I'd sent--I
11 just sent you some revised language. Thank
12 you for anticipating my next need. Madam
13 Chair, we do have a motion to re-list lignin
14 sulfonate on 205.601(1), (1)(1), as floating
15 agents in post harvest handling, lignin
16 sulfonate.

17 MR. DEMURI: I'll second.

18 CHAIR MIEDEMA: It's been moved
19 and seconded, any discussion? Katrina.

20 MS. HEINZE: Is this a change from
21 the recommendation that had an annotation
22 change? So we're doing a--the Committee has

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1 pulled their annotation change recommendation,
2 is that correct?

3 MR. FOSTER: Yes.

4 MS. HEINZE: Thank you for
5 clarifying.

6 CHAIR MIEDEMA: What was the
7 Committee vote on the straight re-listing of
8 this material?

9 MR. FOSTER: It was seven yes and
10 zero no.

11 CHAIR MIEDEMA: Any further
12 discussion? Hearing none and seeing none,
13 let's proceed. John Foster, please begin.

14 MR. FOSTER: Yes.

15 MR. BONDERA: Yes.

16 MR. DICKSON: Yes.

17 CHAIR MIEDEMA: Yes.

18 MS. FULWIDER: Yes.

19 MR. MARAVELL: Yes.

20 MR. WALKER: Yes.

21 MR. FLAMM: Yes.

22 MR. FELDMAN: Yes.

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1 MR. DEMURI: Yes.

2 MS. TAYLOR: Yes.

3 MS. HEINZE: Yes.

4 MR. STONE: Yes ma'am.

5 CHAIR MIEDEMA: 13 yes, one
6 absent, motion carries. Crops Committee, the
7 next material on our agenda for voting is
8 Sunset 2012 materials, sodium nitrate, and
9 then corn steep liquor. We'll begin with
10 sodium nitrate. May I have a motion?

11 MR. FOSTER: The motion is to re-
12 list sodium nitrate on 205.602(g), without
13 annotation. And Madam Chair, may I ask when
14 it's appropriate to discuss potential
15 disclosure of interests?

16 CHAIR MIEDEMA: That'll be just
17 before voting. Do I hear a second?

18 MR. DEMURI: Second.

19 CHAIR MIEDEMA: Discussion? Mac.

20 MR. STONE: So for clarity,
21 because of where it is on the list, if we re-
22 list without annotation means it will come off

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1 the list, is that correct?

2 MR. FOSTER: No, that's not
3 correct. What it means is that the allowance
4 that's currently in place for up to 20% of
5 nitrogen need will no longer be an allowance.
6 The material will be prohibited without
7 exception.

8 MR. STONE: The end result is the
9 same?

10 CHAIR MIEDEMA: Can Crops
11 Committee Chair John Foster, just so we're
12 perfectly clear here then, the Crops Committee
13 is proposing an annotation change that would
14 prevent any further exemptions of the 20% use
15 of this material, and this is an annotation
16 change during sunset?

17 MR. FOSTER: That is correct.

18 CHAIR MIEDEMA: Okay. And so the
19 second vote on this material would be to re-
20 list with the current annotation, which would
21 preserve the 20% exemption?

22 MR. FOSTER: That is also correct.

1 CHAIR MIEDEMA: Any discussion?
2 Any recusals for conflict? John Foster.

3 MR. FOSTER: Yes, I'm going to
4 recuse myself.

5 CHAIR MIEDEMA: I'm also going to
6 recuse myself. Any further discussion? If I
7 were to vote on this material, I would have
8 voted to preserve the exemption of the 20%
9 use. Any further discussion? Katrina.

10 MS. HEINZE: This feels like a
11 very material vote for industry, I'm concerned
12 we're not having any discussion about it.
13 This is not my area of expertise. If at least
14 someone could summarize the arguments on both
15 sides. This just feels like something that we
16 need to make sure that has been due
17 deliberation before we make a decision, and we
18 need some discussion on the record.

19 CHAIR MIEDEMA: Why did the
20 Committee vote the way they did? Do we have
21 any sentiment there? John Foster.

22 MR. FOSTER: I think once I've

1 recused myself, I probably shouldn't navigate
2 that. Tina, would you mind walking us
3 through, as Vice Chair of Crops, would you
4 mind walking us through?

5 CHAIR MIEDEMA: Procedurally,
6 John, there's no conflict in discussing this
7 material, but you're welcome to take whatever
8 action you want. Tina.

9 MS. ELLOR: I can speak for
10 myself, and perhaps other Committee members
11 could speak as well, but this is a prohibited
12 natural. We did get, you know, information,
13 extensive information on mining practices,
14 usage, I think there was a general consensus
15 that this is often used as a substitute for
16 soil building as a little bit of a shortcut,
17 and I think that was the -- that was my
18 general feeling, and why I voted for this
19 dropping of the annotation.

20 CHAIR MIEDEMA: Mac.

21 MR. STONE: A simple statement, I
22 guess. It's quite problematic for certifiers

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1 in the audit trail process of verification of
2 the 20% of input nitrogen.

3 CHAIR MIEDEMA: Katrina.

4 MS. HEINZE: What was the new
5 information, since the Board listed this, that
6 came up, besides the--I get there's the
7 request from the NOP, but new technical
8 information? And then the sense I got, and I
9 haven't done a tally, is that we got quite a
10 bit of public comment that said that our
11 farmers still need this. And so if someone
12 could address that for me, to help me
13 understand this issue, that would be helpful.

14 CHAIR MIEDEMA: Tina.

15 MS. ELLOR: There was a new,
16 actually I think a TAP that we found very,
17 very helpful in looking at this material, and
18 especially surrounding practices and
19 alternatives, and you know, a lot of
20 information on where it comes from, and you
21 know. So I think in reviewing the technical--
22 the new technical material, we felt that we

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1 had sufficient new information to take a
2 pretty good, clear look at this, and we
3 decided not to look at it specifically through
4 harmonization with other standards, because
5 we're reviewing materials for use under the
6 National Organic Program, so we chose not to
7 do this separately outside of sunset.

8 CHAIR MIEDEMA: Mac.

9 MR. STONE: As a new Board member,
10 I would like to say that I've heard several
11 comments of being careful to take tools away
12 from farmers.

13 CHAIR MIEDEMA: Procedurally, what
14 would be the impact of both motions carrying?
15 The first motion that re-lists the material
16 without the annotation, and a second vote that
17 also was affirmative? I think we should know
18 in advance what would happen.

19 MS. HEINZE: Perhaps the Program
20 could work through a very lucid explanation,
21 like they did on streptomycin, which says, you
22 know, if the annotation passes, then this--

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1 that was just very helpful, so perhaps they
2 could answer that. My second question was the
3 public comment we received, if this annotation
4 passes, which would prohibit use of sodium
5 nitrate, what would be the impact to farmers?
6 Because I feel that a lot of people stood up
7 and said that they need this material. So I'm
8 just trying to understand that.

9 CHAIR MIEDEMA: The impact that we
10 heard about, one of them was when the soil
11 temperature dips below 60 degrees in certain
12 areas of the country, that large amounts of
13 organic acreage would be less productive in
14 terms of quality and yield.

15 MR. MCEVOY: Our understanding
16 would be with the first recommendation to re-
17 list sodium nitrate without the annotation, it
18 would mean that in the proposed Sunset 2012
19 docket, we would propose to re-list sodium
20 nitrate without the annotation, and then
21 sodium nitrate would no longer be able to be
22 used in organic crop production. The second

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1 recommendation would be to re-list with the
2 annotation, which would continue the allowance
3 of sodium nitrate at 20% of the total nitrogen
4 needs of the crop. So we would need
5 clarification from the Board, if you pass both
6 recommendations, which one trumps the other?

7 CHAIR MIEDEMA: Katrina.

8 MS. HEINZE: Remember this is part
9 of the changing annotations during sunset, so
10 just like we did for strep, if the annotation
11 change passes, but the re-list fails, this is
12 the timing of your docket question. Melissa,
13 we're glad to have you back. You did a very
14 good job explaining this to us for strep, we
15 need help on sodium nitrate, of the
16 implications of the second vote. Sorry to put
17 you on the spot. Maybe Jay, have you thought
18 about this?

19 MS. BAILEY: Let me--Melissa
20 Bailey, NOP. Let me answer, assuming I know
21 the question. Okay, so if the annotation--
22 we'll take it in two parts. So first, the

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1 annotation vote. If the annotation--oh wait
2 a minute, this is--okay, so you're changing
3 the existing annotation, you're removing it,
4 so that's the annotation change, correct?
5 Okay. So, if that motion passes, that's what
6 we would move forward in the Sunset 2012
7 docket with. If there were an issue for
8 whatever reason, we would turn to the second
9 vote, so it is to re-list as is, with the 20%
10 limitation. If the motion fails, then it
11 falls off the prohibited list, and therefore,
12 sodium nitrate would be allowed with no
13 restriction.

14 MS. HEINZE: Then if the second--
15 the motion to relist with the current
16 annotation fails, right. So the second one
17 really needs to pass to keep it on the
18 prohibited list, correct? Is that--I see Jay
19 nodding his head.

20 CHAIR MIEDEMA: Yes.

21 MS. HEINZE: Can you confirm that,
22 Jay?

1 MR. FELDMAN: Yes, because the
2 effect is if it got hung up somehow, then it
3 could return as an unregulated natural,
4 theoretically.

5 CHAIR MIEDEMA: This seems like an
6 important vote to get a sense of what the
7 sentiment of the Board is on that second vote.
8 Yes. I haven't heard anyone in the organic
9 community suggest a wide open door for sodium
10 nitrate, not a soul. So, we should make sure
11 that's where this Board is at before we vote
12 on the annotation change. Is there any Board
13 member that's wanting to vote no on the second
14 vote in this two-step process? Okay. Thank
15 you. Any further discussion on sodium nitrate
16 and the annotation change to remove the
17 exemption, which effectively removes sodium
18 nitrate from organic production systems?
19 Hearing none and seeing none, we're proceed
20 with the first of--this vote. Colehour?

21 MR. BONDERA: Yes.

22 MR. DICKSON: Yes.

1 MS. FULWIDER: Yes.

2 MS. ELLOR: Yes.

3 MR. MARAVELL: Yes.

4 MR. WALKER: Yes.

5 MR. FLAMM: Yes.

6 MR. FELDMAN: Yes.

7 MR. DEMURI: No.

8 MS. TAYLOR: Yes.

9 MS. HEINZE: No.

10 MR. STONE: Yes.

11 MR. FOSTER: Recusal.

12 CHAIR MIEDEMA: And the Chair

13 recuse. Two no, two recusal, 10 yes, and the

14 motion carries. Crops Committee, do you have

15 a motion on the existing material, sodium

16 nitrate?

17 MR. FOSTER: Yes. The motion is

18 to re-list sodium nitrate on 205.602(g),

19 unless use is restricted to no more than 20%

20 of the crop's total nitrogen requirement.

21 CHAIR MIEDEMA: Do I have a

22 second?

1 MS. HEINZE: Second.

2 MR. DEMURI: Second.

3 CHAIR MIEDEMA: Okay. Katrina
4 seconded, just a reminder that the basis on
5 which the two-thirds majority will be
6 calculated will be 12 votes, since there will
7 be two recusals. That means we need at least
8 eight yes votes to carry this motion that we
9 spoke about a few minutes ago as being very
10 important to carry. Any further discussion?
11 Okay.

12 MR. DICKSON: Yes.

13 MS. FULWIDER: Yes.

14 MS. ELLOR: Yes.

15 MR. MARAVELL: Yes.

16 MR. WALKER: Yes.

17 MR. FELDMAN: Yes.

18 MR. DEMURI: Yes.

19 MR. FLAMM: Yes.

20 MS. TAYLOR: Yes.

21 MS. HEINZE: Yes.

22 MR. STONE: Yes, ma'am.

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1 MR. FOSTER: Recuse.

2 MR. BONDERA: Yes.

3 CHAIR MIEDEMA: And the Chair
4 recuses. Two recusals, 12 yes, motion
5 carries. The next item up for voting on our
6 agenda is corn steep liquor. Board members,
7 let's have some stamina if we all can and get
8 through this, the docket of crops materials
9 before we go to lunch. Do I have a motion on
10 corn steep liquor?

11 MR. FOSTER: Yes, the motion is to
12 consider corn steep liquor to be non-synthetic
13 when produced via the traditional
14 countercurrent corn wet milling process only.

15 CHAIR MIEDEMA: Do I have a
16 second?

17 MR. DEMURI: Second.

18 CHAIR MIEDEMA: It's been moved
19 and seconded, any discussion? Any further
20 discussion? Okay. Any recusals for conflict
21 of interest? John.

22 MR. FOSTER: I will be, yes,

1 recuse.

2 CHAIR MIEDEMA: Okay. Katrina.

3 MS. HEINZE: No discussion? We
4 had virtually no discussion--

5 CHAIR MIEDEMA: Sorry.

6 MS. HEINZE: --on this.

7 CHAIR MIEDEMA: Yes, I called for
8 it a couple of times, I'll call one more time.
9 The Chair also recuses on this one. Any
10 further discussion on the non-synthetic
11 determination of corn steep liquor when
12 produced via the traditional countercurrent
13 corn wet milling process?

14 MS. HEINZE: Jay had his hand up,
15 he can go first.

16 MR. FELDMAN: I want to ask you
17 what did you want to talk about?

18 MS. HEINZE: Gee. We have five
19 new members, we spent hours at our last
20 meeting discussing this, we've had a ton of
21 public comment. I just think our public
22 deserves getting both sides out, so it's out

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1 on the table. We heard a lot of public
2 comments from former members that that's our
3 duty. That's my point. And I'm feeling a
4 little bit of a burden as the Materials Chair,
5 because I went through and tried to argue on
6 both sides, but there's strong opinions on
7 this Board, and it deserves to be out for our
8 public.

9 MR. FELDMAN: Having been the
10 advocate for voting this as a synthetic, it's
11 clear that the record is very deep on this
12 issue. I mean, there's--I don't think anyone
13 could suggest that we haven't discussed this,
14 and we did have a full discussion the other
15 day. We did get some additional comments that
16 we haven't discussed, yes, we did get
17 yesterday. So all I can say is that my own
18 personal opinions have become stronger, and I
19 have tried, as you know, I was involved with
20 writing the minority opinion, to capture that
21 on a number of different levels.

22 First and foremost, what our duty

1 is under the law, under the statute. We all
2 know we have a responsibility to evaluate
3 synthetic non-synthetic. And then the other
4 duty we have is to follow the Board policy.
5 As you know, I think there are imperfections
6 in the chemical change policy, but that is the
7 policy, and we should be true to that policy.
8 I think when you work--although we don't have
9 a formal decision tree, when we put it through
10 a decision tree on the minority side, we found
11 that, you know, all of the characteristics
12 that were needed to identify chemical change
13 associated with the introduction of a
14 synthetic material, chemical change caused by
15 a synthetic material, were there. That, you
16 know, we saw breaking the disulfide bonds,
17 equal covalent bonds, we saw the breaking of
18 the protein matrix, we saw changes in
19 functionality, and we saw the formation of new
20 chemicals.

21 I mean, these are all the elements
22 in the--when you go through a decision tree.

1 So our--the major--as I said the other day,
2 the major task I felt that we needed to
3 accomplish over these many months since the
4 last Board meeting was to seek somehow
5 "independent", I mean obviously you can always
6 challenge a scientist's independence, we know
7 that. But try to seek independent scientific
8 assessment of the various pieces of
9 information that we've received, that the
10 Board has received. We did that. We looked
11 around the scientific literature for experts
12 in the corn wet milling process as it exists
13 in the commercial sector, whether it's Corn
14 Products U.S. or it's ADM or whoever it is, we
15 asked the questions to get verifications on
16 claims that were made to the Board, and we
17 brought that back to the Committee, and the
18 Committee heard it, and the Committee
19 deliberated on it.

20 You know, one of the things that
21 is always difficult in something like this is
22 the conflicting science, and where the science

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1 is coming from. You don't want to impugn
2 anyone's reputation, because I think all the
3 people involved in this debate are honorable
4 people who are trying to do the right thing.
5 I said earlier we're a community, we have
6 different viewpoints in the community, but I
7 think we're all after the same thing. My goal
8 in looking at this as closely as I have is to
9 set in stone the ability and the
10 responsibility of this Board to carry out its
11 statutory duty to evaluate materials. And if
12 we make the wrong move on this, there may be
13 a whole bunch of materials that--I'm not
14 saying whether we want them or not, but there
15 will be a whole bunch of materials that we, in
16 the long term, maybe not in the short term,
17 but in the long term, will not review for
18 conformance with the underlying principles of
19 the Organic Foods Production Act.

20 So that's why many in our
21 community have called this a foundational
22 issue, and so I want that ability to review.

1 I voted for a lot of synthetics today. I may
2 not have voted for every synthetic that
3 everybody in our community would have wanted
4 me to, but I voted for a lot of synthetics.
5 And I did that in accordance with the
6 standards of the law. I don't want to give up
7 that ability. I don't want this Board in any
8 -- whether we're talking about accessory
9 nutrients or we're talking about materials
10 that we use as inputs, I think that's our
11 responsibility. That's why we're here. And
12 I know it's a balancing act, I know it's tough
13 and I know it may increase the workload. I
14 know you're concerned about that, and believe
15 me, after being here a year, I'm with you on
16 that one, I really am.

17 We are going to be the mainstream
18 agriculture in this country. We are going to
19 be that, so we've got to recognize what the
20 job is to keep this thing credible, with an
21 incredible amount of trust and belief that
22 this Board is doing what it needs to do, and

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1 we need a hell of a lot more resources to do
2 that, because the kind of reviews we're going
3 through do not happen on the conventional
4 side. I know some of the companies are
5 involved on both sides of the fence here. But
6 in my experience of 30 years, this is
7 beautiful thing what's happening around this
8 table, even though it's painful sometimes.
9 This is a beautiful thing. And it's -- we
10 need to take on that challenge in a way that
11 gives us the ability to go through these
12 things, even though it's a mountain of stuff.
13 We're going to figure it out, we're going to
14 get the resources, and long term, we're not
15 going to be -- we've already grown to what is
16 a \$50 billion industry, one, two percent of
17 agriculture, 30 years ago we were told this
18 was not a commercially viable form of
19 production in this country.

20 So, I don't think we need to worry
21 about the outcome of this decision. I think
22 we cannot be married to the outcome, we have

1 to, in your best judgment, look at the
2 science, look at what AMRI has said, they are
3 a trusted institution as I said the other day.
4 They are unequivocal on this issue of it being
5 synthetic, sorry. Boy, I would hate to give
6 that whole speech and then say this is a non-
7 synthetic. So they're unequivocal on this
8 being synthetic, and then just, you know, go
9 with your gut and what feels right. But
10 please don't make your decision based on what
11 you think the outcome will be, because then
12 you're going to be -- find yourselves,
13 especially to the new Board members, you're
14 going to find yourself down the road
15 conflicted over the principles that we have to
16 leave as a legacy for organic. That's what
17 you're doing here on this Board. You are
18 creating a legacy for the future of a trusted
19 form of agriculture unlike anything else we've
20 seen in this country.

21 So, use the information that way,
22 don't be cowered or don't be frightened by the

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1 fact that we may increase the workload or
2 that. So, when you come back -- I'm
3 concluding -- when you come back to the
4 science, I think the science is clear. All
5 the data that we've heard is an evaluation of
6 the commercial countercurrent process. It is
7 -- the bottom line, it is the sulfur dioxide
8 that breaks the bonds, this would not happen
9 as a truly biological process by itself. Yes,
10 there is biological activity going on in that
11 corn wet milling steeping process, but it
12 doesn't happen, unfortunately. The other
13 thing to keep in mind down the road is we,
14 with this action, we will encourage, I
15 guarantee it, we will encourage the
16 development long term of a non-synthetic corn
17 wet milling process. It's available, it's
18 there, and one of the great things we're doing
19 on this Board is creating incentives to move
20 in the direction of the true definition of
21 organic. Thank you.

22 CHAIR MIEDEMA: I'd like to hear

1 from some others as well. Katrina.

2 MS. HEINZE: Thank you so much,
3 Jay, for putting that on the record. That--I
4 very much appreciate it. I'm going to try as
5 hard as I can to divide my comments into two
6 pieces. So as a scientist rep on this Board,
7 what I have tried to do over the last couple
8 of days is to go through all the public
9 comment and the TR and identify areas where I
10 think various technical experts have agreed,
11 and areas where they have disagreed. Jay, if
12 you could help me, if I missed something, or
13 in my summary I did not do that correctly,
14 please correct me.

15 CHAIR MIEDEMA: I want to--I'm
16 going to want to just make sure that enough
17 people get turns. I'll need to recognize him.
18 Thanks.

19 MS. HEINZE: Okay. Just so
20 everyone understands where the science is on
21 this, and then perhaps other people could
22 comment, and then I'll make my personal

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1 comments after that.

2 So just a reminder, and Jay
3 referred us to this earlier as well, that our
4 classification document, which has been
5 approved by this--a prior Board, says that a
6 material is synthetic if it is chemically
7 changed by the process, with a chemical change
8 being defined as a change in identity of the
9 substance, and then it says a substance is
10 something that has a unique identity, and it
11 has some descriptors for that. We can pull it
12 up if that would help people in their
13 decision-making process. Or, if there is a
14 significant amount of a synthetic input used
15 in the process.

16 So it appears--so there's a couple
17 of things. We all know corn is an input,
18 sulfur dioxide is an input. It appears that
19 all the technical experts agree that the
20 sulfur dioxide is used to stop fermentation;
21 we've heard varying testimony on whether it
22 also functions to break disulfide bonds, so

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1 some of the technical experts said yes; some
2 said no. Okay then, so that's--could be
3 material to your decision on chemical change.
4 Then with regards to the residue level, a
5 couple of public comments referred to a paper,
6 Dufresne et al, Journal of Dairy Science 2002,
7 which listed a residue level of 1.9%; that was
8 actually the sulfur level. So other technical
9 experts listed residue levels between .009 and
10 .015% of the sulfur dioxide itself. That was
11 Liggett and Koffler.

12 Then our third scientific source,
13 which is Richard Theur, says that the sulfur
14 dioxide is present at less than two percent of
15 the original. So the conclusion there would
16 be that there are some varying perspectives on
17 how much residue is left, so it's somewhere
18 between less than two percent and those small
19 percentages. Okay, I think that's all I have
20 on the science piece. If people want to ask
21 me questions on that, and I'll reserve my
22 personal comments for when you're ready, Madam

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1 Chair.

2 CHAIR MIEDEMA: Go ahead.

3 MS. HEINZE: So some personal
4 comments. The duty we have as a Board on
5 classification is to resolve the materials
6 that the rest of our community have not been
7 able to resolve. I could not agree more with
8 Jay; it is a very important task. It is an
9 ultimate duty that we have.

10 So as I looked at the record last
11 night, OMRI did classify this, it's a material
12 that has been widely used; they were asked to
13 classify it; their advisory board classified
14 it with I believe a mixed vote, if I remember
15 the record correctly, but classified it as
16 synthetic. They were questioned on that, and
17 so asked that it be brought to this Board. So
18 really what they said is hey, there's
19 differences of opinion on this, and we would
20 like for Board to weigh in.

21 It is one of the hardest
22 materials--so I'm seeing Lindsey shaking her

1 head, that's maybe not exactly, but somehow
2 through the process, someone said there are
3 differences of opinion, and the Board is being
4 asked to look at this. So I apologize,
5 Lindsey for--so we are the final arbiter on
6 that.

7 You know science is not black and
8 white. I know everyone wants science to give
9 you an answer yes or no; it really doesn't.
10 Science is based on the preponderance of
11 evidence, and the weighing of evidence, and
12 often requires quite a bit of vigorous debate.
13 So I'm happy with the process that we've had.

14 And then I want to speak a little
15 bit about residue levels. I guess just that
16 I think people need to dig in and really say
17 how much is too little, you know the Richard
18 Theur and the Liggett and Koffler amounts are
19 part per million ranges, like 10 part per
20 million, and I understand that there is
21 varying opinions on the impact of that, but
22 think long and hard about the implications of

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1 your decision. I can go find 10--our
2 analytical methods are quite good, so
3 understand that.

4 And then my final point is with
5 regards to disulfide bonds. So there is--we
6 have varying scientific opinions on whether
7 disulfide bonds are broken, and you know, I'm
8 not exactly sure what's happening in that
9 little pot, big pot, so I'll give you that
10 disulfide bonds are broken, but oh my gosh,
11 that happens all the time in nature. And so
12 I went out and looked and said okay, where's
13 that happening. So if any of you are bread
14 bakers, you take wheat, it's got gluten. What
15 happens during proofing is that you're
16 breaking and reforming disulfide bonds. Those
17 proteins are reorienting, they're breaking,
18 they're stretching. That is disulfide bond
19 breaking and reforming, which, if you go with
20 the person who said disulfide bonds are
21 breaking, I'm not so sure from a consumer
22 perception that they think that bread proofing

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1 is chemical change.

2 And ultimately, my perspective is
3 that as the Board over the last 20 plus years
4 has looked at chemical change, they've had to
5 weigh what a chemist thinks chemical change
6 is. So chemical change happens all around us
7 all the time. If you ask a chemist, which I
8 know the Crops Committee did, a chemist, a
9 scientist is going to say chemical change
10 happens all the time. I'm not sure a consumer
11 understands that.

12 A consumer doesn't necessarily
13 think of their egg cooking, their bread baking
14 as chemical change, and that's what we as a
15 Board have to weigh. So I would ask you to
16 view, as you weigh this very difficult
17 decision, that you think that through.

18 CHAIR MIEDEMA: Tina.

19 MS. ELLOR: This has been an
20 incredible journey, and boy, I've learned so
21 much, and I started out through this process
22 thinking no, of course it's not synthetic,

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1 it's a food processing waste, and we can't
2 take food processing wastes out of organic
3 agriculture. And having gone through the
4 process and learned so much about corn
5 steeping processes, corn wet milling, both in
6 the laboratory and outside of the laboratory,
7 and having two very highly qualified
8 scientists and a number of stakeholders as
9 well weighing in on this, I've come back
10 around to say that I just can't consider this
11 particular food processing waste as synthetic.

12 I just don't see it that way, and
13 we've gone into all the detail about where the
14 bonds are broken, and how the bonds are
15 broken, and residue in the final food
16 processing waste. But when it comes right
17 down to it, I still see this as a pretty basic
18 food processing waste, and I don't see that in
19 the applications that it's used, that it's
20 causing a significant or even, you know, not
21 even any harm to the systems to which it's
22 applied.

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1 So you know, I just think about
2 this, and I think of all the other food
3 processing wastes that are used to make
4 composts in organic agriculture, and I just
5 can't see this one, you know, amongst all the
6 others, as synthetic.

7 CHAIR MIEDEMA: Steve.

8 MR. DEMURI: Tina pretty much took
9 the words right out of my mouth. I'm of the
10 same mind set that Tina is; I just can't see
11 it as synthetic either. I recognize the
12 science on both sides; everybody's got great
13 viewpoints, but that's just the way that I
14 have settled on it, and we've discussed this
15 now for a couple of meetings at great length,
16 and I would ask the new members if you have
17 any questions, this would be a good time to
18 ask those, rather than us keep discussing this
19 all afternoon. If you have any questions,
20 specific questions, it would be a good time to
21 ask them.

22 CHAIR MIEDEMA: Mac.

1 MR. STONE: So Jay, you said
2 something a few minutes ago, but I ask that if
3 we determine this to be a non-synthetic, what
4 is the effect that has on other products that
5 might be brought before the Board?

6 CHAIR MIEDEMA: Yes, that's a
7 question for the Materials Chair, really,
8 talking about what precedent-setting kinds of
9 activities happen from voting one material or
10 another.

11 MS. HEINZE: Does that mean you
12 want me to talk?

13 CHAIR MIEDEMA: Sure.

14 MS. HEINZE: Okay. You know on
15 this one, I'm not--I get there's huge
16 implications for our community; I'm not sure
17 it's precedent-setting.

18 This material is exactly the kind
19 of material that the classification document
20 was intended to address, you know, where it
21 said wow, we have to really dig deep. Well
22 holy cow, we've dug deep. So I think it has

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1 very big implications for the industry, or
2 from the community, because it's in use today,
3 right, so if we classify it--well, if we
4 classify it as non-synthetic, nothing changes.
5 If we classify it as synthetic, then they have
6 to discontinue use, unless it's petitioned to
7 the Board for review and approval. So that's--
8 -I think your question--obviously Jay, if you
9 disagree with my statement, please do so.

10 I was also going to remind
11 everyone, again this is a process thing, we're
12 voting on classification only. We are not
13 voting on whether you think it's compatible
14 with organic agriculture; that is a separate
15 question. So, if you think the use of sulfur
16 dioxide is not compatible with organic
17 agriculture, but you also think that its use
18 here does not cause chemical change, then you
19 vote to classify it as non-synthetic, because
20 there's no chemical change, and there's no
21 residue. I want to get that in, or a residue
22 that's not significant. But then, you might

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1 be someone who would want to petition it as a
2 non-synthetic for review by the Board to be
3 prohibited. So remember, two different
4 decisions. So I concur with Steve. Boy, if
5 you have questions, now is the time.

6 CHAIR MIEDEMA: Okay, let's make
7 sure we hear from everybody once before we
8 start replowing ground. Colehour.

9 MR. BONDERA: I want to start by
10 saying I'm sorry that this might take longer
11 still, because while you're talking, I'm
12 trying to think, and while I'm thinking, I'm
13 looking. And so I'll admit I do not
14 understand science well enough to be able to
15 explain it to somebody else. So this is
16 therefore going to need some level of response
17 in the form of a question. However, my
18 understanding is--and it may be inaccurate, so
19 I'd be happy to receive corrections--but when
20 I look through some of this stuff, and I read
21 something about this, like that lactic acid is
22 the driving force for the chemical change

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1 rather than sulfurous acid, and lactic acid is
2 produced naturally in the steeping process
3 through the conversion of the dissolved
4 sugars, I think that's all good.

5 And then when I then read that if
6 sulfurous acid is present, it can react with
7 the proteins, but the breaking of the
8 disulfide bonds is an irreversible process
9 that, like you said, and it happens all the
10 time. I actually make and have bread at the
11 farmer's market every week, you know, it's not
12 that I don't understand these things at all,
13 but I think that the point that in an
14 industrial process, some of the bonds are
15 probably broken by lactic acid, but the
16 assumption that the entire degradation is due
17 to that unilateral action in the fermentation
18 reaction is what turns me over to the, it
19 would only happen in the synthetic process is
20 the bright flag for me of the shift.

21 And I think that by putting it in
22 terms of that concept, well you know, it's

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1 lactic acid, it's going to happen, that's the
2 natural process, and then you know, reading
3 other people's summaries of it, where it's
4 like yes that's true but the entire
5 degradation is not occurring that way, so you
6 can't say all or nothing, and it's not one way
7 or the other makes me feel like only
8 happening--it's not that it wouldn't happen
9 naturally in some ways.

10 I think, you know, and what popped
11 to my brain when you were talking about
12 examples of--you know, it's the right things
13 in the right pot together at the right time
14 and the right temperature and the right
15 process and if that includes a synthetic
16 ingredient, I just feel like you know, put it
17 all out on the table in terms of honesty, not
18 just say well, this is the major thing,
19 therefore everything else is irrelevant.

20 And I think that your--the
21 comments about, you know, X number of parts
22 per million and how people want to look at

1 those things and understand them, and of
2 course over time, you know, we're able to get
3 more and more details, I think that's
4 important.

5 But I think that from my
6 perspective, it's still vital to look, you
7 know, inside yourself and think about--sorry,
8 that's what I do, I'm going to look inside
9 myself, and I'm going to recognize that, and
10 you know in this case, I agree. It's a fine
11 line, that distinction between, you know,
12 between synthetic and non-synthetic, but you
13 know, I brew beer and I make mead, and if you
14 look at a commercial scale of those kinds of
15 processes, too, a lot of times the
16 distinction, and the distinction I'm sorry to
17 say, but I'll say it, whether you're, you
18 know, I don't do any of those things that are
19 certified organic, but from an organic
20 perspective versus a non-organic perspective,
21 you're looking at usually only one very minor
22 detail, like adding sulfites or not adding

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1 sulfites.

2 And so I don't think it needs to
3 be a very major variation from that line. For
4 me, that's where I'm at, I mean, that's where
5 I come from, and that's how I understand it,
6 and that's how, when I look at this CSL thing,
7 that's how it sits for me is, you know, I
8 think I'm just going to be done saying that,
9 but that's why I end up concluding, you know,
10 if we're going to add that synthetic, and then
11 claim it's not synthetic, I--it doesn't come
12 together for me.

13 CHAIR MIEDEMA: New members, if
14 you have any discomfort with any of the
15 material and feel like you really needed more
16 time to research it, please abstain. Feel
17 free to be an abstention on any of the votes
18 today, including this one. That's absolutely
19 within your right. Any further discussion on
20 corn steep liquor? Barry.

21 MR. FLAMM: I'd just like to make
22 a comment. My own perspective, because this

1 has often been characterized as a value
2 judgment, and people on one side or another,
3 I have to say myself, I had no idea what corn
4 steep liquor was before this started, and I've
5 asked people in Montana what their thoughts
6 were, and nobody ever heard of it. So I had
7 a totally clean slate, so I can honestly say
8 that all I've done is look at the narrowest of
9 questions and that is what we were asked, is
10 whether it's a non-synthetic or synthetic.
11 Many of these other things brought up has not
12 entered into my conclusion, which is that it's
13 synthetic.

14 CHAIR MIEDEMA: Any further
15 discussion? Seeing none and hearing none--oh,
16 John.

17 MR. FOSTER: Something just struck
18 me. The going with the gut, I think that's
19 what turns it for me. The science is--science
20 is science, and I love science, but I'm really
21 more of a humanist, and I kind of go with gut
22 and heart more often than probably is healthy

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1 for me, but I do it anyway. And I can't--and
2 I've mentioned this before, and so it's
3 nothing new here, but it's what I come back
4 to, it's kind of where I--what Colehour, you
5 more eloquently said, kind of going within
6 yourself.

7 I can't get my head around that
8 what I generally consider to be every day
9 things that are on this table and in my mouth,
10 I don't feel those being synthetic, and I know
11 there's bonds being broken every minute, every
12 second, and some of that's due to synthetic
13 food additives, it happens. I just can't get
14 my head around those things, we don't consider
15 those things synthetic in our world, and I
16 don't see how we can do it here for this
17 reason either.

18 CHAIR MIEDEMA: I haven't spoken
19 yet on this. I'm getting really hungry, and
20 I'm wondering if other people's blood sugar is
21 dropping, so I do think we need to pick up the
22 pace of the discussion here, and tighten up

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1 our thinking and our comments. Let's cut
2 right to the chase on all of this, okay. So
3 if anybody has--let's really avoid the
4 filibuster, or even getting into sort of
5 tangent topics. If we can be tight, then
6 let's get the vote and proceed, okay.
7 Katrina.

8 MS. HEINZE: With all due respect
9 to the hearts, we have a process which we
10 approved in November 2009. Remember chemical
11 change; remember level of the synthetic input.
12 That's what you're voting on.

13 CHAIR MIEDEMA: Jay, and then
14 Tina.

15 MR. FELDMAN: And you know,
16 Katrina, we've talked about this a lot. This
17 is really not a question about chemical change
18 in a vacuum.

19 We acknowledge, and we recognize
20 in the organic rule that chemical change,
21 John, does happen all the time, and it happens
22 through cooking, baking, you know. I remember

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1 my first call on, what was it, the Crops
2 Committee, we were talking about whether toast
3 was, you know, a chemical change. And we all
4 agreed it was chemical change, but we
5 recognized it was induced by heat and the
6 process wasn't sort of a natural process, blah
7 blah blah.

8 So we recognize that chemical
9 change is occurring around us all the time.
10 The central question here is, is what's
11 inducing that chemical change. Are we
12 manipulating nature, in a way, with synthetics
13 that should cause us to take another look at
14 whether that's acceptable in organic, or
15 compatible?

16 If we don't pass this as a
17 synthetic today, we will miss the opportunity
18 to take that other look at whether that
19 chemical change, which is induced by the
20 introduction of something unnatural, okay,
21 introduction of sulfur dioxide, is something
22 that we recognize causes chemical change

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1 because of the introduction of that synthetic,
2 because of the introduction of that sulfur
3 dioxide.

4 And then, we really don't have a
5 choice, I don't believe, as Board members.
6 We--whether it feels right or not, we have a
7 responsibility to put it in the queue, and to
8 evaluate it under our national list criteria.
9 The only way we get to put it in the queue and
10 evaluate it is if we deem this process
11 synthetic.

12 CHAIR MIEDEMA: Tina.

13 MS. ELLOR: I don't want you to
14 think that we touchy feely people didn't apply
15 science to forming our opinions also. We went
16 through the same process, and we came up with
17 a different conclusion. We came to a
18 different place going through the same
19 process, and that's what's made this material
20 so difficult. So you know, the majority
21 opinion I think sorts through how we applied
22 the materials documents to this process and we

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1 came out in a different place than the
2 minority opinion. So--but I don't want you to
3 think we were shirking our responsibility and
4 not applying the materials that we had to make
5 this decision.

6 It just so happens we have a
7 difference of opinion and a difference of
8 conclusions while running through the same
9 process. It's a very difficult process, and
10 I know that as we go on in the history of the
11 Board, I hope these things will become more
12 clear.

13 CHAIR MIEDEMA: Any further
14 discussion? Colehour.

15 MR. BONDERA: Just a very quick
16 logistical commentary about the fact that the
17 Committee vote on this, that's the immediate
18 history, is not the current Crop Committee, it
19 was the previous Crop Committee that voted it
20 as it was voted, four-three.

21 CHAIR MIEDEMA: Thank you. And
22 just so everyone in the audience knows, that's

1 standard procedure that our Board work carries
2 on from the time of one meeting ending and
3 before new members are appointed, so I just
4 wanted to make sure people knew that was quite
5 standard. Any further discussion? Seeing
6 none and hearing none, we will vote.

7 MS. ELLOR: Madam Chair, can we
8 restate the motion?

9 CHAIR MIEDEMA: Yes. Maker of the
10 motion, please restate.

11 MR. FOSTER: I'm opening it back
12 up. The motion is that corn steep liquor
13 produced via the traditional countercurrent
14 corn wet milling process be considered as non-
15 synthetic and allowed for use in organic crop
16 production.

17 CHAIR MIEDEMA: Wendy, please
18 start the voting.

19 MS. FULWIDER: Yes.

20 MS. ELLOR: Yes.

21 MR. MARAVELL: No.

22 MR. WALKER: No.

1 MR. FLAMM: No.

2 MR. FELDMAN: No.

3 MR. DEMURI: Yes.

4 MS. TAYLOR: No.

5 MS. HEINZE: Yes.

6 MR. STONE: Abstain.

7 MR. FOSTER: Recuse.

8 MR. BONDERA: No.

9 MR. DICKSON: Yes.

10 CHAIR MIEDEMA: Recuse. Madam
11 Secretary, we'll await your tally. And please
12 start by tallying the total votes cast.
13 Eleven votes cast; five yes, two recusals, one
14 abstention--sorry guys, we just want to make
15 sure we've got our voting sheet absolutely
16 accurate over here. Okay. Six no, five yes,
17 two abstentions--sorry, two recusals, one
18 abstention; motion fails. That concludes the
19 docket of agenda items for Crops Committee.

20 MS. HEINZE: I think it would be
21 worth putting on the record what the
22 implications of that vote mean, because that

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1 --

2 CHAIR MIEDEMA: The implications
3 of not determining this material to be non-
4 synthetic should be spelled out very precisely
5 by the folks who would be enforcing this, the
6 National Organic Program.

7 MR. MCEVOY: So, what just
8 happened here is that you did not make a
9 decisive decision to approve this
10 recommendation and consider corn steep liquor
11 a non-synthetic. You have not made a motion
12 to consider it a synthetic, and you have not
13 made a decisive determination that it's a
14 synthetic, either. So there's no decisive
15 decision on this particular topic. Therefore,
16 the substance retains its current status,
17 which is undetermined by the NOSB, until you
18 make a decisive determination.

19 CHAIR MIEDEMA: I will take only
20 precise clarifying questions right now before
21 the lunch break.

22 MR. FELDMAN: I think our rules

1 suggest that we should try to reach a decisive
2 vote, and in that spirit, I think we should
3 entertain a motion to classify corn steep
4 liquor as a synthetic material. My reading of
5 the rules suggests that that would be
6 appropriate.

7 CHAIR MIEDEMA: It's 12:55, we're
8 breaking for lunch, and we will reconvene at
9 2:00 p.m.

10 (Whereupon, the above-entitled
11 matter went off the record at 12:55 p.m. and
12 resumed at 2:17 p.m.)

13 CHAIR MIEDEMA: We're back in
14 session. Today is voting day and we will
15 quickly complete the topic of crops. Where we
16 left off was on our non-decisive vote on the
17 classification of CSL as non-synthetic. We
18 didn't reach the two-thirds majority. Jay
19 Feldman, you had something you were going to
20 say right as we adjourned. Before I call on
21 you, I wanted to make a change of -- or a
22 clarification I should say.

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1 Colehour had asked about changing
2 the order of his vote and even though that
3 really hasn't been the way this Board has
4 operated, I think people are perfectly open,
5 that it's okay for people to change their vote
6 later in the order. Until voting closes it's
7 open, it's not like a chess game where you
8 take your finger off the button up here and
9 it's too late. So I think I made a mistake
10 there and if--hopefully we don't bog down our
11 system by people asking to change the order a
12 whole bunch here, okay. But technically I
13 don't think there's anything inappropriate
14 about it.

15 MR. BONDERA: Thank you, Madam
16 Chairperson. Just for clarification, you're
17 talking about when you're taking the vote
18 around the table, but then at the end of that
19 when you tally the vote, you're not going to--
20 you're not--that's when the voting closes,
21 correct?

22 CHAIR MIEDEMA: That's right.

1 Yes, and we're not going to routinely be
2 asking does anybody want to change their vote
3 or anything like that. It's just a courtesy
4 to new members who are, you know, looking for
5 guidance from some of their peers to see how
6 they would like to align on votes.

7 Okay, we're going to get started,
8 complete our last agenda item, just final
9 remarks on that before we move on to the
10 Livestock Committee. Jay.

11 MR. FELDMAN: Thank you. I had,
12 as you recall, I had suggested before the
13 break that we have another vote in the
14 positive on synthetic, but realized that the
15 procedure really requires us to go back to
16 Committee and formulate that as a motion, so
17 I am withdrawing that right now and we can
18 talk about that in Committee if we want to do
19 that at some future moment.

20 CHAIR MIEDEMA: Thank you. Okay,
21 we're moving on to the Livestock Committee.
22 The Livestock Committee has two voting items.

1 The first item is Animal Welfare, Stocking
2 Rates. Do I have a motion? Do I have a
3 motion? Thanks.

4 MS. FULWIDER: I'd like to make a
5 motion to accept the documents as per edits
6 that we made yesterday.

7 MS. ELLOR: I'll second.

8 CHAIR MIEDEMA: It's been moved
9 and seconded to accept the Livestock Committee
10 document, Animal Welfare, Stocking Rates as
11 edited. Any discussion? Katrina.

12 MS. HEINZE: Could you review the
13 edits for us please and your rationale for
14 them?

15 MS. FULWIDER: I would like to do
16 a little introduction before I go to the
17 edits. First, the Livestock Committee
18 documents contain revisions as requested in
19 Thursday's Public Comment and by our fellow
20 board members. Animal Welfare is a complex
21 issue and the Livestock Committee has
22 requested that the NOP places no more than

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1 necessary into the rule and the rest into
2 guidance. The Livestock Committee wants to
3 assure consumers that the NOSB and the organic
4 community shares their concern for animal
5 welfare.

6 The numbers in the space
7 requirements charts are to be considered
8 minimums and larger, enriched environments are
9 preferable. The charts alone would be
10 meaningless without outcome based standards
11 and species specific guidance documents that
12 are in the LC Work Plan for the fall. Four
13 previous Livestock Committee members who
14 contributed to these documents were either
15 here or emailed all of us to voice their
16 approval and support of the documents. The
17 Livestock Committee reviewed U.S. and
18 international animal welfare programs and
19 consulted with Temple Grandin. The current
20 Livestock Committee passed these documents
21 unanimously. The handling, transport,
22 slaughter and slaughter document contains

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1 industry standard requirements and has been
2 edited to support the small local plants.

3 The only additional language that
4 needs to become industry standard protects the
5 newborn calf. If we succeed in passing these
6 documents today, they will be reviewed and
7 reworked by the NOP before being posted for
8 another period of public comment. If the NOP
9 finds a problem, they will come back to the
10 Livestock Committee for clarification or
11 correction. With that, I would like to go
12 through the revisions we've made to these
13 documents.

14 Okay, under recommendation, okay.
15 I'll read this paragraph, most of this is new
16 here, to satisfy the Board. The language
17 shown in the following pages is recommended
18 for rulemaking. The Livestock Committee
19 respectfully requests that the National
20 Organic Program places only what is necessary
21 into rule and the remainder into guidance.
22 The Livestock Committee wants to assure

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1 consumers that the organic industry practices
2 a high level of animal welfare. The Livestock
3 Committee does not wish to unnecessarily
4 increase the paperwork burden or certification
5 costs for the organic community.

6 Under 4, shelter, designed to
7 allow for, that's it. We added dairy before
8 calves, there to designate that it is dairy
9 calves that may be housed in individual pens
10 rather than beef calves because it's a species
11 specific situation. We also deleted calves
12 over two months of age shall not be tied,
13 because that would be a problem for our small
14 organic dairy farms. Then above the charts,
15 we added here in this sentence the values
16 presented in the following charts are minimum
17 amounts only, and provision of larger areas of
18 enriched environment is encouraged. So that's
19 all the edits that we made to this document,
20 if you want to discuss these before going on
21 to the second document?

22 CHAIR MIEDEMA: Any discussion?

1 Steve.

2 MR. DEMURI: In the Committee's
3 mind do you feel like you've addressed all the
4 public comment concerning--concerns they had
5 with the previous edition?

6 MS. FULWIDER: Yes, I believe we
7 have, and we have had support from a number of
8 the groups that are here, and a number of the
9 farmers have also come up and expressed their
10 support.

11 CHAIR MIEDEMA: Katrina.

12 MS. HEINZE: I am wrestling with
13 this one. We heard a lot of public comment
14 about the impact of these access to pasture on
15 small farmers and certifiers and the
16 paperwork. So I appreciate that you added the
17 language encouraging the program to do as much
18 as possible in guidance. My question for you,
19 Mac, is if it ends up as guidance, which is
20 what I would prefer, what are the implications
21 for that burden of paperwork for certifiers?

22 MR. STONE: Guidance doesn't

1 necessarily help at times when there has--
2 sometimes a hard, fast rule gives the
3 certifier some credibility in having a
4 producer meet a standard, versus one
5 certifier's interpretation is different than
6 another. And then if one is a little lenient,
7 then producers can start certify shopping, et
8 cetera. So it's really tricky, and I have not
9 spent enough time with the Committee and with
10 the Program and with the ACA to know which of
11 these outcome based, which of these numbers,
12 should be where. But it's a pretty critical
13 juncture, I guess, of how to make that
14 delineation.

15 And Madam Chair, while I've got
16 the mic, if--so I would like to work with the
17 Committee and all as a certifier and I raise
18 all of these animals except pigs because my
19 mother-in-law said they smell too bad. There
20 is, you know, how do we dovetail with the FDA
21 and inspections on the other document with the
22 other regulatory bodies? I don't know without

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1 talking to the Program. Richard Matthews made
2 some pretty strong statements about working it
3 through the system and it's ability to go and
4 I don't understand enough about that. But
5 ultimately I guess my real concern is we
6 maintain some degree of specie or site
7 specificity to allow the vast array of
8 production systems to still work and not be
9 too prescriptive.

10 CHAIR MIEDEMA: Any further
11 discussion? Joe Dickson.

12 MR. DICKSON: Yes. Like Katrina,
13 I've been wrestling with a couple of areas of
14 this one too. I think, you know, in the last
15 day or so, I've probably changed my mind on
16 sort of how to vote on this recommendation
17 probably six or seven times, which to me is
18 probably a sign that I don't feel 100%
19 confident voting for this. And my
20 reservations largely stem from the fact that
21 you know, we did hear yesterday from a number
22 of stakeholders in the organic community. We

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1 heard from companies, we heard from producers,
2 we heard from certifiers. We heard from a
3 number of entities who asked this Board to
4 withhold this recommendation and to work a
5 little bit more on polishing it and getting it
6 ready for prime time.

7 On the other side, we also heard
8 today and yesterday from many former members
9 of this Board who've worked very long and hard
10 on this recommendation. You know Wendy's been
11 shepherding this recommendation for the last
12 18 months, and we've probably had, you know
13 hundreds of hours of Livestock Committee work
14 and calls on this. I mean it represents a lot
15 of thinking and a lot of very careful work and
16 a lot of expertise and you know, the danger of
17 holding it back is that you know, its
18 something that a lot of people are clamoring
19 for. The program has asked for, many
20 certifiers are looking for, and you know it
21 is--at the end of the day, we do owe the
22 animals in organic production a higher and

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1 more prescriptive and more careful standard of
2 care.

3 So it's--you know, I see really
4 good arguments on either side of the aisle for
5 passing this recommendation or for working on
6 it a little bit more, and I would be
7 interested in getting the overall thoughts of
8 the Board for a bit of group discussion on
9 where everyone sort of feels.

10 CHAIR MIEDEMA: Tina and then
11 Barry.

12 MS. ELLOR: Yes, we've had a lot of
13 input on both sides, you know, people saying
14 please, you know, get us something so that
15 there will be a standard that we can follow
16 and that everyone will have to follow. We've
17 heard a lot on that side and we've heard a lot
18 on you know, this is okay but you know, it
19 needs to be better.

20 So we've been at this since, I
21 think it was November 2007, when Kathleen
22 Marion came in front of the board and asked us

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1 to get started on this process, and honestly,
2 I've never seen quite so much public support
3 for a recommendation as I have. It might not
4 be enough but it's more than I've ever seen
5 before.

6 So this is year four, we could pull
7 it back for another six months. I'm not sure,
8 you know, if we could figure out a better way
9 and I've heard some talk about this, to work
10 directly with our constituency during
11 committee work, that would be great. That
12 would save us a lot of this trouble, but you
13 know so far we haven't quite figured that out.

14 CHAIR MIEDEMA: Barry.

15 MR. FLAMM: Like Joe, this is kind
16 of a dilemma for me and I realize the whole
17 time I've been on the Board, Livestock has
18 been working on this, and I know how much work
19 has gone into it and I trust the people and
20 good people doing it.

21 On the other hand, there was such
22 a volume of comments before the meeting that

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1 I studied and read and then I've heard a lot
2 of comments here, and when I thought that the-
3 -and was told that the public's--these
4 concerns were addressed and revisioned, and
5 then I would hear from people here in the
6 audience that their concerns hadn't been met
7 and, frankly, it's been changing. I haven't
8 been able with all else that's going on to be
9 able to sort it all out in my mind.

10 I mean I really want to see it go
11 forward and I want to see good animal welfare
12 and I don't--but I'm not sure if it's flawed,
13 which some people think it is, we'll do more
14 harm than good by releasing it now. So that's
15 just off the top of my head comment.

16 CHAIR MIEDEMA: John.

17 MR. FOSTER: So I somehow magically
18 found time to study this, and as list sunset
19 petition centric as crops has been, it was
20 actually really refreshing to read something
21 that was narrative and full of obvious
22 thought. I come to these kinds of things

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1 always deferring to the existing regulation
2 and I'm one for whom for most things, I think
3 the rule is pretty good, but obviously the
4 wiggle room is in implementation, inspection,
5 review, certification and that variability I
6 know is maddening.

7 So my bias going in, and I've said
8 this before, is not to be prescriptive unless
9 absolutely necessary, and my instinct says
10 that, and a pretty good chunk of the public is
11 still saying that. So I'm--I haven't decided
12 yet actually, but to be honest, but I'm--I
13 want to hear more comment but I need to hear,
14 I would like to hear, where--what is the
15 specific, a specific example, pick anyone,
16 that could not have been managed by what's in
17 the regulation already? That will give me an
18 idea of specific case.

19 CHAIR MIEDEMA: Go ahead, Wendy.

20 MS. FULWIDER: I guess we're not
21 exactly sure what you mean.

22 MR. FOSTER: If you could pull out

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1 any example from the recommendation that there
2 is absolutely no way that could have been
3 addressed under the existing interpretive
4 ability that remains to certifiers from
5 language already in the regulation.

6 MS. FULWIDER: I think maybe that
7 would be a great question for Mac, as a
8 certifier.

9 MR. STONE: Thanks, John.

10 MR. FOSTER: Welcome, aboard.

11 MR. STONE: Yes. There was
12 discussion, and frankly, I had dinner with
13 Jeff Moyer last night to talk specifically.
14 He felt very strongly that the work of the
15 Committee and the conversation, his
16 recommendation--now I'm getting to your--but
17 his recommendation was they've done the work,
18 the program is going to start drafting some
19 proposed rule and the guidance document, et
20 cetera.

21 So there's a lot of work yet to be
22 done, let's get it in the pipeline and let's

1 move on. My concern with that is if this
2 recommendation goes out to the certification
3 world and those producers that are sitting at
4 their computers or BlackBerrys watching this
5 recommendation and see there some specificity
6 that just doesn't seem right, will it cause
7 some angst in the conversation to where it's
8 not as fluid of a conversation? So that's a
9 concern I have of that.

10 But the way we interpret in our
11 program, in Kentucky, if you look at the
12 birds, the birds are feathered, the animals
13 don't have manure, they're not dealing with
14 mud, somatic cell counts are going to show you
15 on dairy quality standards, et cetera, and the
16 animal's look and whatever.

17 So there are ways -- we've been
18 operating without this type of level to this
19 point and frankly, I think we still can. I've
20 told some of you the reason I agreed to be
21 nominated for this board was I'm still fairly
22 upset about the pasture rule and its

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1 implementation problems in the field at the
2 farm level and at the certifier level, and I
3 see this going that same direction.

4 So personally I think it can be.
5 We imposed the -- maybe it's a consumer view
6 of the farm. Do the animals look healthy?
7 Our feed conversions look right? Do the
8 facilities look well maintained, et cetera,
9 without having to go to this? But other
10 certifiers haven't had that luxury that we
11 have, and some of the testimony that we've
12 heard is these birds don't ever need to go
13 outside; you're going to make me--all my birds
14 are going to die if you make me put them
15 outside and we have to get these birds
16 outside. Whether this document gets them
17 outside or not I don't know because right now,
18 the rule says you've got to get them outside.
19 Does that answer your question?

20 CHAIR MIEDEMA: Any further
21 discussion? Tina then Nick.

22 MS. ELLOR: The first welfare

1 standard we came out with as a committee was
2 an outcome based standard which we thought was
3 great and we really thought that was what
4 people wanted, and it was just that sort of
5 recommendation, and the certifier community
6 said there's just no way, we can't do that.
7 We need numbers. And now we brought numbers
8 back and then we're being told no, we can't
9 have numbers, so I'm flabbergasted.

10 I mean I would like to see a
11 combination of both because it is the outcome
12 that's important. You know, it's the actual
13 animal welfare and if we need a combination of
14 numbers and the outcome based part that we
15 hope to work on and present next fall, I think
16 that would be ideal. Numbers to hold people's
17 feet to the fire, but outcomes to say this is
18 a process but this is what we're looking for.
19 So I don't really know the best steps. We've
20 taken this step with the numbers. We hope
21 that the next step would be the outcome based
22 standards.

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1 CHAIR MIEDEMA: Nick?

2 MR. MARAVELL: I sympathize with
3 Wendy. Yesterday, I tried to ask several
4 times from the groups that were coming up and
5 talking to us well, if we didn't get it right--
6 --and I'm not on that Committee just so people
7 know--but if we didn't get it right, where was
8 the process, what was lacking here and I
9 didn't ever get a good answer.

10 So I think the committee tried very
11 hard. I think we are hearing though that
12 members of the community would like to come
13 together on this, and I would suggest that
14 giving it one more shot might be worth it if--
15 all right you can't, like you just said, Tina,
16 you can't have it both ways. First we give
17 you the numbers; no, we don't want numbers.
18 If we didn't give you the numbers the first
19 time, you wanted the numbers.

20 All right, so we've got both
21 approaches out there. We've got tremendous
22 willingness from the industry to get together

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1 on this. All right, let's do it, but I don't
2 feel comfortable where it is right now and so
3 that would be my suggestion.

4 I think Wendy has done a great job
5 of doing this and trying to put it into the
6 form that the committee wanted it to be in.
7 So let's make up our minds, but let's pull
8 together on this and let's get a group that
9 can work with this Committee, and I think the
10 people are here, you know who they are and
11 let's do it. That would be my suggestion, but
12 I don't know how you feel about that, Wendy.

13 CHAIR MIEDEMA: Mac had his hand
14 raised, and then Wendy.

15 MR. STONE: A couple of specifics.
16 We heard the dairymen say that their stalls
17 are 32 square feet, 3 X 8 I guess they are.
18 The math on the chart at the 10 square feet
19 per 220 pounds I think it was, I emailed my
20 office, the average Holstein at 1500 pounds,
21 that would be 68 square feet per cow, average
22 Holstein. So they would essentially double

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1 their barn space and that is a huge investment
2 for them to maintain of bedded space.

3 I'm not sure just how--and just for
4 relative, our birds are on the grass all the
5 time. Some of the pictures I saw that if
6 those--some of those barns, if they were in a
7 wet climate, they couldn't raise those birds
8 organically in my opinion under the systems
9 that they have. They could go outside but they
10 didn't really want to, and in a wet
11 environment that just would not work in an
12 organic system.

13 But our birds, I don't know how you
14 want to figure it, on a given day, they'd have
15 21 square feet per bird for the layers, but
16 since they move once a week around the
17 pasture, that would be 1109 square feet per
18 bird, if you--depending on how we're looking
19 at that. So the stocking density or stocking
20 rate, it's two different things.

21 Broilers are about one and a half
22 square feet per bird on a given moment of

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1 time, but over their lifetime they've covered
2 84 square feet per bird. So those are the
3 kinds of the things that we can get to, to
4 kind of get some of your specifics, John.

5 CHAIR MIEDEMA: Wendy, did you want
6 another turn? Okay, Wendy.

7 MS. FULWIDER: For the tie stalls
8 you know, the space requirements that we have
9 listed there are for loose housing. They are
10 not for tie stalls at all. The document--or
11 free stalls, you know and we had the language
12 in there to change that previously, we went
13 over that the other day. So that has been
14 remedied, but the space requirements for the
15 poultry, you know, that--if it's two square
16 feet outdoors that's the size of their pasture
17 per bird, and if they want to split that up
18 and rotate birds that's up to them; if they
19 want to provide more space we certainly
20 encourage that.

21 CHAIR MIEDEMA: Any further
22 discussion? Steve, Colehour, Katrina.

1 MR. DEMURI: Just a quick question,
2 it might have been up there and I missed it.
3 What was the committee vote on this
4 recommendation? The final recommendation?

5 MS. FULWIDER: We were unanimous.

6 CHAIR MIEDEMA: Colehour?

7 MR. BONDERA: I just want to say
8 that as a committee member, that the amounts
9 and kinds of feedback and consideration and
10 shifts even in this last week, have made it so
11 that people that I've talked to or people who
12 have interacted with me say a whole range of
13 things including that they can't even
14 understand what the modifications are, that
15 some of these things are too complicated.

16 So I think to try to address the
17 question that you just asked, you know, we
18 haven't voted on the current form of it. This
19 was when we last voted on it, it was
20 unanimous. So I think that there are some
21 pieces of it that it seems like the biggest
22 thing I'm hearing is that there does need to

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1 be more time and more input that several of
2 you have already suggested, and I think is
3 what we need to have, which is a different
4 kind, an additional kind of dialogue to make
5 these more of coming from the whole organic
6 community, and I think that that's what feels
7 at this point in time like it's missing. It
8 feels like it's being directed to or down
9 rather than with, and that's I think where I'm
10 at in this process and that issue.

11 CHAIR MIEDEMA: Okay, clarification
12 then. This is not actually a committee
13 recommendation at this point. This is a
14 motion from the floor that did not go through
15 our agreed upon due process of being a
16 committee document and we just need to be
17 really clear on that. That's quite different
18 than how we run things.

19 MR. MARAVELL: Please explain for
20 the uninitiated.

21 CHAIR MIEDEMA: A member of the
22 NOSB has brought forward a recommendation and

1 it has been seconded that a committee did not
2 vote on in its current iteration. Our due
3 process is for committees to bring
4 recommendations that they've voted on to the
5 floor. Now we don't have anything that
6 prevents any one member from making a motion
7 on anything at any given time. Now it might
8 be ruled out of order if it's out of order.
9 That's important for us to all approach this
10 as not being a committee document though.
11 This is a motion from the floor. Katrina.

12 MS. HEINZE: I had a comment. I am
13 vaguely remembering sometime in the last four
14 years that we had a similar situation with
15 last minute edits, and the committee took the
16 vote at the Board meeting. So that might be
17 an option. Can I proceed with my question?

18 CHAIR MIEDEMA: Sure.

19 MS. HEINZE: So this is to the
20 Program if I may or I'll ask you and then you
21 can ask the Program. Okay, several meetings
22 ago we had a recommendation, I can't remember

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1 what it was, and the Program said what do you
2 want us to do with this if it passes? And I'm
3 wondering, that question intrigues me on the
4 animal welfare because I'm struggling, just
5 like Joe, we have heard an overwhelming number
6 of public comments that say please take action
7 on this. We need the Board to send a signal
8 that we care about our animals.

9 The counterbalance with that is
10 this is a very complicated topic and we can
11 take it back and work on it, but chances are
12 in six months when we come back, there's still
13 going to be stuff to work on. So I'm
14 wondering if we do pass it in its current
15 form, are we giving you something that you can
16 work with and continue to iterate to the right
17 place or do we need to do the work? I know
18 that was a complicated question.

19 MR. MCEVOY: Well, whatever--if you
20 do pass a recommendation, we'll work with it.
21 One thing to--as a little bit of context here,
22 is that the OIG report from last year

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1 identified a number of different areas that
2 needed clarification. They found
3 inconsistency in terms of how the certifiers
4 were implementing the rule, and one of the
5 areas was around outdoor access for poultry.
6 So we've tried to address that through draft
7 guidance. We'll be putting out final
8 guidance.

9 The recommendation from the Board
10 would help give the Program some clarity of
11 what the Board would like us to do, and we'll
12 take a look at that and determine whether or
13 not we have to go back to the Board to clarify
14 certain areas; are there areas that we would
15 put into guidance or areas that need
16 rulemaking?

17 If it goes into guidance or
18 rulemaking, the process is for guidance we put
19 out a draft guidance, we get public comment,
20 and then we put out final guidance. If it
21 needs rulemaking, then there's the proposed
22 rule, public comment, take into consideration

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1 all those comments and then come out with a
2 final rule change.

3 So if you don't pass anything at
4 this meeting, then we have the discussion
5 documents that you've had, all the discussion
6 here at the meeting, the transcript that will
7 help us in terms of trying to understand where
8 you want to go. It'd be more definitive if
9 you come out with a recommendation for
10 guidance or recommendation for rule change.

11 CHAIR MIEDEMA: Any further
12 discussion? Mac?

13 MR. STONE: So, Madam Chair, does
14 that in effect, give the Livestock Committee
15 professional staff for them to work with to
16 help them so they don't have to do it all, and
17 in fact may strengthen their work and support
18 them that they've kind of been working on
19 their own, if you will?

20 CHAIR MIEDEMA: I think that's
21 above my pay grade question. That would be a
22 question for the Program. Before we ask that,

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1 let's see what the makers of the motion have
2 to say.

3 MS. ELLOR: So, first I just want
4 to comment on Colehour's comment about working
5 with the community. We've been going back and
6 forth with this very issue with our community,
7 formally, informally, at meetings, between
8 meetings, since 2007. We do have a lot of
9 interaction with our community, and I think
10 that we've grown together and closer on what
11 we would like the final result to be, and
12 perhaps we're not close enough yet. But we've
13 certainly gotten a lot closer than we were in
14 the beginning.

15 We have a lot more approval, I
16 think, than we did to start with. So I think
17 we're headed in a good direction. I'll let
18 Wendy make this determination. I'm the
19 seconder, she made the motion; but perhaps
20 she'd want to pull it back right now and get
21 back with the Committee, since we did not vote
22 on these changes as a Committee, which is an

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1 important issue.

2 MS. FULWIDER: I would also like to
3 note that we have had certifier input as far
4 as edits that we have made and document that
5 we had put forth in committee.

6 CHAIR MIEDEMA: Not yet. Wendy and
7 Tina, did you have a rescinding of motion?

8 MS. FULWIDER: Yes, we'll rescind
9 the motion on this.

10 CHAIR MIEDEMA: And the second is
11 okay with that?

12 MS. ELLOR: Yes.

13 CHAIR MIEDEMA: Okay. The next
14 agenda item for the Livestock Committee is
15 animal handling transit and slaughter
16 recommendation. Before I move on to that, was
17 there another motion on stocking rates, animal
18 welfare? Hearing none, I'm moving onto the
19 next agenda item, Animal Handling Transit and
20 Slaughter Recommendation. Do I have a motion?
21 Call to repeat the question. The next agenda
22 item is Animal Handling Transit and Slaughter

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1 Recommendation. Do I have a motion?

2 MS. FULWIDER: Yes, I make a motion
3 that we have a look at the document; accept
4 the document?

5 MS. ELLOR: And I'll second for the
6 sake of discussion.

7 CHAIR MIEDEMA: Maker of the
8 motion, can you please restate your motion?

9 MS. FULWIDER: I would like to
10 accept--okay, I would like to make a motion to
11 accept the Animal Handling Transit and
12 Slaughter Document.

13 CHAIR MIEDEMA: Do I have a second?

14 MS. ELLOR: Yes, I'll second.

15 CHAIR MIEDEMA: Any discussion?

16 MS. ELLOR: I guess I'd like to
17 bring up--and this is--this all seems very
18 insane to me, but have we made significant
19 changes to this document since the Committee
20 voted, and if so, we're in the same situation
21 we are with the last document.

22 MS. FULWIDER: That is correct.

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1 CHAIR MIEDEMA: Okay, so we--what
2 just came out of that discussion is that we
3 have another motion from the floor that is not
4 a document that's been voted on by Committee,
5 and any further discussion? Steve?

6 MR. DEMURI: Maybe just a question;
7 was there a reason why the Committee didn't
8 vote? You didn't have time or--

9 MS. FULWIDER: We've just been busy
10 making edits, and that's been our focus.

11 MS. ELLOR: Yes, I think in our
12 rush to please everybody, that we felt like
13 they weren't especially substantive changes
14 but having heard comments since then, they're
15 more substantive I think than we thought to
16 start with. Is that completely confusing?
17 Anyway.

18 MR. DEMURI: No, I totally
19 understand. I mean we're under time
20 pressures. Would there be a possibility to
21 delay this vote to give you guys time in the
22 next break to vote on this? It depends on how

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1 badly you want to be voted on today.

2 MS. ELLOR: Yes, and I would say,
3 you know, once again we have more support from
4 the community than we have in the past;
5 documents, we still, even within the
6 Committee, we've been finding in the past day
7 or two discussion aren't completely
8 comfortable and feel like we need to pull
9 these back. So I think at the end of this, I
10 would ask that we withdraw the motion and take
11 both documents back to Committee and present
12 them again next fall. I'm disappointed, but
13 I can definitely see the good in that.

14 CHAIR MIEDEMA: Any further
15 discussion? Mac and then--Joe did you--just
16 Mac.

17 MR. STONE: If the program has been
18 asked by OIG to develop proposed rule or move
19 forward, can in fact the Committee work
20 closely with staff, frankly, to have the
21 resources that they provide to help the
22 Committee in moving the conversation along or

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1 is that necessary?

2 CHAIR MIEDEMA: Miles McEvoy.

3 MR. MCEVOY: Yes, well we'll
4 certainly be working with all the committees
5 on all of the work that you have on your
6 agenda. At the same time as we're working on
7 any kind of proposed rule or draft guidance,
8 we do consult with experts in the field, which
9 may include members of the NOSB, but there's
10 kind of two separate things. If we're working
11 on guidance or developing rules, there's a
12 whole bunch of people that we're working with
13 to come up with the best proposal possible.
14 In terms of the Board business, you have your
15 agenda that you're working on, your work plan,
16 and we will provide technical support for the
17 work that you're doing as a Committee or as a
18 Board.

19 CHAIR MIEDEMA: Okay, any further
20 discussion? Okay, go ahead.

21 MS. FULWIDER: We withdraw our
22 motion.

1 MS. ELLOR: And that's fine with
2 me.

3 CHAIR MIEDEMA: Okay, the motion
4 to recommend the Animal Handling Transit and
5 Slaughter Recommendation has been withdrawn.
6 I'd like to ask the Livestock Committee
7 whether they intend to bring these items back
8 for voting later today so we can manage our
9 time. We're quite behind today. That was a
10 head shaking no for the record.

11 MR. DICKSON: Could I ask that the
12 --this is not an issue the Livestock Committee
13 discussed during our break huddle and report
14 back following that?

15 CHAIR MIEDEMA: That's fine with
16 me. Okay, yes. It's 3:00 p.m. We were set
17 to finish voting 15 minutes from now. We have
18 14 more items for voting. Those are just
19 checking in on some facts here. We're going
20 to move into Handling Committee.

21 MR. DEMURI: Thank you, Tracy. Our
22 first vote this afternoon is for a listing of

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1 attapulгите. So at this point I'd like to
2 make a motion to list attapulгите to the
3 National List, section 205.605(a).

4 CHAIR MIEDEMA: Is there a second?

5 MR. STONE: I'll second.

6 CHAIR MIEDEMA: Any discussion?

7 Hearing none and seeing none, Katrina.

8 MS. HEINZE: Steve, I think we've
9 got one public comment on this but I'm fuzzy.
10 Could you recap that?

11 MR. DEMURI: We did have one public
12 comment from Jim Riddel who had a concern over
13 possible heavy metal contamination in the
14 production of attapulгите. It was more of a
15 concern than a actual fact of it, but he did
16 bring that up in his comment.

17 CHAIR MIEDEMA: Any further
18 discussion on attapulгите? Jay.

19 MR. FELDMAN: Can you just quickly
20 review again what it's used for and all that?

21 MR. DEMURI: If it gets too
22 technical, I'm going to refer it to John

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1 because he was the lead on it. He didn't have
2 enough to do, so we gave him attapulgite. Its
3 use is for clarification of oils basically,
4 vegetable oils for food production.

5 MR. FELDMAN: On the essentiality,
6 what was the thinking there?

7 MR. FOSTER: The thinking was that
8 while there is bentonite already on the
9 National List, the physical structure, the
10 crystalline structure is slightly different
11 making attapulgite slightly more--a little
12 more effective in certain--some applications,
13 and for which bentonite would be less
14 appropriate, less effective. Then also the--
15 there's a slight preference toward attapulgite
16 which, according to the information at hand,
17 does not require an acid activation. Our
18 understanding is, again, from the information
19 available that bentonite does require that,
20 and we felt it was preferable to have that as
21 an option, perhaps leading toward removing
22 bentonite down the road for what we--what

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1 sounds like to be a more favorable material
2 which isn't exactly essentiality I know, but
3 it's certainly interrelated with that, and but
4 it kind of tipped the scales so that the
5 increased efficacy over bentonite in some
6 applications, there's enough utility there.
7 Because it's otherwise preferable, that kind
8 of tipped the scales.

9 CHAIR MIEDEMA: Any further
10 discussion? Jay and then Tina.

11 MR. FELDMAN: I'm sorry. I'd like
12 to ask the processors whether this is
13 something you would think you'd be using down
14 the road or does it have applications outside
15 your venue?

16 CHAIR MIEDEMA: Katrina.

17 MS. HEINZE: We don't process oils.
18 I don't have an answer for you.

19 CHAIR MIEDEMA: Tina.

20 MS. ELLOR: I just wondered what
21 the Committee vote on this was?

22 MR. DEMURI: This one was

1 unanimous. Six yes, zero no, one absent. But
2 --excuse me, that was for synthetic/non-
3 synthetic. Five yes, one no, one absent.

4 CHAIR MIEDEMA: Thank you. Any
5 further discussion? Steve.

6 MR. DEMURI: I need to backtrack a
7 minute, thanks to Katrina's reminder. We do
8 have to take a synthetic/non-synthetic vote on
9 this material before we do the motion to list.
10 So I'll have to rescind my previous motion.

11 CHAIR MIEDEMA: Okay. And is the
12 second okay with the rescinding?

13 MR. STONE: Yes.

14 CHAIR MIEDEMA: Okay. Do I have a
15 motion on synthetic versus non-synthetic for
16 this material?

17 MR. DEMURI: So I would like to
18 move that attapulгите be listed as non-
19 synthetic on the National List.

20 CHAIR MIEDEMA: Do I have a second?

21 MR. FOSTER: I'll second.

22 CHAIR MIEDEMA: It's been moved and

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1 seconded. Any discussion on the
2 synthetic/non-synthetic determination of this
3 material? Okay. We'll begin voting. Where
4 are we? We'll begin with Wendy.

5 MS. FULWIDER: Yes.

6 MS. ELLOR: Yes.

7 CHAIR MIEDEMA: Wait. An
8 affirmative vote declares this material
9 synthetic or non-synthetic? Okay, just to be
10 crystal clear, a yes is non-synthetic. Yes.

11 MR. MARAVELL: Yes.

12 MR. WALKER: Yes.

13 MR. FLAMM: Yes.

14 MR. FELDMAN: Yes.

15 MR. DEMURI: Yes.

16 MS. TAYLOR: Yes.

17 MS. HEINZE: Yes.

18 MR. STONE: Yes ma'am.

19 MR. FOSTER: Yes

20 MR. BONDERA: Yes.

21 MR. DICKSON: Yes.

22 CHAIR MIEDEMA: Yes. That's 14

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1 yes, zero no; motion carries. Do I have a
2 motion on attapulгите re-listed to the
3 National List?

4 MR. DEMURI: Yes. I'd like move
5 for the listing of attapulгите to the National
6 List 205.605(a).

7 CHAIR MIEDEMA: Do I have a second?

8 MR. STONE: Second.

9 CHAIR MIEDEMA: And again, this is
10 a petition to list the material?

11 MR. DEMURI: That's correct.

12 CHAIR MIEDEMA: It's been moved and
13 seconded, any discussion? Colehour.

14 MR. BONDERA: Just for
15 clarification and I apologize. And I'm
16 actually not looking there, I'm looking at my
17 computer screen so I'm a teeny bit worried I'm
18 looking at the wrong thing, but according to
19 what's here, it says "with annotation as
20 noted, attapulгите allowed as a processing aid
21 in the handling in the plant and animal oils,"
22 and that's not what you read into the motion.

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1 And that's--and so I'm just wondering if your
2 motion is what you said, or if it's what I'm
3 reading, because they don't match.

4 MR. DEMURI: Good point. You are
5 very correct. It should read "attapulgate
6 allowed as a processing aid in the handling of
7 plant and animal oils." Thank you.

8 CHAIR MIEDEMA: Is the second okay
9 with that correction?

10 MR. STONE: Yes, Ma'am.

11 CHAIR MIEDEMA: Any further
12 discussion? All right. Any recusals for
13 conflict? Further discussion? Hearing none
14 and seeing none--oh, Colehour.

15 MR. BONDERA: I apologize again;
16 however, before you rescinded the previous--
17 this motion the first time, and we went back
18 to the previous motion, and then there was a
19 question about the vote on this one that you
20 didn't--you never addressed because we went to
21 the previous one. And I would still like to
22 hear the answer to that question, which I'm

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1 not going to be able to recite properly, but
2 it was can you please tell us about the vote
3 for this motion?

4 MR. DEMURI: Certainly. The
5 committee vote was for listing, five yes, one
6 no, one absent.

7 CHAIR MIEDEMA: Any further
8 discussion? Okay well, hearing none, we will
9 begin voting with Tina.

10 MS. ELLOR: Yes.

11 MR. MARAVELL: Yes.

12 MR. WALKER: Yes.

13 MR. FLAMM: Yes.

14 MR. FELDMAN: Yes.

15 MR. DEMURI: Yes.

16 MS. TAYLOR: Yes.

17 MS. HEINZE: No.

18 MR. STONE: Yes, Ma'am.

19 MR. FOSTER: Yes.

20 MR. BONDERA: Abstain.

21 MR. DICKSON: Yes

22 CHAIR MIEDEMA: Yes

1 MS. FULWIDER: Yes

2 CHAIR MIEDEMA: That's 12 yes, one
3 no, one abstention; motion carries. Handling
4 Committee, the next material on our voting
5 sheet is CAPP.

6 MR. DEMURI: Yes, CAPP, otherwise
7 known as calcium acid pyrophosphate, was
8 petitioned to us to add to the list in
9 205.605(b) for use as a leavening agent in
10 baked goods. So I move for the addition of
11 calcium acid pyrophosphate to the National
12 List 205.605(b) --

13 CHAIR MIEDEMA: Steve, you need to
14 do the synthetic/non-synthetic first.

15 MR. DEMURI: Thank you. One of
16 these days I'll remember that. I would like
17 to move for listing of calcium acid
18 pyrophosphate to the National List as a
19 synthetic.

20 CHAIR MIEDEMA: Do I have a second?

21 MR. DICKSON: Second.

22 CHAIR MIEDEMA: Joe Dickson

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1 seconded. Katrina?

2 MS. HEINZE: I'm not sure that
3 language is right. I think you want to
4 classify it as synthetic. Not list it as a
5 synthetic. Sorry.

6 MR. DEMURI: So I will rescind my
7 first motion.

8 MR. DICKSON: Yes, I'm fine with
9 that

10 MR. DEMURI: Okay, so I move that
11 we classify calcium acid pyrophosphate as a
12 synthetic on the National List.

13 CHAIR MIEDEMA: Do I have a second
14 on that classification?

15 MR. BONDERA: I'll second that.

16 CHAIR MIEDEMA: Any discussion on
17 the determination of this material as
18 synthetic/non-synthetic? Hearing none and
19 seeing none, we'll proceed with voting. Nick?

20 MR. MARAVELL: Yes.

21 MR. WALKER: Yes.

22 MR. FLAMM: Yes.

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1 MR. FELDMAN: Yes.

2 MR. DEMURI: Yes.

3 MS. TAYLOR: No.

4 MS. HEINZE: Yes.

5 MR. STONE: Yes ma'am.

6 MR. FOSTER: Yes.

7 MR. BONDERA: Yes.

8 MR. DICKSON: Yes.

9 CHAIR MIEDEMA: Yes.

10 MS. FULWIDER: Yes.

11 MS. ELLOR: Yes.

12 CHAIR MIEDEMA: That's one no, 13
13 yes; the material is classified as synthetic.

14 MR. DEMURI: Okay, the next motion
15 is for listing calcium acid pyrophosphate to
16 the National List 205.605(b) for use as a
17 leavening agent in baked goods.

18 MR. STONE: Second.

19 CHAIR MIEDEMA: Mac Stone seconded.
20 Any discussion? Steve and then Katrina?

21 MR. DEMURI: The vote for listing
22 on this material in the Committee for listing

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1 was zero yes, five no and two absent.

2 CHAIR MIEDEMA: Katrina.

3 MS. HEINZE: I just want to
4 highlight that we did receive written public
5 comment on this and verbal public comment.
6 Only one and I appreciate that the petitioner
7 didn't bring in lots of people. But a key
8 question in the Committee was essentiality on
9 this material. We had hypothesized that one
10 of the reasons it might be a useful addition
11 to the list was that it was a non-sodium
12 leavener, and so we did hear testimony to
13 that. And I just wanted to, in the midst of
14 everything we've discussed, just bring that to
15 everyone's attention so that they know that
16 you have it. Or that we did receive that.

17 CHAIR MIEDEMA: Any further
18 discussion? Hearing none and seeing none, any
19 recusals on calcium acid pyrophosphate? Okay
20 hearing none, let's proceed with the voting.
21 Reuben.

22 MR. WALKER: No.

1 MR. FLAMM: Yes.

2 MR. FELDMAN: No

3 MR. DEMURI: No.

4 MS. TAYLOR: No.

5 MS. HEINZE: Yes.

6 MR. STONE: No.

7 MR. FOSTER: Yes.

8 MR. BONDERA: No.

9 MR. DICKSON: Yes.

10 CHAIR MIEDEMA: Yes.

11 MS. FULWIDER: No.

12 MS. ELLOR: No.

13 MR. MARAVELL: No.

14 CHAIR MIEDEMA: Tally is five yes,
15 nine no; motion fails. Handling Committee,
16 the next material on the agenda is SAPP. S-A-
17 P-P.

18 MR. DEMURI: Yes, the next item is
19 sodium acid pyrophosphate, petitioned to the
20 Handling Committee to be used in an expanded
21 manner. It's already listed for use as a
22 leavening agent, but the petitioner would like

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1 it to be expanded to be used as a sequestrant
2 on cooked and uncooked produce. So I'll make
3 a motion first for the classification. It
4 looks like there's a typo on the--looks like
5 there's--isn't an X in the synthetic box on
6 that copy. But it was voted as a--we did vote
7 as a synthetic up there.

8 MR. MCEVOY: It's already on the
9 list as a synthetic.

10 MR. DEMURI: True. So we don't
11 need to vote on it again, for this use? I
12 wouldn't think so. Okay.

13 CHAIR MIEDEMA: No sweat.

14 MR. DEMURI: Good. That's one less
15 vote. Okay, so I move for the expansion to
16 the listing of sodium acid pyrophosphate to be
17 used as a sequestrant on cooked and uncooked
18 produce, to National List 205.605(b).

19 CHAIR MIEDEMA: Do I have a second?

20 MR. STONE: I'll second.

21 CHAIR MIEDEMA: Any discussion? Steve.

22 MR. DEMURI: I'll mention again that we

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1 did take a vote on this in Committee and the
2 vote for listing was zero yes, six no, and one
3 absent.

4 CHAIR MIEDEMA: Jay?

5 MR. FELDMAN: So this came down to
6 essentiality as well?

7 MR. DEMURI: That's correct. We
8 did a survey of produce, organic produce
9 manufacturers that could potentially use this
10 and not any one that we contacted said they
11 would use it if listed.

12 CHAIR MIEDEMA: Any further
13 discussion? Katrina.

14 MS. HEINZE: So this is a material
15 that does require some more disclosure on my
16 part. So Cascadian Farm makes frozen
17 potatoes. The petitioned use for this is on
18 frozen potatoes. We do not currently use this
19 material; we use apple juice.

20 CHAIR MIEDEMA: Thank you.

21 MS. HEINZE: Just so you guys know.
22 I'm--is a question for you guys on whether--

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1 I would ask if folks think I need to recuse,
2 let me know. We don't intend to use it.

3 CHAIR MIEDEMA: Any further
4 discussion? Okay any recusals for conflict of
5 interest? Discussion? All right, hearing
6 none and seeing none, we will proceed with
7 voting. Barry, you'll vote first.

8 MR. FLAMM: No.

9 MR. FELDMAN: No.

10 MR. DEMURI: No.

11 MS. TAYLOR: No.

12 MS. HEINZE: No.

13 MR. STONE: No ma'am.

14 MR. FOSTER: No.

15 MR. BONDERA: No.

16 MR. DICKSON: No.

17 CHAIR MIEDEMA: No.

18 MS. FULWIDER: No.

19 MS. ELLOR: No.

20 MR. MARAVELL: No.

21 MR. WALKER: No.

22 CHAIR MIEDEMA: 14 no, zero yes;

1 motion fails. The next groupings of items for
2 the Handling Committee are Sunset 2012
3 205.605(a) items; the first item is enzymes.

4 MR. DEMURI: That is correct. I'd
5 like to move for the re-listing of enzymes to
6 the National List 205.605(a).

7 CHAIR MIEDEMA: Do I have a second?

8 MS. HEINZE: Second.

9 CHAIR MIEDEMA: Any discussion?

10 Steve.

11 MR. DEMURI: In my motion I should
12 have probably stated that there is an
13 annotation, "must be derived from edible, non-
14 toxic plants, non-pathogenic fungi or non-
15 pathogenic bacteria."

16 CHAIR MIEDEMA: Second okay with
17 this corrected listing, or reading of the
18 listing?

19 MS. HEINZE: Yes.

20 CHAIR MIEDEMA: Okay any
21 discussion? John.

22 MR. FOSTER: This is a question

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1 I've been wondering about for a long time.
2 Are there any of these materials that are
3 derived from pathogenic toxic things? Is
4 there? I don't know of any. I've never heard
5 of any. Is there a rationale for this
6 annotation? Did that come up in the research
7 on the material?

8 MR. DEMURI: You know I went back
9 and looked at the transcripts from when this
10 was first listed back in the '90s and I didn't
11 see anything in there that alluded to any
12 pathogenic organisms that they could be made
13 from, but there must have been some discussion
14 at some point, some of those--they're meeting
15 notes, not really transcripts, so they're not
16 very complete.

17 CHAIR MIEDEMA: Any further
18 discussion? Oh, Miles has a clarification.

19 MS. BROWN ROSEN: This is Emily
20 Brown Rosen. I'm trying to remember why
21 that's all on there, but I think it was
22 because there are other enzymes that are not

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1 from plants or fungi or bacteria so they could
2 be synthetically altered or whatever. So that
3 was why, so they wanted to clarify that the
4 natural sources had to be--it may be over
5 redundant, but Lisa says also there's going to
6 another TAP review coming up since the animal
7 enzymes expire in 2013, and so we're going to--
8 the committee has asked for a technical
9 report to sort of combine them all, and we'll
10 have better answers at that time.

11 CHAIR MIEDEMA: Okay. Katrina?

12 MS. HEINZE: I think this is a good
13 example of why it's important to respect the
14 passports even when we don't have
15 transparency, because I'm not sure any of us
16 really wants to take off the non-pathogenic
17 just in case we don't know.

18 CHAIR MIEDEMA: Is this--John.

19 MR. FOSTER: I'm delighted to leave
20 the annotation the way it is. My question was
21 more about the toxic pathogenicity feature of
22 that, not necessarily the conventional or GMO

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1 side of it. But it was those qualifiers I was
2 most interested in. But let's leave it the
3 way it is. I'm all for that.

4 CHAIR MIEDEMA: And this is one of
5 those unique materials that's actually a
6 category of materials where each individual
7 type of enzyme isn't necessarily a separate
8 listed and reviewed material on the National
9 List. Any--Steve.

10 MR. DEMURI: Yes, I'll mention--
11 you can probably read it but I'll mention it
12 anyway, that the Committee vote was five yes,
13 zero no and two absent for re-listing.

14 CHAIR MIEDEMA: Any further
15 discussion? Okay we'll start--any recusals?
16 Conflict? Okay. The voting will start with
17 Jay.

18 MR. FELDMAN: Yes.

19 MR. DEMURI: Yes.

20 MS. TAYLOR: No.

21 MS. HEINZE: Yes.

22 MR. STONE: Yes ma'am.

1 MR. FOSTER: Yes.

2 MR. BONDERA: Yes.

3 MR. DICKSON: Yes.

4 CHAIR MIEDEMA: Yes.

5 MS. FULWIDER: Yes.

6 MS. ELLOR: Yes.

7 MR. MARAVELL: Yes.

8 MR. WALKER: Yes.

9 MR. FLAMM: Yes.

10 CHAIR MIEDEMA: That's one no, 13
11 yes; motion carries. Next material on our
12 agenda is potassium iodide.

13 MR. DEMURI: This is--there's two
14 listings for potassium iodide that are up for
15 sunset today, and this is the one that's in
16 605(a) non-synthetics allowed. So I move for
17 the re-listing of potassium iodide to the
18 National List in 205.605(a).

19 CHAIR MIEDEMA: Do I have a second?

20 MR. DICKSON: Second.

21 CHAIR MIEDEMA: Any discussion?

22 Joe.

1 MR. DICKSON: Katrina brought up a
2 question yesterday or two days ago during the
3 discussion as to whether removing this--
4 actually I guess this has to do more with the
5 605(b) listing anyway, so I'll save it for
6 that part of the discussion. Never mind.

7 CHAIR MIEDEMA: Any discussion?
8 Hearing none and seeing none, any recusals for
9 conflict of interest? Okay, let's start the
10 voting with Steve.

11 MR. DEMURI: Yes.

12 MS. TAYLOR: Yes.

13 MS. HEINZE: Yes.

14 MR. STONE: Yes ma'am.

15 MR. FOSTER: Yes.

16 MR. BONDERA: Yes.

17 MR. DICKSON: Yes.

18 CHAIR MIEDEMA: Yes.

19 MS. FULWIDER: Yes.

20 MS. ELLOR: Yes.

21 MR. MARAVELL: Yes.

22 MR. WALKER: Yes.

1 MR. FLAMM: Yes.

2 MR. FELDMAN: Yes.

3 CHAIR MIEDEMA: That's 14 yes, zero
4 no; motion carries. The next group of
5 handling materials on our agenda is Sunset
6 2012 205.605(b). The first material is
7 potassium iodide, the synthetic.

8 MR. DEMURI: Okay. As I mentioned
9 earlier this is for potassium iodide again.
10 This is the synthetic listing. The--let me
11 make a motion that the Handling Committee
12 recommends a renewal and annotation change for
13 the following substance, Nutrient--sorry,
14 prepared the wrong on. Hang on a second, wrong
15 group. Synthetics allowed, potassium iodide
16 for use only in agricultural products labeled
17 "made with organic specified ingredients or
18 food groups prohibited in agricultural
19 products labeled organic."

20 CHAIR MIEDEMA: Do I have a second?

21 MR. STONE: I'll second.

22 CHAIR MIEDEMA: Any discussion?

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1 Steve.

2 MR. DEMURI: I'll let Joe give you
3 the particulars on this, but this is a dual
4 listing as we mentioned. And in the Committee
5 vote for re-listing we voted zero yes, six no
6 and one absent.

7 CHAIR MIEDEMA: Joe.

8 MR. DICKSON: Yes, my comment from
9 the other listing which is appropriately
10 applied here is that Katrina brought up the
11 other day that one commentor had expressed
12 their support for continued listing of
13 potassium iodide because they use it as a
14 sanitizer and had not specified which listing
15 that applied to. And I have confirmed with
16 that commentor that it is the 605(a) listing,
17 so removal from 605(b) would not negatively
18 impact their use of the substance.

19 MR. FELDMAN: I'm sorry. Could you
20 repeat that?

21 MR. DICKSON: Yes. The commentor
22 who commented that the removal of--or they

1 supported the continued listing of potassium
2 iodide without specifying whether they were
3 talking about the A or B listing, and we have
4 confirmed that they were referring to the A
5 listing, which is remaining.

6 CHAIR MIEDEMA: Any further
7 discussion? Any conflict of interest? Okay,
8 we'll begin the voting with Jennifer.

9 MS. TAYLOR: No.

10 MS. HEINZE: No.

11 MR. STONE: No ma'am.

12 MR. FOSTER: No.

13 MR. BONDERA: No.

14 MR. DICKSON: No.

15 CHAIR MIEDEMA: No.

16 MS. FULWIDER: No.

17 MS. ELLOR: No.

18 MR. MARAVELL: No.

19 MR. WALKER: No.

20 MR. FLAMM: No.

21 MR. FELDMAN: No.

22 MR. DEMURI: No.

1 CHAIR MIEDEMA: That's 14 no, zero
2 yes; motion fails. The next 205.605(b) item
3 is tocopherols.

4 MR. DEMURI: Okay, as Tracy
5 mentioned this is a re-listing of tocopherols
6 to 205.605(b). It does have annotation, so
7 I'll make the motion. Tocopherols for re-
8 listing with the annotation "derived from
9 vegetable oil when rosemary extracts are not
10 a suitable alternative."

11 CHAIR MIEDEMA: Can I get a second?

12 MR. FOSTER: Second.

13 CHAIR MIEDEMA: Any discussion?
14 Hearing none and seeing none, any recusals for
15 conflict of interest? We'll begin the voting
16 with Katrina.

17 MS. HEINZE: Yes.

18 MR. STONE: Yes ma'am.

19 MR. FOSTER: Yes.

20 MR. BONDERA: Yes

21 MR. DICKSON: Yes

22 CHAIR MIEDEMA: Yes.

1 MS. FULWIDER: Yes.

2 MS. ELLOR: Yes.

3 MR. MARAVELL: Yes.

4 MR. WALKER: Yes.

5 MR. FLAMM: Yes.

6 MR. FELDMAN: Yes.

7 CHAIR MIEDEMA: Steve?

8 MR. DEMURI: Yes.

9 MS. TAYLOR: Yes.

10 CHAIR MIEDEMA: That's 14 yes, zero
11 no; motion carries. The next material on the
12 agenda is chlorine materials annotation under
13 205.605(b). Do I have a motion?

14 MR. DEMURI: Yes, I would like to
15 move for the recommendation as posted for an
16 annotation change to chlorine materials in
17 Section 205.605(b) in the National List.

18 CHAIR MIEDEMA: Do I have a second?
19 Oh.

20 MR. FOSTER: I'll second.

21 CHAIR MIEDEMA: Steve do we need to
22 read the annotation in at this time? Okay.

1 MR. DEMURI: Yes. I'm going to have
2 John do that. Let me mention that what you
3 saw in the presentation on Tuesday is a bit
4 different than what we have at this point
5 because of public comment we received. We did
6 go into committee yesterday and change the
7 annotation slightly. It's not a huge change,
8 but I'll let John run that by you right now.

9 MR. FOSTER: The listing would read
10 "chlorine materials (calcium hypochlorite,
11 chlorine dioxide and sodium hypochlorite) may
12 be used up to maximum labeled rates for
13 disinfecting and sanitizing food contact
14 surfaces. Chlorine materials in water used in
15 direct crop or food contact is permitted at
16 levels of proof by FDA or EPA for such
17 purpose; provided there is an intervening step
18 in place sufficient to ensure that chlorine
19 concentration in residual water coming into
20 contact with organic ingredients or products
21 does not exceed the maximum residual
22 disinfectant limit for the chlorine material

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1 under the Safe Drinking Water Act. Chlorine
2 in water used as an ingredient in organic food
3 handling must not exceed the maximum residual
4 disinfectant limit for the chlorine material
5 under the Safe Drinking Water Act"

6 CHAIR MIEDEMA: Is the second okay
7 with the annotation as read in?

8 MR. FOSTER: Yes.

9 CHAIR MIEDEMA: Thank you. Any
10 discussion? Jay?

11 MR. FELDMAN: Can you tell us how
12 this is different from the other annotations?

13 MR. FOSTER: I'll get that. It is
14 designed to complement or be aligned with the
15 draft guidance and mostly likely the final
16 guidance that the NOP put out. It specifies
17 levels of food contact, concentrations of the
18 chlorine at the point of food contact, which
19 the current annotation does not. And there
20 has been a fair amount of call from processors
21 to have some regulatory language that
22 supports current practices, which this does.

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1 So this really is--I think of it as a
2 clarification that brings us that regulatory
3 clarity that supports current practices.

4 CHAIR MIEDEMA: Jay?

5 MR. FELDMAN: Thank you for that.
6 I was trying to figure out it differs from the
7 previous committee recommendation. So I think
8 --I'm trying to figure that out. Is there--
9 there's something in the original that talked
10 about rinse with potable--

11 CHAIR MIEDEMA: Can we go ahead and
12 try to answer that question Jay?

13 MR. FELDMAN: --rinse with potable
14 water?

15 CHAIR MIEDEMA: Katrina?

16 MS. HEINZE: The change is the
17 rinse with potable water to--provided there is
18 a intervening step in place efficient to
19 ensure that chlorine concentration in residual
20 water, et cetera.

21 MR. FELDMAN: For us lay people,
22 could you explain that?

1 MS. HEINZE: And the reason for
2 that is that under some food safety
3 regulations with certain sanitizers, you can't
4 do a rinse with the potable water. So we
5 needed to provide other intervening steps. So
6 for example, with some sanitizers, there can
7 be a drying time. So like in a yogurt plant,
8 you would rinse with sanitizer, maybe leave it
9 over the weekend, or a product purge or things
10 like that. So there's other intervening steps
11 you can do to remove the chlorine that are not
12 necessarily a rinse with potable water, and
13 Emily has a comment, Tracy.

14 CHAIR MIEDEMA: Emily Brown Rosen.

15 MS. BROWN ROSEN: I think we need a
16 little clarification here. We did have the
17 draft guidance out this fall and we had a lot
18 of comments on that and we got that comment
19 also about intervening steps. Now as you
20 originally had written this, it was consistent
21 with our guidance and that sanitizers used as
22 equipment do not need intervening steps. This

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1 seems to me to say that you don't--you need
2 some--you don't need a potable rinse when it's
3 used in direct contact with food products. Is
4 that your intent?

5 CHAIR MIEDEMA: Which sentence are
6 we having questions about right now?

7 MS. BROWN ROSEN: The sentence is
8 unclear to me. It says "chlorine materials in
9 water used in direct crop or food contact is
10 permitted at levels approved by FDA or EPA for
11 such purpose, provided there's an intervening
12 step in place sufficient to ensure that
13 chlorine concentration in residual water
14 coming into contact with organic ingredients
15 or products does not exceed the maximum
16 residual disinfectant level." There's a
17 couple of problems with that sentence. Are
18 you saying that--yes, what is residual
19 water, (a); and are you saying the intervening
20 step comes before the water contacts the
21 product? Normally you would--that was not
22 what I understood from the comments we'd

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1 received on this.

2 MR. MCEVOY: What was the reason
3 for changing from the previous proposal?

4 CHAIR MIEDEMA: Go ahead, John.

5 MR. FOSTER: To allow something
6 other than a rinse would potable water, like a
7 product purge, like air drying, like something
8 other than that, because water in some
9 circumstances, some dairy plants for example,
10 I'm answering the question that was the
11 intent.

12 MS. BROWN ROSEN: Okay, because
13 there was other--a comment about air chilling
14 of chicken that we received in the draft
15 guidance and we did investigate that and found
16 that there are other approved materials that
17 can be used, and there is generally not
18 chlorine in the water, when they're air
19 chilling of chicken. So we didn't think it
20 was necessary to have this additional
21 language.

22 MR. FOSTER: Air chilling of

1 chickens was not why we changed it.

2 MS. BROWN ROSEN: There was concern
3 that you couldn't rinse an air cooled product
4 with potable water because you didn't want to
5 add more water, but you don't necessarily have
6 to put the chlorine in the air chilling
7 either.

8 CHAIR MIEDEMA: What's the urgency
9 level of the Handling Committee voting on this
10 document today?

11 MR. DEMURI: It's not urgent in our
12 estimation. We would have preferred to have
13 had the NOP Draft Guidance first, but maybe
14 they were waiting for us for that to come up.

15 MS. BROWN ROSEN: It's a sunset
16 material though, yes? Chlorine is a sunset
17 material?

18 MR. MARAVELL: Madame Chair, do we
19 have a break coming up where maybe the
20 Committee could go buzz-buzz?

21 CHAIR MIEDEMA: Oh, just a moment,
22 before we decide to do rewriting at the

1 breaks, I want to determine what's absolutely
2 necessary here. Is an annotation change
3 absolutely necessary, or might we petition an
4 annotation change or propose an annotation
5 change later as the program has advised us we
6 can do?

7 MS. BROWN ROSEN: It's not a sunset
8 material so you can postpone it till later if
9 you'd prefer.

10 CHAIR MIEDEMA: Okay, so the
11 clarification we just received this is not a
12 sunset material and for the 2012 docket; there
13 is not urgency. How does that handling
14 committee feel about pulling this back in for
15 rewrites in Committee after the meeting?

16 MR. DEMURI: I'm fine with that.

17 CHAIR MIEDEMA: Do any other
18 Committee members have a different opinion. I
19 mean Handling? Okay.

20 MR. STONE: Well, that's fine.

21 CHAIR MIEDEMA: Would you mind
22 withdrawing your motion?

1 MR. DEMURI: I withdraw my motion.

2 MR. STONE: Me too, yes.

3 CHAIR MIEDEMA: Okay, the motion
4 has been withdrawn. We have one more material
5 on the Handling Committee Sunset 2012
6 205.605(b), Nutrient, vitamins, and minerals.
7 Steve, will you please read the current
8 listing?

9 MR. DEMURI: I'll just make a
10 motion to re-list on 205.605(b) of the
11 National List, Nutrients, vitamins, and
12 minerals in accordance with 21 CFR 104.20,
13 "Nutritional Quality Guidelines for Foods."

14 CHAIR MIEDEMA: Do I have a second?

15 MS. HEINZE: I second.

16 CHAIR MIEDEMA: Okay, discussion?
17 Steve.

18 MR. DEMURI: We talked about this
19 on Tuesday, but let me remind everybody that
20 we had a previous recommendation we were
21 putting forth. We decided to pull that a few
22 weeks ago, a month ago or so. We were

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1 implored by the Program to proceed lest these
2 materials drop off the list if it didn't make
3 through sunset in time, if we wait until the
4 next meeting. So we decided the best course
5 of action would be to re-list it as it stands
6 now, so that we'll maintain its status on the
7 list, and we will go back and come back with a
8 more complete recommendation taking all public
9 comment into consideration at the next
10 meeting.

11 CHAIR MIEDEMA: Thank you. Lisa,
12 will you please scroll up so the NOSB members
13 can see the narrative explanation there at the
14 top of the document? This is the Committee
15 summary and this is a new summary based on new
16 comments. Steve, may I read that into the
17 record?

18 MR. DEMURI: Certainly.

19 CHAIR MIEDEMA: The Committee
20 summary for this material is: "over 2,000
21 public comments were received on the renewal
22 of nutrient, vitamins, and minerals to

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1 205.605(b) in advance in the Spring 2011 NOSB
2 meeting. The Handling Committee has not had
3 time to review all of the comments. Much new
4 information has surfaced since the last time
5 this material was reviewed for listing to the
6 National List, including an important memo
7 from the FDA dated April 14, 2011. However,
8 the National Organic Standards Board has been
9 advised by the Deputy Secretary of the USDA
10 that we must vote--scroll please--that we must
11 vote on the sun setting of this material at
12 the Spring 2011 NOSB meeting. The Committee
13 foresees no unacceptable risks in re-listing
14 the material to the National List. The
15 Handling Committee wishes to review public
16 input with the intent of recommending an
17 annotation change in the fall of 2011." Any
18 further discussion? Jay.

19 MR. FELDMAN: Can I just ask what
20 the practical effect of this is in terms of
21 infant formula and other related matters?
22 Maybe the Department could help with that as

1 well?

2 CHAIR MIEDEMA: That definitely
3 would be an enforcement question, and NOP
4 weighed in that with the memorandum at the
5 last meeting. Does the NOP have any input on
6 Jay Feldman's question?

7 MR. MCEVOY: We outlined what our
8 next steps are, what's our action plan in
9 regard to this category nutrient, vitamins and
10 minerals, and we refer you to those comments
11 in the PowerPoint presentation which is on the
12 record and posted on the NOSB pages of the
13 website.

14 CHAIR MIEDEMA: Any further
15 discussion? Katrina?

16 MS. HEINZE: This is a follow up
17 question for the Program if you'll indulge me?
18 My understanding was that you were intending
19 to come out with proposed guidance this
20 summer. I guess I'm wondering if since we're
21 still working on an annotation, if we could or
22 should align those efforts so we don't have

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1 conflicting annotations list something of
2 what's included, or did I misunderstand your
3 timing for guidance on nutrients?

4 MR. MCEVOY: Well, what we do is
5 going to depend on what is the outcome here.
6 We do have proposed--we do have draft guidance
7 that is pretty much ready to be published
8 which move into clearance. I should clarify,
9 and that would be to basically state that the
10 understanding of what the meaning of 104.20
11 is, and what's included in that, and what
12 substances are included in that, and provide a
13 time frame for substances that are not
14 included in that to be petitioned, reviewed
15 and then go through the rulemaking process if
16 the Board wants them to be added to the list.
17 So that's what the intent to the draft
18 guidance is.

19 The draft guidance would be
20 published. We get 60-day comment period. We
21 would evaluate the draft guidance and then
22 come out with final guidance. So that--the

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1 time frame of that is going to be during the
2 time that you're working on any potential
3 annotation changes between now and the fall.
4 If we look at the track record of what we have
5 for the last draft, round of draft guidance,
6 we published it in October and we still
7 haven't put out any final guidance on those
8 draft guidance in the fall so that's what,
9 six, seven, months?

10 So I imagine we will have the draft
11 guidance out. We'll get the comments, but
12 final guidance will not be out before the fall
13 meeting. We'll continue to work with the
14 Board and the Handling Committee in particular
15 on this particular issue as we continue to try
16 to clarify what substances are approved by
17 the-- recommended for listing by the Board and
18 get that through the rulemaking processes as
19 we work through this whole issue.

20 CHAIR MIEDEMA: Any further
21 discussion? Katrina.

22 MS. HEINZE: Thank you for the

1 clarification. We just--as we make this
2 transition, want to avoid being more
3 disruptive than we need to be.

4 CHAIR MIEDEMA: Any further
5 discussion? Okay, sounds like the discussion
6 is completed and we're ready to vote. Any
7 recusals for conflict of interest? Hearing
8 none, we will proceed with voting and the
9 voting begins with--somebody help me--Katrina.

10 MS. HEINZE: Yes.

11 MR. STONE: Yes ma'am.

12 MR. FOSTER: Yes.

13 MR. BONDERA: Yes.

14 MR. DICKSON: Yes.

15 CHAIR MIEDEMA: Wendy?

16 MS. FULWIDER: Yes.

17 MS. ELLOR: Yes.

18 MR. MARAVELL: Yes.

19 MR. WALKER: Yes.

20 MR. FLAMM: Yes.

21 MR. FELDMAN: Yes.

22 MR. DEMURI: Yes.

1 MS. TAYLOR: Yes.

2 CHAIR MIEDEMA: And the Chair
3 abstains. That will be 13 yes, 1 abstention;
4 motion carries. Next up is the Materials
5 Committee, and thank you Chairman Steve and
6 Handling Committee. Materials Committee has
7 two voting items at this meeting. The first
8 amends the chemical change definition.

9 MS. HEINZE: I was under the
10 impression that some folks had wanted a
11 break. I can do it either way, but--

12 CHAIR MIEDEMA: We'll take a 10
13 minute break. That puts us back voting at 4
14 p.m. sharp please.

15 (Whereupon, the above-entitled
16 matter went off the record at 3:49 p.m. and
17 resumed at 4:06 p.m.)

18 CHAIR MIEDEMA: NOSB members
19 please be seated. Tony has been transcribing
20 this meeting very diligently. Thank you very
21 much, Tony. We are now back in session, now
22 that all technical difficulties are solved,

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1 NOSB members are seated. We're ready to
2 proceed with Materials Committee votes. Next
3 will come Policy Development Committee votes.
4 And after that we'll move right into
5 committee work plans.

6 So I'm going to go ahead and make
7 sure that Chairs are prepared to move right
8 into work plan discussions. I'd also like to
9 make sure that all Chairs know, and that the
10 public knows we don't announce our work plans
11 at this meeting. There's far too many, far
12 too much need to get back into committee and
13 prioritize. And so please know when we talk
14 about potential work plan items we're really
15 talking about a collection of potential items
16 that will need to be sifted through and
17 prioritized, and may or may not make the
18 committees' work plan. Thanks.

19 Next up then is Materials
20 Committee items for voting. The first of
21 which is amending chemical change definition.
22 Do I have a motion?

1 MS. HEINZE: Thank you Madam
2 Chair. Just so everyone knows the process I
3 will read the motion. Once we get a second,
4 I'll explain it. And then if we could do
5 discussion after that.

6 CHAIR MIEDEMA: Sure.

7 Ms. HEINZE: OK. I move that we
8 rescind the April 2010 recommendation, adding
9 a second sentence to the definition of
10 chemical change.

11 CHAIR MIEDEMA: Do I have a
12 second?

13 MS. ELLOR: I'll second.

14 CHAIR MIEDEMA: Okay, Tina has
15 seconded.

16 Ms. HEINZE: Okay. So just a
17 refresher for everyone on the Board, we have
18 the--I'm not going to do the full 20 minute
19 that you got before. But in November 2009
20 the NOSB passed our document on material
21 classification. We had some public comment
22 and other work that we had to do as a result

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1 of that. Part of that was addressing
2 substantial public comment that was very
3 concerned about the impact of the--of our
4 work on classifying materials that fell into
5 the certified organic category.

6 In an attempt to fix that, we
7 added the second sentence to the definition
8 of chemical change. At the time we were
9 operating under the understanding that
10 everything we did on classification had to be
11 in the rule. We have since come to
12 understand that we have lots of flexibility
13 to do our work in guidance, which we think is
14 a much better approach for this. So we are
15 recommending that we pull back the second
16 sentence, and address the questions that came
17 up in public comment through guidance, not
18 through rule change. So that's why we're
19 recommending this change.

20 CHAIR MIEDEMA: Any discussion?

21 Katrina.

22 Ms. HEINZE: I should add that

1 this passed the Committee with six yes votes,
2 zero no votes, and all the public comment
3 that we received supported this
4 recommendation.

5 CHAIR MIEDEMA: Any further
6 discussion? Okay. I'm not going to call for
7 conflict on this one. Mac, we'll start the
8 voting with you.

9 MR. STONE: Yes, ma'am.

10 MR. FOSTER: Yes.

11 MR. BONDERA: Yes.

12 MR. DICKSON: Yes.

13 CHAIR MIEDEMA: Yes.

14 MS. FULWIDER: Yes.

15 MS. ELLOR: Yes.

16 MR. MARAVELL: Yes.

17 MR. WALKER: Yes.

18 MR. FLAMM: Yes.

19 MR. FELDMAN: Yes.

20 MR. DEMURI: Yes.

21 MS. TAYLOR: Yes.

22 CHAIR MIEDEMA: Katrina--

1 MS. HEINZE: Oh, yes.

2 CHAIR MIEDEMA: That's fourteen
3 yes, zero no; motion carries. Next Materials
4 agenda item for voting on the topic of
5 Significant/Insignificant.

6 MS. HEINZE: Thank you.

7 CHAIR MIEDEMA: Do I have a
8 motion?

9 MS. HEINZE: Same process here.
10 So I move to accept this update to the
11 public, and the proposed guidance that a
12 significant level of a synthetic substance in
13 the final material means a level exceeding
14 any applicable regulatory limits where in
15 effect for the material being classified, and
16 a level without any technical and functional
17 effects in the final material.

18 CHAIR MIEDEMA: Do I have a second?

19 MR. DEMURI: I'll second it.

20 CHAIR MIEDEMA: It's been moved and
21 seconded. Discussion? Steve.

22 MR. DEMURI: I see that the

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1 Committee vote was four yes, two no. Can we
2 hear from the two that were opposed to it?
3 Or one of the two persons?

4 CHAIR MIEDEMA: We can as soon as
5 we do make sure everyone here knows that this
6 is not a sunset voting item and does not have
7 the same time line, if you will, as other
8 items. So that bringing this back to
9 committee is an option. I'm not suggesting
10 that's what we do, at all. I just want to
11 make sure that people know what our range of
12 options are here out the outset of
13 discussion. Jay, and then Katrina.

14 MR. FELDMAN: Well, both Jennifer
15 and I, this is something we were dealing with
16 before Jennifer joined the Board, so I took
17 the lead on it, but Jennifer and I worked on
18 this together. So that was the vote. And you
19 wanted to know why? Okay. If you go to page
20 three of five in the Classification of
21 Materials document, Update and Proposed
22 Guidance Document, you'll see the basic

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1 theory there, and that is that the Board has
2 adopted a provision that allows for an
3 insignificant amount of synthetic to escape
4 review essentially. And correct me at any
5 point if you think I've misstated something,
6 Katrina. Because the view is that that level
7 of synthetic remaining in the input, the
8 allowable input isn't--is *de minimus* or
9 inconsequential, however you want to describe
10 it.

11 Our position, the minority, is
12 that the statute requires us to review
13 synthetics. It doesn't tell us at what
14 level, and therefore any level that appears
15 in the input should be subject to review.
16 Again, this has nothing to do with whether we
17 approve it or not, it just would subject it
18 to the National List review process. So
19 that's a simplified version of what we're
20 trying to do here. It's not--there are those
21 who have taken the position, just to paint
22 the other part of the spectrum, that any

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1 synthetic used in the production of an input,
2 in the formulation manufacture of an input,
3 should be evaluated regardless of whether it
4 shows up in the finished product that is
5 allowed for use in organic production,
6 because of our statutory responsibility. But
7 that's not what this is proposing. This is
8 saying only if it shows up should it be
9 considered significant, and therefore subject
10 to review by the Board.

11 CHAIR MIEDEMA: Katrina?

12 MS. HEINZE: Thank you, Jay. So
13 the majority feels that detectability is very
14 tricky to execute in the real world, that as
15 analytical technology improves, that that is
16 chasing to the bottom, and that there does
17 reach a point where amount detected is not
18 significant. And having taken a look at the
19 historical record for the NOSB, we felt that
20 the historical record shows that has not been
21 the intention of the Board, nor the community
22 in their classification decisions. So if you

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1 look at a number of decisions that have been
2 made--and I just blanked. It will come back
3 to me. That they do allow for these *de*
4 *minimus* levels, to use the words that Jay
5 said. Boards that have made that decision
6 have not felt that they were abdicating their
7 responsibility because the level was so small
8 that that constituted their review to say
9 that that did not constitute harm.

10 CHAIR MIEDEMA: Katrina, I want to
11 make sure I understand what we're referring
12 to here, since we took a piece out of a
13 document, that what we're talking about is
14 really the five percent, not product
15 composition of something that's significant
16 or insignificant in whether a product is
17 determined to be--a final product is to be
18 determined organic. Is that correct?

19 MS. HEINZE: That's a good
20 clarifying question. This only has to do
21 with classifying the material as synthetic or
22 not. So it has nothing to do with

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1 certification of organic. So let me answer,
2 I think there's a couple questions in your
3 question. So the first is if a synthetic not
4 on the National List is used to produce
5 something in handling, that material cannot
6 be certified organic, because the synthetic
7 is not on the list. Okay, so that was the
8 first question I heard.

9 The other question that had come
10 up during discussion was the five percent of
11 EPA residue level that is in the statute.
12 This doesn't effect that at all. That is a
13 statutory threshold. This only has to do
14 with processing inputs used to make a
15 material that we are classifying. So one
16 that we are very familiar with, corn steep
17 liquor. The sulfur dioxide that is added to
18 that process, if it is, as we heard from the
19 scientific testimony, there is a small
20 residue remaining in that final material. If
21 you think that being able to detect that
22 sulfur dioxide at any level is significant,

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1 then you agree with the minority. If you
2 think there's some applicable regulatory
3 limits were in effect for the sulfur dioxide
4 and in corn steep liquor, and a level without
5 any technical or functional effect, then you
6 agree with the majority. Did that answer
7 your question, Tracy?

8 CHAIR MIEDEMA: It did, but you
9 took the five percent in a little bit
10 different direction than I was talking about.
11 So the example you gave was a crop input,
12 whereby, you know, all of that material is
13 going to be applied to a crop, for instance.
14 In the instance of non-organic materials used
15 in handling, that is only, what we're talking
16 about is the five percent composition of a
17 product. Correct?

18 MS. HEINZE: Yes, I understand
19 your question now. So an example there might
20 be de-oiled soy lecithin, which is a material
21 we reviewed a couple of meetings ago. Which
22 it's de-oiled with, if I remember correctly

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1 acetone. And the intention of that process
2 is to completely remove the acetone. But if
3 it's remaining in that final soy lecithin,
4 you know, you have to make the determination
5 of if it's there at significant or
6 insignificant level. And so this is an
7 approach to help classify that. So in the
8 minority, which is any detectable level, if
9 you subject that soy lecithin to testing and
10 find it, that soy lecithin is synthetic.

11 CHAIR MIEDEMA: Having worked for
12 a company that did massive amounts of
13 detectable residue testing, I know a lot of
14 the issues around that, some of which are
15 just, it's inordinately expensive. But
16 setting that completely aside and acting as
17 if it was an irrelevant topic, for the time
18 being, it was a constantly moving target.
19 There is--when you get down to the absolute
20 newest technologies, there's false positives
21 that require retesting, and the level of
22 burden on a certifier to go that deep is,

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1 would be new to organic. We would definitely
2 be talking about something that we're not
3 doing right now. Just so in case there's
4 anybody wondering whether we're taking things
5 down a notch, no. This would be something
6 newly imposed on the system that we haven't
7 built in the current industry in consumer
8 products around. Jay?

9 MR. FELDMAN: From a certification
10 standpoint, this would be a requirement that
11 the manufacturer provide that data with a
12 paper trail, essentially that they're
13 certifying that in effect the residues of
14 whatever was used in extraction, say of a
15 material, show up in the final product at X
16 levels. This wouldn't require any work on
17 the part of the certifier, except to ensure
18 a paper trail that--which they normally do
19 anyway. So it goes back to the question, and
20 I think you need to finish the thought, I was
21 going to ask you, if it's deemed significant
22 what that does is it doesn't judge whether

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1 the product can be used in organic or not.
2 It simply requires us to review it.

3 So if that, in a chemical age that
4 we live in where very small molecules can
5 have dramatic impacts on human development
6 and health, and the environment, we have,
7 again, if we're going to protect the long-
8 term credibility of this label for the
9 consumer we can't play it fast and loose, in
10 my judgment, with any level of a chemical.
11 The consumer wants to know that we've
12 reviewed it and that's all. And we're going
13 to make a judgment, as we have today, as to
14 whether that little bit amount amounts to
15 anything. And the TRs are going to see that
16 level and they're going to suggest to us
17 whether it's inconsequential or something
18 that's meaningful from a potential human
19 health or environmental effect. And I don't
20 think it adds that much work, and I suspect
21 every manufacturer actually knows what's in
22 its product. It's just a question of

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1 disclosing it and making it available to us
2 and to the public for review.

3 CHAIR MIEDEMA: I have a question
4 for Jay. When you get down to parts per
5 million or parts per billion there can be a
6 fair amount of variation from batch to batch.
7 How do you propose a manufacturer document
8 and send those unique batch-related numbers
9 on through every production of organic
10 products?

11 MR. FELDMAN: Well, I mean we
12 could, the Department could provide guidance
13 on that. I mean I think we should get that
14 information. You know, if there's
15 variability we would get a range from zero to
16 .1, or from zero to whatever it is, part per
17 million, or part per trillion. We would get
18 that information. We would know it's there.
19 We would have done our due diligence in being
20 aware of this. When people come up to us and
21 say, did you know there's blah, blah, blah,
22 yes, we know it's there. We looked at it.

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1 We looked at the documentation through ATSDR
2 or whatever, and we've determined that that
3 level is not a problem, or what have you. So
4 that's how we would use it. We would
5 probably get a range of value that is a
6 range.

7 CHAIR MIEDEMA: I thought you were
8 proposing absolutely no detectable?

9 MR. FELDMAN: I'm just, it's just
10 requiring us to review it. Is that correct,
11 Katrina? That in the insignificant
12 definition that goes up to the allowable
13 tolerance, which could be way up here,
14 because it's based on a food, an allowable
15 food residue. If you use the EPA tolerance,
16 then we wouldn't review it because the bulk
17 of that product perhaps was natural, non-
18 synthetic. It was extracted with a chemical,
19 say hexane, or something. And then we
20 wouldn't review it because it was deemed, the
21 hexane level was deemed acceptable by EPA in
22 the context of food exposure. We're not

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1 operating under that statute. That's a
2 different statute. It's a risk/benefit
3 statute. It has to do with exposure and
4 toxicity. We have to make our own judgment,
5 according to the law, on whether that
6 whatever remaining residue is acceptable
7 under our standard. So it doesn't doom this
8 chemical to non-use in organic, or no use in
9 organic. It simply is a question of whether
10 we ought to review it. That's the only
11 question on the table. Is that correct?

12 CHAIR MIEDEMA: Katrina?

13 MS. HEINZE: I think it's a little
14 bit more complicated than that, Jay. But,
15 yes, in its essence this is just about
16 classification. It is not about
17 compatibility. The--I just want--the
18 majority opinion lines with the
19 recommendation of the material work and the
20 direction that the Board has gone. When we
21 started classification work, our self-
22 described mission was to formalize already

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1 existing practices in the organic community.
2 And so when we asked the Material Working
3 Group to come together and help us clarify
4 this, this was what they recommended. So I--
5 it is a conundrum, to be honest, if this
6 doesn't pass. But if it does not pass, the
7 Material Committee will take it back and we
8 will continue to work on this. But the Board
9 does need to know that that vote would be
10 significantly different than past practices
11 of this Board, in my estimation.

12 CHAIR MIEDEMA: Anyone else on the
13 Board who hasn't been heard from? Nick.

14 MR. MARAVELL: Katrina, what would
15 be your estimate of the real life impact of
16 this for the industry and for the Board if it
17 were not to pass? In other words, it might
18 change the practices of the Board. Do you
19 feel that this--I'm just curious. Do you
20 feel that you can get a sense of what this
21 would mean for the industry?

22 MS. HEINZE: I could, if it would

1 be helpful, and if the Chair would indulge
2 me, I could summarize some of the discussions
3 we've had. I think understanding what the
4 impact would be would be pure speculation.
5 But certainly we've had quite a bit on both
6 sides.

7 CHAIR MIEDEMA: I'd say if and
8 only if you can really summarize with your
9 tightest bullet points, please.

10 MS. HEINZE: Okay. Handling- no
11 effect, because everything we have that's
12 classified is already on the list. Crops and
13 livestock, all non synthetics would have to
14 be reevaluated and reclassified, or
15 reevaluated for classification. The public
16 comment we've received is that hundreds would
17 be reclassified as synthetic, and then would
18 have to be petitioned to the Board. So I
19 think, on that most people seem to agree,
20 whether it's 50, or 100, or 200, there's
21 differences of opinion. What the effects of
22 that would be, there are differences of

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1 opinion.

2 CHAIR MIEDEMA: Thank you,
3 Katrina. John Foster?

4 MR. FOSTER: That was a perfect
5 entree to one of my questions. So a
6 synthetic processing aid, I know this is just
7 by classification. I get it. But, so
8 there's an allowed synthetic processing aid
9 that's calcium hydroxide. It's on the
10 National List, it's okay. It's used in sugar
11 manufacturing. And I know in the handling
12 context that sugar that I put probably too
13 much of in my coffee every morning is--it's
14 got a little bit of calcium hydroxide in it.
15 Now I know that, most people don't, I would
16 wager. So--and that's fine. I know that's
17 not going to be problematic relative to the
18 sugar I put in my coffee. If I take that
19 same sugar and put it into a fertilizer
20 blend, which I've done more than once, what
21 I'm hearing and I want to see if this is
22 correct, would that calcium hydroxide cause

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1 a question about the usability of the sugar
2 if I wanted to apply that sugar to my crops?
3 That would be one of the ramifications as I
4 just heard the argument.

5 MS. HEINZE: As we've had
6 discussions in Committee, my understanding is
7 that's correct, but perhaps someone who has
8 more experience in material review could help
9 me with that. But that is my understanding.

10 CHAIR MIEDEMA: Does the NOP want
11 to weigh in on that, since it really would be
12 an enforcement question?

13 MR. MCEVOY: Well, if you're
14 saying that the sugar--I guess if I
15 understand you correctly, you're saying that
16 a lot of food products would then be
17 considered synthetic and therefore if you're
18 making compost, you couldn't use those as a
19 feedstock in making compost, like food waste?
20 Yes, please clarify.

21 MR. FOSTER: I was just sticking
22 with sugar, because I can kind of understand

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1 it. Is that there's a little, little bit, a
2 minute quantity of calcium hydroxide
3 remaining in sugar, even organic sugar, as
4 it's sold on the store shelves. If I'm a
5 small grower, and I've been that, and I want
6 to put sugar in with other stuff to foliar
7 feed my crops. If there's a little calcium
8 hydroxide in that sugar and I want to use it
9 as a fertilizer, or as a soil amendment,
10 foliar feed, I don't want to call to question
11 whether or not that sugar has somehow turned
12 into a synthetic item for the purposes of
13 crop input use. So if there's a little
14 calcium hydroxide left, that's synthetic and
15 that is measurable, so--but I want my vote to
16 make sure that I'm not going to make that
17 sugar be considered synthetic for the
18 purposes of crop production. And it sounds
19 to me like, that would be a fear of mine.
20 And sugar is just the tip of the iceberg.
21 And that's something that I have personal
22 experience with. I use that. I've made a

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1 blend with that, so I can put it in my coffee
2 and that's okay.

3 CHAIR MIEDEMA: Let's go ahead and
4 let Program answer that. Okay.

5 MR. MCEVOY: Well, if you're going
6 to consider sugar as synthetic, then it
7 couldn't be used as an input unless it's on
8 the National List.

9 CHAIR MIEDEMA: Katrina. Actually
10 let me just check in real quick. Any other
11 members of the Board that haven't had a
12 chance to contribute here? Barry.

13 MR. FLAMM: I'll just say my
14 piece. I thought I knew where I stood on
15 this, but what Katrina has said really
16 confuses me in terms of the impact. I
17 thought the majority proposal was confusing,
18 unclear, where I found the minority proposal
19 understandable in terms of significance. But
20 I would not want the kind of consequences
21 that occur by, that you described, Katrina.
22 So that puts me in a neutral--in a further

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1 thinking mode.

2 CHAIR MIEDEMA: In respect to the
3 public, some of whom have plane tickets this
4 afternoon, we're ten minutes from our Federal
5 Register Notice Meeting ending time. We have
6 three more votes to take. And I would
7 respectfully ask my colleagues to, that we
8 move on with this vote, or we table the
9 motion. I'm not actually calling for the
10 question or ending debate, just making a
11 collegial request. Katrina.

12 MS. HEINZE: We know that, the
13 Materials Committee met at break, and we know
14 that this is a complicated decision. Our
15 preference would be to get a vote on this.
16 It was an informal poll, Jay. I'm sorry. I
17 couldn't find you. So don't--it wasn't a
18 slight. Our preference would to be take a
19 vote so that directionally we know which way
20 the Board is headed, so we can complete our
21 guidance work.

22 CHAIR MIEDEMA: Any further

1 discussion?

2 MR. FELDMAN: I just want to say
3 one last thing. It's problematic on both
4 sides, because the level you're proposing
5 here for guidance are levels that would be
6 illegal if they drifted onto crops in
7 organic--just, you know, I could come up with
8 examples on your side as well as the sort of
9 odd examples you're coming up with on the
10 other side. If the levels that we're seeing
11 drift, you know, onto organic, like a
12 pesticide drift onto an organic field, as we
13 described in the presentation the other day,
14 we wouldn't accept a tolerance of that
15 chemical in an organic field, but you're
16 asking us to accept the tolerance of that
17 chemical in an organic input. It doesn't--
18 it's not consistent.

19 CHAIR MIEDEMA: Katrina.

20 MS. HEINZE: Our recommendation is
21 not to supersede the five percent of the EPA
22 tolerance. That's not--we at no time in

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1 Committee talked about that. So I just need
2 that on the record, that's not the intent,
3 has never been the intent, wasn't the intent
4 to the Material Working Group.

5 CHAIR MIEDEMA: Nick.

6 MR. MARAVELL: Katrina, I've heard
7 from you and others that it's quite possible
8 that there won't be tolerance levels for some
9 substances. That's highly probable. Then
10 what do we do in those cases?

11 CHAIR MIEDEMA: Katrina.

12 MS. HEINZE: Then you look at the
13 technical and functional effect of that
14 material. So, it is late, but I will try.
15 So in John's sugar example, you would look at
16 it, if there's no applicable levels, you
17 would look at that calcium whatever it is and
18 say does it have any technical or functional
19 effect in the sugar in its use? That was our
20 intent. I would remind folks this is just a
21 little piece of our guidance puzzle, but it
22 is one that has hung up the Committee for

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1 seven months. And so the reason we brought
2 it here is because we need some direction
3 from the Board so that we can continue our
4 work. What I fear is that we're going to
5 just keep having this debate in Committee for
6 the next three years. So we need direction
7 from the Board.

8 CHAIR MIEDEMA: That's not going
9 to happen. So do we have anymore discussion?

10 MR. FELDMAN: I just beg to differ
11 with your interpretation of majority opinion.
12 You specifically say in there use OSHA
13 levels--

14 CHAIR MIEDEMA: Jay, do you mind
15 if I wait to call on you? Just--I was going
16 to call on the Program. They had something
17 to say.

18 MR. MCEVOY: Yes, just to--I don't
19 if this is going to help or not. But we do
20 have a green waste guidance that's in the
21 Program Handbook that talks about inputs and
22 residues in inputs. And for input materials,

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1 we don't refer to the five percent of the EPA
2 tolerance level. It's the EPA--the five
3 percent of the EPA tolerance level is for
4 agricultural products that are sold, labeled,
5 or represented as organic, not for inputs
6 that are going into, as an input like a soil
7 amendment or fertilizer. So I don't know if
8 that helps, but if you have residues in
9 compost that are greater than five--well,
10 there's just no tolerance level for inputs.
11 The tolerance level is for food products.

12 CHAIR MIEDEMA: Jay.

13 MR. FELDMAN: This is not an issue
14 of compost. This is an issue of allowable
15 materials in organic production and whether
16 they get reviewed or not. And we will simply
17 not be reviewing--it would be as if, you
18 know, take something like DHA. You would
19 simply not review it. I mean this is an
20 analogy. Something that's deemed hazardous
21 you would simply not review it even though
22 you know it's potentially hazardous, because

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1 it's found below the level at which it's
2 allowed in commercial products. That's
3 inconsistent with our mission and statute.

4 CHAIR MIEDEMA: Okay, this
5 discussion has just gone off topic. So,
6 we're suddenly starting to discuss other
7 materials that are right now in the petition
8 process and making predeterminations. It
9 would great if we could, for the purposes of
10 sharpening our discussion, rather than
11 broadening it out right now, that we talk
12 very precisely about the difference between
13 significant and insignificant. In fact, I'll
14 venture to say right now that we have moved
15 out of the realm of science. We're in the
16 realm of philosophy, and most Board members
17 probably know where they stand right now.
18 And we're probably going to just go around
19 and around. Does anybody disagree with that
20 assessment of where we're at? Okay. Any
21 further discussion? Then we will go ahead
22 and vote on the motion that's before us.

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1 Katrina, will you please restate the motion?

2 MS. HEINZE: Thank you, Lisa. I
3 move to accept this update to the public and
4 the proposed guidance that a significant
5 level of a synthetic substance in the final
6 material means a level exceeding any
7 applicable regulatory limits where in effect
8 for the material being classified, and a
9 level without any technical and functional
10 effects in the final material.

11 CHAIR MIEDEMA: Mac, we're going
12 to start the voting with you.

13 MR. STONE: I'm going to start with
14 no ma'am.

15 MR. FOSTER: Yes.

16 MR. BONDERA: No.

17 MR. DICKSON: Yes.

18 CHAIR MIEDEMA: Yes.

19 MS. FULWIDER: Yes.

20 MS. ELLOR: Yes.

21 MR. MARAVELL: No.

22 MR. WALKER: Yes.

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1 MR. FELDMAN: No.

2 MR. DEMURI: Yes.

3 MS. TAYLOR: No.

4 MS. HEINZE: Yes.

5 CHAIR MIEDEMA: I believe that five
6 no, nine yes. Madam Secretary please confirm
7 that tally. I want to see a show of hands,
8 please, on the nos, so we can double check
9 our count of five. Six. Okay, thank you. Six
10 nos, eight yeses; motion fails.

11 The last voting items of the day
12 are two--are Policies and Procedures Manual.
13 The first one is for Section 3 and 4, Vice
14 Chair Policy Development Committee
15 descriptions. May I have a motion? Or do I
16 have a motion?

17 MR. FLAMM: Yes, there is a motion,
18 it's actually in Section 2 of the Policies
19 and Procedures Manual. Rather than reading
20 the entire statement, this is a change in the
21 language in the Policies and Procedures
22 Manual, I'll just read to you the change in

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1 the language. Under the position of Vice
2 Chair the language now adds "the Vice Chair
3 shall serve as member of the Policy
4 Development Committee and work
5 collaboratively with the Policy Development
6 Committee members on the maintenance and
7 upkeep of the Policy and Procedures Manual."
8 Under the Policy Development Committee role,
9 in parentheses we added "in collaboration
10 with the NOSB Vice Chair." I move that these
11 changes be accepted.

12 CHAIR MIEDEMA: Do I have a second?

13 MR. FELDMAN: Second.

14 CHAIR MIEDEMA: Any discussion?

15 Hearing none, we'll begin the voting. Oh,
16 John? No? Okay. We're going to start the
17 voting with John Foster.

18 MR. FOSTER: Yes.

19 MR. BONDERA: Yes.

20 MR. DICKSON: Yes.

21 CHAIR MIEDEMA: Yes.

22 MS. FULWIDER: Yes.

1 MS. ELLOR: Yes.

2 MR. MARAVELL: Yes.

3 MR. WALKER: Yes.

4 MR. FLAMM: Yes.

5 MR. FELDMAN: Yes.

6 MR. DEMURI: Yes.

7 MS. TAYLOR: Yes.

8 MS. HEINZE: Yes.

9 MR. STONE: Yes ma'am.

10 CHAIR MIEDEMA: That's 14 yes,
11 zero no; motion carries. There's one other
12 voting item in the Policy Development
13 Committee, having to do with Section 4
14 Committee purview. Do I have a motion?

15 MR. FLAMM: This is a--we're
16 recommending a change in Section 5 of the
17 Policy and Procedures Manual. The
18 recommendation we put forward received a
19 couple of comments from the public that we
20 thought as a Committee improved upon our
21 language. We have retained the full intent
22 of what the Committee intended to do in that.

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1 I can do--that full language, I think is up
2 there. Maybe Jennifer would you read it
3 since my--

4 COURT REPORTER: Ms. Taylor, can
5 you turn on your mic?

6 MS. TAYLOR: Okay. Revisions of
7 Section 5 for the Policy and Procedures
8 Manual, procedures for completing committee
9 recommendations. Developing committee
10 recommendations follow these broad steps:
11 the Committee prepares a recommendation or a
12 discussion document, as agreed to in the
13 Committee Work Plan, in reference to page 32
14 of the Policy and Procedure Manual. Number
15 two, the recommendation or discussions
16 document is posted for public comment.
17 Number three, during the Board meeting, the
18 Committee presents its recommendation for
19 discussion by the full Board. Number four,
20 at any point in the process prior to the
21 Board's vote on the status of the
22 recommendation, the presenting committee may

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1 convene and vote to withdraw its
2 recommendation, based on approval of this
3 action by the majority of the members of the
4 committee. Number five, once presented the
5 Board votes on the committee recommendation.

6 CHAIR MIEDEMA: Do I have a
7 second?

8 MR. DEMURI: Second.

9 CHAIR MIEDEMA: Any discussion?
10 Tina.

11 MS. ELLOR: So, this doesn't take
12 away any of the Board members' rights to make
13 any motion on anything they want at any time,
14 correct?

15 CHAIR MIEDEMA: That's correct.
16 That's Robert's rules. Any further
17 discussion? All right. Last vote of the
18 day. We'll start with Colehour.

19 MR. BONDERA: Yes.

20 MR. DICKSON: Yes.

21 CHAIR MIEDEMA: Yes.

22 MS. FULWIDER: Yes.

1 MS. ELLOR: Yes.

2 MR. MARAVELL: Yes.

3 MR. WALKER: Yes.

4 MR. FLAMM: Yes.

5 MR. FELDMAN: Yes.

6 MR. DEMURI: Yes.

7 MS. TAYLOR: Yes.

8 MS. HEINZE: Yes.

9 MR. STONE: Yes ma'am.

10 MR. FOSTER: Yes.

11 CHAIR MIEDEMA: That's 14 yes,
12 zero no; motion carries. Okay, the voting
13 portion of our meeting is now complete. We
14 will move into our last couple of agenda
15 items, Committee Work Plans. Again, these
16 are collections of draft items that
17 potentially committees will be working on.
18 Then we have other business as our very last
19 item. Jennifer, do you have a question?

20 MS. TAYLOR: I'm sorry. I have a
21 question. I would like to add to the agenda
22 that you were speaking of, if possible, a

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1 motion to get the sense of the Board in
2 regard to genetically modified materials.
3 Wow. Okay. I was suggesting--

4 CHAIR MIEDEMA: Jennifer, do you
5 mind if--the appropriate place for that would
6 be at other business, and to bring it up
7 then. Okay. So we'll give you a placeholder
8 there. All right so let's move to each of
9 our Committee Chairs for their notion of
10 potential work plan items. Steve DeMuri,
11 Chair of the Handling Committee, do you mind
12 if I start with you?

13 MR. DEMURI: Certainly. On the
14 work plan for the next six months or so we
15 have nine 205.605 petition items: sodium
16 gluconate, silicon dioxide, to remove
17 Gibberellic acid, sulfuric acid, taurine,
18 ARA, dextrin, DHA, and sulfur dioxide, to
19 remove the annotation. We have six 205.606
20 items: annatto extract, CaraMunich malt,
21 barley beta fiber, beta carotene, sugar beet
22 fiber, and Bergamo bitter orange powder. We

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1 also have six 205.605(a) 2013 Sunset
2 materials, and two for 205.605(b). And we
3 have three other items, one nutrient,
4 vitamins, and minerals National List
5 recommendation for, we're going to go back to
6 the chlorine materials annotation
7 recommendation, rework that for the next
8 meeting. And then last item on the work plan
9 for the upcoming six months is we'll continue
10 being involved with the industry Flavor Task
11 Force, and work with them on their
12 recommendation development.

13 CHAIR MIEDEMA: Thank you. Next
14 Committee Chair. Katrina Heinze, Chair of
15 the Materials Committee. Are you ready to
16 go, or shall we move on?

17 MS. HEINZE: Yes. Okay. We have
18 four items that we are hoping, that we are
19 planning on working on between now and the
20 fall meeting, and then we have a growing list
21 of things that we wish we had time to work
22 on. So obviously we will be working on

1 classification. We heard loudly from the
2 community that they want us to complete our
3 work by the fall. So I expect we will have
4 some very robust debates, given the vote that
5 just happened. Then we are working on what
6 I'm calling a primer on the material
7 evaluation checklist, in collaboration with
8 the Program, to make sure that we're all
9 aligned on how we should be using that to
10 answer some of the questions that came up in
11 our most recent reviews.

12 And then I have a note that we're
13 going to work with Crops on the sulfur
14 dioxide. So I will leave it to Crops on
15 whether we still need to work on that.
16 Finally we have quite a bit of work to do on
17 aquaculture. So those are the four that we
18 are hoping to do between now and the fall.
19 Just for the record, so people know the other
20 things on our work plan, we received several
21 informal requests during this meeting to
22 start a--to lead an effort of the Board to

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1 start a list of research projects that we
2 think need to be funded in relation to
3 materials. So, for example, fire blight
4 control. So that we were more transparent
5 about where we have needs. Then there are a
6 number of orphan materials, not really
7 orphaned, ignored materials. In September
8 2008 we tried to resurrect some materials.
9 I know this is near and dear to a number of
10 certifiers, that had been tabled by the
11 Board, but never taken up. They've been
12 taken from the table, but we've never done
13 anything with them.

14 And then we have materials that
15 never got tabled, that have never been
16 reviewed. So we need to work through those
17 petitions as well. That is a perennial
18 comment from CCOF. And finally, we had
19 started last year some work to improve the
20 materials review process, so things like our
21 evaluation checklist better reflects the
22 different types of petitions we receive,

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1 optimizing the TR request form, and defining
2 what a good TR looks like. We still hope to
3 someday get to those. Thanks.

4 CHAIR MIEDEMA: Thank you,
5 Katrina. John Foster, Chair of the Crops
6 Committee.

7 MR. FOSTER: Yes. Thank you. We
8 have some petitions in front of us, still;
9 ammonium nonanoate. I believe we still have
10 the ferric phosphate, the snail bait petition
11 in front of us. The indol 3 butyric acid.
12 Odorized propane. And PGML, which my mouth
13 cannot pronounce the real name of at this
14 time. Starts with propylene. The PGML is
15 how we've talked about it, for good reason,
16 up until now. We have--we will need at some
17 point to start working on 2013 Sunset
18 materials also. Copper sulfate, a couple of
19 listings for that. Ozone, peracetic acid.
20 And depending on how the inerts project works
21 out, the EPA lists three inerts were on the
22 2013 Sunset. We just need to keep visibility

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1 of that. Then calcium chloride is on 602.

2 That's up for Sunset also.

3 I also, from taking some notes
4 today, something I think we'll probably end
5 up calling a transition plan for streptomycin
6 tetracycline. We will work with the
7 Materials Committee on sulfur dioxide, but
8 probably more to the point whether we're
9 focusing on, you know, products as
10 formulated, or products as they affect the
11 target, whatever it is. Obviously
12 monitoring, continuing to kind of monitor and
13 plug in as we need to on inerts. And I have
14 a note here just to keep track of when the
15 NOP's response comes out regarding prior
16 commercial availability work that the Board
17 did. When that comes out, I assume we will
18 want to kind of jump in and see what that's
19 like and how it's going to function in the
20 industry.

21 CHAIR MIEDEMA: Thank you, John.

22 Joe Dickson, Chair of the Certification,

1 Accreditation, and Compliance Committee.

2 MR. DICKSON: The CACC has three
3 items on our work plan for the fall meeting.
4 The first one is the evaluation of materials
5 review organizations. The second piece of
6 that will be to develop a recommendation to
7 the Program on that topic for the fall
8 meeting. The second item is risk-based
9 unannounced inspections. From discussions
10 with the Program, we anticipate that they
11 will request the Board's assistance in
12 developing clarifications and guidance on the
13 role of risk-based unannounced inspections in
14 organic certification. We hope to receive
15 that request in advance of the fall meeting,
16 and if so, provide feedback to the Program on
17 that issue. The third topic for the fall
18 meeting relates to inspector qualification
19 and assessment. We hope to assist the
20 Program in establishing specific qualifying
21 criteria for inspectors working in various
22 types of production, in synchronicity with

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1 some projects that the Program may be working
2 on on this issue.

3 On our back burner, items that
4 we're considering as a committee, but
5 probably will not have on the formal agenda
6 for the fall meeting, pesticide residue
7 testing, which is on our sort of long-term
8 work plan, but we can't really do much while
9 the comment period for the new proposed rule
10 is open. Retail certification, and the use
11 of processing aids in 100% organic products.

12 CHAIR MIEDEMA: Thank you, Joe
13 Dickson. Wendy Fulwider, Chair of the
14 Livestock Committee.

15 MS. FULWIDER: Yes, we will be
16 bringing back the animal welfare and animal
17 handling transport and slaughter documents.
18 We will also be bringing the guidance
19 document to support each one of those. We
20 will be completing the omnivore diet
21 discussion document that will coincide with
22 the finding petition that's coming. We will

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1 also have the outcome-based standard
2 documents for each species that's listed on
3 the chart. And we will have species-specific
4 guidance documents that will be developed
5 with certifiers at the next meeting.

6 CHAIR MIEDEMA: Thank you very
7 much. Barry Flamm, Chair of the Policy
8 Development Committee.

9 MR. FLAMM: We have several items,
10 at least tentatively on our work plan. The
11 first is NOSB membership and leadership
12 transitions, guidance clarification, and
13 Policy and Procedure Manual on the transition
14 period. This was something we had actually
15 worked on for this meeting, but needed more
16 time, so we pulled it. But we'll have that
17 for, we expect to have that for the fall
18 meeting. The issue of committee minutes and
19 availability and transparency has come up
20 recently, and we plan to look into that and
21 provide guidance for members. Also the
22 Policy and Procedure Manual has never

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1 identified the administrative team. So we
2 want to include that along in the Policy and
3 Procedure Manual, along with our other
4 organizational structures, and just list that
5 for the benefit of members and information to
6 the public.

7 And finally, we got several
8 detailed, strong comments regarding conflict
9 of interest, and we've been requested by the
10 public to strengthen, or clarify, better
11 define, in part prescribe a statement, a
12 conflict of interest statement prior to--so
13 on an annual basis would be a way to say it.
14 At the request of several national
15 organizations, we are at least considering
16 that for our work plan. And that's all.
17 That's all we have at this time.

18 CHAIR MIEDEMA: That concludes the
19 discussion of potential committee work plan
20 items. I see a question from Mac Stone.

21 MR. STONE: I just happened to
22 notice that Lisa wasn't able to put the

1 retail certification under the CACC work
2 plan.

3 CHAIR MIEDEMA: Thank you. Last
4 item of the day is for other business.
5 Jennifer, it sounded like you had something
6 in the category of other business.

7 MS. TAYLOR: Yes. I wanted to
8 provide information about the great interest
9 that several of our speakers in the audience
10 over the week brought to our attention about
11 their concern for genetically modified
12 materials. but I wanted to get--provide
13 information to the Board, getting a sense of
14 the Board in that direction.

15 CHAIR MIEDEMA: Would you mind
16 being, I guess just in terms of discussion,
17 a little more specific about what you're
18 looking for from the Board?

19 MS. TAYLOR: What I was hopeful of
20 is that the information that I have, I wanted
21 to share with the Board, as well as provide
22 it to Barry, and so that it could be

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1 discussed further within the Policy
2 Committee. I'm sorry. I have some
3 information here in regard to several of the
4 participants during the meeting came up and
5 spoke about their interest and their concern
6 about genetically modified materials and
7 their integration within the organic
8 agricultural strategy. And so I have some
9 information here that I wanted to share with
10 the Board to get a sense of the Board and
11 their--and have them address that concern as
12 it was brought forth from the floor, and also
13 to have it integrated, perhaps, within
14 concern addressed by the Policy Committee and
15 Barry.

16 CHAIR MIEDEMA: Were you going to
17 pass something around? Okay. I would ask,
18 since we've been given this material to read
19 and think about, and we've heard a lot of
20 information from the public, that rather than
21 being asked to read and sign a letter, say,
22 right here on the spot, that we would have an

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1 opportunity to study this a little bit. Jay?

2 MR. FELDMAN: Madam Chair, with
3 all due respect, this is an urgent matter for
4 agriculture, especially organic agriculture.
5 It affects conventional agriculture that's
6 non-GMO as well. I'd like to second
7 Jennifer's motion to have the Board adopt a
8 Sense of the Board statement. It's a four
9 paragraph statement. It would take us three
10 minutes literally to read. These are not new
11 issues. And we could then deliver this to
12 the Secretary of Agriculture for the National
13 Organic Standards Board. I think that would
14 be a phenomenally great thing to do at this
15 time.

16 CHAIR MIEDEMA: I echo your
17 sentiment; however, something as important as
18 a topic of genetically modified organisms
19 having a four paragraph statement thrust
20 under our noses summarizing everything this
21 Board feels and is agreeing to seems very,
22 very hasty. By being members of the National

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1 Organic Standards Board, we have by default
2 taken a strong stand against GMOs. It's a
3 prohibited practice in the industry that we
4 serve. So I don't think we're starting out
5 wishy-washy here this week by anybody's
6 stretch of the imagination. And I don't
7 really like being put on the spot to sign
8 something when I feel like we have a whole
9 range of voices that could come and
10 contribute to such a letter, if we decided to
11 sign it. It doesn't take away from what
12 you're trying to do here, Jennifer. It just
13 feels that it's one person, one voice,
14 putting four paragraphs together as opposed
15 to a truly collective piece of work. Barry?

16 MR. FLAMM: I think what Jennifer
17 is trying to do is not rush you, but get a
18 sense of whether the Board is willing to do
19 this. And it's true that we're all concerned
20 and committed to limiting GMOs. But the fact
21 is things are moving in the other direction,
22 as evidenced by actions by the Secretary

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1 recently. So I think, myself, it's quite
2 appropriate that we express concern.
3 Whether--and I, I think Jennifer is just
4 asking for some sort of support, whether
5 we're interested in doing this, but she
6 doesn't want to waste time if we're not
7 committed to doing it. I think it is urgent,
8 as Jay puts out, but I also agree with you,
9 we might want to look at more closely, but I
10 think what we're trying to do--and I guess is
11 there a motion out there? I guess--

12 CHAIR MIEDEMA: There was. Yes.
13 Is the motion, you said "get a sense," are
14 you wanting to get a motion of sort of
15 general agreement? Are you wanting a motion
16 of approving this document?

17 MS. TAYLOR: I wanted a motion
18 providing information to the Board in
19 recognition of the concern that was brought
20 forth from the floor, from the participants,
21 and also that we have within our written
22 comments, that we would take notice of that,

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1 of that importance that has been brought to
2 us, as well as bringing our emotions together
3 somehow to address this, and to address it in
4 a formal fashion where we're talking about
5 it, or we're having it stated somewhere. And
6 that's the basis for that information that
7 you have.

8 CHAIR MIEDEMA: Colehour, and then
9 Joe.

10 MR. BONDERA: Yes, I mean I just
11 agree that I think that, when I just glanced
12 through this, and I think about it more, I
13 think that the point is that it seems like
14 the public is saying, and I personally agree,
15 that there needs to be a--it's not
16 necessarily a letter, or statement, but
17 perhaps, but some action from NOSB on this
18 subject matter. And I think that that, it
19 seems to me, is what is being put forth, is,
20 you know, how can there be some action before
21 the next meeting, is I think what I'm
22 hearing. And I think the point is that

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1 Jennifer would like to hear what action can
2 we anticipate taking as a full Board before
3 talking about it again in November as a new
4 subject then, since it's now in Other
5 Business right now on the schedule where it
6 is. So I think that--

7 CHAIR MIEDEMA: Joe?

8 MR. DICKSON: The issue of
9 biotechnology and its relationship to organic
10 agriculture is so foundational and so
11 important, and has such far reaching
12 consequences for this industry, and this
13 community. As a member of this Board I do
14 not feel comfortable taking an action. As a
15 Board that advises the Department of
16 Agriculture on organic agriculture, the right
17 way to approach this is have it be taken up
18 by one of the committees, whichever committee
19 this Board deems is most appropriate to
20 consider it. And that it goes through the
21 process of full consideration and development
22 of ideas, like all of the other issues on the

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1 agenda. I don't feel comfortable with
2 approaching this in the last ten minutes of
3 a four day meeting.

4 CHAIR MIEDEMA: Nick?

5 MR. MARAVELL: I think that it
6 would be appropriate to get a sense of the
7 Board, but not take a vote. Is there a way
8 to do that? To get a sense of guidance if
9 this is going to go into a committee? Would
10 it be appropriate to get that sort of sense
11 from the Board members? Their reaction to
12 this statement?

13 CHAIR MIEDEMA: I'm hearing a lot
14 of people give their sort of sense of this.
15 And it's been laid down on the transcript as
16 we speak. I've also heard a motion to give
17 a sense of the Board. I don't think we have
18 enough clarity to know what "sense of the
19 Board" means. I'm not sure exactly what I
20 would be voting on. Sense of the--is that a
21 commitment one way or another to writing a
22 letter that's materially similar to this

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1 letter right here? Is that what the sense is
2 that you would be looking for?

3 MS. TAYLOR: What I'm thinking is
4 based on the concern, the grave concern that
5 we heard within the participation from the
6 audience this week, and also stated in our
7 information, our written comments, that it is
8 something that's on the hearts of people that
9 we're working with, with the farming
10 population, or with agribusiness. And it's
11 something that we need to address. We need
12 to address it ourselves and maybe come to an
13 agreement on that approach. We have that
14 basic approach anyway, just by being organic,
15 so to speak. But at the same time it is such
16 a strong threat to organic production that it
17 needs to be addressed in that manner as well.
18 And then also directed, as I suggested,
19 directed to perhaps the Policy Committee.
20 And maybe from that point we can have a
21 statement made? Maybe?

22 CHAIR MIEDEMA: Who hasn't had a

1 chance to weigh in yet and would like to?
2 Anyone? Steve.

3 MR. DEMURI: I think we all agree
4 with the premise on the letter. I do. But
5 like Joe I would like to see it go through
6 the process and probably the Policy Committee
7 has a way to do it.

8 CHAIR MIEDEMA: Katrina, have you
9 weighed in on it?

10 MS. HEINZE: I agree with Steve
11 and Joe. I guess my suggestion--I really
12 don't know what committee this would go to.
13 Perhaps that needs to be a discussion point
14 on the next Executive Committee call and we
15 can figure out what committee it goes to.

16 CHAIR MIEDEMA: Anyone else who
17 hasn't had a weigh in? Okay. Tina.

18 MS. ELLOR: I got the sense from
19 some of the comments too that people were
20 asking for a more concrete action that would
21 be part of organic certification as testing
22 for GMOs as well. And that might be a part

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1 of something we'd want to look for. And that
2 would probably go through Policy as well.
3 Right?

4 CHAIR MIEDEMA: Or CACC. Mac?

5 MR. STONE: I think at some point
6 there has to be a documented harm to justify
7 the concern at some point. Not--yes.

8 MR. MARAVELL: Madam Chair?

9 CHAIR MIEDEMA: Nick.

10 MR. MARAVELL: What's been
11 expressed to me is that this is an issue that
12 eventually the Board is going to have to
13 address. So perhaps the way to view this is
14 we need to start referring this onto a
15 committee to let us know how to address this,
16 specifically with regard to Mac's comment
17 about showing harm. That might eventually
18 come to that. But right now, and we heard
19 the comments from the audience, we're not
20 exactly looking for that harm. So this--I
21 think it will have severe implications for
22 those of us who will be serving on this Board

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1 in the new few years. It's all over the
2 industry, and we need the appropriate way to
3 proceed.

4 CHAIR MIEDEMA: I would like to
5 move to refer this motion to the Executive
6 Committee of the National Organic Standards
7 Board to take up at our very next meeting.
8 And to suss out exactly what people think is
9 the best course of action on this. That
10 would be a debatable procedure right now,
11 making that motion to refer to the Executive
12 Committee. That would need a second. And we
13 would need to debate it. It would give some
14 contour to the motion that you made.
15 Katrina.

16 MR. MARAVELL: I'll second.

17 CHAIR MIEDEMA: Okay.

18 MS. HEINZE: I'm a little lost on
19 the procedure. Do we now have two motions
20 with two seconds? Maybe--Lisa? I don't what
21 to do now.

22 CHAIR MIEDEMA: To have something

1 studied further you move to refer the motion
2 to a committee. It needs a second. It's
3 debated and--

4 MS. HEINZE: Yes, I think- Did
5 Jennifer have a motion too that Jay seconded?
6 I'm really--I'm just--I'm really tired. I
7 really don't know where we are.

8 CHAIR MIEDEMA: Lisa?

9 MS. BRINES: Point of
10 clarification, so only one main motion can be
11 on the floor at the time. So we do have one
12 main motion, which has been seconded. You
13 could possibly rephrase the second motion to
14 amend the first motion. Or the first motion
15 could be withdrawn. But there should not be
16 two main motions occurring.

17 CHAIR MIEDEMA: Okay. Barry
18 there's a typo in our Policies and Procedures
19 Manual we're going to have to fix. Okay. I
20 would move to amend Jennifer's motion, and
21 that we get a sense of the Board on the issue
22 of GMOs, by taking this topic immediately to

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1 the Executive Committee of the National
2 Organic Standards Board at the very next
3 meeting.

4 MR. MARAVELL: I second.

5 CHAIR MIEDEMA: Now Nick or the
6 seconder has to--you're okay with that?
7 Jennifer is okay with it? Okay. Thank you.
8 Discussion?

9 MR. FLAMM: Not a discussion. I
10 just want to thank Jennifer for bringing this
11 very important topic to the Board and getting
12 it on the table. So thank you for getting
13 something moving on this, Jennifer.

14 MS. TAYLOR: I said we thank our
15 participants for bringing it to our
16 attention. We know the need. So thank you.

17 CHAIR MIEDEMA: All right. We
18 have a motion. It's been amended. It's been
19 seconded. It's been okayed by the original
20 makers of motion and second. Any further
21 discussion before we vote? All right. Let's
22 start with Jennifer, your motion as amended.

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1 MS. TAYLOR: Yes.
2 MS. HEINZE: Yes.
3 MR. STONE: Yes ma'am.
4 MR. FOSTER: Yes.
5 MR. BONDERA: Yes.
6 MR. DICKSON: Yes.
7 CHAIR MIEDEMA: Yes.
8 MS. FULWIDER: Yes.
9 MS. ELLOR: Yes.
10 MR. MARAVELL: Yes.
11 MR. WALKER: Yes.
12 MR. FLAMM: Yes.
13 MR. FELDMAN: Yes.
14 MR. DEMURI: Yes.
15 CHAIR MIEDEMA: That would be 14
16 yes,. zero no; motion carries. Any other
17 business? Okay. I'd like to thank the
18 members of the public who have stuck around
19 to the last minutes of--I think we're at
20 about the 2200 minute mark of our meeting.
21 We did make it. Thanks very much. I know we
22 imposed some protocols this time with

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1 meetings that have really started to take on
2 a freeform shape, that we're no longer
3 allowing for as many voices to come and speak
4 and join the conversation as possible. We've
5 essentially outgrown our old structure. And
6 we are thrilled that more public comment was
7 brought into regulations.gov than ever
8 before. I think the imposing of some contour
9 to our discussion had a real startling effect
10 the first day. Folks just weren't used to
11 three minutes, and they weren't used to
12 having us follow Robert's rules on our
13 discussion. But I thought things really
14 started to loosen up on Thursday.

15 Thank you so much to everyone for
16 all the distances you traveled, and your
17 kindness and patience as we've deliberated.
18 Our next meeting is in Savannah, Georgia in
19 December. Lisa, what is the date? Do you
20 have that off the top of your head?
21 December. It's actually already posted to
22 NOP's website.

1 MS. AHRAMIJAN: I believe it's
2 November 29 to December 2, that Tuesday to
3 Friday.

4 CHAIR MIEDEMA: Okay. So we will
5 see you all in Savannah. And the Spring 2011
6 meeting of the National Organic Standards
7 Board is now adjourned.

8 (Whereupon, at 5:24 p.m. the
9 above-entitled matter went off the record.)

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A				
abdicated 305:6	328:11	actual 38:13	Adjournment 4:22	145:1,2 262:9
ability 188:9,22	access 133:2	236:12 254:15	ADM 187:14	264:17 266:22
189:7 190:11	225:14 245:5	acute 61:1 63:21	administrative	agents 155:3
227:3 233:4	accessory 189:8	add 92:4 108:16,21	37:13 342:1	169:15
able 9:14 25:20	accomplish 163:18	149:21 167:8	Administrator	ago 16:17 94:10
27:8 37:12,17	187:3	208:10 262:8	2:12 5:14	182:9 190:17
45:7 85:2,4 95:6	accreditation 7:16	287:5 299:22	administrators	202:2 243:22
107:17 157:11	339:1	332:21	36:9	275:2 289:22,22
177:21 196:7	accumulation	added 39:20 41:16	admit 204:13	307:21
204:14 207:2	59:10,14 60:7	157:21 224:7,15	adopt 161:22 345:7	agree 19:7 30:1,17
231:8,9 261:1	67:1,4	225:16 293:16	adopted 303:2	30:21 88:8 112:2
306:21 342:22	accurate 13:5	299:7 306:17	adoption 23:7	112:3 119:5
aboard 233:10	140:17 216:16	328:9	31:10	152:20 194:19
above-entitled	acetone 308:1,2	adding 104:12	advance 12:22	196:7 207:10
82:19 218:10	acid 204:21 205:1,1	207:22,22 298:8	176:18 291:1	307:1,6 315:19
296:15 359:9	205:6,15 206:1	addition 7:19 27:5	339:15	347:8 348:11,14
absent 142:13	255:17 262:7,11	60:20 63:8 262:10	advantage 153:17	352:3,10
171:6 257:1,3	262:17 263:11	265:10	advised 288:5	agreed 49:16
261:6 265:1 268:3	264:15 265:19	additional 37:3	291:9	107:16 115:14
273:13 277:6	266:19 267:16	64:8 77:9,11	advises 349:15	193:10 212:4
absolute 138:14	333:17,17 337:11	85:12 122:9	advisory 196:13	234:20 242:15
308:19	337:19	185:15 223:3	advocate 185:10	330:12
absolutely 208:18	acknowledge	242:4 286:20	affect 6:17 110:14	agreeing 345:21
216:15 232:9	211:19	additives 210:13	155:19 338:10	agreement 347:15
233:2 288:1,3	acre 27:3 150:2	address 26:20	affiliated 8:6	351:13
312:8	acreage 153:21	90:10 95:6 111:6	affirmative 16:11	agribusiness
abstain 15:21	177:13	113:4 136:8	16:18 17:16	351:10
160:20 161:1,4	act 5:16 48:7 57:20	151:16 167:11	164:12 176:17	agricultural 2:19
208:16 216:6	155:2,4 188:19	175:12 202:20	258:8	276:16,18 324:4
261:20	189:12 282:1,5	241:16 245:6	afternoon 201:19	344:8
abstains 296:3	acting 308:16	299:16 344:11	253:22 320:4	agriculture 1:1,1
abstention 161:16	action 3:2 8:2 18:2	348:3,3 351:11,12	age 224:12 310:3	7:14 32:16 115:7
208:17 216:14,18	41:8 107:18,22	353:13,15	agencies 64:9,11,14	115:7 148:18
262:3 296:3	108:4 109:16	addressed 64:22	Agency 45:22	149:2,14 189:18
abstentions 15:2,6	113:1 114:8	111:4 225:3 231:4	agenda 73:18 75:3	190:17 191:19
15:21 216:17	164:13 174:8	233:3 260:20	82:10 96:22 146:1	200:3 201:4
ACA 226:10	192:14 205:17	344:14 351:17	147:15 153:11	203:14,17 345:4,4
accept 17:2 41:15	244:6 290:5 292:8	addressing 66:13	159:8 169:3 171:7	345:5,12 349:10
94:20 221:5,9	331:3 348:17,20	92:5 107:19	183:6 216:19	349:16,16
249:3,10,11	349:1,14 352:20	166:21 299:1	220:8 248:14,19	ahead 103:5 128:16
301:10 321:14,16	354:9	adds 157:21 310:20	248:21 252:6,15	135:9 148:14
326:3	actions 346:22	328:2	266:16 274:12	196:2 232:19
acceptable 168:4	activation 255:17	adequate 24:14	276:5 280:12	252:20 283:11
212:14 312:21	active 85:21 89:2	65:6	301:4 332:14,21	286:4 297:6 319:3
313:6	activities 202:9	adequately 76:22	340:5 350:1	325:21
accepted 16:19	activity 164:14	adjourned 218:20	agent 6:9,21 7:2	AHRAMIJAN
	192:10	359:7	89:9 141:8,20,22	359:1

AHRAMJIAN 2:21	alluding 34:4	221:10,20 222:4	171:13,22 172:13	346:5
aid 143:4,8 165:11	altered 272:2	222:18 224:2	172:15,20 174:19	anymore 323:9
259:20 260:6	alternate 25:11	231:11 236:13	176:16,22 177:3	anyone's 127:5
316:6,8	153:2	244:4 248:15,17	177:17,20 178:2	188:2
aids 340:11	alternative 26:12	248:19,22 249:11	178:10,21 179:1,1	anyway 60:14
air 286:7,13,18,22	26:13 28:20 36:6	253:4 259:21	179:3,4,16 180:12	91:11 210:1
287:3,6	64:19 94:21 151:1	260:7 272:6	180:16 259:19	250:17 273:12
aisle 229:4	151:14 163:12	340:16,16	270:13 271:6	275:5 309:19
al 195:6	279:10	animals 54:9	272:20 276:12	351:14
Alar 149:9	alternatives 28:9	226:18 228:22	279:6,8 280:12,16	apologies 72:8
alcohols 68:9,17	91:15,16 110:2	234:12 235:6	280:22 281:7	163:2
alerting 71:4	151:12,13 164:15	244:8	282:7,19 288:2,4	apologize 197:4
algicide 57:15	175:19	animal's 234:16	288:4 291:17	259:15 260:15
68:14	amend 23:8 43:12	annatto 333:20	292:21 294:3	Apparently 148:8
align 51:13 52:15	47:21 75:6 122:2	annotated 23:10	333:19 334:6	appearance 10:6
220:6 292:22	141:7 162:1	162:3	annotations 18:21	appears 143:5
aligned 51:21	355:14,20	annotation 3:22	110:14 178:9	153:19 194:16,18
282:14 335:9	amended 356:18	16:21 19:7,19,22	282:12 293:1	303:14
aligns 51:5	356:22	20:7,18 21:4,11	announce 297:10	apple 117:16
alleviate 124:10	amending 297:21	21:19 22:16,17	announcements	118:13 268:19
allow 78:7 84:19	amendment 120:16	40:21 41:17 47:21	5:6	apples 23:13 38:11
89:8 124:16	120:21,21 143:7	49:13,16 50:21	annual 166:20	39:20 100:15
133:21 224:7	146:7 318:9 324:7	51:10,11,13 52:10	342:13	101:14 102:2
227:7 286:5 305:3	amendments 43:16	52:14,16 53:5	answer 87:22 88:2	126:5 127:19
allowable 303:8	141:21 143:2	56:8 57:6 59:1	114:19 117:12	129:22 162:8
312:12,14 324:14	144:22	60:2,6 62:20 63:3	118:14 154:13	applicable 69:22
allowance 172:3,5	amends 296:8	63:9 64:21 68:14	177:2 178:20	71:8,21 74:1
178:2	ammonium 337:9	76:8 79:6,18 84:5	197:9 235:19	143:5 301:14
allowed 25:12	amount 94:11	90:2,10 96:13	237:9 256:18	307:2 322:16
41:20 43:14,19	189:21 194:14	99:10 100:13	260:22 283:12	326:7
66:17 68:12 69:20	282:20 303:3	101:10,21 102:21	306:1 307:6 319:4	application 64:6
71:6,19 72:15	304:17 310:14	103:1,7 110:8,17	335:10	114:14 141:18
73:21 78:3 81:6	311:6	114:21 115:1,9	answering 286:10	applications
89:5 97:6 101:11	amounts 177:12	118:20 119:3,6,9	answers 272:10	200:19 255:12
110:16 115:12	197:18 224:17	122:7,10 123:9	antibiotic 164:15	256:6,14
129:19 144:21	241:8 308:12	125:5 126:2 127:2	antibiotics 32:8,18	applied 11:16 45:6
146:5 162:4	310:14	128:13 131:11,16	33:1 114:15	48:4 94:2 200:22
179:12 215:15	AMRI 83:20 191:2	131:18,19 132:1	115:11	213:21 277:10,15
259:20 260:6	AMS 1:1	132:10,22 134:8	anticipate 339:10	307:13
274:16 276:15	analogy 324:20	134:14,17,19	349:2	applies 77:9
304:5 316:8 325:2	analytical 198:2	135:1,3,5,7,15	anticipating 169:12	apply 114:6,7,10
allowing 358:3	304:15	136:3,6,13 137:1	anybody 11:17	114:11,15,17
allows 303:2	and/or 34:12	137:20 138:2	13:11 80:16	213:14 317:2
alluded 32:14	anecdotal 89:10	139:4 141:7 142:6	106:19 211:3	applying 10:10
35:10 107:12	Anecdotally 89:7	142:7,11 143:3	220:2 309:4	214:4
271:11	angst 234:7	161:21 162:20	325:19	appointed 215:3
	animal 3:14 221:1	169:21 170:1	anybody's 117:5	appointment 7:4

appreciate 32:4 61:22 133:20 193:4 225:16 265:6	177:12 193:9,11 224:17 227:13 245:1,5,14,14,15	38:20 153:7 178:20	127:16 132:2,9 134:5 135:21 136:18 137:9 144:11 146:12 148:6 149:10 153:11 154:14,15 154:16 160:5,21 160:22 163:14 167:16 169:7 178:13 187:17 192:2,3 200:9 210:3 215:11 218:13 220:15 223:9 228:17 230:7 236:8 244:11,12 245:13 247:5,20,21 251:9 251:11 253:7,14 260:17 271:8,10 288:14 290:7,7 296:13,21 297:12 299:15 302:8 305:2 309:19 314:7 334:5 340:3 340:16	barley 333:21 barn 239:1 barns 239:6 barriers 69:22 71:7 71:21 74:1 Barry 1:18 4:12 32:2,2 65:14 70:4 91:13 103:12,15 104:17 119:21 120:22 122:12 135:9 136:2 137:3 143:12 152:3 165:15 208:20 229:11 230:14 269:7 319:12 341:7 343:22 344:15 346:15 355:17
appreciated 30:3 127:10	argue 79:17,22 185:5	assumption 205:16 assure 222:3 223:22	200:9 210:3 215:11 218:13 220:15 223:9 228:17 230:7 236:8 244:11,12 245:13 247:5,20,21 251:9 251:11 253:7,14 260:17 271:8,10 288:14 290:7,7 296:13,21 297:12 299:15 302:8 305:2 309:19 314:7 334:5 340:3 340:16	based 10:5 15:8 23:22 46:9 54:1 87:4 93:9 119:10 146:15 191:10 197:10 222:10 226:11 236:2,14 236:21 290:15 312:14 331:2 351:4
approach 55:10 91:2 113:4 148:17 243:9 299:14 308:7 349:17 351:13,14	arguing 79:19	ATSDR 45:22 46:9 312:1	200:9 210:3 215:11 218:13 220:15 223:9 228:17 230:7 236:8 244:11,12 245:13 247:5,20,21 251:9 251:11 253:7,14 260:17 271:8,10 288:14 290:7,7 296:13,21 297:12 299:15 302:8 305:2 309:19 314:7 334:5 340:3 340:16	basic 149:20 200:17 302:22 351:14
approaches 91:9 237:21	argument 137:14 317:4	attempt 299:6	200:9 210:3 215:11 218:13 220:15 223:9 228:17 230:7 236:8 244:11,12 245:13 247:5,20,21 251:9 251:11 253:7,14 260:17 271:8,10 288:14 290:7,7 296:13,21 297:12 299:15 302:8 305:2 309:19 314:7 334:5 340:3 340:16	basically 29:12 255:3 293:9
approaching 350:2	ARS 109:18	attention 17:12 33:21 62:7 265:15 343:10 356:16	200:9 210:3 215:11 218:13 220:15 223:9 228:17 230:7 236:8 244:11,12 245:13 247:5,20,21 251:9 251:11 253:7,14 260:17 271:8,10 288:14 290:7,7 296:13,21 297:12 299:15 302:8 305:2 309:19 314:7 334:5 340:3 340:16	basis 11:16 166:20 182:4 342:13 348:6
appropriate 8:10 49:12 50:7 51:18 52:2 62:19 64:10 79:8 123:7 131:6 167:12 171:14 218:6 255:14 333:5 347:2 349:19 350:6,10 354:2	arsenic 45:19	audience 10:15 13:12 65:10 84:17 87:11 107:2 111:4 214:22 231:6 343:9 351:6 353:19	200:9 210:3 215:11 218:13 220:15 223:9 228:17 230:7 236:8 244:11,12 245:13 247:5,20,21 251:9 251:11 253:7,14 260:17 271:8,10 288:14 290:7,7 296:13,21 297:12 299:15 302:8 305:2 309:19 314:7 334:5 340:3 340:16	batch 311:6,6 batch-related 311:8
appropriately 277:9	articulate 85:14	audit 175:1	200:9 210:3 215:11 218:13 220:15 223:9 228:17 230:7 236:8 244:11,12 245:13 247:5,20,21 251:9 251:11 253:7,14 260:17 271:8,10 288:14 290:7,7 296:13,21 297:12 299:15 302:8 305:2 309:19 314:7 334:5 340:3 340:16	beans 22:8,12 beautiful 190:7,9 bedded 239:2 beef 224:10 beer 207:13 beet 333:21 beg 22:18 323:10 beginning 132:8 154:15 247:14
approval 203:7 222:16 247:15 331:2	articulated 132:7 151:3	auditing 62:4	200:9 210:3 215:11 218:13 220:15 223:9 228:17 230:7 236:8 244:11,12 245:13 247:5,20,21 251:9 251:11 253:7,14 260:17 271:8,10 288:14 290:7,7 296:13,21 297:12 299:15 302:8 305:2 309:19 314:7 334:5 340:3 340:16	
approve 217:9 303:17	asked 10:22 71:9 187:15 196:12,17 197:4 209:5,9 219:1 228:3,19 229:22 241:17 251:18 272:8 314:2 344:21	availability 338:16 341:19	200:9 210:3 215:11 218:13 220:15 223:9 228:17 230:7 236:8 244:11,12 245:13 247:5,20,21 251:9 251:11 253:7,14 260:17 271:8,10 288:14 290:7,7 296:13,21 297:12 299:15 302:8 305:2 309:19 314:7 334:5 340:3 340:16	
approved 19:14 54:21 75:9 77:11 78:12 124:2 134:17 135:2,16 135:21 194:5 211:10 285:10 286:16 294:16	asking 31:7 55:16 93:21 94:17 122:5 122:8 136:2,5 219:11 220:2 321:16 347:4 352:20	available 153:22 192:17 255:19 311:1	200:9 210:3 215:11 218:13 220:15 223:9 228:17 230:7 236:8 244:11,12 245:13 247:5,20,21 251:9 251:11 253:7,14 260:17 271:8,10 288:14 290:7,7 296:13,21 297:12 299:15 302:8 305:2 309:19 314:7 334:5 340:3 340:16	
approving 347:16	aspect 111:6	Avenue 1:12	200:9 210:3 215:11 218:13 220:15 223:9 228:17 230:7 236:8 244:11,12 245:13 247:5,20,21 251:9 251:11 253:7,14 260:17 271:8,10 288:14 290:7,7 296:13,21 297:12 299:15 302:8 305:2 309:19 314:7 334:5 340:3 340:16	
April 1:8 291:7 298:8	assess 30:5	average 238:20,21	200:9 210:3 215:11 218:13 220:15 223:9 228:17 230:7 236:8 244:11,12 245:13 247:5,20,21 251:9 251:11 253:7,14 260:17 271:8,10 288:14 290:7,7 296:13,21 297:12 299:15 302:8 305:2 309:19 314:7 334:5 340:3 340:16	
aquaculture 335:17	assessment 187:8 325:20 339:19	avoid 211:3 295:2	200:9 210:3 215:11 218:13 220:15 223:9 228:17 230:7 236:8 244:11,12 245:13 247:5,20,21 251:9 251:11 253:7,14 260:17 271:8,10 288:14 290:7,7 296:13,21 297:12 299:15 302:8 305:2 309:19 314:7 334:5 340:3 340:16	
ARA 333:18	assist 339:19	await 216:11	200:9 210:3 215:11 218:13 220:15 223:9 228:17 230:7 236:8 244:11,12 245:13 247:5,20,21 251:9 251:11 253:7,14 260:17 271:8,10 288:14 290:7,7 296:13,21 297:12 299:15 302:8 305:2 309:19 314:7 334:5 340:3 340:16	
arbiter 197:5	assistance 51:22 339:11	aware 31:9 50:2 311:20	200:9 210:3 215:11 218:13 220:15 223:9 228:17 230:7 236:8 244:11,12 245:13 247:5,20,21 251:9 251:11 253:7,14 260:17 271:8,10 288:14 290:7,7 296:13,21 297:12 299:15 302:8 305:2 309:19 314:7 334:5 340:3 340:16	
area 49:5 64:13 109:17 173:13	associate 107:14	A&M 35:21	200:9 210:3 215:11 218:13 220:15 223:9 228:17 230:7 236:8 244:11,12 245:13 247:5,20,21 251:9 251:11 253:7,14 260:17 271:8,10 288:14 290:7,7 296:13,21 297:12 299:15 302:8 305:2 309:19 314:7 334:5 340:3 340:16	
areas 6:2 157:7,9	associated 63:18 186:13	a.m 1:10 5:2 82:20 82:21	200:9 210:3 215:11 218:13 220:15 223:9 228:17 230:7 236:8 244:11,12 245:13 247:5,20,21 251:9 251:11 253:7,14 260:17 271:8,10 288:14 290:7,7 296:13,21 297:12 299:15 302:8 305:2 309:19 314:7 334:5 340:3 340:16	
	Association 29:11 37:3 115:5,9	B	200:9 210:3 215:11 218:13 220:15 223:9 228:17 230:7 236:8 244:11,12 245:13 247:5,20,21 251:9 251:11 253:7,14 260:17 271:8,10 288:14 290:7,7 296:13,21 297:12 299:15 302:8 305:2 309:19 314:7 334:5 340:3 340:16	
	associations 63:21	b 69:17,21 71:7 73:22 278:3	200:9 210:3 215:11 218:13 220:15 223:9 228:17 230:7 236:8 244:11,12 245:13 247:5,20,21 251:9 251:11 253:7,14 260:17 271:8,10 288:14 290:7,7 296:13,21 297:12 299:15 302:8 305:2 309:19 314:7 334:5 340:3 340:16	
	assume 10:12 338:17	back 5:3 18:12 25:20 26:2 28:11 39:6 40:2 45:10 61:15 84:2 94:18 95:16 106:2 109:3 112:9 116:19,19	200:9 210:3 215:11 218:13 220:15 223:9 228:17 230:7 236:8 244:11,12 245:13 247:5,20,21 251:9 251:11 253:7,14 260:17 271:8,10 288:14 290:7,7 296:13,21 297:12 299:15 302:8 305:2 309:19 314:7 334:5 340:3 340:16	
	assuming 10:12		200:9 210:3 215:11 218:13 220:15 223:9 228:17 230:7 236:8 244:11,12 245:13 247:5,20,21 251:9 251:11 253:7,14 260:17 271:8,10 288:14 290:7,7 296:13,21 297:12 299:15 302:8 305:2 309:19 314:7 334:5 340:3 340:16	
			200:9 210:3 215:11 218:13 220:15 223:9 228:17 230:7 236:8 244:11,12 245:13 247:5,20,21 251:9 251:11 253:7,14 260:17 271:8,10 288:14 290:7,7 296:13,21 297:12 299:15 302:8 305:2 309:19 314:7 334:5 340:3 340:16	

begins 295:9	239:4,7,13 240:18	112:17 113:7	Boards 305:5	borrowed 104:7
belief 189:21	bit 31:14 32:9 45:1	116:19 124:3,17	Board's 106:21	bottom 192:7
beliefs 32:8	75:15 76:12	138:16,19 150:20	167:2 330:21	304:16
believe 24:19 44:13	103:10 174:16	150:22 151:2,5	339:11	box 267:5
84:8 87:20 88:3	175:10 185:4	152:9,11,21 153:2	bodies 226:22	boy 191:5 199:20
93:1 103:3 106:17	197:12,15 228:5	153:5 154:21,22	body 167:9,11	204:4
122:15 132:15	229:6,8 244:21	156:16 163:8,16	bog 219:10	brain 206:11
140:22 146:12	259:17 281:3	163:19 164:4,7,17	bombs 83:6 91:10	brand 18:21
148:6,15 149:1,15	307:9 310:14	164:20 167:14,17	91:17 94:3 95:5	108:22
149:16 151:21	313:14 315:5	175:5 176:9 178:5	96:1,6 97:3 99:3	bread 198:13,22
164:1 189:14	316:14 318:1	180:7,11,12 183:6	bond 198:18	199:13 205:10
196:14 213:5	335:16 345:1	185:7 186:4 187:4	BONDERA 1:15	break 39:10 40:21
225:6 327:5 337:9	bitter 333:22	187:10,16 188:10	12:17 33:15 43:6	82:12,13 194:22
359:1	black 35:20,22	189:7,22 191:13	47:7 56:20 58:13	217:21 220:13
believes 80:14	197:7	191:17 192:19	66:1 67:21 69:6	250:22 253:13
benefit 342:5	BlackBerry's 234:4	193:6 194:5 196:4	70:12 73:4 74:12	287:19 296:11,13
bentonite 255:8,13	blah 212:6,7,7	196:13,17,20	75:11 80:22 81:18	320:13
255:19,22 256:5	311:21,21,21	197:3 199:3,15	86:19 98:10 100:7	breaking 186:16,17
Bergamo 333:22	blanked 305:2	202:5 203:7 204:2	107:10 123:11	198:16,17,19,21
best 10:11,12,13	blanket 54:11	213:5 214:11	125:19 126:18	205:7 218:8
19:8 127:5 191:1	blend 316:20 319:1	215:1 219:3	129:7 130:3	breaks 192:8 288:1
236:19 252:13	blight 23:12 38:10	221:20 223:16	133:19 134:3	brew 207:13
290:4 354:9	100:14 101:14	228:3,9 229:8,22	140:1 143:21	bright 205:20
beta 333:21,21	102:1 113:13	230:17 234:21	145:14 147:4	Brines 2:17 40:11
better 10:7 34:13	116:14 117:11	243:16 244:7	156:9 157:4	40:13 123:17,17
87:3 91:17 94:21	118:1,3,11 126:5	245:9,11,13	158:18 160:19	124:14 131:3
229:19 230:8	127:19 129:22	252:14,18 291:8	161:3 168:11	355:9
272:10 299:14	162:8 336:3	293:16 294:14,17	170:15 180:21	bring 19:16 26:7
336:21 342:10	blink 109:2	298:17 302:16	183:2 204:9	97:13 107:4
beyond 37:12	blood 210:20	303:1 304:10,21	214:15 216:8	119:19 160:5
bias 232:7	board 1:5,10 5:5,17	313:20 314:8,11	219:15 241:7	243:3 249:17
big 153:13 198:9	5:18 6:14 7:17	314:13,16,18	258:20 259:14	253:7 254:16
203:1	8:1,2,3,4,5,8,9,13	315:18 319:11	260:15 261:20	265:7,14 333:6
bigger 77:22	8:15,15 10:4,17	320:20 323:3,7	263:15 264:7	bringing 106:4
153:17	11:13 13:2,3,4,6	325:16 330:17,19	266:8 269:15	302:8 340:16,18
biggest 241:21	13:15,18,19,21	331:5,12 333:1	274:2 275:16	348:2 356:10,15
bill 153:20	14:3,7,8,13,22	335:22 336:11	278:13 279:20	brings 283:2
billion 190:16	16:22 18:4,20	338:16 343:13,14	295:13 300:11	broad 87:15 96:18
311:5	19:14,15 21:3	343:18,21 344:10	326:16 328:19	97:22 330:10
biochemistry 6:8	22:6 25:21 26:4,6	344:10 345:7,8,13	331:19 348:10	broadening 325:11
biological 192:9,10	26:10 28:4,5 32:7	345:21 346:1,18	357:5	Broilers 239:21
biotechnology	33:16 35:9 40:21	347:18 349:2,13	bonds 186:16,17	broken 198:7,10
349:9	45:19 54:1 62:9	349:15,19 350:7	192:8 194:22	200:14,15 205:15
bird 239:15,18,22	87:3 88:12 96:12	350:11,17,19	198:5,7,10,16,20	210:11
240:2,17	97:21 103:11	353:12,22 354:7	200:14,14 205:8	brought 148:6
birds 234:12,12	104:11 109:5,15	355:21 356:2,11	205:14 210:11	187:17 196:17
235:12,13,15	110:21 112:6,12	359:7	borderline 155:4	202:5 209:11

236:7 242:22	338:1	183:5 215:1 259:1	247:13 252:4	34:18 35:3 36:14
275:1 277:10	calculated 182:6	262:3 274:11	256:3 261:4	37:20 38:3,15
323:1 343:10	calf 223:5	276:4 280:11	290:18 315:5	39:3,11,16 40:4
344:12 347:19	California 88:20	296:4 301:3	333:13	40:10,16 41:10
348:1 358:7	91:12 97:7 157:8	329:11 332:12	certification 6:21	42:4,7 43:8 44:3
Brown 2:19 271:19	157:9	357:16	6:22 7:2,5 64:9	44:10,21 45:14
271:20 284:14,15	call 35:4 36:9,10	carry 182:8,10	97:7 224:4 232:5	46:10 47:9,12,16
285:7 286:12	38:2 39:12,13	188:10	234:2 306:1 309:9	48:12 50:13 51:16
287:2,15 288:7	106:13 121:3	carrying 150:11	338:22 339:14	52:3,8,18 53:3,20
building 164:15	123:18,21 124:9	176:14	340:10 343:1	54:3,10,18 55:5
174:16	143:11 184:8	Cascadian 268:16	352:21	55:12 56:5,22
buildings 95:21	212:1 218:20	case 11:16,16 37:15	certifications 7:1	57:3,5,11 58:2,18
96:7	248:21 282:20	44:16 45:17	certified 207:19	59:16,19 60:11,18
built 155:16 309:7	300:6 318:10	113:14 131:21	299:5 306:6	62:18 63:5 64:15
bulk 77:5 157:11	323:15,16 352:14	149:15 152:17	certifier 9:10 226:3	65:3,12 66:3,8,11
312:16	called 5:13 46:17	154:19 207:10	226:17 233:8	67:6,9 68:1,7,19
bullet 105:8 315:9	88:20 122:1 184:7	232:18 272:17	235:2 236:5 248:3	69:8,15 70:3,14
bunch 188:13,15	188:21	309:3	308:22 309:17	70:22 71:9,11,16
219:12 252:12	calling 121:1	cases 17:20 91:6	certifiers 50:4,12	72:2,4,7,12,19
bundle 166:2	124:22 320:9	322:10	60:13 64:1 65:5	73:6,15 74:4,7,14
burden 64:9 76:20	335:6 338:5	cash 118:11,12	65:10 84:19 87:18	75:2,12 76:4,11
185:4 224:4	calls 9:18 228:14	cast 8:7 216:12,13	89:8,11,21 174:22	77:20 79:5,17
225:21 308:22	calves 224:8,9,10	catch 162:16	225:15,21 228:2	80:4,17,20 81:1,9
burdensome 65:4	224:11	category 53:14	228:20 233:4	81:12,20 82:9,17
burner 340:3	candies 22:7	273:6 292:9 299:5	235:10 245:3	82:22 83:8,11,15
burrow 96:3	CAPP 262:5,6	343:6	336:10 341:5	84:3,12 85:1,5,8
burrows 96:2	capture 185:20	cause 76:20 123:19	certifier's 226:5	85:16 86:9,17
business 4:20 8:6,8	captured 45:22	139:11 203:18	certify 226:7	87:6,13,21 89:19
40:6 252:14	CaraMunich	212:13 234:6	certifying 6:9	90:3,13,21 91:13
332:18 333:6	333:20	316:22	309:13	91:21 92:8 93:14
343:4,6 349:5	carbonates 41:22	caused 186:14	cetera 42:15,15	94:13 95:11,17
357:17	43:21	causes 212:22	63:19 76:19 96:4	96:9 97:2,20
busy 250:9	carcinogen 44:18	causing 200:20	163:12 226:8	98:12 99:2,12,17
button 219:8	45:20	caution 110:14	233:20 234:15	100:8,17,20 101:6
butyric 337:11	care 229:2 244:8	cautions 110:18	235:8 283:20	101:16 102:4,8,18
buzz-buzz 287:20	careful 176:11	CCOF 88:2 89:4	CFR 289:12	103:6,12 104:10
	228:15 229:1	97:7 336:18	chain 54:21 56:1	105:2,10,17 107:9
C	carotene 333:21	cell 234:14	chair 5:3 9:4 11:12	108:7,21 110:4,20
c 1:22 72:16	carried 135:12	central 212:10	12:6,15 13:11	111:2,8,22 112:5
CACC 339:2 343:1	carries 58:19 68:8	centric 231:19	14:10,20 16:12	112:12,21 114:18
353:4	69:16 71:1 73:16	certain 8:8 24:20	17:21 18:8 19:11	116:17 118:15,18
calcium 47:22	75:3 82:10 100:9	33:17 55:22	20:12,22 21:6,21	119:13,21 120:6
57:21 262:7,11,17	129:13 140:8	177:11 245:14	22:15,19 23:2,16	120:11,19 121:5,9
263:11 264:15	144:7 146:1	255:12 284:3	24:4,12 25:1,13	121:16 122:5,20
265:19 281:10	147:14 159:7	certainly 26:9 35:8	27:9,15,19,21	123:5,6,7,16
316:9,14,22 318:2	161:16 169:2	35:15 50:5 61:21	28:22 29:22 30:15	124:5,22 125:21
318:7,14 322:17	171:6 181:14	165:20 240:19	32:1 33:14 34:15	126:20,22 127:7

127:13,22 128:7	217:2,19 218:7,13	299:20 300:5,13	21:5,11,19 31:7	22:17 29:9 38:8
128:12 129:9,12	219:22 220:20	300:22 301:2,7,18	38:11 40:21 49:13	51:14 110:17
130:1,4,15,18,20	221:8 224:22	301:20 302:4	51:10,11 52:10,14	135:1,3,7,16
131:7,13,14	225:11 226:15	304:11 305:10	53:6 56:8 57:6	137:1 166:17,21
132:12 133:5,15	227:10 229:10	307:8 308:11	59:1 63:3 64:21	186:18 203:4
134:1,10 135:8	230:14 231:16	311:3 312:7	68:14 76:2 77:18	247:22 249:19
137:4,12 138:12	232:19 235:20	313:12 314:12	78:1 79:6,18	250:13 294:3
138:22 140:3,7,7	237:1 238:13	315:1,7 316:2	86:15 94:12 99:10	328:11
140:19 141:3,10	240:5,21 241:6	317:10 319:3,9	100:13 101:21	changing 38:13
141:13 142:4,9,14	242:11,21 243:18	320:2,22 321:19	102:21 103:1,7	112:8 131:16,22
142:18,20 143:9	246:11,13,20	322:5,11 323:8,14	114:21 115:2	178:9 179:2 219:1
144:1,6,13,17	248:6,10,13 249:7	324:12 325:4	118:20 122:6,10	231:7 286:3
145:3,6,16,22	249:13,15 250:1	326:11,18 327:5	123:10 125:5	characteristics
146:9,17 147:6,13	251:14 252:2,19	327:14 328:2,2,10	126:2 127:2	186:11
148:1,11 150:1,6	253:3,15 254:4,6	328:12,14,21	128:13 131:18,19	characterized
150:9,16 151:7,20	254:17 256:9,16	329:10 331:6,9,15	134:8,14,18,19	165:16 209:1
152:3,19 154:1,7	256:19 257:4,11	331:21 332:11	135:5 136:3,6	chart 238:18 341:3
154:10 155:11	257:14,20,22	333:4,11 334:13	137:20 138:2	charts 222:7,9
156:1,8,14,21	258:7,22 259:7,9	334:14,14 337:4,5	139:4 142:6,8,11	224:14,16
158:4,9,20 159:6	259:12 260:8,11	338:21,22 340:12	148:9 149:16	chase 211:2
159:13,16 160:7	261:7,22 262:2,13	340:13 341:6,7	150:10 160:6	chasing 304:16
160:13,19,22	262:20,22 263:13	342:18 343:3,15	161:21 162:20	check 52:5 130:20
161:6,15 162:10	263:16 264:9,12	344:16 345:2,16	169:20,22 170:1	319:10 327:8
162:13,19,22	264:19 265:2,17	347:12 348:8	172:13,16 178:11	checking 61:16
163:17 164:8,21	266:10,14 267:13	349:7 350:4,13	179:4 180:12,16	253:19
165:6,14 166:16	267:19,21 268:4	351:22 352:8,16	186:6,12,14 194:7	checklist 335:7
167:1,19 168:5,13	268:12,20 269:3	353:4,8,9 354:4	194:8 195:3 199:1	336:21
169:1,9,13,18	269:17,22 270:7,9	354:17,22 355:8	199:4,5,6,9,14	chelating 141:8
170:6,11,17 171:5	270:16,20 271:17	355:17 356:5,17	203:18,20 204:22	145:1
171:13,16,19	272:11,18 273:4	357:7,15 359:4	211:11,17,20	chemical 25:12
172:10,11,18	273:14 274:4,10	Chairman 140:14	212:3,4,9,11,19	149:22 166:9
173:1,5,19 174:3	274:19,21 275:7	296:5	212:22 218:21	186:6,12,14 194:7
174:5,20 175:3,14	275:18 276:3,20	Chairperson 1:12	219:5,11 220:2	195:3 199:1,4,5,6
176:8,13 177:9	276:22 277:7	1:15 3:4,13,17 4:5	240:12 246:2,10	199:9,14 203:18
178:7 179:20	278:6,15 279:1,11	4:12 219:16	276:12 280:16	203:20 204:22
180:5 181:12,12	279:13,22 280:7	Chairs 297:7,9	281:6,7 283:16	211:10,17,20
181:21 182:3	280:10,18,21	333:9	288:2,4,5 291:17	212:3,4,8,11,19
183:3,3,15,18	282:6,9 283:4,11	challenge 187:6	296:8 297:21	212:22 296:8
184:2,5,7,9 185:4	283:15 284:14	190:10	298:10 299:8,18	297:21 298:10
192:22 193:15	285:5 286:4 287:8	challenging 50:22	299:19 314:18	299:8 310:3,10
196:1,2 199:18	287:18,21 288:10	chance 104:14	327:20,22 329:16	312:18 313:8
201:7,22 202:6,7	288:17,21 289:3	113:7 123:14	changed 16:21	321:15,17
202:13 204:6	289:14,16 290:11	162:16 319:12	44:15,18 76:8	chemically 194:6
208:13 209:14	290:19 292:2,14	352:1	84:1 146:13 148:4	chemicals 78:22
210:18 211:13	294:20 295:4,15	chances 244:11	154:2 194:7	186:20
213:12 214:13,21	296:2,2,12,18	change 19:7,13,18	227:15 287:1	chemist 199:5,7,8
215:7,9,17 216:10	298:2,6,11,14	19:21,22 20:7	changes 18:20	chess 219:7

chicken 286:14,19	218:22 219:16	clear 21:14 45:3	37:2 106:1 328:9	237:4 242:5 272:6
chickens 287:1	223:10 242:11	46:2 64:20 80:1	335:7	281:19 285:14
Chilean 20:15	245:2 255:3	86:5 102:22 117:4	collaboratively	287:19 321:9
chilling 286:13,19	259:15 271:18	124:21 127:6	328:5	340:22
286:22 287:6	283:2 284:16	154:17,20 155:6	colleague 113:22	comment 23:20
chloride 338:1	288:11 295:1	164:10 165:9,13	colleagues 104:11	24:1 53:1 59:22
chlorides 41:19	341:12 355:10	167:16 172:12	320:7	60:8 75:15,17
43:19	clarifications 139:2	176:2 185:11	collection 297:15	76:10 79:12 85:12
chlorine 3:22 47:17	339:12	192:4 214:12	collections 332:16	88:6 97:1 103:2
47:22 48:1,2,9	clarify 34:7 38:20	242:17 258:10	collective 346:15	110:10,11 115:2
49:1 50:20 51:3,3	79:16 98:2 123:2	clearance 293:8	college 35:22	141:19 142:17
51:7,9,12,21 55:7	124:14 138:8	climate 239:7	colleges 35:20	146:16 157:8
55:15 56:2,3,7	245:13 272:3	climatic 102:15	collegial 320:11	159:20 175:10
57:14,17,18,21	293:8 294:16	clockwise 42:15	colored 70:2 72:18	177:3 184:21
160:3,4 280:12,16	314:3 317:20	close 96:3 105:19	combination 26:13	193:9,22 208:22
281:10,11,14,18	342:10	105:20 247:12	91:5 236:11,13	221:19 223:8
281:22 282:1,4,18	clarifying 39:2	closely 51:6 61:20	combine 272:9	225:4,13 231:15
283:19 284:11	170:5 217:20	188:8 251:20	come 9:6 24:7	232:13 243:12
285:8,13 286:18	305:20	347:9	26:12 28:11 32:8	245:19,22 247:4,4
287:6,16 334:6	clarity 131:6	closer 247:10,13	33:2 88:20 95:16	254:9,12,16 265:5
choice 213:5	133:20 163:7	closes 219:6,20	97:11 98:4 106:6	265:5 277:8 281:5
choices 157:18	171:20 245:10	Closing 4:20	138:7 160:21,22	284:13,18 286:13
choose 96:19 164:6	283:3 350:18	Coalition 32:15	171:22 192:2,3	290:9 293:20
chose 107:16	classification 4:8	Coast 114:13	200:9 208:5,11	298:21 299:2,17
164:20 176:6	41:7,11 46:2,9	cobalt 42:2 44:1	210:3 223:9 225:9	300:2 315:16
chosen 7:9	194:4 196:5	coffee 316:13,18	231:22 237:12	330:16 336:18
chunk 232:10	202:19 203:12	319:1	244:12 246:1,9	340:9 353:16
cinnamon 22:7	218:17 263:14	coincide 76:10	252:13 271:6	358:6
circle 40:1	267:3 298:21	340:21	287:14 290:7	commentary
circumstances 8:9	299:10 302:20	Colehour 1:15	292:19 293:22	214:16
286:9	304:22 313:16,21	10:18 12:16 32:1	297:3 299:11	commented 89:22
citation 38:7,13	315:15 316:7	32:2 33:14 75:12	305:2 306:9	277:22
cite 45:21	335:1	80:21 86:18 98:9	311:20 314:3	commentor 277:11
claim 208:11	classified 42:8	105:10 107:9	321:7 341:19	277:16,21
claims 187:16	45:16,19 196:13	123:10 133:18	346:9 351:12	commentors 94:15
clamoring 228:18	196:15 264:13	156:8,21 157:3	353:18 358:3	comments 28:1
clarification 12:19	301:15 315:12	161:2 180:20	comes 28:18 90:8	32:5,10,14,22
13:9 48:15 49:4	326:8	204:8 210:4	137:15 150:20	33:9 60:1 65:9
49:10 50:7,10,17	classify 196:11,13	214:14 219:1	164:16 175:20	75:19 86:20 90:15
50:19 51:2,8 72:3	203:3,4,5,19	240:22 241:6	200:16 285:20	90:18 103:17
84:11 87:1,11	218:3 263:4,11	259:13 260:14	338:15,17	104:1,6,22 123:13
92:14 95:19 96:11	308:7	331:18 348:8	comfortable 31:1,4	152:9 153:16
97:21 121:8 131:1	classifying 299:4	Colehour's 36:19	52:21 238:2 251:8	176:11 185:2,15
131:4 132:8,14,16	305:21 306:15	247:4	349:14 350:1	193:5 194:1 195:5
132:17 133:7,16	clean 93:12 209:7	collaborate 25:7	coming 8:12 28:2	195:22 196:4
135:11 142:5	cleaning 48:4 57:16	29:5 37:6	31:19 84:17 94:16	206:21 211:1
161:19 178:5	68:16	collaboration 29:7	163:9,15 188:1	230:22 231:2

244:6 246:1 250:14 284:18 285:22 290:16,21 291:3 292:10 294:11 329:19 342:8 347:22 351:7 352:19 353:19 commercial 7:7 187:13 192:6 207:14 325:2 338:16 commercially 190:18 Commissioner 115:6,6 commit 166:13 commitment 30:3 350:21 committed 346:20 347:7 committee 3:2,4,12 3:16 4:4,11,18 5:10 16:6 17:12 18:6,6,9,12,16 23:1,1,21 24:6,13 24:17 25:6,15 30:20,21 31:21 32:6 38:16 39:5 40:19 41:8 44:15 47:19 49:17 51:7 51:18 58:20 59:1 60:21 61:7 63:9 65:1 66:12 68:9 69:18 71:1 73:19 75:4 76:7,17 80:18 81:2 82:13 83:1,21 84:7,9 85:14 86:10,12 92:4 93:19 94:17 98:2 99:5,7 100:9 100:10 101:9 105:13,14 110:6 114:19 116:19 122:14 123:7 127:1 140:9 141:16 142:10	144:7 146:3,12 147:16 148:6 151:10 152:15 153:1 154:2 159:7 159:21 160:6 161:16 164:1 165:20 167:13,16 168:1 169:2,22 170:7 171:6 172:11,12 173:20 174:10 181:14 187:17,18,18 199:8 212:2 214:17,18,19 216:19 220:10,16 220:18,21,22 221:9,17,21 222:2 222:13,17,20 223:10,18,22 224:3 226:9,17 228:13 230:11 233:15 236:1 237:6,10 238:6,9 241:3,8 242:12,16 243:1,10,15 246:14 247:21,22 248:5,14 249:19 250:4,7 251:6,11 251:19,22 252:17 253:6,12,20 256:21 261:5 262:4 264:22 265:8 266:15,20 268:1 270:2 272:8 273:12 276:11 277:4 281:6 283:7 287:9,20 288:14 288:15,18 289:5 290:14,19 291:2 291:12,15 294:14 296:5,6,6 297:2,3 297:5,12,20 300:1 302:1,9 314:7 317:6 320:13 322:1,22 323:5 327:14 328:4,6,8 329:13,14,20,22	330:8,9,11,13,18 330:22 331:4,5 332:15 333:9,11 334:14,15 337:6 338:7 339:1 340:4 340:14 341:8,18 342:19 344:2,14 349:18 350:9 351:19 352:6,12 352:14,15 353:15 354:6,12 355:2 356:1 committees 7:4,6 243:3 252:4 297:18 332:17 349:18 committee's 103:21 225:2 community 6:18 9:17 31:17 36:7 92:11 97:15 104:9 106:8,14 107:2 108:19 109:5 111:15 112:18 119:20 163:9 165:11 180:9 188:5,6,21 189:3 196:6 202:16 203:2 222:4 224:5 227:22 236:5 237:12 242:6 247:5,6,9 251:4 304:21 314:1 335:2 349:13 companies 9:7 153:17 190:4 228:1 company 8:19 9:3 11:2,21 12:2 53:12 54:14,19 55:2,15,21 308:12 comparison 103:15 compatibility 313:17 compatible 160:4 203:13,16 212:15 complement	282:14 complements 20:21 20:22 complete 58:3 218:15 220:8 271:16 290:8 320:20 332:13 335:2 completed 42:10 107:21 295:6 completely 117:22 135:17 155:12 250:16 251:7 308:2,16 completing 330:8 340:20 complex 221:20 complexity 134:5 compliance 63:13 155:2 339:1 complicated 62:5 241:15 244:10,18 313:14 320:14 component 98:3 components 84:21 87:17 88:13 89:17 93:13 composition 305:15 307:16 compost 72:16 317:18,19 324:9 324:14 composts 201:4 compromise 23:22 32:19 77:4 109:10 computer 259:17 computers 234:4 computer-predic... 113:17 116:11 concentration 281:19 283:19 285:13 concentrations 282:17 concept 6:11,12 7:18,21 8:13 25:17 106:16	205:22 conceptually 52:1 concern 19:21 20:16 30:10 49:7 63:18 76:21 102:12 110:7 114:1 116:1 137:6 222:4 227:5 234:1 234:9 254:12,15 287:2 343:11 344:5,11,14 347:2 347:19 351:4,4 353:7 concerned 28:15 102:16 173:11 189:14 299:3 346:19 concerning 225:4 concerns 65:7 80:8 113:9 153:16 225:4 231:4,6 concludes 216:18 342:18 concluding 192:3 208:9 conclusion 123:1 195:15 209:12 213:17 conclusions 107:18 214:8 concrete 34:9 352:20 concur 204:4 condensed 35:2 conditions 102:15 conducted 113:21 152:8 confidence 7:1 confident 53:15 108:19 227:19 confirm 138:15,18 179:21 327:6 confirmed 277:15 278:4 conflict 5:12 7:20 8:18 10:3,6 13:2 13:16,17,22 14:7
---	--	---	--	--

21:15 38:4 44:8 53:12 73:16 81:13 98:8 99:14 121:6 124:6 156:10 158:12 173:2 174:6 183:20 260:13 269:4 273:16 275:9 278:7 279:15 295:7 300:7 342:8 342:12 conflicted 191:15 conflicting 187:22 293:1 conflicts 42:11 46:12 53:5 65:14 74:8 conformance 188:18 confused 78:10 130:13 confuses 319:16 confusing 250:16 319:17 confusion 124:10 130:15 congeal 34:8 connected 11:3 connectedness 9:16 consensus 174:14 consequences 94:2 110:19 319:20 349:12 conservation 6:4 consider 24:16 42:3 85:10 88:10 151:17 153:2 155:8 183:12 200:10 210:8,14 217:10,12 319:6 349:20 consideration 3:2 24:20 69:17 155:22 241:9 245:22 290:9 349:21 considerations	155:7 considered 92:18 150:21 153:4 215:14 222:7 304:9 317:17 318:17 considering 52:9 340:4 342:15 consistent 284:20 321:18 constantly 308:18 constituency 230:10 constitute 305:9 constituted 305:8 constitutes 93:21 consult 252:8 consulted 222:19 consumer 6:5 11:7 106:2,3 198:21 199:10,12 235:5 309:7 310:9,11 consumers 29:16 107:5 151:22 163:12 222:3 224:1 contact 48:3 281:13,15,20 282:17,18 285:3,9 285:14 contacted 268:10 contacts 285:20 contain 88:18 221:18 container 157:22 containers 150:13 contains 222:22 contamination 254:13 context 45:11 143:7 244:21 312:22 316:12 continue 27:8 36:5 36:12,13 93:6 106:9 123:3 130:16 178:2 244:16 294:13,15	314:8 323:3 334:9 continued 59:2 99:8 101:9 277:12 278:1 continuing 104:3 135:14 338:12 continuity 133:2 contour 354:14 358:8 contract 157:19,20 contractors 157:17 contribute 319:12 346:10 contributed 222:14 control 23:11,12 38:10 59:5 66:18 83:5 91:19 93:3 94:7,16 95:1 97:3 100:15 101:13,14 102:1,2,14 126:4 126:5 127:18,19 129:21,22 162:6,8 336:4 controls 25:12 95:9 166:10 conundrum 314:5 convene 331:1 convened 1:10 convenes 167:11 conventional 148:18 149:14 190:3 272:22 345:5 conversation 28:7 35:1 36:18 165:4 233:15 234:7,8 251:22 358:4 conversations 28:8 conversion 205:3 conversions 235:7 convey 24:22 convinced 104:2,3 cooked 267:2,17 cooking 199:13 211:22 cooled 287:3 coordinate 25:7	coordination 29:10 Coordinator 109:18 copper 42:1 43:22 58:20 59:6,6,7,12 59:14 63:20 66:19 66:19,20 67:3,5 67:10 337:18 coppers 59:2,6 66:16,19 copper-based 59:9 66:22 copy 109:21 267:6 corn 3:11 171:9 183:6,10,12,14 184:11,13 187:12 187:13 192:11,16 194:17 200:4,5 208:20 209:3 215:12,14 217:10 218:3 306:16 307:4 corporate 153:14 correct 15:18 24:18 28:19 41:9 52:6 76:14 84:9 102:20 117:9 121:15 131:12 157:3 170:2 172:1,3,17 172:22 179:4,18 193:14 219:21 249:22 259:11 260:5 268:7 270:4 303:4 305:18 307:17 312:10 313:11 316:22 317:7 331:14,15 corrected 270:17 correction 223:11 260:9 corrections 40:3 204:19 correctly 49:1 86:1 87:12 89:15 101:5 193:13 196:15 307:22 317:15 Costa 157:14	costs 224:5 Counsel 21:13 count 15:2,6,7 327:9 counter 20:13 counterbalance 244:9 countercurrent 183:14 184:12 192:6 215:13 country 177:12 189:18 190:19 191:20 counts 234:14 couple 10:21 22:5 27:22 94:14 113:9 184:8 193:7 194:16 195:5 201:15 227:13 238:15 285:17 306:2 307:21 329:19 332:14 337:18 course 8:8 22:9 97:14 113:1 114:8 199:22 207:2 290:4 354:9 COURT 330:4 courtesy 220:3 covalent 186:17 cover 65:7 86:14 covered 18:18 50:11 64:14 79:14 240:1 covers 7:20 71:22 74:2 cow 202:22 238:21 covered 191:22 create 80:15 132:21 created 132:2 148:16 creating 31:13 191:18 192:19 credibility 226:3 310:8 credible 189:20
---	--	--	--	--

criteria 7:16 213:8 339:21	CSL 208:6 218:17	240:13 251:6	declaration 54:11	delayed 136:11
critical 226:12	cultivars 25:11	277:11 321:13	declarations 55:17	deleted 224:11
crop 43:15 48:3,17	27:6 166:9	327:11 331:18	declare 53:8 54:7	deliberated 187:19
48:20 50:8 54:19	cultural 166:11	343:4 350:3	declared 13:16	358:17
66:17 68:9,13	culture 33:5	358:10	declares 258:8	deliberation
69:21 71:6,20	curious 115:3	days 113:2 193:8	dedicated 109:22	173:17
72:16 73:22 81:7	314:19	262:16 275:2	deem 213:10	deliberations 153:6
101:12 129:20	current 38:9 50:16	de 303:8 305:3	deemed 7:11	delighted 272:19
144:21 150:8	50:18,19 60:6	deadline 24:8	309:21 312:20,21	delineation 226:14
162:5 177:22	75:7 77:12,13	deal 21:18 91:8	324:20	deliver 345:11
178:4 214:18,19	79:14 115:10	dealing 234:13	deems 349:19	demonstrable
215:15 281:15	124:19 172:20	302:15	deep 185:11 202:21	165:21
285:9 307:11,13	179:15 214:18	dealt 61:4 87:18,19	202:22 308:22	demonstrate 60:9
318:13,18	217:16 222:19	dear 336:9	deeper 168:2	DeMuri 1:16 3:17
crops 3:4 5:10 16:6	241:18 243:2	debatable 354:10	default 138:9 139:7	16:8 23:17 43:1
22:15,19,22 23:21	244:14 282:19,22	debate 123:19	346:1	47:2 48:11 52:20
24:13,17 38:16	283:3 289:7 309:7	124:16,18 125:2,5	defeated 121:13,18	55:1 56:15 58:8
39:5 40:19 44:14	currently 26:4,7	125:9,22 188:3	defense 151:10	59:18,19 65:18
47:18 51:4,6,14	50:22 66:13 67:11	197:12 320:10	defer 39:5 121:22	67:16 69:1 70:21
58:20,22 60:14	76:15 78:2 90:7	323:5 354:13	140:16	73:13 74:21 76:6
66:12 69:17 71:1	121:15 138:10	debated 355:3	deferred 36:6,12	82:5 98:19 99:11
73:18 75:4 80:17	172:4 268:18	debates 335:4	deferring 35:11	100:2,19,20 102:7
81:2 82:12 83:1	cut 35:4 211:1	December 358:19	232:1	105:12 119:2
84:9 85:13 86:10	C-O-N-T-E-N-T-S	358:21 359:2	deficiency 41:20	125:14 126:13
90:5,11 92:4	3:1 4:2	decide 13:7,18	43:19 92:21 97:13	129:2 130:10
94:17 99:5,7	D	33:11 88:12 89:14	146:6	137:5 139:18
100:9,10 101:8	D 93:3	89:15 287:22	define 342:11	143:16 145:9
105:13,14 110:5	dairy 195:6 224:7,8	decided 105:1	defined 7:22 194:8	146:21 159:5,15
114:18 127:1	224:14 234:15	176:3 232:11	defining 337:1	161:13 168:20
140:9 142:9 144:7	286:9	289:21 290:4	definitely 86:7	169:17 171:1,18
146:2 147:15	dairymen 238:16	346:10	251:13 292:2	181:7 182:2,18
153:1 154:2 159:7	danger 228:16	decision 8:20 11:15	309:1	183:17 201:8
159:21 161:16	data 45:21 46:8	26:6,11 173:17	definition 113:11	216:3 225:2 241:1
165:20 168:1	152:10 192:5	186:9,10,22	192:20 296:8	250:6,18 253:21
169:2 171:6	309:11	190:21 191:10	297:21 298:9	254:11,21 256:22
172:10,12 174:3	date 23:9 24:16	195:3 198:1	299:7 312:12	257:6,17 258:15
181:14 183:8	27:13 28:15 96:14	199:17 214:5	definitive 17:1	259:4,11 260:4
199:8 212:1	96:17 112:8	217:9,15 305:5	246:8	261:4,15 262:6,15
216:19 218:15	115:14 137:19	320:14	defoliant 41:18	263:6,10 264:2,14
231:19 315:12	162:2 358:19	decisions 6:16 7:8	43:17	264:21 266:3,18
317:2 318:7 321:6	dated 291:7	10:5 151:5 204:4	degradation	267:10,14,22
335:13,14 337:5	day 5:4,5 20:14	304:22 305:1	205:16 206:5	268:7 269:10
crop's 181:20	22:9 185:15 187:1	decision-making	degree 227:6	270:4,11 271:8
crux 137:17	191:3 210:8	194:13	degrees 177:11	273:10,19 274:13
crystal 258:10	218:14 227:15	decisive 14:22 18:2	delay 131:22	275:11 276:8
crystalline 255:10	228:21 239:14	217:9,13,14,18	135:11,13,18	277:2 278:22
		218:1	136:4 250:21	279:4 280:8,14

281:1 287:11	detectability	81:19 98:11 99:15	difficult 20:2 61:14	128:21 251:12
288:16 289:1,9,18	304:13	99:16 125:20	61:17 119:17	disc 18:11
290:18 295:22	detectable 308:8,13	126:19 129:8	163:6 187:21	disclose 8:5
300:20 301:19,22	312:8	138:13,14 140:2	199:16 213:20	disclosing 311:1
327:2 329:6 331:8	detected 304:17	143:22 145:15	214:9	disclosure 44:9
332:6 333:10,13	determination 16:2	147:5 158:19	difficulties 134:20	171:15 268:15
352:3 357:14	184:11 217:13,18	161:5 168:12	296:22	discomfort 208:14
density 27:3 239:19	247:18 258:2	170:16 180:22	dig 46:5 197:16	discontinue 203:6
Department 1:1	263:17 308:4	182:12 216:9	202:21	discretion 96:19
29:4,6 36:21 37:5	determine 8:9	227:11,12 253:11	dilemma 230:16	97:22
62:12 77:19 80:13	49:11 119:18	258:21 261:21	diligence 311:19	discuss 13:3 34:12
291:22 311:12	202:3 245:12	262:21,22 263:8	diligently 296:20	132:9 171:14
349:15	288:1	264:8 266:9	dinner 233:12	224:20 325:6
depend 138:4	determined 305:17	269:16 274:3,20	dioxide 48:1 57:21	discussed 57:10
293:5	305:18 312:2	275:1,17 277:8,21	82:11 83:1,4,15	60:1 118:9 153:6
dependent 78:20	determining	278:14 279:21	85:21 86:2 88:15	185:13,16 201:14
97:16	152:13 217:3	295:14 300:12	192:7 194:18,20	253:13 265:14
depending 84:20	develop 26:19	326:17 328:20	195:10,14 203:16	344:1
239:18 337:20	107:4 251:18	331:20 338:22	212:21 213:3	discussing 174:6
depends 250:22	339:6	339:2 340:13	281:11 306:17,22	184:20 201:18
depth 9:13	developed 110:2	349:8 357:6	307:3 333:16,18	discussion 23:4,18
Deputy 2:12 5:14	117:20 118:2	die 235:14	335:14 338:7	26:22 27:2 35:4
291:9	155:16 341:4	diet 340:20	dips 177:11	42:9,9 44:7,11
derive 8:3	developing 105:22	Dietz 13:12,13	direct 8:3,19 9:2	46:11 48:12,16,19
derived 270:13	252:11 330:9	differ 323:10	11:22 12:4,14	52:4 53:4,11 58:2
271:3 279:8	339:12	difference 29:13	14:19 48:3 55:14	58:3 59:20 60:12
describe 19:8 303:9	development 4:11	135:17 214:7,7	281:15 285:3,9	60:19 65:13 67:12
described 6:12	28:13 31:10	325:12	directed 164:9	68:20 70:4 72:21
26:13 313:22	163:11,14 192:16	differences 196:19	242:8 351:18,19	74:7 75:13,16
319:21 321:13	297:3 310:5	197:3 315:21,22	direction 24:3	79:1 80:6,9 81:12
description 44:5	327:14 328:4,5,8	different 6:14 8:11	25:16 192:20	81:14 83:11 87:7
descriptions	329:12 334:12	44:16 45:5,6	235:3 247:17	87:15 97:3 98:7
327:15	341:8 349:21	83:20 84:21,22	307:10 313:20	99:12 100:21
descriptors 194:11	dextrin 333:18	94:22 95:1,8,9	323:2,6 343:14	102:9 103:10
deserves 184:22	de-list 93:3 103:22	96:5,14 115:19	346:21	106:9 109:15
185:7	105:16	122:6 123:9 136:7	directionally	110:6 116:20
desiccant 41:18	de-listing 122:19	150:21 167:10	320:19	119:1,4 122:14
43:18	de-oiled 307:20,22	185:21 188:6	directly 107:14	124:11 127:22
designate 224:8	DHA 324:18	204:3 213:17,18	230:10	130:5 141:13
designed 8:15	333:18	214:1 226:5	Director 2:14,21	142:15,21 143:10
224:6 282:14	dialogue 106:9	239:20 242:3,17	32:16 115:7	145:6 146:9 148:1
desks 80:6	242:4	245:1 255:10	disadvantage	148:12 149:5
detail 200:13	Dickson 1:17 15:17	281:4 282:12	153:18	151:8 154:11,17
207:22	43:7 47:8 54:12	288:18 307:10	disagree 122:22	155:13 158:10
detailed 342:8	54:13 56:21 58:14	313:2 314:10	203:9 325:19	159:17 160:8,14
details 207:3	66:2 67:22 69:7	336:22	disagreed 193:11	162:13 163:3,22
detect 306:21	70:13 73:5 74:13	differs 86:12 283:6	disappointed	165:17 166:2

168:6 169:19	disinfectant 48:6	298:20 302:21,22	290:2	educational 50:3
170:12 171:19	57:15,19 68:15	305:13 311:7	dropping 174:19	effect 10:9 29:8
173:1,6,9,12,18	281:22 282:4	330:12,16 340:19	210:21	31:13 61:8 63:3
180:15 182:10	285:16	340:21 347:16	drying 284:7 286:7	77:18 94:12 97:17
183:19,20 184:3,4	disinfecting 48:7	documentation	dual 277:3	135:14 139:9
184:10 185:14	281:13	46:6 312:1	due 110:15 173:16	150:5 180:2 202:4
208:19 209:15	dispensers 76:16	documented 41:20	205:16 210:12	246:14 291:20
210:22 214:14	76:18 77:7 78:5	43:20 59:11,15	211:8 242:15	301:15 306:12
215:5 221:11	disruption 132:21	63:4 146:6 353:6	243:2 311:19	307:3,5 309:13
224:22 227:11	disruptive 295:3	documents 18:14	345:3	310:19 315:11
229:8 233:12	dissolved 205:3	213:22 221:5,18	Dufresne 195:6	322:13,19 326:7
235:21 240:22	distances 358:16	222:11,14,16,20	dug 202:22	358:9
246:4,5,12 249:6	distinction 8:21	223:6,13 246:5	duplicate 141:16	effective 255:12,14
249:15 250:2,5	84:18 207:11,16	251:5,11 340:17	142:2	effectively 77:12
251:7,15 252:20	207:16	341:2,4	duplication 80:2	180:17
254:6,18 256:10	distribution 150:11	doing 15:1 33:7	dust 141:9 145:1	effects 61:2 92:16
257:5 258:1	distributor 157:17	52:21 60:4 63:10	duty 92:15 185:3	301:17 315:21
259:13 260:12,13	disulfide 186:16	64:2,2 106:19	185:22 186:4	326:10
261:8 263:16	194:22 198:5,7,10	110:14 114:13	188:11 196:4,9	efficacy 113:15,18
264:20 265:18	198:16,18,20	120:17 134:21	D3 95:2,3,7,19 99:5	256:5
267:21 268:13	205:8	154:19 169:22	99:8,14	efficient 149:19
269:4,5 270:9,21	Ditto 129:1	189:22 191:17		283:18
271:13,18 273:15	dive 168:2	192:18 230:20	E	effort 335:22
274:21 275:3,6,7	diverse 9:8	238:5 252:17	earlier 11:1 56:9	efforts 25:7 292:22
276:22 278:7	divide 193:5	309:3 347:5,7	134:5 188:5 194:3	egg 199:13
279:13 282:10	Division 2:16,17	doom 313:7	276:9	eight 15:11,12,13
289:16 291:18	doable 33:7	door 45:10 180:9	early 16:16 149:4	35:13 66:11
292:15 294:21	docket 20:1,3,5,6	double 13:8 238:22	easier 49:11	104:16 182:8
295:5,5 298:5	41:2 93:2 131:19	327:8	easily 62:15 93:16	327:10
299:20 300:6	131:22 132:5	doubling 114:14	East 114:13	either 9:7 21:14
301:21 302:13	136:8,20 138:1	dovetail 226:20	eastern 102:12	39:8 121:13
306:10 321:1	177:19 178:12	draft 51:1 245:6,19	easy 49:7,9	201:11 210:17
323:9 325:5,10,21	179:7 183:8	252:7 282:15	echo 345:16	217:14 222:14
328:14 330:12,19	216:19 288:12	284:17 286:14	echoing 106:5	229:4 287:7
331:9,17 340:21	document 4:9	287:13 293:6,17	ecology 6:7	296:11
342:19 343:16	16:19 17:2,3,4	293:19,21 294:5,5	economic 151:16	elected 142:2
352:13 356:8,9,21	37:7 40:20 82:14	294:8,10 332:16	economy 155:17	element 104:8
358:9,13	140:13 155:8	drafting 233:18	edible 48:8 270:13	elements 26:20
discussions 18:14	167:4 194:4	dramatic 310:5	edited 221:11	84:22 186:21
146:18 153:12	202:19 221:10	draw 62:7	223:2	Eleven 216:13
297:8 315:2 317:6	222:22 224:19,21	drift 321:11,12	edition 225:5	Ellor 1:17 23:19
330:15 339:9	226:21 233:19	drifted 321:6	edits 112:13 221:5	42:6,18 44:2,13
disease 23:11 46:1	235:16 240:10	Drinking 48:6	221:13,17 224:19	45:4 46:13,19
59:5 66:18 101:13	242:16 243:10	57:20 282:1,5	243:15 248:4	55:6 57:2 58:1,16
101:22 126:4	248:4 249:3,4,12	driving 204:22	250:10	65:8 66:5 68:3,18
127:18 129:21	249:19,21 250:4	drop 19:6 77:7,9	Education 23:6	69:10 70:16 73:8
162:6	287:10 290:14	139:12 155:20	109:21	74:6,16 79:10,21

81:11,22 83:10,17 84:8 85:17 86:4 90:14 94:14 98:14 99:19 121:7,10 125:8 126:8 127:21 129:11 140:5 141:12,15 142:7,19 144:3 145:18 146:8,11 147:8,22 148:3 155:12 158:22 159:18 161:8 162:12 165:8 168:15 174:9 175:15 181:2 182:14 199:19 213:13 215:7,20 221:7 229:12 235:22 247:3 248:12 249:5,14 249:16 250:11 251:2 253:1 256:20 258:6 261:10 264:11 266:12 269:19 274:6 275:20 278:17 280:2 295:17 298:13 300:15 326:20 329:1 331:11 332:1 352:18 357:9 eloquently 210:5 emailed 222:15 238:19 Emerald 1:10 Emily 2:19 271:19 284:13,14 emotions 348:2 emphasis 77:16 78:19 emphasizes 78:17 enable 133:1 encourage 35:15 36:8 37:14 93:4 163:14 192:14,15 240:20	encouraged 224:18 encourages 106:8 encouraging 26:17 26:18 225:17 ended 125:21 endorsed 29:12 30:11 ends 11:15 225:19 enforcement 62:22 63:15,18 167:3 292:3 317:12 enforcing 217:5 enriched 222:8 224:18 ensure 63:13 106:22 281:18 283:19 285:12 309:17 entered 209:12 entertain 218:3 entire 150:10 205:16 206:4 327:20 entities 228:3 entree 316:5 environment 118:10 148:21 224:18 239:11 310:6 environmental 6:3 76:22 310:19 environnements 222:8 enzyme 273:7 enzymes 270:3,5 271:22 272:7 EPA 45:17 46:9 59:8 64:7 66:21 281:16 285:10 306:11 312:15,21 321:21 324:1,2,3 337:21 epigenetic 44:18 epigenetics 45:11 equal 186:17 equally 87:19 equipment 48:8	55:9 61:13,13 63:15 64:6 153:20 284:22 equivalent 160:1,5 error 72:10 101:5 escape 303:3 especially 16:9 60:14 61:2,19 91:18 175:18 191:13 250:13 345:4 espresso 22:8,12 essence 313:15 essentiality 255:5 256:2 265:8 268:6 essentially 20:19 77:15 114:13 118:5 134:6 238:22 303:4 309:12 358:5 establishing 339:20 establishment 5:22 estimate 314:15 estimation 287:12 314:11 et 42:14,15 63:19 76:19 96:4 163:12 195:6 226:7 233:19 234:15 235:8 283:20 ethanol 68:17 ethylene 147:15,19 151:19 156:12 157:1 158:3,7 evaluate 97:18 186:2 188:11 213:8,10 293:21 evaluated 46:8 304:3 evaluating 25:22 77:1 92:6 evaluation 29:20 29:21 93:13 192:5 335:7 336:21 339:4 event 57:5 113:17 eventual 25:8	eventually 353:12 353:17 everybody 189:3 204:7 250:12 289:19 everybody's 201:12 everyone's 265:15 evidence 152:8 154:22 197:11,11 evidenced 346:22 evolves 92:11 evolving 76:21 exact 26:3 exactly 92:10 93:7 128:9 136:10 160:5 197:1 198:8 202:18 232:21 256:2 350:19 353:20 354:8 examine 119:12 example 11:1 12:7 12:20 14:2 17:1,8 17:12 32:22 166:8 232:15 233:1 272:13 284:6 286:9 307:11,19 322:15 336:3 examples 10:21 11:9 157:13 206:12 321:8,9 exceed 48:5 57:18 281:21 282:3 285:15 exceeding 301:13 326:6 exception 112:22 117:19 172:7 excuse 23:2 257:2 execute 54:1 304:14 executes 21:5 Executive 2:21 352:14 354:5,11 356:1 exempted 59:8 66:21 exemption 172:21	173:8 180:17 exemptions 172:14 existed 153:7 existing 47:21 65:6 103:14 110:21 111:9 129:16 144:9 179:3 181:15 232:1 233:3 314:1 exists 151:1 187:12 expanded 266:20 267:1 expansion 50:16 267:15 expect 33:21 49:11 54:1 93:18 105:8 165:22 335:3 341:17 expectation 24:6 33:22 34:1 expectations 24:21 37:8 106:12 expected 14:13 expecting 53:18 expects 25:6 148:19 expedite 163:9 expedited 93:10,10 163:13 expediting 97:9 expensive 308:15 experience 33:6 90:22 91:16 94:5 94:6 190:6 317:8 318:22 experiencing 115:20 experiential 10:20 expertise 6:2,7 9:13 84:17 173:13 228:16 experts 76:19 187:11 193:10 194:19 195:1,9 252:8 expiration 23:9 27:14 96:14,17
--	---	--	---	--

162:2	254:15 325:13	157:21 224:14	239:17,22 240:2	357:13
expire 272:7	346:20	fashion 163:13	240:16	Feldman's 292:6
explain 16:9,13	factor 152:14	348:4	Feldman 25:14	fell 299:4
20:10 44:22	facts 253:19	fast 107:6 226:2	27:12,18,20 29:2	fellow 11:13 221:19
204:15 242:19	failed 138:6	310:9	36:15 42:22 44:8	felt 54:6 175:22
283:22 298:4	fails 17:7 28:18	faster 39:9	45:13,15 47:1	187:2 233:14
explaining 178:14	47:17 66:12 90:8	fate 138:3	50:14 51:15 56:14	250:12 255:20
explanation 176:20	99:3 122:16,21	favor 89:22 154:7	58:7 60:20 62:11	304:19 305:6
290:13	123:8 127:1 132:4	160:12,12	65:17 67:15 69:14	fence 190:5
explicit 37:8	139:6 178:11	favorable 256:1	70:20 73:12 74:20	fermentation
explode 88:14	179:10,16 216:18	FDA 226:20 281:16	76:12 78:4,14,17	194:20 205:17
explosion 88:22	266:15 270:1	285:10 291:7	80:10,13 82:4	ferret 119:7
export 157:15	279:2 327:10	fear 318:19 323:4	84:13 85:3,6 86:3	ferric 337:10
exposure 10:8	fair 282:20 311:6	feasible 61:10	87:16 91:12 92:9	fertilizer 316:19
312:22 313:3	fairly 45:1 55:21	feathered 234:12	95:13 97:5 98:18	318:9 324:7
express 347:2	165:21 234:21	feature 272:21	100:1,22 105:18	fiber 159:12 333:21
expressed 23:14	fall 51:2,10 59:5	federal 45:16 320:4	115:1,18 124:4	333:22
32:7 225:9 277:11	222:12 236:15	Federation 7:13	125:13 126:12	field 61:16 91:4
353:11	251:12 284:17	feed 72:17 235:7	129:1,18 130:9	115:16 235:1
extending 24:16	291:17 294:3,8,12	318:7,10	132:19 139:17	252:8 321:12,15
37:11,16	334:20 335:3,18	feedback 13:4	143:15 145:8	fields 6:7
extension 37:18	339:3,7,15,17	21:16 241:9	147:12 148:13	Fifth 1:11
38:1 108:18	340:6 341:17	339:16	150:4,7,14 154:12	figure 120:7 190:13
extensive 55:22	fallback 21:17	feedstock 317:19	159:4 161:12	230:8 239:14
174:13	falling 136:18	feel 15:22 16:3	163:5 164:19	283:6,8 352:15
extent 88:9 93:19	falls 179:11	31:21 52:20	165:2 167:6	figured 230:13
extra 9:22 80:15	false 308:20	103:11 105:21,21	168:19 170:22	filibuster 211:4
extract 333:20	familiar 90:5	107:1 108:18	180:1 181:6	filling 150:12
extracted 312:18	306:16	151:10 168:3	182:17 184:16	final 51:4,5 134:22
extraction 309:14	far 62:6 88:18	177:6 206:7,16	185:9 211:15	197:5 198:4
extracts 279:9	109:1 230:13	208:15,16 210:10	216:2 217:22	200:15 220:8
extremes 10:22	248:3 297:11,11	225:3 227:18	218:19 220:11	241:4 245:7,20
eye 109:2	349:11	238:2,12 251:8	254:19 255:5	246:2 247:11
	farm 50:9,10 55:6	288:14 314:19,20	256:11 258:14	282:15 293:22
	61:20 157:16	346:8 349:14	261:14 264:1	294:7,12 301:13
	235:2,6 268:16	350:1	266:2 268:5 269:9	301:17 305:17
F	farmer 118:12	feeling 25:15	273:18 276:2	306:20 308:3
f 81:7	farmers 49:7,18	174:18 185:3	277:19 278:21	309:15 326:5,10
face 149:8,9	50:1 90:12 92:1	feels 10:8 16:17	280:6 282:11	finally 335:16
faced 118:7 149:4,5	98:6 107:6 109:10	19:8 51:18 105:14	283:5,13,21	336:18 342:7
facilitate 109:17	155:15,19 156:19	173:10,15 191:9	291:19 295:21	financial 7:7 8:4,20
facilities 235:8	175:11 176:12	213:6 229:9 242:6	300:19 302:14	9:3 11:4,5,8,22
facility 56:4	177:5 225:9,15	242:8 304:13	309:9 311:11	12:4,12,14 14:5
fact 32:5 35:6,10	farmer's 205:11	345:21 346:13	312:9 321:2	14:19 55:14
71:4 85:20 89:9	farming 5:20 114:5	feely 213:14	323:10 324:13	find 26:2 154:20
90:17 93:2 95:3	351:9	feet 236:17 238:17	327:1 328:13	156:3 164:3
104:6 160:1 192:1	farms 91:11 155:16	238:18,21 239:15	329:5 332:5 345:2	191:12,14 198:1
214:16 227:20				
246:17 251:19				

308:10 320:17	358:10	346:16 356:9	food 5:16 9:9 200:1	forthcoming 51:5
finding 251:6	five 15:14 28:2 36:4	357:12	200:2,11,15,18	forward 21:18
340:22	47:14,16 82:18	flavor 14:3 334:10	201:2 210:13	23:22 24:2 33:10
finds 223:9	95:14,14,15 99:2	flavors 14:4	255:4 276:18	106:1 120:1
fine 49:15 62:10	104:15 115:13	flawed 231:12	281:13,15 282:2	134:15 135:12
71:11 80:14 169:9	126:22 137:9,19	flexibility 299:12	282:17,18 284:2	136:20,21 138:1
207:10 253:1,15	142:12 184:18	floatation 141:20	285:3,9 312:14,15	139:5 166:14
263:8 288:16,20	216:13,16 257:3	141:22	312:22 317:16,19	168:8 179:6
316:16	261:5 265:1	floated 114:21	324:11	231:11 242:22
finger 219:8	266:14 273:12	floating 169:14	Foods 188:19	251:19 329:18
fingers 156:3	302:20 305:14	floor 120:14 124:12	289:13	forwarding 165:9
finish 71:14 253:17	306:10 307:9,16	125:2 129:17	force 106:8 107:4	foster 1:18 3:4 6:22
309:20	321:21 324:1,2,9	144:18 242:14	119:7,12 124:19	22:4 23:5 24:17
finished 304:4	327:5,9 331:4	243:5,11 250:3	152:8 154:22	25:5 38:17 40:1,7
fire 23:12 38:10	fix 92:5 299:6	344:12 347:20	164:14 204:22	41:4,14 43:5,11
100:14 101:13	355:19	355:11	334:11	47:6,20 51:17
102:1 113:13	fixed 59:6 66:19	Florida 35:21	foremost 185:22	55:20 56:19 57:13
116:14 117:10	flabbergasted	flotation 143:4,8	foresees 291:13	58:12,22 63:8
118:1,2,10 126:4	236:9	145:2	forgot 30:17	65:22 66:15 67:20
127:19 129:21	flag 205:20	flower 156:12	form 166:5 190:18	68:11 69:5,19
162:8 236:17	Flamm 1:18 4:12	158:3	191:19 204:17	70:11 71:3,13,18
336:3	32:4 42:21 46:22	flowering 147:20	238:6 241:18	72:8,14 73:3,20
firm 109:4	56:13 58:6 65:16	158:8	244:15 337:1	74:11 75:6 80:19
first 5:9,11 18:19	68:6 69:13 70:19	fluid 234:8	formal 7:3 62:13	81:5,16,17 82:16
19:16,18 20:18,20	73:11 74:19 82:3	focus 94:11 116:6	186:9 340:5 348:4	83:3 86:13 90:22
41:10 42:13,14	91:14 98:17 99:22	250:10	formalize 313:22	93:16 99:1,6
52:9 53:1 57:7	103:16 104:18	focusing 338:9	formally 247:7	100:6,12 101:3,8
64:17 70:6 103:6	119:22 120:10,13	folding 36:16	formation 186:19	101:18 108:8
110:16 111:10	121:3 122:15,21	foliar 318:6,10	former 151:2 185:2	125:18 126:17
113:11 124:15,18	125:12 126:11	folks 28:8 53:9 60:9	228:8	127:4,9 129:6
133:11 134:7,13	128:21 130:8	75:17 87:10 90:5	forming 213:15	139:22 140:12,22
135:4 141:20	135:10 136:10	109:7 217:5 269:1	forms 45:5	141:6 142:12,22
153:10 156:6	139:16 143:14	296:10 322:20	formula 291:21	143:20 144:10,16
169:8 176:15	145:21 147:11	358:10	formulate 220:16	144:19 145:13
177:16 178:22	152:4 153:10	follow 96:21	formulated 75:9	146:4 147:3,18
180:20 184:15	159:3 161:11	122:18 167:4	84:14 85:22 87:17	154:4,9 156:2
185:22 212:1	168:18 170:21	186:4 229:15,16	88:17 338:10	158:6,17 159:10
221:1,17 235:22	181:5 182:19	292:16 330:10	formulation 84:20	160:11,18 161:20
237:16,18 247:3	208:21 216:1	358:12	85:4 92:14 93:12	165:15 167:20
253:22 260:17	230:15 258:13	followed 167:13	304:2	168:10 169:6,10
262:14 263:7	261:13 263:22	following 41:17	formulations 78:20	170:3,9,13,14
267:3 269:7 270:3	266:1 269:8 274:9	42:14 77:1 86:19	forth 29:10 34:1,5	171:11 172:2,11
271:10 276:6	276:1 278:20	157:19 223:17	121:19 155:3	172:17,22 173:2,3
287:13 296:7	280:5 295:20	224:16 253:14	156:10 247:6	173:21,22 181:11
297:20 306:3,8	300:18 319:13	276:13	248:5 289:21	181:17 183:1,11
327:13 339:4	327:17 329:4,15	follows 23:10 66:18	344:12 347:20	183:22 209:17
341:11 355:14,14	332:4 341:7,9	162:3	348:19	215:11 216:7

231:17 232:22	337:8,11	funded 336:2	174:14,18 347:15	46:4 49:18,20
233:10 255:7	frowning 79:11	funding 36:1	generally 91:9	84:2 92:16 106:2
257:21 258:19	frozen 268:16,18	fungi 270:14 272:1	95:20 210:8	116:19,19 121:13
261:19 264:6	fruit 29:11 37:1,3	further 34:12 46:4	286:17	128:16 134:15
266:7 269:14	115:5,9 159:11	46:10 53:3 60:11	generate 86:1	135:9,13 139:5
270:22 272:19	fruiting 117:18,19	81:13 87:7 98:6	genetically 333:2	140:14 141:1
274:1 275:15	FULDWIDER	142:20 143:9	343:11 344:6	154:14,15,16
278:12 279:12,19	249:9	146:18 148:11	345:18	167:16 169:7
280:20 281:9	full 9:15 23:1	151:7 154:10	Geneva 118:1	183:9 184:15
282:8,13 286:5,22	185:14 231:21	155:13 158:10	gentleman 20:14	186:22 190:11
295:12 300:10	298:18 329:21	160:7,13 163:3	George 113:22	191:8 193:8 196:2
316:3,4 317:21	330:1,19 349:2,21	168:5 170:11	Georgia 358:18	198:1,19 209:21
326:15 328:17,18	fully 31:8 88:5	172:14 173:6,9	getting 15:16 106:7	214:10 220:15
332:10 337:5,7	Fulwider 1:19 3:13	180:15 182:10	184:22 210:19	221:16 223:11
357:4	42:12,17 47:10,11	183:19 184:10	211:4 228:5 229:7	227:3 231:10
found 93:6 175:16	47:14 54:5 57:1	208:19 209:14	233:16 343:13	232:19 235:9,12
186:10 231:18	58:15 66:4,10	214:13 215:5	356:11,12	239:9 242:14
245:2 286:15	68:2 69:9 70:15	227:10 235:20	Gibberellic 333:17	245:13 246:8
319:18 325:1	73:7 74:15 81:21	240:21 246:11	give 13:4 20:3,8	252:20 281:6
foundational	98:13 99:18 124:8	250:5 251:14	94:11 109:6,10	283:11 286:4
188:21 349:10	125:7 126:21	252:19 254:17	123:14 132:10	287:20 290:7
four 5:4,19 15:14	129:10 140:4	256:9 257:5	157:5 162:15	293:15 297:6
34:21 77:8,13,14	144:2 145:17	260:11,13 261:7	189:6 191:5 197:8	302:19 308:22
104:15 140:8	147:7 158:21	265:17 268:12	198:9 232:17	319:3 325:18,21
154:7 222:12	161:7 168:14	269:3 271:17	237:16,18 245:10	334:5,16 350:9
230:6 243:13	170:18 181:1	273:14 278:6	246:14 250:21	352:5,12 353:2
302:1 330:19	182:13 215:19	291:18 292:14	277:2 333:7	goal 188:7
334:18 335:17	221:4,15 225:6	294:20 295:4	350:14,16 354:13	goes 37:15 77:6
345:8,19 346:14	232:20 233:6	300:5 319:22	given 14:15 53:11	93:22 135:21
350:3	240:7 241:5 248:2	320:22 325:21	76:20 107:17	152:15 234:2
fourteen 301:2	248:8 249:2,22	331:16 344:1	152:1 239:14,22	245:17 309:19
four-three 214:20	250:9 252:21	355:1 356:20	243:7 335:4	312:12 349:20
frame 29:12 107:15	258:5 262:1	future 191:18	344:18	352:15
107:19 108:4	264:10 266:11	220:19	gives 190:11 226:2	going 10:11 11:10
133:1 293:13	269:18 274:5	fuzzy 254:9	giving 90:9 113:7	13:3,4 16:5 17:14
294:1	275:19 278:16		237:14 244:15	19:9,16 21:14,22
frankly 60:17	280:1 295:16	G	glad 102:16 178:13	22:1,8 27:7 28:9
231:7 233:12	300:14 326:19	gain 8:4,7,19,20 9:2	glanced 348:11	29:18 30:7,18
234:19 251:20	328:22 331:22	9:3 11:5,5,8,22	glossy 70:2 72:18	31:13 34:19,22
free 7:6 208:17	340:13,15 357:8	12:5,14 14:5,19	gluconade 333:16	40:18,22 46:17
240:11	function 338:19	game 219:7	gluten 198:14	48:19 59:3 72:6
freeform 358:2	functional 301:16	gas 147:15,19	GMO 272:22	80:12 102:15
Friday 1:7 359:3	307:5 322:13,18	156:12 157:2	GMOs 346:2,20	104:21 107:8
friendly 120:20	326:9	158:3,7	352:22 355:22	108:1 109:1,16
frightened 191:22	functionality	Gee 184:18	go 14:8 17:20 20:15	118:11 124:15
front 22:18 77:17	186:19	general 17:4 21:12	21:7 24:13 32:3	126:1 128:16,17
79:9 94:16 229:22	functions 194:22	53:10 75:20	39:6 42:13,14,15	133:6,7 135:8

136:11 139:1 157:5 163:8 165:9 173:3,5 189:17,18 190:2,13,13,15 191:12,14 192:10 193:4,16 199:9 203:10 204:16 206:1 207:8,9 208:8,10 209:18 210:5 213:18 218:19 219:19 220:1,7 224:20 231:8 232:7 233:18 234:14 235:3,13,14 244:13 247:5 253:19 254:22 261:1 272:5,7 281:1 293:5 294:1 297:6 298:18 300:6 307:13 309:21 310:7,12 310:15,16 316:17 318:16 319:5 323:4,8,15,19 324:6 325:18 326:11,13 328:16 334:5 335:13 338:19 344:16 350:9 353:12 355:19	gosh 198:10 gotten 107:22 110:10 247:13 government 45:17 governmental 165:10 grade 246:21 graft 118:8,8 grafted 117:18 Grandin 222:19 granted 164:11 grass 239:4 grave 351:4 great 15:20 19:4 64:2 192:18 201:12,15 230:11 233:7 236:3 238:4 325:9 343:8 345:14 greater 324:9 green 323:20 Grieshop 111:3 113:6 115:17,21 117:12 118:16 grocery 54:14 ground 95:21 204:8 group 11:7 12:10 12:12 78:8 79:7 163:15 229:8 238:8 276:4,15 314:3 322:4 groupings 270:1 groups 6:6 32:15 35:15 103:20 106:3 225:8 237:4 276:18 grow 148:22 150:7 156:11 grower 119:20 318:5 growers 9:11 26:22 32:10 102:13 103:18 106:1 107:5 113:8,8 115:14,19,22 116:5 118:13	153:13,14,14,21 163:10 166:19 grower's 114:4 growing 157:15 334:20 grown 149:6 190:15 247:10 growth 91:18 guarantee 192:15 guess 26:6 45:2 61:8 79:19 80:10 86:21 92:3 108:15 155:5 174:22 197:15 226:13 227:5 232:20 238:17 249:16 275:4 292:20 317:14 343:16 347:10,11 352:11 guessing 167:21 guidance 4:8 48:19 51:1,4,5 60:3 61:8 62:16 64:22 106:22 167:4,17 220:5 222:2,11 223:21 225:18,19 225:22 233:19 245:7,8,15,17,18 245:19,20 246:10 252:7,11 282:15 282:16 284:17,21 286:15 287:13 292:19 293:3,6,18 293:19,21,22 294:5,7,8,11,12 299:13,17 301:11 302:22 311:12 320:21 321:5 322:21 323:20 326:4 339:12 340:18 341:4,12 341:21 350:8 Guide 6:12,18 guidelines 48:22 289:13 gut 191:9 209:18 209:21	guys 55:19 122:13 216:14 250:21 268:21,22 <hr/> H <hr/> Haiti 150:14 151:15 half 30:8,9 31:6 34:20 239:21 hand 11:6 13:21 19:10 54:4 104:17 104:19 105:4,7 124:13 165:7 184:14 230:21 238:13 255:16 Handbook 323:21 handle 20:7 75:17 handlers 9:11 53:9 handling 3:14,16 5:21 48:17,18,22 50:9 51:4,7,14 55:4 169:15 222:21 248:15,19 248:22 249:11 253:4,20 259:21 260:6 262:3 266:15,20 270:2 276:5,11 282:3 287:9 288:13,19 289:5 291:2,15 294:14 296:6 306:5 307:15 315:10 316:11 333:11 340:17 hands 327:7 Hang 276:14 happen 27:16 35:14 88:22 118:5 167:18 176:18 190:3 192:8,12 202:9 205:19 206:1,8 211:21 323:9 happened 97:15 149:12 217:8 335:5 342:21 happening 34:7	63:11,12 190:7 198:8,13 206:8 happens 30:9 54:8 55:8 198:11,15 199:6,10 205:9 210:13 211:21 214:6 happy 51:19 197:13 204:19 hard 28:10 120:2 163:20 193:5 197:22 226:2 228:9 237:11 harder 19:12 hardest 196:21 harm 200:21 231:14 305:9 353:6,17,20 harmonization 176:4 harvest 48:17 49:3 50:9 169:15 harvested 48:21 hasty 345:22 hate 26:2 191:5 Hawaii 157:7 158:2 hazardous 149:12 149:12 324:20,22 head 75:20 88:21 119:14 179:19 197:1 210:7,14 231:15 253:10 358:20 headed 247:17 320:20 heads 52:19 79:11 health 310:6,19 healthy 209:22 235:6 hear 23:16 36:20 59:16 70:3 71:12 72:19 78:10 81:9 83:14 87:12 111:10 112:18,20 121:1 130:1 141:18 168:6 171:17 192:22
---	---	--	--	--

204:7 227:21	heavy 254:13	275:13 278:10	304:20	322:22
231:5 232:13,13	hectare 150:3	279:17 283:16	historically 35:20	hungry 210:19
232:14 260:22	Heinze 1:19 4:5	284:1 289:15	35:21	hurts 60:15
265:12 302:2	10:19 12:8 16:14	292:16 294:22	history 149:9	hydroxide 59:6
349:1	18:4 19:11 20:21	295:10 296:9	214:10,18	66:19 316:9,14,22
heard 26:21 60:4,8	21:2 27:22 30:1	298:1,7,16 299:22	hit 15:14	318:2,8,14
76:18 89:7 97:6	37:21 39:4,14	301:1,6,9 304:12	hobby 114:4	hypochlorite 47:22
110:12 116:13,22	40:9 43:3 44:22	305:19 307:18	hold 104:14 236:16	48:1 57:21,22
117:3 119:4,10	47:4 52:5 53:7,22	313:13 314:22	holding 228:17	281:10,11
123:6 155:14	56:17 57:5,9	315:10 317:5	holes 96:4	hypothesized 265:9
176:10 177:10	58:10 59:21 64:16	320:12 321:20	Holstein 238:20,22	
180:8 185:1	65:20 67:8,18	322:12 326:2	holy 202:22	I
187:18 192:5	69:3 70:9 73:1	327:4 329:8 332:8	honest 18:5 232:12	ice 150:2
194:21 209:6	75:1,14 77:21	334:14,17 352:10	314:5	iceberg 318:20
225:13 228:1,1,2	78:9,15 82:7	354:18 355:4	honestly 209:7	idea 26:17 54:8
228:2,7 229:17,17	83:13 84:4,10	357:2	230:1	103:17 106:16
230:9 231:1	85:9 87:9 90:4	hell 190:1	honesty 206:17	209:3 232:18
235:12 238:16	91:22 98:21 100:4	help 10:20 11:10	honorable 188:3	ideal 236:16
244:5 250:14	102:19 103:9	15:16 29:8 60:5	hope 8:20 214:11	ideas 32:18 104:5
271:4 306:8,18	110:5 111:16	60:22 65:1 85:4	236:15,20 337:2	349:22
314:13 317:4	112:2,9 121:22	86:6 87:2 89:18	339:14,19	identified 6:10
322:6 335:1	122:12,22 125:16	108:2 112:17	hopeful 343:19	97:12 245:1 342:1
344:19 350:16	126:15 129:4	167:17 175:12	hopefully 29:4	identify 186:12
351:5 353:18	130:12 131:14,15	178:15 193:12	38:19 166:14	193:9
hearing 40:17	133:10 137:13	194:12 226:1	219:10	identity 194:8,10
46:11 53:4 67:12	139:20 142:16	245:10 246:7,16	hoping 19:9 24:2	ignited 86:1
68:20 70:5 72:21	143:18 145:11	251:21 291:22	29:3 65:1 77:21	igniting 88:18 89:9
81:15 98:7 99:13	147:1 150:18	295:9 308:7 314:3	164:2 334:18	89:12
108:16 111:14	152:20 158:15	317:8 323:19	335:18	ignore 89:8
113:2 124:7 128:1	160:9,16 162:15	helpful 31:16	host 16:1	ignored 336:7
133:18 145:7	168:22 169:20	162:18 175:13,17	hot 22:7,7	ii 41:21 43:20 57:21
146:18 148:5	170:4 171:3	177:1 315:1	Hotel 1:11	68:17 71:8,22
158:10 160:14	173:10 175:4	helps 8:21 324:8	hour 35:6	74:2
168:7 170:12	176:19 178:8	herbicide 41:18	hours 184:19	iii 57:22
180:19 209:15	179:14,21 181:9	43:17	228:13	illegal 321:6
215:6 237:11	182:1,21 184:3,6	herbicides 59:12	housed 224:9	illustrate 11:18
241:22 248:18	184:14,18 193:2	67:2 69:22 71:7	housing 240:9	imagination 346:6
254:7 260:13	193:19 196:3	71:21 74:1	huddle 39:9 253:13	imagine 141:22
261:8 263:18	202:11,14 211:8	hexane 312:19,21	huge 64:1 109:14	294:10
265:18,20 269:5	216:5,20 221:12	hey 114:5 196:18	202:15 239:1	immediate 214:17
275:8 279:14	225:12 243:12,19	high 224:2	281:7	immediately
295:7 316:21	254:8 256:17	higher 61:22 63:17	human 45:20,20	355:22
328:15 348:22	258:17 261:17	228:22	310:5,18	immune 115:16
350:13	263:2 264:4 265:3	highlight 265:4	humanist 209:21	117:6
heart 209:22	266:5 268:14,21	highly 200:7 322:9	hundreds 228:13	immunity 117:10
hearts 211:9 351:8	269:12 270:8,19	Hispanic 36:2	315:16	impact 19:4 109:14
heat 212:5	272:12 273:21	historical 304:19	hung 20:5 180:2	176:14 177:5,9

197:21 225:14 277:18 299:3 314:15 315:4 319:16 impacts 77:2 92:15 310:5 imperfections 186:5 implementation 13:10 232:4 235:1 implementing 245:4 implications 178:16 197:22 202:16 203:1 216:22 217:2 225:20 353:21 implored 290:1 import 156:18 importance 109:19 348:1 important 9:5 14:1 14:12 18:19 33:4 33:20 51:20 62:9 180:6 182:10 196:8 207:4 236:12 243:9 248:1 272:13 291:6 345:17 349:11 356:11 imposed 235:5 309:6 357:22 imposing 358:8 impossible 31:8 impress 35:16,19 impression 296:10 improperly 93:7 improve 336:19 improved 329:20 improves 304:15 impugn 188:1 inaccuracy 90:1 inaccurate 204:18 inadvertently 19:6 132:21 inappropriate 219:13	inappropriately 83:19 incentive 31:16 incentives 192:19 incentivize 29:9 inclination 94:4 include 34:11,13 43:12 51:11 52:13 52:15 252:9 342:2 included 25:3 120:3 137:1 293:2 293:11,12,14 includes 59:7 66:20 143:3 152:11 206:15 including 54:16 57:16 68:15 157:7 208:18 241:13 291:6 incompatible 160:2 inconsequential 303:9 310:17 inconsistency 90:1 245:3 inconsistent 325:3 incorporate 25:19 incorporated 7:13 62:15 incorporating 36:22 increase 189:13 192:1 224:4 increased 256:5 incredible 189:21 199:20 independence 187:6 independent 187:5 187:7 indicated 86:22 individual 5:21 6:6 6:9 13:6 17:20 88:13 224:9 273:6 individually 55:10 individuals 5:19 6:2,4 11:17 indol 337:11	induced 212:5,19 inducing 212:11 induction 156:12 158:3 indulge 292:17 315:1 indulgence 22:15 22:18 industrial 205:14 industry 25:6 26:18 29:3,8 35:15 37:14 39:1 148:16 164:13 173:11 190:16 203:1 223:1,4 224:1 237:22 309:7 314:16,21 334:10 338:20 346:3 349:12 354:2 inert 75:9,18 77:16 77:17 78:6,21 inerts 75:18 76:15 77:5,6,8,12,14 78:7,8,13,18 79:3 79:4,7 337:20,21 338:13 infant 291:21 infection 101:15 112:8,19 113:12 113:17 114:11,16 116:9,10,12,15 119:10,17 121:12 126:6 influence 7:8 informal 320:16 335:21 informally 247:7 information 27:10 39:15 50:6 54:2 64:19,20 76:1 84:15 85:11,15,17 86:8,20 87:1,4 88:3 92:12,20 97:12 146:16 150:20,21 151:6 151:11,18 152:7	152:12 156:16 159:19 165:5 174:12,13 175:5,8 175:20 176:1 187:9 191:21 255:16,18 291:4 311:14,18 342:5 343:8,13,20 344:3 344:9,20 347:18 348:6 351:7 informed 29:21 ingredient 85:21 89:2 206:16 282:2 ingredients 75:10 78:21 276:17 281:20 285:14 Initiative 109:21 inks 70:2 72:18 inordinately 308:15 input 33:4 175:2 194:14,17,18 211:11 229:13 242:1 248:3 291:16 292:5 303:7,8,15 304:1 304:2 307:11 318:13 319:7 321:17 323:22 324:6 inputs 189:10 306:14 323:21,22 324:5,10 insane 249:18 insect 75:8 81:7 inside 207:7,8 insignificant 303:3 305:16 308:6 312:11 325:13 inspection 61:4 62:3 63:11 100:16 232:4 inspections 226:21 339:9,13 inspector 61:10 339:18 inspectors 61:16	339:21 instance 55:14 96:17 307:13,14 instances 116:3 instinct 232:9 institution 191:3 institutions 36:2 integrated 344:13 integration 344:7 intend 50:6 92:2 253:7 269:2 intended 24:22 202:20 329:22 intending 292:18 intensive 149:18 intent 19:4 38:16 38:19 39:2 63:2 133:3 140:17 164:10,11 285:4 286:11 291:16 293:17 322:2,3,3 322:20 329:21 intention 165:13 304:21 308:1 intentions 10:12,13 interacted 241:12 interaction 93:18 247:9 interest 5:12,13 6:5 6:5,15 7:11,15,20 7:22 8:5,18 9:1 10:4 12:3,10,11 12:12,13 13:2,16 13:17,22 14:17 44:8 54:15 104:2 127:5 156:10 183:21 269:5 275:9 278:7 279:15 295:7 342:9,12 343:8 344:5 interested 22:10 37:5 112:13 229:7 273:2 347:5 interesting 83:18 interests 5:18 6:13 7:10 8:14,17
---	---	--	--	--

14:16 106:2 171:15 international 7:13 222:18 interpret 234:10 interpretation 116:9,11 226:5 323:11 interpreted 86:7 interpretive 233:3 interrelated 256:3 interruption 128:16 intervening 124:11 281:17 283:18 284:5,10,19,22 285:11,19 intrigues 244:3 introduction 22:6 186:13 212:20,21 213:1,2 221:16 investigate 286:15 investment 239:1 invite 11:12 inviting 10:8 87:15 involved 7:5 8:14 163:11 185:19 188:3 190:5 334:10 iodide 274:12,14,17 276:7,9,15 277:13 278:2 iron 42:1 43:22 irrelevant 206:19 308:17 irreversible 205:8 irrigation 48:4 57:16 68:16 ISO 5:13 6:12,18 isopropanol 68:17 issue 32:21 37:11 45:12 46:3 77:16 77:17 78:22 79:3 79:3,4,7 84:14 105:6 106:4 112:19 117:1 149:5 154:22	156:17 167:3 175:13 179:7 185:12 188:22 191:4 221:21 242:10 247:6 248:1 253:12 294:15,19 324:13 324:14 339:17 340:2 341:18 349:8 353:11 355:21 issued 48:20 issues 37:13 61:1,5 62:1 63:19 77:5 92:13 107:19 134:21 151:17 153:13 308:14 345:11 349:22 item 140:20 161:17 167:5 183:5 220:8 221:1 248:14,19 248:22 266:18 270:3 279:2 301:4 302:6 318:12 329:12 332:19 334:8 339:8 343:4 items 3:2 55:3 108:14 216:19 220:22 253:7,18 270:1,3 296:7 297:14,15,20 302:8 327:11 332:15,16 333:10 333:15,20 334:3 334:18 339:3 340:3 341:9 342:20 iterate 244:16 iteration 243:2 it'd 102:13 246:8 i)11 126:4 <hr/> J <hr/> j 43:15 141:4 143:1 144:14,22 Jay 25:13 28:22 32:14 33:3 34:3	36:14 38:17 44:7 45:6,14 50:13 60:19 67:13 76:5 76:11 80:7 84:12 86:21 92:8 95:11 97:4 100:21 105:11,17 108:12 114:22 132:18 148:12 150:1 151:13 153:3 154:11 163:4 165:16 167:5 178:17 179:18,22 184:14 193:3,11 194:2 196:8 202:1 203:8 211:13 218:18 220:10 254:18 256:10 268:4 273:17 282:10 283:4,12 291:18 292:6 302:13 304:12 305:4 309:8 311:4 313:14 320:16 323:14 324:12 345:1 347:8 355:5 Jeff 233:13 Jennifer 1:21 35:21 70:6 150:17 151:20 158:13 166:16 278:8 302:14,16,17 330:2 332:19 333:4 343:5 346:12,16 347:3 349:1 355:5 356:7 356:10,13,22 Jennifer's 345:7 355:20 Jim 254:12 job 64:1,2 97:17 178:14 189:20 238:4 Joe 15:17 54:12 99:15 138:13 227:11 230:15 244:5 251:15	262:22 274:22 277:2,7 338:22 340:12 348:9 349:7 352:5,11 John 1:18 3:4 24:16 25:20 39:22 45:8 51:16 55:18 81:16 86:9 90:21 91:14 93:14 101:16 108:7 142:21 149:4 156:1 165:5,14 167:6,19 170:13 172:11 173:2,21 174:6 183:21 209:16 211:21 231:16 233:9 240:4 254:22 270:21 272:18 281:2,8 286:4 316:3 328:16,17 337:5 338:21 John's 322:15 join 358:4 joined 302:16 JOSEPH 1:17 Journal 195:6 journey 199:20 judge 309:22 judging 65:8 judgment 9:18 26:7 33:12 93:8 155:7 191:1 209:2 310:10,13 313:4 juice 268:19 Julie 14:2 151:2 jump 338:18 junction 226:13 justify 353:6 <hr/> K <hr/> Kathleen 229:21 Katrina 1:19 4:5 10:17 16:7,12 17:22 18:9,15 19:9 27:21 29:13 29:22 30:16 32:5	35:10 37:20 39:3 44:21 52:4 53:6 57:5 59:20 64:15 72:22 75:13 77:20 83:12 84:3 85:8 87:8 90:3 91:21 102:18 110:4 111:12 121:19 122:20 131:13 132:19 133:9 134:4 137:12 142:15 150:16 152:19 160:8,15 162:14 169:19 173:9 175:3 178:7 182:3 184:2 193:1 211:7,16 221:11 225:11 227:12 240:22 243:11 254:7 256:16 263:1 264:20 265:2 268:13 272:11 275:1 277:10 279:16 283:15 292:15 294:21 295:9 299:21 300:22 302:13 303:6 304:11 305:10 312:11 313:12 314:14 316:3 319:9,15,21 320:11 321:19 322:6,11 326:1 334:14 337:5 352:8 354:15 Katrina's 98:5 257:7 keep 15:15 17:10 28:19 30:6 79:9 91:22 108:16 119:18 120:8 179:17 189:20 192:13 201:18 323:5 337:22 338:14 keeps 77:17
--	---	--	--	---

Kentucky 234:11	154:13,13 155:4	knowledge 53:14	313:5	61:22 62:4 63:17
key 78:22 119:22	155:17 163:17	known 44:17 45:20	lay 283:21	195:4,7,8 204:16
265:7	165:10 167:9,20	262:7	layers 239:15	211:11 224:2
kill 118:5 137:8	174:12 175:19,21	knows 214:22	layman's 117:7	234:18 235:2,2
killed 136:17	176:17,22 178:20	297:10 298:2	LC 222:12	285:16 287:9
kills 137:14	185:19 186:2,5,11	302:5 310:21	lead 157:19 255:1	301:12,13,16
Kim 13:12	186:16 187:6,20	Koffler 195:11	302:17 335:22	303:6,14,14 305:7
kind 7:17 8:21	189:12,12,13,14	197:18	leadership 341:11	306:11,22 307:4
13:20 21:16 22:20	190:4 191:8	KRISTINE 1:17	leading 255:21	308:6,8,21 310:10
53:9 60:13,16	194:17 197:7,8,17		learn 115:14	310:16 312:3,21
83:20 91:2 92:5	198:7 199:8	L	learned 199:20	321:4 324:2,3,10
92:10 106:9	200:20 201:1,5	l 169:14	200:4	324:11 325:1
149:11 164:22	202:14,20 205:11	lab 28:12	learner 10:20	326:5,6,9
166:2 190:2	205:22 206:2,10	label 63:16 89:1	learning 78:19	levels 48:2 57:18
202:18 209:21	206:12,16,21	95:7 310:8	leave 77:11 191:16	185:21 195:9
210:4,5 230:15	207:2,7,10,11,13	labeled 48:10 95:22	272:19 273:2	197:15 281:16
240:4 242:4,4	207:18 208:7,9	276:16,19 281:12	284:8 335:14	282:17 285:10
246:18 252:7,10	210:10 211:15,22	324:4	leavener 265:12	305:4 309:16
256:4,7 317:22	212:3 213:20	labeling 95:4	leavening 262:9	321:5,10 322:8,16
319:20 338:12,18	214:10 220:4	labels 61:11	264:17 266:22	323:13
kindness 358:17	226:10,20,22	labor 149:18	lecithin 307:20	life 314:15
kinds 202:8 207:14	227:14,21 228:10	laboratory 200:6,6	308:3,9,10	lifetime 240:1
231:22 240:3	228:12,16,17,20	lacking 237:8	left 195:17 218:16	Liggett 195:11
241:9	229:3,13,14,18,18	lactic 204:21 205:1	318:14	197:18
knew 215:4 319:14	230:8,13,18 232:6	205:15 206:1	legacy 191:16,18	light 45:7
knit 9:16	235:17 236:12,19	laid 350:15	length 76:7 201:15	lignin 140:10,21
know 13:17 14:2	237:7 238:10,12	language 25:19	lenient 226:6	141:4,7 144:13,22
18:5,13 21:14	239:13 240:8,11	37:4 50:15 65:6	lest 290:1	159:22 160:2
22:16 26:18 27:3	240:15 241:17	78:11,16 103:16	letter 109:18	169:7,13,15
27:3 29:2,17	244:17 251:3	104:5,7 140:15,18	344:21 346:10	limit 48:6 57:19
30:20 31:20 33:12	256:2 265:15	169:11 223:3,16	348:16 350:22	76:17 115:10
45:13,15 46:3,4,6	268:21 269:2	225:17 233:5	351:1 352:4	281:22 282:4
49:7 50:1 51:22	271:4,8 272:17	240:11 263:3	letting 10:15	limitation 179:10
53:2,10 60:3,15	297:9,13 302:11	282:21 286:21	let's 14:20 19:1	limited 91:18 92:22
76:14 77:10 86:5	302:19 307:12	327:21 328:1,2	56:5 81:15 82:17	97:19 113:16
86:5 88:18 89:10	308:4,13 310:11	329:21 330:1	107:7 111:9 124:7	115:12
90:15 92:9,13,15	311:14,18,21,22	large 11:2 55:2,20	125:2,3 133:5	limiting 346:20
92:16 94:19 95:14	314:9 316:6,11,15	155:15 157:20,22	136:15 145:7	limits 95:21 301:14
95:16 96:2 103:14	316:16 320:12,13	177:12	146:19 161:21	307:3 326:7
103:21 107:13	320:19 321:7,11	largely 227:20	168:8 170:13	Lindsey 88:9
108:2 111:5	324:7,18,22	larger 9:7 101:20	183:7 204:6 211:1	196:22 197:5
112:11,14 118:11	325:17 335:19	222:8 224:17	211:3,6 233:22,22	line 24:22 25:3,5
118:13 122:3,12	336:9 338:9	largest 54:19	238:1,7,7,8,11	33:20 97:13 105:9
127:15 132:6	348:20 350:18	late 113:14 116:15	247:1 265:20	117:1 163:22
136:16 139:8	352:12 353:15	148:7 219:9	273:2 275:9 319:3	192:7 207:11
141:22 150:9	355:7 356:16	322:14	333:8 356:21	208:3 302:7
152:1 153:13	357:21	law 186:1 189:6	level 18:17 53:17	lines 31:9 86:21

108:15 114:2 166:7 313:18 Lion 1:11 liquor 3:11 171:9 183:6,10,12 184:11 208:20 209:4 215:12 217:10 218:4 306:17 307:4 Lisa 2:17,21 40:11 77:21 101:20 110:20 123:16,17 124:12 130:22 140:13 162:15 169:10 272:5 290:11 326:2 342:22 354:20 355:8 358:19 list 12:2 17:19 18:3 19:6 21:4 25:9 32:9 33:2 41:13 41:15,15 43:13 46:17 50:21 53:15 54:16,22 55:3 59:3 67:11 71:19 76:15 77:8,13,14 78:2,6,7 80:3 84:2 88:14,16 89:6 90:8 94:18 98:3 99:4,9 108:17 110:15 131:10 134:14 135:22 137:9,16 138:8 148:10 155:20 156:6 171:12,21 171:22 172:1,20 177:17 179:11,18 213:8 231:18 254:2,3 255:9 257:9,19 259:3,6 259:10 262:8,12 262:18 263:4,12 264:16 265:11 267:9,18 270:6 273:9 274:18 280:17 289:11 290:2,7 291:6,14	293:1,16 303:18 306:4,7 315:12 316:10 319:8 334:4,20 336:1 342:4 listed 17:6,9 44:5 49:3 66:14 67:11 83:20 89:1,15 98:3 121:15,20 124:20 135:2 141:4 175:5 195:7 195:9 240:9 257:18 266:21 268:11 271:10 273:8 341:2 listing 17:15 23:8 38:10 39:7,21 43:10 44:20 51:21 59:2 65:7 71:2 75:7 76:2,15 92:6 99:8 100:13 101:9 103:14 110:21 111:10 122:19 126:3 129:14 141:17,20 142:2 143:4 150:22 162:1 253:22 259:5 261:5 262:17 264:15,21 264:22 267:16 268:2 270:17,18 275:5 276:10 277:4,9,12,14,16 278:1,3,5 279:8 281:9 289:8 291:5 294:17 listings 274:14 337:19 lists 152:12 337:21 literally 345:10 literature 187:11 little 9:22 10:16 22:14 31:14 33:2 35:2 45:1 63:10 76:12 103:10 114:4 117:15 149:18 174:16	185:4 197:14,17 198:9 221:16 226:6 228:5 229:6 244:21 255:11 284:16 307:9 310:14 313:13 316:14 318:1,1,7 318:13 322:21 343:17 345:1 354:18 live 54:9 310:4 livestock 3:12 28:4 51:4,9,12,17,20 52:13,16 220:10 220:21,22 221:9 221:17,21 222:2 222:13,17,20 223:10,18,22 224:2 228:13 230:17 246:14 248:14 253:6,12 315:13 340:14 local 223:2 lock 166:14 logical 114:8 logistical 214:16 long 15:3 28:14,16 92:5 108:9,11 188:16,17 190:14 192:16 197:22 228:9 271:1 310:7 longer 21:19 35:12 108:2 172:5 177:21 204:10 358:2 longstanding 151:4 long-term 340:7 look 18:10 21:13 25:21 29:3 31:5 49:18 50:2 61:11 64:18 84:19 96:19 111:9 117:14 154:14 176:2,3 191:1,2 197:4 204:20 206:22 207:6,8,14 208:6 209:8 212:13,18	234:11,16 235:6,7 235:8 245:12 249:3 294:4 304:18 305:1 322:12,15,17 341:20 347:9 353:1 looked 45:18 94:18 95:7 153:11 187:10 196:10 198:12 199:4 271:9 311:22 312:1 looking 30:8 34:9 36:12 38:22 45:10 90:16 93:1 94:9 95:7 96:13 106:20 106:21 108:5,6 154:4 162:17 175:17 188:8 204:13 207:21 220:4 228:20 236:18 239:18 259:16,16,18 343:18 351:2 353:20 looks 267:4,4 337:2 loose 240:9 310:9 loosen 358:14 losing 109:12 loss 133:2 lost 113:15 354:18 lot 8:11 10:2 11:3 19:12 24:1 26:21 30:12 34:3,22 36:11 52:18 60:4 76:10 77:3 79:10 91:7 98:1 104:20 108:10 118:9 154:16 155:15,19 175:19 177:6 185:1 189:1,4 190:1 207:15 211:16 225:13 228:14,15,16,18 229:12,17,17 230:12 231:1	233:21 247:8,13 247:15 284:17 308:13 317:16 344:19 350:13 lots 91:6 265:7 299:12 loudly 335:1 love 209:20 lucid 176:20 lunch 183:9 217:21 218:8 luxury 235:10 <hr/> M <hr/> Mac 1:21 29:1 34:15 60:12,21 74:9 89:19 102:9 111:1 131:8 168:8 171:19 174:20 176:8 201:22 225:19 233:7 238:13 246:12 251:15,16 264:19 300:7 326:11 342:20 353:4 Mac's 36:16 353:16 Madam 38:1 66:8 71:9 72:2 140:14 154:6 160:19 163:17 169:12 171:13 195:22 215:7 216:10 219:15 226:15 246:13 298:1 327:6 345:2 353:8 Madame 111:2 130:15 287:18 maddening 232:6 magic 105:8 magically 231:17 magnesium 146:2 146:5 main 91:19 355:10 355:12,16 mainstream 189:17 maintain 227:6 239:2 290:6
---	---	---	---	--

maintained 235:8	manufacturer 14:3	married 190:22	276:6 280:11	math 15:17 238:18
maintaining 116:7	309:11 310:21	massive 308:12	281:22 282:4	matrix 186:18
maintenance 328:6	311:7	match 88:22 260:3	287:16,17 288:8	matter 82:20
major 187:1,2	manufacturers	matches 162:17	288:12 289:4	157:16 218:11
206:18 208:3	268:9	material 11:22	290:20 291:5,11	296:16 345:3
majority 14:22	manufacturing	12:2,13 16:4,20	291:14 298:20	348:18 359:9
15:7,10,19 18:9	316:11	17:5,8 19:5,11	301:13,15,17	matters 291:21
182:5 213:20	manure 62:5	20:1,17 24:11	305:21 306:5,15	Matthew 111:2
218:18 304:13	234:13	25:9 26:5,15 30:7	306:20 307:12,20	113:3 116:20
307:6 313:18	Maravell 1:20	30:12 40:19 42:3	309:15 313:19	Matthews 227:1
319:17 323:11	17:22 18:7 24:5	44:19 45:9 46:18	314:2,7 317:8	maximum 48:5,10
331:3	30:16 39:18 42:19	52:7 53:15,19	322:4,14 326:6,8	57:19 281:12,21
Maker 158:4 215:9	46:20 48:14 49:6	54:15,20 56:1	326:10 335:6	282:3 285:15
249:7	49:15 56:11 58:17	58:20 61:5 66:13	344:18	ma'am 56:18 58:11
makers 247:1	66:6 68:4 69:11	68:8 69:16 82:22	materially 350:22	67:19 69:4 70:10
356:20	70:17 73:9 74:17	83:13,18 84:14,16	materials 3:5,18,22	73:2 74:10 82:8
making 15:17	80:7,11 82:1	85:13,22 86:18	4:4,8 9:12 16:15	98:22 100:5
19:21 24:10	95:18 98:15 99:20	87:7 88:19 89:12	18:11 26:14,15	125:17 129:5
101:20 112:13	105:3 111:12	89:15 90:6,8,12	28:14 45:16,18	143:19 145:12
120:1 157:18	112:16 116:21	90:17 94:10 97:10	47:17,22 49:3	147:2 158:16
164:10 243:6	119:16 125:10	97:18 120:5	51:3,13 53:11	160:17 168:9
250:10 255:11	126:9 127:11,15	121:20 122:11	55:7,15 56:7 57:4	171:4 182:22
311:1 317:18,19	128:3,4,19 130:14	123:10 128:13,15	57:17 58:20 59:9	258:18 260:10
320:10 325:8	140:6 144:4 145:5	129:16 131:18	66:22 67:10 89:5	261:18 264:5
354:11	145:19 147:9	134:9 139:11,12	93:2,19 96:19	269:13 273:22
malt 333:20	151:9 154:6	140:9 142:10	98:1 109:14 123:6	275:14 278:11
manage 253:8	156:15,22 159:1	144:8,9,11,15	131:14 143:1	279:18 295:11
managed 232:16	161:9 168:16	146:1 147:14	160:1 171:8 176:5	300:9 326:14
management 27:4	170:19 181:3	148:9,14,17 149:7	183:8 185:4	329:9 332:9 357:3
33:6 75:8 81:8	182:15 215:21	149:8 155:14	188:11,13,15	McEVOY 2:12
manganese 42:1	237:2 242:19	156:5 159:19	189:9 196:5,22	5:14,15 11:20
43:22	258:11 261:11	169:3 170:8 171:7	202:7 213:22	12:11 14:11 21:9
mangoes 150:15	263:20 266:13	172:6,15,19 173:7	214:4 271:2 273:5	25:2 38:5 49:2,9
151:15	269:20 274:7	173:11 174:7	273:6 276:5	50:5,17 52:12
manipulating	275:21 278:18	175:17,22 176:15	280:12,16 281:10	63:1,6,22 79:13
212:12	280:3 287:18	177:7 181:15	281:14 285:8	96:9,10 109:13
manner 59:10,13	295:18 300:16	186:14,15 194:6	286:16 290:2	134:12 136:19
67:1,4 98:2	314:14 322:6	195:3 196:11	296:4,6 297:2,19	162:21 177:15
266:21 351:17	326:21 329:2	202:9,18,19	299:4 301:3	217:7 244:19
manual 4:14 7:20	332:2 350:5 353:8	208:15 213:19	302:21 307:14	252:2,3 267:8
62:16 152:5,22	353:10 354:16	217:3 218:4 256:1	320:13 323:22	286:2 292:7 293:4
327:12,19,22	356:4 357:10	257:9,16 258:3,8	324:15 325:7	317:13 319:5
328:7 329:17	Marion 229:22	259:10 262:4	333:2 334:2,6,15	323:18
330:8,14 341:13	mark 357:20	263:17 264:13,22	336:3,6,7,8,14,20	mead 207:13
341:22 342:3	market 156:18	265:9 266:16	337:18 338:7	mean 26:4 27:11,13
355:19	205:11	268:14,19 271:7	339:4 343:12	29:5 34:16 62:2,9
manufacture 304:2	Marketing 1:1 2:19	273:8 274:11	344:6	92:13 93:22 95:13

113:14 117:1	354:7 356:3	mentioned 25:17	52:3,8,18 53:3,20	142:18,20 143:9
137:16 153:8	357:20 358:18	94:10,15 105:12	54:3,10,18 55:5	144:1,6,13,17
177:18 185:12	359:6	210:2 276:8 277:4	55:12 56:5,22	145:3,6,16,22
186:21 187:5	meetings 28:3	279:5	57:3,11 58:2,18	146:9,17 147:6,13
202:11 208:4	201:15 243:21	message 62:8	59:16,19 60:11,18	148:1,11 150:1,6
216:22 228:14	247:7,8 307:21	108:20	62:18 63:5 64:15	150:9,16 151:7,20
231:10 232:21	358:1	met 22:22 24:21	65:3,12 66:3,8,11	152:3,19 154:1,10
236:10 250:19	Melissa 2:14 136:1	64:4 231:6 320:13	67:6,9 68:1,7,19	155:11 156:1,8,14
288:19 311:11,13	137:22 178:12,19	metal 254:13	69:8,15 70:3,14	156:21 158:4,9,20
314:21 324:19	Melissa's 139:2	methionine 28:3,6	70:22 71:11,16	159:6,13,16 160:7
348:10	member 8:3,10	28:8	72:4,7,12,19 73:6	160:13,22 161:6
meaning 293:10	13:5,7 35:9 127:8	method 62:19	73:15 74:4,7,14	161:15 162:10,13
meaningful 310:18	127:9 151:2 176:9	135:14 149:2,17	75:2,12 76:4,11	162:19,22 164:8
meaningless	180:13 241:8	153:2,5,16,20	77:20 79:5,17	164:21 165:6,14
222:10	242:21 243:6	164:5	80:4,17,20 81:1,9	166:16 167:1,19
means 15:19 22:1	328:3 349:13	methods 94:8	81:12,20 82:9,17	168:5,13 169:1,9
25:22 49:21 77:12	members 1:14 7:9	198:2	82:22 83:8,11,15	169:18 170:6,11
171:22 172:3	8:1,4,16 10:1,4	mic 226:16 330:5	84:3,12 85:1,5,8	170:17 171:5,16
182:7 301:13	11:13 16:10 22:6	Michigan 111:3	85:16 86:9,17	171:19 172:10,18
326:6 350:19	25:6 30:21 31:20	113:3,21 116:4	87:6,13,21 89:19	173:1,5,19 174:5
measurable 318:15	40:22 55:17 82:11	micronutrient	90:3,13,21 91:13	174:20 175:3,14
measure 94:7	108:22 112:7,13	41:16	91:21 92:8 93:14	176:8,13 177:9
measures 164:17	132:13 138:16,18	micronutrients	94:13 95:11,17	178:7 179:20
166:3	152:9 156:16	43:13,16 44:17	96:9 97:2,20	180:5 181:12,21
mechanism 136:7	174:10 183:6	middle 130:22	98:12 99:2,12,17	182:3 183:3,15,18
mechanisms 46:5	184:19 185:2	midst 265:13	100:8,17,20 101:6	184:2,5,7 192:22
meet 149:13,20	191:13 201:16	Midwest 32:16	101:16 102:4,8,18	193:15 196:2
226:4	208:13 213:5	103:18,19 115:19	103:6,12 104:10	199:18 201:7,22
meeting 1:4,11 5:5	215:3 220:4	Midwestern 115:22	105:2,10,17 107:9	202:6,13 204:6
9:6 19:14 52:21	221:20 222:13	Miedema 1:12,15	108:7,21 110:4,20	208:13 209:14
52:22 76:7 86:14	228:8 237:12	5:3 9:4 11:12	111:8,22 112:5,12	210:18 211:13
105:13 107:13	252:9 288:18	12:6,15 13:11	112:21 114:18	213:12 214:13,21
108:9 109:6	290:12 296:18	14:10,20 16:12	116:17 118:15,18	215:9,17 216:10
110:16 166:6	297:1 319:11	17:21 18:8 20:12	119:13,21 120:6	217:2,19 218:7,13
184:20 187:4	325:16 328:6	20:22 21:6,21	120:11,19 121:5,9	219:22 220:20
215:2 230:22	331:3,12 341:21	23:2,16 24:4,12	121:16 122:5,20	221:8 224:22
243:16 246:4,6	342:5 345:22	25:1,13 27:9,15	123:5,16 124:5,22	225:11 227:10
271:14 288:15	350:11 357:18	27:19,21 28:22	125:21 126:20,22	229:10 230:14
290:4,10 291:2,12	membership	29:22 30:15 32:1	127:7,13,22 128:7	231:16 232:19
292:5 294:13	341:11	33:14 34:15 35:3	128:12 129:9,12	235:20 237:1
296:7,20 297:11	memo 291:6	36:14 37:20 38:3	130:1,4,18,20	238:13 240:5,21
320:5 330:17	memorandum	38:15 39:3,11,16	131:7,13 132:12	241:6 242:11,21
332:13 334:8,20	292:4	40:4,10,16 41:10	133:5,15 134:1,10	243:18 246:11,20
335:21 339:3,8,15	memory 18:13	42:4,7 43:8 44:3	135:8 137:4,12	248:6,10,13 249:7
339:18 340:6	mention 15:21	44:10,21 45:14	138:12,22 140:3,7	249:13,15 250:1
341:5,15,18 344:4	267:22 273:10,11	46:10 47:9,12,16	140:19 141:3,10	251:14 252:2,19
348:21 350:3	281:2	48:12 50:13 51:16	141:13 142:4,9,14	253:3,15 254:4,6

254:17 256:9,16 256:19 257:4,11 257:14,20,22 258:7,22 259:7,9 259:12 260:8,11 261:7,22 262:2,13 262:20,22 263:13 263:16 264:9,12 264:19 265:2,17 266:10,14 267:13 267:19,21 268:4 268:12,20 269:3 269:17,22 270:7,9 270:16,20 271:17 272:11,18 273:4 273:14 274:4,10 274:19,21 275:7 275:18 276:3,20 276:22 277:7 278:6,15 279:1,11 279:13,22 280:7 280:10,18,21 282:6,9 283:4,11 283:15 284:14 285:5 286:4 287:8 287:21 288:10,17 288:21 289:3,14 289:16 290:11,19 292:2,14 294:20 295:4,15 296:2,12 296:18 298:6,11 298:14 299:20 300:5,13,22 301:2 301:7,18,20 302:4 304:11 305:10 307:8 308:11 311:3 312:7 313:12 314:12 315:7 316:2 317:10 319:3,9 320:2,22 321:19 322:5,11 323:8,14 324:12 325:4 326:11,18 327:5 328:12,14,21 329:10 331:6,9,15 331:21 332:11	333:4 334:13 337:4 338:21 340:12 341:6 342:18 343:3,15 344:16 345:16 347:12 348:8 349:7 350:4,13 351:22 352:8,16 353:4,9 354:4,17 354:22 355:8,17 356:5,17 357:7,15 359:4 Miles 2:12 5:14 9:4 11:19 21:8 38:4 39:18 55:13 60:1 62:18 96:9 97:20 109:12 132:6 133:21 134:4,10 135:11 165:8 252:2 271:18 milling 183:14 184:13 187:12 192:11,17 200:5 215:14 million 150:2 197:19,20 206:22 311:5,17 mind 44:15 84:1 148:4 174:2,4 192:13 201:10 225:3 227:15 231:9 275:6 288:21 323:14 333:5,11 343:15 minds 238:7 mine 318:19 minerals 289:6,12 290:22 292:10 334:4 minimizes 59:10,14 60:7 67:1,4 minimum 15:15 224:16 minimums 222:8 minus 303:8 305:4 mining 174:13	Minnesota 32:17 115:8 minor 207:21 minority 185:20 186:10 214:2 303:11 307:1 308:8 319:18 minute 94:10 179:2 210:11 243:15 257:7 296:13 298:18 318:2 357:20 minutes 82:18 182:9 202:2 253:17 320:4 341:18 345:10 350:2 357:19 358:11 misrepresenting 164:2 missed 73:17 193:12 241:2 missing 242:7 mission 313:22 325:3 misstated 303:5 mistake 72:10 101:3 219:9 misunderstand 293:2 mixed 196:14 mode 320:1 modicum 11:14 modifications 241:14 modified 141:1 333:2 343:11 344:6 345:18 molecules 310:4 molybdenum 42:1 43:22 moment 94:5 127:6 220:19 239:22 287:21 money 165:17 monitor 338:12 monitoring 29:18	338:12 Montana 209:5 month 107:8 289:22 months 136:12 187:3 224:12 228:12 230:7 244:12 294:9 323:1 333:14 334:9 moot 89:5 morning 5:10,15 10:1 16:17 22:2 55:13 57:10 316:13 mother-in-law 226:19 motion 16:4 17:6,7 17:15 22:3,13 23:3,6 28:17 37:22 40:5,8,12 40:17 41:3,5,11 41:14 42:2 43:9,9 43:11 47:17,19,20 52:9 57:4,12,13 58:19,21 60:18 66:12,14 68:8,10 69:16,18 71:1,5 71:14,17 72:10,13 72:20 73:16,19 75:3,5 80:18 81:1 81:3 82:10 83:2,4 83:14 90:7 99:3,5 100:9,11,13 101:2 101:7,17 102:6 118:19 120:14,22 121:11,12,14,17 121:18 122:2,2,16 122:17 123:8,8,20 124:5,10,11,17,19 125:1,2,4 126:1,2 127:1,2,8,12,17 129:13,15,17 130:4 132:4,17 133:8,17 138:5,6 138:9 139:5 140:8 140:11 141:3,6	144:7,8,17 146:1 146:3 147:14,16 147:17 154:8 158:5,5,6 159:7,9 159:10 161:16,17 161:19,21 163:3 169:2,5,13 171:6 171:10,11 176:15 179:5,10,15 181:14,15,17 182:8 183:4,9,11 215:8,10,12 216:18 217:11 218:3 220:16 221:2,3,5 242:14 243:6,11 247:1,19 248:7,9,17,20 249:1,2,8,8,10 250:3 251:10 252:22 253:3 254:2 257:9,10,15 259:1,2,22 260:2 260:17,18 261:3 262:3 263:7 264:14 266:15 267:3 270:1,11 274:11 276:4,11 279:2,7 280:11,13 288:22 289:1,3,10 296:4 297:22 298:3 301:3,8 320:9 325:22 326:1 327:10,15 327:16,17 329:11 329:14 331:13 332:12 333:1 345:7 347:11,13 347:14,15,17 350:16 354:5,11 354:14 355:1,5,10 355:12,13,14,14 355:20 356:18,20 356:22 357:16 motions 16:18 17:5 40:20 176:14 354:19 355:16 motivate 29:9,15
---	--	--	---	--

motivation 109:10	multiple 91:9	necessary 30:7	208:15 245:2	nice 29:6
mountain 190:12	multi-pronged	51:20 75:21 92:7	284:5 341:15	nicely 139:3
mouth 117:5 201:9	91:2	222:1 223:20	needs 33:17,18	NICHOLAS 1:20
210:9 337:12		232:9 252:1	106:11 112:21	Nick 17:21 24:4
move 16:5,19,20,20	N	286:20 288:2,3	178:4 179:17	29:1 30:15 34:3
17:1 21:17 24:2	nail 107:6	need 11:11 17:9,11	189:22 208:2	39:17 48:13 56:10
32:19 40:5,7,18	name 337:13	20:8 25:15 27:16	223:4 229:19	80:6 95:6,12,17
104:4 136:19	narrative 231:21	34:5 37:7 40:5,11	245:21 336:5	105:2 106:5 111:1
138:1 140:20	290:13	40:20 46:14 51:22	348:15 351:17	111:11 119:13
157:11 168:8	narrowest 209:8	52:6 53:18 57:7	352:13 355:2	127:13 128:2,18
179:6 188:12	national 1:2,4,10	62:12 64:18 78:11	negatively 277:17	151:8 154:9
192:19 220:9	2:12,16,17 5:4,11	78:15 85:10 86:6	neutral 319:22	156:14 235:21
234:1 239:16	5:17 7:16 12:2	89:16 92:12 93:11	never 18:22 117:21	237:1 263:19
248:16 251:18	25:9 32:15 50:21	94:12 101:4 104:3	230:2 260:20	314:13 322:5
253:20 257:18	54:16,22 59:3	106:6,17 108:3	271:4 275:6 322:3	350:4 353:9 356:5
259:4 262:10,17	67:11 99:4,9	116:18 118:8	336:11,12,15,15	nickel 41:3,15 42:1
263:10 267:15	176:6 213:8 217:6	120:6 124:1,18	341:22	42:3,8 43:10,12
270:5 274:16	223:19 254:3	130:20 132:4	new 10:1 16:9	44:1,5
280:15 293:8	255:9 257:19	135:18,19 144:15	18:22 22:15,16,19	night 22:22 23:22
297:4,7 298:7	259:3,5 262:11,18	150:10 154:18	28:13,14 35:9	25:15 37:9 76:7
301:10 320:8	263:12 264:16	163:1 165:19	39:15 64:18,20	100:22 104:21
326:3 328:10	267:18 270:6	166:22 169:12	76:1 77:1,2,3,10	105:13 106:15
332:14 333:8	273:8 274:18	172:5 173:16,18	85:11,14,17 86:8	107:14 108:9
334:16 354:5	280:17 289:11	175:11 177:7	86:20 87:1 88:3	119:2 141:2
355:1,20	291:6,8,14 303:18	178:4,15 182:7	92:11,20 97:9,12	146:12 148:7
moved 42:8 44:4	306:4 316:10	190:1,10,20	103:8 108:22	154:3 164:1
67:9 68:19 108:6	319:8 334:4	193:17 197:16	115:15 118:2	165:17 196:11
158:9 159:16	342:14 345:12,22	204:16 210:21	138:15,18 150:19	233:13
169:18 183:18	354:6 356:1 359:6	232:13 235:12	150:21 151:6,11	night's 86:14
221:8 257:22	natural 174:12	236:7,13 241:22	151:17 153:9	nine 15:11,13 35:13
259:12 301:20	180:3 206:2 212:6	242:3,16 244:7,17	160:9,11 175:4,7	47:16 99:2 126:22
325:14	272:4 312:17	245:15 251:8	175:15,22 176:1,9	266:15 327:6
movement 168:2	naturally 205:2	257:6 262:13	184:19 186:19	333:15
Movements 7:14	206:9	267:11 269:1	191:13 201:16	nitrate 3:10 20:16
moving 32:21	nature 45:2 198:11	280:21 284:15,22	208:13 210:3	169:4 171:8,10,12
106:1 136:21	212:12	285:1,2 295:3	215:3 220:4	177:5,17,20,21
164:14 166:14	navigate 174:1	297:12,16 309:20	223:15 290:15,15	178:3,15 179:12
220:21 248:18	near 95:21 336:9	314:9 322:1 323:2	291:3 309:1 340:9	180:10,15,18
251:22 308:18	nearing 24:8	323:6 335:15	345:10 349:3	181:16,18
346:21 356:13	nearly 9:9 54:20	336:2,16 337:16	354:1	nitrates 41:19
Moyer 233:13	necessarily 57:7	337:22 338:13	newborn 223:5	43:18
mucked 137:21	107:22 148:20	351:11,11 353:14	newest 308:20	nitrogen 172:5
mud 234:14	152:13 157:12	354:2,12,13	newly 309:6	175:2 178:3
mulch 71:9,22	199:12 226:1	356:16	newspaper 70:1	181:20
73:18 74:2	272:22 273:7	needed 32:12,12	73:17	NOC 36:22
mulches 70:1 71:8	284:12 287:5	33:2 49:5 60:2	newspapers 69:17	nodding 119:14
71:22 74:2,8	348:16	186:12 187:2	71:2,10 72:17	179:19

nominated 234:21	156:5 217:17	167:15,22	119:21 120:20	old 358:5
non 153:3 164:14	222:3 242:22	objections 168:4,6	123:5 124:7,22	OMB 136:15 137:8
191:6 215:14	252:9 290:12	obvious 231:21	128:15 130:19	137:14
217:3 257:18	291:1,12 292:12	obviously 11:10	131:7 133:6 135:8	omnivore 340:20
270:13,14 312:17	296:18 297:1	167:10 187:5	136:3,14 139:12	OMRI 196:11
315:13	298:20 304:19	203:8 232:3	140:19 143:12	once 48:20 49:10
nonanoate 337:9	328:10 341:11	334:22 338:11	148:8 157:2	53:20 95:15
non-decisive	348:17	occur 34:11 39:20	158:12 163:2,5	116:13 122:1
218:16	noses 345:20	319:21	164:8 168:5	173:22 204:7
non-GMO 345:6	notch 309:5	occurring 206:5	172:18 178:21	239:16 251:3
non-organic	note 38:12 46:13	212:9 355:16	179:2,5 180:14	298:3 316:20
207:20 307:14	102:10 248:3	October 23:9,13	182:3,11 183:20	331:4
non-pathogenic	335:12 338:14	100:16 101:15	184:2 193:19	ones 88:19 156:22
270:14 272:16	noted 53:20 79:1	102:3 126:6	195:2,19 198:12	ongoing 92:22
non-sodium 265:11	259:20	127:20 162:3,9	202:14 204:6	open 96:21 104:12
non-synthetic	notes 271:15 338:3	294:6	211:2,6 212:20	108:17 112:7
46:16 183:12	notice 320:5 342:22	odd 321:9	216:16 219:5,12	119:14 127:7
184:10 186:3	347:22	Odorized 337:12	220:7,20 223:14	180:9 219:4,7
192:16 202:3	notion 333:9	offer 28:20	223:14 229:18	340:10
203:4,19 204:2	November 211:10	office 21:12 238:20	240:6 242:11	opening 215:11
207:12 209:10	229:21 298:19	official 8:2	243:21 248:11,13	openness 24:19
217:11 218:17	349:3 359:2	oh 16:6 18:7 21:7	249:10 250:1	operate 5:8,19,20
257:15 258:9,10	number 6:13,20	30:17 49:19 52:4	252:19,20 253:3	14:21
non-synthetics	15:9,15 17:17	128:3 179:1	253:16 257:11,12	operated 219:4
274:16	22:17 38:7 78:1,1	198:10 209:15	257:14 258:3,9	operates 5:22
non-target 92:16	88:4 90:14,18	260:14 271:18	260:8 261:8	operating 234:18
non-use 313:8	185:21 200:8	280:19 287:21	263:10 264:14	299:9 313:1
NOP 1:2 33:19	206:21 225:7,8	301:1 328:15	265:19 267:12,15	operation 5:20,21
61:8 136:1 137:22	227:21 228:3	Ohio 117:20	269:4 270:16,20	7:4 149:19
175:7 178:20	244:5 245:1 305:1	OIG 244:22 251:18	272:11 273:15,16	operations 62:6
221:22 223:7,8	330:14,17,19	oil 279:9	275:9 276:8 278:7	opinion 34:8 44:19
282:16 287:13	331:4 336:6,9	oils 255:3,4 256:17	279:4 280:22	46:15 148:9
292:3,5 317:10	numbers 15:8	259:21 260:7	282:6 286:12	185:20 196:19
NOP's 338:15	222:6 226:11	OK 298:7	288:10,19 289:3	197:3 213:21
358:22	236:7,7,9,14,16	okay 14:20 15:16	289:16 295:5	214:2,7 239:8
normal 113:1	236:20 237:17,17	15:20 19:13,17	298:14,16 300:6	288:18 313:18
normally 285:21	237:18,19 311:8	21:1,1,6 23:16	302:19 306:7	315:21 316:1
309:18	nutrient 276:13	27:19,21 28:22	315:10 316:10	323:11
Northeast 113:8	289:6 290:22	32:2 35:3 38:3	319:2,4 325:4,20	opinions 185:6,18
nos 17:10,18,18	292:9 334:3	39:11,16 40:4	327:9 328:16	197:21 198:6
327:8,10	nutrients 189:9	42:7 44:3 46:12	330:6 332:12	213:15
NOSB 1:5 2:21 3:2	289:11 293:3	53:6 56:5 57:11	333:3,7 334:17	opportunity 29:15
4:14 7:19 24:7	Nutritional 289:13	65:13 73:17 81:1	344:17 352:17	90:10 110:9
28:2 82:11 105:5		81:13 84:14 86:17	354:17 355:17,19	118:17 124:17
106:4 108:22	O	98:8 99:14 102:8	356:6,7,7 357:17	152:1 212:17
109:1 127:8	objection 40:14,16	103:12,16 104:16	359:4	345:1
132:12 138:13	104:20 164:5	112:5,21 118:18	okayed 356:19	opposed 30:19

80:12 87:14 90:9 117:7 150:12 302:2 346:14 opposing 142:17 opted 143:6 optimizing 25:10 166:8 337:1 option 137:11 153:7 243:17 255:21 302:9 options 109:9 302:12 orange 333:22 orchard 114:9,15 orchards 109:12 116:8 order 19:3,5 20:10 21:15,22 30:5 41:6 165:22 168:3 219:2,6,11 243:8 Oregon 35:18,18 organic 1:2,4,10 2:13,16,18 5:4,12 5:16,17,19,21 6:1 6:17,17 7:14,17 9:9,16 29:11 32:15 36:7 37:1,2 43:15 53:13 54:7 54:19 64:3 66:17 68:13 69:21 71:6 71:20 72:16 73:22 78:21 81:7 101:12 104:9 109:18,20 115:5,8 116:5 117:21 129:20 144:21 149:1,20 162:5 166:19 176:6 177:13,22 180:8,18 188:19 191:16 192:21 200:2 201:4 203:14,16 207:19 207:19 211:20 212:14 215:15 217:6 222:3 223:20 224:1,5,14	227:22 228:22 239:12 242:5 268:8 276:17,19 281:20 282:2 285:14 291:8 299:5 304:5 305:18 306:1,6 309:1 310:1 311:9 313:8,9 314:1 318:3 321:7,11,12 321:15,17 324:5 324:15 339:14 340:11 344:7 345:4,13 346:1 349:9,16 351:14 351:16 352:21 354:6 356:2 359:6 organically 239:8 organics 35:16 organisms 91:20 271:12 345:18 organizational 342:4 organizations 9:8 61:20,21 339:5 342:15 original 39:21 122:11 146:13 152:11,12 153:2 156:5 195:15 283:9 356:19 originally 76:17 84:5 115:13 284:20 orphan 336:6 orphaned 336:7 OSHA 323:12 ought 32:8 120:15 313:10 outcome 190:21,22 191:11 222:10 226:11 236:2,11 236:14,21 293:5 outcomes 236:17 outcome-based 341:1 outdated 152:7	outdoor 245:5 outdoors 240:16 outgrown 358:5 outlined 292:7 outreach 35:13 outset 302:12 outside 37:6 94:3 167:2 176:7 200:6 235:13,15,16,17 235:18 239:9 256:14 overall 229:7 overlapping 32:17 overlaps 36:18 overly 60:10 override 20:20 overrides 20:19 overruled 136:15 overwhelming 244:5 owe 228:21 owned 12:1,2 owns 5:22 oxide 59:7 66:20 oxides 41:22 43:21 oxychloride 59:7 66:20 oxytetracycline 23:12 38:9,22 116:2 Ozone 337:19	paragraphs 346:14 parentheses 38:19 328:9 parenthetically 83:6 Parliamentarian 40:10 122:1 130:21 part 14:17 19:20 30:19 54:8 91:1,3 96:18 101:2 119:6 119:7,9,11 120:1 129:13 131:15 138:11 142:1 144:14 154:18 155:9 165:19 169:4 178:8 197:19,19 236:14 268:16 275:6 299:1 303:22 309:17 311:16,17 342:11 352:21,22 parted 13:8 participants 344:4 347:20 356:15 participation 351:5 particular 11:21 12:3 16:4 61:6 63:19 109:19 140:13 143:4 200:11 217:15 294:14,15 particulars 277:3 parts 98:4 178:22 206:21 311:4,5 pass 84:6 178:5 179:17 212:16 244:14,20 246:3 314:6,6,17 344:17 passed 131:19 222:20 298:20 300:1 passes 43:9 57:4,6 138:9 176:22 177:4 178:11 179:5 244:2 passing 22:8	132:21 223:5 229:5 passive 76:16,18 77:7 78:4 passports 272:14 pasture 225:14 234:22 239:17 240:16 pathogenic 270:15 271:3,12 pathogenicity 272:21 patience 22:19 358:17 pause 131:1 pay 17:11 246:21 paying 33:20 pears 23:13 38:11 39:20 100:15 101:14 102:2 126:5 127:19 129:22 162:8 peered 9:15 peers 220:5 pens 224:9 people 15:4,11,12 26:7 30:10 60:4 80:5 90:16,19 97:15 103:20 109:2 110:11 137:17 155:14 163:11 165:4 177:6 188:3,4 193:17,21 194:12 195:20 197:16 206:22 209:2,5 213:14 215:4 219:4,5,11 228:18 229:13 230:19,20 231:5,13 236:4 237:6 238:10 241:11,11 252:12 265:7 283:21 302:11 311:20 315:19 316:15 335:19 350:14 351:8 352:19
--	---	--	---	---

354:8	340:6	155:17 158:8	play 310:9	pointed 151:13
people's 206:3	petition 17:8,13	pineapples 156:11	plays 12:21	points 149:9 315:9
210:20 236:16	23:7 30:8 37:15	157:6,15	please 8:22 16:13	poisoning-type
peracetic 337:19	41:15 93:4,9	pipeline 233:22	23:2 40:19 71:16	61:1
percent 190:16	94:16,19 96:18	place 50:1 79:8	72:11,12 82:13	Policies 327:12,18
195:14,18 305:14	97:9 105:16	106:7 152:2	101:6,17 110:21	327:21 355:18
306:10 307:9,16	112:10 137:10	166:22 172:4	127:13 128:7	policy 4:11,14 7:19
321:21 324:1,3	161:22 162:1,21	213:18 214:1	129:15 131:7	10:10 14:15 18:22
percentage 157:5	163:1 204:1	244:17 281:18	139:13 143:12	19:13,22 114:3
percentages 195:19	231:19 259:10	283:18 285:12	157:3 158:5	122:14 123:6
perception 13:22	288:3 325:7	333:5	160:21 170:13	132:1 138:17,19
198:22	333:15 337:10	placeholder 37:15	191:10 193:14	151:4 152:5,22
perennial 60:14	340:22	333:7	203:9 208:16	186:4,6,7,7 297:3
336:17	petitioned 3:5,18	places 221:22	215:10,17 216:11	327:14 328:3,5,7
perfect 140:15	89:3 203:6 262:8	223:20	221:13 229:14	328:8 329:12,17
316:4	266:19 268:17	plan 37:4 50:1 65:3	242:19 244:6	330:7,14 341:7,13
perfectly 167:7	293:14 315:18	75:22 79:5 86:17	249:8 250:12	341:22 342:2
172:12 219:4	petitioner 265:6	92:4 93:17 106:7	261:2 289:7	344:1,14 351:19
period 32:6 88:7	266:22	106:16 108:14	290:12 291:10	352:6 353:2
113:10 114:11,12	petitions 336:17,22	132:2 166:19	296:14,19 297:13	polishing 228:5
115:3 116:10,12	337:8	167:5 168:1	315:9 317:20	poll 112:6 120:7
116:15 223:8	petroleum-based	222:12 252:15	326:1 327:6,8	164:22 320:16
293:20 340:9	72:1 74:3	292:8 297:8,14,18	plethora 23:20	polls 164:4
341:14	PGML 337:12,14	330:13 333:10,14	plug 338:13	popped 206:10
periodic 59:11,15	phenomenally	334:8 335:20	plus 199:3	population 351:10
63:4	345:14	338:5 339:3 340:8	pocket 91:18	portion 332:13
permitted 281:15	pheromones 75:4,7	341:10,20 342:16	pockets 116:4	position 21:17
285:10	75:8 76:16,18	342:19 343:2	podium 113:4	303:11,21 328:1
person 10:13 80:21	77:3,6 78:3,6,19	plane 320:3	point 11:4,19 26:16	positive 44:14 88:8
102:4 198:20	81:4,8,14	planning 334:19	27:9 36:20 37:19	220:14
346:13	philosophy 325:16	plans 25:18,21	45:3,8 53:16	positives 308:20
personal 11:4,5,8	phone 30:18	26:19 297:5,10	54:20 55:22 83:21	possibility 250:20
11:15 12:18 53:14	phosphate 337:10	332:15	89:6 94:20 96:10	possible 61:7 86:6
61:12 63:15 91:16	phosphorus 88:21	plant 23:10 43:15	97:5 116:3 123:22	87:5 107:11 110:1
185:18 193:22	89:1,11,16	59:5 66:18 101:12	135:10 138:7	110:3 225:18
195:22 196:3	physical 255:9	101:22 126:3	142:22 149:3	252:13 254:13
318:21	pick 210:21 232:15	127:18 129:20	155:10 164:18	322:7 332:22
personally 12:21	pictures 239:5	141:21 143:2,7	185:3 198:4	358:4
27:1 30:19 31:20	piece 157:20	144:22 162:5	205:13 234:19	possibly 20:1 80:4
235:4 348:14	195:20 305:12	259:21 260:7	242:7,13 254:1	89:13 355:13
persons 302:3	319:14 322:21	284:7	260:4 271:14	post 48:16,17 49:2
perspective 14:14	339:5 346:15	planting 115:16	281:4 282:18	50:8 100:15
114:4 199:2 207:6	pieces 187:8 193:6	plants 223:2	303:5 304:17	101:14 103:4
207:20,20 208:22	241:21	270:14 272:1	330:20 337:17	112:7,18 113:11
perspectives	pigs 226:18	286:9	338:8 348:13,22	119:9,16 121:11
103:11 195:16	pineapple 147:19	plastic 71:8,22 72:6	351:20 352:13	126:5 169:15
pesticide 321:12	150:11 151:15	73:18 74:2,8	353:5,7 355:9	posted 88:6 103:2

118:22 223:7 280:15 292:12 330:16 358:21 postpone 288:8 post-infection 101:1 102:2,13 110:8 111:6,15 113:5,10 114:7,12 115:11 117:2 120:8 post-whatever 88:10 pot 198:9,9 206:13 potable 283:10,13 283:17 284:4,12 285:2 286:6 287:4 potassium 274:12 274:14,17 276:7,9 276:15 277:13 278:1 potatoes 268:17,18 potential 13:2 114:20 156:10 171:14 294:2 297:14,15 310:18 333:10 342:19 potentially 12:4 114:14 135:2 268:9 324:22 332:17 poultry 240:15 245:5 pounds 150:2 238:19,20 powder 333:22 PowerPoint 292:11 practical 30:14 291:20 practice 26:20 27:2 33:5 53:8 103:4 151:4 152:1 346:3 practices 26:14,14 28:13 166:11 174:13 175:18 224:1 282:22 283:3 314:1,10,18 precedent-setting	202:8,17 precise 140:18 217:20 precisely 217:4 325:12 preclude 96:12 predeterminations 325:8 predicated 164:13 pre disposition 98:5 predominately 157:2 predominates 7:11 prefer 225:20 288:9 preferable 222:9 255:20 256:7 preference 255:15 320:15,18 preferred 287:12 premise 352:4 prepare 40:19 82:14 prepared 16:3 19:8 276:14 297:7 prepares 330:11 preparing 25:8 preponderance 197:10 prescribe 342:11 prescriptive 60:10 227:9 229:1 232:8 present 1:14 2:10 15:4 113:13 195:14 205:6 236:15 251:11 presentation 76:9 281:3 292:11 321:13 presented 88:4 152:9 224:16 331:4 presenting 330:22 presents 330:18 preserve 116:8 172:21 173:8 presiding 1:12	pressures 7:7 250:20 pretty 15:1 46:2 85:19 104:7 113:20 155:19 176:2 200:17 201:8 226:12 227:2 232:3,10 293:7 prevent 172:14 preventative 117:2 prevents 243:6 previous 131:11 214:19 222:13 225:5 257:10 260:16,18,21 283:7 286:3 289:20 previously 26:4 155:2 240:12 pre-harvest 48:2 pre-infection 114:6 114:10 primarily 156:17 prime 228:6 primer 335:6 principles 149:20 188:18 191:15 print 38:21 prior 28:5 121:19 122:10 150:22 151:5 194:5 330:20 338:15 342:12 prioritize 297:13 prioritized 297:17 probable 322:9 probably 11:2 16:17 55:3 65:11 92:17 94:2 117:7 123:1 153:9 174:1 205:15 209:22 227:15,17,18 228:12 270:12 273:11 312:5 316:12 325:17,18 338:4,8 340:5	352:6 353:2 problem 95:13 118:7 138:3 223:9 224:13 312:3 problematic 174:22 316:17 321:3 problems 235:1 285:17 Procedurally 51:22 174:5 176:13 procedure 4:14 48:13 120:18 122:8 129:14 152:5 215:1 220:15 330:14 341:13,22 342:3 354:10,19 procedures 15:20 122:7 131:2 133:17 327:12,19 327:21 328:7 329:17 330:7,8 355:18 proceed 19:3 56:6 67:12 68:21 70:5 81:15 120:16 124:7 125:3,4,22 127:14 128:1 129:14 130:6 160:15 170:13 180:19 211:6 243:17 263:19 265:20 269:6 290:1 295:8 297:2 354:3 proceeding 31:2 process 5:7 7:6 14:18,18 21:20 28:21 34:10 52:5 53:16 64:18 75:18 76:3 85:10 92:18 96:16,21 103:3 110:15 119:11 123:3 131:16 132:1 134:3,6,21 136:16 137:2	144:14 148:14 150:19 155:9 157:11 163:2 165:11 175:1 180:14 183:14 184:13 187:12 192:6,9,11,17 194:7,13,15 197:2 197:13 199:21 200:4 203:11 205:2,8,14,19 206:2,15 211:9 212:6,6 213:10,16 213:19,22 214:9,9 215:14 230:1 236:18 237:8 242:10,15 243:3 245:18 256:17 293:15 298:2 301:9 303:18 306:18 308:1 325:8 330:20 336:20 349:21 352:6 processed 132:22 processes 54:14 200:5 207:15 294:18 processing 54:8 55:8 56:4 159:12 200:1,2,11,16,18 201:3 259:20 260:6 306:14 316:6,8 340:11 processors 256:12 282:20 produce 267:2,18 268:8,8 306:4 produced 183:13 184:12 205:2 215:13 producer 158:2 226:4 producers 9:10 226:7 228:1 234:3 product 26:21,21 27:1,1 32:12
--	---	--	---	---

84:19 87:18 93:22	217:6 223:20	251:18 252:7	110:9,13 113:2	31:15 37:14 51:1
94:1 113:15 149:6	225:17 226:10	292:19 293:6	114:22 115:2	55:17 93:16 94:18
284:9 285:21	227:1 228:19	301:11 302:21	116:18 141:18	95:2 96:2 103:19
286:7 287:3 304:4	233:18 234:11	326:4 340:9	142:17 146:16	105:16 110:21
305:14,16,17	243:20,21 244:1	proposing 172:13	148:5 151:22	121:18 131:10
307:17 309:15	245:10 246:22	304:7 312:8 321:4	152:9 159:20	132:5 156:10,13
310:1,22 312:17	251:17 288:5	propylene 337:14	175:10 177:3	164:18 166:5
production 5:16	290:1 292:17	protect 310:7	184:21,21 185:1,8	168:1 178:16
43:15 48:9 66:17	319:4 323:16,21	protecting 115:15	193:8 195:5	186:9 206:16
68:13 69:21 71:7	335:8 339:7,10,16	protection 6:3 61:4	221:19 223:8	213:7,9 235:14
71:20 72:16 73:22	339:20 340:1	63:14 64:5,6	225:4,13 230:2	238:5 245:15,18
81:7 101:12	programs 109:22	protective 61:12,12	232:10 244:6	245:20 248:5
129:20 144:21	222:18	61:13 63:15	245:19,22 254:9	282:16 287:6
148:20,22 149:17	Program's 80:8	protects 223:4	254:11 265:4,5	294:7 316:12,18
149:21 155:17	progress 24:7,9	protein 186:18	281:5 290:8,21	316:19 318:6
157:8 162:5	25:16,22 26:8	proteins 198:17	291:15 297:10	319:1 329:18
177:22 180:18	29:19 30:6 33:10	205:7	298:21 299:2,17	342:22 346:7
188:19 190:19	33:11,13 105:15	protocols 5:7	300:2 301:11	348:19
215:16 227:8	163:16 165:21	357:22	311:2 315:15	puts 77:17 296:13
228:22 254:14	prohibit 177:4	provide 7:9 49:10	320:3 326:3	319:22 347:8
255:4 304:1,5	prohibited 172:6	50:6 51:2 105:5	329:19 330:16	putting 33:22 34:5
311:9 318:18	174:11 179:11,18	240:19 251:21	342:6,10 344:20	64:8 96:13,17
324:15 339:22	204:3 276:18	252:16 284:5	348:14 357:18	117:5 193:3
351:16	346:3	293:12 309:11	358:6	205:21 216:21
productive 177:13	project 337:20	311:12 339:16	public's 231:3	245:7 289:21
products 6:1 36:11	projects 336:1	341:21 343:8,12	publish 96:21	346:14
48:9 53:13 59:7	340:1	343:21	published 293:7,20	puzzle 322:21
66:20 88:17	prompted 64:21	provided 50:11	294:6	PVC 72:1 74:3
115:15 187:14	pronounce 337:13	59:8 66:21 75:8	pull 99:6 138:3	pyrophosphate
202:4 276:16,19	proof 281:16	281:17 283:17	194:11 230:6	262:7,11,18
281:20 285:3,15	proofing 198:15,22	285:11	232:22 238:7	263:11 264:15
309:8 311:10	propane 337:12	provides 117:10	247:20 251:8	265:19 266:19
317:16 324:4,11	proper 93:5 120:18	providing 32:18	289:21 299:15	267:16
325:2 338:9,10	properly 30:5	347:18	pulled 170:1	P-P 266:17
340:11	64:16 261:1	provision 7:12	341:16	P-R-O-C-E-E-D-...
professional	proposal 37:1	77:16 224:17	pulling 288:14	5:1
246:15	96:22 252:13	303:2	pure 315:4	p.m 218:9,11,12
profound 85:19	286:3 319:17,18	provisions 78:5	purge 284:9 286:7	253:16 296:14,16
profoundly 155:20	propose 16:10	proximity 96:7	purpose 142:5	296:17 359:8
program 1:2 2:13	120:21 127:2,8	prudent 61:18	281:17 285:11	
2:16,18 5:12 20:2	177:19 288:4	pruning 27:4	purposes 318:12,18	
21:5 48:15 49:22	311:7	public 6:5 8:6	325:9	
50:3,15 62:21	proposed 76:17	23:20 33:9 36:9	pursuant 111:14	
79:11,19 109:16	118:21 121:11	53:1 60:7 65:9	pursue 136:6	
123:13,18 131:20	122:9 123:9	75:15,16,19 76:10	purview 167:2	
132:10 139:6,7	134:16,22 177:18	76:19 85:12 97:1	329:14	
166:15 176:6,19	233:19 245:21	103:2,17 104:1,6	put 20:5 23:22	

Q

qualification 339:18
qualified 200:7
qualifiers 273:1
qualifying 339:20
quality 177:14

234:15 289:13	209:9 217:20	reaching 349:11	116:1 117:16	reclassified 315:14
quantity 318:2	285:6 299:16	react 205:6	120:13,18 139:3	315:17
question 10:22	306:2 316:5	reaction 88:11	148:7 155:3,21	recognition 50:20
13:8 24:12 28:17	335:10	205:18 350:11	164:14 179:17	347:19
33:18 38:2,12	queue 213:7,9	read 6:19 18:15	189:16 196:18	recognize 13:12
39:12,13 48:20	quick 39:9 214:15	25:2 26:10 43:13	197:9,16 202:7,21	14:12 189:19
49:12 52:12 55:16	241:1 319:10	44:6 45:2 47:21	208:15 209:20	193:17 201:11
61:9 63:1 64:17	quickly 23:6 40:2	53:6 56:8 59:4	210:19 211:3,17	207:9 211:19
85:2 87:14,16	110:1,2 113:2	75:7 77:22 78:2	213:4 219:3	212:8,22
90:4,11 93:20	218:15 254:19	80:2 88:5,7 101:5	220:15 226:8	recognized 212:5
103:3 104:11	quite 32:9 71:13	101:19,19 103:13	229:3 231:10,20	recommend 23:7
113:5 116:20	75:14 104:22	110:22 126:3	236:3,19 239:10	146:4 253:4
117:13 118:14	167:20 174:22	127:16 141:8	242:17 271:15	recommendation
121:1,4 122:1,6	175:9 197:12	162:6,7 204:20	272:16 283:1	3:10,11,14,15,22
123:19,21 125:1	198:2 215:4 230:2	205:5 223:15	297:14 305:14	4:9 16:15 17:19
131:5,8,9 136:9	230:13 242:17	231:1,20 259:22	315:8 317:11	20:8 22:22 25:4
137:3 144:11	253:9 315:5 322:7	260:5 273:11	319:15 336:6	34:1,6,10 36:22
153:1 154:13,21	335:16 347:1	280:22 281:9	340:8 346:7	38:6 51:6 52:15
155:1 164:9	quo 60:16 77:15	282:7 289:7	352:11 355:6,6,7	52:17 103:22
167:21 177:2	quorum 15:3,5,15	290:16 298:3	358:1,13	142:17 146:14,15
178:12,21 202:7		327:22 330:2	realm 325:15,16	152:11 164:16
203:8,15 204:17	R	344:18,21 345:10	reason 21:10 62:7	166:5 169:21
211:17 212:10	raise 19:9 104:17	reading 101:4	105:7 108:1	170:1 177:16
225:18 233:7	105:4 226:17	156:4 206:2 218:4	114:17 131:17	178:1 217:10
235:19 241:1,17	239:7	260:3 270:17	166:4 179:8	223:14 227:16
243:17 244:3,18	raised 54:4 149:4	327:19	210:17 234:20	228:4,10,11 229:5
246:21,22 248:21	165:7 238:14	ready 13:13 16:1	250:7 284:1 286:2	230:3 233:1,16,17
250:6 260:19,22	raising 104:19	42:10 46:12 58:3	323:1 337:15	234:2,5 236:5
265:8 268:22	105:7 124:12	72:22 74:9 104:22	reasonable 94:11	241:4,4 242:13,22
270:22 272:20	ramifications	195:22 228:6	105:22 111:9	243:22 244:20
275:2 283:12	317:3	293:7 295:6 297:1	123:4	245:9 246:9,10
286:10 292:3,6,17	ran 45:9,11 134:20	334:15	reasons 16:1 57:9	248:16,20 249:1
305:20 306:3,8,9	range 9:12 241:12	real 33:20 39:9	89:21 265:10	253:5 280:15
307:7,19 309:19	302:11 311:15	77:2 227:5 304:14	recall 220:12	283:7 289:20
310:22 311:3	312:5,6 346:9	314:15 319:10	recap 254:10	290:8 298:8 300:4
313:9,11 317:1,12	ranges 197:19	337:13 358:9	receive 35:22	313:19 321:20
318:10 320:10	rare 116:3	reality 30:4	204:19 265:4,16	329:18 330:11,15
332:19,21 342:20	ratcheting 15:8	realize 37:12	336:22 339:14	330:18,22 331:2,5
questioned 196:16	rate 239:20	230:16	received 32:9 46:8	334:5,7,12 339:6
questioning 30:13	rates 3:14 48:10	realized 220:14	104:1 146:16	recommendations
questions 10:16	221:2,10 248:17	really 9:15,20 10:2	159:19 177:3	3:5,6,8,18,19,21
12:16 15:18 16:6	281:12	17:10 22:6 26:1	187:9,10 281:5	4:16 16:11 21:3
28:1 88:3 114:19	rationale 110:7	28:10 30:14 33:18	286:1,14 288:11	33:8 152:21 178:6
133:14,16 138:12	111:17,20 157:10	64:7,10 93:11,11	290:21 300:3	243:4 330:9,10
138:18,20 187:15	221:13 271:5	96:1,5 103:2	315:16 329:18	recommended
195:21 201:17,19	reach 218:1,18	106:6,10 107:7	335:20	223:17 294:17
201:20 204:5	304:17	108:9 109:1,6	recite 261:1	314:4

recommending 17:15 291:16 299:15,19 329:16	recycled 70:1 72:17 red 1:11 88:20 89:1 89:11,16	79:15 284:3	reminders 5:6 removal 25:8 277:17,22	requests 115:9 223:19 335:21
recommends 59:1 99:7 101:9 276:12	redirected 64:13 reduced 113:19	regulations.gov 118:22 358:7	remove 23:8 26:5 119:9 120:8 180:16 284:11 308:2 333:16,19	require 36:3 61:12 255:17,19 268:15 308:21 309:16
reconsideration 27:16	redundancy 80:14 redundant 272:5	regulatory 226:22 282:21 283:2 301:14 307:2 326:7	removed 99:3 removes 180:17 removing 119:5,15 162:2 179:3 255:21 275:3	required 91:9 124:15
reconvene 82:13 218:8	reevaluated 315:14 315:15	reiterate 163:6 relate 77:7	renew 51:9 renewal 95:15 276:12 290:21	requirement 7:15 65:5 181:20 309:10
record 24:13 44:6 55:18 56:9 82:20 103:13 104:16 105:19 111:1 148:15 152:4 153:12 154:14,20 155:6 164:18 173:18 185:11 193:3 196:10,15 216:21 218:11 253:10 290:17 292:12 294:4 296:16 304:19,20 322:2 335:19 359:9	refer 18:12 134:4 254:22 292:10 324:1 354:5,11 355:1	related 61:2,5 107:16 132:17 291:21	reorienting 198:17 rep 193:6 repeat 248:21 277:20	requirements 64:5 222:7 223:1 240:8 240:14
record's 154:17	reference 77:14 117:6 330:13	relates 339:18	rephrase 31:3 72:10 355:13	requires 60:8 131:20 197:12 220:15 303:12 310:2
recusal 181:11,13	references 108:10	relationship 349:9	replacement 24:15	requiring 76:2 312:10
recusals 15:2,5 38:4 42:11 46:11 53:5 65:13 74:8 81:13 98:8 99:13 121:5 124:6 143:12 158:11 173:2 182:7 183:4 183:20 216:13,17 260:12 265:19 269:4 273:15 275:8 279:14 295:7	referencing 18:15 referred 33:3 39:1 87:2 134:4 194:3 195:5	relative 108:13 239:4 316:17	replowing 204:8 reply 164:9 report 88:5 163:14 167:9 244:22 253:13 272:9	rescind 248:8 257:10 263:6 298:8
recuse 8:18,22 10:5 13:7 14:5,13 46:14 173:4,6 181:13 183:1 184:1 216:7,10 269:1	referring 18:10 156:19 157:1 278:4 305:11 353:14	releasing 231:14	REPORTER 330:4 reporting 163:16 represent 6:5 8:16 8:17	rescinded 260:16 rescinding 39:12 248:7 257:12
recused 174:1	reflected 166:18	reliant 149:2	represented 5:18 324:5	research 29:10 31:9 35:12 36:1,4 104:14 107:20 109:11,17,20 110:1 111:15 112:18 113:20 117:8 119:20 208:16 271:6 336:1
recuses 183:4 184:9	reflects 336:21 reforming 198:16 198:19	relist 135:4 179:15	representing 9:1 89:20	researcher 111:3 113:10 119:4
	refrain 8:1 refresher 298:17 refreshing 18:13 231:20	remainder 223:21 remaining 138:20 278:5 303:7 306:20 308:3 313:6 318:3	represents 9:10 12:10 228:14	researchers 107:5 163:10
	regard 48:22 292:9 333:2 344:3 353:16	remains 233:4	reputation 188:2 request 62:13,19 82:11 109:4 152:15 160:20,20 165:10 175:7 320:11 337:1 339:11,15 342:14	reservations 227:20
	regarding 6:21 61:5 63:14 84:21 338:15 342:8	remarks 4:20 220:9	requested 221:18 221:22 342:9	reserve 137:11 195:21
	regardless 304:3 regards 195:4 198:5	remember 16:15 90:19 149:10 156:7 178:8 196:14 204:3 211:10,11,22 243:22 262:16 271:20 307:22	requesting 21:11	reset 30:18
	Register 320:5 Registry 46:1	remembering 243:13		residual 48:2,5 57:17,19 281:19 281:21 282:3 283:19 285:13,16
	regulation 147:19 158:7 232:1,17 233:5	reminders 55:12 85:9 118:19 150:18 182:4 194:2 257:7		
	regulations 49:19			

285:18	restricts 76:16	revised 101:10	Rica 157:14	risking 97:8
residue 195:4,7,9	result 172:8 247:11	152:6 169:11	Richard 195:13	risks 291:13
195:17 197:15	298:22	revised 231:4	197:17 227:1	risk-based 339:8
200:15 203:21,21	resulting 88:15	revisions 221:18	rid 31:10 143:6	339:13
306:11,20 308:13	results 31:8	223:12 330:6	Riddel 254:12	risk/benefit 313:2
312:15 313:6	resumed 82:21	revisit 97:22	right 5:9 11:11	road 30:11 33:13
340:6	218:12 296:17	revisiting 79:2	19:1 21:7 24:3	191:14 192:13
residues 309:13	resurrect 336:8	rework 334:7	27:13,18 28:21	255:22 256:14
323:22 324:8	retail 5:22 54:13	reworked 223:7	31:2 38:18 39:7	ROBERT 1:21
resistance 116:4	340:10 343:1	rewrites 288:15	41:6 44:6,11 52:8	Robert's 331:16
resistant 25:10	retailer 9:8	rewriting 287:22	52:19 55:16	358:12
117:22 118:2	retained 329:21	re-cast 132:13	108:11 109:3	robust 335:4
166:8	retains 217:16	133:6	115:17 118:16	rodent 83:5 93:2
resolve 196:5,7	retesting 308:21	re-entry 61:15	121:16,17,21	94:16 95:9 97:3
resource 6:3	return 161:17	63:16	122:4,19 130:5	rodenticides 99:9
resources 64:12	180:3	re-evaluate 150:22	133:2,5 138:22	rodents 91:3
190:1,14 251:21	returned 63:6	re-framing 93:20	139:8,10 143:10	role 64:7 93:7
respect 211:8	Reuben 1:22 35:5,7	re-list 19:19 20:4,6	150:6 153:9	328:8 339:13
272:13 320:2	130:6 265:21	57:14 66:15 67:10	165:17 168:7	room 1:11 15:3
345:3	reup 139:10	68:11 69:19 71:5	169:8 179:16	42:16 106:10
respectful 109:4	revelation 53:17	72:14 73:20 81:5	188:4 191:9	109:3 110:11
respectfully 223:19	reversing 26:5	83:4,22 84:6	200:16 201:9	232:4
320:7	review 52:6 85:18	86:18 93:9 94:4	203:3 206:12,13	root 25:10 27:5
respiratory 61:2	85:19 96:15,15	101:21 121:14,20	206:13,14,14	115:16 117:6,10
respond 36:10	97:17 102:20	127:17 129:18	208:19 211:2	117:17 118:3,6
123:15	150:19 152:8	134:16,18 135:6	213:6 217:20	163:10 166:8
response 23:19	188:17,22 203:7	144:8,20 146:14	218:20 219:22	rosemary 279:9
204:16 338:15	204:2 221:12	146:15 147:18	220:17 234:6	Rosen 2:19 271:19
responsibility 9:20	232:5 254:20	151:19 158:7	235:7,17 237:5,7	271:20 284:14,15
9:21 93:5 97:11	272:6 291:3,15	159:11 169:13	237:15,20 238:1,2	285:7 286:12
186:2 188:10	303:4,12,15,18	177:19 178:1,11	244:16 247:20	287:2,15 288:7
189:11 213:7	304:10 305:8	179:9 181:18	260:12 263:3	rotate 240:18
214:3 304:6 305:7	310:2 311:2	289:10 290:5	269:5 281:8 285:6	round 294:5
responsible 64:11	312:10,16,20	re-listed 16:20 90:9	297:4,7 309:3	routinely 220:1
rest 196:6 222:1	313:10 317:8	96:11 97:4 136:22	325:7,11,14,17	row 54:19
restate 71:14,16	324:19,21 336:20	259:2	331:17 333:8	rule 115:10 134:16
72:12 101:6,17,17	339:5	re-listing 21:18	344:22 349:5,16	134:22 136:13
126:1 158:5	reviewed 17:13	51:12 52:11 80:12	351:1 353:3,18	138:10 211:20
161:19 215:8,10	89:3 93:7 222:17	81:3,14 102:22	354:10 356:17,21	222:1 223:21
249:8 326:1	223:6 273:8 291:5	120:4 122:11	rights 331:12	226:2 232:3
restated 133:21	293:14 307:21	135:3 138:10	rigor 63:13	233:19 234:22
134:2	310:12 324:16	146:5 170:7 270:5	rinse 283:10,13,17	235:18 245:4,22
restating 124:9	336:16	273:13 274:17	284:4,8,12 285:2	246:2,10 251:18
restricted 181:19	reviewing 175:21	277:5 279:5	286:6 287:3	252:7 299:11,18
restriction 101:1	176:5 324:17	291:13	ripening 148:19	340:9
111:15 179:13	reviews 152:16	re-lists 176:15	149:11 150:5,8	ruled 243:8
restrictions 63:16	190:2 335:11	re-write 140:17	153:4 155:3 157:7	rulemaking 80:5

137:21 223:18 245:16,18,21 293:15 294:18 rules 7:3 217:22 218:5 252:11 331:16 358:12 run 242:18 281:8 running 214:8 rush 250:12 346:17	259:19 272:5 285:8 scalable 28:12 scale 148:21 149:6 157:14 207:14 scales 256:4,8 schedule 349:5 science 187:22,22 191:2 192:4,4 193:20 195:6,20 197:7,8,10 201:12 204:14 209:19,19 209:20,20 213:15 325:15 sciency 117:15 scientific 152:10 187:7,11 195:12 198:6 306:19 scientist 193:6 199:9 scientists 200:8 scientist's 187:6 scope 167:2 screen 23:15 44:6 59:4 101:19 124:20 259:17 scroll 140:12 290:12 291:10 scrutiny 61:22 62:3 seated 82:17 296:19 297:1 Seattle 1:12 sec 19:17 second 19:19 20:19 23:17 40:9 42:5,6 44:2 48:11 49:6 52:10 57:8 58:1 59:4,17,18 60:19 67:7,8 68:18 70:4 71:12 72:20,20 74:5,6 75:11 81:10,11 83:9,10 99:11 100:18,19 102:5 118:20 124:4 127:21 130:2,3,5 131:17 132:2 135:5	137:15 138:4 141:11,12 145:4,5 146:8 147:22 159:14,15 162:11 162:12 163:3 169:17 171:17,18 172:19 176:16 177:2,22 178:16 179:8,14,16 180:7 180:13 181:22 182:1,2 183:16,17 210:12 221:7 224:21 248:10 249:5,13,14 254:4 254:5 257:12,20 257:21 259:7,8 260:8 262:20,21 263:13,15 264:18 267:19,20 270:7,8 270:16 274:19,20 276:14,20,21 279:11,12 280:18 280:20 282:6 289:14,15 298:3,9 298:12,13 299:7 299:15 301:18,19 328:12,13 331:7,8 339:5,8 345:6 354:12,16 355:2 355:13 356:4,20 seconded 42:8 44:4 44:4 59:20 67:10 68:20 70:4 80:21 123:22 124:2,6 125:3 158:10 159:17 169:19 182:4 183:19 221:9 243:1 258:1 259:13 263:1 264:19 298:15 301:21 355:5,12 356:19 second 247:19 356:6 seconding 102:5,7 seconds 23:17 75:12 100:21	354:20 Secretary 47:9 66:8 216:11 291:9 327:6 345:12 346:22 section 6:10,20 49:12 77:9 101:4 254:3 280:17 327:13,18 329:13 329:16 330:7 sections 6:19 sector 187:13 see 12:20 24:7 25:16 27:2,4,7 31:6 33:7,8,13 34:6,22 36:5 37:16 49:21 61:9 78:17 79:10,15 84:2 86:6 90:16 92:19 94:21 106:3 107:17 108:3 109:22 119:13 135:17 140:14 148:10 161:21 163:20 164:7 165:20 166:4,4,18 166:21 179:18 200:12,17,18 201:5,10 210:16 220:5 229:3 231:10,11 234:5 235:3 236:10 247:1 251:13 271:11 290:13 301:22 302:22 310:15 316:21 327:7 338:18 342:20 352:5 359:5 seeing 40:17 52:18 53:4 68:21 70:5 72:21 81:15 98:7 99:13 128:1 133:18 145:7 146:18 158:11 160:14 168:7 170:12 180:19	196:22 209:15 215:5 254:7 260:14 263:19 265:18 269:6 275:8 279:14 321:10 seek 187:4,7 seen 159:22 191:20 230:2,4 selenium 42:2 44:1 self 313:21 sells 9:9 54:14 semester 93:17 108:14 send 62:8 109:18 244:7 311:8 sense 60:21 61:6 63:9 86:10,16,21 98:1 105:5 107:1 119:19 163:18 164:4,6,19 166:1 175:8 180:6 314:20 333:1 343:13 344:10 345:8 346:18 347:13 350:6,8,10 350:14,17,18,20 351:1 352:18 355:21 sent 169:10,11 sentence 224:15 285:5,7,17 298:9 299:7,16 sentiment 173:21 180:7 345:17 separate 7:21 20:7 34:5 36:21 79:3 96:15 164:16 203:14 252:10 273:7 separately 176:7 September 336:7 sequential 72:9 sequestrant 267:1 267:17 serious 29:16 93:11 155:21
S				
Safe 48:6 57:20 282:1,5 safety 138:14 284:2 sake 12:18 133:19 249:6 sanitizer 57:15 68:15 277:14 284:8 sanitizers 284:3,6 284:21 sanitizing 48:7 55:9 281:13 SAPP 266:16 satisfy 7:12 80:8 223:16 Savannah 358:18 359:5 save 230:12 275:5 saving 114:9 saw 112:15 186:16 186:17,18,19 239:5 281:3 saying 24:14 30:22 31:12 86:22 106:5 106:19 137:6 150:5 188:14 204:10 208:8 229:13 232:11 285:18,19 304:8 317:14,15 348:14 says 19:15 38:10 49:20 60:6 64:18 85:10 88:8 150:19 152:6,7 176:21 194:5,9 195:13 232:9 235:18				

seriously 92:12	309:15 327:7	single 7:10 10:13	sodium 3:10 48:1	332:20 344:2
serve 328:3 346:4	showing 353:17	site 61:14 227:6	57:22 159:8,11,22	sort 10:9 13:8 45:9
SERVICE 1:1	shown 94:5 223:17	sits 208:7	160:1,3,8 169:4	87:15 90:15 117:3
servicing 353:22	shows 304:4,8,20	sitting 234:3	171:8,10,12 177:4	156:17 166:6
session 5:4 218:14	side 10:9 12:9 55:4	situation 26:3 31:1	177:17,19,21	167:9 211:4 212:6
296:21	76:22 106:11	31:4,6 87:3 92:10	178:3,15 179:12	227:16 229:9
set 5:16 7:17 14:15	137:13 186:10	92:19 95:4 97:19	180:9,15,17	231:9 236:4 272:9
15:8 122:7 188:9	190:4 209:2 228:7	133:4 135:20	181:15,18 266:19	321:8 340:7 347:4
201:10 253:16	229:4,17 273:1	148:13 224:11	267:16 281:11	347:14 350:10,14
sets 118:10	321:8,10	243:14 249:20	333:15	sorts 213:21
setting 291:11	sides 110:12 116:13	situations 95:10	soft 164:11,17	sought 157:6
308:16	173:15 184:22	six 15:13,13,14	soil 27:4 41:20	soul 180:10
settled 201:14	185:6 190:5	66:10,11 104:15	43:16,19 48:5	sounded 87:9 343:5
seven 15:13,13 23:1	201:12 229:13	136:12 216:16	59:10,15 67:1,5	sounds 58:3 86:11
104:15 160:12	315:6 321:4	227:17 230:7	141:21 143:2,7	108:8 256:1 295:5
170:9 227:17	sifted 297:16	244:12 257:1	144:22 146:6,6	318:18
294:9 323:1	sign 227:18 344:21	268:2 277:5 294:9	174:16 177:10	source 195:12
severe 61:1 353:21	346:7,11	300:1 327:9,9	318:9 324:6	sources 152:10
shaking 52:19	signal 244:7	333:14,19 334:1,9	sold 12:13 318:4	272:4
79:11 196:22	significance 319:19	size 157:16 240:16	324:4	Southeast 113:9
253:10	significant 6:1	skip 140:19,20	sole 94:7 142:5	soy 307:20 308:3,9
shape 358:2	24:10 31:7 84:15	skipped 169:8	solved 296:22	308:10
share 13:1 98:5	150:3 165:18,19	skipping 72:5	somatic 234:14	space 222:6 239:1,2
343:21 344:9	194:14 200:20	slate 209:7	somebody 10:7	240:8,14,19
shares 222:4	203:22 249:18	slaughter 3:14	12:22 120:20	spacing 166:11
sharp 296:14	301:12 304:9,18	222:22,22 248:15	204:15 295:9	speak 30:18 113:7
sharpening 325:10	305:15 306:22	248:20,22 249:12	somebody's 13:15	128:7 174:9,11
shed 45:7	308:5 309:21	253:5 340:17	someday 337:3	197:14 350:16
sheet 22:1 141:5	325:13 326:4	sleeping 148:8	somewhat 117:4	351:15 358:3
216:15 262:5	significantly	slight 255:15	Sonnabend 85:6	speakers 343:9
shelter 224:6	113:19 314:10	320:18	87:21 88:1,2	speaking 332:22
shelves 318:4	Significant/Insig...	slightly 255:10,11	soon 302:4	spearheaded 29:6
shepherding	301:5	281:7	sorry 13:13 22:5,13	special 133:4
228:11	silicate 159:8,11,22	small 116:5 153:14	23:5,14 25:19	Specialist 2:20
she'd 247:20	160:2,3,8	153:21 155:15	41:5 42:2 63:7	specie 227:6
shift 205:20	silicates 41:22	157:20 195:18	71:9 83:14 120:22	species 222:11
shifts 241:10	43:21	223:2 224:13	124:12 128:15	224:10 341:2
shipped 157:22	silicon 333:16	225:15 305:7	133:10 134:3	species-specific
shirking 214:3	similar 28:7 116:22	306:19 310:4	144:10 147:20	341:3
shopping 226:7	149:11 165:22	318:5	148:3 154:4 156:2	specific 29:18 45:7
short 82:12 165:21	243:14 350:22	smaller 153:18	161:22 162:7,22	63:20 85:2 87:14
168:3 188:16	simple 18:8 81:3	smell 226:19	165:16 178:16	108:13 143:3
shortcut 174:16	174:21	smoke 83:6 86:3,4	184:5 191:5	151:14 166:3
shortening 106:20	simplified 303:19	88:15 91:10,17	204:10 207:7,16	168:2 201:20
shot 237:14	simply 15:22 79:6	94:3 95:5 96:1,6	216:14,17 256:11	222:11 224:11
shoved 96:2	310:2 313:9	97:3 99:3	263:5 276:13	232:15,15,18
show 234:14	324:16,19,21	snail 337:10	277:19 320:16	339:20 343:17

specifically 25:9 56:3 107:16 176:3 233:13 323:12 353:16 specificity 227:7 234:5 specifics 90:19 238:15 240:4 specified 276:17 277:14 specifies 282:16 specifying 278:2 spectrum 12:9 110:12 303:22 speculation 315:4 speech 191:6 speed 40:22 spelled 217:4 spend 10:16 113:1 spending 9:22 39:7 109:8 spent 104:20 184:19 226:9 spirit 111:20 218:2 split 240:17 spoke 182:9 344:5 spoken 210:18 spot 32:3 178:17 344:22 346:7 spray 117:3 Spring 291:1,12 359:5 sprout 48:8 square 19:2 238:17 238:18,21 239:15 239:17,22 240:2 240:15 staff 2:10 246:15 251:20 stagger 42:12 stake 55:14 stakeholders 6:14 6:16 36:10 200:8 227:22 stalls 238:16 240:7 240:10,11 stamina 183:7	stand 8:7 9:21 325:17 346:2 standard 215:1,5 223:1,4 226:4 229:1,15 236:1,2 313:7 341:1 standards 1:5,10 2:14,17 5:5,17 7:17 63:14,16 64:3,5 149:13 176:4 189:6 222:10 234:15 236:22 291:8 345:13 346:1 354:6 356:2 359:6 standpoint 309:10 stands 86:11 138:10 290:5 start 19:1 22:2 41:1 46:13 65:14 67:13 68:22 81:16 98:8 99:14 107:7 124:8 125:6 126:7 127:17 128:2,17 128:18 133:8,13 139:13 143:10,12 146:19 158:12 166:21 204:8,9 215:18 216:12 226:7 233:18 247:16 250:16 273:15,16 275:9 300:7 326:12,13 328:16 331:18 333:12 335:22 336:1 337:17 353:14 356:22 started 22:4 34:2,3 107:20 199:21 209:4 220:7 230:1 313:21 336:19 358:1,14 starting 46:18 139:14 325:6 346:4 startling 358:9 starts 23:6 48:18	337:14 state 23:3 35:18 111:3 113:21 115:8 117:21 131:8 293:9 stated 117:13 132:20 270:12 348:5 351:6 statement 28:17 35:5 79:20 80:8 115:4 139:3 174:21 203:9 327:20 342:11,12 345:8,9,19 348:16 350:12 351:21 statements 76:19 79:2 227:2 states 1:1 64:8 156:19,20 station 95:20 status 60:16 77:15 217:16 290:6 330:21 statute 186:1 303:12 306:11 313:1,2,3 325:3 statutory 188:11 304:6 306:13 stay 148:10 steep 3:11 171:9 183:6,10,12 184:11 208:20 209:4 215:12 217:10 218:3 306:16 307:4 steeping 192:11 200:5 205:2 stem 227:20 step 120:1 166:14 236:20,21 281:17 283:18 285:12,20 steps 108:13 236:19 284:5,10 284:19,22 292:8 330:10 steptomycin 114:7 Steve 1:16 3:17	16:7 23:17 52:19 54:22 59:19 68:22 76:4,13 100:20 105:10 112:15 119:1 137:4 146:19 201:7 204:4 225:1 240:22 250:5 254:8 257:5 262:13 264:20 267:21 270:10 273:9 275:10 277:1 280:7,21 289:7,17 290:16 296:5 301:21 333:10 352:2,10 sticking 317:21 stock 117:6,10,17 118:3,6 163:10 stocking 3:14 221:1 221:10 239:19,19 248:17 stocks 25:10 27:5 72:17 115:16 166:9 stone 1:21 34:16 43:4 47:5 56:18 58:11 60:13 62:2 65:21 67:19 69:4 70:10 72:2,5 73:2 74:10 82:8 89:20 98:22 100:5 102:10 111:2 125:17 126:16 129:5 130:13,16 130:19 131:9 139:21 143:19 145:12 147:2 158:16 160:17 168:9 171:4,20 172:8 174:21 176:9 181:10 182:22 188:9 202:1 216:6 225:22 233:9,11 238:15 246:13 251:17 254:5	257:13 258:18 259:8 260:10 261:18 264:5,18 264:19 266:6 267:20 269:13 273:22 275:14 276:21 278:11 279:18 288:20 289:2 295:11 300:9 326:13 329:9 332:9 342:20,21 353:5 357:3 stood 28:8 177:6 319:14 stop 130:21 194:20 stops 48:17 store 318:4 straight 84:6 170:7 straighten 142:3 strains 118:1 strategy 36:19 344:8 straw 112:6 120:7 120:17 164:3 strengthen 246:17 342:10 strep 34:21 111:19 112:4 132:6 178:10,14 strepto 130:17 streptomycin 36:17 100:10,14 101:10 101:13,22 102:1 103:22 104:13 107:15 110:22 111:10,13 113:18 114:12,16 115:22 116:1,7 118:21 125:6 126:3,4 127:3,18 128:14 129:16,21 131:10 134:14,17,19 135:1,21 136:9 137:8 138:4,7 165:19 166:1 176:21 338:5
---	--	---	---	---

stress 35:9	299:2	88:15 192:7	152:22	surprises 37:10
stretch 346:6	substantially 76:8	194:18,20 195:8	suppliers 55:2,21	surprisingly 32:10
stretching 198:18	substantive 250:13	195:10,13 203:15	supply 54:21 56:1	surrounding
strictly 133:16	250:15	212:21 213:2	support 17:2,3	175:18
strike 109:9	substitute 174:15	306:17,22 307:3	29:10 32:20 104:8	survey 268:8
striking 112:7	substitution 33:5	333:18 335:13	109:11 111:13,19	susceptible 118:4
stripe 9:11	succeed 223:5	338:7	111:21 222:16	suspect 310:20
strong 14:14 32:20	successfully 132:20	sulfuric 333:17	223:2 225:7,10	suss 354:8
34:18 104:8 120:1	suddenly 325:6	sulfurous 205:1,6	230:2 246:17	sweat 267:13
185:6 227:2 342:8	sufficient 176:1	summaries 206:3	251:3 252:16	sympathize 237:2
346:2 351:16	281:18 285:12	summarize 173:14	277:12 340:19	symptoms 113:13
stronger 185:18	sufficiently 118:14	315:2,8	347:4	116:14
strongly 233:14	sugar 210:20	summarized 75:19	supported 33:1	synchronicity
struck 209:17	316:10,12,18,19	summarizing	92:21 113:20	339:22
structure 6:20 7:9	317:1,2,14,22	345:20	278:1 300:3	synthetic 42:3,9
138:17 255:9,10	318:3,3,6,8,11,17	summary 193:13	supporting 120:2	43:14 46:15 66:16
358:5	318:20 319:6	290:15,15,20	supportive 151:22	68:12 69:20 71:5
structures 7:3	322:15,19 333:21	summed 139:3	supports 282:22	71:19 72:15 73:21
342:4	sugars 205:4	summer 292:20	283:3	81:6 101:11
struggling 244:4	suggest 33:10 39:4	sun 9:10 291:11	suppose 39:14	129:19 144:20
stuck 357:18	51:19 107:3 180:9	Sundin 113:22	supposed 53:7	162:4 185:10
studied 231:1	185:13 218:1	sunset 3:6,8,19,21	suppressant 141:9	186:3,14,15 189:2
355:1	237:13 310:16	18:21 19:13 20:1	145:1	191:5,7,8 194:6
study 231:18 345:1	suggested 220:12	20:6 47:18 52:6	sure 12:19 15:17	194:14 196:16
stuff 190:12 204:20	242:2 351:18	55:4 57:6 64:17	16:14 19:1 39:6	199:22 200:11
244:13 318:6	suggesting 38:13	85:10 96:15	41:5 49:17,22	201:6,11 203:5
subject 303:15,17	49:14 302:9 333:3	102:19 103:7	61:3 64:12 89:10	205:19 206:15
304:9 308:9	suggestion 13:5	110:17 112:10	95:2 96:20 117:8	207:12 208:10,11
348:18 349:4	36:16 103:21	118:20 122:6,10	118:18 120:19	209:10,13 210:10
submitted 93:4	136:15 238:3,11	123:3 127:3	123:12 124:8,21	210:12,15 211:11
subsection 143:1	352:11	129:13 131:16,22	133:11 137:2	212:17 213:1,11
subsequently 148:4	suggests 92:13	132:1,5 134:9,15	150:9 157:9	215:15 217:4,12
substance 12:3	218:5	136:4,8,20 137:10	164:21,21 173:16	217:14 218:4
14:15 38:14 46:1	suitable 279:10	138:1,11 139:5	180:10 193:16	220:14 257:3,15
59:13 67:3 96:14	sulfate 59:13 67:3	144:14 150:19	198:8,21 199:10	257:19 258:9
194:9,9 217:16	146:2,5 337:18	152:21 162:20	202:13,16 204:7	262:19 263:4,5,12
276:13 277:18	sulfates 41:21	169:4 171:8	215:4 216:15	264:13 267:5,7,9
301:12 326:5	43:21	172:16 176:7	230:7 231:12	276:7,10 301:12
substances 43:14	sulfites 207:22	177:18 178:9	232:21 239:3	303:3,7 304:1
50:7 66:16 68:12	208:1	179:6 231:18	243:18 263:2	305:21 306:3,6
69:20 71:6,19	sulfonate 140:10	270:2 274:15	272:15 297:7,9	308:10 312:18
72:15 73:21 81:6	140:21 141:4,7	276:5 287:15,16	298:6 302:5,11	315:17 316:6,8
101:11 129:19	144:13 145:1	288:7,12 289:5	305:11 318:16	317:17 318:12,14
136:21 144:20	159:22 160:2	290:3 302:6 334:1	335:8 350:19	318:17 319:6
162:4 293:12,13	169:7,14,16	337:17,22 338:2	surface 36:13	326:5
294:16 322:9	sulfur 82:10 83:1,4	supersede 321:21	surfaced 291:4	synthetically 272:2
substantial 32:14	83:15 85:20 86:2	supplement 76:13	surfaces 281:14	synthetics 189:1,4

212:12 276:15	198:14 200:2	219:19 266:14	326:9	111:18 114:6,10
303:13 315:13	204:10 212:13,18	327:7	technically 219:12	114:17 161:18
synthetic/non	217:19 219:8	tallying 216:12	technologies	162:2 338:6
257:2	244:6,11 245:12	tangent 211:5	308:20	thank 9:4 14:10
synthetic/non-sy...	245:22 251:10	tap 83:18 175:16	technology 76:21	19:8 20:12 21:7
257:8 258:2	257:8 268:1	272:6	77:1,2 304:15	21:21 25:1 27:20
262:14 263:18	272:16 296:12	target 91:20 308:18	teeny 259:17	34:14 39:16 47:12
system 57:16 68:16	314:7 316:18	338:11	tell 29:15 105:20	51:15 71:18 84:10
149:1 150:11	320:6,18 324:18	task 106:7 107:4	109:19 114:5	88:1 97:20 101:8
166:19 219:11	331:11 345:9	119:7,11 164:13	261:2 282:11	101:20,20 110:5
227:3 239:12	346:11 347:22	187:2 196:8	303:13	113:6 114:18
309:6	350:7 354:7 358:1	334:10	telling 85:20	118:15,16 137:16
systems 48:4 57:16	taken 36:18 44:10	taurine 333:17	temperature	140:14 144:16
68:16 180:18	86:12 96:1 135:6	Taylor 1:21 43:2	177:11 206:14	146:17 149:21
200:21 227:8	164:3 236:20	47:3 56:16 58:9	Temple 222:19	150:1 154:9 165:2
239:8	303:21 304:18	65:19 67:17 69:2	ten 15:4,12 320:4	169:11 170:4
S-A 266:16	336:11,12 346:2	70:8 73:14 74:22	350:2	180:14 192:21
	349:17	82:6 98:20 100:3	tentatively 341:10	193:2 214:21
	takes 19:15 28:14	125:15 126:14	term 92:5 108:15	219:15 220:11,20
T	35:12 152:2	128:6,8,9 129:3	166:3 188:16,16	253:21 257:4
table 10:14 15:4	talk 10:2 14:20	130:11 139:19	188:17 190:14	260:7 262:15
37:22 40:5,7,11	24:18 34:19 86:16	143:17 145:10	192:16 310:8	268:20 282:9
81:2 107:1 118:19	184:17 202:12	146:22 151:21	terminate 104:5	283:5 290:11
122:17 123:20	220:18 230:9	158:14 161:14	terms 29:18 31:8	294:22 296:5,20
133:9 138:6	233:13 297:13	166:17 168:21	64:3,4 84:18 97:8	298:1 301:6
167:15 185:1	325:11	171:2 181:8	117:7,8 153:20	304:12 316:2
190:8 206:17	talked 25:14 28:3	182:20 216:4	177:14 205:22	326:2 327:9
210:9 219:18	37:9 76:6 100:22	258:16 261:16	206:17 245:3	334:13 337:4,7
313:11 320:8	106:14 108:12	264:3 266:4	246:7 252:14	338:21 340:12
336:12 356:12	153:3 166:7	269:11 273:20	291:20 319:16,19	341:6 343:3 356:7
tabled 161:18	211:16 241:11	275:12 278:9	343:16	356:10,12,14,16
336:10,15	283:9 289:18	280:9 296:1	terrorized 109:8,11	357:17 358:15
tabling 40:17	322:1 337:15	300:21 327:3	testimony 113:2	thanks 10:15 37:21
tag 38:18	talking 20:14 46:7	329:7 330:4,6	116:18 117:14	193:18 221:3
take 9:21 13:12,20	65:10 104:21	332:7,20 343:7,19	148:5 153:18	233:9 257:7
19:20 21:12,13	113:12,16 189:8,9	347:17 351:3	194:21 235:11	297:18 337:3
22:10 31:5 34:22	202:8 204:11	356:14 357:1	265:12 306:19	357:21
35:7,13 40:15	206:11 212:2	team 38:18 342:1	testing 41:21 43:20	That'd 169:9
52:7 54:10 57:7	219:17 227:1	technical 46:8	59:11,15 63:4	theoretically 180:4
63:17 82:12 92:12	237:5 278:3	85:18,19 88:5	308:9,13 340:7	theory 303:1
95:4 98:5 104:14	297:15 305:13	134:20 152:16	352:21	Theur 195:13
109:16 112:6,9	307:10,15 309:2	175:7,21,22	tet 112:3,10	197:18
131:20 136:11	348:4 349:3	193:10 194:19	tetracycline 22:2	they'd 239:14
139:10 142:2	talks 7:2 323:21	195:1,8 252:16	23:8,11 28:18	thing 16:8 17:11
155:18,21 164:22	tallied 18:16	254:22 272:8	34:20 38:8,21	22:15 37:16 61:10
166:22 168:2	tally 47:10 66:9	296:22 301:16	82:14 96:16	61:14,17,19
174:7 176:1,11	175:9 216:11	307:5 322:13,18	104:13 107:14	106:21 107:6
178:22 190:10				

117:9 135:20	117:16 120:6,13	311:13 313:13	threshold 306:13	331:13 334:21
149:11 165:12	120:14,17 122:13	315:3,19 330:1	thrilled 358:6	337:14 341:16
167:7 188:4,7	122:18,19 123:1	336:2 338:4	throw 11:18 105:1	342:17 345:15
189:20 190:7,9	127:4 130:14	344:19 345:13	thrust 345:19	347:6 351:15
192:13 203:11	131:4 132:19	346:4,16 347:1,3	Thursday 358:14	355:11 357:22
206:18 208:6	133:3 136:2,10	347:7,10 348:11	Thursday's 221:19	timely 133:1
241:22 244:21	137:5,11 141:17	348:12,13,18,21	tickets 320:3	times 27:11 28:6
259:18 321:3	150:2 151:1 152:6	348:22 349:6	tie 240:7,10	61:15 184:8
345:14	153:8 154:22	350:5,17 352:3	tied 224:12	207:15 226:1
things 16:22 22:5	162:18 163:22	353:5,21 354:8	tight 9:16 211:5	227:17 237:4
24:2 27:5 35:11	165:12,15,16	355:4 357:19	tighten 210:22	timing 178:12
35:14 36:5 92:17	166:1,12 167:6,12	358:8	tightest 315:9	293:3
107:20 108:6	173:22 174:14,17	thinking 29:14	till 288:8	Tina 1:17 23:18
114:10 152:14	175:16,21 176:17	72:9 83:19 104:18	time 9:22 10:2,16	42:14 44:3,12
187:20 190:12	184:21 185:12	114:3 199:22	15:4 18:20 23:3	46:13,18 55:5
192:18 194:17	186:5,8 188:2,7	204:12 211:1	24:7,8 28:14	65:7 79:9,20
205:12 206:12	189:10 190:20,21	228:15 255:6,7	29:12 30:6 31:9	83:16 85:16 87:2
207:1,18 209:11	191:11 192:4	320:1 351:3	32:7,13 33:3	90:13 93:15 94:13
210:9,14,15	193:10 195:19	thinks 62:9 199:5	34:22 39:7 55:19	95:19 126:7 128:3
214:11 231:22	197:16,22 198:22	thinning 166:11	64:17 78:7 88:4,6	141:14 142:18
232:2 239:20	199:13,17 201:1,2	third 195:12	91:7 94:11 103:5	146:10 148:2
240:3 241:13,15	202:22 203:8,13	339:17	104:20 105:9,14	155:11 159:17
242:18 252:10	203:15,17 204:12	thirds 17:7 124:16	107:15,19 108:2,4	165:6 174:2,8
271:3 284:9 309:4	205:4,13,21	third-party 152:16	109:1,7,8 113:16	175:14 199:18
334:21 335:20	206:10,20 207:3,5	thought 13:20	120:2 124:1	201:8,10 211:14
336:20 346:21	207:7 208:2,8	19:16 25:18 35:2	130:18 131:4	213:12 229:10
358:13	209:18 210:21	61:18 75:21 87:10	132:10 133:1,11	235:21 237:15
think 6:11 11:14,20	213:14,21 214:3	137:6 142:1	134:7 135:18,19	248:7 256:10,19
12:20 14:7,8,11	216:20 217:22	178:17 231:2,22	150:12 184:8	261:9 298:14
17:14 21:9 24:5	218:2 219:4,9,13	236:2,3 250:15	198:11 199:7,10	331:10 352:17
28:16 29:14 30:22	227:14 229:21	309:20 312:7	201:17,20 204:5	tip 156:3 318:20
31:12,16 33:15,19	231:13 232:2	319:14,17 329:20	205:10 206:13	tipped 256:4,8
34:3,4,16 36:18	233:6 234:19	358:13	207:2 208:16	tired 355:6
37:7 38:1 39:18	235:4 236:15	thoughtful 32:13	211:21 212:9	toast 212:2
39:21 40:13 50:19	237:10,11 238:4,9	thoughts 209:5	215:2 226:9 228:6	tocopherols 279:3
52:1 59:3 63:22	238:19 241:16,20	229:7	230:17 231:18	279:5,7
64:9 65:4,5 79:21	242:2,6,9 246:20	threat 351:16	237:19 239:5	today 5:5,8 8:12
85:3 88:12 89:11	247:9,16,16	three 6:1,4 25:17	240:1 242:1,7	13:14 15:1,20
89:13,14,16 93:8	250:11,15 251:9	26:2 27:8,10,12	243:7 250:8,19,21	21:22 35:7 41:2
94:9,14,19,22	254:8 256:13	28:6 30:4 67:3	252:6 253:9	54:17 86:11
95:3,8 97:8,10	263:3 267:12	76:15 78:3,6,8	260:17 271:1	112:22 155:8
103:7,9 105:4,12	269:1 271:21	104:15 116:14	272:10 280:22	159:8 169:3 189:1
106:6,14,18	272:12 283:1,7	154:7 302:20	284:7 290:3 291:3	203:2 208:18
107:10 108:1	284:15 286:19	320:6 323:6	291:4 293:13	212:17 218:14
109:13 111:8	299:13 303:5	330:17 334:3	294:1,2 299:8	223:6 228:8 251:1
112:11,19 115:4	306:2,21 307:2	337:21 339:2	302:7 308:17	253:8,9 274:15
116:6,12 117:7,14	309:20 310:20	345:9 358:11	320:5 321:22	287:10 310:13

338:4	Tracy 1:12,15	trees 27:3 117:17	78:2,5 87:10 95:8	241:20 257:1
told 49:19 190:17	22:14 253:21	tremendous 237:21	95:9 96:5 102:20	unanimously
231:3 234:20	279:4 284:13	tricky 102:14 226:8	104:15 113:1	222:21
236:8	307:7	304:14	116:4,14 117:16	unannounced
tolerance 59:8	Tracy's 11:1	tried 117:4 185:5	122:8 124:15,20	339:9,13
66:21 312:13,15	trade 6:1,17	185:19 193:7	134:6 142:13	unclear 34:4
321:14,16,22	traditional 183:13	237:3,10 245:6	150:12 152:21	123:12 128:6
322:8 324:2,3,10	184:12 215:13	336:8	178:22 181:13,13	131:3 285:8
324:11	trail 175:1 309:12	trillion 311:17	182:7 183:4	319:18
ton 28:3 184:20	309:18	trouble 136:17	190:16 193:5	uncooked 267:2,17
tone 75:20	trails 62:4	230:12	195:14,18 200:7	uncovering 92:20
Tony 296:19,21	training 50:11	troubled 135:13	204:3 216:13,17	underground 83:5
tool 92:1 149:3	62:16 63:18	TRs 310:15	216:17 220:22	91:3
toolbox 92:1	transcribing	true 18:5 27:18	224:12 239:20	underlying 188:18
tools 48:8 98:6	296:19	78:12,14 90:11	240:15 251:7	understand 8:13
148:19 176:11	transcript 164:12	104:14 186:7	252:10 265:1	12:19,22 34:13
top 117:18 118:4,8	246:6 350:15	192:20 206:4	273:13 274:13	49:1 50:22 65:2
118:8 231:15	transcripts 26:10	267:10 346:19	275:2 296:7 302:1	76:1 85:22 87:3
290:14 358:20	271:9,15	truly 192:9 346:15	302:2,3 327:12	110:6,19 111:17
topic 9:5 10:17	transgenic 117:20	trumps 178:6	330:15 334:2	111:20 137:2
109:20 155:13	transit 3:14 248:15	trust 189:21 230:19	354:19,20 355:16	138:5,19 175:13
217:15 218:15	248:19,22 249:11	trusted 191:3,18	two-step 163:1	177:8 197:20
244:10 301:4	253:4	try 103:4 109:16	180:14	198:3 204:14
308:17 325:5	transition 24:10	142:3 154:12	two-thirds 14:21	205:12 207:1
339:7,17 345:18	25:18,21 26:19	163:21 187:7	15:7,10,19 18:2,6	208:5 227:4
355:22 356:11	29:8 31:17,19	193:4 218:1	124:2 182:5	241:14 246:7
topics 211:5	37:4 106:16,18	241:16 283:12	218:18	250:19 299:12
total 15:6 17:16	295:2 338:5	294:15 322:14	two-year 37:18	305:11 307:18
36:2 178:3 181:20	341:13	trying 88:11 103:8	tying 35:1	317:15,22
216:12	transitions 341:12	155:5 177:8 188:4	type 52:14 61:10	understandable
totally 19:2 30:1,17	transparency	204:12 238:5	234:18 273:7	319:19
209:7 250:18	272:15 341:19	246:7 271:20	types 164:17	understanding
touched 91:14	transparent 336:4	283:6,8 303:20	336:22 339:22	26:9,11 90:6
touches 53:16	transport 222:21	346:12,17 347:10	typical 148:18	134:13 177:15
touchy 213:14	340:17	Tuesday 16:16	typo 39:19 267:4	204:18 255:18
tough 91:8 189:12	transportation	76:9 281:3 289:19	355:18	292:18 293:10
toxic 46:1 270:14	157:10	359:2	typographical 40:2	299:9 315:3 317:6
271:3 272:21	trapping 91:17	turn 166:20 179:8		317:9
toxicants 77:10,10	traps 91:5	240:6 330:5	U	understands
77:11	traveled 358:16	turned 318:11	U 3:7,9,19,21	138:16 193:20
toxicity 63:21	traveling 13:14	turns 193:17	ubiquitous 45:2,4	199:11
313:4	treatment 113:5	205:18 209:19	ultimate 196:9	understood 285:22
toxicology 6:7	treatments 163:12	twice 32:6 41:7	ultimately 149:14	undetermined
TR 45:3,20 193:9	tree 29:11 37:1,2	two 5:20 10:22 17:6	199:2 227:5	217:17
337:1,2	115:5,8 117:16,19	19:15 27:11,13,17	unacceptable	undue 76:20
track 17:10 294:4	159:11 186:9,10	28:6 29:21 32:17	291:13	unequivocal 46:3
338:14	186:22	35:11 52:7 56:7	unanimous 241:5	191:4,7

unfortunate 10:9 97:17	68:12 69:20 71:6 71:20 72:15 73:21	varietal 163:10	99:8	179:1,9 180:6,7	
unfortunately 10:6 192:12	78:12 81:6 91:18 92:22,22 95:22	varieties 27:6	vitamins 289:6,11 290:22 292:9 334:4	180:11,13,14,20 196:14 203:19 211:6 214:17 215:6 216:22 218:2,16 219:2,5 219:17,19 220:2 220:13 227:16 241:3 243:2,16 247:21 250:8,21 250:22 253:22 256:21 257:8 258:8 260:19 261:2,5 264:21 267:6,11,15 268:1 268:2 269:7 273:12 277:5 291:10,11 295:6 302:1,18 314:9 318:15 320:8,15 320:19 325:22 330:21 331:1,17 335:4 350:7 356:21	
uniform 148:19 149:11 150:5,8 153:4 157:6	100:16 101:11,15 102:3 110:8 115:10,11,12,15 119:10 126:6 129:19 135:15 141:19 143:2 144:21 156:11 158:2 162:4 164:6 166:8 172:14 173:9 176:5 177:4 181:19 189:10 191:21 203:2,6,15 203:17 215:15 255:3 262:9 264:16 266:21 267:11 268:9,11 268:17,18,19 269:2 276:16 277:13,18 304:5 305:4 312:4,15 313:8 317:18 318:8,13,22 322:19 323:12 340:10	variety 5:18 117:20	voice 222:15 346:13	voted 18:12 20:18 26:5 28:4,5 31:22 51:9 54:16 83:22 131:11 132:3 137:7 138:2 139:4 156:6 173:8 174:18 189:1,2,4 214:19,20 241:18 241:19 243:4 249:20 250:4 251:1 267:6 277:5	
uniformly 63:12		various 103:10 139:2 187:8 193:10 339:21	voices 346:9 358:3	votes 5:10 8:12 10:7 14:22 15:9 18:16 19:3,5,15 19:20 20:9 35:7 41:1 44:14 52:7 54:1 56:7 102:20 124:20 133:6,13 134:6 140:8 160:6 164:3 182:6,8 208:17 216:12,13 220:6 297:2,3 300:1,2 320:6	
unilaterally 205:17		varmint 91:8	volatile 78:21		
uninitiated 242:20		varying 194:21 195:16 197:21 198:6	volume 230:22		
unintended 114:20		vast 227:7	vote 3:2 8:7,10,16 9:14,19 11:17 13:21 15:6,10,19 15:22 16:1,3 17:3 17:4,7,16 19:16 19:18,19 20:15,19 20:20 21:22 27:8 28:20 34:17 37:17 39:5 40:11,15 41:12,12 42:10,13 42:14 44:19 46:12 46:17 47:13 52:10 56:2,6 57:3,6,7,8 58:4,18 65:3,11 70:7 72:5,22 74:9 75:22 79:5,18 86:10,18 87:4 92:2 95:15 98:9 102:11,11 111:17 111:21 112:1,14 119:2 120:4,15,17 121:20 122:8,18 123:20 124:1,15 124:16,17,18,19 128:11,14 129:15 131:10,17 132:2,9 132:13,15 133:22 134:13,18 135:5 137:15 138:5 139:1,7,9,10,11 142:10,12 144:15 145:7 146:13,19 154:2 156:5 160:10,11 161:2 163:7,20 164:12 170:7 172:19 173:7,11,20 176:16 178:16		
unique 194:10 273:5 311:8		vegetable 255:4 279:9			
United 1:1 156:18 156:20		venture 325:14			
universities 35:17		venue 256:15			
University 35:17 35:19 117:21		verbal 265:5			
unnatural 212:20		verification 175:1			
unnecessarily 224:3		verifications 187:15			
unnecessary 26:16 80:5		verify 61:14,17 154:16 156:17			
unregulated 180:3		verifying 64:3			
upcoming 334:9		Vermont 33:1			
update 16:16 109:5 301:10 302:21 326:3		version 303:19			
uphold 151:5		versus 11:5 34:1 60:3 207:20 226:4 257:15			
upkeep 328:7		viable 36:6 151:12 190:18			
upper 103:19		Vice 174:3 327:13 328:1,2,10			
upset 234:22		view 50:18 83:21 199:16 235:5 303:6 353:13			
urge 110:14		viewed 24:9			
urgency 105:6 106:3,22 119:19 287:8 288:13		viewpoints 188:6 201:13			
urgent 287:11 345:3 347:7		views 50:15			
usability 317:1		vigor 118:9,10			
usage 98:4 174:14		vigorous 197:12			
USDA 35:22 291:9		virtually 53:13 184:4			
use 9:11 11:2 25:10 25:11 43:14 48:2 48:22 50:8 51:2 53:10 54:20,21 55:2,7,8,11 56:3 60:5 62:5 66:17	useful 265:10	virtue 94:9			
	uses 11:21 50:16,18 50:19 55:2 97:19	visibility 337:22			
	usually 91:4 207:21	vis-a-vis 63:10			
	utility 256:6	vital 207:6			
	U.S. 91:1 187:14 222:17	Vitamin 93:3 99:4			
	V				
	vacuum 211:18				
	vaguely 243:13				
	valid 62:3				
	Valley 54:7				
	value 209:1 312:5				
	values 224:15				
	variability 232:5 311:15				
	variation 208:3 311:6				

331:5	WALKER 1:22	224:20 231:10,11	water 48:3,3,7	weigh 6:16 9:21
voting 5:5 12:1	35:8 42:20 46:21	232:13 237:17	57:18,20 91:6	11:13 131:14
14:4,18,21 15:5	56:12 58:5 66:7	239:10,14 240:5	281:14,19 282:1,2	134:11 196:20
15:12,12,20 19:2	68:5 69:12 70:18	240:17,19 241:7	282:5 283:14,17	199:5,15,16
22:1 41:2,2,6	73:10 74:18 82:2	244:2 246:8 247:3	283:20 284:4,12	317:11 352:1,17
42:11,13 44:11	98:16 99:21	247:20 251:1	285:9,13,19,20	weighed 292:4
56:6,9 65:14	125:11 126:10	263:3 265:3 287:4	286:6,8,18 287:4	352:9
67:13,13 68:8,21	128:5,20 130:7	288:1 295:2	287:5	weighing 197:11
68:22 70:6 81:16	139:15 144:5	302:10 303:9	waters 103:8	200:9
82:15 99:14	145:20 147:10	305:10 313:17	way 16:10 22:5	Weisman 14:2
105:19 121:10	159:2 161:10	316:21 317:10	32:19 39:8 45:5	151:2
124:7 125:4,22	168:17 170:20	318:5,8,10,15	51:19 54:15 77:3	welcome 11:19
126:7 128:2,2,10	181:4 182:16	319:20 321:2	79:22 80:1 93:5	161:1 164:22
128:10,12,17	215:22 258:12	327:7 331:13	93:10 95:1 98:4	174:7 233:10
130:6,22 131:1,5	261:12 263:21	335:2 338:18	105:5 108:5 118:6	welfare 221:1,10
133:8,17 137:17	265:22 269:21	342:2 347:6,9	120:16 133:1	221:20 222:5,18
139:13 140:10	274:8 275:22	353:1 356:10	134:8 149:7,8,10	224:2 231:11
141:5 143:11,13	278:19 280:4	wanted 20:3 52:13	151:16 164:3	235:22 236:13
146:2 147:15	295:19 300:17	61:3 75:17 107:11	165:21 173:20	244:4 248:18
156:7 158:12	326:22 329:3	189:3 215:4	190:10 191:21	340:16
160:15 162:17	332:3 357:11	218:21 236:4	200:12 201:13	Wendy 1:19 3:13
168:8 169:3 171:7	walking 174:2,4	237:19 238:6	206:5,6 212:12	42:12,13 47:12,13
171:17 183:5	want 6:15 8:13 9:2	265:13 272:3	213:9 219:3 230:8	54:3 56:22 124:8
185:10 202:9	12:17 13:11 14:17	296:10 302:19	233:2 234:10	125:6 140:3
203:12,13 211:12	16:9 18:12 21:4	317:2 343:7,12,20	236:6 272:20	215:17 232:19
215:18 216:15	28:19 29:17 31:18	344:9 347:17	273:3 296:11	237:3 238:4,12,14
218:14 219:6,20	31:18 33:7,13,15	wanting 180:13	312:13 320:19	240:5,6 247:18
220:22 227:19	34:6,17 35:3,5	347:14,15	342:13 349:17	248:6 258:4
253:8,17,18 258:3	38:18 41:5 46:4	wants 11:18 197:8	350:7,21 352:7	295:15 340:13
261:9 262:4	49:17,22 51:11	222:2 223:22	353:13 354:2	Wendy's 228:10
263:19 265:20	55:17 64:12 77:19	272:16 293:16	ways 33:10 96:5	went 82:20 153:11
269:7 273:16	80:15 91:22	310:11	167:11 206:9	185:5 198:12
275:10 278:8	102:11 105:18	warranted 25:12	234:17 237:16	213:15 218:11
279:15 287:9	120:15 130:16	166:10	web 9:15	240:12 260:17,20
295:8,9 296:7,13	132:20 133:11	washes 160:3	website 292:13	271:8 296:16
297:20 300:8	134:1 136:22	Washington 1:12	358:22	359:9
301:4 302:6	137:1,18,18	35:18	Wednesday 59:22	weren't 109:7
326:12 327:11	138:15 142:22	wasn't 13:13 25:19	weed 69:22 71:7,21	250:13 358:10,11
328:15,17 329:12	148:15 163:19	28:12 84:4 88:6	74:1	western 91:1
332:12 350:20	174:8 184:16,17	104:22 114:21	weeds 166:12	wet 183:14 184:13
	188:1,14,22 189:6	212:6 320:17	week 205:11	187:12 192:11,17
	189:7 193:15,16	322:3 342:22	239:16 241:10	200:5 215:14
W	195:20 197:14	waste 200:1,11,16	343:10 346:5	239:7,10
wager 316:16	202:12 203:21	200:18 317:19	351:6	we'll 5:8,8 23:3
wait 179:1 258:7	204:1,9 206:22	323:20 347:6	weekend 284:9	32:3 33:10 41:11
290:3 323:15	213:13 214:2	wastes 200:2 201:3	weeks 16:17 116:14	41:12 42:12,15
waiting 26:22	216:14 220:2,18	watching 234:4	289:22	46:13 54:10 55:18
287:14				

65:14 67:12 81:16	190:13,14 192:18	265:14 310:11	31:14,15 39:22	294:2 314:2 322:4
87:13 98:8 99:14	203:11 207:2	312:2 315:3,5,16	53:9,12 54:7,9,11	332:17 334:19,22
108:16 109:17	208:10 218:7,13	317:5 336:12	54:13,18 55:1,6	335:5 337:17
121:13 123:2	220:1,7,21 232:20	337:15 342:9	55:20 61:20,20	339:21 340:1
124:8 125:6 128:1	236:8,18 239:18	344:18,19 358:4	80:5 92:4 93:17	351:9
130:6 136:20	247:12,17 249:20	358:17	94:1 106:12	workload 189:13
139:13 140:19	250:19 252:6,10	wheat 198:14	108:14 109:7	192:1
143:10 146:19	252:12 253:9,19	whichever 349:18	123:3 131:21	Workplans 4:18
160:15 161:17	272:7 292:20	white 197:8	153:11 155:15	works 11:2,7 158:1
171:9 178:22	295:6 297:1,14	wholly 149:2	167:5,13 168:1	337:20
216:11 231:13	299:18 303:19	who've 228:9	176:20 186:8	world 210:15 234:3
244:20 245:7,11	305:11,13 307:15	wide 180:9	215:1 222:12	304:14
248:8 252:3 258:3	309:2,4 310:7,12	widely 196:12	226:16 227:8	world's 54:19
258:4 263:19	312:22 320:4	wiggle 232:4	228:4,13,15 230:9	worried 114:8
272:9 273:15	321:10 323:4	willing 24:13,15	230:11,18 233:14	259:17
278:8 279:15	325:6,15,18,20	31:15 37:6 87:22	233:17,21 236:15	worry 190:20
290:6 294:11,13	326:11 328:16	111:13 113:4	238:9 239:11	worse 118:7
296:12 297:4	329:15 334:5	119:5,8 134:11	244:11,13,16,17	worth 216:21
300:7 328:15	335:8,12 338:8	346:18	244:20 246:15,17	237:14
331:18 333:7	340:4 346:4,19	willingness 237:22	251:19 252:5,15	worthy 75:16
334:9 338:4	347:5,6,10 348:4	wish 132:3 224:3	252:17 294:13,19	wouldn't 32:19
341:16	348:5 351:9	334:21	297:5,8,10,14,18	37:17 52:20 79:21
we're 5:3 9:12,19	353:19 355:19	wishes 291:15	298:22 299:4,13	166:4 206:8
10:11 15:1 16:5	357:19 358:2	wishy-washy 346:5	309:16 310:20	267:12 309:16
21:21 22:1 24:8	we've 22:17 29:19	withdraw 80:18	313:19,21 314:8	312:16,20 321:14
26:5 28:10 29:16	30:11 34:2 36:18	251:10 252:21	320:21 323:4	wow 202:21 333:3
30:22,22 31:7,13	39:19 41:1 45:18	289:1 331:1	328:4 330:13	wrap 116:18
33:22 34:9,19	46:8 53:11 78:22	withdrawing	332:15 333:10,14	wrestling 225:12
35:6 39:8 40:18	85:13 89:7 94:18	220:17 288:22	334:8,11,21 335:3	227:13
40:22 41:6 44:11	97:12 110:10,12	withdrawn 253:5	335:13,15,16,20	write 167:4
46:6,18 52:9 58:3	110:16 120:13	289:4 355:15	336:16,19 338:6	writing 108:13
72:7,22 74:9	122:3 123:5	withhold 228:4	338:16 339:3	185:20 350:21
76:22 78:19 97:8	125:21 133:12	wonder 84:16	340:8 341:10	written 38:6 59:21
102:20 103:8	134:7 139:1 164:3	wondered 256:20	342:16,19 343:1	88:6 265:4 284:20
105:22 108:4,5,11	184:20 187:9	wondering 54:6	346:15	347:21 351:7
121:10 128:12,16	189:19 190:15	123:12 156:4	worked 28:11 77:4	wrong 24:18 37:16
128:17 133:3,6,7	191:19 192:5	210:20 244:3,14	133:12 228:9	38:7,7 84:9 101:4
135:8 138:22	194:21 197:13	260:1 271:1	302:17 308:11	122:16 148:7
139:8,9,14 149:3	200:13 201:14	292:20 309:4	341:15	157:2 188:12
149:5 156:19	202:22 211:16	woods 117:19	worker 61:4 63:14	259:18 276:14,14
157:1 161:22	216:15 223:12	word 5:11 33:21	64:4,6	
162:16,17 163:8	228:12 229:12,16	wording 122:4	working 28:10 30:2	<hr/> X <hr/>
169:22 172:11	229:17,20 234:17	words 61:11 62:20	64:7 79:7,7 139:6	X 206:21 238:17
173:12 176:5	235:11 236:19	117:5 201:9 305:4	227:2 229:5	267:5 309:15
178:13 180:19	237:20,21 245:6	314:17	230:18 246:18	<hr/> Y <hr/>
188:5,7 189:8,9	247:5,10,12 250:9	work 5:8 9:7 10:10	247:4 252:4,6,10	year 22:11 30:8,9
189:11 190:2,13	251:6 254:8	19:12 26:19 30:12	252:12,15 292:21	31:6 34:20 95:14

95:14 104:13	\$50 190:16	169 3:9,10	2017 139:11	281 3:22
108:18 136:12	<hr/> 0 <hr/>	17 35:22	205.601 3:7 23:10	29 1:8 359:2
189:15 230:6	009 195:9	18 228:12	43:14 47:18 66:16	<hr/> 3 <hr/>
244:22 336:19	015% 195:10	183 3:11	68:12 69:20 71:5	3 238:17 327:13
yearly 166:20	<hr/> 1 <hr/>	1862 35:16	71:19 72:15 73:21	337:11
years 25:17 26:3	1 68:16 169:14	1890s 35:19	81:6 100:14	3:00 253:16
27:8,10,11,12,13	296:3 311:16	1994s 36:1	101:11,22 129:19	3:49 296:16
27:17 28:2 29:21	1.9 195:7	<hr/> 2 <hr/>	144:20 162:4	30 190:6,17
30:4 34:19,21	10 15:10 23:11	2 57:17 66:19 69:17	205.601(a) 57:14	32 238:17 330:13
35:11,13 36:5	35:13 38:7 82:18	69:22 71:8,21	205.601(g) 99:9	324 4:9
95:15 115:13	82:18 101:13	74:1 327:18 359:2	205.601(g)(1) 83:7	327 4:16
116:8 137:9,20	129:21 140:8	2,000 290:20	205.601(j)(ii) 43:12	33 35:6
190:6,17 199:3	159:6 181:13	2:00 218:9	205.601(j)(4) 141:8	331 4:18
243:14 323:6	197:19 198:1	2:17 218:12	205.601(j)(6)(ii)	343 4:20
354:1	238:18 296:12	20 199:3 298:18	41:16	359 4:22
yeast 26:22	10:10 82:21	20% 172:4,14,21	205.601(k) 147:21	<hr/> 4 <hr/>
yeses 17:10,17,18	100 315:20	173:8 175:2 178:3	158:8	4 141:4 144:14,22
327:10	100% 227:18	179:9 181:19	205.601(l) 169:14	159:6 224:6
yesterday 48:16	340:11	200 315:20	205.601(l)(2)	296:13 327:13
111:5 116:22	104.20 289:12	2002 195:6	159:12	329:13
117:3,13 118:9	293:10	2007 229:21 247:8	205.602 3:9 169:5	4:06 296:17
185:17 221:6	109 36:3	2008 26:6 336:8	205.602(g) 171:12	<hr/> 5 <hr/>
227:21 228:8	11 15:11 101:16	2009 211:10 298:19	181:18	5 329:16 330:7
237:3 275:2 281:6	102:1 162:6	2010 298:8	205.605 333:15	5:24 359:8
yield 177:14	1109 239:17	2011 1:8 137:16	205.605(a) 3:19	50 315:20
yogurt 284:7	12 15:11 162:7,7	291:1,7,12,17	254:3 259:6 270:3	<hr/> 6 <hr/>
York 118:2	182:6 183:4 262:2	359:5	270:6 274:18	6 43:16
<hr/> Z <hr/>	12:55 218:7,11	2012 3:6,8,19,21	334:1	60 177:11
Zea 85:3,6 87:21	13 15:11 129:12	23:9,14 28:18	205.605(b) 3:21	60-day 293:20
88:1 97:6	147:13 161:15	47:18 134:16	262:9,12 264:16	601 49:3
zero 17:17 41:1	169:1 171:5	137:18 139:12	267:18 276:6	602 338:1
43:8 57:4 58:19	264:12 274:10	162:3 169:4 171:8	279:2,6 280:13,17	605 49:4
68:7 69:15 70:22	296:3	177:18 179:6	289:6,10 291:1	605(a) 274:16
73:15 75:2 82:9	14 15:9 43:8 57:4	270:2 276:6	334:2	277:16
100:8 144:6	58:19 68:7 69:15	288:12 289:5	205.606 333:19	605(b) 275:5
145:22 160:12	70:22 73:15 75:2	2013 272:7 334:1	21 23:9,13 100:16	277:17
170:10 257:1	82:9 100:8 144:6	337:17,22	101:15 102:3	605.601(k) 147:20
259:1 265:1 268:2	145:22 253:18	2014 23:14 28:15	126:6 127:20	65 6:12,18
269:22 273:13	258:22 269:22	100:16 101:15	162:3,9 239:15	68 238:21
276:3 277:5 279:1	276:3 279:1	102:3 108:22	289:12	<hr/> 8 <hr/>
280:10 300:2	280:10 291:7	110:7 111:13	2116 6:10	8 238:17
301:3 311:15,16	329:10 332:11	115:14 119:19	220 238:19	8:00 1:10
329:11 332:12	357:15	120:8 121:12	2200 357:20	8:19 5:2
357:16	15 253:17	126:6 127:20	221 3:15	
zinc 41:22 43:22	1500 238:20	162:9	23 3:7	
<hr/> \$ <hr/>	1514 1:11	2015 112:8	254 3:19	
			264 3:21	

84 240:2

9

9:55 82:20

90s 271:10

90% 55:3

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Before: USDA

Date: 04-29-11

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